

# MEMO

Private Sector Housing Unit

Operations & Protective Services

Lower Ground Floor West, Marischal College



**ABERDEEN**  
CITY COUNCIL

To	Fraser Bell, Chief Officer - Governance		
From	Ally Thain, Private Sector Housing Manager, Operations & Protective Services		
Email	<a href="mailto:allyt@aberdeencity.gov.uk">allyt@aberdeencity.gov.uk</a>	Date	7 February 2019
Tel.	522870	Our Ref.	
Fax.		Your Ref.	

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

**Application for a Licence to operate a House in Multiple Occupation (HMO) at No.12 Woodlands Walk, Cults, Aberdeen**

**Applicant/s: William Miller & Claire Miller**

**Agent: Geraghty-Gibb Property Management**

I refer to the above HMO licence application, which is on the agenda of the Licensing Committee at its meeting on 19 February 2019 for the reason that 5 written representations were 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, as amended. 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, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all of the following reasons:
  - 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 & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

### **The premises:**

The property at No.12 Woodlands Walk, Cults, Aberdeen, is an end-terraced, 3-storey townhouse providing accommodation of 5 letting bedrooms (one en-suite), one bathroom, 2 cloakrooms, one kitchen/dining/living-room & an integral parking garage. A car runway connects the garage with the roadway. The plan attached as Appendix 'A' shows the position of the premises.

**The HMO licence application:**

The HMO licence application is dated 20 December 2018 and was received by the HMO Unit on 20 December 2018.

**Certificate of Compliance – Notice of HMO Application:**

The Certificate of Compliance submitted by the agent declares that the public Notice of HMO Application was on display outside the property between 21 December 2018 – 13 January 2019. Only the first 21 days are statutory, therefore the statutory period ended at midnight on 11 January 2019.

**Letter of representation:**

The following written representations were received by the HMO Unit within the above-mentioned 21-day statutory period, and must therefore be considered by the Committee. The representations are as follows:

- Letter from Mr & Mrs Fong, attached as Appendix 'B'
- Letter from Mr George & Ms Murray-George, attached as Appendix 'C'
- Letter from Mr & Mrs Hopkins, attached as Appendix 'D'. (Note – Mr & Mrs Hopkins submitted identical objections from 2 separate addresses).
- Letter from Mr Brady & Ms Gillanders, attached as Appendix 'E'

**Letter from Applicant:**

The agent submitted a letter on behalf of the applicants, in response to the letters of representation. The letter is attached as Appendix 'F'.

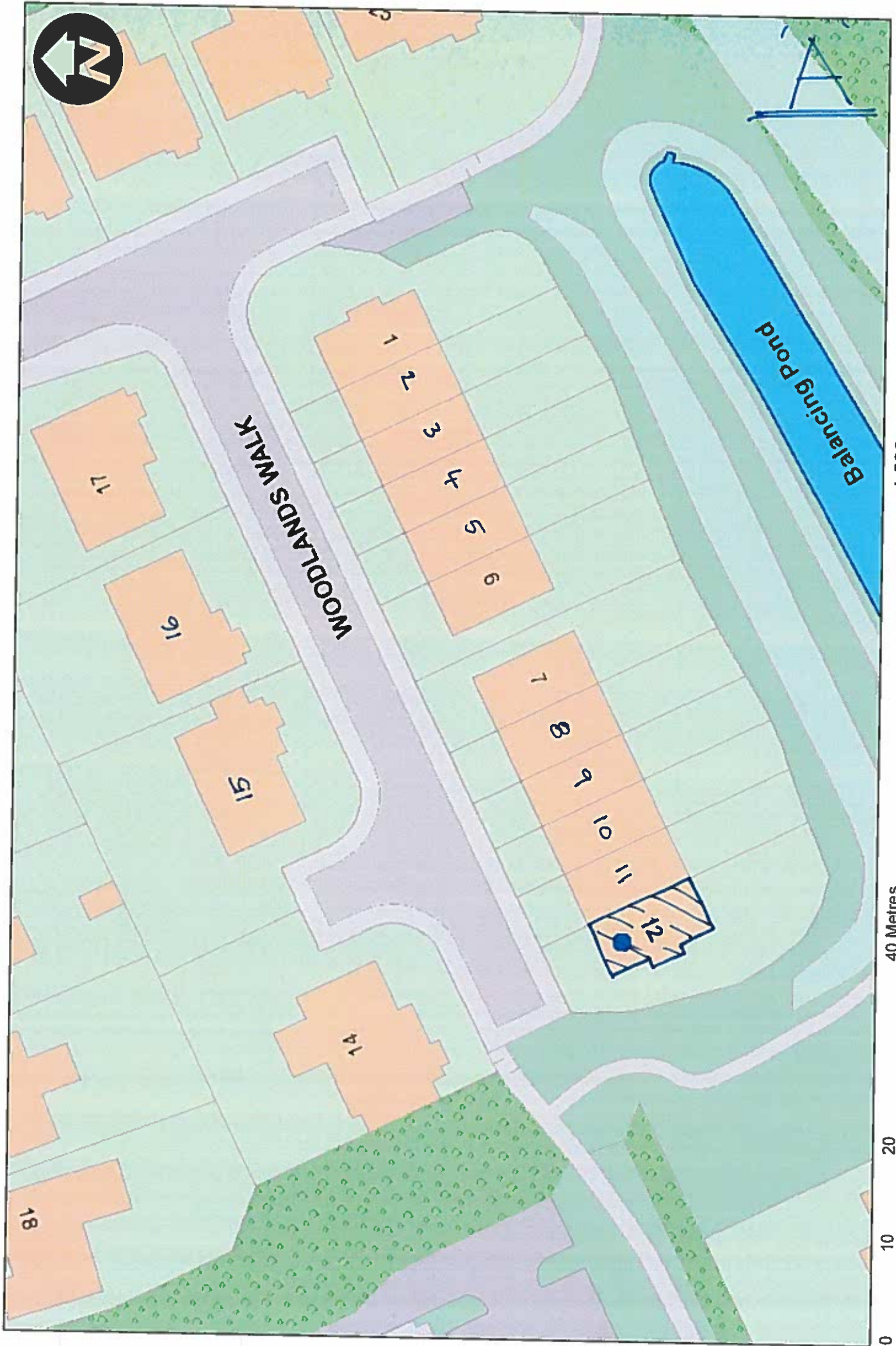
**Other Considerations:**

- Police Scotland has been consulted in respect of the applicants' suitability as 'fit & proper' persons and made no comment or objection.
- The Scottish Fire & Rescue Service has been consulted in respect of the suitability of the premises as an HMO and made no comment or objection.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaint of anti-social behaviour in respect of No.12 Woodlands Walk, Cults, Aberdeen.
- The applicants, agent and No.12 Woodlands Walk, are currently registered with this Council.
- The applicant has requested an occupancy of 5 tenants, which is acceptable to the HMO Unit in terms of space and layout.
- The application under consideration is to renew a current HMO licence. An HMO licence for the property was first granted in January 2016.
- The only HMO-licensed property in Woodlands Walk, is No.12, which is the subject of this report.

- The letters of representation concern, in the main, car parking which is not a consideration of HMO licensing inasmuch as it is not mentioned in the statutory HMO guidance. That said, the roadway and pavements in Woodlands Walk are 'adopted' and car parking is unrestricted, however on-street parking is limited because each of the town houses at Nos.1 – 12 (inclusive) has an integral garage & car runway.
- Following receipt of the licence application, the HMO Officer carried out an initial inspection of the property which identified a small amount of repairs to be carried out and safety certificates to be submitted to the HMO Unit. All these requirements have been satisfactorily completed therefore if the Committee is minded to grant the HMO licence, they may do so at the meeting on 19 February 2019.

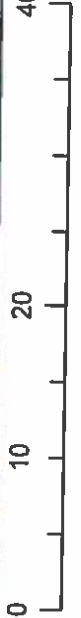
I trust the above explains the position. Please contact me on x2870 should you have any queries regarding the above.

**Ally Thain**  
Private Sector Housing Manager



1:500

40 Metres



Binn Fong  
Fergus Fong

AS.

Aberdeen City Council
Housing & Environment
DATE RECEIVED 10 JAN 2019
Private Sector Housing Unit

10 January 2018

B

Dear sir/madam

In response to the "Notice of Application for a License to operate a HMO at No 12 Woodlands Walk", I wish to object this with the following.

There can be up to 5 occupants in the property with 5 vehicles which are being parked in turning bays and on kerbs, which is not safe for children and pedestrians out and about.

As the HMO is situated at the very end of the cul-de-sac, trying to manouvre out of driveways is sometimes difficult.

It also restricts visitors parking spaces. The neighbourhood is already struggling with parking spaces for 2 cars per household, let alone 5 cars to one household. There are no spaces currently for parking as it is.

What I have also seen is HMO tenants (who have been unfortunate not to find a parking space) parking (probably without property owners consent) at the vacant property parking space at No 10 (See pics with blue highlights showing 2 recent instances).

This property already has had two planning applications for extensions declined due to the fact that parking would be an issue as "Roads safety" would not pass it on the basis that even with an increased driveway, it would not be safe to access the property due to the 'no through' access and without alteration of the road.

