

ABERDEEN CITY COUNCIL

COMMITTEE	Planning Development Management
DATE	18 January 2024
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Draft Aberdeen Planning Guidance: Short-term Lets
REPORT NUMBER	PLA/24/013
DIRECTOR	Gale Beattie
CHIEF OFFICER	David Dunne
REPORT AUTHOR	David Berry
TERMS OF REFERENCE	5

1. PURPOSE OF REPORT

- 1.1 This report presents draft Aberdeen Planning Guidance on Short-term Lets (Appendix 1). The report seeks approval to undertake public consultation on the draft document, with the results of the consultation and any revisions to it to be reported back to the Planning Development Management Committee for approval within six months of the end of the consultation period.

2. RECOMMENDATION

That the Committee:-

- 2.1 Approve the content of the draft Aberdeen Planning Guidance on Short-term Lets (Appendix 1) and instruct the Chief Officer - Strategic Place Planning to, subject to any minor drafting changes, publish it for a six-week period of public consultation; and
- 2.2 Instruct the Chief Officer - Strategic Place Planning to report the results of the public consultation and any proposed revisions to the draft Aberdeen Planning Guidance to a subsequent Planning Development Management Committee within six months of the end of the consultation period.

3. CURRENT SITUATION

- 3.1 Members will recall that the new Local Development Plan 2023 was formally adopted on 19 June 2023. The Local Development Plan focuses on the vision, spatial strategy and key policies and proposals for the future development of Aberdeen.
- 3.2 The Council can also adopt additional supporting guidance in connection with the Local Development Plan and this can be used to provide more detail on how its policies and proposals will be implemented. Appendix 4 of the Local Development Plan outlines the Aberdeen Planning Guidance that is expected to be produced. The majority of this guidance was adopted in late 2023 (see Council Report COM/23/303).

- 3.3 A further draft Aberdeen Planning Guidance document is now proposed to cover the topic of short-term lets. The Local Development Plan specifically references the possibility of developing Aberdeen Planning Guidance on this subject.
- 3.4 As a result of the Civic Government Scotland Act 1982 (Licensing of Short-term Lets) Order 2022, local authorities were required to establish a licensing scheme for short-term lets by 1 October 2022. The Council's short-term lets licensing scheme was approved by the Licensing Committee on 6 September 2023. If a property meets the definition of a short-term let under licensing legislation, it will require a licence. However, it does not automatically require planning permission. As there are currently no short-term let control areas in Aberdeen, it is for the planning authority to decide if a proposed short-term let represents 'development' that will require planning permission. The draft Aberdeen Planning Guidance provides clarification on the factors that the Council will consider when determining whether or not a proposed short-term let will require planning permission.
- 3.5 Policy 30 of National Planning Framework 4 (Tourism) sets out national policy on the reuse of existing buildings as short-term lets. It sets out criteria to protect amenity and neighbourhood character, and to protect residential accommodation from loss unless it is outweighed by the local economic benefits of short-term letting. The draft Aberdeen Planning Guidance provides clarification on the local factors that the Council will take into account when assessing planning applications for short-term lets. It aims to ensure that proposals for short-term lets are assessed with a focus on local amenity, neighbourhood character and cumulative impact. The document will help applicants, planning officers and other stakeholders and will ensure a consistent approach to decision making.
- 3.6 Subject to Member approval, a six-week period of public consultation will be undertaken on the draft Aberdeen Planning Guidance. The draft document will be made available for inspection online and in Marischal College. The consultation will be publicised through means such as the Local Development Plan newsletter and the Council's website and social media platforms. Notification of the consultation will also be issued by email to potentially interested parties such as planning agents. Interested parties will be able to submit comments online using the Council's consultation hub (Citizen Space), or by email or post.
- 3.7 All comments will be reviewed and taken into account to help formulate a final version of the Aberdeen Planning Guidance on Short-term Lets, which will be reported back to Members for approval at a future meeting of the Planning Development Management Committee within six months of the end of the consultation period.

