

Appendix 1: Summary of Consultation Comments and Officer Responses

Frequently used acronyms in this appendix:

ALDP = Aberdeen Local Development Plan

APG = Aberdeen Planning Guidance

HMO = Houses in Multiple Ownership

STL = Short-term Let

Respondent Number	Respondent
1	Member of the public
2	Member of the public
3	Scottish Water
4	Member of the public
5	Member of the public
6	Member of the public
7	Marwood Property Consultancy Ltd
8	Member of the public
9	Member of the public
10	Member of the public
11	Member of the public
12	Member of the public
13	Member of the public
14	Member of the public
15	Member of the public
16	Member of the public
17	Old Aberdeen Heritage Society
18	Historic Environment Scotland
19	Member of the public

Respondent Number	Summary of Comments	Officer Response	Action/s as a Result of Comment
1	<p>There should be quiet time on STLs from 10 pm to 8 am and if guests do not adhere to this the landlord of the STL should be given a warning and then if it happens again the agreement for STL is removed.</p> <p>The landlord needs to keep the STL clean and arrange for any rubbish to be removed.</p> <p>Who should neighbours of the STL report any issues to and how will they be followed up?</p> <p>There should be a note on the STL premises advising neighbours it is an STL.</p>	<p>The potential behaviour of guests is not a material consideration in the determination of planning applications for STLs and is outwith the remit of planning. These issues are generally dealt with by Licensing, which is a separate regime. Issues regarding the operation of STLs including taking appropriate action to manage the behaviour of guests and provide guidance on waste disposal are outlined in Mandatory Licence Conditions for operators.</p> <p>Antisocial behaviour complaints should be directed to the Community Safety Team by phoning 0800 0510434 or by email to CST@aberdeencity.gov.uk.</p> <p>It would not be reasonable to require all STLs to have a note on the premises to advise neighbours of their operation as an STL. However, as part of the assessment of any planning application for an STL, neighbour notification will be undertaken in accordance with relevant legislation. Subject to meeting relevant criteria, neighbours of a proposed STL will be advised of the relevant planning application and given the opportunity to comment on it.</p>	No change required.
2	No comment.	Noted.	No change required.
3	Scottish Water supports the document and would add that in some circumstances we require to amend our categorisation of STL properties to non-domestic.	Comments noted. This issue is not directly relevant to the assessment of planning applications for STLs and it is therefore not	Investigate potential to add wording

	<p>Where a property is made available for let 140 days of the year and is actually let for 70 days, we have a requirement to change its categorisation to non-domestic. In these circumstances, we would request that the customer is referred to set up a non-domestic account via a licenced provider. A list of such providers can be accessed at www.scotlandontap.gov.uk.</p>	<p>appropriate to add text on this requirement to the APG. However, the possibility of adding wording that conveys this information to the Council's webpage about Short-term Lets will be investigated.</p>	<p>highlighting this general requirement to the Council's webpages on STLs.</p>
4	<p>Short term lets in the city should be better managed and if planning permission is the best way to do this then so be it.</p>	<p>Support welcomed.</p>	<p>No change required.</p>
5	<p>The Scottish Government already introduced Short Term Lets when they allowed all PRT's to be terminated with a 28 day notice period.</p> <p>If you are going to introduce legislation will you actually follow through with penalties for Operators who do not abide by it? At the moment the Scottish Government do not enforce Landlord Registration even when given proof of a Landlord not registering.</p>	<p>Private Residential Tenancies (PRTs) are outside the direct remit of the planning system. Irrespective of the method used for the letting of a property on a short-term basis, as there is no STL Control Area in Aberdeen, the planning service is required to consider any proposals for STLs on a case by case basis to determine if planning permission is required and, where necessary, to assess any planning applications for STLs.</p> <p>Monitoring and enforcement will be used where necessary to ensure that STLs are operating in compliance with planning requirements, such as if an STL is operating without planning permission (where required), or if an STL is operating without complying with conditions on its planning permission.</p>	<p>No change required.</p>
6	<p>I live in an apartment block with a secure front door and opened with a fob key. I choose this option for security reasons. There is a short-term let in my building and people come and go often. I feel this compromises my safety and security.</p>	<p>Access to, and the general consideration of, shared amenities will be assessed prior to granting planning permission for STLs, as outlined in Section 2.2 of APG. This includes consideration of the cumulative impacts of multiple STLs within one building.</p>	<p>No change required.</p>

