



## Strategic Place Planning

Report of Handling by Development Management Manager

<b>Site Address:</b>	24 Picardy Court, Rose Street, Aberdeen AB10 1UG
<b>Application Description:</b>	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people
<b>Application Ref:</b>	240985/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	22 August 2024
<b>Applicant:</b>	Mrs Alison McLeod
<b>Ward:</b>	Mid Stocket/Rosemount
<b>Community Council:</b>	City Centre

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site relates to a one-bedroom ground-floor flat in a 3.5-storey block of flats within the Picardy Court residential development. The block contains three flats in total. The first-floor flat acquired planning permission in 2023 for a change of use to short term let accommodation under ref. 230650/DPP and the top floor flat is understood to be in mainstream residential use. These three flats share a communal hall and stairwell which can be accessed both to the front and the rear. The building is shared with a block of seven flats immediately to the west, which has its own set of access doors. The car park to the residential development sits to the south (front) of the building, which contains allocated parking spaces. Picardy Court is accessed through a pend from Rose Street to the east. Communal amenity space serving the wider development bounds the building to the west, east and north. Communal on-street residential bins are located in the court. The application flat comprises a bedroom to the rear, lounge and kitchen to the front, and central bathroom.

#### **Relevant Planning History**

25 Picardy Court: 230650/DPP - Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people – Approved Conditionally 25 July 2023.

### **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 one-bedroom STL would be two persons at any one time, with a minimum stay duration of two nights. The property would be operated as an STL on a permanent basis. Customers of the property would have access to an allocated private parking space. It has been advised that guests to the property would be performers and associated people visiting for work to His Majesty's Theatre.

### **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=SIK3GSBZIRX00>

- STL Checklist

### **CONSULTATIONS**

**ACC - Roads Development Management Team** – No objection to the proposal. The property is within a controlled parking zone and there is no scope for indiscriminate parking. The current and proposed uses have similar parking requirements and the site is highly accessible on foot, by bike and public transport.

**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 until the commercial status can be determined. Further information is included as an Advisory Note for the applicant to be aware of.

**City Centre Community Council** – No comments received.

### **REPRESENTATIONS**

Three representations have been received in support of the application. The matters raised can be summarised as follows –

- The flat being on the ground floor will not cause any disturbance to the other two flats in the building.
- Private parking space would avoid causing any traffic congestion.
- There are many shops, cafes and restaurants in the vicinity which shall benefit from the custom.
- Guests would be given rules and conditions to be followed.

### **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 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 30 (Tourism)

### Aberdeen Local Development Plan (2023)

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

### **Aberdeen Planning Guidance**

- Short Term Lets

### **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:*

- An unacceptable impact on local amenity or the character of a neighbourhood or area;  
or*
- 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 located in an inner-city residential area c.20m from the defined city centre boundary. Despite this, it is recognised that the block is located within Picardy Court, which is a residential development away from the public road (Rose Street) and is likely to have relatively low levels of noise. There are many flats that front and are accessed from the residential car park. The block is a relatively small block of three flats. As such, the introduction of a second STL within the block would change its character from residential to mostly within STL use. However, due to the number of flats within the wider development, the area would remain predominantly residential in its character. As such, the use of this application property as an STL, with a potentially increased frequency of comings and goings (when the property is occupied), would not have any impact on the residential character of Picardy Court. No external alterations are proposed and therefore it is considered that the existing character of the area would be largely unaffected by the proposal.

Policy D2 (Amenity) of the ALDP seeks residential developments to be afforded adequate levels of privacy. The Aberdeen Planning Guidance (APG) for Short-term Lets notes that the Council will have particular regard to the presence of any existing STLs within the building and their total occupancy levels. This is because the presence of multiple STLs within a tenement or block of flats is likely to have a greater effect on the amenity of other residents through cumulative impacts. If it is considered that the introduction of a further STL into a building which contains an existing STL/HMO or STLs/HMOs would result in unacceptable cumulative impacts on the amenity of other residents, planning permission will be refused.

In terms of impacts on amenity, the property shares an entrance door and stairwell with two other residential properties; number 25 has acquired planning consent for a change of use to an STL and number 26 is understood to be in mainstream residential use. It is considered that the use of a residential flat as an STL in this block could result in increased harm to the amenity of the neighbouring properties within the building, beyond that which would typically be expected from a property in mainstream residential use, particularly due to the following:

- 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 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; and
- The potential for the disturbance of privacy and the perceived impact on safety resulting from the use of communal areas by transient persons unknown to permanent residents.

It is considered that the impacts on amenity from the cumulative impact of the existing STL within the building and the use of the application property as an STL would most likely arise from the increased probability of noise emissions affecting the occupants of the remaining residential flat from regular arrivals and departures by customers, via noise transmission through the floors and ceilings, 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.

