

LICENSING COMMITTEE INFORMATION SHEET
27 August 2024

Public Application

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

APPLICANT: KIRK HARRISON

PROPERTY MANAGER: RJH ACCOMMODATION LIMITED

ADDRESS: 19 WOODLANDS TERRACE, ABERDEEN

INFORMATION NOTE

- Application Submitted 29/09/2023
- Determination Date 12/12/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 9 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 19 Woodlands Terrace, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a mid-terraced, 3 storey townhouse, 4 bedrooms where 2 have en-suites, lounge, kitchen and 2 bathrooms. The applicant wishes to accommodate a maximum of 6 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 Granted 03/06/2024
- One objection letter from Robert Anderson (Attached as Appendix B)

- One objection letter from David Cameron (Attached as Appendix C)
- One objection letter from Mark and Eleanor Ross (Attached as Appendix D)
- One objection letter from Graham and Rhonda Smith (Attached as Appendix E)
- One objection letter from Helen Nicoll (Attached as Appendix F)
- One objection letter from Catherine and Keith Dempsie (Attached as Appendix G)
- One objection letter from Effie Jamieson (Attached as Appendix H)
- One objection letter from Jim and Alison Murdoch (Attached as Appendix I)
- One objection letter from Gwen and Mark Watson (Attached as Appendix J)
- Representation from RJH Accommodation (Attached as Appendix K)

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

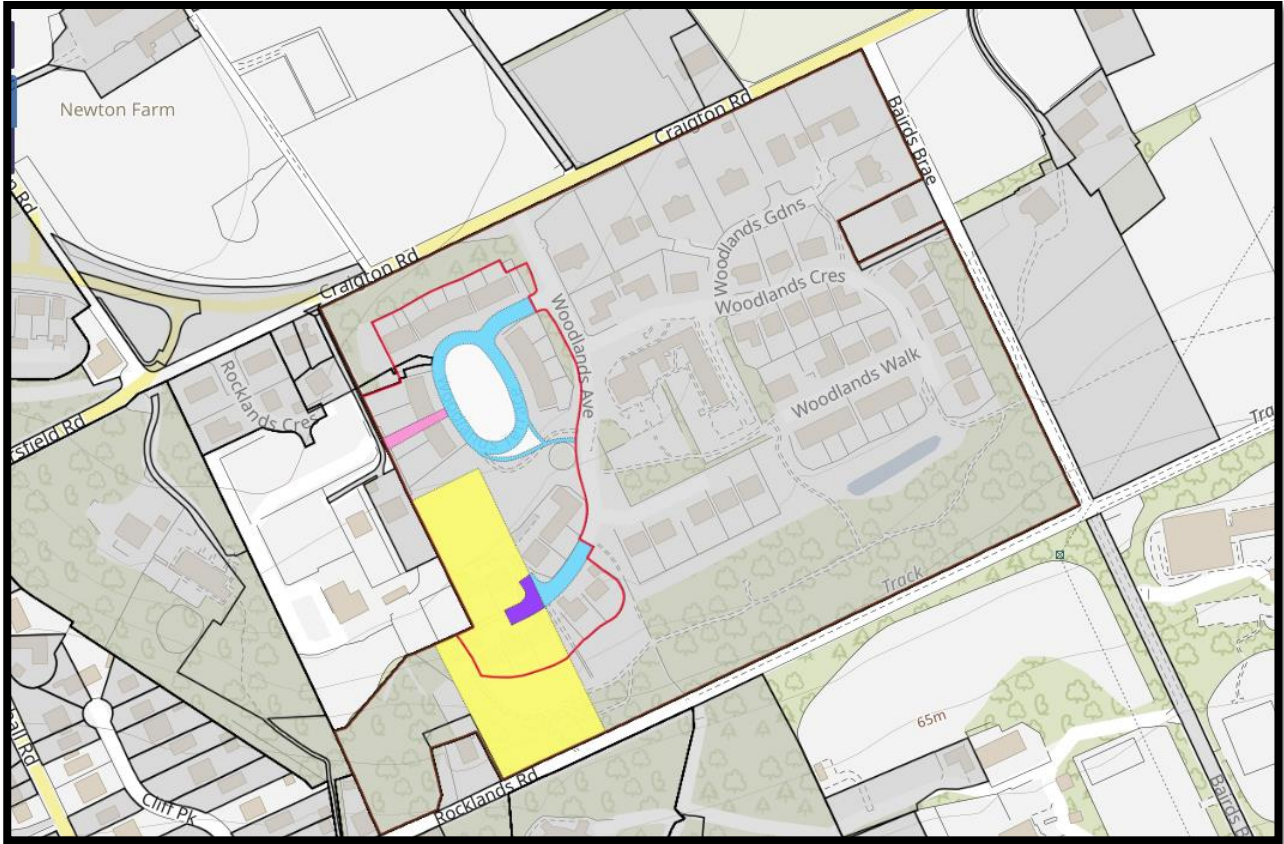
(v)public order or public safety; or

(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 19 Woodlands Terrace, Aberdeen.
- There are no Granted Short Term Let licences at Woodlands Terrace, 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 site Notice was re-displayed from 23 May 2024 (as requested by the Private Sector Housing Team) for the statutory 21 day time period.
- 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: Robert Anderson

