



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	155 Bon-accord Street, Aberdeen, AB11 6XE
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	240350/DPP
Application Type:	Detailed Planning Permission
Application Date:	19 March 2024
Applicant:	Mr Matthew Dougherty
Ward:	Torry/Ferryhill
Community Council:	Ferryhill and Ruthrieston

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site is located in the south of the city in the established residential neighbourhood of Ferryhill. The building is situated on the eastern side of Bon-Accord Street, occupying the corner plot at the junction with Caledonian Place. The application site comprises a two-bedroom flatted property at first-floor level within a traditional granite end-terraced villa, which contains a total of two flatted properties. The application property is accessed from a separate, self-contained entrance to the rear. A side gate from Bon-Accord Street leads to the self-contained entrance, contained within a curved bay staircase addition to the rear, with the staircase leading up to the application flat. The lower flat comprises the ground floor and a basement level, which is accessed from Caledonian Place via its own entrance door and is addressed accordingly as 24 Caledonian Place. The front curtilage is solely owned by the neighbouring lower flat, and the rear garden ground is shared between both properties. The building is bound to the east by a neighbouring terraced villa and to the north by 153 Bon-Accord Street. The principal elevation faces south onto Caledonian Place and to the west, on the opposite side of the street, lies Ferryhill Primary School. The building is Category 'B' listed and lies within the Marine Terrace Conservation Area.

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 of 3 nights. The property would be operated as a STL on a permanent basis and is currently undergoing internal redecoration to facilitate the proposed new use. Customers of the property would have access to on-street parking as per existing arrangement and it states that waste would be disposed alongside weekly cleaning or as per each visit if less than 7 days. This is a new proposal for Short-term Let accommodation and the property has not previously been in operation for such use.

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=SALR57BZLDY00>

- Short-term Let Checklist

CONSULTATIONS

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 bins (where required) until commercial status can be determined. The applicant has advised that a waste management plan is in place whereby waste is proposed to be collected with weekly cleaned or more frequently if stays are less than 7 days.

ACC - Roads Development Management Team – No concerns or objection with the proposal. Advised that the application site is within 'controlled parking zone' (CPZ) and the change of use retains a similar associated parking requirement and therefore the matter that the site has no dedicated parking provision on site shall be no additional detriment or shortfall in parking. Furthermore, as the site is located within a CPZ there is no scope for indiscriminate parking.

Ferryhill and Ruthrieston Community Council – No comments received.

REPRESENTATIONS

None received.

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.
- Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

Development Plan

National Planning Framework 4 (NPF4)

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

- Policy D6 (Historic Environment)
- 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

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 Aberdeen Local Development Plan 2023 (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

The application property is situated within an established residential area, as identified in the ALDP Proposals Map. The application property is located in an established traditional granite terraced villa, within the wider Ferryhill neighbourhood. The site is located around 200m south of the city centre boundary, and as such, the site is within easy walking distance to a wide variety of amenities, both in the city centre and within the wider Ferryhill neighbourhood. In terms of the surrounding area in general, this is predominately residential in character, however there are also a variety of community uses nearby, including convenience shop, hairdresser, Ferryhill Primary School, Ferryhill Community Centre and play park, Albury sports facilities and Bon-Accord Terrace Gardens. Given the small-scale nature of the proposed use of the property, comprising a 2-bedroom flat with a proposed maximum occupancy of four people at any one time, its use as an STL would be unlikely to result in a significant increase in activity to the flatted development in terms of general comings and goings of the surrounding area compared to mainstream residential use. Therefore the proposal is unlikely to have a significant impact on the character of the area. Additionally, no external alterations are proposed, therefore it is considered that the character and appearance of the conservation area would be suitably preserved.

In terms of impacts on amenity, the property shares an access path through the rear curtilage with the neighbouring, ground floor and basement property, which is understood to be in mainstream residential use. In general, it is considered 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; and
- 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.

