



Strategic Place Planning

Report of Handling by Development Management Manager

Site Address:	45 Mearns Street, Aberdeen, AB11 5ER
Application Description:	Change of use of flat to short-term let accommodation with maximum occupancy of 4 people
Application Ref:	250841/DPP
Application Type:	Detailed Planning Permission
Application Date:	8 August 2025
Applicant:	Richards Tattoo Studio LTD
Ward:	George Street/Harbour
Community Council:	Castlehill and Pittodrie

DECISION

Refuse.

APPLICATION BACKGROUND

Site Description

The application property is a third floor flat within a five-storey apartment block of 46 flats built in the last twenty years on the corner of Mearns Street and Regent Quay by Aberdeen Harbour. There is no communal garden ground and on-site car parking is situated at ground floor, accessed from Mearns Street, while there are two pedestrian communal doors, one opening onto Regent Quay and one Mearns Street. Regent Quay and Mearns Street border the building to the south and east; to the north is an industrial yard and to the west are the rears of workshops.

The surrounding area consists of a mixture of residential flats and small to medium sized offices and industrial units, as well as some cafes and pubs further to the west.

On the third floor (where the flat is situated) are ten residential flats. The properties on the floor are accessed along a sheltered communal balcony. The property is situated in the south-east corner of the building; adjacent to its west is another flat and its front door is at the end of a short spur hallway, facing the front door of another flat. The flat has a gross floor area of approximately 75 square metres and consists of two bedrooms, a kitchen, a living room, a bathroom and a shower room. It has a dual aspect with windows looking onto Mearns Street and Regent Quay.

Relevant Planning History

There is no planning history for the property itself. In the last two months, two planning applications for short-term let use within the overall building have been determined:

- 250641/DPP – Detailed planning permission for the change of use of 23 Mearns Street from a flat to short-term let accommodation with a maximum occupancy of two people was approved conditionally on 10 Septe². The permission is extant although no notice of initiation

of development has been received to date. The permission is extant although no notice of initiation of development has been received to date.

- 250627/DPP – Detailed planning permission for the change of use of 35 Mearns Street from a flat to short-term let accommodation with a maximum occupancy of three people was refused under delegated powers on 26 August 2025, due to the cumulative impact the proposal in its specific spatial context and occupation would have on residential amenity. No notice of review has been submitted to the Local Review Body to date.

APPLICATION DESCRIPTION

Description of Proposal

It is proposed to change the use of the property from a residential flat to short-term let accommodation with a maximum occupancy of four people. The existing waste and car parking facilities would be used.

Amendments

None.

Supporting Documents

All drawings and supporting documents listed below can be viewed on the Council's website at –

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=TOMEMGBZLQU00>

- STL Checklist

CONSULTATIONS

Aberdeen City Council (ACC) Internal Consultees

- **ACC - Roads Development Management Team** – No objection. They have noted that the existing and proposed use have similar parking requirements and that there is therefore no net detriment in parking demand. They note that the site is readily accessible by sustainable transport modes.
- **ACC - Waste and Recycling** – No objection. Have advised that the current residential bins may be used until commercial status is determined. They set out the requirement of the operator to either enter into a contract with the Council or to arrange waste and recycling services with a third party. They advise the operator's legal responsibilities under the Waste (Scotland) Act 2012 and general guidance on the management of waste.

External Consultees

- **Castlehill and Pittodrie Community Council** – No response received.

REPRESENTATIONS

Two representations have been received (2 objections). The matters raised can be summarised as follows – The matters raised can be summarised as follows –

Material Considerations

1. Excessive concentration of short-term lets within the building, with the risk that the cumulative impact transforms the residential development into the equivalent of an aparthotel, which is inappropriate in this location;
2. Loss of residential character, to the detriment of sense of community and residential wellbeing;
3. Impact on housing supply;
4. Potential to set a precedent for further short-term let applications;
5. Increase in anti-social behaviour, including the mess and costs associated with this;
6. Harmful levels of noise.