Sent: Tuesday, June 18, 2024 3:32 PM

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

Cc:

Subject: Fwd: Licence application AC23981P - 19 Woodlands Terrace

Rachel,

I believe my formal objection to the Short Term Let Application for 19 Woodlands Terrace, Cults, AB159DG has already been accepted, but I am re-sending it to make sure it is included in the hearing for the latest application.

I would like to add some comments / observations to be considered.

The applicant stated that the original application was posted at the property for the required duration in September 2023 - it was not.

The applicant has stated that the property has been let on a short term basis for the last 10 years - it has not. Long term lets were the norm, with short term lets 'filling in' between long term lets. I believe Mr J Murdoch has provided you with details of the last 2 long term lets.

The applicant does not keep the garden in an acceptable condition and I have to complain when the grass gets overgrown and invades my property. Property maintenance / cleanliness would appear to be low on the applicant's priority list.

The current situation where the the property is being let to commercial tenants is a problem as this involves multiple commercial vehicles using up the limited parking spaces and constitute a safety hazard when there are children playing in the central grass area.

Some of the tenants have been on shift work which means noise and vehicles starting / idling at unsociable hours.

Some of the tenants were witnessed buying 'substances' in broad daylight when children were playing in the street.

The bin management continues to be a health and aesthetics issue - I'll forward a recent example by separate email.

All the property owners who are objecting to this application purchased their properties expecting to live in a desirable, quiet, residential development. We all abide by the title deed requirements and feel that the application to use no 19 Woodlands Terrace as a short term let goes completely against the character of the development and is spoiling our enjoyment of the property. The negative impact on health and safety of the local children should also be considered.

I would not presume to object to an owner leasing their property, but I would expect that the leasing would be controlled to be complementary to the standards of the development.

Yours sincerely,

Robert Anderson

■ Woodlands Terrace

Cults,

Aberdeen

AB159DG

From: Robert Anderson

Subject: Re: Licence application AC23981P - 19 Woodlands Terrace

Date: 17 April 2024 at 12:37:41 GMT+1

To: ShortTermLets@aberdeencity.gov.uk

Cc:

Rachel,

In support of the correspondence you have already received on this subject from Mr J Murdoch, I live at number 18 Woodlands Terrace, Cults, next door to the property under discussion. I have first hand experience of the problems these short term lets can cause, most of which are in direct contravention of the burdens contained in the title deeds for the properties. My issues, in no particular order, are as follow:

1. Multiple occupancy with multiple commercial vehicles being parked in already limited parking spaces. The worst example of this was 4 large vans being parked outside the property. I have no idea how many workers were living in the property, but it was in excess of 4.
2. Bins being left beside my front door and no apparent attention being given to collection dates. I believe it is a requirement of the title deeds that no bins should be left in front of the properties
3. No attention being given to garden maintenance - I have to cut the front grass (albeit a minimal area) and the back lawn is only cut when I complain to the leasing agent.
4. The previous tenant was a single professional woman which was ideal as she looked after the property, but was moved out as she was told the owner 'wanted to sell'.
5. Perhaps the most important issue is the application for change of use to short term let being publicly displayed at the property - I can confirm that this was never done as I would have most certainly have lodged an objection at that time if I had any idea that this was in process. Although I was away for some of the display period, my daughter who lives [REDACTED] was using my printer for her work and would certainly have contacted me had there been a notice visible.
6. Within the last couple of weeks, there were cigarette ends discarded by the front door which I had to clear up.

These short term lets with multiple occupancy and multiple commercial vehicles being parked are not appropriate in a residential development such as Woodlands Terrace and should be terminated with immediate effect.

If I can provide you with further details, please let me know.

Thanks and regards,

Robert Anderson

[REDACTED] Woodlands Terrace

Cults

Aberdeen

AB15 9DG







'C'

From: David Cameron
Sent: Saturday, May 4, 2024 9:04 AM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: 231571/CLE Objection

Good morning,

I am writing to complain regarding the short term lease application for 19 Woodlands Terrace Cults AB15 9DG which appears to have been pushed through without much notice, we have looked at the title deeds for the property and it under section Burden 1.2 it states 'each dwelling house shall be occupied by one family and not sub-divided' - now this property has multiple members of different people staying as a type of 'AirBandB' arrangement on a day to day basis. Also, under Burden 1.7 clearly states 'no commercial vehicles' - there are multiple vans, trucks and business vehicles there through the week (SEE ATTACHED PHOTO FROM TODAY 4/5/24), causing disruption to the neighbouring properties parking arrangements, bins being left out for days and not emptied, noise and other unruly behavior has also been noticed. This has become a detriment to the surrounding quiet neighbourhood that this development used to be and would like to raise objection to it.

