



Strategic Place Planning

Report of Handling

Site Address:	23 Ferryhill Terrace, Aberdeen, AB11 6SR,
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	230999/DPP
Application Type:	Detailed Planning Permission
Application Date:	17 August 2023
Applicant:'	Mr Benjamin Goulding
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston
Case Officer:	Sam Smith

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a 2½-storey traditional tenement building comprising the end-terrace property of Ferryhill Terrace with an additional 1½-storey side extension to the west. The application property consists of the ground-floor flat which extends into the side extension, sitting partially at the first-floor level. The property contains two bedrooms in the main section of the building with windows facing onto the road to the front and into the communal area to the rear, each with a separate bathroom. The extension contains a kitchen/lounge on the ground floor and an additional living space/lounge on the first floor. There are two other flats in the building at the first floor and attic levels which are all accessible via the front and rear access doors and communal stairwell. To the west of the site lies the driveway and allocated parking on the corner of Ferryhill Terrace and Bon-Accord Street which leads to the rear (south) of the building through an access gate. The rear of the site comprises a small area of communal paved garden ground and a shed split into three. Neither of the other two flats are known to be operating as a Short Term Let at present.

Relevant Planning History

None

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought for the change of use of the property from a residential flat to Short Term Let (STL) accommodation (both sui generis). The applicant advises that the maximum occupancy for the two-bedroom STL would be 4 persons at any one time, with a minimum stay duration of 2 nights. The property would be operated as an STL on a permanent basis. Customers of the property would have access to one allocated parking space and the property would be cleaned after each stay.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at: <https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=RZDZ1FBZME400>

CONSULTATIONS

ACC - Roads Development Management Team – No objection. The site is located within controlled parking zone H and in the inner city boundary. The property is entitled to apply for two permits and there is an existing allocated parking space on site.

ACC - Environmental Health – No concerns or observations.

ACC - Waste And Recycling – No objection. The proposed development is classified as commercial and will therefore receive a business waste collection. Customers of the STL could continue to utilise existing communal domestic general waste and recycling bins located on the site, along Ferryhill Terrace. Further information would have been included as an advisory note.

Ferryhill and Ruthrieston Community Council – No comments received.

REPRESENTATIONS

Six representations have been received noting an objection to the proposal. The matters raised can be summarised as follows –

- Residents raised their concern in relation to noise from persons who are not accountable for their behaviour and actions in a short term let property as noted by existing STLs in the area causing late night activity.
- Additional traffic cause by visitors as on street parking isn't controlled by permit or paid for.
- Windows to the application property looking into the neighbouring properties.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan. The relevant provisions of NPF4 that require consideration in terms of this application are –

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Other National Policy and Guidance

- Scottish Government publications:
 - Circular 1/2023: [Short-Term Lets and Planning](#)
 - Short Term Lets: [Business and regulatory impact assessment – November 2021](#)
 - Scottish Government – [Research into the impact of short-term lets on communities across Scotland – October 2019](#)

EVALUATION

Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of National Planning Framework 4 (NPF4) requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate mitigation and adaptation) requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals as a change of use. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development is wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

Provision of Short Term Let accommodation and impacts on character & amenity

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits*

Policy H1 (Residential Areas) of the ALDP states:

Within existing residential areas, proposals for non-residential uses will be supported if:

- 1. they are considered complementary to residential use; or*
- 2. it can be demonstrated that the use would cause no conflict with, or any nuisance to, the enjoyment of existing residential amenity.*

Impact on character and amenity of the area

The application site is situated within a residential area as zoned in the ALDP Proposals Map. The street is quiet in character, with predominantly residential properties, a few small shops and a school in close proximity. However, the city centre boundary sits approximately 400m to the north. There are a significant number of guest houses along and off Crown Street approximately 200m away. As such, the character of the surrounding area would not be detrimentally affected by the presence of short term let accommodation, although, it could impact upon the quiet character of this street / neighbourhood.

The property comprises a two-bed flat which would accommodate a maximum occupancy of four people at any one time. The use of the property as an STL would likely result in a minor increase in comings and goings to the property compared to a mainstream residential use, although, the property sits at ground floor level and this factor would not significantly impact the intensity of use of the communal areas, particularly the communal stairwell, avoiding the need to pass any other flats when entering the property.

However, due to the scale of the property, there would likely be a substantial increase in activity. The footprint of the original flat, and mirrored on the upper floor flats, is c. 55m² and available information confirms that the attic level flat is comprised of one bedroom, which is to be expected of property of this size. The extension to the application property offers an addition c. 88m² (including a 10m² void space due to the construction of the extension) of accommodation and is advertised for sale as a three bedroom property, forming a greater area than the two other properties combined. Although, this proposal would only see two bedrooms being created for short term accommodation, the property is still significantly larger than what is expected for this building, with this additional floor space all being used as social activity space for guests. The flats on the upper floors can be expected to accommodate one or two permanent residents each and as such, the use of the ground floor for up to four occupants would be out of character for the building and would impact the quiet, modest residential character of the surrounding area and neighbourhood.

