

Strategic Place Planning
Aberdeen City Council
Business Hub 4
Ground Floor North
Marischal College
Broad Street
Aberdeen
AB10 1AB

R S
A+D

9th January 2024

**DPP - 230999 - Proposed Change of Use of Flat to Short Term Let Accommodation
(sui generis) with Maximum Occupancy of 4 People**

23 Ferryhill Terrace, Aberdeen, AB11 6SR

Notice of Review – Supporting Statement

We write to provide supporting information and clarity regarding the appeal to the decision to refuse the above noted application dated 16th October 2023.

The Reason for Decision within the Decision Notice begins by stating “*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 decision notice continues “*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.*”

We strongly disagree with the statement that the proposed use would have a “significant adverse impact on the residential building” and will provide an overview of the context of the property and an overview of the potential impact and mitigations to demonstrate that this change of use will have a negligible impact on the residents.

We will address this in the following sections.

1. Context of the local area
2. Floor Area and Users
3. Amenity of Neighbours
4. Scale of Property
5. Shared Spaces and Security
6. Overall Summary

Appendix A – Notes from Management Company

1. Context of Local Area

Summary

The addition of a short term let is unlikely to generate any additional impact to residents due to the noise and activity already present on this street and local area.

1. The property sits at a relatively busy junction.
 - a. The property sits at junction onto Bon Accord Street.
 - b. This street is relatively busy day and night for foot and road traffic due to traffic to and from Union Street.
 - c. The property is within 65m of a large primary school + playground.
 - d. This has significant traffic and noise generation throughout the day.
2. The property is opposite a convenience store and near other stores with extended hours.
 - a. The property is less than 27m from a convenience store.
 - b. Opening hours: 6am to 10pm, 7 days a week (7am Sunday).
 - c. Store has people entering, parking to use & talking outside of during operation.
 - d. The other end of Ferryhill Terrace similarly has another store with extended hours.

Details

1. The property sits at a relatively busy junction.

The Report on Handling and the Reasons for Decision both make reference to the surrounding area, but we feel the area has been misrepresented. The report refers to the street being quiet in character and makes specific reference to guest houses on Crown Street but omits the location of the flat being directly adjacent to Bon-Accord Street, with the gables of the building being viewed most prominently from this street.

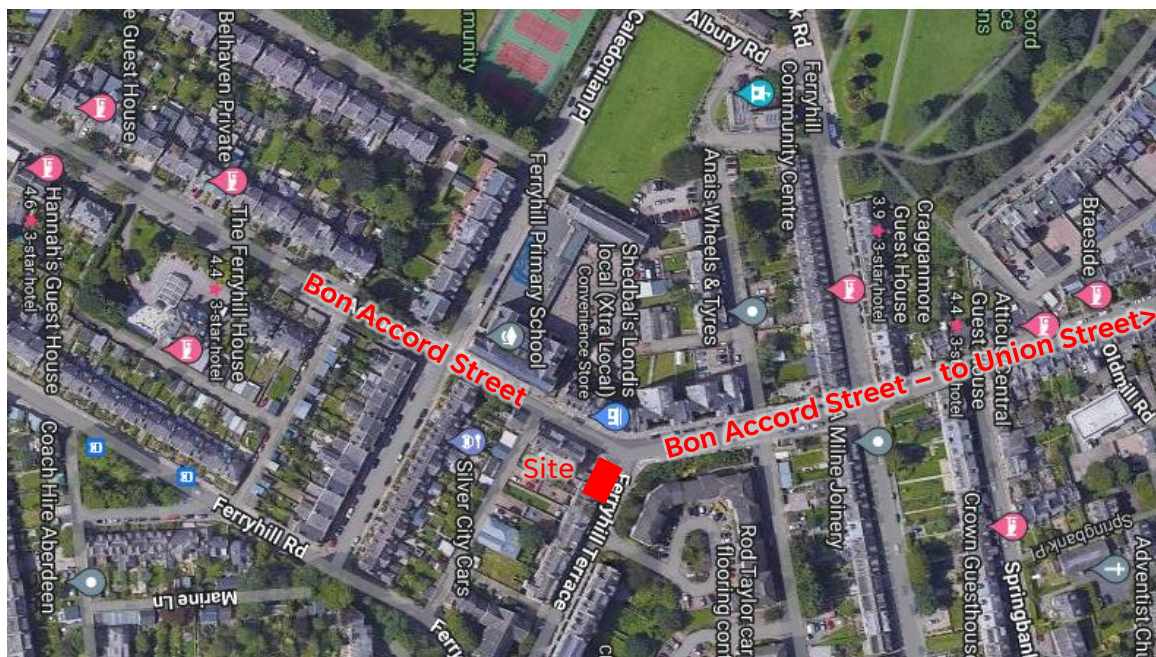


Figure 1 – Site Location with relative context – pink showing guest houses & hotels, and the location at the relatively busy junction of Ferryhill Terrace and Bon-Accord Street.

