

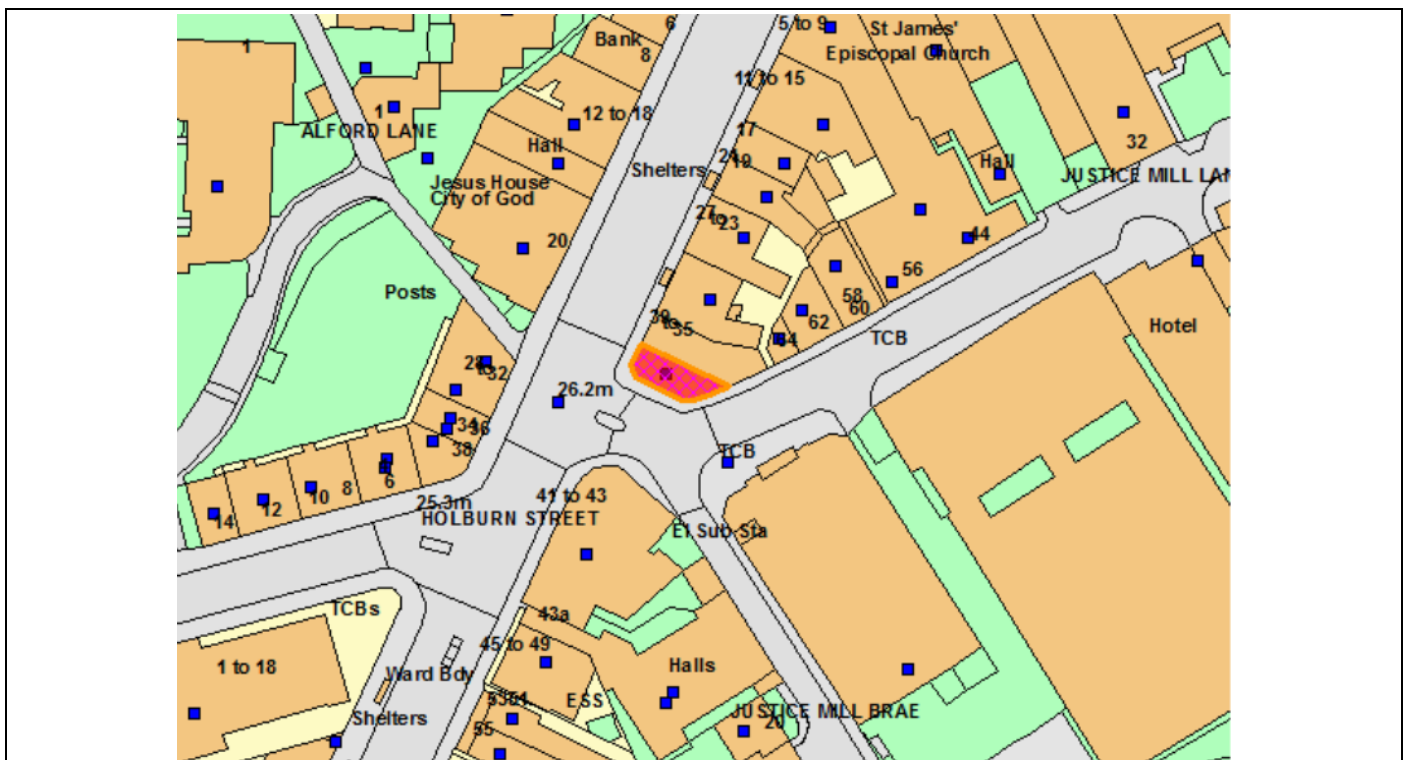


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 20 June 2024

<b>Site Address:</b>	Flat F, 37 Holburn Street, Aberdeen AB10 6BS
<b>Application Description:</b>	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 4 people
<b>Application Ref:</b>	240227/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	27 February 2024
<b>Applicant:</b>	L7 Property LTD
<b>Ward:</b>	Torry/Ferryhill
<b>Community Council:</b>	City Centre



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## **RECOMMENDATION**

Approve Conditionally.

