



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	Attic Floor Flat, 320 Great Western Road, Aberdeen AB10 6PL
Application Description:	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
Application Ref:	240651/DPP
Application Type:	Detailed Planning Permission
Application Date:	3 June 2024
Applicant:	Mr Gordon Brown
Ward:	Hazlehead/Queen's Cross/Countesswells
Community Council:	Ashley and Broomhill

DECISION

Refuse

APPLICATION BACKGROUND

Site Description

The site to which this application relates is an attic floor flat within a traditional granite tenement in a residential area to the west of Aberdeen City Centre. The site and surroundings are within the Great Western Road Conservation Area. The building in which the flat is located houses two flats in the upper storeys of the building and a ground floor shop facing on to the corner of Great Western Road and Forest Avenue and a second shop facing only onto Forest Avenue. The flats are accessed from the front entrance through a front enclosed garden area into a communal hallway and staircase. The shops have separate front entrances, independent of the flats above. The flat has a floor area of 93m².

The flat is laid out with a living room, kitchen, bathroom and two bedrooms off a central entrance foyer from the attic landing. There are no other flats accessed from the attic landing. Currently the other flat within the building is in residential use.

No vehicular parking is provided or proposed to be provided with this application site. The flat does have access to outside communal space in the form of a rear garden.

Relevant Planning History

None relevant.

APPLICATION DESCRIPTION

Description of Proposal

Detailed planning permission is sought, retrospectively, 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 four persons at any one time, with a minimum stay duration of two nights. There would be no maximum period of stay. The property would be operated as an STL on a permanent basis. Waste from the property would be collected from the on-street communal residential waste bins. There is no off street parking provided currently nor is proposed as part of this application.

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=SE5DMLBZG1300>

- Short term let Planning Checklist.

CONSULTATIONS

Roads Development Management Team – No objection.

Waste and Recycling – to make use of the existing on street bins until the commercial status can be confirmed.

Ashley and Broomhill Community Council – No response 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

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- 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)

- Policy H1 (Residential Areas)
- Policy D1 (Quality Placemaking)
- Policy D6 (Historic Environment)
- 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
- Transport and Accessibility

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

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;
- disturbance through having to share a communal entrance, vestibule and garden area solely with the frequently changing transient non-residents that would access and occupy the STL accommodation;
- Potential for the large flat to be used for group gatherings and the associated noise disturbances to the residential flat below.

The evaluation is set out in detail below, and these matters are considered in detail with the other relevant material considerations.

Principle of development: Tourism and Residential areas.

Policy H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP) does not explicitly preclude tourist development in residential areas however, non-residential uses will only be supported in residential areas where;

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*

The Council's Short-Term Lets Aberdeen Planning Guidance (APG) states that the following matters will be taken into consideration in the assessment of planning applications for Short-Term Let accommodation:

- *Whether the property is the only or principal home of the applicant;*
- *If the property is a flat, what floor of the building it is located on;*
- *The maximum number of occupants / guests that will use the STL at any one time;*
- *Whether the property is to be used as an STL on a full-time or part-time basis;*
- *Parking arrangements;*
- *Anticipated turnover of guests / length and frequency of stays;*
- *Arrangements for the storage and collection of waste from the property.*
- *How many other properties the STL shares an access and / or communal areas with;*
- *Details of any communal amenities and / or external amenity space that the property has access to; and,*
- *Character of the surrounding area, including existing uses.*

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*

Impact on the amenity direct neighbours

The key concern relating to this application is the potential for harm to adjoining residential uses within the building. In terms of impact upon the amenity of neighbours it is noted that the property shares a communal entrance with only one other residential flat. It is considered that the use of the property as an STL could result in increased harm to the amenity of this neighbouring property 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 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 relatively large two-bedroom flat with an stated maximum occupancy of four people. The approximate 93m² GIA means that even with a limitation to four overnight guests it is considered that the flat could be used for the hosting of parties or other events due to its spacious living areas and accessibility. This could therefore pose a risk of potential anti-social impacts that could harm the amenity of neighbouring property in terms of noise from activities within the property during the more sensitive late night and early morning periods by larger groups. Whilst this is a concern, it is important to note that such activities could nevertheless take place in the property if operated as mainstream residential accommodation.