The proposal would introduce a second STL into the block of three flats which would result in the percentage of the building being in STL use being c.66%, resulting in there being more unknown transient guests in the building than permanent residents. Therefore, the majority of flats in this part of the building would no longer be in mainstream residential use and the use of communal

hallways within the building would change from being predominantly residential in character and function, to be predominantly in use by unknown guests of the two short term lets. This shift and loss of residential character would therefore result in significant harm to the amenity of the remaining residential property in the building, impacting on their sense of security from regular comings and goings of multiple sets of unknown guests and their perception/sense of comfort from living in a residential block with other known permanent neighbours.

The existing and proposed short term let uses would have a maximum of two guests in each one-bedroom property. The remaining one-bedroom property would be expected to be occupied by one or two people in permanent residential use. A one-bedroom premises with a stated maximum occupancy of two people is likely to cater to tourists or business travellers, who are likely to be out sightseeing or working during the day. It is considered unlikely that the property would be used for the hosting of parties or other events of an anti-social nature that 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. However, the additional comings and goings of guests and cleaners to a second STL property would result in a cumulative increase in the level of activity on the lower floors, alongside a likely cumulative noise impact from the minor increase in noise from each STL property. This increased activity would present a sense of encroachment and level of harm to the enjoyment and peace of the remaining residential property on the top floor, due to the change in character of the block and high concentration of unknown guests and visitors to the neighbouring properties.

In terms of external amenity space, the space around the building is communal, publicly accessible and serves the whole of Picardy Court and thus, use by customers would not detract from the amenity of the residents.

While the use of the application property as a short term let, in isolation, may not present substantial harm from additional comings and goings from unknown guests, the cumulative impact of having two short term lets in a block of three flats would harmfully change the character of the internal communal area to be predominantly used by unknown guests. As such, one remaining permanent residential property is expected to experience a harmful amenity impact from the use of the other two flats in the block being in short term let use due to the cumulative amenity impact and loss of residential character, as acknowledged in the APG. This 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 a festival or 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.’*

The application site is less than 20m from the City Centre boundary (with Picardy Court sitting on the boundary) and the proposal would thus provide tourist accommodation in an accessible location from the city centre. The site also sits approximately 700m from His Majesty's Theatre, which relates to the intended use of the property for performers and workers associated with the theatre. It is therefore considered that the use of the property as an STL is compliant with the aims of Policy VC2 of the PALDP.

## **Housing**

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.

The Aberdeen City Council Communities, Housing and Public Protection Committee declared a housing emergency in Aberdeen on 5 September 2024, with an action instructed to commit to the creation of a Housing Emergency Action Plan to develop solutions to resolve it. To date, there has been no revision to the Short-Term Lets APG following this declaration. There is no guidance within the declaration itself regarding its application in relation to the change of use of existing mainstream residential properties to STLs, nor has any been any issued at the time of writing. Furthermore, there is no guidance regarding if the forthcoming action plan would have any implications on such proposals. Because of this, at the time of the determination of this application, minimal weight can be placed on the declaration relative to the other material planning considerations, notably the Development Plan and the adopted Aberdeen Planning Guidance.

The APG states the following:

*'Nevertheless, it is recognised that housing need and demand can be subject to significant change over time, and Housing Need and Demand Assessments are updated regularly (normally every five years) to ensure that conditions and changes in the local housing market are appropriately identified and understood.'*

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, if the proposals were to be recommended for approval, 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 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 located just beyond the edge of the city centre boundary and is thus accessible to the amenities, attractions and public transport services of the city centre, including the train and bus stations. It is anticipated that many of the customers staying at the property on a short-term basis would be tourists arriving to the city by plane, train or bus rather than driving to the site. The application site would retain its single parking space and, given the maximum number of occupants and the accessibility to public transport services, it is considered that the proposal would have a negligible impact on parking provision in the area and the local transport network. The Roads Development Management Team have raised no concerns or objection with respect to the proposal. 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 R5 (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.

The Council's Waste & Recycling Service have advised that the proposed Short Term Let should use the existing public communal bins in the area. The Planning Service is aware that the business owner can pay 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. The proposals are therefore acceptable in accordance with Policies 12 of NPF4 and R5 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) 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 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.

## **DECISION**

Refuse

## **REASON FOR DECISION**

The proposal would introduce a second short term let (STL) in a block of three flats. This would result in a harmful cumulative amenity impact for the remaining property in mainstream residential use from the loss of residential character of the internal communal area and a cumulative level of activity from comings and goings of multiple STLs as well as a high concentration of unknown guests within the block. 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).