	<p>In my experience, the short-term lets in my building tend to be noisy - several people being in the premises for this. Additional vehicles, (sometimes commercial vehicles that do not fit the spaces) are parked outside in visitor spaces, meaning that visitors to the apartments cannot get parked.</p> <p>Additionally, it was a condition of purchase, that we could not sublet our properties. I think any short-term let would have to take this into consideration.</p> <p>The APG should also provide guidance covering the following matters:</p> <ul style="list-style-type: none"> • The number of people entitled to be in the apartment • Parking spaces available and how to use them • Antisocial behaviour/noise/drunkenness etc • How to get access to a secure building without compromising the safety of residents 	<p>The potential behaviour of guests is not a material consideration in the determination of planning applications for STLs and is outwith the remit of planning. These issues are generally dealt with by Licensing, which is a separate regime. Issues regarding the operation of STLs including taking appropriate action to manage the behaviour of guests are outlined in Mandatory Licence Conditions for operators.</p> <p>Parking arrangements will be assessed before planning permission is granted to minimise disturbance to users of parking facilities in the surrounding area.</p> <p>Legal restrictions on the title deeds of properties are not material planning considerations and therefore cannot be taken into account during the assessment of planning applications. This includes conditions regarding the subletting of properties.</p> <p>When assessing an application for an STL, officers will give consideration to the proposed maximum number of guests that will be occupying the property at any one time, the proposed parking arrangements, and the details of any communal amenities that the property has access to. These considerations will ensure that the proposed STL will not have an unacceptable adverse impact on the amenity of the surrounding area. Details are outlined in Section 2.2 of the APG.</p>	
7	As Scotland now has no minimum period for a standard tenancy agreement (the old AST), there is no	Irrespective of the method used for the letting of a property on a short-term basis, as there is no	No change required.

	<p>real difference between a standard rental agreement and a short term let and I cannot see the basis for any requirement for planning permission for a change of use - it's all just letting of private property.</p> <p>The requirement for a licence is the only aspect I can see could have value to local government in ensuring, or at least monitoring, areas for saturation and the potential for that to have a negative impact on local residents in terms of peaceful dwelling.</p>	<p>STL Control Area in Aberdeen, the planning service is required to consider any proposals for STLs on a case by case basis to determine if planning permission is required and, where necessary, to assess any planning applications for STLs.</p> <p>The planning and licensing regimes operate separately and it is necessary for prospective STL operators to comply with the requirements of both regimes.</p>	
8	<p>I am glad to see that there is no intention to impose an STL control area in Aberdeen.</p> <p>It would be really helpful to provide a simpler process / approach to support property owners who are in transition to sell their property which is currently empty. Where the property sales market can be challenging, it is important to ensure that individuals are able to use the flexibility of the STL option to try and maintain a level of income for as long as the property is on the market. Realistically, I would suggest considering guidelines around waste disposal but due to the short term nature of this, enabling this to be managed on a residential rather than commercial level.</p>	<p>The support for not imposing an STL Control Area in Aberdeen is acknowledged.</p> <p>Empty properties which are in the process of being sold may be able to operate as an STL for a temporary period not exceeding 28 days in a single calendar year without the need for planning permission. However, beyond that period, the requirement to consider whether the use of the empty property as an STL would represent a material change of use (and therefore require planning permission) would apply as normal.</p> <p>Regarding waste disposal, STLs are categorised as a "commercial" use and therefore waste disposal must be treated accordingly.</p>	No change required.
9	<p>I am pleased that ACC is looking at STLs. I feel they really require 'policing' as they can have such a negative effect on the quality of life of their neighbours. In my apartment block my titles deeds can prevent me from putting washing on the balcony or restrict the number of pets yet I apparently have no control of a neighbouring flat being made into an Airbnb.</p>	<p>The support for the APG is welcomed.</p> <p>Legal restrictions on the title deeds of properties are not material planning considerations and therefore cannot be taken into account during the assessment of planning applications. This</p>	No change required.