regards,
Dave Cameron
■ Woodlands Terrace Cults
Ab15 9DG



'D'

From: Mark Ross

Sent: Friday, May 17, 2024 4:50 PM

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

Subject: OBJECTION: Short Term Letting Application - 19 Woodlands Terrace Cults

Dear Sir/Madam

I refer to the letter of representation dated 28 February 2024 sent by Mr & Mrs Murdoch objecting to the application by owners of 19 Woodlands Terrace for Short Term Lets Licence.

Both my wife & myself who reside at ■ Woodlands Terrace are in total agreement with points raised by Mr & Mrs Murdoch - a Short Term Lets Licence should not be granted for 19 Woodlands Terrace.

It is clear that the property is being occupied largely by multiple parties not from the same family as evidenced by the number of commercial vehicles parked outside the property.

Attached picture shows a van parked on drive of No19 & 2 commercial vehicles parked on the road - these vehicles were there 2-5 May coming & going outwith normal working hours.



Granting of Short Term Lets Licence for No19 is most definitely detrimental to residents enjoyment of what is a quiet community. There is also the safety aspect of increased vehicular traffic which is often commercial in nature. It should be noted that a large number of young children play on the grassed oval.

Appreciate if you can please acknowledge receipt of this email.

Regards

Eleanor & Mark Ross
■ Woodlands Terrace
Cults
AB15 9DG

'E'

From: Graham Smith

Sent: Sunday, June 9, 2024 12:49 PM

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

Subject: Objection - Application For Licence For Short Term Let - 19 Woodlands Terrace Aberdeen and Change of Use Application (231571/CLE)

Graham & Rhonda Smith

■ Woodlands Terrace,

Cults

Aberdeen AB15 9DG

Dear Sirs,

In accordance with your subject applications procedure, we wish to lodge our strongest objection against the above subject application for Short term Lets.

Although the application is dated 29th September 2023 you are probably already aware that no public notification was posted outside the property until the last week of May 2024 !

This is clearly unacceptable and in contravention with your prescribed procedure.

Our objection is based on the rules set out in the property burdens of the title deeds for each property within our development namely:

Burden 1.2 - Each Dwellinghouse shall be used and occupied as a private Dwellinghouse and shall not be sub-divided or occupied by more than one family or group of individuals living together as a family at a time. However nothing herein contained will be deemed to be a prohibition upon leasing of any Dwellinghouse provided that the use of such Dwellinghouse by occupiers thereof is as a private Dwellinghouse or residence in accordance with the provisions of this deed.

Burden 1.7 - No power-boats, marine craft, caravans, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any plot or any other part of the estate (save for the short term parking of tradesmen's vehicles in ordinary course of their trade on any plot) and provided always that said private motor cars, motor cycles or vehicles shall not obstruct or prevent access to any part of the estate.

In actuality the property is already being used as a multiple occupancy short term let under the management of "am/pm Property Management" company without having prior official approval and certification in direct violation of your regulations (photos are available as proof).

Our development is not suitable for this type of residency or letting arrangement. It is a small, very neighbourly and family oriented development with stable occupancy and quite a few young children under 10 who happily play freely in the communal space on a daily basis.

To date there have been numerous visitors staying at the property, many of which can only be described as commercial tradesmen with large commercial vehicles, more than one at a time and carrying heavy plant and equipment parked in the location both on the driveway and outside it on the street. This poses a direct risk to the very young children playing outside there. In addition there have been many late night comings and goings at

the property and very loud noise late at night emanating from the property obviously due to the unapproved short term let visitors.

The general maintenance and up-keep of the property during this period of unapproved lets has been tantamount to disgraceful and totally unacceptable for our development. Namely over-crowded bins and refuse left outside the property and on the street and often on days which are not refuse collection days resulting in other residents having to clear up the mess (photos can be provided).

Our objection to this application is therefore based on the totally inappropriateness of this form of letting as evidenced by what we have already experienced so far and obvious total disregard displayed by the applicants for your system's rules, the development itself, and the responsible owners and residents who have chosen to live and buy houses here.

In light of this we trust that very serious consideration will be given to all our objections to this application

Yours Sincerely

Graham and Rhonda Smith
■ Woodlands Terrace
Cults
Aberdeen AB15 9DG

'F'

From: Helen Nicoll

Sent: Monday, June 10, 2024 8:33 PM

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

Subject: OBJECTION TO LICENCE FOR SHORT TERM LET: 19 WOODLANDS TERRACE

FORMAL OBJECTION TO THE APPLICATION FOR LICENCE FOR SHORT TERM LET: 19 WOODLANDS TERRACE, ABERDEEN AB15 9DG

To the Private Sector Housing Unit

Up until last June 2023 a lovely lady doctor was renting the property long term. She loved living in the property and neighbourhood, was an excellent, very quiet and respectful neighbour, and intended to continue to make the property her home for the continued long term. However the owners/management company illegally evicted her from her home (giving her only a very short notice period of I believe around three week) telling her they intended to sell it. The property was then advertised immediately on [Booking.com](https://www.booking.com) offering short lets.