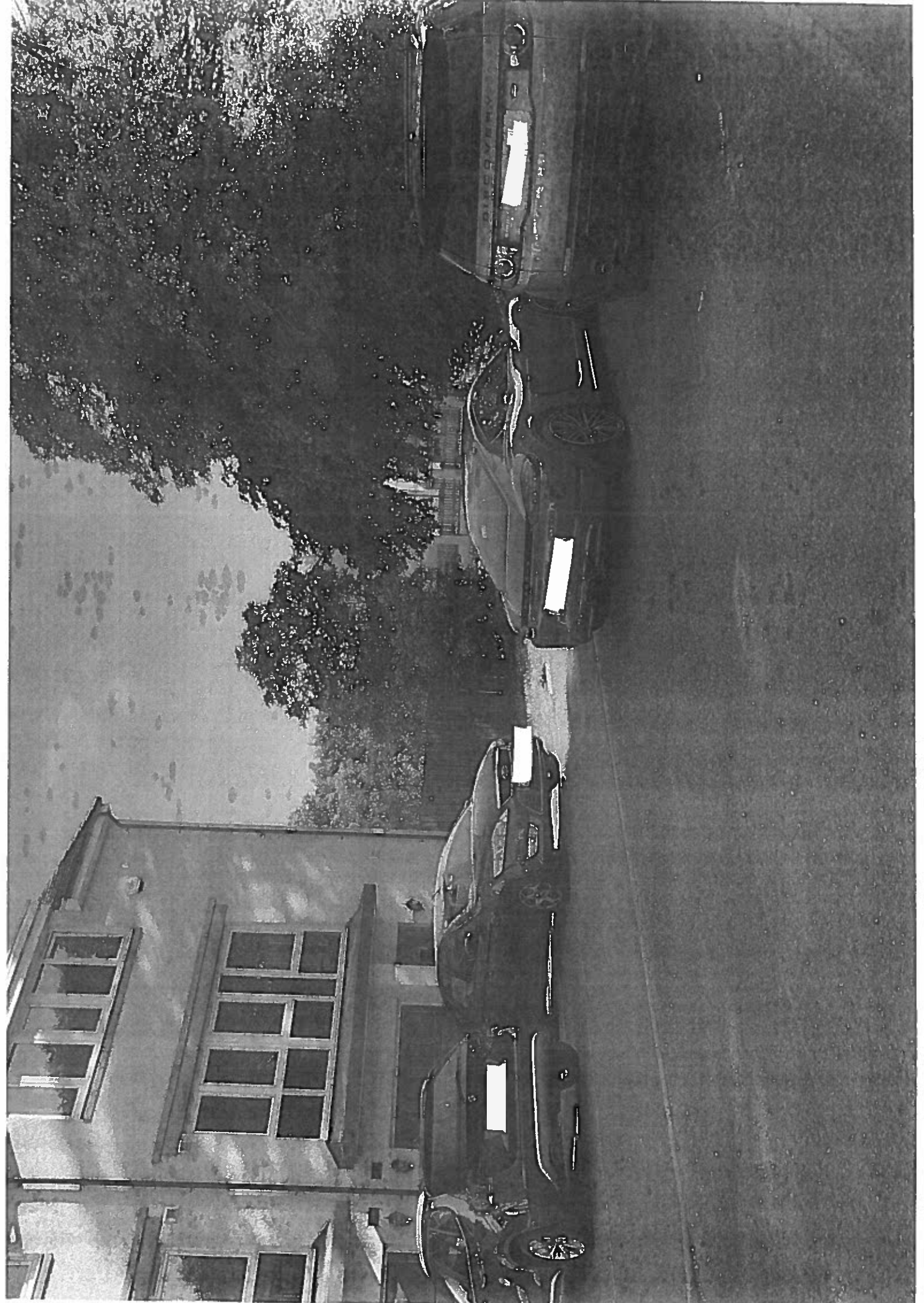
This is a family community/neighbourhood. There are long term family lettings within this neighbourhood and there has not been an issue. We all have paid a premium to live here, so to see the HMO have tenants coming and going is concerning. This property has also been advertised on 'Air B&B' which means that it is a business run home too, which means more short term leasing and more unknown tenants.

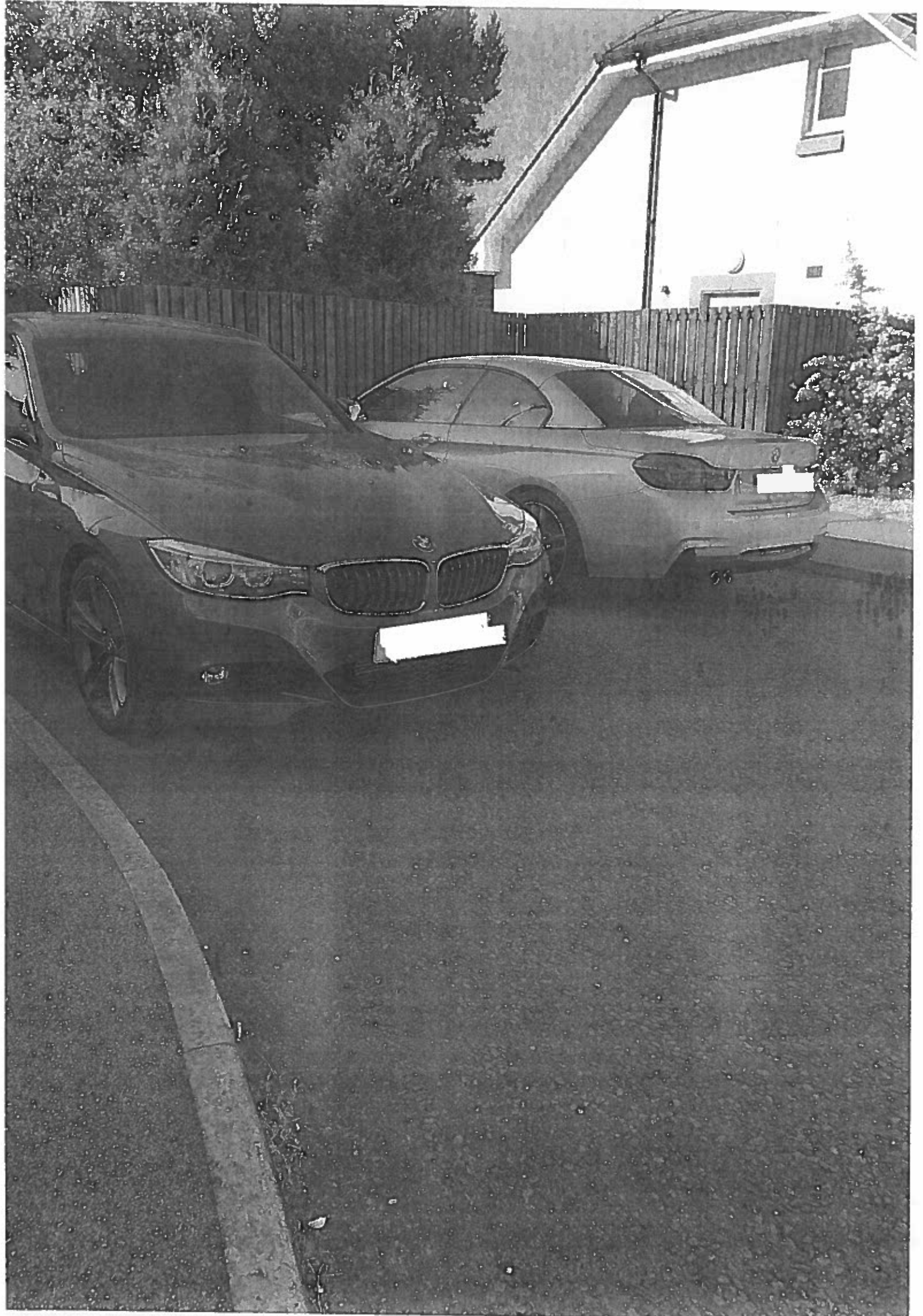
PS. Please bare in mind that No.10 & 9 are vacant at the moment so there is no one there to object to the HMO if they were to do so, and if it was occupied, there would be more cars to consider which means more congestion.

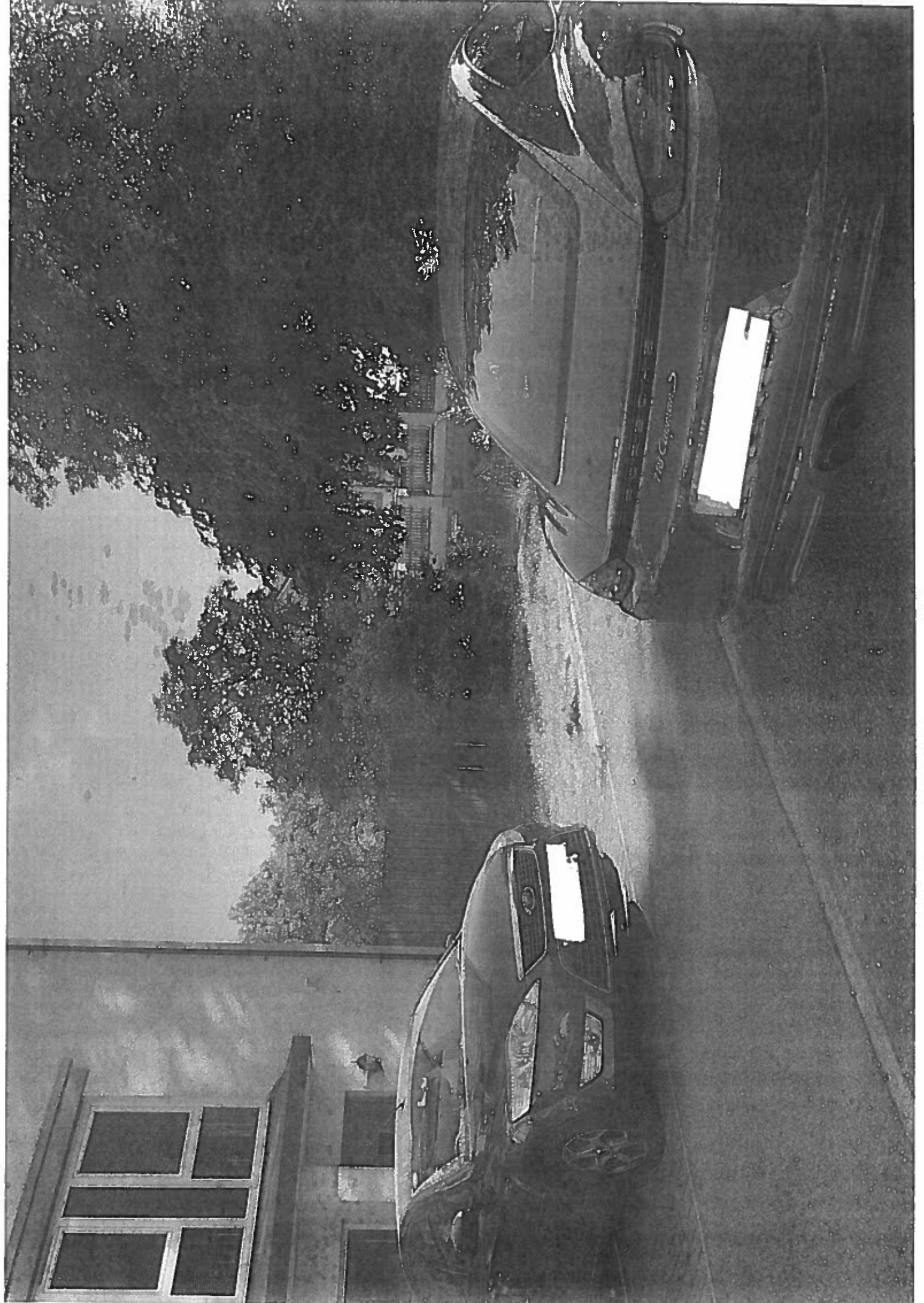
Please find attached photographic evidence of the above.

