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Local Body Review



Planning Application: 250841/DPP

Change of use of flat to short-term let accommodation
with maximum occupancy of 4 people

45 Mearns Street

Aberdeen

AB11 5ER

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1. Introduction

This statement is submitted to the Aberdeen City Council Local Review Body (LRB) in support of the appeal against the refusal of planning application 250841/DPP.

The application seeks consent for the change of use of a two-bedroom flat at 45 Mearns Street to short-term let (STL) accommodation, with a maximum occupancy of four individuals.

This document should be read in conjunction with all drawings, forms, and supporting information previously submitted as part of the original application. Its purpose is to respond comprehensively to the stated reasons for refusal, to provide a clear and structured account of material considerations, and to demonstrate that the proposal accords with the relevant provisions of the Aberdeen Local Development Plan 2023 (ALDP), National Planning Framework 4 (NPF4), and Aberdeen City Council Planning Guidance (APG).

2. Reason for Refusal – Summary and Commentary

The application was refused on the basis that an additional STL within the building would contribute to an excessive concentration of such uses, allegedly to the detriment of residential amenity. The decision cites concerns relating to noise, security, and the cumulative effect of transient visitors.

This appeal demonstrates that:

- The concentration figures cited are inconsistent with numerous recent planning approvals across the city.
- The unique design characteristics of the building, particularly the open-air access walkways and enclosed stair/lift cores limit the potential for noise or disturbance.
- The surrounding area is a predominately mixed-use, commercially active environment where increased movement and visitor presence is characteristic and expected.
- Material planning considerations, such as support for established local businesses were not properly accounted for in the assessment.
- Several factual inaccuracies regarding the building, occupancy assumptions, and nearby land uses materially undermine the reasoning set out in the report of handling.

3. Context and Purpose of Accommodation

Richards Tattoo Studio Ltd has operated continuously in Aberdeen since 1986 and currently trades from 3 Trinity Quay, Aberdeen, AB11 5AA.

The business employs five members of staff and hosts visiting freelance tattoo artists and specialists who travel from across the UK and Europe for short-term residencies.

The business purchased 45 Mearns Street expressly to provide suitable accommodation for these visiting professionals. The location is ideally positioned near the studio, near public transport nodes, and near other central amenities.

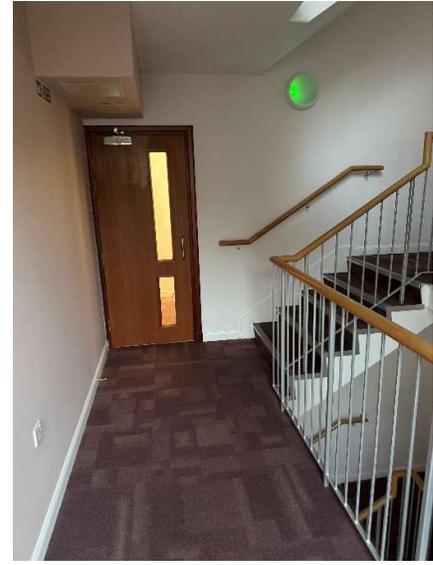
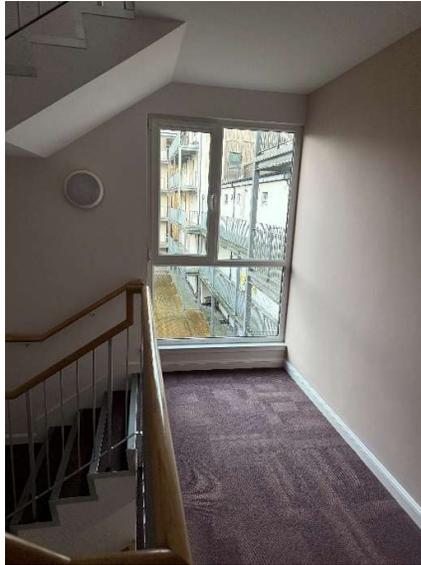
When not required for business purposes relating to the tattoo studio, the property would be made available for short-term let.