The Union Street end of Bon-Accord Street is occupied by several bars and restaurants and links directly to the busy Langstane Place and Union Street itself. This junction with Langstane Place is approximately 450m from the flat.

Bon-Accord Street leads directly from the flat to Union Street and the tourism and nightlife that offers. Bon-Accord Street is also dotted with guest houses between Union Street and Fonthill Road, with 5 sitting to the north and 5 sitting to the south of the flat at 23 Ferryhill Terrace. Bon-Accord Street is also home to The Ferryhill House hotel, which sits farther south than the flat at 23 Ferryhill Terrace.



Figure 2 – Location adjacent to Bon-Accord Street – not mentioned in report or decision.

2. The property is opposite a convenience store and near other stores with extended hours.

The report also makes reference to ‘a few small shops’. However, we feel this not a fair description of the specific location of the flat. The flat is directly opposite one of these shops on Bon-Accord Street (open 6am-10pm 7 days a week, 7am Sunday), with another shop being located at the other end of Ferryhill Terrace (also open until 10pm). We feel that Ferryhill Terrace itself is exceptional in being relatively short (under 200m) and having convenience stores either end, and the property is unique in being directly across from one of those, at the junction with Bon-Accord Street.

We would therefore request that the application be reconsidered based on the detail of the unique location at the relatively busy junction with Bon-Accord Street, and the area already experiencing a lot of foot traffic from the opposite shops. We feel Bon-Accord Street itself should be given much more consideration in the application given the prominent location at the junction.

2. Floor Area and Uses

Summary

The usable social space is less than stated, additionally the flat extension that will house the social spaces is not adjacent vertically or horizontally to other properties further reducing disturbance to other residents.

1. The usable space & social space is not aligned with the property use.
 - a. Usable space is 52m² compared with 88m² stated.
 - b. 78m² of social space stated is incorrect, 35 m² is the correct dimensions.
 - c. This is due to the closing off of the upstairs room with a code locked door.

Details

1. The usable space & social space is not aligned with the property use

Within the report on handing the area of the original footprint of the flat is noted as 55m², with the 1980's extension offering another 88m² footprint. We feel this assumption of areas is incorrect & misleading. The original floor area within the flat is 42m². The 1980s extension is a room-in-roof type, including a staircase, loft space and a void area within the front sloping ceiling of the upper floor. Therefore, the usable space created by the 1980's extension is 52m² across 2 levels.

The report also advises that the additional space created by the 1980's extension (incorrectly noted as "78m² of social space") will be used as social activity space for the occupants. However, the upper floor of the extension has been fitted with a code operated lock to allow it to be used as a home office and for storage of personal effects for the owners. I've included a photo of the lock on the door to the upper floor space. The carpet which has been fitted in this location is specifically for office type use, and of neutral colour.



Figure 2 – Digital lock to upper floor room

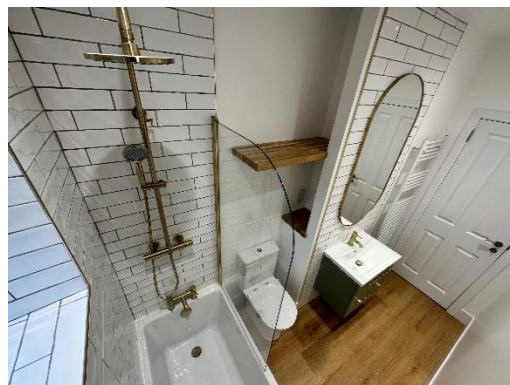


Figure 3-4 – Refurbished bathroom & kitchen

The report further describes potential for the flat to be used as a ‘party flat’, noting that the flat sits below and to the side of the flat at first floor. The applicants have renovated the flat in order to create a level of luxury in the flat and have engaged a reputable letting agent in order to avoid the flat being used as a ‘party flat’. Access to the upper floor has been restricted with a code operated lock. This is not to say that there will not be some social use within the flat. But this flat is unique in the location of the entire kitchen, living, dining space being fully outwith the original footprint of the flat, and therefore not located below the neighbouring properties, as is typical with traditional tenements.