## **APPLICATION BACKGROUND**

### **Site Description**

The property is a residential flat on the third floor of a 4-storey traditional granite tenement (with a small fifth turret storey), which comprises six flats across the first, second and third floors above a pub on the ground floor. The property is towards the south-western edge of the city centre and lies on a thoroughfare into Union Street. The street is characterised by residential tenements with retail and food/drink uses on the ground floor. In addition, there are standalone non-residential uses nearby, including a gym, church, and hotel. The property is on a street corner and is accessed via Holburn Street running along its western boundary; to the south runs Justice Mill Lane; to the east are the rears of neighbouring properties on Justice Mill Lane; and to the north is an adjoining tenement.

The property is within a Controlled Parking Zone (CPZ) and waste is managed through communal domestic street bins.

The flat shares a landing with another flat and comprises 2 bedrooms, a kitchen/living room, bathroom and hallway. It is single aspect towards the west with views onto Holburn Street. At first floor level, the property has access to a communal roof terrace with views over Justice Mill Lane.

### **Relevant Planning History**

None.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

It is proposed to change the use of the residential flat to short-term let with a maximum occupancy of 4 people. The property would be let out for a minimum of 3 nights with access facilitated by a key lockbox. There would be no alteration to existing parking arrangements. Waste would continue to be managed through the communal domestic street bins until the commercial status of the property was determined.

### **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=S9IMTWBZKLK00>

STL Checklist

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because it is being recommended for approval and has been the subject of six or more timeous letters of

representation that express objection or concern about the proposal, in accordance with paragraph 2.a) v. of the Consolidated Schemes of Delegation for Planning and Related Applications.

## **CONSULTATIONS**

**Aberdeen City Council (ACC) - Roads Development Management Team** – No objection. Has advised that 1 parking permit is available to the property within the CPZ, and that should the application be approved, the correct business permit will be required.

**ACC - Waste and Recycling** – No objection. Has advised that the current communal domestic street bins may be used until the commercial status is determined. They further advise of the requirements under The Waste (Scotland) Act 2012 that apply to all businesses regarding separation of waste for recycling and the storage and uplift of commercial waste.

**City Centre Community Council** – No comment received.

## **REPRESENTATIONS**

A total of 6 written representations (6 objections) has been received. The matters raised can be summarised as follows:

- a) Intensification from what was originally a 1-bedroom flat;
- b) Negative impact on noise and resident safety through access to communal stairwell;
- c) Objection to the fitting of a keysafe without permission, indicating that future amenity issues arising from the development would not be addressed;
- d) Negative impact on insurance;
- e) Negative impact on property values and leasing marketability;
- f) Negative impact on housing supply;
- g) Negative impact on parking availability;
- h) Negative impact on privacy from use of the communal roof terrace;
- i) Potential negative impact on operations of the neighbouring pub below the tenement;
- j) Negative impact on waste facilities and their capacity;
- k) Excessive clustering of short-term accommodation facilities in the area (with reference to Park Inn hotel and the recent conversion of Skene House from serviced short-term accommodation to mainstream residential use).

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that, where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise. Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

### **Development Plan**

National Planning Framework 4

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 14 (Design, Quality and Place)
- Policy 27 (City, Town, Local and Commercial Centres)
- Policy 30 (Tourism)

### Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy H2 (Mixed Use Areas)
- Policy VC1 (Vibrant City)
- Policy VC2 (Tourism and Culture)
- Policy VC4 (City Centre and Retail Core)
- Policy VC6 (West End Area)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

### **Aberdeen Planning Guidance**

- Short-term Lets

### **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](#)

### **Other Material Considerations**

- City Centre Masterplan

### **EVALUATION**

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

Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4) states:

*a) Development proposals that enhance and improve the vitality and viability of city, town and local centres, including proposals that increase the mix of uses, will be supported.*

*c) Development proposals for non-retail uses will not be supported if further provision of these services will undermine the character and amenity of the area or the health and wellbeing of communities.*