In terms of impacts on amenity, the property shares two entrance doors and stairwell with two other properties, with both units understood to be in mainstream residential use. In general, the Planning Service considers that the use of properties as STL's within residential flatted buildings

could result in increased harm to the amenity of neighbouring properties, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- the potential for noise from increased coming and goings via the communal entrance and stairwell due to frequent customer turnovers (check-ins and check-outs) and cleaning between occupancies;
- the potential for noise from customer activities within the property, particularly in the quieter, more sensitive late evening and early morning periods – especially if used as a ‘party flat’;
- the potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

It is considered that there would be impacts on amenity from the use of the application property as an STL arising from the increased probability of noise emissions affecting the occupants of the other flats via noise transmission through the ceilings and walls and to the impact on safety and security (either actual or perceived) from the use of the communal entrance and hallway by transient non-residents.

In this case, the property is of a large scale for a two bedroom flat and comprises 78m² of social space including two potential lounge areas and an open kitchen. It is thus possible that the flat could be used for hosting parties during a short stay. The largest detriment to amenity is considered to be for the first-floor flat due to the layout of the application property sitting both below and to the side of this neighbouring property, resulting in adverse noise transmission to most of this neighbouring property (particularly given the building is a historic tenement of traditional construction).

The use of a two bedroom residential flat is not likely to regularly see 4 adults congregate at the property, which is much more likely should a change of use to short term let be permitted. It is considered that this intensification of use could harm the amenity of neighbouring established residential properties in terms of noise from activities within the property during the more sensitive late night and early morning periods by virtue of a potential change in numbers of adults regularly staying in the property. It is acknowledged that such activities could nevertheless take place in the property if operated as mainstream residential accommodation, however it is less likely to be as frequently than would be the case if this proposed change of use is granted and implemented.

In relation to the outdoor communal area, the driveway offers an allocated parking space and the neighbour has a sign for their allocated space. The rear garden comprises a small paved area with a single chair and small table. It is not anticipated that customers staying at the property on a short-term basis would be likely to use the garden area for any significant periods of time, if at all, particularly if the property is used by tourists or business travellers, who would be more likely to be out sightseeing or working during the day. The site also lies in close proximity to a range of public parks and areas of open space, such as Bon Accord Terrace Gardens, that may be more attractive to visitors. The operation of this property as an STL would thus not be likely to have any material impact on the external communal area of the site.

The Planning Service considers that this property in use as an STL with a maximum of 4 customers, combined with the traditional construction of the building and number of other properties in the block is likely to cause harm to amenity of neighbouring mainstream residential properties within the building, beyond the impacts to amenity which could occur if the properties were to remain in / revert to mainstream residential use. The granting of permission for the

application property would result in the percentage of the building in STL use being 33%. However, as the application property forms more than half of the floor area of the building and the attic floor flat comprises a one-bedroom flat, with the first-floor likely being the same, the use of this property as an STL would likely result in less than half of the occupants in the building being mainstream permanent residents, presenting adverse harm to the character and use of the overall building.

A secondary impact is the potential for a reduction in safety and security for the permanent residents in the building resulting from the use of the property as an STL to occur through the regular change in guests staying at the property. The surroundings and building were not busy, and therefore this is likely to be perceived as a greater change, than in a busier area or should the maximum number of occupants be less.

It is therefore considered that the use of the property as an STL for four occupants would cause harm to the character and amenity of the area and impact neighbours which is contrary to Policy 30(e)(i) of NPF4 and it has not been demonstrated *“that the use doesn’t cause conflict with, or any nuisance to, the enjoyment of existing residential amenity”* which does not comply with Policy H1 criteria 2 of the ALDP.

Provision of Short Term Let tourist accommodation and local economic benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

‘Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.

Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.’

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish Government’s publication on ‘Short Term Lets: Business and regulatory impact assessment’ from November 2021 states:

‘Short-term lets make an important contribution to the tourist economy because they can:

- a. offer visitors a unique tourist experience through a host’s local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b. offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from “hotspot” areas,*
- c. offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d. provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).’*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii)

of NPF4, given the likely use of the property by tourists and/or business travellers it is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'

Although the application property is not within the city centre, as defined in the ALDP Proposals Map, it lies a short distance outside the city centre boundary and customers of the STL would be within easy walking distance of the many businesses and amenities in the city centre as well as the train station. It is therefore considered that the use of the property as an STL is compliant with Policy VC2 of the ALDP.