The flat is located in the attic of the building, this means that any noise through the floor would impact the flat below which is in permanent residential use. Additionally, it would mean that occupants of the proposed short term let would need to travel up the stairway past the entrance and landing to the residential flat at the first floor.

As the application property shares the communal entrance, corridor and stairs with only one other flat this neighbour is likely to be impacted significantly as a direct neighbour from the comings and goings at the entrance, in the hall around the base of the stairs and on the landing of the first floor. This impact upon the neighbour would be particularly adverse in this and other cases of pairs of flats accessed from a single entrance relating to their security or perceived security and safety. Unlike traditional tenements or larger modern blocks of flats with multiple permanent residential flats and a small number of flats in use as short term lets, in this case permanent residents would only ever encounter strangers in the communal areas should planning permission be granted. In buildings with multiple flats the presence of some strangers visiting a short term let would in effect be less prominent in day to day encounters, as residents would also likely encounter other permanent residents.

The fact that in this case residents in the single permanent residential flat remaining would only ever meet strangers, or those working to serve the short term let would be a significant change in experience of living in a flat residential building. In the opinion of the Planning Service this would have a significant adverse impact on the amenity and sense of security for the permanent occupants. This would be particularly felt in a residential location such as this property, because whilst Great Western Road and the shops and businesses surrounding the site attract footfall from visitors to these businesses, within the property the expected amenity would be to not meet strangers on a regular basis, or at least to meet neighbours or have neighbours in close proximity.

This may prove to be intimidating or disturbing to permanent residents using these communal areas especially if the flat was regularly let at maximum occupancy which could include groups of four unrelated adults unknown to the neighbouring residents. As such this commercial use within a residential area and building is not considered appropriate.

Considering the low number of flats in the building mean that this impact would be significant against typical residential occupation.

It is also noted that the regular change in guests means that any potential impact through nosier guests is time limited unlike cases of long term residents. However, the general use of this flat by up to four guests would likely be more intense than permanent residential occupation. The potential for an adverse impact through intensification of occupation is therefore present, which combined by the direct impact due to their only being one other flat accessed from this entrance mean the change in use would have a significant impact upon the amenity of the one neighbouring flat.

This change would result in a reduction in safety and security either actual or perceived for the permanent residents in the building. Due to their being no other access route available, it is considered that this adverse impact could not be mitigated such as through appropriate management of the property through the licencing regime.

It is therefore considered that the change of use of the property to an STL would cause significant harm to amenity of the residents located in the other flat accessed from the communal entrance, contrary to Policy 30(e)(i) of NPF4 and Policy H1 of the ALDP.

Impact on character and amenity of the area

The application property is situated within a residential area as zoned in the ALDP Proposals Map, and is not within the city centre boundary. This section of Great Western Road and the street to the north, Forest Avenue is predominantly residential. However, the corner where the property is located has a mix of uses including retail uses and a café in the ground floor on both sides of the junction. Additionally, there are or have historically been a number of guesthouses in the former houses and other hospitality businesses along Great Western Road. Therefore, the surrounding area is residential in general terms but with the relatively high density development and interspersed business uses there was notable footfall associated with these nearby land uses during the site visit. It is also noted that Great Western Road is a busy main road leading to the city centre served by frequent buses and commuter traffic.

By virtue of the relatively large number of flats and houses within the wider area, the presence of ground floor commercial units, and the surrounding road network being open to through traffic including direct routes to the city centre, the busy character means that visitors would not necessarily be as notable as in quieter residential areas.