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*

Policy VC1 (Vibrant City) of the ALDP states:

*Proposals for new development, or expansion of existing activities, in the city centre, which support its vibrancy and vitality throughout the day and/or into the evening will be supported in principle.*

*Proposals will contribute towards the wider aims of the City Centre Masterplan and its vision for the city centre.*

*The applicant/agent must demonstrate that any adverse impacts can be mitigated and, where applicable, that suitable residential amenity is achieved or maintained.*

The application site lies in the West End Area as shown on the ALDP Proposals Map. ALDP Policy VC6 (West End Area) states:

*Applications for all development, including changes of use, must take into account existing uses and avoid undue conflict with the adjacent land uses and amenity.*

The application site lies within a Mixed Use Area, as zoned in the ALDP Proposals Map. Policy H2 (Mixed Use Areas) of the ALDP also requires all new development in such areas to take into account the existing uses and character of the surrounding area and to avoid direct conflict with adjacent land uses and amenity.

Relevant to these considerations and others are the general principles of placemaking, which are elaborated in Policy D1 (Quality Placemaking) of the ALDP. Policy D1 requires all developments to demonstrate the six essential qualities of successful places: to be distinctive, welcoming, safe and pleasant, easy to move around, adaptable, and resource-efficient. Policy 14 (Design, Quality and Place) of NPF4 sets out similar criteria which do not conflict with those of Policy D1. The proposal is of a character and scale such that it does not conflict with the criteria to be distinctive, welcoming, or resource-efficient. The criteria to be safe and pleasant, easy to move around and adaptable will be considered in further detail through the evaluation.

#### Contribution towards the vitality, viability and vision for the city centre

The City Centre Masterplan (CCMP) identifies culture and tourism as contributing towards the vitality and vibrancy of the city centre, particularly in terms of creating visitor attractions and events that bring people into the city centre, comprising both local residents and tourists from further afield. In order to facilitate tourism to the city centre, it is important to ensure that a variety of different types of tourism accommodation are available and Short-Term Lets are one such type of accommodation that can be preferable to certain types of tourist or business traveller than a traditional hotel or guesthouse arrangement. It is thus considered that the provision of additional tourist accommodation within the city centre is compliant with the vision for the city centre as set out in the CCMP, and that the accommodation would likely provide benefits to the city centre hospitality sector,

including the evening economy. Thus, the proposed change of use is generally compliant with the requirements of Policies 27(a) of NPF4 and VC1 of the ALDP.

### Impact on character and amenity of the area

The application property is situated within the city centre, as zoned in the ALDP Proposals Map. At ground floor level along the eastern side of Holburn Street are various shops, salons, bars and restaurants. Bars and takeaways are also nearby on Justice Mill Lane to the east of the property, and nearby are two churches, a gym, hotel, and offices. As a result, the surrounding area contains a wide mix of uses, including potentially noisy evening uses, as well as a high level of through-road traffic; thus, the area is significantly more vibrant and noisier than a typical, quiet suburban residential street.

Concerns have been raised in a letter of representation that the development would contribute to an excessive clustering of short-term accommodation uses in the area, with reference in particular to the Park Inn hotel on Justice Mill Lane. The conversion of Skene House opposite the property from serviced apartments to mainstream residential flats in 2023 (application reference 211803/DPP) is cited in the letter as evidence that there has been an unsustainable saturation of short-term accommodation in the area.

The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021 acknowledges that short-term lets make a distinctive contribution in comparison to mainstream hotels, thereby attracting a wider range of tourists, especially those on lower budgets who may not otherwise stay in the area. The change of use to Skene House may indicate that there may recently have been an unmarketable excess of short-term let accommodation in the area, but this is not conclusive. It should be further noted that the 35 serviced apartments at Skene House were not a like-for-like business model in comparison to an equal number of independent short-term let units. As Skene House was a single business, a certain consistent level of occupancy of these units would have been required to achieve a viable business, which may explain its transition into mainstream residential use, rather than clustering per se. There are now far fewer short-term lets in the vicinity and the small-scale character of the development as a single unit with a maximum occupancy of four people would not have a significant impact on the number of short-term let units in the area, nor cause excessive clustering of such uses.