MATERIAL CONSIDERATIONS

Legislative Requirements

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

Development Plan

National Planning Framework 4

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

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

Aberdeen Local Development Plan 2023

- Policy D1 (Quality Placemaking)
- Policy H2 (Mixed Use Areas)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)
- Policy VC2 (Tourism and Culture)

Aberdeen Planning Guidance

- Short-term Lets
- Houses in Multiple Occupation and Overprovision
- Transport and Accessibility

Other National Policy and Guidance

- Scottish Government publications:
 - Circular 1/2023: [Short-Term Lets and Planning](#)
 - Short Term Lets: [Business and regulatory impact assessment – November 2021](#)
- Scottish Government – [Research into the impact of short-term lets on communities across Scotland – October 2019](#)

Other Material Considerations

- Housing Need and Demand Assessment 2023-28

EVALUATION

Key Determining Factors

The key determining factors are the impact of the proposed development on the character and amenity of flats within the block and on the wider area, its accessibility to the city centre, public transport nodes and other sites of high visitor footfall, and its impact on housing supply.

Policy 30 (Tourism), paragraph (e) of National Planning Framework 4 (NPF4) states:

“e) Development proposals for the reuse of existing buildings for short term holiday letting will not be supported where the proposal will result in:

- i. An unacceptable impact on local amenity or the character of a neighbourhood or area; or*
- ii. The loss of residential accommodation where such loss is not outweighed by demonstrable local economic benefits”.*

The application site lies within a Mixed Use Area, as zoned on the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H2 (Mixed Use Areas) of the ALDP requires all new development in such areas to take into account the existing uses and character of the surrounding area and to avoid direct conflict with adjacent land uses and amenity.

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

Impact on character and amenity

The mix of uses in the area consists of residential uses (mostly flats), offices, light industrial workshops and a smaller concentration of shop and other public footfall uses such as cafes and a

clinic. This is not to mention Aberdeen Harbour on the southern side of Regent Quay, which is the source of much of Regent Quay's traffic, including heavy goods vehicles. Side streets such as Mearns Street running north from Regent Quay are much quieter and primarily serve local traffic. Given this mixed character and the small scale of the proposed short-term let, it would not have any significant impact on the character of the wider area.

Policy 14 (Design, Quality and Place) of NPF4 requires to be designed to be healthy, through supporting the prioritisation of women's safety and improving physical and mental health. Annex D of NPF4, which elaborates on the six qualities of successful places, further states that places should promote *"lifelong wellbeing through ensuring spaces, routes and buildings feel safe"* and *"social connectivity and creating a sense of belonging and identity within the community"*. Policy D1 (Quality Placemaking) of the ALDP seeks development to be safe and pleasant, in terms of avoiding unacceptable impacts on adjoining uses, including invasion of privacy and in terms of noise.

In general, it is considered that the use of a property as short-term let accommodation (STL) 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."* These impacts on character and amenity have also been raised as part of the objections (*issues 2, 5 and 6 in representations*).

In this instance, the proposed STL is a two-bedroom flat with a stated maximum occupancy of four people at any one time. It is thus considered unlikely that the flat in isolation 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.

In terms of wider impacts on amenity, the property shares entrance doors and stairwells with 40 other mainstream residential flats and five licensed STLs, with an additional flat having received planning permission for use as an STL and with its licence application pending determination (see Relevant Planning History above). Upon arriving at the third floor, the property then shares a communal access balcony with eight other mainstream residential flats and one licenced STL. At present, approximately 13% (6 out of 46) of properties within the overall development are licenced and/or have planning approval for use as an STL.

Aberdeen Planning Guidance: Short-term Lets ('APG: STLs') sets out the various considerations which will be weighed up when assessing applications for planning permission for change of use to STL. In particular, it states:

“the Council will have particular regard to the presence of any existing STLs within the building and their total occupancy levels. This is because the presence of multiple STLs within a tenement or block of flats is likely to have a greater effect on the amenity of other residents through cumulative impacts. When assessing cumulative impacts for proposals relating to the use of a flat as an STL, account will also be taken of any existing Houses in Multiple Occupation (HMOs) within the building and their total occupancy levels.”

