



## Strategic Place Planning

Report of Handling by Development Management Manager

<b>Site Address:</b>	Attic Floor Flat, 440 Auchmill Road, Aberdeen AB21 9NN
<b>Application Description:</b>	Change of use of flat to short-term let accommodation with maximum occupancy of 4 people
<b>Application Ref:</b>	250701/DPP
<b>Application Type:</b>	Detailed Planning Permission
<b>Application Date:</b>	7 July 2025
<b>Applicant:</b>	Sparks Homes Aberdeen Ltd
<b>Ward:</b>	Dyce/Bucksburn/Danestone
<b>Community Council:</b>	Bucksburn And Newhills

### **DECISION**

Refuse

### **APPLICATION BACKGROUND**

#### **Site Description**

The application site relates to a top (second) floor flat within a 2.5-storey tenement building on the corner of the junction of Auchmill Road, Great Northern Road and Haudagain Bypass, with a north-facing principal elevation fronting onto Auchmill Road, directly onto the pavement. Residential properties bound the site to the west and south. The site is accessed from the south from Manor Drive, with a driveway leading into the rear of the site. The building accommodates four flatted properties. One is located on the ground floor, accessed via the front door from Auchmill Road. Two flats sit at first floor level and one is on the second floor, all of which are accessed from the rear curtilage through a communal door at first floor level, which is accessed using external stairs. The rear curtilage largely comprises an area of hardstanding for parking, with sheds along the western boundary and garage outbuildings along the eastern boundary. The communal garden comprises an area of grass set c. 16 m south of the building and a smaller area in the northeast corner of the site with a bench. The application property has a floor area of c. 80 sqm and comprises four bedrooms, a bathroom and a living room/kitchen. The other properties in the building are understood to be in permanent residential use and there are no properties in the building (or this post code) licensed as either a short-term let or a house in multiple occupation. A building warrant was approved (ref. 250475) in August 2025 to reduce the size of the living room to introduce an additional bedroom, taking it from a three to a four bedroom property.

#### **Relevant Planning History**

- None

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the proposed change of use of the property from a residential flat to short-term let (STL) accommodation (both sui generis) with a maximum occupancy to be for four persons at any one time with a minimum stay of three nights and no maximum stay limit. The property would be operated as a STL on a permanent basis. Customers of the property would have access to an allocated private parking space within the site. Cleaning would be undertaken after check outs. Waste storage and collection arrangements have not been specified.

### **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=SYTTOSBZKH400>

- 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 and outwith any area of controlled parking measures. The site is well served in terms of public transport in and out of the city centre. There is provision for one parking space to the rear and no scope for indiscriminate parking on Auchmill Road. No bins can be stored on the public road.
- **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. Further information regarding business waste requirements is included for the applicant to be aware of.

### **External Consultees**

- **Bucksburn and Newhills 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. The main consideration in the assessment of this application relates to the amenity impact from the shared entrance and vestibule with two relatively small neighbouring flats, being half the size of the application property and the impact from the use of the property sitting above these two flats, which would be used by groups of unknown transient persons. 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 and 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*

The application site is zoned on the Proposals Map of the Aberdeen Local Development Plan 2023 (ALDP) as Policy H1 (Residential Areas). This policy states that 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 at the edge of a residential area, surrounded by similar properties to the south and west. To the north and east, there are mixed use areas including a mix of business and industrial sites, which are separated from the site by Great Northern Road and Haudagain Bypass. As such, whilst the site is on a fairly residential street, a certain level of noise and activity can be expected from travel along Great Northern Road, given that the A96 is a main arterial road through Aberdeen and the nearby businesses are targeted for car users travelling along this road.

The use of the application property as an STL would require access by transient guests and cleaners after each visit, presenting an increase in activity and coming and goings, compared to mainstream residential use. The property comprises a sizeable c. 80 sqm four-bedroom flat which spans the entirety of the second floor and the proposed change of use would introduce a maximum of four unknown guests to the building at any one time. Given the size of the flat relative to the others sharing communal access, the increased comings and goings from guests would somewhat change the quiet residential character of this block of flats, particularly given the shared residential nature of the entrance vestibule and its location within the block, requiring guests to pass through the building to access the property.

Although the proposed use would impact on the character of the residential block of flats itself, given that 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, 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. The main consideration for the determination of this application is thus the amenity impact on the immediate neighbouring properties sharing a communal entrance and access with the application property.

