



## Strategic Place Planning

Report of Handling by Development Management Manager

<b>Site Address:</b>	Flat B, 103 Menzies Road, Aberdeen AB11 9AN
<b>Application Description:</b>	Change of use of flat to short-term let accommodation with maximum occupancy of 2 people
<b>Application Ref:</b>	250842/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	7 August 2025
<b>Applicant:</b>	Mrs Camelia Ipimahi
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council:</b>	Torry

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site relates to a ground floor flat within a traditional three-storey terraced tenement building containing five properties. The building has a north-west facing principal elevation that fronts onto Menzies Road, with Wellington Road set some 25 m to the west. To the rear sits a shared garden. The building is bordered by other tenement properties to the north and south. The property is accessed from a communal hallway shared with Flat A and comprises a bedroom and kitchen to the rear, a living room to the front and a central bathroom. Of the other four properties within the building, three are understood to be under mainstream residential use and one, Flat C, which spans the first floor, is in established use as a House in Multiple Occupation (HMO) property for up to five occupants.

#### **Relevant Planning History**

- None - however, flat C, which spans the first floor has an existing licence for a HMO, for up to five occupants.

### **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 and no maximum stay limit. The property would be operated as an STL on a permanent basis. Customers of the property would have access to available on street parking out with any controlled parking zone. The supporting checklist states that cleaning would take place after each check out and that waste would be disposed of in the existing domestic communal bins.

### **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=T0MK53BZLGY00>

- STL Checklist

### **CONSULTATIONS**

#### **Aberdeen City Council (ACC) Internal Consultees**

- **ACC - Roads Development Management Team** – No objection or concerns with the proposal. The site is located in the outer-city boundary and not in a Controlled Parking Zone (CPZ). There is no parking associated with the site and none is proposed, both the current and proposed uses would have similar parking requirements. The site is near public transport and is within walking distance of the city centre, and both the train and bus station. As the premises would now be classed as a business, it should be noted that no bins can be stored on the public road and that the existing bins which are for residential use cannot be utilised, unless through agreement with Council Waste Services.
- **ACC - Waste and Recycling** – No objection. The proposed development is classified as commercial and would therefore receive a business waste collection. Customers of the STL could continue to utilise existing communal domestic general waste and recycling bins situated on-street through agreement with the Council.

#### **External Consultees**

- **Torry 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.

### **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 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 30 (Tourism)

#### **Aberdeen Local Development Plan 2023**

- Policy D1 (Quality Placemaking)
- 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
- 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 Determining Factors**

The key determining factors in the assessment of this application is whether the proposed use of the property as a short-term let (STL) would adversely affect the amenity of the area – in particular the amenity of the occupants of the neighbouring mainstream residential flats within the remainder of the flatted building. This aspect of the proposed change of use, along with all other material considerations, is assessed below.

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

#### **Policy context**

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.'

The Council's Short-Term Lets Aberdeen Planning Guidance (APG) sets out that the following matters will be taken into consideration in the assessment of planning applications for Short-term let accommodation with respect to their impact on character and amenity:

- 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.

#### **Impact on amenity of the residents**

The qualities of successful places referred to in Policy 14 (Design, Quality and Place) of NPF4 seeks development to support the prioritisation of women's safety and improving physical and mental health. Policy D1 (Quality Placemaking) of the ALDP seeks development to be safe and

pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy and in terms of noise.

The property shares an entrance door and stairwell with three residential flats and a HMO unit. The ground floor has a residential flat located opposite the application dwelling, the first floor accommodates an HMO property which spans the floor, and two residential dwellings are located on the top floor. There is a shared garden to the rear, which serves the block. The change of use from a flat to STL accommodation could result in increased harm to the amenity of the neighbouring dwellings beyond that which would typically be expected from a property in mainstream residential use if the impact from the following issues would be significant:

- The potential for noise transmission from customer activities within the property through the floor, ceiling and walls, in the communal stairwell and shared garden, particularly in the quiet and sensitive late evening and early morning periods – especially if used as a ‘party flat’.
- The potential for the disturbance of privacy and the impact on safety and security, whether actual or perceived, resulting from the use of the property by transient persons unknown to the permanent residents of the adjacent flats.