The report also notes that 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*”. However, the report also contradicts this by noting that there may be disturbance “*resulting from use of communal area (including gardens)*”. We agree that the external area does not offer significant social space and is very unlikely to be used by occupants. During the time of the renovation of the flat the external communal space has been cleaned and tidied.

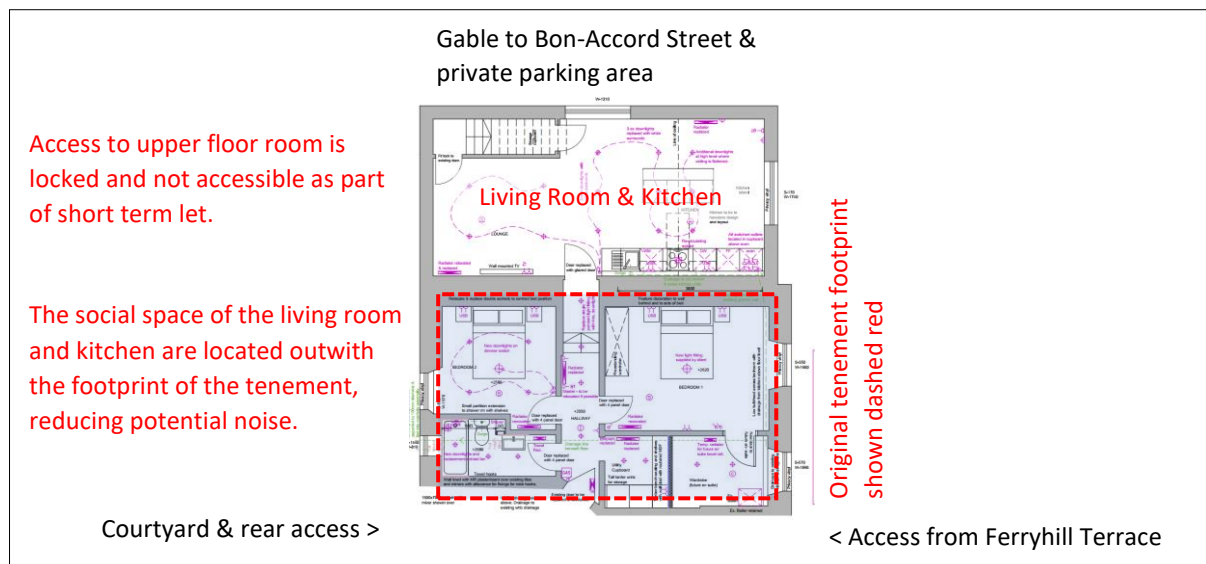


Figure 6 – General flat layout with ground floor access to short term let and social spaces outwith tenement footprint

We therefore feel that the application has been misrepresented in terms of actual physical areas and should be reassessed on the actual areas being proposed, as well as how they will be used and how they will affect neighbours.

3. Amenity of Neighbours

Summary

We believe that the change of use of the flat, and reduction to occupancy, will cause no conflict with, or nuisance to the enjoyment of the existing residential amenity. We would also argue that there is a positive impact that can be made by this specific change of use.

1. Layout of flat is such that disturbance to other residents is minimal.
 - a. Social spaces and kitchen are in the extension meaning they are not adjacent vertically or horizontally to the other flats at the property.
2. Entry to the flat doesn't require walking past the other flats entrances.
 - a. Flat is ground floor.
 - b. Other flats are accessed via a staircase in the hallway.
3. Change to a short term let reduces the potential number of people at the property.
 - a. Previously a 3-bedroom single family rental, with up to six people.
 - b. This application reduces number of occupants to four.
4. Changes to short term let will improve communal areas.
 - a. Communal areas had little maintenance over previous years and were in disrepair.
 - b. Renovation has cleaned and improved these areas.
 - c. Ongoing use as short term let will include ongoing maintenance of these areas improving spaces for other tenants.

Details

1. Layout of flat is such that disturbance to other residents is minimal.

The flat is unique in form as it was extended in the 1980s. The extension contains a lower level, which has been used as the living space within the flat, and an upper floor which has been used as a third bedroom. The kitchen has been located, until recently, within the original footprint of the granite building. The kitchen has now been relocated to the open plan living space, which removes a potential noise source from below the first floor flat. The upper floor of the extension, as noted above, is to be locked and will not form part of the short-term let accommodation, therefore removing a potential noise source from adjacent to the upper floor flat.