Support for established local businesses is an acknowledged material consideration within planning policy.

Relevant planning provisions include APG Serviced Apartments, ALDP Policy VC1 (Vibrant City), ALDP Policy VC4 (City Centre and Retail Core), NPF4 Policy 6 (Business and Employment), NPF4 Policy 27 (City Centre and Urban Areas) and NPF4 Policy 28 (Mixed Use Areas).

These considerations were not referenced within the report of handling and should carry weight in the determination of this appeal.

4. Characteristics of the Existing Building



4.1 Building Arrangement and Circulation

The above photographs show the circulation arrangement. These photographs show the open nature of the access corridors and the spacious stairwells. The construction and floor finishes to the stairs are noted these are important in preventing transfer of noise.

The building comprises five residential floors above ground floor parking, served by two enclosed stairwells and lifts, crucially:

- All residential units are accessed via open-air walkways, significantly reducing the potential for noise reverberation common in enclosed tenement stairwells.
- Both stair/lift cores are fully enclosed, meaning noise from suitcases or footfall is contained.
- No. 45 is located adjacent to the stair/lift core, minimizing any footfall past neighboring units.

4.2 Construction Standards and Acoustic Integrity

The building warrant for the 46 flat development was granted in 2007, with completion in 2010. At this time, the Scottish Building Regulations included strengthened requirements for sound insulation. It is therefore reasonable to assume that the structure was designed to minimize noise transfer between dwellings.

It should be noted that the planning approved scheme accommodated 49 flats comprising 103 bedrooms, equivalent to an estimated occupancy of 206 individuals. The planning authority was clearly satisfied at that time that the development was capable of accommodating a high level of domestic activity without harm to occupant and amenity.

4.3 Existing Licensed STLs Within Development

There were five existing licensed STLs within the building at the time of application (Flats 7, 49, 65, 81, and 89). These units did not require planning permission, as the planning authority previously determined that their use within this mixed-use building was compatible with the surrounding environment and did not give rise to amenity concerns.

It is noted that flats 7, 49, 65, 81, and 89 are under one reputable management company.

This provides an established precedent that STL use is an accepted and appropriate activity within this development.

It is noted that flat 23 has since been planning approved for STL use.

5. Comparative Analysis of Recently Approved STLs

The refusal cites a 15% concentration within the block and 20% concentration on the applicant’s floor as unacceptable. However, numerous recent approvals demonstrate that much higher concentrations have been accepted, even within fully residential areas with access halls leading directly onto front doors.

Examples include:

- 13B Wallfield Crescent 50% on floor, 16.7% in block
- 19 Wallfield Crescent 50% on floor, 16.7% in block
- 187 Headland Court 50% on floor, 12.5% in block
- 136 Bankhead Road 100% on floor, 33.3% in block
- 24 Albyn Grove 50% on floor, 16.7% in block
- Flat A, 8 Bon-Accord Terrace 100% on floor, 25% in block

The 15 % and 20% figures applied in the refusal therefore lacks consistency, proportionality, and policy foundation.

