



# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 13 February 2025

<b>Site Address:</b>	First Floor Left, 40A Urquhart Road, Aberdeen AB24 5LT
<b>Application Description:</b>	Change of use of flat to Short Term Let accommodation (sui generis) with maximum occupancy of 2 people
<b>Application Ref:</b>	241252/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	31 October 2024
<b>Applicant:</b>	Mr Audrius Berontas
<b>Ward:</b>	George Street/Harbour
<b>Community Council:</b>	Castlehill and Pittodrie



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## **RECOMMENDATION**

Approve Conditionally.

## **APPLICATION BACKGROUND**

### **Site Description**

The property is a first-floor flat in a 3-storey mid-terrace late Victorian tenement where five flats share the communal stairwell and garden to the rear. One flat (no. 40) is on the ground floor and the four flats of 40A are on the first and second floors with two flats to each landing.

The tenement is accessed via Urquhart Road along the northern boundary. To the west and east are adjoining tenements at 38 and 44 Urquhart Road; to the south is a small private car park not associated with the tenement. The general character of the area is residential, with occasional shops or other commercial enterprises at ground floor or down side streets.

The flat is dual aspect and has a floor area of 43.8 square metres. It consists of two bedrooms, lounge/kitchen and bathroom. Its lawful use is for mainstream residential use. The property has previously been used as a short-term let but this use is currently discontinued.

### **Relevant Planning History**

None.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

It is proposed to change the use of the flat from mainstream residential use to short-term let accommodation with a maximum occupancy of 2 people. Waste would be managed through a private waste company. No specific parking is proposed save the existing on-street provision.

### **Amendments**

In agreement with the applicant, the following amendments were made to the application:

Reduction in the proposed maximum occupancy from 4 to 2 people.

### **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=SM2HH5BZKWP00>

- STL Checklist

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

The application has been referred to the Planning Development Management Committee because the application is being recommended for approval and has been the subject of six or more (seven) timeous letters of representation containing material planning considerations that express objection or concern about the proposal, in accordance with Appendix Two 1.v. of the Scheme of Delegation in Relation to Planning and Related Applications.

## **CONSULTATIONS**

**Aberdeen City Council (ACC) - Environmental Health** – Has observed that the concerns raised around noise are associated with general living and would not constitute a statutory nuisance.

**ACC - Roads Development Management Team** – No objection. Has noted that no parking is proposed and that this reflects the existing situation. As both the existing and proposed uses have similar parking requirements, there would be no net detrimental impact on the surrounding streets in terms of on-street parking.

**ACC - Waste and Recycling** – No objection. Has noted that a private waste collection contract would be used and that therefore all guests must be made aware that they are not authorised to use council bins. They further advise of the penalty for the unauthorised storage of commercial bins on the public road and of the operator's legal responsibilities for managing waste under The Waste (Scotland) Act 2012.

**Castlehill and Pittodrie Community Council** – No comment received.

## **REPRESENTATIONS**

Seven letters of representation have been submitted, all of which object to the application. The following issues are raised:

- Impact on security, including the fitting of an external keybox and guests failing to follow property-specific instructions;
- Lack of effective key handover procedures;
- Wear and tear on communal and neighbouring property, in particular the communal and neighbouring front doors;
- Inadequate facilities in the garden to deal with cigarette stubs and other waste;
- Failure to meet fire safety requirements;
- Noise, including transmission of emissions through the floors, necessitating the commissioning of specialist noise abatement measures;
- Impact on parking;
- Siting of tourist accommodation outside the city centre, to the detriment of its regeneration;
- Overprovision of short-term lets in the area, to the detriment of existing short-term lets;
- Advertisement of the property for short-term let use prior to permission being granted;
- Lack of 24/7 contact details for management of issues;
- Impact on community cohesion.

## **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 (NPF4)

- 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 23 (Health and Safety)
- Policy 30 (Tourism)

### Aberdeen Local Development Plan 2023 (ALDP)

- Policy D1 (Quality Placemaking)
- Policy D2 (Amenity)
- Policy H1 (Residential Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)
- Policy WB3 (Noise)

## Aberdeen Planning Guidance

- Short-term Lets
- Noise

## 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

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

- An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- 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.*

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.

#### Impact on character and amenity of the area

The application property is situated within a residential area as zoned in the ALDP Proposals Map, and is not within the city centre boundary. The surrounding area is characterised by terraced tenement blocks with a relatively high density of development. There are also examples of ground floor business use in the area, including use of the ground floor flat within the application property building for an accountancy business, which generates a degree of traffic as indicated by the letters of representation. By virtue of the large number of flats within the wider area and the surrounding road network being open to through traffic as well as on a bus route, the character of the area is relatively busy as people move about the roads, and come and go from neighbouring properties.

