

LICENSING COMMITTEE INFORMATION SHEET

27 August 2024

Public Application

TYPE OF APPLICATION: SHORT TERM LET LICENCE APPLICATION
EXISTING HOST-SECONDARY LETTING

APPLICANT: DANIEL CHEW

PROPERTY MANAGER: CRAIG MCPETRIE

ADDRESS: 65 OAKHILL GRANGE, ABERDEEN

INFORMATION NOTE

- Application Submitted 29/09/2023
- Determination Date 28/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 5 representations/objections were submitted to the Private Sector Housing Team.

If, after consideration of the representation/objection, the Committee is minded to grant the Short Term Let licence, it may do so under delegated powers since at the time of drafting this information note, the necessary certification has not been completed.

DESCRIPTION

The property at 65 Oakhill Grange, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a flatted property, 2 bedrooms (1 ensuite), bathroom, open plan kitchen lounge. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- Aberdeen City Council's Planning Team
- A public Notice of Short Term Let Application was displayed outside the building, alerting the public to the licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – Planning not required
- One objection email from Kal Masia (Attached as Appendix B)

- One objection email from Liam Anderson (Attached as Appendix C)
- One objection letter from M. McMahon (Attached as Appendix D)
- One objection letter from Gladys Ferguson (Attached as Appendix E)
- One objection email from Robbie Gauld (Attached as Appendix F)

The objections were received within the statutory time period therefore the Council must consider.

COMMITTEE GUIDELINES/POLICY

All applications for Short Term Let licences are dealt with in accordance with the Scottish Government's document:

[Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms](#)

GROUNDS FOR REFUSAL

This application is being dealt with under the provisions of '[Civic Government \(Scotland\) Act 1982 \(Licensing of Short Term Lets\) Order 2022](#)' (the 2022 Order)

Available [grounds of refusal](#) are as follows:

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

(a)the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i)for the time being disqualified under section 7(6) of this Act, or

(ii)not a fit and proper person to be the holder of the licence;