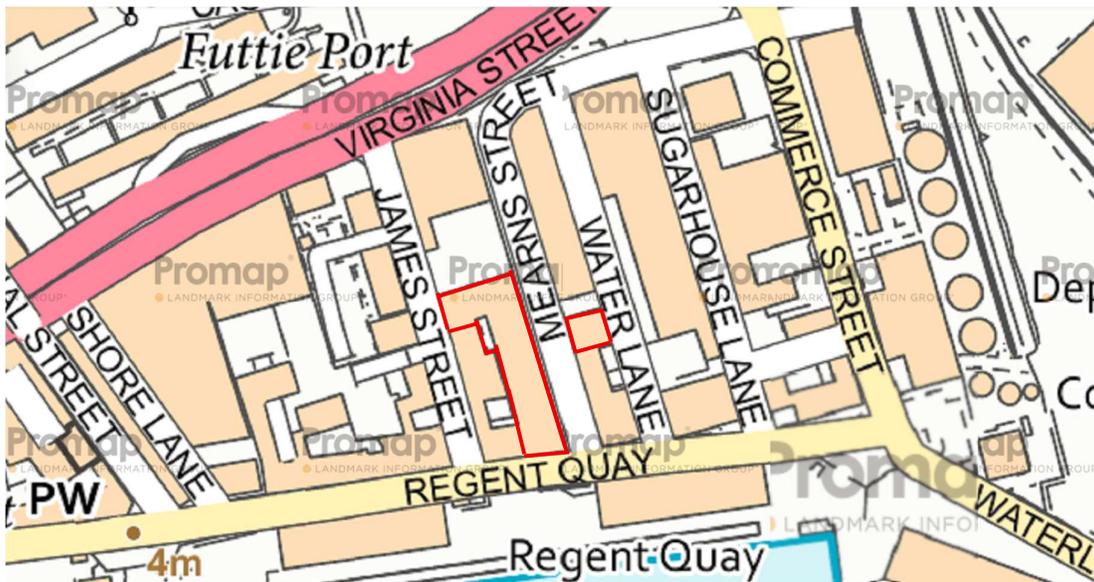
6. Site Description and Local Context

6.1 Surrounding Character

The site lies within a designated Mixed-Use Area. The immediate vicinity comprises predominantly commercial and industrial uses, including offices, workshops, auto-repair units, a fitness center, cafés, public houses, and harbor-related operations.

Only one other building on Mearns Street contains residential units. The area would therefore be more accurately described as primarily commercial with some residential presence. The residential properties on Mearns Street are outlined in red below.

This aligns with ALDP Policy H2, which supports uses that are complementary to the existing mixed character of such areas.





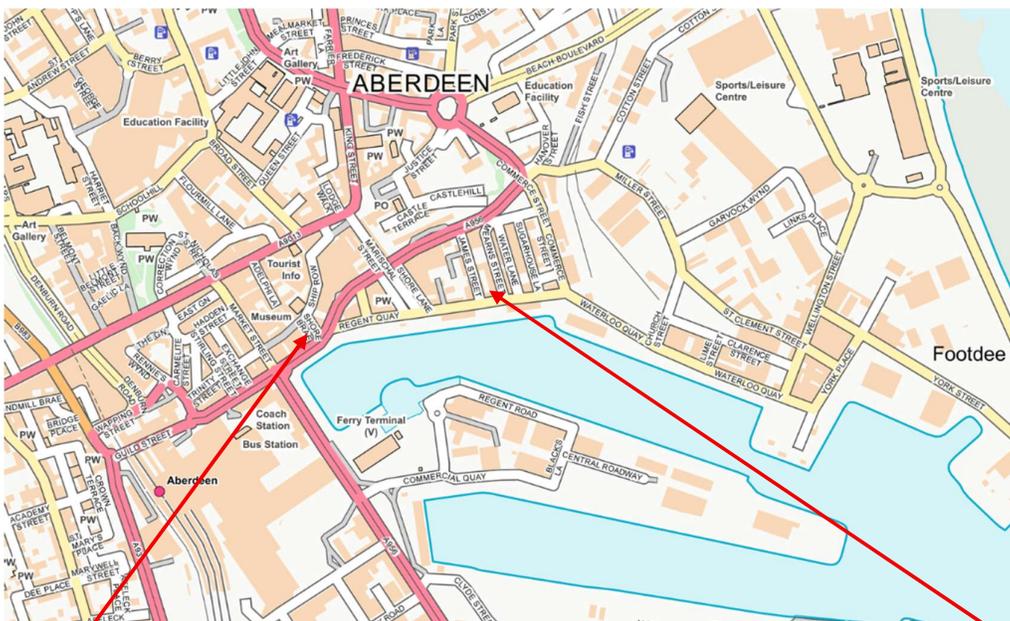
45 Mearns Street

6.2 Proximity to Aberdeen Harbour and Transport Hubs

Victoria Dock, part of the Port of Aberdeen (Aberdeen Harbor), operates continuously 24 hours per day, 7 days per week and contributes to constant levels of footfall, traffic movement, and background noise.