Both of these changes to the layout of the flat mean an increase in amenity of the directly neighbouring flat at first floor.

2. Entry to the flat doesn't require walking past the other flats entrances.

The layout of the flat block is not a 'traditional tenement' layout with 2 flats per floor. This block contains 1 flat per floor. This flat is located on the ground floor, with no other flat being entered from this floor, therefore any occupant, no matter of tenure, does not pass the flat entrance door or window of any other flat in the block or neighbouring blocks.

3. Change to a short term let reduces the potential number of people at the property.

The flat was most recently let as a single family flat with 3 bedrooms (up to 6 person) and was occupied as such. The proposals see this property's occupancy reduced by 33% to 4 persons. This reduction in occupants is a benefit to the amenity of the neighbouring properties. This reduction and benefit offset the potential for increased footfall for cleaning and changing between short-term lets. Furthermore, the cleaning and changing footfall would occur during regular daytime hours, which would not have an adverse effect on the upper floor occupants.

4. Changes to short term let will improve communal areas.

The aim to provide a higher degree of luxury in the short-term letting of this flat means that the communal areas will also benefit. During the long-term letting of the property the ground floor communal area has not been cleaned regularly, the rear door has deteriorated and become a nuisance as it required to be slammed closed and the rear entrance area had not been used and no 'ownership' had been taken of the space. Anecdotally, the same piece of clothing was hanging on the washing line for at least 3 months, with other items sat in the courtyard area, untouched for years.



Figure 7 & 8 – Previous open plan living space & newly renovated kitchen within living space

The internal communal area has since been cleaned on several occasions and would be regularly cleaned as part of the short-term let cleaning process. The rear door has been replaced and upgraded as part of the works, as this is anticipated to be the main access for short-term lets. This allows the typical keybox or electronic lock to not impact the street frontage.

The rear 'garden' area has been cleaned and tidied as part of the renovation works, and would be maintained regularly as it is seen as vital for first impressions for the short-term let clients. These changes will be a benefit for the amenity of the neighbours, compared to the potential of a long term let not taking care or 'ownership' of the communal areas, as has been the case. The space is shown below and is clearly not a socialising space.



Figure 9 & 10 – Renovation of rear property access to garden area



Figure 11 & 12 – Rear courtyard area before & after – weeded and junk removed.

The flat has dedicated, off street parking, which again allows the occupants and the hosts to limit their impact on the amenity of direct neighbours and the surrounding community.

We have included images of the minimal communal areas and also some images which show the intended high quality of the flat. Therefore we feel that the change of use of this unique flat to high quality short-term let accommodation would have no adverse impact on amenity of the neighbours, and would bring a relatively ‘good’ type of tourist and should be reconsidered on that basis.

To further note the flat has been let as a multiple occupant single family dwelling with more people than the current planning application for over 5 years and no noise complaint has been received from the other residents. Additionally, on asking the other residents, they haven’t had issues with noise transmission from below hence it would not be expected that the change of use would introduce additional disturbance.

4. Scale of the Property

Summary

The Reason for Decision notes that the “*scale of the property could further result in less than half of the occupants residing in the building being mainstream residents*”. Although touched on above, we feel that this requires to be addressed specifically.

1. Scale of property has been reduced.
 - a. Previously up to six people in flat (60% of building occupancy).
 - b. Application is only for four people (50% of building occupancy).

Details

1. Scale of property has been reduced.

The flat is currently a single family flat with 3 bedrooms (up to 6 person) and has been let most recently on that basis. The upper flats are assumed to be 1 bedroom, 2 person flats. Therefore, the flat as a 3-bedroom, 6 person flat occupies 60% of the occupancy of the building. The reduction to a 2-bedroom, 4 person flat would reduce this to 50% of the occupancy of the building.

We object to the wording ‘could further result’ being used in the Reason for Decision as it makes many assumptions about the current and potential occupancies of all of the flats in the building.

This reduction in occupancy also undermines the Reason for Decision’s presumption that the use of the space for social activities will be intensified. We feel that this part of the Reason for Decision is misleading as the scale of the property has been reduced, and the application should be reconsidered on the information noted above.

5. Shared Spaces and Security

Summary

The planning response makes note of an impact on the security and character of the shared spaces.

The flat only has two shared spaces the communal hallway and the rear garden. The change to a short term let is unlikely to impact the other residents any more than a long-term rental. The short term let property is on the ground floor as such any guests would not pass by the front door of any of the other properties. Additionally, the rear garden is unlikely to be used as it lacks amenities as its mainly a concrete courtyard and outdoor storage.

