



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	Flat 5, 17 Northfield Place, Aberdeen AB25 1SA
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 6 people
Application Ref:	241057/DPP
Application Type:	Detailed Planning Permission
Application Date:	10 September 2024
Applicant:	ACN Property Group Ltd
Ward:	Mid Stocket/Rosemount
Community Council:	Rosemount and Mile End

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The application site relates to a second-floor flatted property in a four-storey traditional terraced residential tenement in Rosemount. The building has a south-facing principal elevation, accessed from Northfield Place and to the north (rear) sits an enclosed shared garden. The building contains seven flats in total; two on each of the ground, first and top floors and one (flat E/5) on the second floor. The application flat (E/5) comprises a three bedroom property, with a kitchen/dining/living room area and bathroom and spans the entirety of the second floor. Flats C, F and G are known to be one-bedroom flats and it is assumed that the remaining three properties are also one-bedroom flats as each share a floor with another. The other six flats in the building are understood to be in mainstream residential use.

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 three-bedroom STL would be six 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 on-street controlled parking.

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=SJLR0WBZJE900>

- STL Checklist.

CONSULTATIONS

ACC - Roads Development Management Team – No objection to the proposal. The property sits in controlled parking zone K and there is no scope for indiscriminate parking. The site is accessible by sustainable modes of transport, with the city centre a short walk away, and public transport stops nearby on Rosemount Viaduct and Albert Street. No business bins would be permitted to be stored on the public road, including the footway.

ACC - Waste and Recycling – No objection. The applicant is to make use of the existing (domestic) bins until the commercial status can be determined.

Rosemount and Mile End Community Council – No comments received.

REPRESENTATIONS

None

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

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

- Policy 30 (Tourism)

Aberdeen Local Development Plan 2023 (ALDP)

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

Other National Policy and Guidance

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

EVALUATION

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

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

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

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

Policy H1 (Residential Areas) of the ALDP states:

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

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

Impact on character and amenity of the area

The application property is situated within a residential area as zoned in the ALDP Proposals Map. Although Northfield Place is predominantly residential, there are ground floor retail units to the east of the application property and along Leaside Road which (in the Leaside Road Neighbourhood Centre) has a certain level of activity during the day. The property is also c. 230m from the city centre boundary and Rosemount Viaduct Neighbourhood Centre. As such, the immediate character of the area is predominantly quiet residential areas, although some noise and activity could potentially be expected from nearby business uses.

The application property comprises a three-bedroom flat which spans the entirety of the second floor and the proposed change of use would introduce a maximum of six unknown guests to the building at any one time. Given the size of the flat relative to the others within the building (one bedroom flats) the increased comings and goings from guests would somewhat change the quiet residential character of this block of flats, particularly given its location within the block, with two one-bedroom flats on the floor below and two on the floor above. A flat of this size could reasonably be expected to be occupied as a permanent residence by three individuals or a small family. The proposed use of the short term let by up to six adults would therefore result in a greater occupancy than how it would typically be used as a permanent residence and the comings and goings from both guests and cleaners is therefore expected to be intensified over and above what would be expected from mainstream residential use.

Although the proposed use would impact on the character of the residential block of flats, given the character of the area comprises a mix of uses and the extent of residential properties in the vicinity, the use of this application property as an STL, with an increased frequency of comings and goings (when the property is occupied), would not have a significant impact on the character of the wider area. No external alterations are proposed and therefore it is considered that the existing character of the area would be largely unaffected by the proposal.

In terms of impacts on amenity, the property shares an entrance door and stairwell with six other properties 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 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 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 flats 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 determining issues relating to the refusal for this application relate to the noise and amenity impact from the increased movement through the building and from the use of the flat itself by a group of up to six adults combined with the addition of cleaners regularly visiting the property, particularly given its size relative to the other properties within the building. The application property comprises a large flat in the context of the tenement building, spanning the entirety of the second floor and comprises three bedrooms and a c. 25sqm living/dining/kitchen area which would form the main social space for guests staying at the property. Six adults has been identified above as an intensification of use of the property over what would be expected in terms of occupancy for this property's use as a permanent residence. The presence of up to six occupants would also increase the likelihood of the property being used for 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, particularly given the size of the social space within the flat. As such, when the property is in use, noise transmission can be expected to increase, being heard from above and below due to the location of the property in the middle of the building. This noise transmission is considered to be worsened as the flats on the floors above and below comprise relatively small one-bedroom flats, each of which shares a floor with another. As such, the use of the application property as an STL would directly impact on the amenity of four flats immediately above and below it which, given their small size as one-bedroom properties, would otherwise likely not experience substantial levels of noise from one another.