The application property comprises the upper flat of a building with a total of two flats and is typical of the properties found on the street (Caledonian Place). The application property has a self-contained entrance door and stairwell to the rear, with the lower flat (located on ground and basement level of the building) accessed directly off Caledonian Place with its own entrance door and sole use of the front curtilage. The application property's separate entrance is accessed through a gate directly off Bon-Accord Street to the rear, alongside the rear garden ground. It is on this latter point whereby further evaluation of the impact on the amenity of the neighbouring property is required, given that this area is communal and mutually shared between both properties, and it is the only means of accessing the application property.

The location of the property and its sole means of access means that guests would be required to pass all of the rear windows at both ground and basement level which serve the lower flat, in order to reach the self-contained entrance and staircase which leads to the application property. The neighbouring flat also has a rear access door. Given the number of windows to pass and the general layout, this is considered to represent a high proportion of the accommodation for the neighbouring property which would be affected. Typically the kitchen and all of the bedroom accommodation for the lower property will be situated to the rear, with living room to the front (principal elevation). Thus the presence of up to four frequently changing transient guests using

this external path and area would present adverse harm to the privacy afforded to these windows, as well as a likely impact (actual or perceived) on security for the neighbouring property. This is due to the nature of all windows which face directly towards the private rear curtilage, which would typically not see unknown persons walking past. The proximity of the external path to the entrance door and its relationship to the rear windows due to site levels would result in guests both arriving at and leaving the application property having the opportunity to look immediately across and down into the windows from an elevated height. In addition, the relatively small size of the rear curtilage (62sqm) and positioning of the entrance to the application property facing into the rear curtilage (with guests unfamiliar with the site and access arrangements) would likely result in persons being stood out on the path in the rear garden in front of neighbouring windows while accessing the property, which would increase the adverse impact on privacy and security for the neighbouring residents. Whilst it is recognised that the neighbouring resident(s) have not objected to the application, this assessment forms the amenity impact on the property as opposed to any individual existing resident and the proposal requires to be considered and assessed on its own merits. Furthermore, the situation for the site could change in the future, with the neighbouring residents changing due to the potential sale or leasing of the property and new occupants of the neighbouring property could be affected by this adverse amenity impact.

The property would sit above the lower flat (ground floor and basement) and as such, there would also be the potential for noise transmission and disruption to the neighbouring property below when the application property is occupied. However, there would be no impact from any shared internal communal space due to the nature of the properties both having separate access into the building. Due to the small-scale nature of the two-bedroom flat, it is highly unlikely that the flat would be used for the hosting of parties or other events of an anti-social nature 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. The impact from the upper floor flat would therefore likely be minimal in terms of noise coming from inside the property.

In relation to the outdoor communal areas, the garden area is open and shared between both properties and there are no divisions. As mentioned above, the rear garden ground has a path through it which connects the application property entrance with a gate in the garden boundary wall, leading onto Bon-Accord Street. Other areas of the garden feature a mature landscaping mix of shrubs and trees, alongside a small external seating area. Therefore, due to the nature of access to the application property (proposed STL use) through this garden ground, when in use, guests would need to walk through the neighbour's garden via the path to access the flat and the remaining garden area. As such, there would be an adverse amenity impact on the enjoyment of the neighbouring garden from the potentially frequent movement of regularly changing transient guests to the rear of the building and the associated garden, resulting in the downstairs neighbours not having any private amenity space which could not be encroached upon by unknown guests.

In summary, the use of the property as an STL would require transient guests to regularly use the communal areas to the rear (private side) of the property and to walk past rear-facing windows of the neighbouring ground and basement floor flat via an external path leading to the entrance of the property. Guests would also be required to walk through the shared rear garden to access both the property and/or the garden for the STL. The movement from groups of guests would therefore cause harm to the security and privacy of the 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”* therefore the proposals are also contrary to Policy H1, criterion 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 is to be by tourists and/or business travellers, it is envisaged that customers of the property would be likely to spend money in the local tourism, hospitality and retail 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.’

