

# MEMO

Shelter & Environment

## Housing & Environment

Lower Ground Floor West, Marischal College



**ABERDEEN**  
CITY COUNCIL

To	Eric Anderson, Senior Solicitor, Corporate Governance, Town House		
From	Ally Thain, Private Sector Housing Manager, Housing & Environment		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	24 May 2012
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

### **Part 5 of the Housing (Scotland) Act 2006**

### **Application for a Licence to Operate a House in Multiple Occupation (HMO) at No.2 Balgownie Road, Bridge of Don, Aberdeen**

**Applicant/s: Judith Finnie, Alan Finnie & Matthew Finnie**

**Agent: None stated**

I refer to the above HMO Licence application, which is due to be considered by the Licensing Committee at its meeting on 6 June 2012, for the reason that two letters of objection have been received by the HMO Unit.

I can advise you as follows:-

#### **The HMO legislation:-**

This application is being dealt with under the provisions of Part 5 of the Housing (Scotland) Act 2006, which came into effect on 31 August 2011. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO Licence.
- 2) Having taken account of the following, the property is unsuitable for occupation as an HMO:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety and security of persons likely to occupy it
  - viii) The possibility of undue public nuisance, and,
  - ix) There is, or would be, overprovision of HMOs in the locality

#### **The premises:-**

The premises to which this HMO Licence application relates is a two-storey semi-detached house with accommodation comprising of six letting bedrooms, one kitchen/dining-room & three bathrooms. The location of the premises is shown on the plan attached as Appendix 'A'.

**The HMO application:-**

The HMO Licence application is dated 27 April 2012, and was received by the Council on 8 May 2012.

**Works / Certification Requirements:-**

The HMO Officer carried out an initial inspection of the property, identifying upgrading work and certification requirements to bring the property up to the current HMO standard. At the date of this memo, all requirements have not been completed although this is not the reason for referral to Committee.

**Letters of objection:-**

The Notice of HMO Application – Certificate of Compliance, submitted by the applicants states that the Notice was displayed between 27 April 2012 – 18 May 2012.

One letter of objection was received by the HMO Unit on 11 May 2012, and is attached as Appendix 'B'. Another letter of objection was received on 14 May 2012, and is attached as Appendix 'C'. Both letters were received within the statutory 21-day period and are therefore competent.