A single small-scale STL would have no perceptible impact within this already active environment. The above aerial image demonstrates the proximity to the harbor and shows the commercial nature of the area.

Due to the site’s proximity to Union Square, Aberdeen bus and rail stations, and major commuter routes (including Virginia Street), highlighted below, the location is ideally suited to short-term visitor accommodation in accordance with NPF4 Policy 30 (Tourism).



Richards Tattoo Studio

45 Mearns Street

6.3 City Centre Location

1.2 Introduction to Topic

Serviced apartments are residential flats used as short term quasi hotel accommodation by business and leisure visitors to the city. They are usually fully furnished and can be equipped with kitchen facilities and Wi-Fi. Other services can include house keeping and laundry, either on a daily basis or between periods of occupation.

Providing a range of short term residential accommodation options to both business and leisure visitors to the city centre is to be encouraged. Promotion of a diversification of uses in the city centre can support its vitality and vibrancy. The planning application process will consider impact on other uses in the locality and whether the proposal satisfies the policies in the development plan. The convenience of city centre accommodation can enable visitors to make more sustainable transport choices on both their inward and outward journeys in addition to during their stay.

Short term let accommodation and serviced accommodation both offer guests convenient accommodation for a short period of time. City Centre locations are encouraged by Aberdeen City Council as noted within APG `Serviced Apartments` (extract above), therefore it would be accepted that a city center location such as Mearns Street would be an acceptable and encouraged location for such accommodation.

7. Representations

Two objections were submitted. Concerns exist regarding their validity and accuracy:

- One objection lacks a full address and does not specify the application.
- The second lists an address inconsistent with the Landlord Register.

The applicant attempted to contact one of the objectors without success, and the property appears unoccupied.

No evidence links any existing STL at the development to antisocial behavior. Any antisocial behavior would constitute a breach of STL license conditions and could be addressed immediately.

Speculation regarding "party flats" is unfounded and inconsistent with the responsible management record of the existing licensed STLs, all operated by a reputable agent with established safeguards.

8. Support from Property Management

A letter of support has been provided by the Property Manager (Newton Property) and attached to this report. They confirm that the applicant has consistently contributed to maintenance duties, including waste removal and the general upkeep of communal areas, improving the development's safety and reducing costs for residents.

9. Existing Residential Turnover and Business Use

21 of the 46 units are registered as rental properties, demonstrating that high turnover is normal within this location.

Companies House records indicate numerous businesses registered to numerous addresses within the building.

Short-term letting is therefore consistent with existing patterns of occupation and commercial activity.

10. Expected Occupancy

The primary users will be visiting artists associated with the Tattoo Studio, typically 1–2 adults.

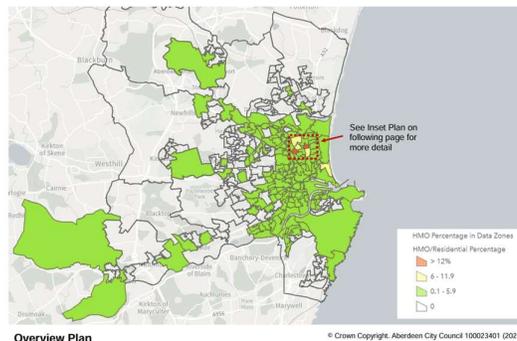
According to The Scottish Governments `Statistics on short-term lets in Scotland` occupancy rates on average within Scotland were 43% in 2023. Aberdeen may be above this average and the website Airbtics suggests on average occupancy within Aberdeen is 60%.