On balance, the use of the application property as an STL, with a potentially increased frequency of comings and goings (when the property is occupied), is unlikely to have a significant impact on the character of the wider area. No external changes are proposed. This also means that there would be no impact upon the character and appearance of the Great Western Road Conservation Area.

It is therefore considered that the change of use of the property to an STL would not cause significant harm to either the character or amenity of the wider area, in accordance with Policy 30(e)(i) of NPF4 and Policy 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 would offer 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.'

The application property is not within a short distance to the city centre; however there are direct bus routes to the city centre, as well as access to the railway station and bus station directly from outside the property. It is therefore considered that the use of the property as an STL is generally compliant with the aims of Policy VC2 of the ALDP as guests are likely to want to use the city centre services when staying at this property.

However, as the site is outside of the city centre area this does represent a very minor 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.

Therefore the use of this site as a STL would not undermine the intent of Policy VC2, which seeks to ensure that tourist development supports, and is supported by, existing businesses, services and public transport located in 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.

Whilst the site is considered acceptable in terms of Policy VC2 the potential economic benefits of the development have not been identified which would outweigh the potential detrimental impacts upon neighbouring amenity as set out above.

Housing Demand

Policy 30 (Tourism) part e) ii) sets out that development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

In relation to impacts on local housing need and demand, the Council's Short-Term Lets APG states:

'Although the most recent Housing Need and Demand Assessment (HNDA) has demonstrated a need for new open market housing in Aberdeen, and that there is also a significant need for more affordable housing, there is not currently understood to be any significant additional pressure placed on local housing need by the conversion of existing residential accommodation to STLs in the City. In this respect, the situation in Aberdeen is different from other areas of Scotland where the number of STLs has placed significant pressure on the availability and affordability of housing (for example in Edinburgh and parts of the Highlands and Islands). At present, the loss of residential accommodation resulting from changes of use to STLs is therefore considered unlikely to have any significant detrimental impact on local housing need within Aberdeen.'

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 issued at the time of writing. 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 does, however, state the following:

'Nevertheless, it is recognised that housing need and demand can be subject to significant change over time, and HNDAs 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 refusal of planning permission for the ongoing use of the property as STL accommodation on a permanent basis may result in the flat returning to a residential use on a permanent basis. However there is no current evidence that this use of the property as an STL would have any significant identified impact on local housing need currently and therefore this would not form part of the reason for refusal.

Transport & Accessibility

Policy 13 (Sustainable Transport) on NPF4 and Policies 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 promotes low-car developments in accessible locations close to public transport routes and within walking distance of the city centre. Where this is not possible development shall be required to comply with the parking standards set out in the Aberdeen Planning Guidance: Transport and Accessibility.

There is no off-street parking associated with the flat currently and none would be made available for the short term let use. The Roads Development Management Team have assessed this provision and consider that the difference between the two uses is unlikely to result in an intensification of use or different requirement for parking.

As stated above, the application property lies outwith the city centre boundary but is within close proximity to public transport links to the city centre. Due to its relatively accessible location visitors would be able to come by other means than private car.

The proposals are therefore compliant with Policy 13 of NPF4 and Policies 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. Although the property is a business and therefore does not pay Council Tax, customers of the STL utilise existing domestic on-street general waste and recycling bins.

The ACC Waste and Recycling team have been consulted on this application and do not object to the proposal. The intensity of use and type of waste generated is likely to be domestic in nature and type similar to the existing residential use.

The ACC Waste and Recycling Team have, however, advised that a business waste contract with the Council would be required. 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 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 that it would not likely contribute further to the global climate and nature crises nor to climate mitigation and adaptation. The siting of tourist accommodation in a sustainable location may reduce the need of travellers to arrive by car, and certainly whilst within the city would allow for sustainable travel to attractions and services which would minimise greenhouse gas emissions. 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 significant 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 retrospective 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 the same entrance. This is because the occupants of the neighbouring flat would have to share the communal entrance, vestibule and stairway 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 open nature 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 Great Western Road 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.