(b)the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

(c)where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

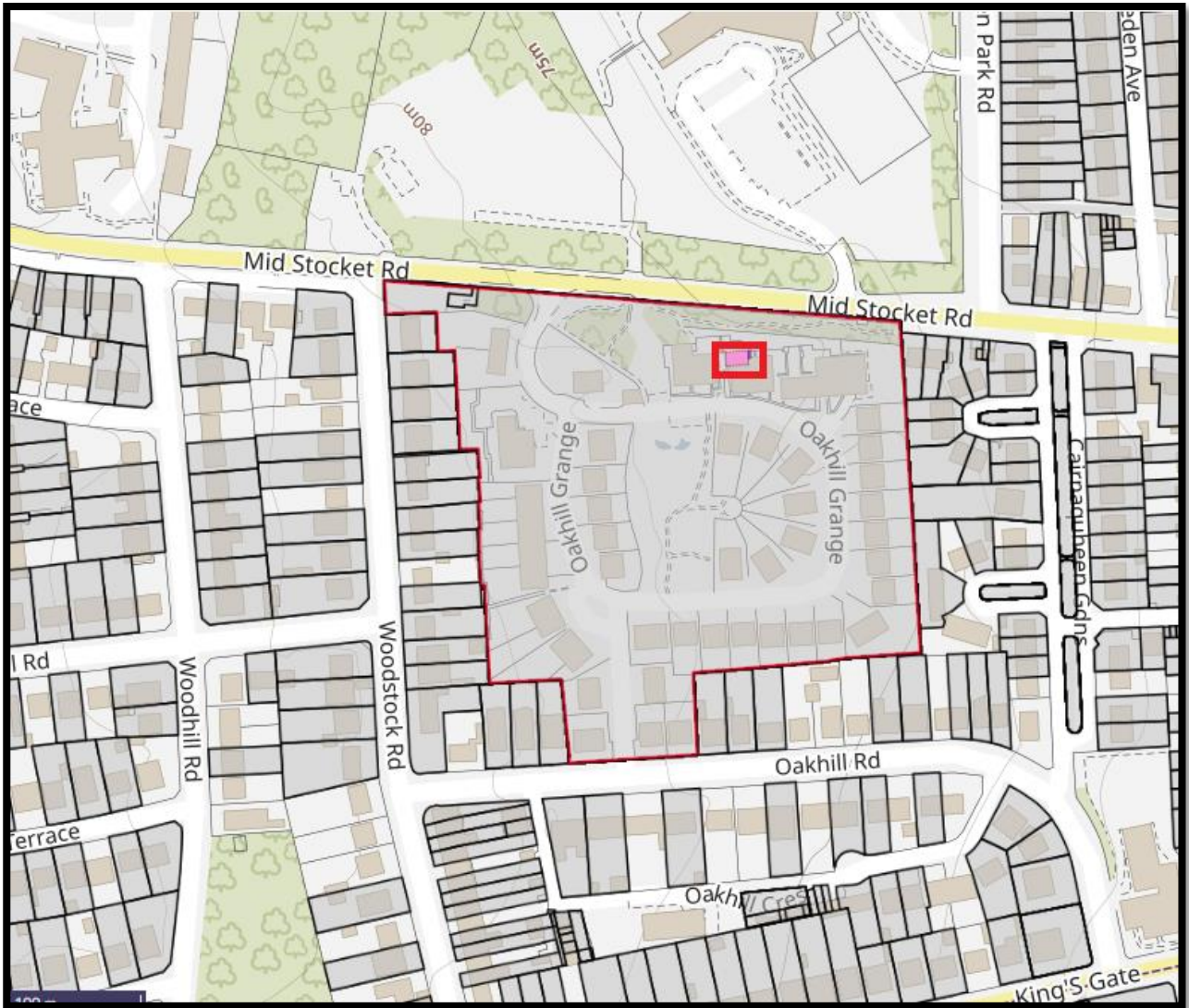
(v)public order or public safety; or

(d)there is other good reason for refusing the application;

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Community Safety Team has no record of any anti-social behaviour complaints in respect of 65 Oakhill Grange, Aberdeen.
- There are no Granted Short Term Let licenses at Oakhill Grange Aberdeen.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.
- The Notice of Display was re-displayed (as requested by the Private Sector Housing Team) in a suitable location outside the property from 23 April 2024 for the statutory 21 day time period. A timeline of events is included within Appendix G, demonstrating communication between the Private Sector Housing Team and Property Manager of 65 Oakhill Grange, Aberdeen.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.

'A'



'B'

From: KAL MASIA

Sent: Sunday, October 1, 2023 10:39 PM

To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>

Subject: Objection to application at 65 oakhill grange aberdeen AB15 5EA

Dear sirs

I had previously noticed a number of different guests staying at the above property.

I have now noticed that there is an application/license for this property to be a short term let. Licence number AC19261P. UPRN 9051140611.

I hereby formally object to this license being granted including but not limited to the reasons stated below:

(1) the proprietors of the property have not provided notice to the other residents of their intention to use the property as a short term let (as is required under your guidelines at paragraph 6). Therefore they have not given the other residents of the flats a fair or reasonable chance to object.

(2) the buildings insurance is paid for by all proprietors of the properties and arranged by our factors (James Gibb). By allowing the property to be used as a short term let, this unfairly increases the risk on the other proprietors. It is also unknown, if the applicant has checked with the factors or our insurance provider to confirm that under the terms of the policy any damage cause under a short term let would be covered and that this would not invalidate the policy.

(3) the building shares a single access way to all flats, by allowing a short term let this increases noise and risk to all other occupants of the building.

(4) the development has 10 visitor (private) parking spaces (not adopted by the council) that are intended to be used by visitors of the residents of the properties (i.e visitors to permanent residents). These spaces are often nearly always in use, by allowing a short term let this prevents all residents being able to enjoy equal use of their shared right to these spaces as additional spaces will be taken up by persons staying.

Owner of [REDACTED].

Kind regards
Kal Masia

'C'

From: Liam Anderson
Sent: Sunday, October 22, 2023 6:23 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: 65 Oakhill Grange Jura House

Dear Sir or Madam,

My name is Liam Anderson and I live at [REDACTED].

