



Strategic Place Planning

Report of Handling

| | |
|---------------------------------|--|
| Site Address: | First Floor Left, 22 Allan Street, Aberdeen, AB10 6HD |
| Application Description: | Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people |
| Application Ref: | 231145/DPP |
| Application Type: | Detailed Planning Permission |
| Application Date: | 13 September 2023 |
| Applicant: | MIDU Ventures Ltd |
| Ward: | Airyhall/Broomhill/Garthdee |
| Community Council: | Ashley and Broomhill |
| Case Officer: | Jack Ibbotson |

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The property to which this application relates is a first floor flat within a semi-detached tenement building located in the residential area to the south west of the city centre. The building is divided into six flats with access to this flat via a rear stairway leading to the first floor. One other flat is accessed from this communal door and corridor (First floor right 22 Allan Street). Other flats in the building have separate access doors and lobby accesses. The flat is laid out with two bedrooms, a kitchen and a living room. The building has a large communal garden to the rear.

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 STL is 4 persons at any one time, with a minimum stay duration of 3 nights. The property would be operated as an STL on a permanent basis and waste from the property would be collected from the on street residential waste bins. The property would have no maximum period of stay. There is an existing key safe to allow access located on the front door frame.

There is no proposed off street car parking. The surrounding streets are uncontrolled parking areas.

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=S0XAO9BZFM00>

- Short term let check list
- Email from agent confirming details of maintenance and waste storage/collection.

CONSULTATIONS

Roads Development Management Team – On the basis of a maximum occupancy of 4 guests in this 2 bedroom flat, there is no objection to the proposed use in terms of parking as there is not anticipated to be a net change in parking requirements between a residential use and the short term let use.

Waste and Recycling – Continued use of on street waste and recycling bins until the commercial waste status can be determined.

Ashley and Broomhill Community Council – No response received.

REPRESENTATIONS

Two representations have been received one of which sets out an objection to the proposal the other setting out neutral comments regarding the proposal. The matters raised can be summarised as follows –

- Car parking is an existing issue within the vicinity of the application property and the use of the flat as a short term let has/would exacerbate this issue. This is the basis for the representation objecting to the scheme.
- A neighbour seeks clarification that waste storage and collection as well as communal/mutual maintenance of the building are considered by the applicant and that they ensure this takes place.

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

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 16 (Quality Homes)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)
- Policy VC4 (City Centre and Retail Core)

Other National Policy and Guidance

Scottish Government publications

- 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

Key Considerations

The key material consideration in the assessment of this planning application for the change of use of the property to STL accommodation is whether the proposed use (for which consent is sought retrospectively) would harm the amenity of neighbouring residential properties to any significant degree and thus conflict with the Development Plan. Matters for consideration in assessing the potential harm to residential amenity include: impacts on privacy and sense of security, whether actual or perceived, and disturbance through having to share a communal entrance, and vestibule area solely with the frequently changing transient non-residents that would access and occupy the STL accommodation. The evaluation is set out in detail below, and these matters are considered in detail with the other relevant material considerations.

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

Policy 30 (Tourism), paragraph (e) of 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

Although the application property is situated within a residential area as zoned in the ALDP Proposals Map, the site lies in relatively close proximity to shops and services on Holburn Street which would be a 650/700m walk to the city centre boundary to the north east. Allan Street is a relatively quiet road although traffic may use it in both directions. This is therefore considered to be a relatively quiet residential area, and although it is in very close proximity to busier roads such as Holburn Street, Broomhill Road and Great Western Road it does have a quieter character than the busier character of the city centre.

By virtue of the number of flats in this 6 flat tenement building and surrounding similar buildings, the density of development is quite high which, even in residential occupation, would generate relatively high numbers of comings and goings, and therefore the use as an STL would not create an uncharacteristic increase in comings and goings against the existing character of the wider area. This was considered acceptable as part of the assessment for an application at attic floor right, 21 Allan Street (ref. 231088/DPP). However, in this case, the impact on the only other direct neighbour (First Floor Right, 22 Allan Street) that shares the same entrance corridor would be a significant change in comings and goings, which is discussed further below, and thus differs from this neighbouring planning permission (231088/DPP) where the access was a shared tenement with multiple flats sharing the communal entrance areas.