Although housing is in need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the amount of STL's in Aberdeen, as is experienced elsewhere in Scotland (for example Edinburgh and the Highlands & Islands in particular), therefore it is considered that the loss of residential accommodation resulting from the use of the property as an STL would not have any significant impact on local housing need – ensuring that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

However, it is recognised that housing need and demand can be subject to significant change over time, as demonstrated by such matters being periodically reviewed and quantified through Housing Need and Demand Assessments and addressed through the Development Plan process.

In relation to the duration of planning permissions for Short Term Lets, the Scottish Government Circular 1/2023 (Short-Term Lets and Planning) notes that:

4.14 Planning authorities can impose a condition when granting planning permission to require the permitted use to be discontinued after a specified period – this is known as “planning permission granted for a limited period”.

4.15 Planning authorities may consider applying a discontinuation condition of 10 years, or such other time period as they consider appropriate, when granting planning permission for short term letting in a control area (or outside, if they see fit).

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, it is considered necessary that if any permission were granted, it would be for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property's use as an STL at the time of any further planning application.

Transport & Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP all promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is situated outwith, but reasonably close to, the city centre (as defined in the ALDP Proposals Map). As such, the city centre is within walking distance of the property, as are the city's main bus and railway stations and multiple bus routes serving various areas of the city. Customers would be able to utilise the allocated on-site parking space as well as permit holder on-street car parking but nevertheless it is anticipated that the majority of customers staying at the property on a short-term basis would be tourists or business travellers, the majority of whom could reasonably be expected to arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking. The proposal is therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials.

Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing on-street domestic general waste and mixed recycling bins situated on Ferryhill Terrace. The Council's Waste & Recycling Service have advised that the customers of the property could utilise the existing domestic bins, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore waste and recyclables generated by the customers of the property can be adequately stored and collected and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract with the Council. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 of the ALDP.

Matters Raised in Representations

It is noted that the objections made have come from residents in Ferryhill Gardens, a flatted development across the road from the application dwelling. In relation to these comments, it is considered that the use of the application property as a short term let would not impede on the amenity of these residents in terms of noise or privacy due to its location across the road beyond the impacts to amenity which could occur if the property were to remain in mainstream residential use. Further, the application site has its own dedicated parking space and the option to apply for a permit to park on Ferryhill Terrace, likely requiring the same parking provisions as if it were occupied by permanent residents. The development at Ferryhill Gardens has its own parking area for residents and thus, the proposal would also not negatively impact on the parking arrangement for the residents of this development. All other assessment concerns relating to amenity have been outlined in the evaluation of this report.

Conclusion

The property's use as an STL would likely provide a small scale local economic benefits, particularly to the tourism and hospitality sectors, However this is not considered to outweigh the loss of amenity to neighbouring residents, within the existing block, caused by the intensification of use of the property with an increase in noise, comings and goings and impact upon character of the building by accommodating up to 4 guests visiting at any one time. The impact is harmful in this case because the scale of the property would likely result in the following impacts affecting the amenity of the surrounding residents:

- The use of the property as an STL at maximum capacity would result in more guests residing in the building than mainstream permanent residents, affecting the character of the residential area.
- The property, accommodating c. 78m² of useable social space within the flat has the potential to be used as a party flat, impacting the quiet character of the neighbourhood.

The proposal would also adversely impact the amenity afforded to the residents in the building as the flat is located below and to the side of the flat above in a tenement building of traditional construction. The harm caused by the increased comings and goings, potentially at unusual hours, increased noise transfer by the likely higher number of occupants, and the impact upon security and character of the shared internal spaces is such that the proposal is considered contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) or Policy 30 (Tourism), paragraph (e) part i) of NPF 4. The small scale of this change in housing provision is not considered to be a reason for refusal in isolation as it is not possible to evidence a harmful loss or under provision of housing should this change of use be permitted.

DECISION

Refuse

REASON FOR DECISION

Due to the context of the surrounding area, the size of the property and the stated maximum occupancy, it is considered that its use as Short Term Let (STL) accommodation would have a significant adverse impact on the character of the residential building as well as on the amenity of the immediate neighbouring property within the application building, in relation to noise transmission, beyond what could typically be expected if it were to be used as permanent mainstream residential accommodation. The small scale local economic benefits to the tourism and hospitality sectors are not considered to outweigh the loss of amenity to neighbouring residents caused by the intensification of use of the property with increased comings and goings, potentially at unusual hours, increased noise transfer by the likely higher number of occupants, and the impact upon security and character of the shared internal spaces. The scale of the property could further result in less than half of the occupants residing in the building being mainstream residents and intensifying the use of the space for social activities in a fairly quiet residential area, disrupting the character of the building and surrounding neighbourhood. This is in contrary to Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism), paragraph (e) part i) of National Planning Framework 4.