I am writing to confirm my objection to the short term let license application which has been submitted for the subject property due to the following reasons:

Constant occurrences of anti-social behaviour from the guests. E.g. Holding parties against the house rules which exceed the 11pm curfew, droves of guests arriving late at night/leaving early in the morning in taxis, damage caused to the front entrance door because guest don't know how to operate it or they don't have the pin code, guests standing outside on the balcony all night long talking and smoking, guests slamming doors, using the lifts late at night causing disturbances to the residents.

Waste management issues, guests/cleaners dumping black bags of general waste in the recyclables bins ignoring the requirement for waste separation. Guests discard empty alcohol drinks cans and bottles outside the building/grounds of the development.

The property is a two bedroom apartment with a maximum occupancy of 4 but we have seen 2 or 3 times that number of people staying at the property on multiple occasions.

The host is creating a security risk for the owners/tenants by giving guests the PIN code for the front door which might be passed on. What is to stop this being used for criminal activity?

Frequently guests illegally park overnight, during the day in the visitors car park including work related vehicles, vans, small trucks, diggers.

It is written into the deeds of these apartments that they shall not be used to operate businesses. The host is not a resident therefore it could be judged that the apartment is being used as a business which may negatively impact our building insurance.

As of today the host has not complied with the requirement to display a Notice outside of the property confirming to all Jura residents that a STL licence application has been submitted.

Thank you,

Best Regards,

Liam Anderson

'D'

Aberdeen
AB15 5EA

25 October 2023

To Whom It May Concern

Objection: Short Lets Licence– 65 Oakhill Grange, Aberdeen

Response to Members' Enquiry Ref. : [REDACTED]

Summary: Oakhill Grange, AirBnB and title deeds

I wish to submit an objection against 65 Oakhill Grange in being granted a Short Lets Licence.

1. There was no notice displayed either outside their door or on the ground floor noticeboard. Therefore, no opportunity for owners to raise an objection which means they would miss the timescale. See attached photographs taken on Friday, 20 October 2023.
2. When I bought my apartment, I asked if I need a security alarm. I was informed by the building company that I bought the apartment from that the apartment blocks had a secure system and I would not need a security alarm. The secure system is using a fob and under no circumstances had the code to any of apartment blocks be issued. This has failed since No.65 has the code access and it is handed out to all their guests which now allows them to roam the apartment block and the underground car park which is private. The owner has also defaced communal property by attaching a lockbox to the facing of the door. They never asked or received permission.
3. This apartment block shares the communal path with the apartment block opposite. The continual change of guests and their lifestyle will cause considerable annoyance and frustration to all. Owners want to enjoy living in their apartment but this will be difficult if the licence is granted and they don't know who and how many people will be lodging in the apartment and what destruction they could cause. There are 19 apartments in this block so why should the other 18 owners incur extra costs through Short Lets?
4. This is a lovely estate to live in and not a place for tourists to reside. Aberdeen has many hotels, B&Bs, guest houses and service apartments (eg. The Spires, Kepplestone) which tourism is their livelihood. So why is Aberdeen City Council encouraging Short Lets?

This apartment advertises on Airbnb/Trivago/Booking.com. On Booking.com, it states entry to apartment is up to 23:30, and vacating the apartment from 00:00, which I think are hotel times not for a private apartment in an apartment block. At that time of night with the rattling of suitcase/s on the communal path, taxis arriving/leaving and chatting – when do we (people living at each side of the communal path) that have bedroom windows facing onto the communal area get to sleep? Any disturbances late at night causes sleepless nights. How do we know if these guests are up to date with Covid vacations and any other vacations for future viruses?

Who is monitoring the number of guests in the apartment at one time? Recently there have been 2 separate families of 5 people occupying the apartment. One family had their own sheets, pillow and quilt. This apartment is far too small for 4 adults and not suitable for children.