By virtue of the number of flats in this building and surrounding similar buildings, the density of development is relatively high, and this would likely result in a high number of comings and goings associated with mainstream residential occupation. The maximum number of occupants proposed of 2 people is similar to what would be expected by the flat's occupation as a mainstream residential property, containing two bedrooms which each have floor areas of approximately 9 square metres. As such, visitors to the application property would not necessarily be as notable as in a less urban environment.

Public representations have raised concerns that the proposal, along with other STLs nearby, would through clustering of such uses have a negative impact on community cohesion and the viability of existing STLs. At the time of preparing this report, there are two licensed STLs on Urquhart Road. Considering the spatial layout and neighbourhood character of streets around the application property, Boddie Place, Colville Place, Jackson Terrace, Hunter Place, Roslin Street, Urquhart Lane, Urquhart Street, and Urquhart Place all constitute part of the immediate place character where the application property is situated. There are no licensed STLs on these streets except one on Urquhart Street. While overprovision of STLs in a residential area does have negative consequences for its communal amenity and cohesion, a total of three STLs in what is a relatively dense residential neighbourhood would not constitute overprovision and not have a significant impact on community cohesion.

On balance therefore, the use of the application property as an STL, would be unlikely to result in a significantly increased frequency of comings and goings compared to mainstream residential use and it is unlikely that the STL use would have a significant impact on the character of the wider area.

Given the relatively small-scale nature of the property, comprising a 2-bedroom unit with a proposed maximum occupancy of two people at any one time, its use as an STL would be unlikely to result in a significant increase in activity or coming and goings, compared to mainstream residential use, therefore the proposal is unlikely to have any significant impact on the character of the area. Additionally, no external alterations are proposed, therefore it is considered that the character of the area would be preserved. As there would be no internal alterations either, the property could easily be reverted to its previous residential use and the application is therefore adaptable according to Policy D1 of ALDP.

In terms of impacts on amenity, the property shares an entrance door and stairwell with four other properties, all of which are understood to be in use as mainstream residential flats. 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.’*

This is further attested by the letters of representation which raise concerns about amenity based on previous use of the property as an STL. The material amenity issues raised comprise concerns around noise, security, community cohesion, and anti-social behaviour particularly in the communal garden area.

In this instance, the proposed STL is a 2-bedroom flat on the first floor for a stated maximum occupancy of two people. Being on the first floor, intrusion of guests into the communal residential area would include the stairwell as well as the communal garden, which would have some impact on noise through the coming and going of guests. Given its character and size, 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.

More specific noise issues have been raised with regard to noise emissions between the floors of the property and the ground floor flat directly below it. ALDP Policy WB3 (Noise) requires a Noise Impact Assessment (NIA) where development may give rise to significant exposure to noise. There is a presumption against siting noise sensitive developments (such as housing) close to noisy land uses. One public representation seeks for professional technical assessment to be made of the proposal’s noise impact before any approval of the application.

It is acknowledged that due to the age of the tenement, flats are more sensitive to noise emissions arising from the occupation of neighbouring properties. The Council's Environmental Health Service has observed that the noise issues raised in this regard are not over and above that which would arise from mainstream residential use of the application property. The question of whether wooden boards or carpets are used as floor material is a civil matter between neighbours and not a material consideration to the planning application. As such, the use of the flat as an STL with a maximum occupancy of 2 people, which is an equivalent occupancy to what would be expected of mainstream residential use, would not have a significant impact on noise emissions. Therefore, the proposal is not considered likely to generate a significant exposure to noise and an NIA is not considered necessary for the application to comply with ALDP Policy WB3.

The application agents have advised that customers of the property would not have access to the communal garden area. However, it is clear from the letters of representation that the communal garden has been used by occupants of the property when previously used as an STL, primarily to smoke. Furthermore, access to the garden by guests under the proposed use must be assumed, given the difficulties there would be in enforcing against such access. Nevertheless, the layout and character of the garden are such that customers would be unlikely to use it for any significant periods of time for outdoor recreation, particularly as the site lies in close proximity to the beach area approximately 550 metres' walk to the east. The level of disturbance which would be caused by its use would therefore not be significant, over and above what may happen under residential use. While it is acknowledged that anti-social behaviour such as littering has arisen from previous use of the property as an STL, such behaviour could arise from use of the property as a mainstream residential flat, and could further be appropriately managed through responsible operation of the property, which would be a matter to be addressed through the licensing regime for STLs.