Regards  
Mrs Binh Fong

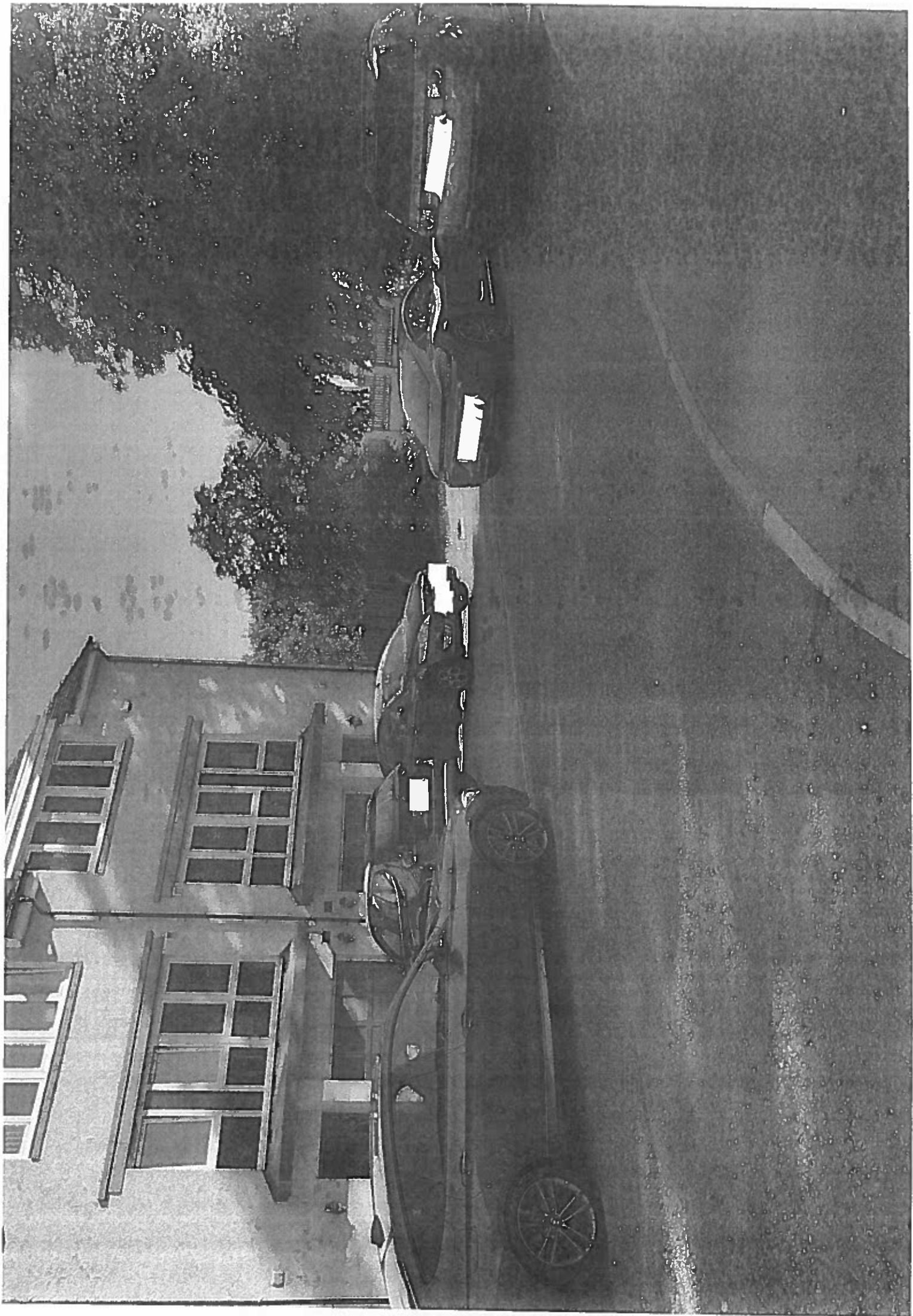
AS.











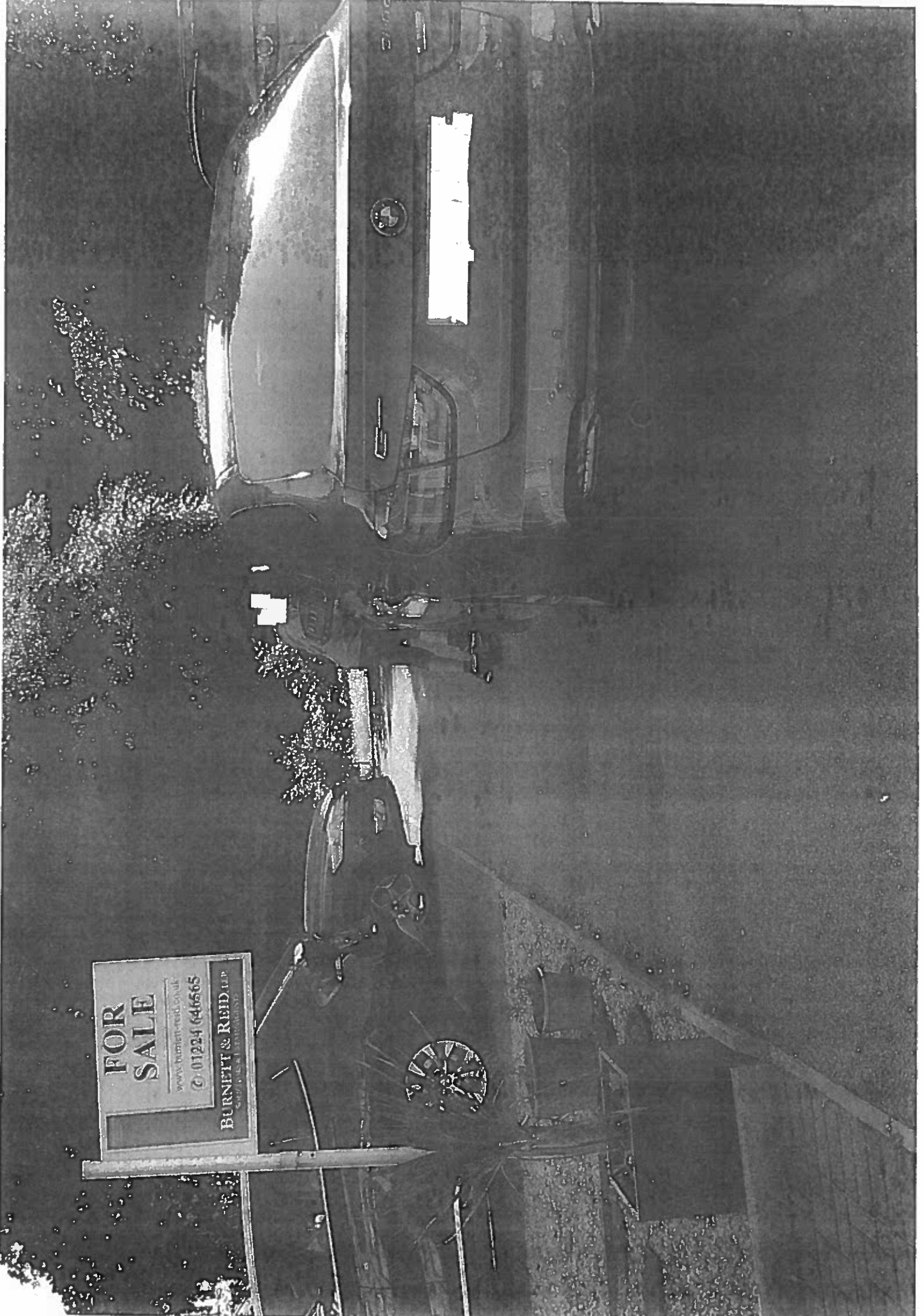
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SALE**