There was an incident on June 03 when an owner's sleep was disturbed by 7 people arriving at 01:00 in 3 taxis. They were running up and down the street. 5 of these people left in taxis at 09:00 that morning. I believe an owner in this block contacted Airbnb with a complaint.

If licence is granted, you will allow access to other owners in these apartment blocks to apply for the Short Let licence causing this prime area standards to deteriorate rapidly. If a licence is granted to this apartment, I believe that all the apartments in the area will devalue greatly. I did not pay a substantial amount of money for my apartment with security to allow guests to wonder freely through the apartment block. Several owners bought their apartment to enjoy retirement and enjoy their time on this lovely estate. If the licence is granted the enjoyment living in these apartments and surrounding area will be stolen by the greed of this owner. If this licence is granted, this Short Let would then become a business that is not permissible under the Deed of Conditions which will cause extra to all apartment owners by way of building insurance costs and any damage these guests may cause. This not a holiday village. This is a residential area.

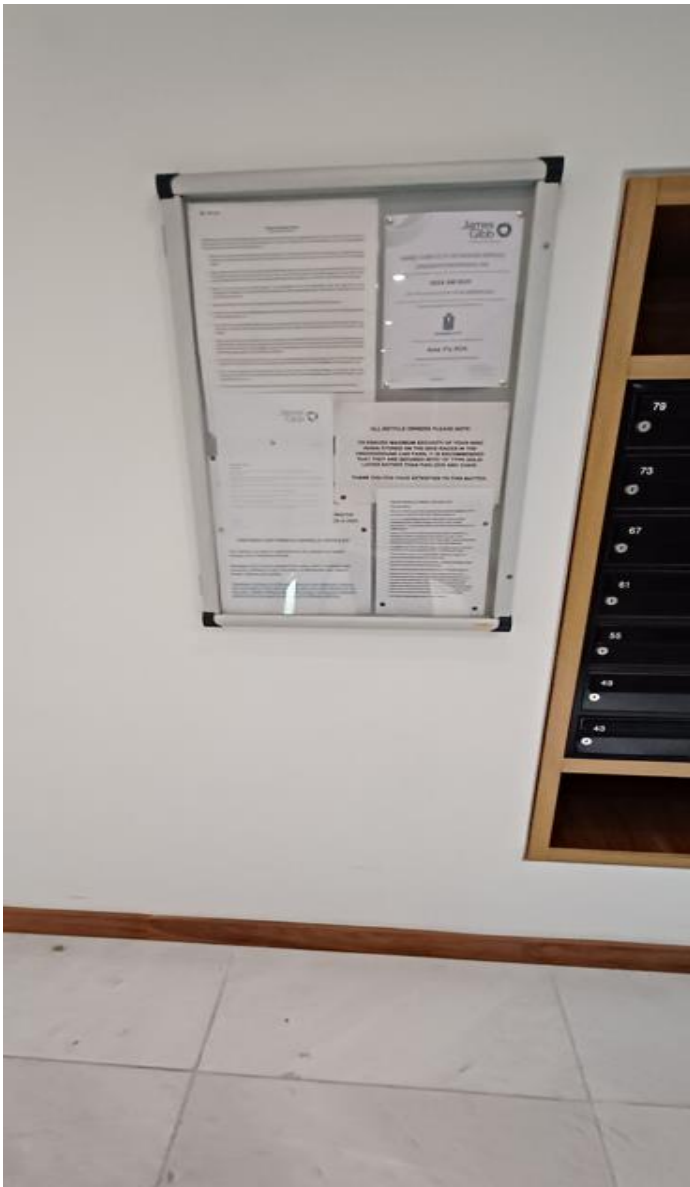
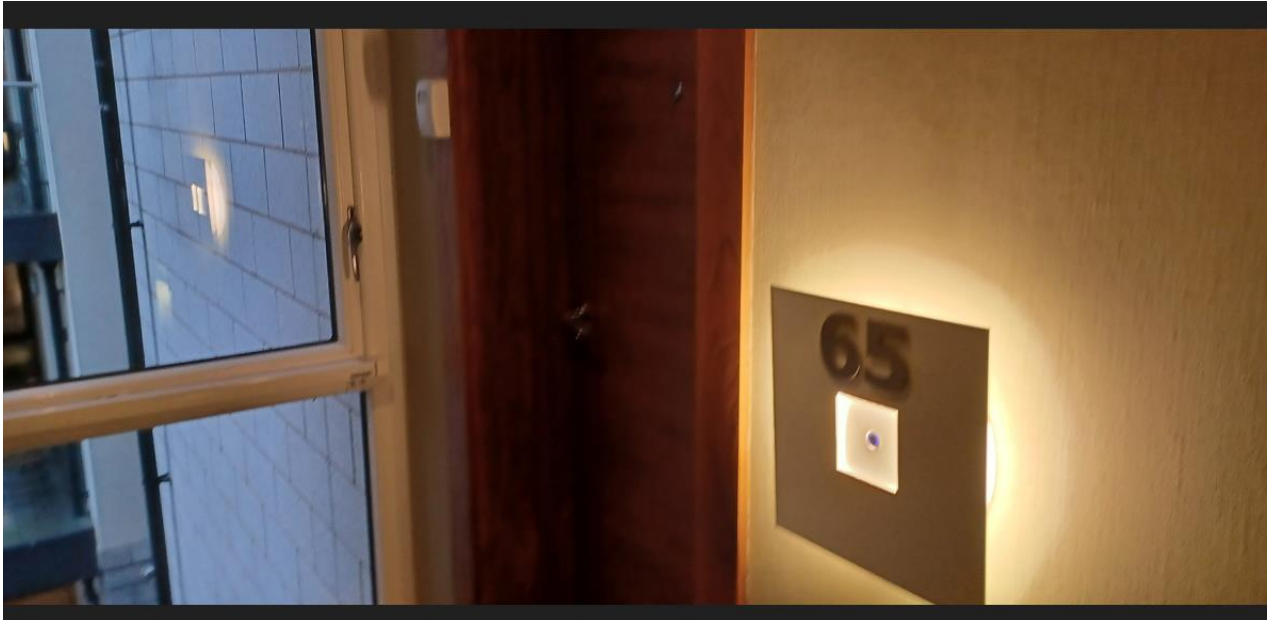
I expect someone from ACC will be inspecting the apartment before any licence is passed?