Throughout these eleven months since they began the AirBnB there have been constant problems and in my experience it has had a significant detrimental effect on the quality of life for all the residents in the neighbourhood and is no longer the safe, clean and quiet neighbourhood it was prior to this date. Outlined below:

1. **BINS:** the first thing that became obvious was the bins. The cleaners would come and clean and put **both** normal bin and recycling bin out on a day which suited the cleaning schedule. So at times this meant the bins were put out on the Wednesday - the afternoon AFTER the morning collection - meaning they were left out for up to 14 days at the road side until the next collection. They are then almost never taken back in in a timely manner. Their recycling bin is full of black bin bags of normal refuse. The normal bin is full of mixed refuse: rubbish, foods, vegetables, recycling. Clearly no recycling is being done. The brown bin is not used and no food recycling is ever out. Frequently the bin is overflowing resulting in sea gulls spreading the contents all over our garden and estate leaving it open to vermin and looking unsightly. Prior to the AirBnB we were fortunate that there were no sea gulls in the area as we know how problematic they can be, and we are anxious to avoid providing them with a regular food source. In addition when the bins are open and overflowing the birds come during the early hours making noise and disturbing our sleep. Furthermore when there have been storms with these full bins lying out the wind has spread the contents around the neighbourhood. When they have been left empty but on the pavement for days, during storms the bins have been blown over with loud banging in the middle of the night. I have had to get up in the middle of the night to pull in their bins. It is in our deeds that bins must be stored in the bin cupboard and certainly not left at the roadside for days and weeks on end. It looks trashy and lowers the tone of the neighbourhood. All other residents put their bins out as advised by the council, the night before collection and return them back to the designated bin cupboard as soon as practical after collection.
2. **VEHICLES:** there have at times been 5 large work vans parked outside the property and parked around the oval taking up the spaces, coming and going at all

hours, making noise and out of sync with the residential nature of the development. This is also in breach of the property deeds. Two photos below show vehicles which have been present, although in the first picture there were actually 5 of the same vans.

3. **SMOKING:** the residents are often smokers and literally throw their cigarette butts into our gardens. I have frequently had to collect multiple cigarette butts from my garden and put them in their bin. I have lived here for 10.5 years and never had this problem prior to the AirBnB.
4. **NOISE:** the residents are often noisy. Even last Friday morning I was woken at 6.30am by the residents filling their cars and talking extremely loudly. Prior to the AirBnB this was a very quiet neighbourhood where sleep was not disturbed. When there are people in the AirBnB I do not need an alarm as I am woken at the time that the guests leave. Temporary residents are probably unaware of just how quiet the neighbourhood is. From around 10.30 pm it is deadly quiet. Recently a guest returned at 11.50pm. He was dropped off in a loud taxi, banged the taxi doors and talked in full day time volume which woke myself and almost certainly the 2 properties at either side of the AirBnB. In the morning the norm for the estate is one professional person leaves early and quietly gets into their vehicle and drives off. In contrast, there can be up to 6 workmen from the AirBnB who come out talking loudly, opening and closing loud sliding van doors, loading up equipment at around 6.30 or 7am and potentially awaken the whole estate. I have certainly had considerably less sleep since the AirBnB started.
5. **SWEARING:** unfortunately the demographic of the residents in the AirBnB does not match the demographic of the residents of the estate. Certain behaviours of the residents are not appropriate and have a detrimental effect on the general calm and high standard of living in the estate, for example: loud phone calls with prolific use of the F word. Last week I had to interrupt a resident's loud phone call to remind him to watch his language as there were kids about, as the F word was being used every few words. In the two properties to the right of the AirBnB there are young children who play in the area almost daily and I do not consider it appropriate for them to be exposed to such language. The residents of both properties moved in before the AirBnB on the understanding that it was a safe and respectable neighbourhood for raising their young children. This is no longer the case.
6. **PROPERTY MAINTENANCE:** the maintenance of the front garden is poor and the property looks shabby. As I have frequently accessed their open bin cupboard to return their bin I have seen inside their bin cupboard and it is a mess.
7. **INCREASE IN VOLUME OF TRAFFIC AND EXCESSIVE SPEEDS, SAFETY CONCERN:** the road, pavement and grassy oval is constantly used by children to play. At times there are very young children learning to walk and cycle. Regular residents are aware of this and drive at a safe speed appropriate for these activities. The constantly changing residents of the AirBnB come and go in multiple vehicles and at excessive speeds. Since June 2023 it is no longer a safe neighbourhood for children and pets.
8. **DRUGS:** my neighbour (with the 6 year old girl) witnessed drugs being dropped off to Number 19 at 6pm in the evening in full day light.
9. **GARDEN MAINTENANCE:** The grass at the property is cut very infrequently which as you will see from the picture attached, at this time of year this resulted in a garden literally filled with 100's of dandelions with full seed heads bombarding neighbouring gardens with dandelion seeds, leaving us no means to prevent this.