Concerns have been raised around the impact of the proposal on security, in particular the installation of a keybox and a lack of effective greeting procedures to ensure guests take appropriate security measures specific to the property. The installation of a keybox to communal property is a civil matter and not a material consideration to the planning application. How guests are instructed on keeping the property and tenement secure is matter for the operation of the STL, and can be more appropriately addressed through the licensing procedure.

It is considered that the relatively small-scale nature of the application property, with a maximum of 2 occupants when in use and periods of time when the property would likely not be in use, 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. Evaluation of any future such applications will need to consider cumulative impact on the character of the area.

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 as addressed through the licensing regime – ensuring that the risk of actual harm to safety and security would be low. The granting of permission for the application property would result in just one of the five properties within the building being in STL use, therefore the majority of flats in the building would remain in mainstream residential use.

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 Policy 30(e)(i) of NPF4 and Policy H1 of the ALDP. It would further accord with Policy D2 (Amenity) of the ALDP and be considered safe and pleasant according to 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 is not within the city centre nor on a site allocated for visitor facilities, as defined in the ALDP Proposals Map. The application therefore does not fully comply with Policy VC2, which is intended to ensure that tourist facilities, including accommodation, are so sited as to facilitate access to the city centre and other destinations with high or concentrated footfall. The issue of the STL being sited outwith the City Centre has also been raised in a representation.

In terms of connectivity to the city centre, the property is approximately 570 metres' walk away from the City Centre boundary to the south and approximately 184 metres' walk from bus stops on King Street that serve the City Centre (including bus and rail stations) and to the north the University of Aberdeen, which is considered a significant centre for visitors.



It is considered on balance that, given the property's close proximity to frequent public transport links and the acceptable impact on local character and amenity described above, that it would provide visitor accommodation to the city which would be sustainably connected to the city centre and university as significant visitor destinations. It is therefore considered that the use of the property as an STL would not conflict significantly with Policy VC2 of the ALDP and its purpose, and would not hold back the economic development or regeneration of the city centre.

### Impact on housing

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

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

The Aberdeen City Council Communities, Housing and Public Protection Committee declared a housing emergency in Aberdeen on 5 September 2024, with an action instructed to commit to the creation of a Housing Emergency Action Plan to develop solutions to resolve it. To date, there has been no revision to the Short-Term Lets APG following this declaration. There is no guidance within the declaration itself regarding its application in relation to the change of use of existing mainstream residential properties to STLs, nor has any been issued at the time of writing. Because of this, at the time of the determination of this application, minimal weight can be placed on the declaration relative to the other material planning considerations, notably the Development Plan and the adopted Aberdeen Planning Guidance.

The APG does, however, state the following:

*'Nevertheless, it is recognised that housing need and demand can be subject to significant change over time, and HNDAs are updated regularly (normally every five years) to ensure that conditions and changes in the local housing market are appropriately identified and understood.'*

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

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

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

The grant of planning permission for the use of the property as STL accommodation on a permanent basis would result in the loss of residential accommodation in a residential area on a permanent basis. 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 STL accommodation;
- 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 its use as an STL at the time of any further planning application.

Such a condition would ensure that the proposals are generally compliant with the aims of Policy 30(e)(ii) of NPF4.

### **Transport & Accessibility**

Policy 13 (Sustainable Transport) of 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 approximately 184 m away from the nearest bus stops on King Street with routes serving throughout Aberdeen and beyond. As such, it would be well connected by public transport to visitor attractions and transport nodes.

There are no off-street parking places for the property and nor does it lie within a Controlled Parking Zone (CPZ). Several letters of representation have observed what is acknowledged to be dense use of both sides of the street for car parking and they have raised concerns that this situation would be exacerbated by the use of the property as an STL. While there may have been some impact from a maximum occupancy of 4 people as originally proposed, as an STL with a maximum occupancy of 2 people, it is considered that the use would likely generate a similar level of car parking demand as if the property were to revert to mainstream residential use. Nevertheless it is anticipated that a significant proportion of customers staying at the property on a short-term basis could reasonably be expected to arrive in the city by train or bus and access the property sustainably, not generating any traffic or requiring any car parking. The proposals are therefore compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP. It further would be considered to meet the requirement for places to be easy to move under Policy D1 of the ALDP, bringing it into accordance with that policy and Policy 14 of NPF4.

### **Waste Management**

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient space for the appropriate storage and subsequent collection of that waste and recyclable materials.

Although the property would be a business and would therefore not pay Council Tax, customers of the STL would be able to utilise the existing domestic bins, as accepted by the Council's Waste & Recycling Service. This would be 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. An advisory note has been added for the applicant to be aware of the requirement to enter into a business waste contract with the Council. 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. It would however conserve biodiversity and meet the requirements of NPF4 Policy 3.