The proposal comprises a two-bed unit with a proposed maximum occupancy of four people at any one time. While occupancy by four people may result in a greater intensity of regular use than may be expected by a 2-bedroom residence in this location, any increase in activity or comings and goings compared to permanent mainstream residential use would be unlikely to have any significant impact on the character of the area, given its busy mixed character. Additionally, no external alterations are proposed, therefore it is considered the character of the area would be preserved.

Policy D2 (Amenity) of the ALDP requires developments to secure sufficient amenity for the property and neighbours in terms of noise, light, and air quality. In terms of impacts on amenity, the property shares an entrance door and stairwell with five other properties in mainstream residential use. In general, it is considered that the use of properties as STLs 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 perceived impact on safety resulting from the use of communal areas (including gardens) by transient persons unknown to permanent residents.

This is supported by The Scottish Government's publication on 'Short Term Lets: Business and regulatory impact assessment' from November 2021, which identifies potential negative impacts of STLs in high-density areas as 'the daily disruption and stress caused by constant "visitor use", rather than residential use – noise, disturbance, buzzers, door knocking, littering, anti-social behaviour, the loss of a sense of community and security where the majority in both the close, and within the wider local community.'

Concerns around noise, anti-social behaviour, safety and privacy have also been raised by letters of representation. In particular, there are concerns that the fitting of a lockbox to the front door without permission indicates irresponsibility on the part of the operator and the possibility anti-social behaviour would not be satisfactorily addressed or prevented, and privacy concerns regarding the roof terrace and a bedroom window in the tenement.

In this instance, the proposed STL is a two-bedroom flat on the third floor, sharing a landing with one other flat, with a stated maximum occupancy of four people at any one time. Being on the third floor, intrusion of guests into the communal residential area would extend almost the full height of the stairwell.

Due to the small scale of this development, it is considered unlikely that the flat would be used for the hosting of parties or other events of an anti-social nature that could harm the amenity of neighbouring properties in terms of noise from activities within the property during the more sensitive late night and early morning periods. Such activities could nevertheless take place in the property if operated as mainstream residential accommodation. Relevant here is the concern raised in a letter of representation that the proposal is over-development of the flat, having originally been a 1-bedroom property converted to 2 bedrooms with an integrated kitchen/living room. There do not appear to have been changes in internal partitions and such works are possible within a residential flat without planning permission. The resulting 2 bedrooms are approximately 14.7 and 8.2 square metres respectively, which are considered sufficient to accommodate 4 persons. Furthermore, the kitchen/living room, at approximately 22 square metres, is of a reasonable size to accommodate up to 4 occupants. As such, there would not be a significant intensification of occupancy relative to residential use.

With regards to the lockbox and the operator, the fitting of the lockbox is not a material consideration to this application and is a civil matter between property owners in the tenement. The fitness and suitability of the operator is not a matter for the planning authority but for licensing, and any anti-social behaviour or excessive noise caused by occupants of the short-term let could be addressed with Police Scotland and/or Aberdeen City Council's Environmental Health team.

The tenement's communal amenity ground is a terrace on the roof of the ground floor pub which extends out to Justice Mill Lane. The sightlines from the terrace are primarily onto the public road or to the rooftops and gables of neighbouring properties to the north. A letter of objection has stated that a neighbouring bedroom looks onto the terrace, with potential impact on privacy. A site visit has found that while windows for habitable rooms do look onto the terrace, these are at a height where there would not be significant impact on privacy caused by users of the terrace looking in. A letter of representation has also raised concerns that plant servicing the pub is located on the terrace and could be subject to misuse. This is a civil matter and not a material consideration to the application. The terrace is mostly hard surfacing with potted plants and a bench, and as such it is not anticipated that customers staying at the property on a short-term basis would be likely to use the terrace for

any significant periods of time, if at all, particularly if the property is used by tourists or business travellers, who would be more likely to be out sightseeing or working during the day.