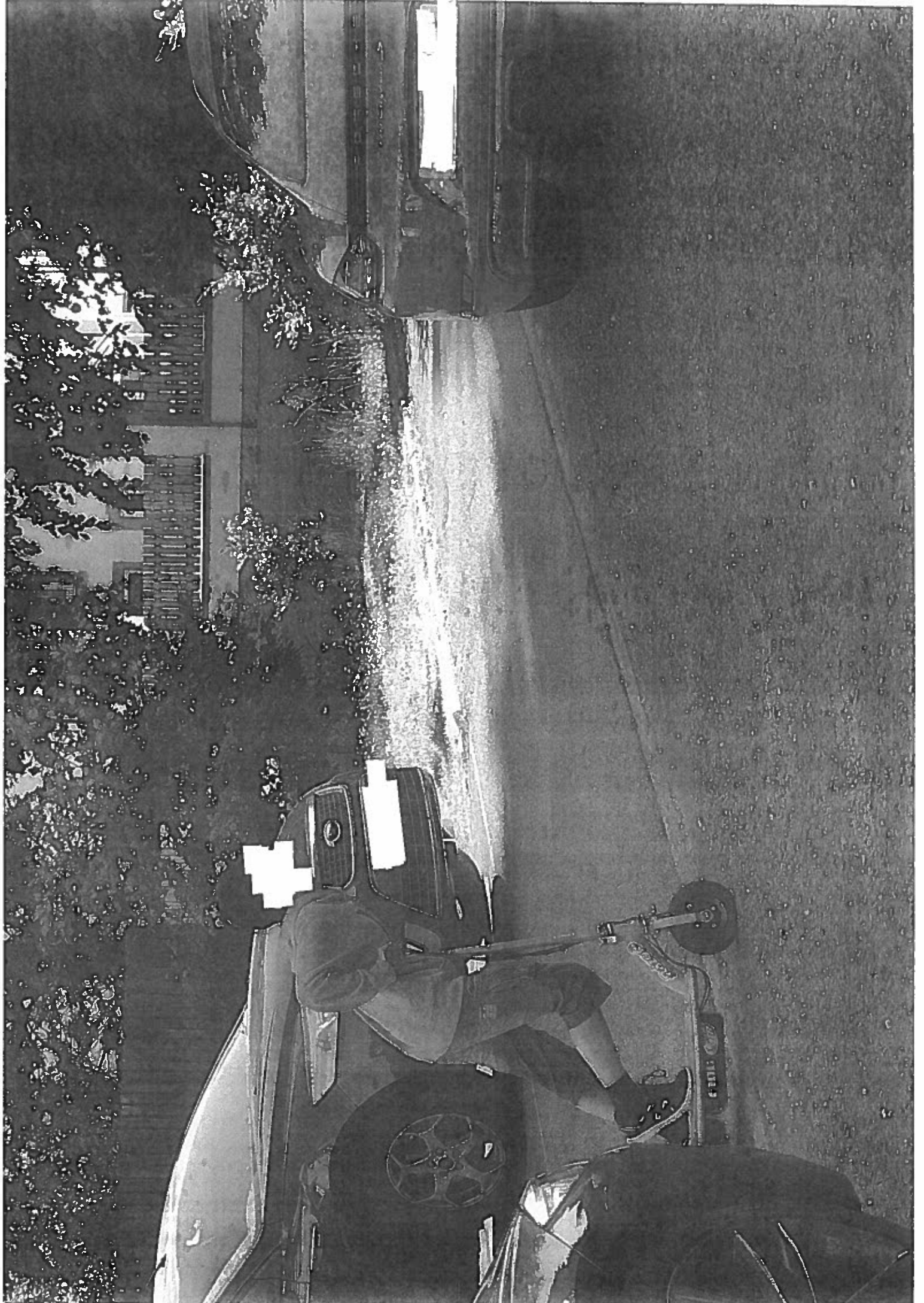
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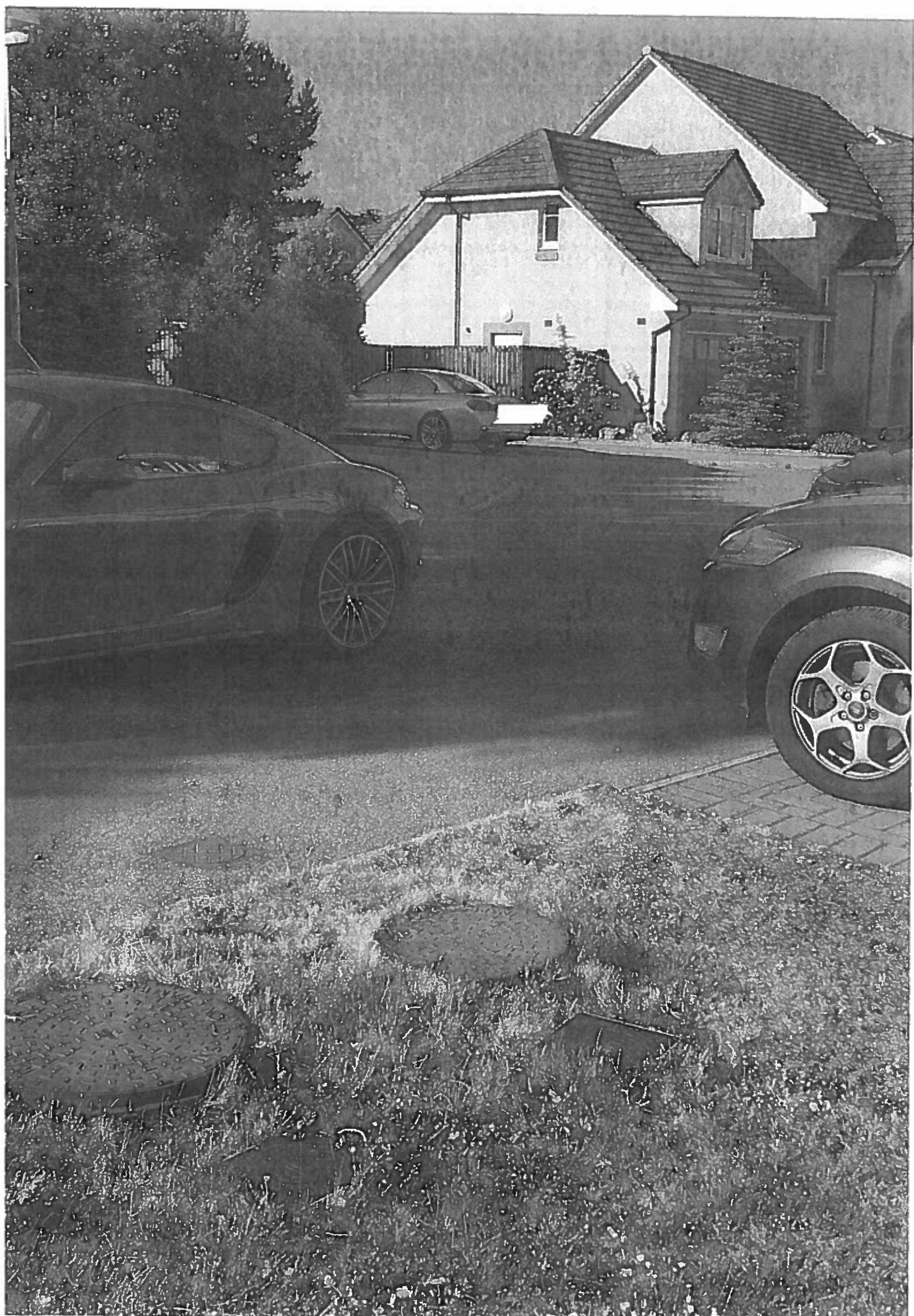
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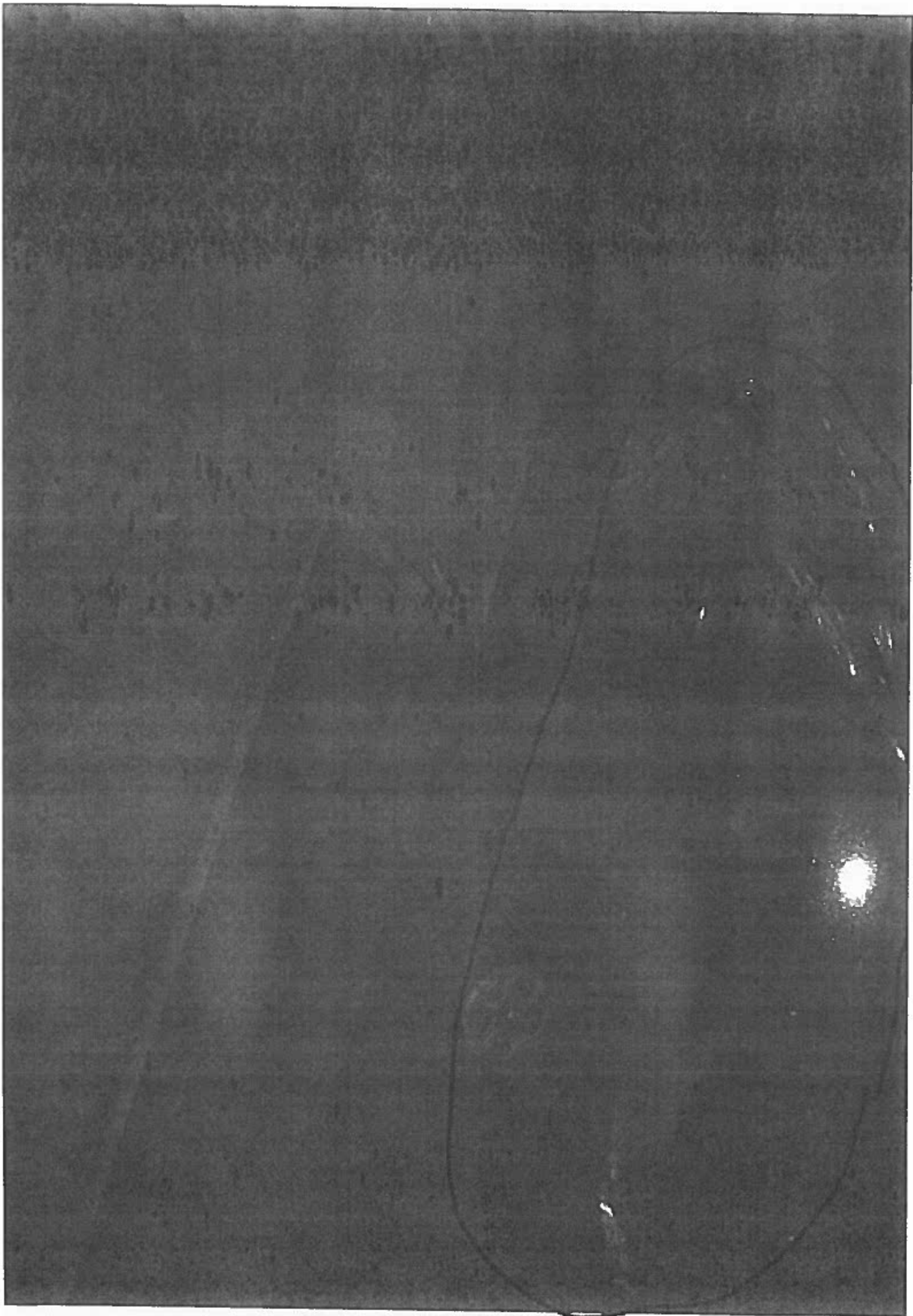
**BURNETT & REID** GROUP