In terms of impacts on the amenity of neighbours, the property shares an entrance door and stairwell with only one other property which is in use as a mainstream residential flat. Other properties within the building have separate entrance doors but would use the combined external side path and some would share the external stair.

It is considered that the use of the property as an STL could result in increased harm to the amenity of the neighbouring properties within the tenement building, in particular the single other flat sharing the entrance vestibule, 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.

In this instance, the proposed STL is a 2-bedroom flat with a stated maximum occupancy of four people. The 47m² Gross Internal Area and limited occupancy mean that it is considered highly unlikely that the flat would be used for the hosting of parties or other events. This avoids to a greater degree the potential of causing anti-social impacts that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation. This therefore, in isolation, this would not be a reason to refuse the application.

Access to the flat by customers of the property is however considered to be problematic and likely to harm the amenity of neighbours living in permanent residential flats within the building.

Access to the property is via the communal garden area via a side path and stairs so visitor comings and goings would have some effect on the enjoyment of the secluded rear garden area by residents using the garden. Whilst the garden is already overlooked and is not a wholly private area, the frequent comings and goings of effectively strangers within the secluded rear garden is likely to cause permanent residents to perceive the area to be less secure and safe when compared to with comings and goings of known permanent residents.

The application property shares a corridor with one other property at first-floor level. Therefore there is a direct neighbour that would be affected on the same level by the comings and goings on this corridor and around the base of the stairs and rear garden access, which is discussed further below. Other than this flat, other residents above and below may notice the guests to the application STL using this communal path and external area when they move through these areas or use the communal garden which might result in a perceived or actual reduction in safety.

It is considered that the impact on amenity from the change of use of this flat at 22 Allan Street to STL accommodation would arise from the detrimental impact on the safety and security, either actual or perceived, and the potential disturbance to the privacy of the occupant(s) of the neighbouring flat resulting from the properties sharing a residential doorway, vestibule and garden.

The full-time STL would be occupied solely by transient non-residents, in addition to cleaners using the spaces after each visit, thus presenting an increase in activity and coming and goings by frequently changing people unknown to the resident or residents in that flat, compared to if it were to revert to mainstream residential use. The internal communal vestibule is narrow and relatively small, and the private door of the adjoining flat is close to that of application flat. It is considered that the use of this space by frequently changing transient persons staying on a non-residential basis, unknown to the occupants of the other residential flat would have an adverse impact on their amenity through the loss of privacy and a sense of safety and security, either actual or perceived. Considering the requirements of Policy 14 of NPF4 and D1 of the ALDP, which require proposals to be designed for lifelong wellbeing through ensuring spaces, routes and buildings feel safe, as well as development to be safe and pleasant, it is considered that the resulting arrangement would conflict with the aims of these policies, as well as the aims of Policy D2 of the ALDP.

Aside from the actual or perceived impact on the security of the flat opposite, it is considered that there would be impacts on amenity of other residents in the building 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 from regular arrivals and departures by customers, via noise transmission through the ceilings (particularly given the building is a historic tenement of traditional construction), and to the impact on safety and security from the use of the communal entrance and stairwell by transient non-residents, either actual or perceived.

It is considered that the scale of the application property and proposed occupation (with a maximum of four customers when in use), could result in harm to the amenity of the neighbouring mainstream residential properties within the building through noise transmission. However, considering that the use is not necessarily full time occupancy with likely spells of vacancies or letting to parties of less than 4 people, it is not considered to be significantly higher impact upon amenity when compared to the property remaining in / reverting to mainstream residential use.

It is therefore considered that the use of the property as an STL does cause significant harm to amenity of the direct neighbour which shares a access and corridor which does not accord with Polies 30(e)(i) and 14 of NPF4, and Policies D1, D2 and H1 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 within approximately 175m walking distance Holburn Street local shopping street and approximately 650/700m to the city centre boundary. For many customers of the STL this would be within relatively easy walking distance and there are also extensive public transportation from the city centre to within close proximity of the site with bus routes to Broomhill Road, Great Western Road and Holburn Street, the former two locations would provide buses approximately every 15 minutes to the city centre and are in short walking distance of not more than 300m. This would allow access to existing services and may mean that guests contribute to the local economy through dinners out, visits to attractions or by choosing Aberdeen as a place to come to do business.

