

Change of Use of flat to Short-term Let

KEY INFORMATION

Ward: The Ferry

Address:

28 West Queen Street
Broughty Ferry
Dundee
DD5 1AR

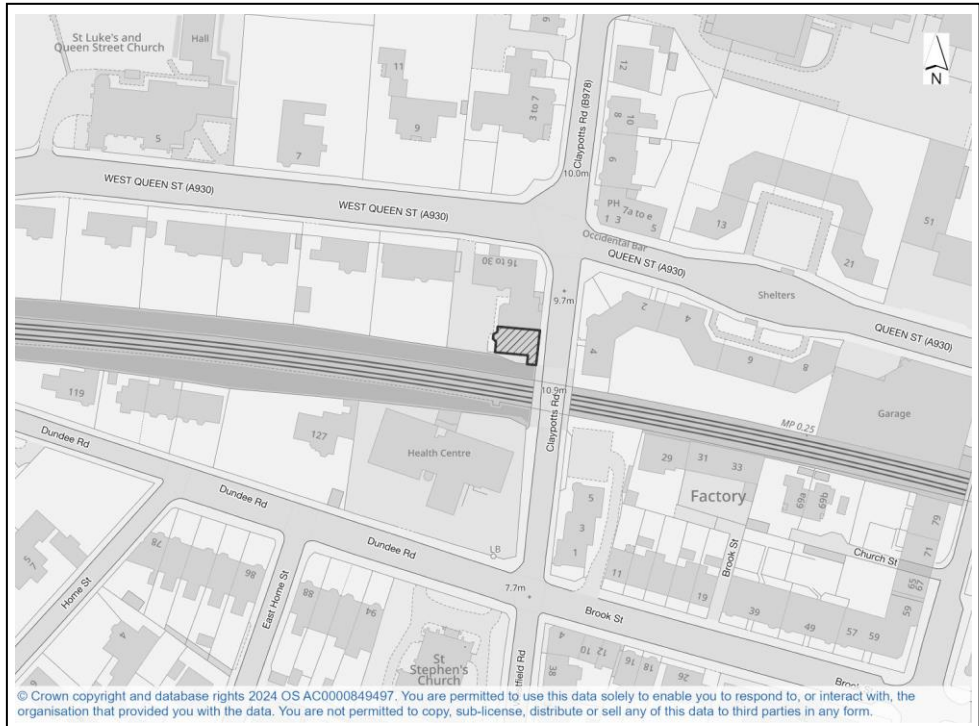
Applicant:

Mr Euan Stewart
West Development
Properties Ltd

Validated: 11 Nov 2023

**Report by Head of
Planning & Economic
Development**

Contact: Craig Swankie



SUMMARY OF REPORT

- Retrospective planning permission is sought for the change of use of a three-bedroom flat to a short-term let.
- All that can be considered in the assessment of this application is whether this proposed use is appropriate in this location. Matters including anti-social behaviour and occupancy limits are controlled separately through Dundee City Council's short-term let licensing scheme.
- The statutory neighbour notification process was undertaken. In total, six letters were received objecting to the proposal. These raise concerns in relation to noise disturbance and parking issues.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Planning Committee as six letters of objection have been received and the application is recommended for approval.
- More details can be found at <https://idoxwam.dundeeccity.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=S1W3IBGCFGZ00>

RECOMMENDATION

The proposal complies with the Development Plan. There are no material considerations of sufficient weight to justify refusal of planning permission. It is therefore recommended that planning permission be **APPROVED**.

1 DESCRIPTION OF PROPOSAL

- 1.1 Retrospective planning permission is sought for a change of use of a three-bedroom flat to short-term let accommodation.
- 1.2 No internal or external alterations are proposed. The short-term let comprises a living room/kitchen, two bedrooms and entrance hall within the ground floor and one bedroom with en-suite within the lower ground floor. The short-term let would have the capacity for up to six guests, with the property and bookings managed via an appointed property company.
- 1.3 Separate from the planning system, the operator of the short-term let would be required to obtain a licence through Dundee City Council's short-term let licensing scheme. The Council's Licencing Policy Statement includes several standards that operators are required to meet. These include space standards, safety, security, anti-social behaviour, and excessive noise. Should the property obtain a short-term let licence, it will be subject to random inspections and enforcement during the lifetime of the licence to ensure the Council's Licencing Policy Statement is adhered to. Further information on the licensing scheme and standards can be found via <https://www.dundee.gov.uk/service-area/neighbourhood-services/communities-safety-and-protection/dundee-city-councils-short-term-lets-licensing>.