	<p>I am concerned at the coming & going of Airbnb users in my apartment block. They all have codes to gain access to buildings & their 'secure' underground car parks. Workers using the Airbnb have frequently parked big lorries overnight outside - clearly not proper for a residential area. The cost of damage repair to the common hallways by luggage has to be shared by all the owners - most unfair.</p>	<p>includes conditions regarding the subletting of properties.</p> <p>When assessing an application for an STL, officers will give consideration to the proposed maximum number of guests that will be occupying the property at any one time, the proposed parking arrangements, and details of any communal amenities the property has access to. This includes the cumulative impacts of multiple STLs within one building. These considerations will ensure that the proposed STL will not have an unacceptable adverse impact on the amenity of the surrounding area. Details are outlined in Section 2.2 of the APG.</p>	
10	<p>In the Draft there is nothing mentioning the extra cost that the other flat owners will incur if a short-term let application is granted. e.g. communal area inside and outside.</p> <p>There is also no mention of arrival/departing times. What happens when 'guests' arrive early in morning or late at night? eg neighbours sleep being disturbed.</p> <p>The APG should also provide guidance covering the following matters:</p> <ul style="list-style-type: none"> • Costs that other flat owners may incur if license is granted. • What penalties will the Licensee incur if 'guests' don't abide by conditions and rules of the building? • Who do the flat owners contact if they have a complaint against a 'guest' or the Licensee? 	<p>Access to, and the general consideration of, shared amenities will be assessed prior to granting planning permission for STLs, as outlined in Section 2.2 of APG. Additionally, when assessing planning applications, the cumulative impacts of multiple STLs within one building will be considered.</p> <p>The potential behaviour of guests is not a material consideration in the determination of planning applications for STLs and is outwith the remit of planning. These issues are generally dealt with by Licensing, which is a separate regime. Issues regarding the operation of STLs including taking appropriate action to manage the behaviour of guests are outlined in Mandatory Licence Conditions for operators.</p> <p>Antisocial Behaviour complaints should be directed to the Community Safety Team by</p>	No change required.

		phoning 0800 0510434 or by email to CST@aberdeencity.gov.uk.	
11	<p>Where a property has been operating as a STL for say greater than 5 years and planning permission "declined", it should be allowed to continue for another two years to allow for transition to PRS or sale.</p> <p>Validity of planning permission should be 10 years, with similar rule as above on renewal, to allow certainly on investment.</p> <p>There should be at least two neighbour objections for operation as STL for this to be considered in the review.</p> <p>Observed PRS is effectively used as STL within a PRT, as more cost effective where stay is a few months, but avoids the STL guidance.</p> <p>The APG should also provide guidance covering the following matters:</p> <ul style="list-style-type: none"> • Previous occupancy type history • Alignment with guidance on planning for HMOs 	<p>In cases where planning permission is refused, the applicant has the right of appeal via either the Council's Local Review Body (LRB) or the Scottish Government's Division of Planning and Environmental Appeals (DPEA) (depending on whether the initial decision was taken by an Officer or the Planning Development Management Committee).</p> <p>The 5 year period which will be applied to limit the duration of any STL planning permissions will ensure alignment with the 5 yearly refresh of the Housing Need and Demand Assessment (HNDA). The HNDA process will provide an update on local housing market conditions and may influence the way applications for STLs are considered in the future. By limiting the duration of STL planning permissions to 5 years, this will help to ensure that any significant changes in housing need, demand, or supply in the city can be considered when a new planning permission is sought to extend the STL use. It would not be possible to achieve this important outcome if STL planning permissions were granted for a longer time period such as 10 years.</p> <p>The proposal that there should be at least two neighbour objections before an STL is subject to review appears to relate to the scheme of delegation for STL licence applications (which currently have to be considered by the Licensing Committee rather than determined by an Officer if any neighbour concerns / objections are raised</p>	No change required.

		<p>against the application). This is not a matter for this APG as licensing operates separately from the planning regime.</p> <p>Private Residential Tenancies (PRTs) are outside the direct remit of the planning system. Irrespective of the method used for the letting of a property on a short-term basis, the planning service is required to consider any proposals for STLs to determine if planning permission is required and, where necessary, to assess any planning applications for STLs.</p> <p>The previous use of a property is generally considered when determining planning applications. However, it is unclear what additional guidance APG could provide on this matter.</p> <p>Guidance on Houses in Multiple Occupation (HMOs) is set out in a separate APG. Whilst HMOs can raise similar planning issues to STLs (eg general impact on local amenity, car parking etc), they also raise a number of unique issues that do not normally apply to STLs (eg impact on neighbourhood character when large concentrations of HMOs are vacated by students outside of term time). It is therefore appropriate to provide guidance on STLs and HMOs in separate APGs and this does not raise any issues with policy alignment or inconsistency.</p>	
12	I think it is essential that there should be a presumption that any STL is a change of use and hence planning permission required, regardless of whether this is a	Planning case law directs that outside of an STL control area, whether the use of a dwelling as an STL represents a material change of use (and	No change required.