I have previously attached a video and photos of the bins from 19 Woodlands Terrace taken Sunday 12th May 2024. As usual their normal bin had been left out on the road side for days but I came home that afternoon to find that it had been over filled, pushing the lid up and open. As a consequence the birds had gone in and spread contents over

our gardens. There were lots of tissues, dirty used cotton buds, butter wrappers, egg boxes, cereal boxes, vegetables, wrappers, banana skins etc etc. You can also see from the images that there is no recycling going on at this property.

I also understand that the owners or management company have claimed that the property had short lets for ten years prior to the AirBnB. This claim is unequivocally not true, a completely false claim. I moved here in November 2013 and there was a lovely family from Oman living there and they resided in the property for many months before moving to Westhill. In the interim there have been long term residents and NO short lets until June 2023. In fact the tenants immediately preceding the doctor mentioned above were very well connected with the immediate neighbours, myself included, and lived at number 19 throughout the lockdown and well beyond.

If a licence is granted by Aberdeen Council it will be in direct breach of the legal deeds of our properties. In my opinion if this goes ahead then what is the point of the deeds? It makes a mockery of the system and gives full licence to all other resident to breach and totally disregard the deeds.

(Please see video and photos in previous email from 14 May 2024.)

Yours faithfully

Helen Nicoll
■ Woodlands Terrace
Cults
Aberdeen AB15 9DG







'G'

From: Catherine Mason
Sent: Thursday, June 13, 2024 9:46 AM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Re: 19 Woodland Terrace - Short term letting application

Good morning Rachel,

I sent an email to you last night regarding the above but it does not seem to have gone through - so apologies if you are being sent this twice.

I still wish to object to the short term lease for the above property. The number of work vehicles relating to the property which are being parked in the communal parking area are often between two and four. The parking area surrounds a large piece of grass where the children of the area play and my concern is for the safety of those children. We know to look out for children playing when we drive however, I fear that with the increase in these vehicles an accident may ensue as the drivers do not know what to look out for being unfamiliar with the neighbourhood.

We chose to live here because it is a quiet, family orientated area and, at the moment, when the property is being occupied by large groups of workmen there are often times when they congregate in front of the house making noise without any concern with the families around them - this is usually early in the morning before they leave for work but there have been instances late at night. The bins are left overflowing which inevitably lead to birds picking out items from the bin scattering rubbish. We, the neighbours are then left to clean up. I understand that this can happen once in a while, but it is occurring frequently. It is not a great feeling to look out of your window and see rubbish scattered everywhere.

I would also like to take this opportunity to ask if the short term lease requires a HMO licence or does this have to be applied for separately? It is my understanding that if there are three or more individuals renting a property who are not related then there should be a HMO licence.

Kind regards,

Catherine and Keith Dempsie

'H'

From: Effie Jamieson
Sent: Sunday, June 16, 2024 9:52 PM

To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: Fwd: Short Term Let - 19 Woodlands Terrace, Aberdeen

Dear Short term lets department

I wish to object to the application of Short Term Let at 19 Woodlands Terrace, Aberdeen on the following grounds;

1. A short term let is clearly in breach of the property title burdens and that in breaching the burdens, **is having a material detriment to both our enjoyment and safety within the development.** The two title burdens specifically are

“Burden 1.2: Each Dwellinghouse shall be used and occupied as a private Dwellinghouse and shall not be sub-divided or occupied by more than one family or group of individuals living together as a family at a time.....”.

*“Burden 1.7: No power-boats, marine craft, caravans, **commercial vehicles** or vehicles other than private motor cars, motor cycles or cycles shall be parked on any plot or on any other part of the estate (save for the short term parking of tradesmen’s vehicles in ordinary course of their trade on any plot) and provided always that the said private motor cars, motor cycles, cycles or vehicles shall not obstruct or prevent access to any part of the estate.”*

2. The planning department granting of a certificate of lawfulness (3rd June 2024), in that the property has been used as a short term let on a continuous basis for at least 10 years. There was no scope to comment on the Certificate of Lawfulness/Change of Use planning application prior to the decision.

As a resident there has been a notable change of use from long term lets to short term lets since October 2023. This has resulted in increase commercial vehicle traffic and parking, increased noise levels, significant issues with waste management and most concerning due the commercial vehicles, increased risk to the safety of the children who reside at this location. Please see attached image showing evidence of commercial vehicles parked by clients of the short term let at 19 Woodlands Terrace.