**Applicants' response:-**

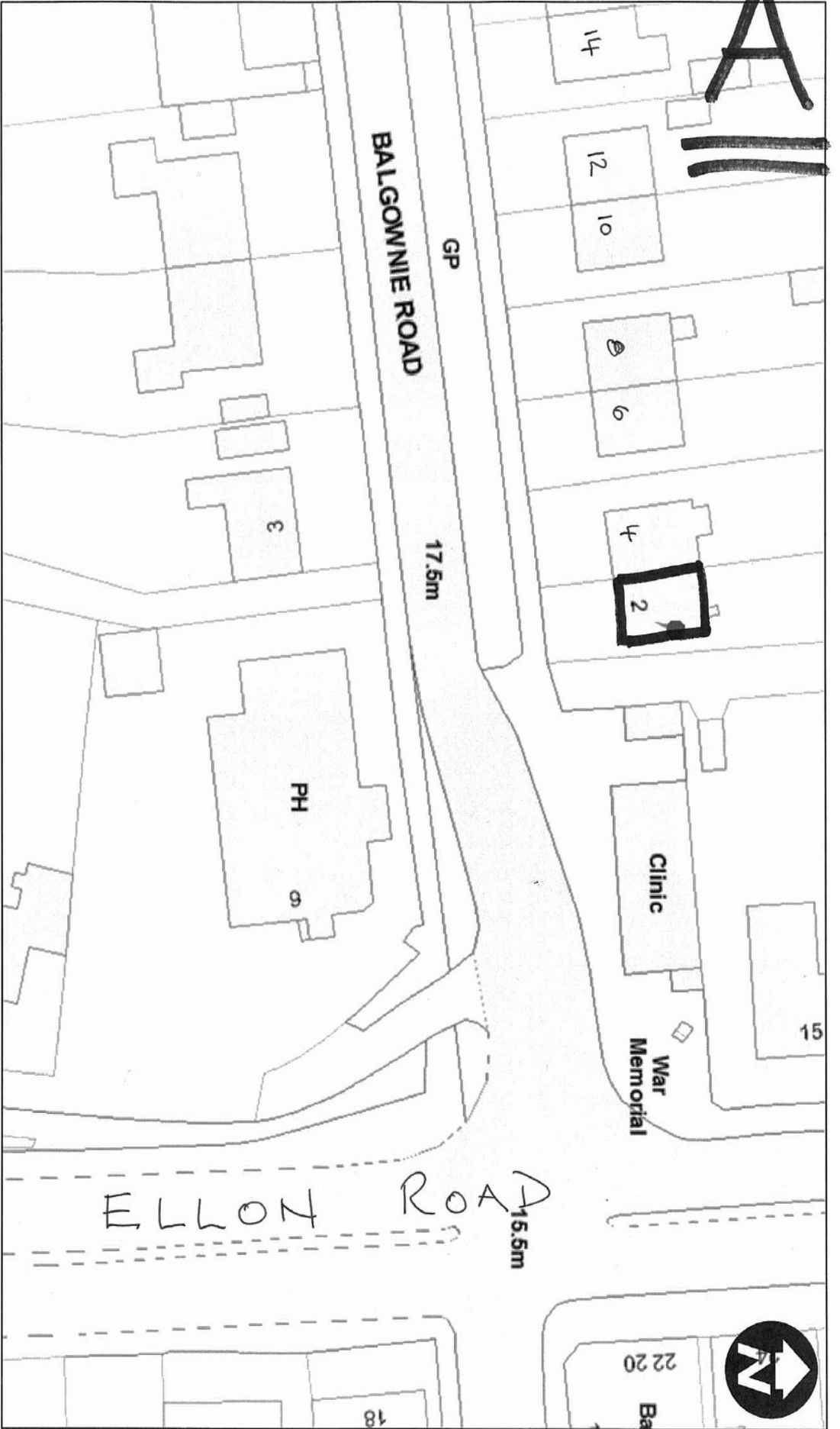
The applicants have submitted a statement responding to the two objections. The statement is attached as Appendix 'D'

**Other considerations:-**

- The Chief Constable, Grampian Police, has been consulted in respect of the applicants' suitability as a "fit and proper persons", and has made no comments or objections.
- Grampian Fire & Rescue Service has been consulted in respect of the suitability of the property, and has made no comments or objections.
- At the date of this memo, the Council's Antisocial Behaviour Investigation Team (ASBIT) has no record of any complaint in respect of No.2 Balgownie Road, Bridge of Don, Aberdeen.
- At the date of this memo, the applicants and their property are not registered with the Landlord Registration database. It will therefore be necessary for the applicants to register prior to letting the property.
- The applicant has requested an occupancy of 6 persons, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is the first recorded HMO Licence application for the property.
- The HMO Unit has no record of any other HMO applications/Licences, past or present, in respect of Balgownie Road, Bridge of Don.

I trust the above explains the position. Please contact me on x2870 if you wish to discuss any of the above.

**Ally Thain**  
Private Sector Housing Manager



2 Balgowrie Road, Bridge of Don

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# APPENDIX B

~~2 Balgownie Road~~  
~~Bridge of Don~~  
~~Aberdeen~~  
~~AB20 9JL~~

HMO unit  
Housing & Environment  
Business Hub 1  
Lower Ground Floor  
West Marischal College  
Broad Street  
Aberdeen  
AB10 1AB

08 May 2012

Dear Sir

Proposed HMO at 2 Balgownie Road, Bridge of Don, Aberdeen

As I live next door to this property I will be directly affected if this license is approved. These houses have extremely thin walls, which are made of a compressed cardboard, with no sound proofing whatsoever. I am up at 5.30am for my work so I have to go to my bed early and a house full of students next door is not conducive to a good nights sleep.