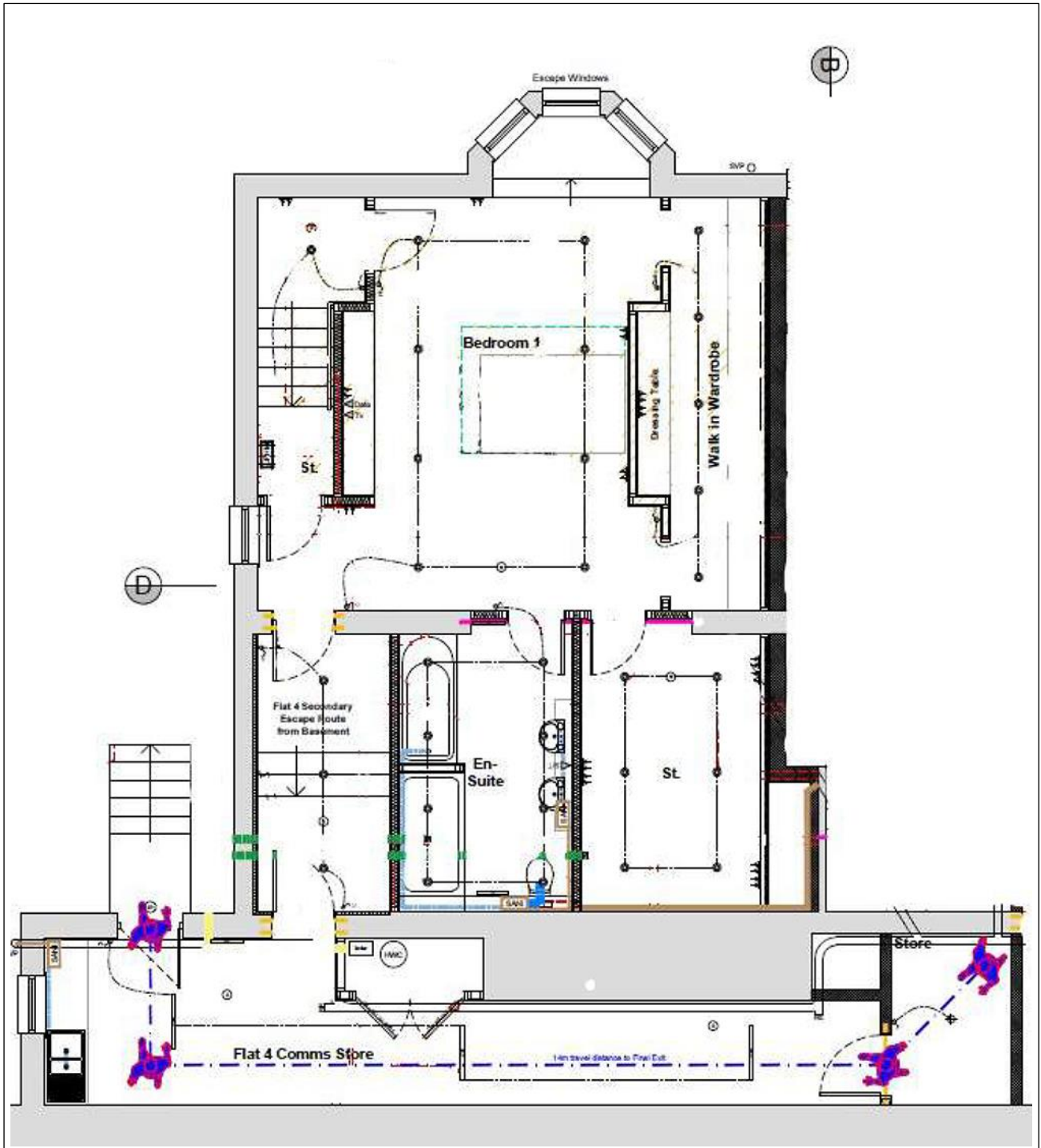


Figure 1 – Lower Ground Floor Plan

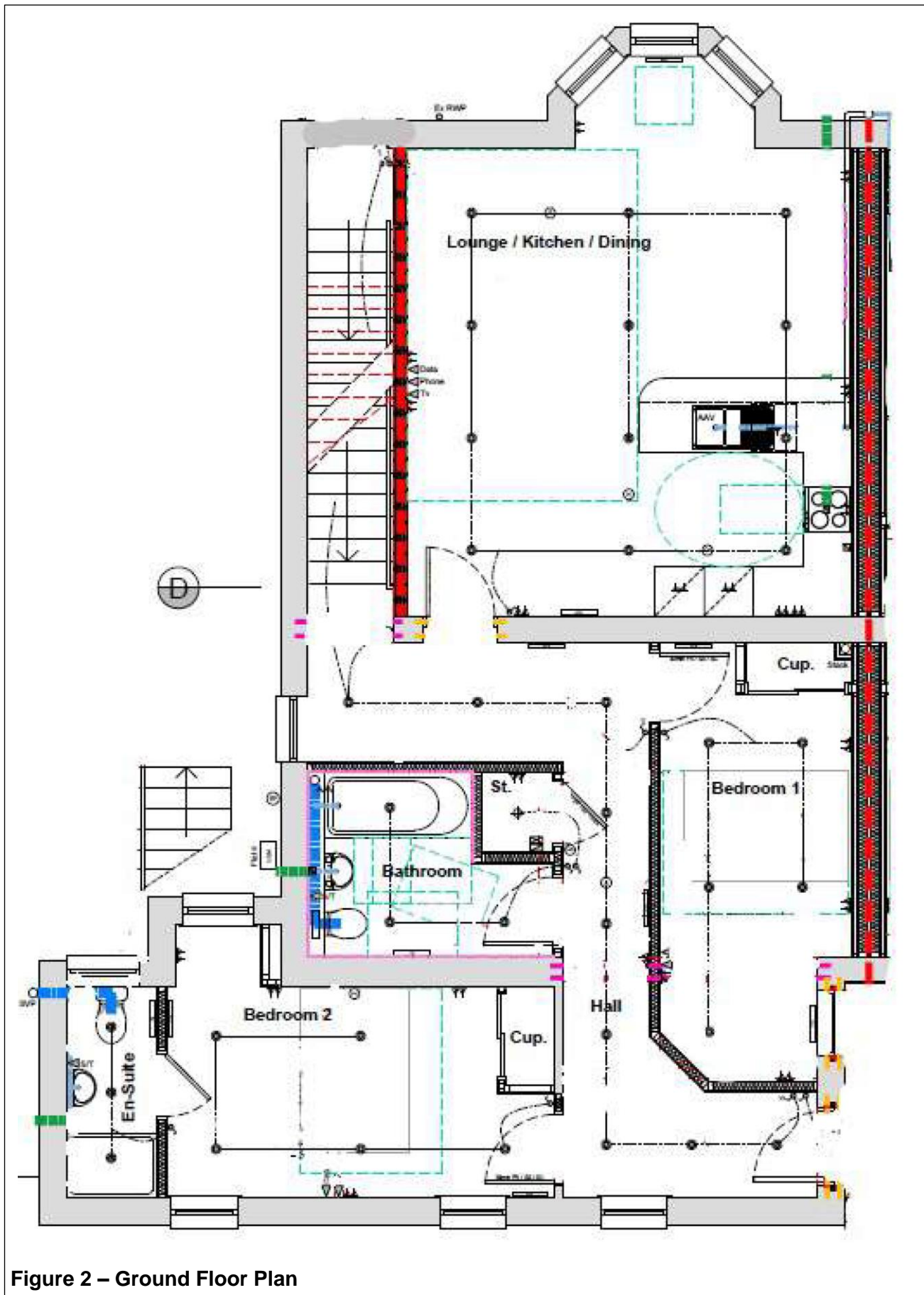


Figure 2 – Ground Floor Plan

2 SITE DESCRIPTION

- 2.1 The application site relates to 28 West Queen Street, one of eight flats within a former hotel in a prominent corner site at the junction with Claypotts Road. The main building consists of a two-storey stone-built villa with a substantial two-storey extension.
- 2.2 The flat occupies part of the ground floor and lower ground floor in the south of the building. The main entrance to the short-term let is located on the east elevation, with access onto Claypotts Road via a path and gate. A second entrance door in the south of the building provides access along the south elevation and into the car park. A stone boundary wall and planting provide separation from public space.
- 2.3 The immediate surrounding area is residential. To the north of the site is West Queen Street; to the south is a railway line; to the east is Claypotts Road and to the west is residential. The site is located in the Grove Conservation Area.



Figure 3 – View of Site From West Queen Street



Figure 4 – View of Site from Car Park

3 POLICY BACKGROUND

3.1 The following plans and policies are considered to be of direct relevance:

NATIONAL PLANNING FRAMEWORK 4

Policy 12: Zero Waste

Policy 13: Sustainable Transport

Policy 23: Health and Safety

Policy 30: Tourism

DUNDEE LOCAL DEVELOPMENT PLAN 2019

Policy 8: Visitor Accommodation

Policy 39: Environmental Protection

Policy 44: Waste Management Requirements for Development

Policy 54: Safe and Sustainable Transport

3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

4 SITE HISTORY

4.1 Planning application 19/00964/FULL for a change of use from hotel to eight flats and associated external alterations was approved in March 2020.

5 PUBLIC PARTICIPATION

5.1 The statutory neighbour notification procedure has been undertaken and the application advertised in the local press.