### **Matters raised in representations**

The material considerations raised in the letters of representation objecting to the application have been addressed in the body of the Evaluation above. They are reiterated here along with all other issues raised:

- Impact on security, including the fitting of an external keybox and guests failing to follow property-specific instructions;
  - It is acknowledged that there would be some impact on security, real and felt, but that with the occupancy reduced to an acceptable level, this would be best managed through the powers of the licensing regime. The fitting of an external keybox is a civil matter and not a material consideration to the planning application.
- Lack of effective key handover procedures;
  - This is in relation to the operation of the STL and is not a material consideration to the planning application. The responsibility of the operator would be managed through the licensing regime.
- Wear and tear on communal and neighbouring property, in particular the communal and neighbouring front doors;
  - Damage and maintenance to communal property is a civil matter and is not a material consideration to the planning application.
- Inadequate facilities in the garden to deal with cigarette stubs and other waste;
  - While it is acknowledged that anti-social behaviour such as littering has arisen from previous use of the property as an STL, such behaviour could arise from use of the property as a mainstream residential flat, and could further be appropriately managed through responsible operation of the property, which would be a matter to be addressed through the licensing regime for STLs.
- Failure to meet fire safety requirements;
  - This is a licensing matter and not a material consideration to the planning application.
- Noise, including transmission of emissions through the floors, necessitating the commissioning of specialist noise abatement measures;
  - Aberdeen City Council's Environmental Health Service has confirmed that the issues of noise emissions raised would not constitute a statutory nuisance and would be

equivalent to noise associated with the existing use of the property as a mainstream residential flat.

- Impact on parking;
  - Given the small scale of the proposal for a maximum of 2 persons, which reflects what would be the typical maximum occupancy for the property as a mainstream residential flat, and the property's proximity to public transport infrastructure, the proposal would not have a significant impact on parking.
- Siting of tourist accommodation outside the city centre, to the detriment of its regeneration;
  - While the proposal would not fully comply with ALDP Policy VC2 which requires tourist facilities to be sited either in the city centre or sites allocated for that purpose, it would be small-scale and well connected via public transport to the city centre. It is therefore unlikely to have a negative impact on the development of the city centre.
- Overprovision of short-term lets in the area, to the detriment of existing short-term lets;
  - At the time of writing the report there are two other licensed STLs on the application's street address and one additional STL in the immediate area. The current number of STLs is therefore not considered significant.
- Advertisement of the property for short-term let use prior to permission being granted;
  - The property is presently advertised online for STL accommodation. However, it is not possible to book any dates for staying and it is understood that active use of the property as an STL has been suspended.
- Lack of 24/7 contact details for management of issues;
  - This relates to the operation of the property as an STL and is not a material consideration to the planning application.
- Impact on community cohesion.
  - Given the density of residential development in the immediate area and the low number of STLs presently licensed in that area (three), the concentration of STLs would not be so significant as to impact on community cohesion. The issues of anti-social behaviour raised which could impact community cohesion would not be intrinsic to the property's use as an STL given its modest occupancy and can be addressed through the licensing regime and police enforcement.

## **RECOMMENDATION**

Approve Conditionally.

## **REASON FOR RECOMMENDATION**

Due to the size of the property, its position within the building and the stated maximum occupancy, 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 Policies H1 (Residential Areas) and D2 (Amenity) of the Aberdeen Local Development Plan 2023 (ALDP). The development would not significantly increase harmful noise emissions, in accordance with Policy WB3 (Noise) of the ALDP. 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 National Planning Framework 4 (NPF4). This would be subject to a condition limiting the lifetime of the development to 5 years in order to monitor the development's impact on housing supply.

The development would provide tourist accommodation with good public transport links to the city centre and the city's main bus and railway stations, in accordance with Policy 13 (Sustainable Transport) of NPF4 and Policies T2 (Sustainable Transport) and T3 (Parking) of the ALDP. Whilst the STL would not be sited within the city centre, the city centre would be readily accessible via sustainable modes of travel; therefore the proposed development is considered to be acceptable despite not being fully compliant with the expectations of Policy VC2 (Tourism) of the ALDP.

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. It would meet all relevant placemaking criteria of Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.

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 FOR SHORT TERM LET USE**

The use of the flat for short term let accommodation as hereby approved, 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 serviced apartment accommodation in the meantime. Should no further planning permission be granted then the property shall revert to a flat in residential use after the aforementioned 5-year period.

Reason - In order to allow reassessment of the local housing need and demand situation and the local economic benefits derived from the use of the property as short term let accommodation 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 WASTE**

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 either Aberdeen City Council's Business Waste & Recycling team or a third party, 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)