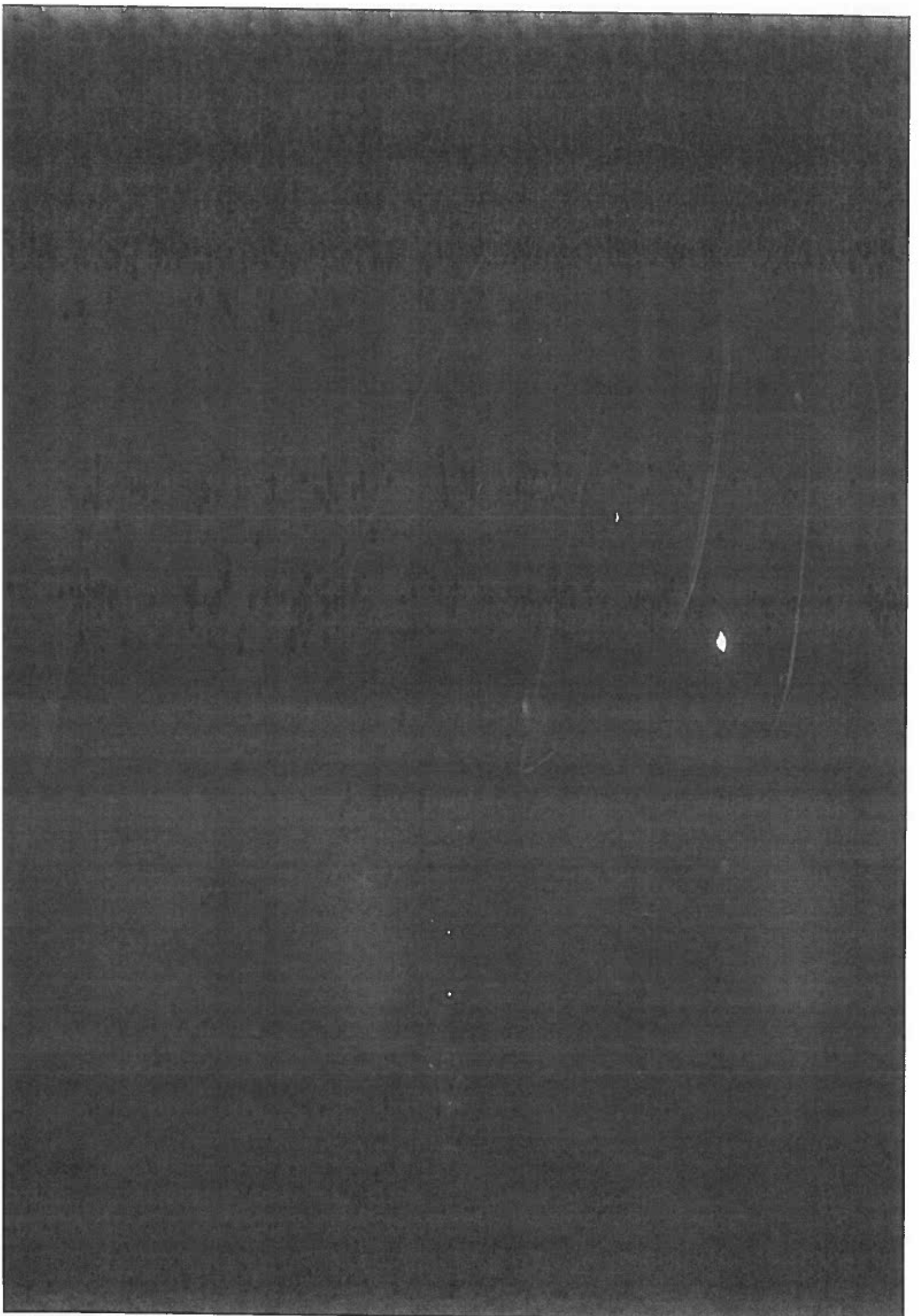
SALVAGE & REPAIRERS











Josh George  
Catherine Murray-George

10th January 2019

Aberdeen City Council

Housing & Environment

DATE RECEIVED

10 JAN 2019

Private Sector Housing Unit

To Whom it May Concern,

In response to the 'Notice of Application for a license' to operate a HMO at No 12 Woodland Walk, I wish to make it known that I am opposed to the application being granted. My concerns are as follows:

- Although the property has been operated for the last 2 yrs as a HMO, it has become apparent, that that this has placed great stress on the amenity to a point whereby it is becoming unmanageable.
- Firstly, this property which operated during the 2 yrs as a 5 bedroomed HMO caused issues with parking. The property has a 1 car driveway and as a result street parking was necessary for the occupants. No 12 is located at the end of a close with no through access. The areas of parking are deemed "turning bays" 2 places directly outside the property and 2 more spaces opposite, maybe 15 metres away. These areas are currently being used regularly to park and accommodate the occupants of no 12.

C

This is resulting in congestion of the area and is becoming unsafe for drivers trying to exit their own driveways, due to the turning bays being utilised as regular parking lots.

As cars are regularly bumped up on kerbsides safety for children playing and pedestrians is very much a concern.

The recent planning applications for this property to increase in size to a 4 bedroomed abode was declined twice of late by the planning department. 'Roads safety' would not pass it on the grounds that even with an increase in size of the driveway it was not safe to access the property due to the 'no through' access at the end of the close and without alteration of the road.

The indication that the owners wished to increase the property in size places greater concerns on the issue of congestion and road safety.

The issue of a 'HMO' being located in a residential area whereby people have paid a premium to live is also a concern. It has become apparent that the long term tenants which lived there from the granting of the license are no longer. There has been a turn over of tenants and the property is advertised on 'Air B e B' which suggests a business having ~~lots~~ more people coming and going as opposed to a regular renting of people suited more to a



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residential area

I have supported my concerns with photographic evidence showing the present situation.

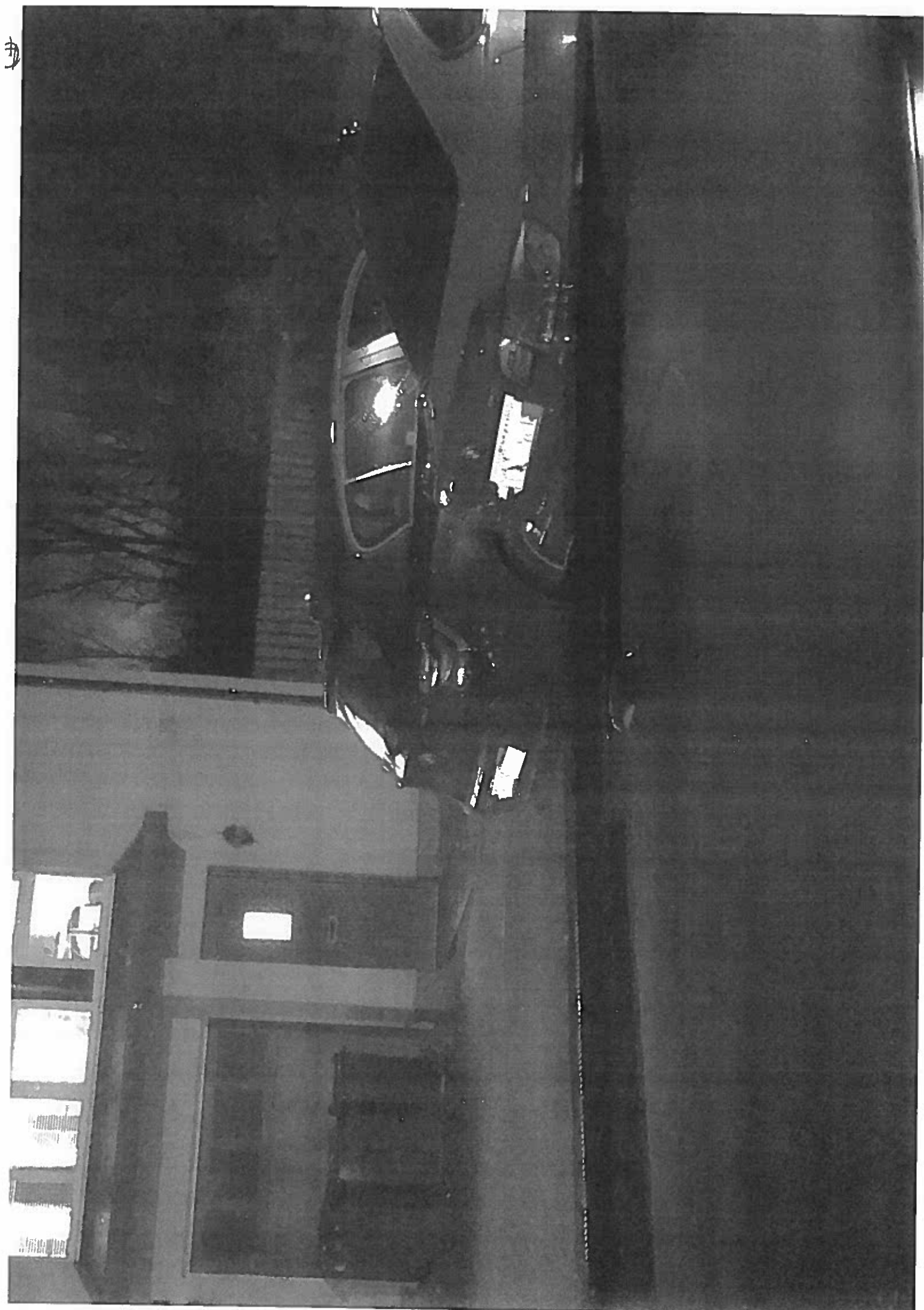
- I would also like it to be known that there are two properties currently empty which will not be able to respond to this application (No 10 and No 9)

The tenants from (No 12) are currently using these driveways without consent I believe to park. Suggesting they themselves are aware of the lack of parking spaces.