5.2 In total six letters of objection were received, raising the following material considerations:

- the use of the flat as short-term let accommodation is impacting on the amenity of existing residents, with issues including noise, littering and inconsiderate parking;
- the car park is of a small scale and suitable for residents' cars only. Guests to the short-term let have previously parked large vehicles or more than two cars on site. This impacts on the space available for residents to park and manoeuvre their cars; and
- the use of the site as a short-term let is not in keeping with the residential nature of the development.

5.3 The valid grounds of representation are taken into account in the material considerations section of this report.

6 CONSULTATIONS

6.1 No consultation responses were received.

7 DETERMINING ISSUES

- 7.1 Section 25 of the Town and Country Planning Act 1997 as amended provides that an application for planning permission shall be determined in accordance with the Development Plan unless material considerations indicate otherwise.

THE DEVELOPMENT PLAN

- 7.2 The development plan consists of the National Planning Framework 4 (NPF) and the Dundee Local Development Plan 2019 (LDP). The provisions of these Plans relevant to the determination of this application are specified in the Policy Background section above.

Principle of Development

- 7.3 **LDP Policy 8: Visitor Accommodation** - states the provision of a range of high-quality visitor accommodation within the city centre is supported. Additional visitor accommodation that is complementary to the existing townscape, will be supported within the central Broughty Ferry area to further enhance its attractiveness as a location for smaller scale tourism. Visitor accommodation, with the exception of small-scale uses akin to bed and breakfast accommodation, will not be supported out with the city centre or central Broughty Ferry except where these involve enhancements to existing facilities.