The application property is situated on the third-floor level of the building. It is therefore considered that the impacts on amenity from the use of the property as an STL would most likely arise from the increased probability of noise emissions affecting the occupants of the other flats, especially Flat 5 on the same landing, from regular arrivals and departures via the hallway, and to the impact on safety and security (either actual or perceived) from the use of the communal entrance and hallway by transient non-residents.

Nevertheless it is considered that the small-scale nature of the application property (with a maximum of four customers when in use and periods of time when the property will likely not be in use), combined with the vibrant and busy context of the surrounding area, would be sufficient to ensure that its use as an STL would not cause any significant harm to the amenity of the neighbouring mainstream residential properties within the building, beyond the impacts to amenity which could occur if the property were to remain in mainstream residential use for 4 inhabitants. Although a reduction in safety and security for the permanent residents in the building resulting from the use of the property as an STL could occur, it is considered that any such reduction would be relatively minor and mitigated by appropriate management of the property – ensuring that the risk of actual harm to safety and security would be low. Appropriate management of the property is a matter for licensing. The granting of planning permission for the application property would result in one of the six properties in the building being in authorised STL use, therefore most flats in the building would remain in mainstream residential use. There are no proposed internal alterations to the property, and so it could readily be reverted to residential use if required, ensuring that it is adaptable under Policy D1 of the ALDP.

It is therefore considered that the use of the property as an STL would not cause significant harm to either the character or amenity of the area, in accordance with Policies 27(c) and 30(e)(i) of NPF4 and Policies D2, VC1, VC6 and H2 of the ALDP. It would further be considered safe and pleasant and adaptable under Policy D1 of the ALDP.

#### Provision of Short Term Let tourist accommodation and local economic benefits

Policy VC2 (Tourism and Culture) of the ALDP states that:

*‘Proposals for new, or expansion of existing, visitor attractions and facilities capable of strengthening the appeal and attraction of Aberdeen to a wide range of visitors will be supported.*

*Proposals should complement existing visitor facilities and be sequentially located in the city centre, or on a site allocated for that use in this Plan, unless activity and locality specific issues demonstrate that this is impracticable.’*

The use of the property as an STL offers a different type of visitor accommodation to hotels and guesthouses that can be more attractive for certain visitors, particularly families and business travellers / contract workers who may be staying in the city for several weeks. The Scottish Government’s publication on ‘Short Term Lets: Business and regulatory impact assessment’ from November 2021 states:

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

- a) offer visitors a unique tourist experience through a host's local knowledge, increasing the attractiveness of Scotland as a place to visit,*



- b) *offer accommodation in places not served by hotels and hostels, for example, and therefore help with dispersal of visitors from "hotspot" areas,*
- c) *offer more affordable accommodation, helping to attract tourists that may have a lower budget, and*
- d) *provide additional capacity to accommodate tourist or other visitor demand in areas with a high demand over a short period of time (for example, to accommodate tourists during the Edinburgh Festival or the Open golf tournament).'*

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

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

The application property lies within the city centre, as defined in the ALDP Proposals Map, therefore the proposed use of the property as an STL is compliant with the aims of Policy VC2 of the ALDP.

### Housing

Along with consideration under NPF4 Policy 30(e), concerns regarding the proposal's impact on housing supply have been raised in the letters of representation.

Although there is housing need in Aberdeen, there is not currently understood to be any significant pressure placed on local housing need from the number 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.

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

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

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

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

The grant of planning permission for the use of the property as an STL on a permanent basis would result in the permanent loss of residential accommodation in a sustainable location. As such, it is

considered necessary in this instance 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:

- To ensure that local housing need, demand and supply can be considered for any future applications for the continued use of the property as an STL;
- To allow for the site to be automatically returned to residential use upon the expiry of the permission (unless a new consent is granted in the meantime); and
- To further consider the demonstrable local economic benefits of the property's use as an STL at the time of any further planning application.