It is bad enough having a pub opposite my house without having noisy neighbours to contend with. The pub, at least, is only busy at the weekend.

I feel that this might be a slippery slope if the license is granted. It may start with four students but before you know, they will have partners staying and I could have eight adults living next door with the noise and mess that comes with it.

This is a quiet, family street, with many older residents and I feel a house full of students would be to its detriment.

Thank you for your consideration.

Yours faithfully



Sheila Davidson

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
11 MAY 2012
<b>Private Sector Housing Unit</b>

# APPENDIX 'C'

[REDACTED]

9 May 2012

HMO Unit  
Housing & Environment  
Business Hub 1  
Lower Ground Floor  
West Marischal College  
Broad Street  
Aberdeen AB10 1AB

Dear Sirs

Proposed HMO at 2 Balgownie Road, Bridge of Don, Aberdeen

I have recently seen an application notice for the above pinned to a tree on Balgownie Road. I would like to point out that this notice could only be seen by someone walking past this tree and therefore is not visible to most people on the street.

I would like to make an objection to this application on the grounds that Balgownie Road is a very quiet, well kept, family orientated street – residents on the street range in age from around 2 to around 82. I do not think that an HMO Licence is appropriate for this type of street. We already have a couple of licensed premises on this street which in themselves have proved problematic in the past. There is no telling what sort of problems a licence of this sort may bring to our doors.

Yours Faithfully

[REDACTED]

Deborah-Ann Kerr

<b>Aberdeen City Council</b>
<b>Housing &amp; Environment</b>
<b>DATE RECEIVED</b>
14 MAY 2012
<b>Private Sector Housing Unit</b>

# APPENDIX 'D'

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## **SUBMISSIONS IN RELATION TO THE OBJECTIONS MADE TO THE APPLICATION FOR A HMO LICENCE 2 BALGOWNIE ROAD, BRIDGE OF DON, ABERDEEN**

### *Objector 1*

The HMO Notice was attached to a tree very close to the property. The Notice was facing the pavement side and was put up on the evening of 26 April 2012, checked on 30 Th April checked again on 6 May where it was found that there had been some ink running due to the weather. It was still readable but was replaced with a fresh Notice. The Notice was also checked on 10 or 11 May 2012. The Notice was put up in accordance with the instructions on the Council website. The Notice was seen by the Objector who objected. Photographs can be provided if required. The people who are to be living in the property are respectable students from good backgrounds.

### *Objector 2*

It is understandable that the next door neighbour would have concerns about an HMO Licence being granted. A letter was put through the neighbour's door explaining to them what was happening and providing them with our phone number if they wished further information with regard to the application.

In connection with the walls between the properties, the previous owner installed sound proofing which should reduce any potential noise issue. The kitchen / living area where most of the social activity will take place is in a rear extension, the majority of which has no adjoining wall with next door's property.

Our son, who is joint owner of the property, will be living in the property and will be responsible for the day to day management. The students due to live in the property are all second year students, they have already had one year in student accommodation in Aberdeen and have not had any complaints made against them during this period.

Aberdeen D

D

The property is located close to Aberdeen University and is in a location where it could be expected that students would live. The area is not a secluded cul-de-sac and the property is very close to a dual carriageway, a pub, a take away, a bank, local shops and a hairdressers. Having students in the locality will benefit the local economy.

I lived in this area of Aberdeen for 15 years and attended Aberdeen University. We are very impressed by Aberdeen and its University and it is hoped that our other 2 children will come to Aberdeen University over the next 3 years and will also live in the property. It is our hope that any HMO Licence granted would be renewed after three years. It is accordingly in our interests to ensure that there are no issues during the period of the Licence and we would be happy to take all reasonable steps to keep any interference with the neighbours' peaceful enjoyment of their property to a minimum.

We will arrange regular inspections to ensure reasonable cleanliness, regular rubbish clearance and reasonable garden maintenance.

We intend to do everything by the book and have applied for planning permission for change of use to an HMO and a Building Warrant will be applied for in respect of installation of smoke alarms etc.