- 7.4 The proposed accommodation is located within the central Broughty Ferry area and is therefore supported by this policy.
- 7.5 **The proposal complies with LDP Policy 8.**
- 7.6 **NPF4 Policy 30e): Tourism** - states that 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 proposal will result in the loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits.

Criterion (i)

- 7.7 Several issues are to be assessed to consider the impact of the proposal on local amenity on the character of the neighbourhood. These include access, capacity, garden ground, outdoor space, proximity to other short-term lets and economic impacts.
- 7.8 In addition, this assessment will consider waste, noise and transport issues. Each of these issues will be considered in turn.
- 7.9 **Access** - the short-term let occupies part of the ground floor and lower ground floor of the former hotel building. The main entrance comprises a front door at ground floor level on the east side of the building with access via a path onto Claypotts Road. A second entrance door on the south side of the building provides access to the lower ground floor from the car park via a path along the south side of the building. Flats within other parts of the building are accessed by their separate entrances ensuring there is no requirement for guests of the short-term let to pass front doors of other flats within the building.
- 7.10 The proposed change of use would maintain the residential nature of the development. It is recognised that the change of use would result in different occupiers coming and going for different durations. However, this would not result in a significantly different position to that of

retaining the flat as a permanent domestic property. Moreover, given the central location, there would be no notable noise disturbance in respect of people accessing the property and on this issue the proposal would be acceptable.