The Short Term Lets Aberdeen Planning Guidance also states:

*‘Where a proposal relates to the use of a flat as an STL, 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. When assessing cumulative impacts for proposals relating to the use of a flat as an STL, account will also be taken of any existing Houses in Multiple Occupation (HMOs) within the building and their total occupancy levels. 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.’*

As such, the impact on amenity takes into account the cumulative impact as a result of both the proposed STL and the existing HMO in the building on the remaining residential flats.

In itself, the proposed STL is fairly small sized, c. 40sqm floorspace one bedroom flat with a stated maximum occupancy of two people at any one time, and a minimum stay of two nights. However, noting the existing HMO property on the first floor, what needs to be considered is the cumulative impact the proposed STL combined with the existing HMO property would have on the permanent residents of the building. Traditionally, a building of this type, would typically allow for low number of occupants in each flat (likely to be two persons per flat).

The existing HMO property allows for five unrelated non-permanent occupants within the building, whilst this is existing, the addition of an STL property, would increase this to seven individuals. This would allow for a greater number of unrelated, non-permanent individuals within the building than those of permanent residence, which is likely to be no more than six persons (up to two people per remaining three flats). Further to this, owing to the nature of the STL, there would also be cleaners attending after each stay, further increasing the comings and goings of the building. The cumulative impact of seven transient guests, combined with ad-hoc cleaners attending, would significantly increase the number of individuals utilising the communal area of the building, particularly the entrance hallway and also the rear garden for those staying in both properties.

The activity from such a number of transient residents/guests would be likely to result in significant levels of noise transference to the other residential dwellings. This would be particularly impactful on the Ground Floor Left (Flat A), as there would be a HMO property directly above it and an STL directly across from it on the ground floor, increasing the impact of noise and disturbance and adversely impacting the amenity afforded to the permanent occupant(s). The change of use would thus increase the existing number of transient residents/guests from five to seven, therefore, further impacting the amenity afforded to the neighbouring residential flats in terms of noise emissions.

In terms of the potential for the disturbance of privacy and the perceived impact on security, and particularly in the context of supporting the prioritisation of women's safety, whilst the proposed STL would have a total of two occupants, the combined impact of seven unrelated, non-permanent, individuals utilising the communal areas would increase the level of movement and noise within these areas and would adversely impact on the sense of security and safety for those in permanent residence, given the possible numbers at any one time in the context of a flatted building; introducing a total of seven unknown transient persons where each of the other flats in the building would be expected to accommodate only one or two permanent residents.

The proposed change of use of the property from a residential flat to STL accommodation with a maximum occupancy of two people, owing to the presence of a five person HMO on the first floor, would conflict with, or could cause nuisance to, the enjoyment of existing residential amenity. The proposal thus conflicts with Policies 14 and 30(e)(i) of NPF4 and D1 and H1 of the ALDP and the Short-term Lets Aberdeen Planning Guidance.

#### Impact on Character of the Neighbourhood or Area

In terms of Paragraph e) i. of Policy 30, the area around the property is predominantly residential in character and is zoned as such in the ALDP. However, the property is located some 500 m south-east of the Torry Town Centre, with Wellington Road located 25 mm to the west, providing routes into the City Centre. Furthermore, the property is in close proximity to a bridge leading to the city centre, as well as mixed use areas and business zones. Therefore, although the east side of the bridge is predominantly residential, a certain level of noise can be expected from heavy traffic using Wellington Road, and Menzies Road is therefore not as quiet as other areas within the residential area as you move towards the centre of Torry. The proposed change of use would result in an increase in the comings and goings from the property by up to two guests, as well as cleaners. The increase in comings and goings from the proposal individually, and cumulatively alongside the existing HMO in the block, would not have a significant impact on the wider residential character of Menzies Road. However, as above, the proposal would have a significant adverse impact afforded to the amenity of the residential flats in the building.