The proposed STL would increase the overall concentration of STLs within the block to 15% and the concentration on the communal balcony for the third floor to 20%. For the avoidance of doubt, there are no HMOs in the building. Guests of the proposed STL would pass through either of the ground floor lobbies and part way up the stairwells and lifts, spaces which are also used by guests of the five currently licensed STLs. At present the total number of transient occupants of STLs who may use these communal spaces at any one time is up to 22 persons. With reference to the issue of parties or anti-social activities considered above, the high concentration of STLs within the same building increases the risk of simultaneous booking of different units by the same party whereby the impact of any anti-social or noisy activity would be intensified to levels at odds with the established residential amenity.

Based on the information available, the five currently licensed STLs are all two-bedroom flats each with maximum occupancies of four people, which is the maximum occupancy these properties could reasonably accommodate. Their typical mainstream residential occupancy for adults would generally be lower. As such, the existing STLs together are capable of operating at a higher intensity of occupation with a higher rate of comings and goings than mainstream residential use and have an existing cumulative impact on the character and amenity of the building. Being a property of a similar character with the same proposed maximum occupancy of four people, the proposal would further contribute to this cumulative impact. This is in addition to the property with planning permission under application 250641/DPP, which has a maximum occupancy of two people.

This raises the threshold at which any additional short-term let in the building, with further cumulative impact on the amenity of communal areas and services, would be acceptable. While impact on residential amenity is dispersed by the respective STLs on each floor, it is concentrated on the communal entrances and stairwells which all properties use. In particular in this case, there is already one STL on the same floor as the application property, whereupon the proposal would bring the total concentration of STLs on that floor to 20%, having an additional impact on the character and amenity of the third floor in particular. This cumulative impact of excessive concentrations of STLs has also been raised in the representations (*issue 1*).

When giving guidance on how cumulative impact of STLs is assessed, APG: STLs draws a link between the not dissimilar amenity impacts of STLs and HMOs by including HMOs within the assessment of cumulative impact of STLs. It is noted from APG: Houses in Multiple Occupation and Overprovision that 12% within a Small Data Zone is considered a concentration beyond which adverse impacts on amenity would become unacceptable. While HMOs are not the same as STLs and no explicit concentration threshold is given in APG: STLs, the comparison can go towards informing evaluation of the concentration of STLs within a building or neighbourhood, taking into account all other factors. The proposal would increase the concentration of STLs within the single building to 15% and on the same floor to 20%. Considering this and also the high maximum occupancies of the existing licensed STLs which exacerbates their current impact on amenity, the proposed STL with the same maximum occupancy would therefore have a significant adverse impact on residential amenity within the building. This would be through a cumulative increase in comings and goings from numerous strangers and concomitant decrease in a feeling of security, particularly in the context of supporting lifelong wellbeing and social connectivity through ensuring spaces feel safe and welcoming.

It is therefore considered that the use of the property as an STL would, with reference to the existing concentration of STLs in the building and its spatial layout within that building have a significantly adverse impact on residential amenity, contrary to Policy 14 (Design, Quality and Place) and Policy 30(e)(i) of NPF4 and Policy H2 of the ALDP. It would likewise fail to be safe and pleasant under Policy D1 of the ALDP.

The harm on amenity as outlined constitutes the substantive grounds for refusal of the application. Other matters are covered below.

Provision of Short Term Let tourist accommodation and local economic benefits

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

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

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

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

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

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

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

The application property lies an approximate 240 metres walk from the city centre boundary as zoned in the ALDP Proposals Map, therefore being easily accessible to the services, amenities and attractions of the city centre including public transport services. The proposal, whilst not in total accordance with Policy VC2 of the Aberdeen Local Development Plan, would in effect meet the

policy intentions to steer tourist accommodation towards the city centre or existing Local Development Plan tourist allocations unless it is demonstrated otherwise impracticable.