- 7.11 **Capacity** - the internal layout is that of a three-bedroom flat with a living room/kitchen, bathroom and three bedrooms. Operating on a three-bedroom basis, the short-term let could accommodate up to six unrelated individuals making movements to and from the flat. This would not be very different from that of a domestic flat of this size and would be unlikely to lead to any significant intensification of the residential use. On this issue the proposal would be acceptable.
- 7.12 **Outdoor Space** - the flat does not benefit from any private or communal garden ground.
- 7.13 **Proximity to Other Short-term Lets** - the nearest short-term lets include one on Brook Street and one on Church Street, over 110 metres to the south east. The site is located within central Broughty Ferry where there is a concentration of higher density living accommodation and commercial uses. The site is not close to any other short-term lets, and it is considered the proposal would have no significant impact on local amenity or the character of the neighbourhood.

Criterion (ii)

- 7.14 The proposed change of use would result in the loss of one residential flat. The site is contained within the central Broughty Ferry area which contains a range of houses and flats. The proposed change of use of one flatted property would not have any significant impact on the availability of residential accommodation in the local area.
- 7.15 The provision of a range of type, form and scale of accommodation is important in ensuring the city meets the varying needs and expectations of leisure and business visitors. There are demonstrable economic benefits to the provision of small-scale short-term let accommodation in locations that provide access to tourist attractions within the city. The site is within walking distance of a range of tourist attractions in Broughty Ferry. The proposed change of use would provide visitor accommodation in an accessible location, with links to sustainable modes of transport and attractions within the city.
- 7.16 **The proposal complies with NPF4 Policy 30e.**

Noise

- 7.17 **NPF4 Policy 23e: Health and Safety** - states development proposals that are likely to raise unacceptable noise issues will not be supported. The agent of change principle applies to noise sensitive development. A Noise Impact Assessment may be required where the nature of the proposal or its location suggests that significant effects are likely. LDP Policy 39: Environmental Protection states all new development or an extension to an existing development that would generate noise, vibration, odour, emissions to air, dust or light pollution will be required to demonstrate that it can be accommodated without an unsatisfactory level of disturbance on the surrounding area. New development or an extension to an existing development in close proximity to existing sources of noise, vibration, odour, emissions to air, dust or light pollution will need to demonstrate that it can achieve a satisfactory level of amenity without impacting on viability of existing businesses or uses. e
- 7.18 The site is within an established residential development on West Queen Street, at the junction with Claypotts Road. The flatted dwelling, which occupies the ground and lower ground floor of the building, has its own entrance onto Claypotts Road and access to a shared car park.

- 7.19 The short-term let would provide three bedrooms and could accommodate a similar number of residents to the use as a flat. The residential nature of the short-term let use would be in keeping with that of a flat. Noise from residents within the property both from the comings and goings to the property and from its use would be in keeping with that of a residential flat and have no significant impact on the amenity of neighbouring residents.
- 7.20 Matters related to behavioural noise and sound transmission between properties, are considered under Dundee City Council's short-term lets licensing policy. To operate short-term let accommodation the applicant will be required to meet the criteria of the Council's Licensing Policy Statement. Should the property obtain a short-term let licence, it will be subject to random inspections and enforcement during the lifetime of the licence to ensure the Council's Licensing Policy Statement is adhered to.
- 7.21 The proposed change of use would maintain the residential nature of the development and not result in any significant level of disturbance on the surrounding area compared to the use as a flat.