Short term letting occupancy is seldom continuous, and industry norms suggest average occupancy of between 43 – 60%. It is therefore unreasonable to assess impacts based on theoretical maximum occupancy.

11. HMO and STL Policy Considerations



Appendix 1 – Snapshot of Small Data Zone HMO Concentrations (Summer 2023)



The application site sits within the Small Data Zone identified as `Hanover South` and this area is identified above with extracts from the Small Data Zone for Aberdeen.

Hanover South, covers a large area as identified in orange above.

Within the HMO planning guidance referred to within the report of handling the maximum % of an area relates to the Small Data Zone, not the floor level or block.

Neither STL nor HMO guidance sets any maximum percentage threshold for STLs per block or per floor. The 20% figure referenced in the refusal has no basis in adopted policy.

When applying the planning authority's own occupancy methodology, the potential total STL occupancy equates to approximately 10.68% of the building's originally approved capacity, substantially lower than concentrations accepted elsewhere in the city.

Admitted that only 46 of the proposed 49 flats were actually constructed but the development when approved was expected to contain a higher number of residents.

12. Compliance with Relevant Planning Policies

The proposal accords with:

- ALDP Policy H2 (Mixed Use Areas)
- ALDP Policy D1 (Quality Placemaking)
- ALDP Policy 27 (Business and Employment)
- ALDP Policy VC1 (Vibrant City)
- ALDP Policy VC4 (City Centre and Retail Core)
- NPF4 Policy 6 (Business and Employment)
- NPF4 Policy 14 (Design, Quality and Place)
- NPF4 Policy 27 (City Centre and Urban Areas)
- NPF4 Policy 28 (Mixed Use Areas)
- NPF4 Policy 30 (Tourism)
- Aberdeen Planning Guidance Short-Term Lets
- Aberdeen Planning Guidance Serviced Apartments

13. Conclusion

The refusal decision is not supported by policy, evidence, or precedent. The development's design and location significantly minimize any potential for disturbance, the surrounding area is commercial and active in character, and the proposal supports a long-standing local business. No evidence demonstrates harm to amenity or security.

The Local Review Body is therefore respectfully invited to overturn the refusal and grant planning permission for the change of use to a short-term let at 45 Mearns Street.

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Change of use of flat to short term let accommodation with maximum occupancy of 4 people at 45 Mearns Street, Aberdeen, AB11 5ER

I am writing in support of the above planning application and local review body appeal.

I am the Property Manager for Newton Property Management Ltd, the property factor for the 46-flatted development at Mearns Street, Aberdeen, where the above property is located.

I have known Mr. Richard Pinch, the owner of Richard's Tattoo Studio, since his point of ownership and would like to highlight his continued assistance and positive contribution to the overall upkeep and management of the development.

Richard regularly visits the development, which sits between his studio and workshop. He consistently ensures that the development, communal areas and shared bin area are well maintained while reporting these issue directly to myself.

Since Richards point of ownership, Richard has frequently gone above and beyond; removing bulk waste items and rubbish that were abandoned at the bin area, assisting with cleaning in the communal stairwells and external areas and most recently, removal of two abandoned ovens left by the bins. These actions are greatly appreciated by both the residents and our management team.

It should be noted that rubbish, waste and abandoned items have no connection to Richard or his properties. Nonetheless, he continues to show great care for the appearance and maintenance of the development, regularly reporting issues to us and offering assistance where possible. His efforts have directly contributed to avoiding unnecessary contractor call-outs and his proactive approach has helped reduce costs for all owners.

In light of his helpful and responsible attitude and ongoing support for the development, I fully support the proposed change of use for No. 45 to a short-term let property. I have no doubt that Richard will manage this in the same considerate and thoughtful manner he has shown over the years.

Yours faithfully,

Yours sincerely,

Lewis Gardiner
Property Manager
For and on behalf of Newton Property Management Ltd.