The small scale of this proposal within the mixed use area with good pedestrian and public transport links is considered to be in a location close enough to the city centre and public transport nodes not to undermine the intentions of Policy VC2 of the ALDP.

Housing

Concerns have been raised in a representation about the impact that a permanent change of use from mainstream residential flat to STL would have on the housing supply (*issue 3*). 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 APG.

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).”

At the present time there is no evidence in the Housing Need and Demand Assessment 2023-28 that the proposal would result in a significant impact on local housing need until 2028. Therefore the potential permanent loss of residential accommodation does not form part of the reason for refusal.

Furthermore, were the application to have been approved, and with a view to Policy 30 of NPF4, the housing emergency and existing housing supply data, a condition would have been applied to make the permission temporary, addressing any concern from the objection about the loss of housing being permanent.

Transport and Accessibility

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP both promote and encourage the use of sustainable and active modes of travel where possible, as opposed to private vehicle trips. This is further supported by the requirement of Policy D1 of the ALDP for developments to promote easy of moving around. Policy T3 (Parking) of the ALDP requires new developments in the city centre to be car free, given the access to active travel and public transport options.

As discussed concerning Policy VC2 (Tourism and Culture) of the ALDP above, the property is well connected by public and active travel modes to the city centre. As such, the many amenities in the city centre are easily accessible to the property, as are the city's main bus and railway stations and multiple bus routes serving various areas of the city, including the airport and hospital.

Customers would be able to utilise the on-site car parking but would also be able to easily access the property by train or bus and access the property sustainably, generating low vehicular traffic.

Given these considerations, the proposal is compliant with Policies 13 of NPF4 and T2 and T3 of the ALDP.

Waste Management

Policy 12 (Zero Waste) of NPF4 and Policy 5 (Waste Management Requirements for New Development) of the ALDP both require developments that generate waste and/or recyclables to have sufficient means for the appropriate storage and subsequent collection of that waste and recyclable materials. The property would be a business and would therefore not pay Council Tax.

Specific details on how waste would be managed have not been provided. Nevertheless, the Council's Waste and Recycling team has advised that customers of the STL would be able to utilise the existing communal domestic bins until such time as the commercial status of the property was determined, which is considered an acceptable solution. Notwithstanding the refusal of the application, the proposal accords 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, would be 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, but would effectively conserve the existing level of biodiversity for the property, generally meeting the requirements of Policy 3 of NPF4.

Matters raised in representations

Issues 1, 2, 3, 5, and 6 have been addressed in the Evaluation above. Concerns have also been raised in objections that the STL could set a precedent for additional STLs in the building, further eroding residential amenity (*issue 4*). Each planning application is determined on its own merits according to the site and the proposal in all their specificities. Cumulative impact of STLs elsewhere is established in APG: STLs as a material consideration in the determination of planning applications.

DECISION

Refuse.

REASON FOR DECISION

The change of use of this property to short-term let (STL) accommodation with a maximum occupation of four guests would result in up to seven STLs within a block of 46 flats with a total maximum occupancy of 26 guests. It would result in up to two STLs on the same floor of 10 flats with a total maximum occupancy of 8 guests, a concentration of 20%. This concentration of STL units within the apartment building and the cumulative intensity of their use would result in significant adverse impact upon the amenity of the residential properties within the apartment building, as a result of the additional STL being approved in its location and proposed maximum occupation.

These harms to amenity would include a negative impact on security, real or perceived, within the communal areas of the building due to the large numbers of transient visitors to the building, and the potential increase in disturbance through noise of comings and goings which would result. This harm to amenity is contrary to Policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan 2023 (ALDP) and Policy 30 (Tourism) of National Planning Framework 4 (NPF4), as well as failing to be healthy or safe and pleasant under Policy D1 (Quality Placemaking) of the ALDP and Policy 14 (Design, Quality and Place) of NPF4.