Safety: The central Oval is a natural asset within the Woodlands development and has always been used by the children both resident in Woodlands Terrace but also from the wider Woodlands development as a whole. The children play in what has been a safe environment between the oval (the largest green space in the development), playpark, and their respective houses. This didn’t present a problem as the permanent residents are conscious of the children and drive accordingly within the development. This cannot be said of temporary visitors at the Short Term Let especially with the high degree of turnover. The risk is further compounded by the number and size of commercial vehicles (which has become the norm) manoeuvring and parking around the oval. Most of these vehicles have restricted vision to the rear and in a commercial setting would normally be parked with ‘signaller’ or ‘banksman’ assistance which is clearly not happening in this instance.

Parking: Woodlands Terrace has parking consistent with the intended residential use of the development i.e. a private driveway with space for 1 car and unallocated parking around the central oval. What is clearly evident since the change of use to a short term lets in October 2023, the vehicles being parked are predominantly medium sized commercial vehicles, normally between 3 & 4 in number. This obviously impacts the overall parking availability due to both vehicle count and also vehicle size. Further, with the maximum occupancy in the property stated at 6 persons on the STLL application, a real potential exists for up to 6 vehicles to be parked.

Noise: There has been an increase in antisocial behaviour associated with the short term let. Since January 2024 there has been noisy music coming from the property and a disturbance outside the property caused by individuals leaving 19 Woodlands Terrace. Prior to October 2023, there has been no issue with antisocial behaviour at Woodlands Terrace.

Regards

Effie Jamieson





“1”

Woodlands Terrace
Cults
Aberdeen
Scotland
AB15 9DG

Date: 16th June 2024

Dear Sir/Madam

Short Term Letting Application Objection - No.19 Woodlands Terrace, Cults

Further to our earlier objection (28th February 2024), at which point our objection was considered late but may have been considered, we have had time to reflect and with the official notification being 'reset' (23rd May 2024) please accept this as our formal objection to the STLL application for 19 Woodlands Terrace, Cults.

We are objecting on the basis that a short term let is clearly in breach of the property title burdens and that in breaching the burdens, is having a material detriment to both our enjoyment and safety within the development. The 2 title burdens specifically are:

"Burden 1.2: Each Dwellinghouse shall be used and occupied as a private Dwellinghouse and shall not be sub-divided or occupied by more than one family or group of individuals living together as a family at a time....."

It is clear from when this property moved from long term rented property to a short term rental (Q3 2023) that it is now being occupied largely by multiple parties not from the same family, evident by the number of vehicles parked during the rental period, often 3-4 vehicles at a time and commercial in nature. This is clearly in breach of burden 1.2

"Burden 1.7: No power-boats, marine craft, caravans, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any plot or on any other part of the estate (save for the short term parking of tradesmen's vehicles in ordinary course of their trade on any plot) and provided always that the said private motor cars, motor cycles, cycles or vehicles shall not obstruct or prevent access to any part of the estate."

□

Immediately following the change from long term to short term last year, the property was occupied for a number of weeks by 3 commercial, liveried vehicles. Since that time the norm for the tenancy has been a number of commercial vehicles, consistent with the occupancy number. This is clearly in breach of burden 1.7

It is as a direct result of these breaches in property title since becoming a short term rental Q3 2023 that we have experienced an increase in traffic, more challenging parking, unacceptable noise levels and most concerning is the risk to the safety of the children.

Safety: The central Oval is a natural asset within the Woodlands development and has always been used by the children both resident in Woodlands Terrace but also from the wider Woodlands development as a whole. The children wander and run freely and care free in what has been a safe environment between the oval (the largest green space in the

development), playpark, and their respective houses. This didn't present a problem as the permanent residents are conscious of the children and drive accordingly within the development with respect to speed and consideration of their presence. This unfortunately cannot be said of temporary visitors at the Short Term Let especially with the high degree of turnover. The risk is further compounded by the number and size of commercial vehicles (which has become the norm) manoeuvring and parking around the oval and reversing in/out of the driveway. Most of these vehicles have restricted vision to the rear and in a commercial setting would normally be parked with 'signaller' or 'banksman' assistance which is clearly not happening in this instance.

Parking: Woodlands Terrace has parking consistent with the intended residential use of the development i.e. a private driveway with space for 1 car and unallocated parking around the central oval. If parked optimally around the oval this would accommodate approx. 25 cars, more or less a second space for each residence. What is clearly evident since the change of use to a short term let Q3 '23, the vehicles being parked are predominantly medium sized (6.5 - 7m) commercial vehicles, normally between 3 & 4 in number. This obviously impacts the overall parking availability due to both vehicle count and also vehicle size. Further, with the maximum occupancy in the property stated at 6 persons on the STLL application, a real potential exists for up to 6 vehicles to be parked.