The use of the shared stairwell and hallway by a group of up to six guests would introduce additional noise transmissions beyond that expected from the property's use as a permanent residence. This noise would be worsened by the regular intervals of cleaners required as well as frequent guest check-in and check-outs due to the two day minimum stay. The increase in the level of movement and noise within these areas would also potentially impact on the sense of security and safety for other residents given the size of the group in the context of a flatted building; introducing six unknown transient persons where each of the other flats in the building would be expected to accommodate only one or two permanent residents.

In relation to external amenity areas, guests could potentially access the communal garden area to the rear of the building comprising a modest grassed garden, with a washing line and outbuildings. As such, there is minimal space which would allow guests to sit out on for prolonged periods of time and it is generally not anticipated that customers staying at the property on a short-term basis would be likely to use the garden area for any significant periods of time, if at all, particularly if the property is used by tourists or business travellers, who would be more likely to be out sightseeing or working during the day. However, if the garden area was used by guests, it could result in six adults being out in the communal area which would likely harm the privacy and enjoyment of the garden for the neighbouring properties, present a dominating sense of encroachment on this space which would likely deter other residents in the building using the space and adding to the level of noise transmissions from within the site.

The granting of planning permission would result in one of seven flats being in STL use. However, due to the relative size of the application property compared to the neighbouring one-bedroom flats, the overall remaining occupancy of permanent residents could be expected to be between six and twelve. The presence of six guests would therefore result in a large portion of the building being occupied by unknown persons, all concentrated within one flat, making the amenity impact more noticeable to residents and presenting adverse harm to the character and use of the overall building.

In summary, it is considered that the presence of up to six adults as transient guests would unacceptably intensify the use of the property over what would be expected from its use as a permanent residence, and increase the noise transmissions and movement in the building, directly impacting a large portion of the flats within the block. This amenity harm would likely be amplified due to the relative size of the three-bedroom application property compared to the block of one-bedroom flats. The use of the property and communal areas by up to six STL guests would thus cause harm to the amenity of the neighbouring properties, 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 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.’

Policy VC2 seeks to steer this type of development towards the city centre or on a site allocated for that use and this site is not within the city centre boundary, and is thus slightly at odds with Policy VC2. However, the application site lies just 230m from the city centre boundary and the proposal would thus provide tourist accommodation in an accessible location from the city centre. There are also a number of shops and services on Northfield Place, Leadsid Road and Rosemount Viaduct for use by guests. 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.

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

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

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

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

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, 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 all promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is a short distance outside the city centre boundary and is therefore in close walking distance to it, as well as the city's main bus and train station. Customers would be able to utilise controlled on street parking, but nevertheless it is anticipated that the majority of customers staying at the property on a short-term basis would likely be tourists or business travellers, the majority of whom could reasonably be expected to arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking. The 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 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing on-street communal domestic general waste and mixed recycling bins situated on the Northfield Place pavement, adjacent to the front entrance door.

The Council's Waste & Recycling Service have advised that the customers of the property could utilise the existing domestic bins, subject to the applicant paying a financial contribution towards the collection of the waste, via a business waste contract with the Council, in lieu of not paying Council Tax. Therefore, waste and recyclables generated by the customers of the property can be adequately stored and collected. 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 comings and goings from the use of the property as a short-term let (STL) by up to six frequently changing transient adults, alongside those from the cleaners after each visit, would unacceptably intensify the use of the property over and above what would be expected from its

use as a permanent residence, to the detriment of the amenity of the other properties in the building with respect to noise transmission, movement within the building, the use of the garden and their sense of security. The size of the three-bedroom flat compared to the remaining one-bedroom flats within the block would result in the proposed STL use impacting on the quiet residential character of the block and worsening the amenity impacts on the neighbouring flats. The proposal therefore does not comply with Policy 30 (Tourism) of National Planning Framework 4 (NPF4) and Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023.