Waste

- 7.22 **NPF 4 Policy 12c: Zero Waste** - seeks to encourage, promote and facilitate development that is consistent with the waste hierarchy. Development proposals that are likely to generate waste when operational, including residential, commercial, and industrial properties, will set out how much waste the proposal is expected to generate and how it will be managed including:
- i provision to maximise waste reduction and waste separation at source; and
 - ii measures to minimise the cross-contamination of materials, through appropriate segregation and storage of waste; convenient access for the collection of waste; and recycling and localised waste management facilities.
- 7.23 **LDP Policy 44: Waste Management Requirements for Development** - states development proposals should demonstrate that they adequately address the Scottish Government's Zero Waste Policy and that sufficient provisions are made to maximise opportunities for waste reduction and waste separation at source and enable the separate collection of recyclable material as outlined in the Waste (Scotland) Regulations 2012.
- 7.24 The flatted dwelling has access to waste bins located to the north-west of the dwelling, within a shared car park. The bins would be accessible to users of the short-term let. Further public recycling bins are located on surrounding streets.
- 7.25 **The proposal is in accordance with NPF4 Policy 12c) and LDP Policy 44.**

Sustainable Transport

- 7.26 **NPF 4 Policy: 13b) Sustainable Transport** - states development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii will be accessible by public transport, ideally supporting the use of existing services;

- iii integrate transport modes;
- iv provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;
- vii have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii adequately mitigate any impact on local public access routes.

7.27 **LDP Policy 54: Safe and Sustainable Transport** - states all development proposals that generate travel should be designed to be well served by all modes of transport. In particular, the sustainable modes of walking, cycling and public transport should be afforded priority and provide for easy access to local amenities, education facilities and other services.

7.28 The proposal relates to the change of use of a flat within an established residential area in central Broughty Ferry. The proposal is assessed against the requirements of NPF Policy 13b as follows.

7.29 Criterion i - the development proposal includes direct connections to existing footpaths and streets which would provide safe and convenient access to local facilities in Broughty Ferry and the surrounding area. Dundee Green Circular and National Cycle Network Route 1 run along James Place 300 metres to the south of the site.

7.30 Criteria ii and iii - bus stops within 400 metres of the site are served by frequent services, providing connections to Dundee City Centre, Ninewells and areas surrounding Broughty Ferry. Broughty Ferry Railway Station is 590 metres to the east of the site provides access to local rail services. Rail and bus services into the city centre provide connections to Dundee bus and railway stations, supporting integrated journeys.

7.31 Criteria iv - the existing flat is served by two dedicated parking spaces. The existing spaces are not served by EV charging provision. However, the property is close to publicly accessible electric vehicle charging points, including the Queen Street Charging Hub. This provision would ensure visitors to the short-term let have access to electric vehicle charging points. There is space within the lower ground floor for cycles to be stored, with access to an electricity supply.

7.32 Criterion v - the proposal relates to a flatted dwelling within central Broughty Ferry. The applicant states there is space for cycle storage within the lower ground floor of the property. As the site is within central Broughty Ferry it is easily accessible by modes of sustainable transport. In addition to onsite cycle storage, there is public cycle parking provision within Broughty Ferry, on Castle Approach and Brook Street. The site is provided with high quality, safe and convenient links to adjacent walking and cycling networks including Dundee Green Circular and National Cycle Route 1 to the south of the site.

7.33 Criterion vi - the site is provided with access to the surrounding area via existing public footpaths and road crossings. Residents would be able to safely access the site walking and wheeling via surrounding footpaths on West Queen Street and Claypotts Road.

- 7.34 Criterion vii - the site layout provides safe access between the site and surrounding public roads. An existing footpath to the west of the site ensures the development is safe and accessible for all users. Pedestrian access locations are towards the front of the building, with connections to West Queen Street and Claypotts Road.
- 7.35 Criterion viii - Safe pedestrian access would be provided to the proposed short-term let. The proposal would have no adverse impact on the safety of public footpaths surrounding the site.
- 7.36 Overall, the proposed short-term let would be well served by all modes of transport including walking, cycling and public transport. The proposal's central location provides easy access to local amenities and other services.
- 7.37 **The proposal complies with NPF4 Policy 13b and LDP Policy 54.**
- 7.38 The proposal complies with the requirements of National Planning Framework 4 and the Dundee Local Development Plan 2019.