## **Transport & Accessibility**

Policy 13 (Sustainable Transport) of 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. This is further supported by the requirement of Policy D1 of the ALDP for developments to promote easy of moving around. Policy T3 (Parking) of the ALDP requires new developments in the city centre to be car free, given the access to active travel and public transport options. Concerns have been raised in the letters of representation that the proposal would have a negative impact on the current availability of parking at the site.

The application property is situated within the city centre (as defined in the ALDP Proposals Map). As such, the many amenities in the city centre are within walking distance of the property, as are the city's main bus and railway stations and multiple bus routes serving various areas of the city, including the airport. Customers would be able to utilise permit holder on-street car parking but nevertheless it is anticipated that the majority of customers staying at the property on a short-term basis would be tourists or business travellers, the majority of whom could reasonably be expected to arrive in the city by plane, train or bus and access the property sustainably, not generating any traffic or requiring any car parking. Roads Development Management has further confirmed that there would not be a net detriment in the parking requirement between the existing and proposed uses. The proposals are therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP and is easy to move around under Policy D1 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 means for the appropriate storage and subsequent collection of that waste and recyclable materials. Concerns have also been raised in letters of representation that the proposed STL would exceed existing bin capacity on the street.

Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise existing on-street domestic general waste and mixed recycling bins situated on Holburn Street, 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. This arrangement has been confirmed by the Waste and Recycling team, who have not identified any issues specific to the street in relation to storage capacity. The financial contribution, as a contribution towards the cost incurred by ACC of storing and managing waste, would go towards addressing any waste capacity issues. Alternatively, should the operator choose not to contract waste services with ACC, they could contract private waste management, in which event the communal domestic street bins would no longer be used by customers of the short-term let. 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 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.

### **Matters raised in Representations**

Several of the matters raised by representations have been addressed as material considerations in the foregoing evaluation. They are reiterated and summarised below along with other matters raised:

- a) Intensification from what was originally a 1-bedroom flat;
  - a. Works to convert the kitchen into a bedroom and integrate the kitchen and living room are possible and permissible for the flat as a residential dwelling. The resulting two bedrooms are each appropriately sized for the proposed maximum occupancy of 4 people.
- b) Negative impact on noise and resident safety through access to communal stairwell;
  - a. There would be a potential increase in noise and negative impacts on resident safety as a result of the development, which is acknowledged to apply to short-term lets in tenements in general. Given the small-scale of the development and its city centre location, it is considered that the impact is not significantly greater than if the property were in mainstream residential use.
- c) Objection to the fitting of a keysafe without permission, indicating that future amenity issues arising from the development would not be addressed;
  - a. This is a civil matter and is not a material consideration to the application. The operation of the short-term let is a matter for licensing and not for the planning authority. Should there be concerns with how the short-term let is being managed or operated and any consequences on amenity, this can be addressed through the licensing regime and with ACC's Environmental Health Service and Police Scotland.
- d) Negative impact on insurance;
  - a. This is not a material consideration to planning.
- e) Negative impact on property values and leasing marketability;
  - a. This is not a material consideration to planning.
- f) Negative impact on housing supply;
  - a. There is currently inadequate data on the impact of short-term lets on Aberdeen's housing supply. A condition restricting the use as a short-term let to five years is considered reasonable and necessary to establish the proposal's impact. At that

stage, should renewal of the planning permission be sought, it could be assessed more comprehensively against NPF4 Policy 30(e)(ii).