In terms of impacts on amenity, the qualities of successful places referred to in Policy 14 (Design, Quality and Place) of NPF4 seeks development to be designed to be healthy, through supporting 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 vestibule with two smaller properties on the first floor via the stairs to the rear which are understood to be in use as mainstream residential flats. In general, it is considered that the change of use of properties to STL accommodation 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 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 impact on safety, whether actual or perceived, resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

The impact on amenity from the change of use to STL accommodation would arise from the detrimental impact on the safety and security, either actual or perceived, and the potential disturbance to the privacy of the occupants resulting from the property sharing a doorway and vestibule with two relatively small flats which are approximately half the size of the application property, as well as the increased probability of noise and activity level from the use of the property.

The full-time STL would be occupied solely by transient non-residents, in addition to cleaners occupying the spaces after each visit, thus presenting activity and comings and goings by frequently changing people unknown to the residents in the neighbouring flats, compared to if it were to revert to mainstream residential use. The internal communal vestibule leads from the external stairs and comprises a small area adjacent to the private doors to the neighbouring flats, with internal stairs leading up to the application property, resulting in guests passing through the building for access. As such, a larger group of up to four, frequently changing, transient persons staying on a non-residential basis would introduce an adverse impact on the amenity of this space, particularly on the sense of safety and security for the neighbouring residents, as well as potential increased noise transmissions from comings and goings from guests and cleaners. The neighbouring flats, due to their size, could be expected to be occupied by one or two permanent residents and the presence of this larger group of unknown persons would thus be more greatly felt and experienced. With respect to Policy 14 b) of NPF4, prioritisation for women's safety should

be considered where, in a case such as this, women could be living alone in one of the small properties, for whom the presence of a group of four unknown guests could introduce a greater impact on their sense of safety.

The application property comprises a large flat in the context of the tenement building, spanning the entirety of the second floor and comprises four bedrooms and a c. 21sqm living/kitchen area which would form the main social space for guests staying at the property. There is thus potential for increased noise from the use of this space by up to four adults compared to how it could be expected to be used as a permanent residence. Due to the top-floor location, when the property is in use, noise transmission would very likely be heard in the two flats below, impacting on the amenity of both remaining flats in the block.

As noted in the submitted Supporting Statement the property could be expected to be occupied by a similar number of people as used as a permanent residential property. However, as a mainstream residential flat (as opposed to an HMO which is a materially different use), this would be four persons related to each other (i.e. a family), as opposed to a group of up to four adults staying on a non-residential basis. The concern arises from the shared nature of the internal vestibule used by groups of unknown guests in the property, and the relative size of the two properties sharing this communal access, which will impact on their sense of safety and security and on the quiet residential nature of the block of flats, particularly in the context of supporting the prioritisation of women's safety and be likely to have increase noise emissions. The additional comings and goings from a group of up to four adults and cleaners would exacerbate the amenity impacts experienced for these smaller properties. There is additionally the risk, given its overall size and the proposed number of occupants visiting on a non-residential basis, that it could be used by larger groups and the greater likelihood of parties being hosted in the property, compared to its use as a mainstream residential flat of four persons related to each other (i.e. a family).

The site shares some external amenity areas including a grassed area to the rear and a section adjacent to the garage for sitting out in. The main area of grass is used as a drying green and while there is space to sit out in it, it is set back c. 16 m from the rear of the building, behind some vegetation and bushes and as such, when in use, it would likely not result in noise or privacy harm to the neighbouring properties. It is not anticipated that customers staying at the property on a short-term basis would be likely to use the outdoor communal areas for any significant periods of time and when used, it is considered that the configuration of these spaces would not result in adverse harm. The amenity impacts anticipated for the use of this property as a short term let are therefore confined to the internal use of the building.

the adverse impact on the sense of security, safety and privacy, with due consideration for the prioritisation of women's safety, whether actual or perceived, from having to share an entrance and small communal vestibule solely with the unknown transient guests and cleaners of the STL unit, as well as disturbance to the residential occupants of the neighbouring properties from the comings and goings and use of the property, would be to the detriment of their residential amenity. This is contrary to Policy 30(e)(i) of NPF4 and it has not been demonstrated that the proposal would avoid direct conflict with the adjacent land uses and amenity, in this case, the residential amenity of the neighbouring property. Therefore the proposal is also contrary to Policies 14 of NPF4, and H1 and D1 of the ALDP.