Noise: A consequence of the design of Woodlands Terrace, 3 storey townhouses on 3 sides of an oval, creates amphitheatre like acoustics where even spoken voice carries to all corners of the terrace. As a result of the increased vehicular traffic often arriving/departing outside "sociable hours" the increase in noise level has been noticeable since the change of use. Not only as a result of the increased vehicle count and movement, the nature of these commercial vehicles with larger and less refined diesels and unfortunately a general lack of consideration/appreciation by the visitors has resulted in a significant change to the otherwise very quiet neighbourhood. This is compounded during the summer months with open windows facing into the oval, especially during the night.

In addition to the clear title breach and consequential material impact we have also regularly experienced poor bin/waste management, property maintenance and evidence of antisocial behaviour, all clearly having an impact on the residents and ultimately a detriment to our enjoyment of the development and our homes.

Further to the above, we also dispute the planning department's granting of a certificate of lawfulness (3rd June 2024), in that the property has been used as a short term let on a continuous basis for at least 10 years. We have both anecdotal and written evidence to the contrary and that the normal pattern of rentals has been long term leases for the bulk of the property's life, until Q3 2023. Unfortunately, there was no scope to comment on the Certificate of Lawfulness/Change of Use planning application prior to the decision.

Yours Faithfully

Jim & Alison Murdoch



From: Gwen Watson

Sent: Thursday, June 20, 2024 6:38 AM

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

Subject: Fwd: Short Term Letting Application - No.19 Woodlands Terrace, Cults

My husband and I are owner occupiers of █ Woodlands Terrace, Cults, Aberdeen, AB159DG

I am writing to place an objection to a short term let licence application on one of the properties within the Woodlands Terrace development.

My husband and I are objecting on the basis that a short term let is clearly in breach of the property title burdens and that in breaching the burdens, is having a material detriment to both our enjoyment and safety within the development. The 2 title burdens specifically are

“Burden 1.2: Each Dwellinghouse shall be used and occupied as a private Dwellinghouse and shall not be sub-divided or occupied by more than one family or group of individuals living together as a family at a time.....”.

“Burden 1.7: No power-boats, marine craft, caravans, commercial vehicles or vehicles other than private motor cars, motor cycles or cycles shall be parked on any plot or on any other part of the estate (save for the short term parking of tradesmen’s vehicles in ordinary course of their trade on any plot) and provided always that the said private motor cars, motor cycles, cycles or vehicles shall not obstruct or prevent access to any part of the estate.”

In addition to this objection, we also dispute the planning department’s granting of a certificate of lawfulness (3rd June 2024), in that the property has been used as a short term let on a continuous basis for at least 10 years. We have both anecdotal and written evidence to the contrary and that the normal pattern of rentals has been long term leases for the bulk of the property’s life, until Q3 2023. Unfortunately, there was no scope to comment on the Certificate of Lawfulness/Change of Use planning application prior to the decision.

Since becoming a short term rental August/September 2023 we have experienced an increase in traffic, more challenging parking, unacceptable noise levels and most concerning is the risk to the safety of the children.

Safety: The central Oval is a natural asset within the Woodlands development and has always been used by the children both resident in Woodlands Terrace but also from the wider Woodlands development as a whole. The children wander and run freely in what has been a safe environment between the oval (the largest green space in the development), playpark, and their respective houses. This didn’t present a problem as the permanent residents are conscious of the children and drive accordingly within the development with respect to speed and consideration of their presence. This unfortunately cannot be said of temporary visitors at the Short Term Let especially with the high degree of turnover. The risk is further compounded by the number and size of commercial vehicles (which has become the norm) manoeuvring and parking around the oval and reversing in/out of the driveway. Most of these vehicles have restricted vision to the rear and in a commercial setting would normally be parked with ‘signaller’ or ‘banksman’ assistance which is clearly not happening in this instance.

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In addition to the above clear title breach and consequential material impact we have also experienced poor bin management, property maintenance and evidence of antisocial behaviour all clearly having an impact on the residents and ultimately a detriment to our enjoyment of the development.

Your support and assistance in this matter would be greatly appreciated and please don't hesitate to call for more details or to discuss further.

Kind regards

Gwen and Mark Watson
■ Woodlands Terrace

Cults

Aberdeen

AB159DG



Responses to objections to short term let application for 19 Woodlands Terrace, Aberdeen

Many of the points raised by the objectors, who seemed to have grouped together, have been dealt with in the general responses to the applications but we wish to respond individually to some of the points raised. It should be noted the serviced apartment business used to deal with the running of the maintenance, bins and other issues solely but AM-PM Leasing now assist in the management:

Bins: new bins have been put in the garage for use by the residents and AM-PM Leasing have taken over the management of this side of things so there should be no further issues regarding this.

Vehicles: it is understood the licencing committee will not deal with this issue.