- g) Negative impact on parking availability;
  - a. It is envisaged given the nature of the development and its siting in the city centre, that the majority of the customers would not arrive by car. There would be no more significant intensification of car use in comparison to residential mainstream use, and the same number of parking permits (that is, 1) would be available to the property.
- h) Negative impact on privacy from use of the communal roof terrace;
  - a. There are no habitable rooms at eye-level in relation to the terrace. Its setting and arrangement, as well as the property's situation close to public green spaces, are such that it is unlikely customers would use the terrace for extended periods of time.
- i) Potential negative impact on operations of the neighbouring pub below the tenement;
  - a. This is a civil matter and not a material consideration to planning.
- j) Negative impact on waste facilities and their capacity;
  - a. Waste and Recycling has not identified an issue for this area. Any impact on waste facilities would be addressed through a financial contribution to ACC or through the private contracting of waste management.
- k) Excessive clustering of short-term accommodation facilities in the area (with reference to Park Inn hotel and the recent conversion of Skene House from serviced short-term accommodation to mainstream residential use).
  - a. Short-term lets are acknowledged to provide a form of visitor accommodation that is distinctive from hotels and which does not target the exact same market. The proposed short-term let would be small-scale and not have a significant impact on the provision of short-term let accommodation in the area.

## **RECOMMENDATION**

Approve Conditionally.

## **REASON FOR RECOMMENDATION**

Due to the size of the property and the stated maximum occupancy, combined with the number of other properties in the building and the city centre context of the wider area, it is considered that its use as Short Term Let (STL) accommodation would not have a significant adverse impact on the character or amenity of the area, nor on the amenity of the immediate neighbouring properties within the application building, beyond what could typically be expected if it were to be used as mainstream residential accommodation, in accordance with Policy H2 (Mixed Use Areas), Policy VC4 (City Centre and Retail Core) and Policy VC6 (West End Area) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 27 (City, Town, Local and Commercial Centres) of National Planning Framework 4 (NPF4). The property's use as an STL would likely provide some local economic benefits, potentially to the tourism and hospitality sectors, without causing any significant harm to local housing need through the loss of residential accommodation, in accordance with Policy 30 (Tourism) of NPF4.

The development would provide tourist accommodation within walking distance of the city centre and in a sustainably accessible location with good public transport links to the city centre, the airport and the city's main bus and railway stations, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP. Parking requirements would not be intensified from the current use, in accordance with Policy T3 (Parking) of the ALDP. The STL would be sited within walking distance of the city centre, which would be readily accessible via sustainable

and active modes of travel, therefore the proposed development is considered to be acceptable despite some minor tension with Policy VC2 (Tourism) of the ALDP.

The property therefore would not have a significant detrimental impact on amenity and would meet the six qualities of successful places, in accordance with Policy D1 (Quality Placemaking) and Policy D2 (Amenity) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.

The development has sufficient means for the adequate storage and collection of any waste and recyclables generated, in accordance with Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP.

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 proposed development is compliant with Policies 1 (Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. There is no opportunity to enhance on-site biodiversity, therefore the proposals are acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

## **CONDITIONS**

### **(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 Act.

### **(02) TIME LIMIT ON SHORT-TERM LET USE**

The hereby approved use of the property as Short-Term Let accommodation shall expire 5 years following the date of the grant of permission as stated on this notice, unless a further planning permission has been granted for continued use of the property as Short-Term Let accommodation in the meantime. Should no further planning permission be granted then the property shall revert to mainstream residential use as a flat after the aforementioned 5-year period.

Reason: In order to allow the local housing need and demand situation and the local economic benefits derived from the use of the property as a Short Term Let to be reassessed in 5 years' time, to ensure that the loss of the property as residential accommodation would remain compliant with Policy 30 of NPF4.

## **ADVISORY NOTES FOR APPLICANT**

### **(01) COMMERCIAL USE OF COMMUNAL DOMESTIC STREET BINS**

As Short Term Let accommodation comprises a commercial use, business rates are payable by the operator, rather than Council Tax. In the absence of a Council Tax payment which would cover the cost of the collection of waste from the on-street bins, the operator is required to enter into a contract

with Aberdeen City Council's Business Waste & Recycling team, to enable the lawful use of the on-street bins by customers of the property, if they haven't done so already.

Further information is available on the Council's website at:

<https://www.aberdeencity.gov.uk/services/bins-waste-and-recycling/business-waste>

The operator can contact the Council's Business Waste & Recycling team at:

[businesswaste@aberdeencity.gov.uk](mailto:businesswaste@aberdeencity.gov.uk)