#### Local economic benefits from provision of short-term let tourist accommodation

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish

Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 states:

*'Short-term lets make an important contribution to the tourist economy because they can:*

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*
- b) offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the a festival or golf tournament).'*

Although it is not possible to precisely quantify or demonstrate the local economic benefits that would be derived from the use of the application property as an STL, as required by Policy 30(e)(ii) of NPF4, given the likely use of the property by tourists and/or business travellers it is envisaged that customers of the property would be likely to spend money in the local tourism and hospitality sectors, to the benefit of those businesses. This is backed up in general terms by the Scottish Government's 'Research into the impact of short-term lets on communities across Scotland' publication, produced in October 2019, which states in Key Findings - Chapter 5:

*'The positive impacts of STLs most commonly identified related to the local economic impacts associated with the tourism sector.'*

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.'*

Given that the proposal would comprise a tourism facility that would not be in the city centre (sitting c. 4 km from the city centre boundary), the proposal would have tensions with Policy VC2 (Tourism and Culture) of the ALDP. There is a small neighbourhood centre 180 m to the east forming Haudagain Retail Park, mainly comprising larger drive-through fast food businesses, a couple of shops and a petrol station to accommodate drivers using the A96. The application site sits c. 3 km from TECA as a tourist hotspot, requiring to be accessed via bus or car, with more suitable alternative accommodation sitting closer to this complex. The proposal is therefore not considered to be appropriately located to support local business and amenity due to the type of services nearby which would outweigh the harm to the residential amenity of the neighbouring properties. The proposal is therefore considered to be contrary to the aims of Policy VC2 of the ALDP in that it would undermine the sequential spatial strategy to direct visitor facilities into the city centre.

## Loss of 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 units 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 wider 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).*

If this application were to have been approved, the grant of planning permission for the use of the property as an STL on a permanent basis would have resulted in the permanent loss of residential accommodation in a sustainable location. As such, it would have been considered necessary in this instance to attach 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 and accessibility**

Policy 13 (Sustainable Transport) on NPF4 and Policy T2 (Sustainable Transport) of the ALDP both promote and encourage the use of sustainable and active modes of travel where possible, as

opposed to private vehicle trips. Policy T3 (Parking) of the ALDP is supportive of low or no car development in suitable locations where there is adequate access to active travel and public transport options.

The application property is situated in the outer city and is accessible via a bus route on Great Northern Road to the airport (25 minutes) and city centre (20 minutes). It is anticipated that the majority of customers staying on a short-term basis would be tourists or business travellers, some of whom may arrive in the city by plane, train or bus. However, due to the location of this property outwith the city centre, it is considered that guests of this property would be more likely to travel by car than an STL located in the city centre or near other visitor hotspot areas, as it located outwith readily accessible and convenient local services and amenities.

The site has allocated parking to the rear for use by visiting guests and while it is not in the city centre, the property is accessible via bus routes to the city centre. The proposal is therefore generally compliant with Policy 13 of NPF4 and Policies T2 and T3 of the ALDP 2023. However, it is acknowledged that there are more appropriate locations in the city centre or near visitor demand areas for short-term let accommodation which would be more readily accessible via sustainable modes of transport, as well as more compatible with the sequential space strategy and aims of Policy VC2 of the ALDP for tourist accommodation.

### **Waste Management**

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials. The property would be a business and would therefore not pay Council Tax, and as such commercial waste would be required for the property.

ACC - Waste and Recycling has 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 and an advisory note has been added for the applicant to be aware of in relation to entering into the required business waste contract with the Council 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 proposal is compliant with Policies 1 and 2 of NPF4. The proposed development would be of a scale and nature whereby it would not offer the opportunity for any biodiversity gain.

Whilst there is some minor tension with Policy 3 of NPF4, the tension is not to a degree that constitutes a reason to refuse the application.

## **DECISION**

Refuse

## **REASON FOR DECISION**

The 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 flats. This is because the occupants of the neighbouring flats would have to share the communal entrance and vestibule 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 small size of the vestibule, close proximity of the private entrances of each property and the small size of those flats relative to the application property, with consideration for the prioritisation of protecting women's safety, this would result in a significant adverse impact on the sense of security, safety and privacy, whether actual or perceived, of the residents of the neighbouring flats. The comings and goings of a group of up to four adults and cleaners traversing through the building and using the property would likely increase noise disturbance compared to the existing use as a mainstream residential flat. The relative size of the four-bedroom flat compared to the neighbouring flats would result in the proposed short-term let use impacting on the quiet residential character of the building and worsening the amenity impacts experienced by the occupants of the neighbouring flats, in conflict with Policies 14 (Design, Quality and Place) of National Planning Framework 4 (NPF4) and Policies D1 (Quality Placemaking) and H1 (Residential Areas) of the Aberdeen Local Development Plan 2023 (ALDP).

The property is located in a residential area and does not offer accommodation within or close to the city centre, with the nearest tourist hotspot being TECA, located 3 kilometres to the northwest. It thus conflicts with the aims of Policy VC2 (Tourism and Culture) of the Aberdeen Local Development Plan 2023 in that it would undermine the sequential spatial strategy to direct visitor facilities into the city centre.

As such, the local economic benefits to the tourism and hospitality sectors are not considered sufficient to outweigh the loss of amenity to neighbouring residents. The proposed use is therefore contrary to Policy 30 (Tourism) of NPF4.