Given that the proposal would comprise a tourism facility that would not be in the city centre, the proposal would have some tension with the aims of Policy VC2 (Tourism and Culture) of the ALDP. In assessing the magnitude of this tension, it is acknowledged that the site sits c. 200m south of the city centre boundary, 700m from the Holburn Neighbourhood Centre, 850m walk from the main railway and bus station in Aberdeen and as such, is a 10-15 minute walk away from surrounding local businesses and amenities, both in the city centre and within the wider Ferryhill neighbourhood. The site is also served by the No. 17 bus route from Ferryhill Road (c. 150m south-east, Abbotsford Place junction) or Crown Street (c. 250m north-east) leading to the city centre providing sustainable transport to main businesses and amenities, with a 20 minute frequency of service. However, it is noted that the property is not located near any tourist or visitor

hotspot areas and there are other areas nearer to the city centre which would be more appropriate for short term let accommodation of this type. Acknowledging its sustainable location and accessibility from the city centre, on balance, the proposed STL use would not be in conflict with the aims of Policy VC2 (Tourism and Culture) of the ALDP in that it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree.

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. Furthermore, 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, were the application being approved, it would be considered necessary to grant planning permission 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.

However, as the application is being refused, due to the aforementioned issues in relation to the adverse impact on residential amenity, no such condition is required.

Transport & Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP both 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 c. 200m outwith the city centre boundary (as defined on the ALDP 'Proposals Map'), however it would be within suitably close walking distance to amenities and businesses in the city centre as well as the train and bus stations – although it is

noted that there are other properties which would sit closer to visitor demand areas or in the city centre which would be more readily accessible.

Given the location of the application site and the nature of the proposal is for STL use, it is anticipated that any guest(s) would make accommodation choices to suit their individual needs and therefore the absence of any dedicated cycle storage is not considered to be an issue and the site has good accessibility and sustainable transport options. Finally, the use of the property as an STL would likely result in a similar level of parking demand as the existing (authorised) residential use. Whilst guests to the property would be able to use the controlled on-street car parking, the parameters of such parking restrictions (Mon-Sat 0800-2000) would alleviate any indiscriminate parking resulting from the STL use and it would be located in a location which has good accessibility to the city centre, and to both suitable and sustainable travel options.. Notwithstanding, it is anticipated that the majority of customers staying on a short-term basis would be tourists or business travellers, many of whom could reasonably be expected to arrive in the city by plane, train or bus, and access the property sustainably, likely 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 domestic general waste and recycling wheeled bins for the property (situated in rear garden area), until such a time as commercial status is confirmed. The Council's Waste & Recycling Service have advised that the customers of the property should 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. Furthermore, the applicant has stated that a waste management plan is in place whereby waste is proposed to be collected with weekly cleaned or more frequently if stays are less than 7 days. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 of the ALDP. In these general circumstances, an advisory note is added for applicants to be aware of in relation to entering into the required business waste contract with the Council, however since the application is being refused this will not be added.

Tackling the Climate and Nature Crises, Climate Mitigation and Biodiversity

Policy 1 (Tackling the Climate and Nature Crises) of 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) of NPF4 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. Therefore the proposals are compliant with Policies 1 and 2 of NPF4. The proposed development

would be wholly internal, small-scale and as such 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.

DECISION

Refuse

REASON FOR DECISION

The location of the only access door for the proposed short term let (STL) property on the rear of the building, an otherwise private elevation, would result in groups of up to four transient guests (changing on a frequent basis) requiring to pass through a private area of the site to access the property. This would require guests unknown to the occupants of the neighbouring ground-floor with basement flat passing its rear windows when accessing and leaving the property, resulting in persons unknown to the neighbours' being able to look immediately across and down into the windows, thus adversely impacting on the privacy and sense of security for the occupants of the neighbouring flat. Guests would also be required to walk through and past the neighbouring rear garden to access the property. As such, the use of the property as an STL would present adverse harm to the amenity of the neighbouring residential property in respect of privacy, security and the enjoyment of private external amenity areas. The proposed use is therefore 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 (NPF4).