However, as the site is outside of the city centre area this does represent some limited tension with Policy VC2 of the ALDP. This tension is limited by the small scale of this development, i.e. one flat would not displace significant tourist accommodation from the city centre, and currently the cumulative change in the spatial location of tourist accommodation has not been evidenced in a significant shift outwith the city centre. It is also noted that the siting of the accommodation could have the benefit as set out in the Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' in offering more affordable accommodation helping to attract tourists that have a lower budget and offering accommodation which is not currently served by hotels or hostels.

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. 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 in close proximity to the city centre.

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 use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location in a residential area. As such, had the Planning Authority been minded to grant planning permission, it would have been considered necessary in this instance to grant it 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.

It is recognised in general terms that the location of this STL accommodation would likely have local economic benefits in that it would provide tourist accommodation which is accessible to and from the city centre, the amenities and businesses of George Street and it is in a location that is accessible via public transportation. Additionally, were the application to be approved, a 5-year time limit condition could have been used to address the long-term impact on housing supply. However, the specific circumstances of this site and the proposal are such that it would result in an unacceptable impact on the local amenity of the area to degree that would significantly outweigh any local economic benefit that would arise from this one STL accommodation unit. The proposal would therefore conflict with the aims of Policy 30 (Tourism) of NPF4.

Transport & Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. The application property lies outside the city centre boundary but within close walking distance of the city centre amenities and bus routes linking to the city's main railway and bus station.

It is anticipated that the majority of customers staying at the property on a short-term basis would be tourists or business visitors who would be likely arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking.

No dedicated car parking is proposed for the STL but this is considered to be acceptable due to its accessible location. The change of use is not considered to result in more trips to the site by private car than were the property in permanent residential use. The objection relating to on street parking pressure and lack of parking restrictions being in place is noted.

However, on balance it is considered that should people visit in cars the impact through parking is not likely to be significantly higher than the level were the property being used as a residential flat and would not therefore be a reason for refusal. The current flat has a short fall in off street parking provision and therefore the proposal would have a similar shortfall, and is therefore not likely to result in a worse situation. It is therefore considered to broadly comply with Policy T3 (Parking) as the development is not likely to increase parking shortfalls in the area.

The proposals are therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Developments) 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 is a business and therefore does not pay Council Tax, it would be possible that customers of the STL utilise existing domestic on-street general waste and recycling bins.

The Council's Waste & Recycling Service have advised that the customers of the property can continue to 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. This addresses the question raised by a neighbouring resident who was concerned that the business waste requirement would result in on site commercial waste bins, however this is not required. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R6 of the ALDP.

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, would not make any adverse material difference to the global climate and nature crises nor to climate mitigation and adaptation. As a change of use there are limited opportunities to minimise greenhouse gas emissions given the nature of the proposal which does not proposed any building work. Therefore the proposals are considered compliant with Policies 1 and 2 of NPF4. The proposed development is wholly internal, small-scale and does not significant 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.

Matters Raised in Representation

Matters as raised in the two letters of objection set out above have been addressed within the report above.

DECISION

Refuse

REASON FOR DECISION

The change of use of the property from a residential flat to short term let accommodation would have a significant adverse impact on the amenity of the occupants of the neighbouring residential flat which shares an access and entrance vestibule. This is because the occupants of the neighbouring flat would have to share the communal entrance and vestibule solely with frequently changing transient guests and cleaners of the short term let accommodation unit, who would be unknown to them. Taking into account the small size of the vestibule and close proximity of the private entrances of each property to each other, this would result in a significant adverse impact on the privacy and sense of security, whether actual or perceived, on the occupants of the neighbouring flat, as well as result in likely general noise disturbance compared to if the application property was in mainstream residential use. The proposal would therefore adversely affect the residential amenity of the surrounding area, contrary to the aims of Policy 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4), and Policies H1 (Residential Areas), D1 (Quality Placemaking) and D2 (Amenity) of the Aberdeen Local Development Plan 2023.

It is recognised in general terms that the location of this short term let accommodation unit would likely have local economic benefits in that it would provide tourist accommodation which is accessible from the city centre, the amenities and businesses of Holburn and Union Street and it is in a location that is accessible to public transportation. However, the specific circumstances of this site and the proposal are such that it would result in an unacceptable impact on the local amenity of the area to a degree that would significantly outweigh any local economic benefit that would arise from the use of the property as a short term let accommodation unit. The proposal is therefore also contrary to the aims of Policy 30 (Tourism) of NPF4.