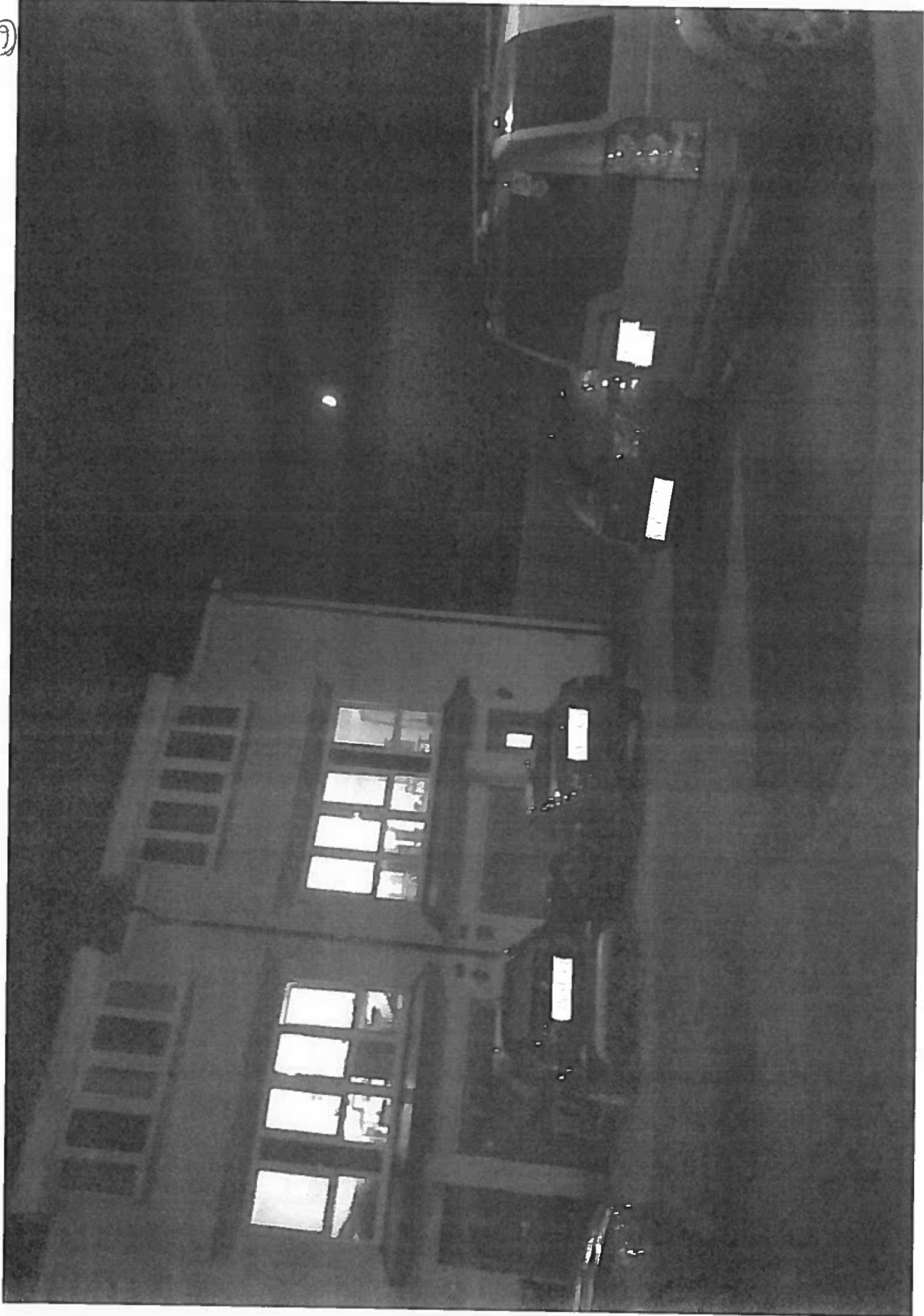
- And lastly, I believe that the owners of (No 12) cannot possibly understand the issues regarding the safety of children and drivers, when they themselves (Mrs Miller of [redacted] run a business from their property and blatantly disregard the issue of safe parking by parking across the pavement causing children, and pedestrians to leave the pavement and go onto the road to continue passage along the street.