4. FINANCIAL IMPLICATIONS

4.1 There are no direct financial implications arising from this report as the cost of preparing Aberdeen Planning Guidance is met through existing staff time and resource budgets.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal implications arising from this report. The proposed Aberdeen Planning Guidance will be a material consideration to inform decisions on future planning applications in Aberdeen.

6. ENVIRONMENTAL IMPLICATIONS

6.1 The draft Aberdeen Planning Guidance has been subject to a Strategic Environmental Assessment (SEA) pre-screening process in accordance with relevant legislation.

7. RISK

7.1 The assessment of risk contained within the table below is considered to be consistent with the Council's Risk Appetite Statement

Management Of Risk

7.2 The Local Development Plan 2023 was recently adopted. The draft Aberdeen Planning Guidance on Short-term Lets supports the Local Development Plan and ensures continuity in the provision of comprehensive, up-to-date and relevant planning frameworks.

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	Not delivering the aims of the Aberdeen Local Development Plan and the Local Outcome Improvement Plan	Ensure that robust and transparent consultation is undertaken in a timeous manner on the draft guidance, and ensure that a final version of the guidance is adopted timeously.	L	Yes
Compliance	Ensuring compliance with National	Ensure that robust and transparent consultation is undertaken in a	L	Yes

	Planning Framework 4.	timeous manner on the draft guidance, and ensure that a final version of the guidance is adopted timeously.		
Operational	By not providing guidance officers could, over time, provide inconsistent advice.	The draft guidance provides clarity, consistency and certainly in terms of assessment of planning applications.	L	Yes
Financial	Not having timeously published and adopted supporting guidance for the new Local Development Plan could lead to uncertainty at planning application stage and potentially lead to more staff time being spent processing applications	The draft guidance should reduce the number of queries and provide clarity, consistency and certainly in terms of assessment of planning applications.	L	Yes
Reputational	Not providing guidance opens the possibility of inconsistency in decision making and misinformation in the public domain.	The draft guidance sets parameters for the assessment of planning applications for short-term lets.	L	Yes
Environment / Climate	Ensuring that planning frameworks take into consideration	Ensure that robust and transparent consultation with statutory agencies is undertaken on the	L	Yes

	the relevant environmental and climate change legislation at the point of their development and production.	draft guidance. Carry out SEA Pre-Screening in line with relevant legislation.		
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8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2023-2024</u>	
Impact of Report	
Aberdeen City Council Policy Statement <u>Working in Partnership for Aberdeen</u>	The proposals within this report support the delivery of the following aspects of the policy statement:- <ul style="list-style-type: none"> A vibrant city - making our city a better place for people to live, work, raise a family and visit.
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous Economy Stretch Outcomes	The draft guidance will help to support the achievement of stretch outcome 2, through supporting the local labour market.
Prosperous Place Stretch Outcomes	The draft guidance will help to support the achievement of stretch outcome 14 by promoting short-term lets in locations that are accessible by sustainable modes of transport.
Regional and City Strategies	<u>City Strategies and Strategic Plans</u> The APG will support the Aberdeen Local Development Plan 2023 through providing more information on the content of the Plan. It will ensure Aberdeen is an excellent place to live, visit and do business.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage 1 and 2 assessment has been completed and no medium or high negative impacts have been identified that would require mitigation.
Data Protection Impact Assessment	Not required

Other	N/A
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10. BACKGROUND PAPERS

10.1 [Aberdeen Local Development Plan 2023](#)

10.2 [Full Council Report COM/23/303: Aberdeen Local Development Plan 2023 – Proposed Aberdeen Planning Guidance and Supplementary Guidance \(as approved 03 November 2023\)](#)

11. APPENDICES

11.1 Appendix 1 – Proposed Draft Aberdeen Planning Guidance: Short-term Lets

12. REPORT AUTHOR CONTACT DETAILS

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