Look forward to hearing the outcome and the number of objections that were received for the address.

Regards

[Redacted Signature]

Mrs M McMahon



'E'

Housing & Environment
DATE RECEIVED
25 OCT 2023
Private Sector Housing Unit

[REDACTED]
ABERDEEN AB15 5EA
23-10-23

Private Sector Housing Unit

Dear Sirs

Re: [REDACTED]

OAKHILL GRANGE AIR BNB

As regards the above property I am
tendering an objection to the application.
There has been no notice displayed to inform
the residents of Jura House that this
application is in progress.

In the past we (the residents) have
been subjected to unacceptable noise
& behaviour & also the number
of residents using No 65 Oakhill Grange.

Yours sincerely
[REDACTED]

'F'

From: Robbie Gauld
Sent: Wednesday, October 25, 2023 6:00 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Opposition to Short Term Let

Dear Sir or Madam

I object to 65 Oakhill Grange being licensed for Short Term Lets. I am the homeowner of [REDACTED] and have experienced noise disturbances when guests have stayed at the property.

Please confirm receipt of this email.

Kind regards

Robbie Gauld



Email Timeline Between -

Private Sector Housing Officer and Property Manager of 65 Oakhill Grange, Aberdeen

- **02/11/23 08:04**

Private Sector Housing Officer advised Property Manager the Notice would need to be redisplayed for 21 days as discussed at building. Photos requested from original Notice.

- **02/11/23 16:37**

Property Manager advised of illness and asked someone from the office redisplay Notice.

- **03/11/23 07:58**

Private Sector Housing Officer requested Property Manager to confirm when Notice was in place so the Private Sector Housing Officer could take photos.

- **03/11/23 10:12**

Property Manager advised Notice was done previous night and had asked colleague to send photos of previous notice.