	<p>house or a flat. This gives the opportunity for those in the locality to make their views known in support of, or against such a change of use.</p> <p>I disagree with the indication that the decision for a flat may rest on the number of STLs in the block.</p> <p>I think the guidance should mention that dedicated parking (not street parking) should be available for any STL.</p>	<p>therefore requires planning permission) is a question of fact and degree and must be considered on a case-by-case basis, taking account of individual circumstances.</p> <p>Consideration of the cumulative impacts of multiple STLs in one building is necessary to minimise the impacts of STLs experienced by neighbouring properties.</p> <p>The APG highlights that parking arrangements will be considered when assessing planning applications for STLs. However, it would not be reasonable to require dedicated parking (rather than on-street parking) in every instance.</p>	
13	<p>Under the terms of the 1982 Act, the Council can grant a temporary exemption to the requirement to have a STL licence. Under the terms of the 1982 Act, temporary exemptions can be issued for a period or periods not exceeding 6 weeks in any period of 12 months. The 6 weeks available for exemption can be requested for one block of 6 weeks or can be for lesser periods of time.</p> <p>Several other councils have made use of this exemption. Consideration should be given by Aberdeen City Council to allowing a 6 week exemption period for properties which hold a HMO licence. Since the introduction of no fixed term tenancies, student properties now often lie empty over the summer placing a heavy financial strain on landlords with mortgages. Before the introduction of STL legislation, these properties were often let to holidaymakers / workmen for short periods.</p>	<p>The matters raised in this response relate to the licensing regime, which is separate to the planning process. The points it raises are therefore outwith the remit of planning and cannot be addressed in this APG.</p> <p>However, insofar as planning requirements are concerned, it is worth noting that an HMO property lying vacant outside of term time may be able to operate as an STL for a temporary period not exceeding 28 days in a single calendar year without the need for planning permission. Beyond that period, the requirement to consider whether the use of the vacant HMO as an STL would represent a material change of use (and therefore require planning permission) would apply as normal. Where planning permission is required for any STL use beyond the 28 day period, prospective applicants would need to apply for a mixed use (HMO and STL),</p>	No change required.

	<p>If not full exemption, then please consider a reduced fee for the licence. As the properties already hold a HMO licence, full safety checks have been carried out and the property has already been inspected. It is unreasonable to charge twice for the same service.</p> <p>Unless they are able to cover their costs by using the summer to provide short term accommodation to visitors (whilst at the same time generating much needed revenue for local businesses), it is likely in the long term, many student landlords will be unable to continue.</p>	<p>which if approved would enable the property to be used for both purposes.</p>	
14	<p>Provided there is compliance with current regulation & legislation, short term lets should be allowed due to the facts that current economic climate due to cost of living crisis have leaving north east families poorer now with many struggling. This "could" be seen as a means to temporarily support their income.</p>	<p>Comment noted.</p>	<p>No change required.</p>
15	<p>Do not agree there is any need for planning permission.</p>	<p>Planning case law directs that outside of an STL control area, whether the use of a dwelling as a STL represents a material change of use (and therefore requires planning permission) is a question of fact and degree and this must be considered by the planning service on a case-by-case basis, taking account of individual circumstances.</p>	<p>No change required.</p>
16	<p>It is very confusing and not very helpful when statements such as those in section 2.1 (about whether or not planning permission is required) are included in a document such as this. You either need, or don't need planning permission. In my opinion planning permission should be sought in all cases as there are so many Health and Safety issues which should be required as is mandatory for other rental</p>	<p>Planning case law directs that outside of an STL control area, whether the use of a dwelling as a STL represents a material change of use (and therefore requires planning permission) is a question of fact and degree and this must be considered by the planning service on a case-by-case basis, taking account of individual circumstances.</p>	<p>No change required.</p>