Both these spaces had little in the way of maintenance pre-renovation, the change of the property would improve both these spaces as they would be made part of the regular maintenance schedule to ensure a positive guest experience.

Details - Shared spaces – Currently only two shared spaces

1. Hallway

1. The hallway is the only internal shared space.
2. The flat seeking permission is on the ground floor hence any entry / exit would not pass by the front doors of the other flats.
3. To access the other flats you need to go up two flights of stairs.
4. The change to Short Term Let would improve the hallway as this would be part of the cleaning scope and maintenance.
5. Prior to the renovation this space was not regularly cleaned or maintained.

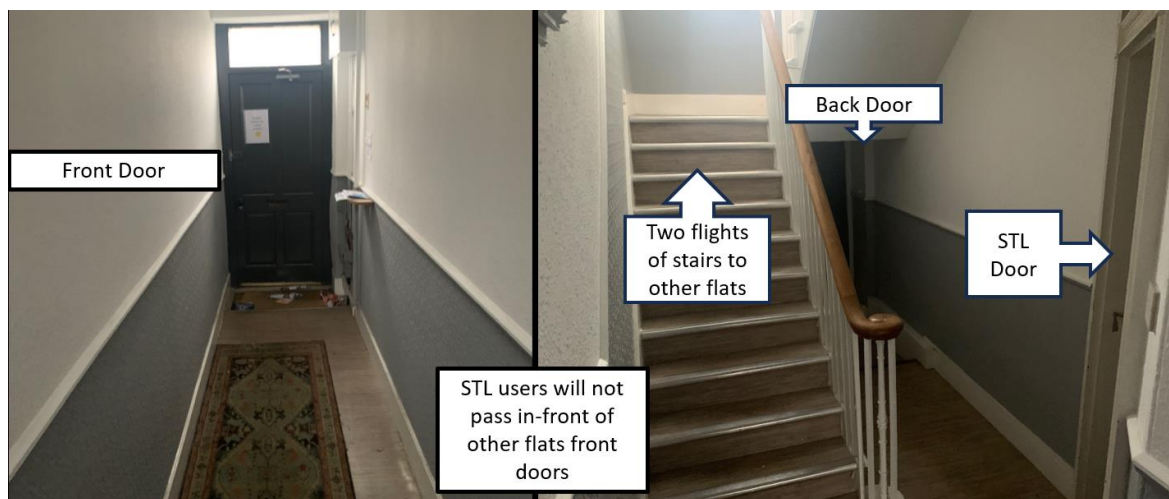


Figure 13 & 14 – Internal shared space – Hallway – Showing entrance to building an entrance to proposed short term let (STL)

2. Garden

1. The outside garden is not commonly used by the residents and would not likely be used by any visitors to the short term let due to lack of amenities.
2. Prior to the latest renovation the garden had little maintenance over the last 5 to 7 years, as the garden furniture was in a poor state and some items that had been left there by previous tenants and not removed for several years.
3. As part of the renovation this area has been cleaned and the junk items removed improving the overall character of building and space for residents.
4. The only windows that can be look directly into the garden are from the property seeking planning, hence there is no issue on privacy.
5. The change to Short Term Let would improve the Garden as this would be part of the cleaning scope and maintenance. Prior to the renovation this space was not regularly cleaned or maintained



Figure 15 & 16 – Shared space – rear garden showing access, previous state and improved state as part of the STL (short term let) renovation.

Summary – Security / Parties

1. The short term let will use a professional management company.

- The property will be let by a professional management company with a track record of successfully managing Short Term Let properties.
- This company vets' tenants before they rent the property and are declined if it is expected that they will use the properties for parties or similar
- The property will be managed by a team including an ex-police officer and in the last few years only 2 complaints have occurred during a letting out of several thousand lets.
- The management company has been empowered to remove any tenants who break the house rules which include parties.
- The management company number is available to the other residents in the building who can contact them in the event of an issue.
- Due to the above we expect that the property will have better oversight than many long-term rentals due to having a strong management team in charge.

Note – Appendix A contains management company details in addition to their responses to some of the items raised in the planning response.

2. Access control

- Access to the property will be via a smart lock system, this will only allow access using an app during the allotted rental time the code will then stop working.
- This prevents unauthorised access outside of the letting period providing additional security.

3. Owners' alignment

Comment from owners

- We have no interest in the flat being used for parties, we have just spent a significant amount of money on renovation of the property and want to maintain it to the current high standard, using the flat as a party place would not align with this nor be in our interest hence we will work with our property management company to ensure only high quality guests rent the property to limit the impact on the other residents in the area.