Regarding the following issues we do not think they are specific to short term lets and could involve any tenant, long or short term:

Smoking: there is a £200 fine if anyone smokes in the property and every guest signs a form to agree to not smoking in the property.

Noise: if any resident is noisy we will evict them immediately which is something we would be unable to do if this was a long term tenant.

Garden: the garden is regularly maintained.

Drugs: if this is reported to us we will have no hesitation in involving the police.

General response to objections to Short Term Let Applications

Advantages of a short term let over a long term let to local residents and neighbours.

1. Occupancy rates for short term lets average around 70%. This means for 30% of the time the property is vacant. There is overall less noise and less wear and tear on common areas than if someone was occupying the property on a long term let.
2. Further, out of the 70% our records show only 35% tick the box for parking required so most arrive by taxi or on foot. Therefore, with short term lets there is less vehicular traffic in and out of the development making it safer and quieter.
3. Short term residents are not using Amazon and other on-line delivery companies as they are often only residing there for a few days or weeks at a time. The strain on the infrastructure is therefore less.
4. The properties are cleaned weekly and cleaned after a guest checks out. Many long term tenants will also have professional cleaners visiting their property on a regular basis. Our housekeepers will also clean communal areas if required, for example, if our housekeepers see litter or areas that require cleaning in communal areas they will attend to it to improve the guests experience. From experience long term tenants rarely if ever assist with cleaning communal areas.
5. An anti-social long-term tenant is extremely difficult to evict and can take years whereas a tenant on a short term let can be removed by us immediately. The U.K Governments Anti-Social Action Plan published in 2023 states: "One in three landlords who have ended a tenancy report that they did so because their tenant engaged in antisocial behaviour. Nuisance, criminal and abusive behaviour which impacts people at home is both disrespectful and unacceptable." It can be seen anti-social behaviour among long term tenants is commonplace and the process to evict an anti-social tenant is costly and can take months, sometimes years, and meantime other residents will have to put up with the anti-social behaviour. A copy of the report is attached.
6. No bookings are taken from anyone with an Aberdeen address. This helps eliminate bookings from people who are not genuinely here for business or on holiday.
7. No one night bookings are taken. Again, this helps eliminate bookings from people who are not genuinely here for work or on holiday.
8. A £200 refundable damages deposit is taken and a damages form is signed by every guest. Again, these measures eliminate bookings from people who are not genuinely here for work or on holiday and eradicates anti-social behaviour as the guest can lose their full deposit.
9. All tenants are vetted. We insist on getting photographic ID such as a passport or drivers licence and a matching credit or debit card.
10. We do not allow bookings from anyone under the age of 21.

11. We attach a copy of our terms and conditions which are signed by every guest prior to checking in. It can be seen there is no smoking, no parties or events of any kind and quiet hours from 9pm to 8am. If there is any breach of these conditions, we will remove the guest from the property the same day. This has never happened, most likely due to the vetting processes mentioned above. Long term tenants will not have the same restrictions placed on them and the threat of losing £200 for breaching them.
12. There is often a clause in the title deeds relating to a property stating no trade, business, manufacture or profession can be run from the property. A common objection to short term lets is that they breach the title deeds of the development. However, it is submitted a licensing board hearing is not the platform to raise such an objection and such an objection should be made in a court such as the Aberdeen Sheriff Court or the First Tier Tribunal. It is further submitted a short term let does not breach such a clause as the property is being used as a private dwellinghouse for normal residential purposes and no business, trade or manufacture is being run from the property. The business where the marketing is done, bookings are taken, terms agreed and contracts signed is run from commercial premises on Union Street.
13. All our properties have a designated parking space and we make it clear where the parking space is with photographs of the parking space sent to the guest prior to arrival.
14. Serviced apartments and short term let accommodation are a big part of Local Policy objectives to increase tourism in Aberdeen and for Aberdeen to position itself as a hub for the oil and gas and renewable energy sector.
15. It has been noted from reading objection letters that several objectors have not realised we have been carrying out short term lets for over 10 years in their development without them even noticing. This is testament to the fact short terms lets do not cause any problems and certainly no more than a long term let would.

NO SMOKING

NO PARTIES OR EVENTS OF ANY KIND

QUIET HOURS FROM 9PM TO 8AM

NO PETS

IF PRIOR ARRANGEMENT HAS BEEN AGREED FOR PETS, ANY ADDITIONAL CLEANING OR DAMAGE CAUSED BY THE PET(S) SHALL BE DEDUCTED FROM THE DEPOSIT, AND ANY DAMAGES EXCEEDING THE DEPOSIT WILL BE CHARGED BACK TO THE GUEST.

FAILURE TO ADHERE TO THE ABOVE WILL RESULT IN EVICTION FROM THE PROPERTY, LOSS OF DEPOSIT AND POSSIBLE ADDITIONAL CHARGES