	<p>property, e.g. interlinked smoke alarm systems, Legionella Risk Assessments etc. Only by ensuring that all Short-term Lets adhere to the same obligations as other business based rentals can the sector be monitored.</p> <p>The APG should also cover the following matters:</p> <ul style="list-style-type: none"> • Areas that already have a high number of HMOs and student accommodation should be exempt from STL properties. • The requirement that the STL properties should be Licenced and adhere to the same safety, maintenance and repair regulations set in place for all other rental properties. 	<p>Health and safety implications associated with the operation of STLs are generally dealt with through the separate licensing regime. The APG already identifies that all STLs also require a licence and provides a weblink for more information on the licensing regime.</p> <p>Guidance on Houses in Multiple Occupation (HMOs) is set out in a separate APG. Whilst HMOs can raise similar planning issues to STLs (eg general impact on local amenity, car parking etc), they also raise a number of unique issues that do not normally apply to STLs (eg impact on neighbourhood character when large concentrations of HMOs are vacated by students outside of term time). It is therefore appropriate to provide guidance on STLs and HMOs in separate APGs and this does not raise any issues with policy alignment or inconsistency.</p>	
17	<p>We suggest that the period granted for each STL should be 3 years, rather than 5, to bring it into line with the 3 years granted for HMOs, given that many of the same issues obtain. In particular, it would allow the Council more flexibility in responding to changes in the Housing Need situation, or any unforeseen factors.</p> <p>We wish to suggest that, when an application is submitted for an STL in the Old Aberdeen area, consideration of the application should include an assessment of the number of HMOs and smaller student lets in the area, because in some parts of Old Aberdeen, the conversion of yet another house or flat (this time in the form of an STL), could further</p>	<p>The 5 year period which will be applied to limit the duration of any STL planning permissions is intended to ensure alignment with the 5 yearly refresh of the Housing Need and Demand Assessment (HNDA). The HNDA provides a key source of evidence on local housing market conditions and may influence the way applications for STLs are considered in the future. By limiting the duration of STL planning permissions to 5 years, this will help to ensure that any significant changes in housing need, demand, or supply in the city can be considered when a new planning permission is sought to extend the STL use.</p>	<p>Add text to the final paragraph in section 2.2 of the APG to clarify that, when assessing cumulative impacts for proposals relating to the use of a flat as an STL, the presence of existing HMOs</p>

	<p>undermine the established residential character of the area, as well as removing much needed permanent housing.</p> <p>In this connection, it should be noted that not only do students wish to live near to the University, but University staff and their families often do also, and their needs deserve at least as much consideration. A certain proportion of staff will, for one reason or another, have to live near their place of work, and it is increasingly difficult for a family home of this kind to be found, without its being bought up for leasing to students, which is, of course, financially, a very profitable enterprise.</p> <p>If the number of HMOs, and, if possible, the number of smaller student lets in an area were taken into consideration in determination of an application for an STL, it might be found that approval of the STL would, in an area with an existing high concentration of student flats, further reduce the number of family, or individual, homes available for those who wish to put down roots in Old Aberdeen.</p> <p>Just as pressing a consideration is the matter, in the Old Aberdeen area, of the increasing imbalance in the demographic of the local community. Aberdeen City Council has for many years promoted, as a core policy, the aim of achieving "Sustainable Communities", but if the number of homes converted to properties catering only for transient residents is allowed to increase, in the absence of strict assessment and oversight, the probable outcome is that the current imbalance in the community will increase. There are parts of Old Aberdeen where permanent residents, both individuals</p>	<p>Guidance on Houses in Multiple Occupation (HMOs) is set out in a separate APG. Whilst HMOs can raise similar planning issues to STLs (eg general impact on local amenity, car parking etc), they also raise a number of unique issues that do not normally apply to STLs (eg impact on neighbourhood character when large concentrations of HMOs are vacated by students outside of term time). It is therefore appropriate to provide guidance on STLs and HMOs in separate APGs and this does not raise any issues with policy alignment or inconsistency. Nevertheless, it is acknowledged that the presence of both HMOs and STLs within the same building may give rise to issues of cumulative impact within that building. A change is therefore proposed to ensure that account is also taken of any HMOs within the same building when assessing the cumulative impacts of STLs within a tenement building or block of flats.</p>	<p>within the building will be taken into account.</p>
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	<p>and families, are now very much in the minority, owing to landlords from near and far buying up and converting established homes in the pursuit of attractive investments.</p> <p>Such a situation is not sustainable. The resulting communities are not sustainable.</p> <p>Allowing new Short Term Lets in the most seriously affected areas can only further damage social cohesion. This is another reason why, we believe, no STL should be approved in an area in which there is already a high proportion of transient residents.</p> <p>We ask, therefore, that in all cases of applications for an STL in the Old Aberdeen area, a full assessment is made of all these factors.</p>		
18	<p>Historic Environment Scotland can confirm that we have no comments to offer on the draft guidance on this occasion.</p>	<p>Noted.</p>	<p>No change required.</p>
19	<p>Planning permission for use of a building not currently an STL is only required if it represents a material change of use. This is a matter of fact and degree and, as far as non-flatted housing is concerned, the Use Classes Order. It is incorrect to suggest that all new STLs shall automatically require planning permission, given no STL Control Zones have been designated in Aberdeen.</p>	<p>The APG does not suggest that all STLs require planning permission. Section 2.1 acknowledges that outside of an STL control area, whether the use of a dwelling as an STL represents a material change of use (and therefore requires planning permission) is a question of fact and degree and must be considered by the planning service on a case-by-case basis, taking account of individual circumstances. The APG recognises that planning permission will not be required in all cases and provides examples of instances where planning permission is not likely to be necessary.</p>	<p>No change required.</p>