Overall Summary

The above supporting information seeks to address the Reasons for Decision by looking at specific areas. We feel that these areas are the significant basis for the Reason for Decision, and therefore feel that the information provided above should allow the decision to be reversed and the application to be approved on appeal.

The main reason we feel the decision should be reversed is the non-adverse impact on the amenity of the neighbours by this specific proposal. The Reason for Decision notes 'significant adverse impact', however the word significant is defined as "sufficiently great or important to be worthy of attention; noteworthy". Given the high traffic and noise nature of the local area & the reduction in number of people in the property it is unlikely that anyone in the local area would be aware of the change of use, therefore we feel the change of use falls below the bar of 'significant'.

We appreciate there are potential problems with short-term let, but we feel the unique situation of this flat would result in an overall betterment of the amenity of other residents, and any perceived impact would not be considered 'significant'.

We trust that the noted misrepresentation of some of the information relating to the proposals also add to the reconsideration of the application.

I trust you find the above and submitted in order. Should you have any queries please get in touch.

Yours sincerely



Richard Slater - Architect
ARB | RIAS | RIBA | BSc. (Hons.) Arch

Appendix A – Notes on management company

Heritage Hosting

Website: <https://www.heritagehosting.co.uk/>

Address: Little Square Oldmeldrum Aberdeenshire, AB51 0AY

Phone: 01224 678 888

Email: enquiries@heritagehosting.co.uk

The property will be managed by Heritage Hosting, an independent and family-run company based in Aberdeenshire, supporting local businesses.

Below is some direct feedback in relation to the planning application from Amanda Houston-Reilly from Heritage hosting who will be managing the Ferryhill property. She has extensive experience of managing properties in addition to having been a police officer in her previous career. She will be available 24/7 during lets to support the guests and manage any problems that may arise.

1. Quick overview of your company and experience.

Heritage Hosting is a relatively new company. We are owned by our sister company PMC property management & Lettings and have an extensive portfolio of long term rentals and factoring developments throughout the North East.

We were approached a number of times by existing clients to manage their short term rentals and that's when we decided to offer this service. We are a full feet up management company offering 24/7 365 days a year guest support, we are based in Aberdeen and Aberdeenshire which allows us to react to any property/guest issues promptly.

I will be your day to day property manager and I personally have four years experience in the short term rental sector, I was previously managing a portfolio of 100 properties throughout Scotland. Being a professional company as opposed to an individual host we are able vet everyone of our guests prior to our stay. We also utilise software to assist in our operation which many smaller operators don't offer.

2. How you screen potential guests to make sure that disruptive guests do not rent the property.

We don't allow any guests to auto book, everything must come through to us for approval. We only accept Airbnb guests with a profile photo and a guest rating of 4* and above. It works similarly on other platforms.

If we take a direct booking, we insist on Identification and bookers must be over 18 years old. When a guest books we get their credit/debit card location and if this flags up as someone local its vetted by a further call to establish their reason for travel.

I was previously a police officer and extremely good at recognising a undesirable booking. Should a disruptive guest enter the property, the benefit over a long term tenant is I can eject them almost immediately with no refund.

3. **Overview of the number of noise / party incidents you've had historically and how these were dealt with.**

I have dealt with over 1,800 short term bookings and in that time I have had two incidents whereby a party took place. The first one was during the lockdown and was reported to me by a neighbouring property. I immediately attended along with police, all occupants were made to leave and the property resecured. A second instance was much more minor, whereby a neighbouring property said they could hear high heels and music from the property above. I called the guest advised the importance of our relationships with our neighbours and it was immediately turned down.

4. **Any other comments**

There is zero evidence to suggest that a short term rental generates more noise than a permanent resident. Having been a police officer myself and working in the long term industry also, its evident that many long term tenants can be extremely noisy, disrespectful and almost impossible to get evicted. Permanent residents can make noise on an ongoing basis, play loud music and use washing machines etc late into the evening. Permanent residents can be shift workers and also go at all hours of the day and night.

Should we have a noisy guest, I can have them removed within 24 hours.

There are things we can put in place such as a Minut system which monitors noise within the property and alerts us to any raised noise.

Its worth noting we are a professional company who want to attract the best of guests and this property would be aimed at a corporate market. I don't want noise complaints anymore than the neighbouring properties as its me that needs to deal with them late into the evening, so rest assured we so everything in our power to prevent these from happening.