- **03/11/23 14:04**

Private Sector Housing Officer advised the Property Manager no Notice in place.

- **03/11/23 16:23**

Property Manager advised Notice was in place on main road outside development and advised this may be why it wasn't seen by neighbour who complained.

- **15/02/24 09:14**

Private Sector Housing Officer contacted Property Manager and provided 3 dates for a property inspection.

- **15/02/24 14:22**

Property Manager advised they were away and back following week.

- **15/02/24 14:46**

Private Sector Housing Officer advised of availability for week of 26th - available every day for 10:30am or 2:00pm visit to the property.

- **15/02/24 14:55**

Property Manager asked if a visit could be scheduled for 1st March at 2:00pm.

- **15/02/24 18:47**

Private Sector Housing Officer confirmed visit for 2:00pm on 1st March.

- **29/02/24 12:41**

Property Manager advised had to head away for work, and requested to **reschedule** inspection to the following week after return on Tuesday/Wednesday.

- **29/02/24 12:50**

Private Sector Housing Officer advised Property Manager was available both Thursday and Friday, and to advise which was suitable.

- **05/03/24 10:24**

Private Sector Housing Officer requested provision of dates for both periods the Notice had been displayed.

- **06/03/24 11:08**

Property Manager advised was back in Aberdeen and had huge amount of work and requested the inspection is **rescheduled** to following week any time after Tuesday.

- **07/03/24 16:13**

Private Sector Housing Officer advised Property Manager to send photos by 5:00pm on 8/3/24 showing Notice at or near building, and advised Licensing Committee attendance will likely be deferred. Private Sector Housing Officer advised was available for visit on 11/13 or 15th March. Private Sector Housing Officer also advised would give further guidance on where the Notice should be located at time of visit.

- **14/03/24 14:21**

Property Manager apologised for delay in replying and requested if something could be booked in for following week.

- **15/03/24 14:43**

Private Sector Housing Officer provided dates for 19th/20th/21st of March for possible inspection.

- **15/03/24 14:44**

Property Manager advised 21st March at 2:00pm was suitable.

- **20/03/24 20:23**

Property Manager advised would need to **postpone** inspection as a guest had been booked in on 20th and didn't want inspection to be carried out whilst they were there.

- **23/04/24 09:41**

Property Manager provided photos of Notice in correct location.

- **23/04/24 09:48**

Private Sector Housing Officer replied to an earlier email and requested availability for inspection visit.

- **26/04/24 11:53**

Property Manager asked about availability for following week.

- **26/04/24 14:17**

Private Sector Housing Officer advised was on holiday that week and would liaise with colleagues to organise visit. Another Private Sector Housing Officer organised to visit and received a phone call from the Property Manager about half hour before visit to cancel.

- **09/05/24 10:07**

Private Sector Housing Officer emailed Property Manager in response to voicemail message, visit organised for 24th May.

- **22/05/24 14:16**

Property Manager emailed to advise couldn't make visit on 24th May and colleague cannot manage. Property Manager asked if there was availability for Monday/Tuesday the following week.

- **24/05/24 08:25**

Private Sector Housing Officer responded to email of 22/05/24 from the Property Manager advising the Property Manager to provide a specific date and time suitable and the Private Sector Housing Officer advised they will ensure they can attend. No response received from the Property Manager to that email request.

- **14/06/24 16:07**

Private Sector Housing Officer contacted the Property Manager to request an update on the certificates for property and requested availability for a site visit.

- **14/07/24 10:19**

Property Manager emailed requesting availability for week beginning 22nd July.

- **15/07/24 09:14**

Private Sector Housing Officer replied with available dates for an inspection.

- **17/07/24 09:23**

Property Manager emailed to advise Friday 26th at 11:00am would suit.

Visit was organised for 26th July however the Property Manager was not present. The Private Sector Housing Officer contacted the Property Manager who advised it wasn't in the diary as they thought it wasn't confirmed.

- **30/07/24 14:07**

Visit **rescheduled** for 9th August at 11:00am at request of Property Manager as suitable date.

- **09/08/24**

Property Inspection took place.