#### Provision of short-term let tourist accommodation and local economic benefits

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.'*

Further to this, Policy VC2 (Tourism and Culture) of the ALDP supports proposals for visitor facilities capable of strengthening the appeal and attraction of Aberdeen to a wide variety of visitors. Proposals should complement existing facilities and be sequentially located in the city centre. Whilst it is recognised that the proposal is not located in the city centre, it is acknowledged that the site is located some 300 m to the city centre boundary, and a 15 minute walk to the train station and a 20 minute walk to the city centre. Menzies Road also sits on a main bus route leading to the city centre. Acknowledging its sustainable location and accessibility from the city centre, the small scale of the proposal and there are currently few properties in and/or proposed to be in STL use in the area, on balance, the tension with Policy VC2 (Tourism and Culture) of the ALDP would not be to a degree that constitutes a reason to refuse. This is because it would not undermine the sequential spatial strategy to direct visitor facilities into the city centre by any significant degree.

### 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 APG.

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).*

As such, had the planning authority been minded to grant planning permission, to prevent the loss of a housing unit on a permanent basis, it would have been necessary to grant planning permission for a time-limited period of five years, which is the time period between the publication of Housing Need and Demand Assessments. This would have been to:

- 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 and 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 situated in a residential area which is 300 m from the city centre boundary and an approximately 20 minute walk to Union Street (1.6 km in distance) via a direct route along the A956 and South College Street. Although it would be possible to walk into the centre, the property sits close to a bus route into the centre which would provide sufficient alternative public transport. Guests would be able to use available on-street parking and it is considered that the proposed STL use would likely generate a similar level of car parking demand as the existing residential use. Whilst overspill parking from this property may be possible in unrestricted parking areas on streets in the vicinity, this could also occur should visitors to permanent residents choose neighbouring streets to park, or residents from further afield themselves choose to avoid parking fees by parking elsewhere. As such, the impact through displacement parking is not likely to be significantly higher than the current level and would not be a reason for refusal.

The proposal would thus have a negligible impact on parking provision in the area and the local transport network. The ACC Roads Development Management Team has raised no concerns. The proposal therefore complies with Policies 13 (Sustainable Transport) of NPF4 and T2 (Sustainable Transport) and T3 (Parking) 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, the Council's Waste and Recycling Service has advised that the customers of the STL could utilise the existing domestic general waste and recycling bins, via on-street bins on Menzies Road, until commercial status can be determined. This arrangement could be continued if entered into an agreement with the Council. The applicant could fulfil commercial waste requirements by 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. The applicant has indicated that any waste generated from the property will be managed by the cleaning contractor after each guest stay. Therefore, waste and recyclables generated by customers of the property can be adequately stored and collected, 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 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 change of use to short term let accommodation with a maximum occupancy of two people, when combined with the existing house in multiple occupation (HMO) property that accommodates five people, would have a significant cumulative adverse impact on the amenity afforded to the neighbouring residential flats in the building in terms of noise, disturbance, as well as adversely affecting actual or perceived safety and sense of security, with consideration for the prioritisation of protecting women's safety. These impacts would cumulatively be exacerbated because Flat C, 103 Menzies Road, which spans the first floor, is already in use as a HMO property, the addition of two further transient people would exacerbate this in terms of the total number of unrelated, non-permanent/transient persons in the building. This would be particularly impactful on the flat on the ground floor, Flat A, 103 Menzies Road, which would have a short term let unit across from it and

a HMO property directly above it. The proposal therefore conflicts with Policies 14 (Design, Quality and Place) and Policy 30 (Tourism) of National Planning Framework 4, H1 (Residential Areas) and D1 (Quality Placemaking) of the Aberdeen Local Development Plan 2023, and the Short-Term Lets Aberdeen Planning Guidance. There are no material considerations that would justify approval.