Statutory Duties

- 7.39 Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997
- 7.40 Section 64 of the Act requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.41 The change of use does not include any alterations to the existing building, with the appearance and layout of the building to remain as existing. The proposal would therefore preserve the character and appearance of Grove Conservation Area satisfying the statutory obligations referred to above.

MATERIAL CONSIDERATIONS

- 7.42 The material considerations to be taken into account are as follows:

A - Appeal Decision

- 7.43 An application for a short-term let within a flat in Dundee was decided by the Planning and Environmental Appeals Division (DPEA) on behalf of Scottish Ministers. The appeal was dismissed, and planning permission was refused. That decision is a material consideration.
- 7.44 The main points which were considered by the Reporter in dismissing the appeal include the frequency of unrelated guests visiting the property via a communal entry and the associated impact on existing guests; potential impacts on security; and the location of the proposed short-term let. These matters are considered in detail under NPF4 Policy 30e and LDP Policy 8.
- 7.45 With specific regard to the present application, visitors to the proposed short-term let would not directly pass any other doorways, with the flat having its own entrances. There would therefore be no more potential disturbance on neighbouring properties compared to use as a mainstream three-bedroom residential property.
- 7.46 There is a small car park to the rear of the flat for use by visitors and neighbouring residents. This would be used by visitors to the short-term let in the same manner as residents and visitors to any existing flats within the building.

- 7.47 There are economic benefits to the provision of small-scale short-term let accommodation in locations which provide access to a range of tourist attractions, and no net loss in economic spend if visitors are present for business reasons rather than holiday, when compared to mainstream residential tenants. The siting of the short-term let within central Broughty Ferry meets the requirements of LDP Policy 8.
- 7.48 The appeal decision has been taken into consideration in the assessment of the proposal, it is not considered that any adverse impacts have been created.

B- Representations

- 7.49 A total of six representations were received objecting to the proposal. The representations raised the following matters:
- 7.50 **Objection** - The use of the flat as short-term let accommodation is impacting on the amenity of existing residents, with issues including noise and littering.
- 7.51 **Response** – noise associated with the proposed change of use is considered under NPF Policy 30e) and LDP Policy 39. The use of the property would remain residential in nature, and no alterations are proposed to the form or layout of the flat. Noise associated with occupiers using the flat would not be any greater than what noise associated with long-term residents of the property could be. Matters related to anti-social behaviour, including noise or litter arising from the use of a short-term let would be controlled under Dundee City Council's short-term let licensing scheme.
- 7.52 **Objection** - the car park is of a small scale and suitable for residents' cars only.
- 7.53 **Response** – the car park includes two allocated spaces for the application property and one allocated space for each residential flat within the development. There is sufficient on-site parking to accommodate the short-term let and existing residents.
- 7.54 **Objection** - the use of the site as short-term let is not in keeping with the residential nature of the development.
- 7.55 **Response** – as assessed within the policy assessment, the short-term let would occupy an existing flatted property and has its own accesses. Whilst the property would be occupied by short-term guests, it would remain residential in nature and would be in keeping with the character and form of development in the local area. The wider flatted development would remain as existing, and residents would retain an acceptable quality of residential amenity.
- 7.56 **Non-material matters** - the letters of objection raised further matters including residents being required to follow car park rules which are not followed by guests; inconsiderate parking; and that when flats were originally purchased as private dwellings there was no reference to any short-term let. These matters are not material planning considerations. The management of parking is a matter for residents and the short-term let owner or their management company to address. With regard to any matters raised or agreed historically at the purchase of the flatted properties, or requirements within title deeds, these are legal matters which cannot be considered as part of this planning application.
- 7.57 The matters raised in the representations are not considered to be of sufficient weight to justify the refusal of planning permission.
- 7.58 **It is concluded that there are no material considerations of sufficient weight which would justify refusal of planning permission.**

8 CONCLUSION

- 8.1 The application complies with the requirements of the Development Plan. It is therefore recommended that planning permission be granted.

9 RECOMMENDATION

- 9.1 It is recommended that planning permission be GRANTED.
- 1 **Condition** – no conditions attached to this consent.
Reason – no reasons attached to this consent.