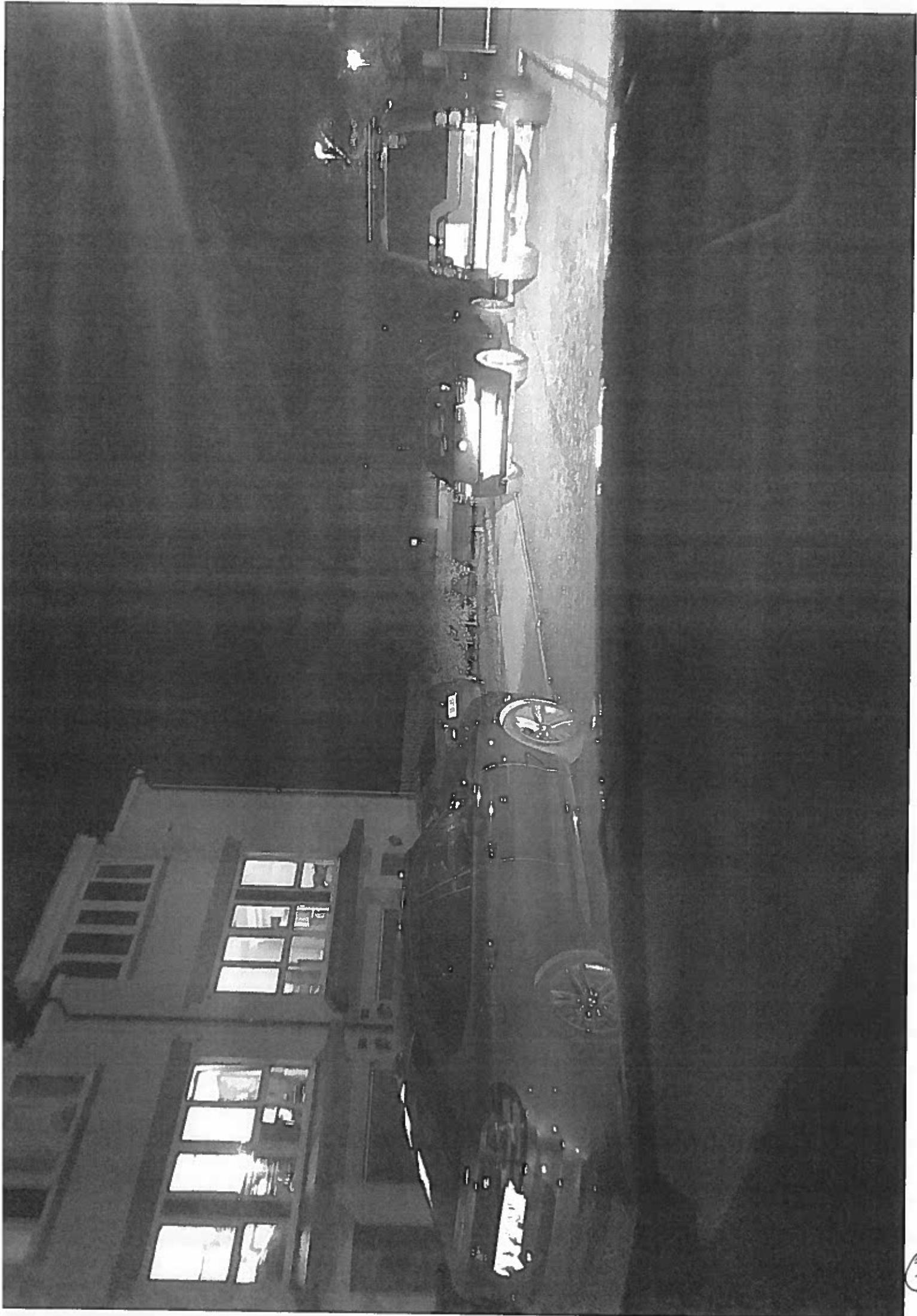
Regards

[redacted signature] AC

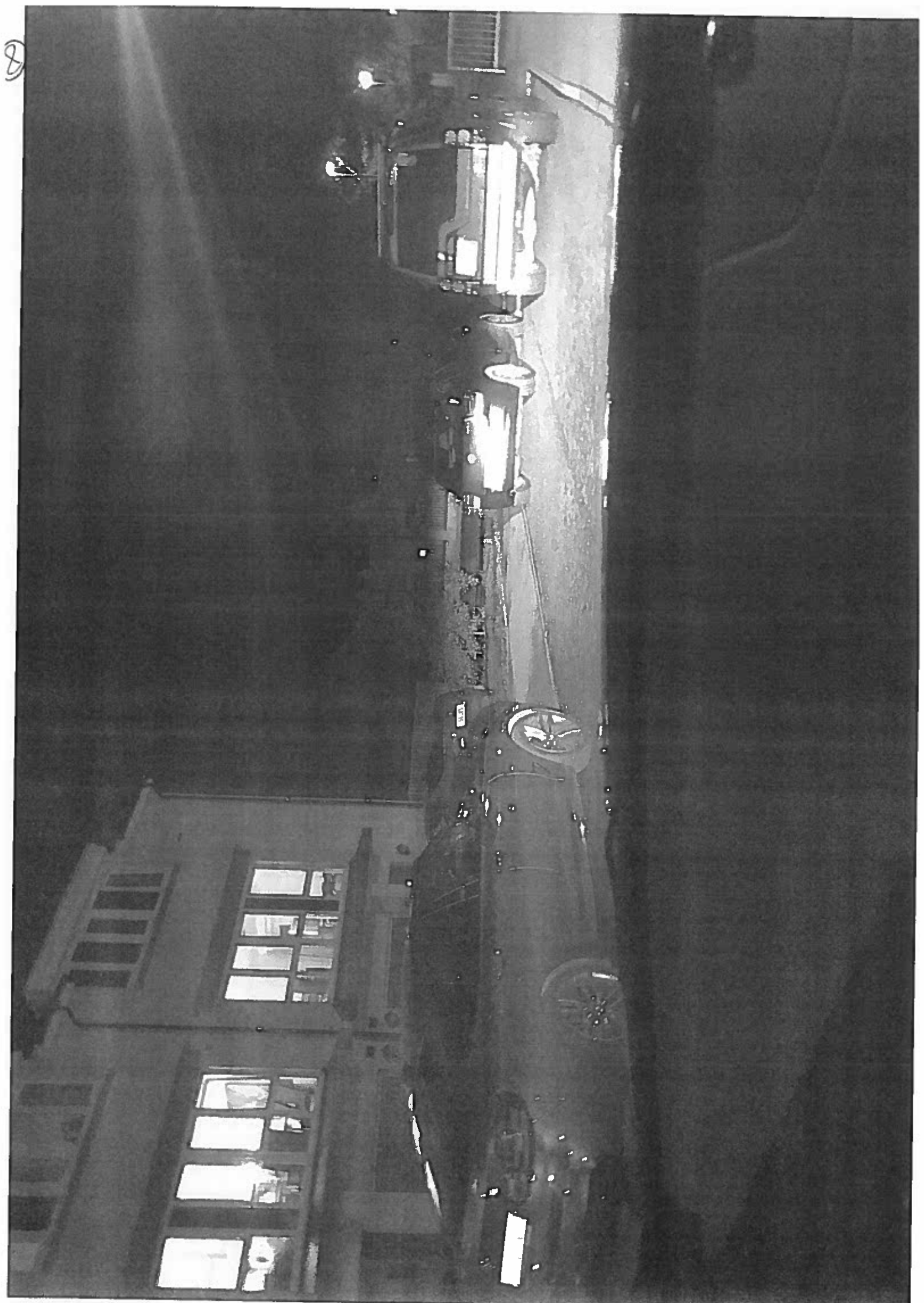


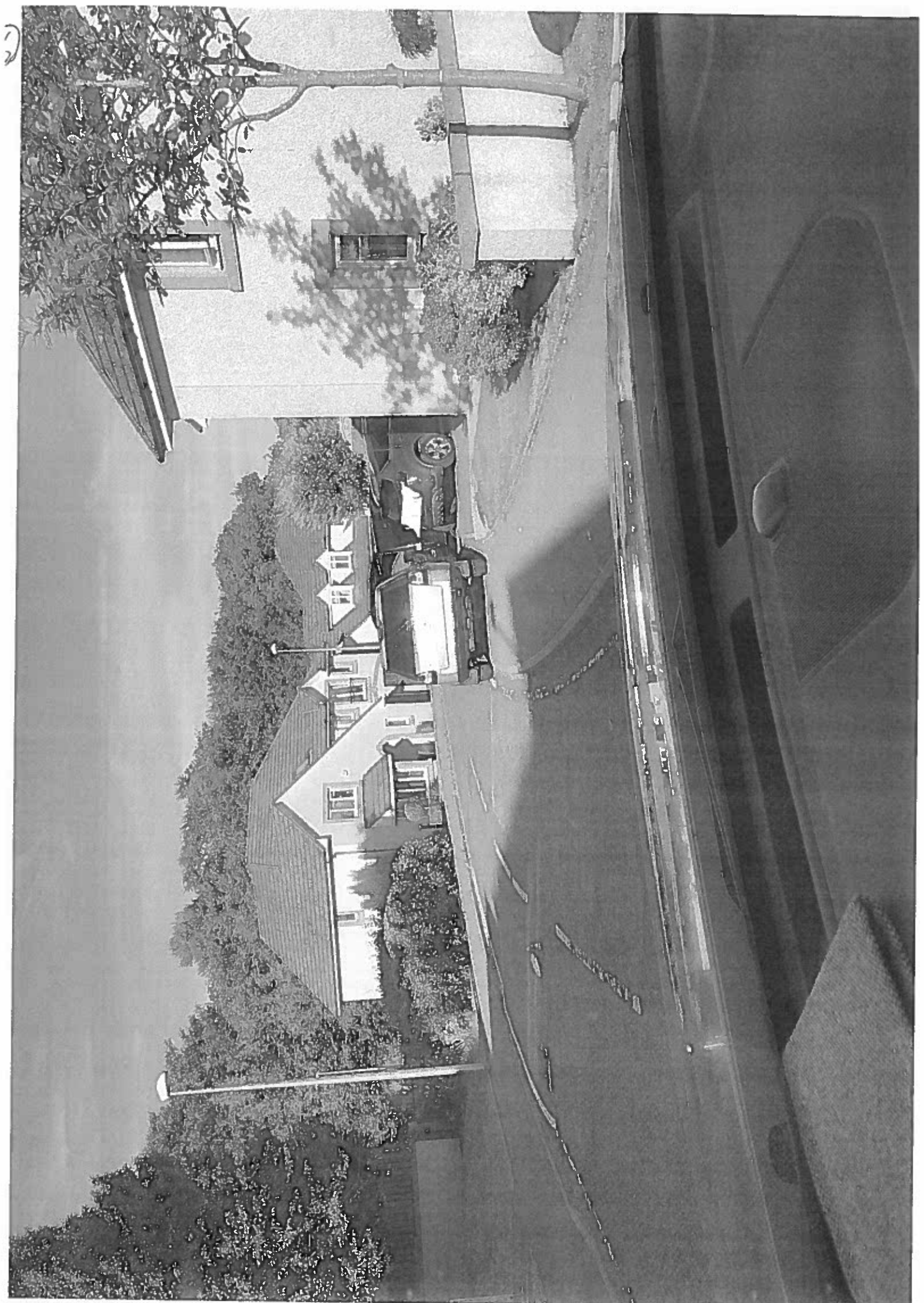




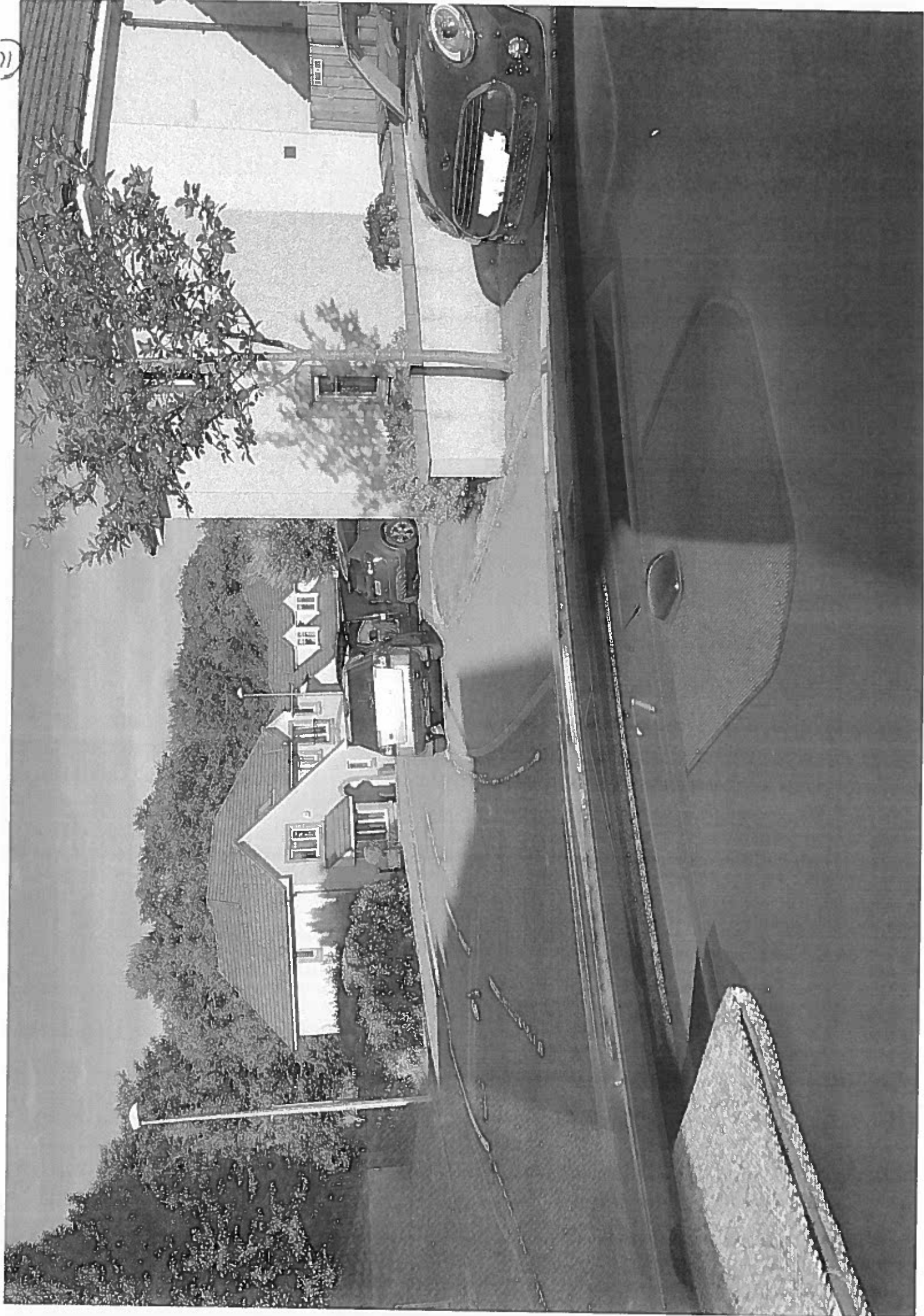


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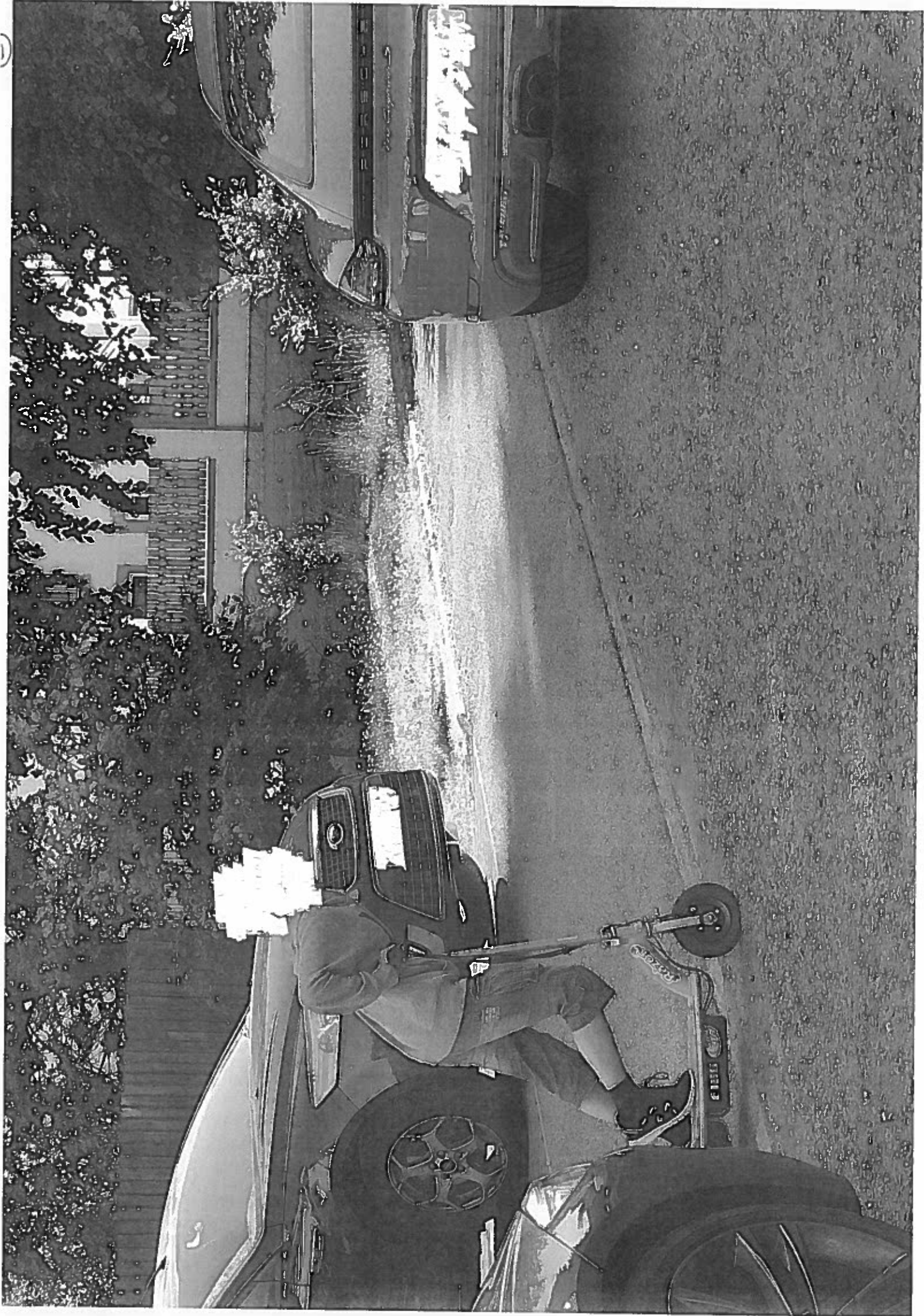


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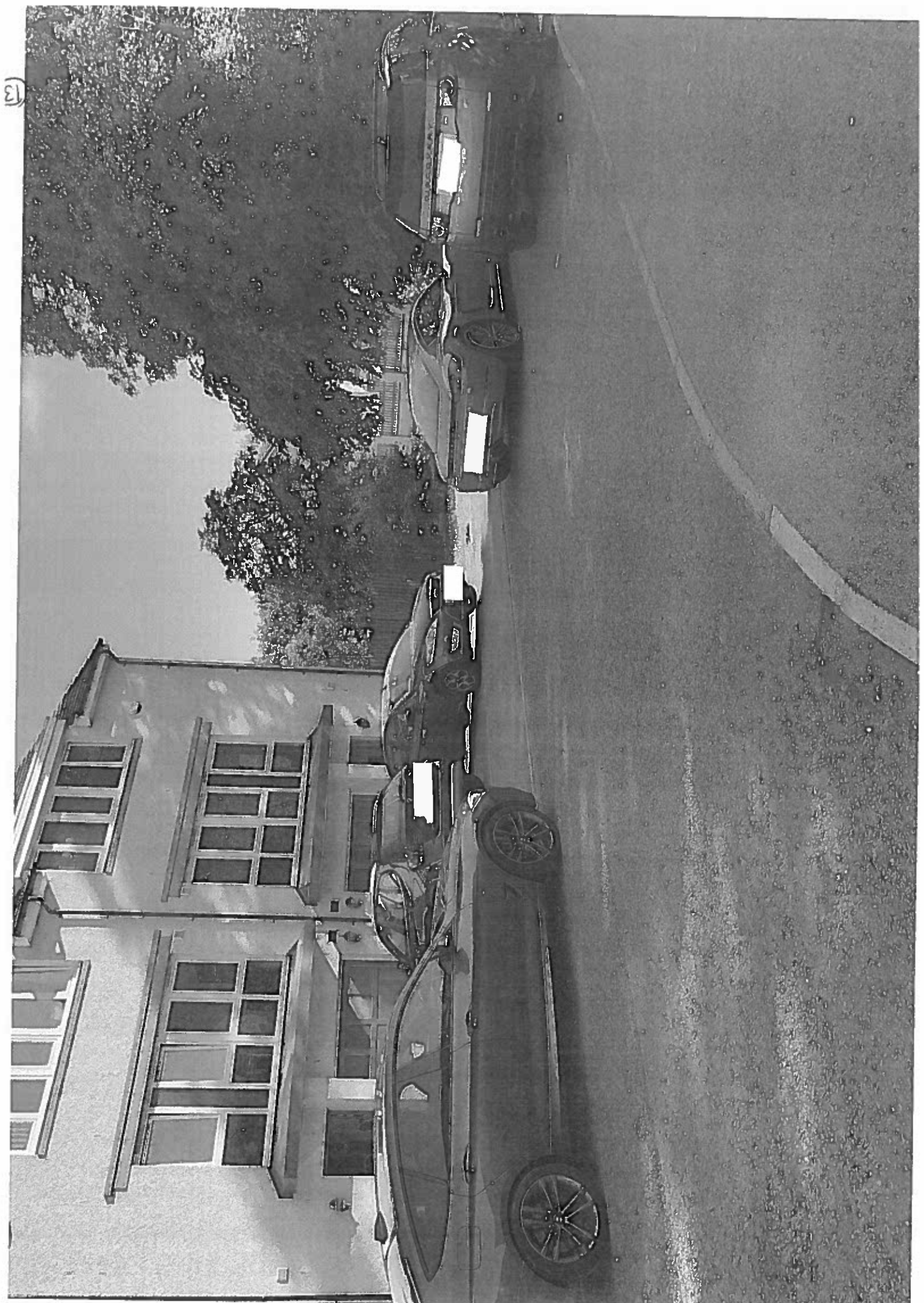




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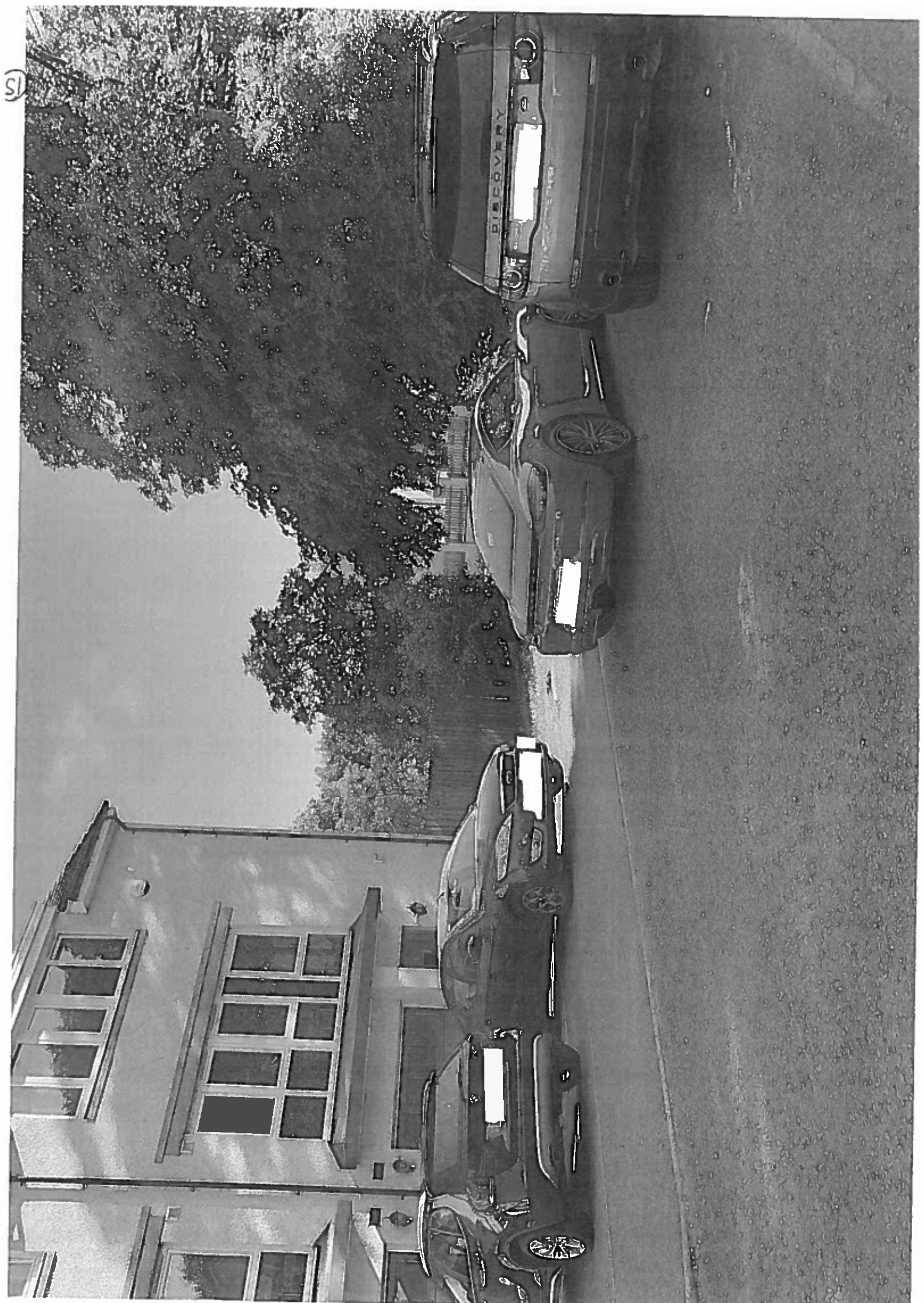
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13







Mr & Mrs C Hopkins

10<sup>th</sup> Jan 2019

Ref: Notice of application for a license for a house in multiple occupations, 12 Woodlands Walk, Cults Aberdeen AB15 9DW.

We write in connection with the above application. We wish to strongly object to the multiple occupations for this site. We previously objected to the original application, whereby this went to council hearing and vote. Councilor Boulton supported us, however despite this support, the application was successful. The points below are of similar nature of those, which we make during the original objection. During the period when the property has been operated as an HMO the concerns have materialized to the effect of the area and neighborhood. This has clearly caused undue public nuisance.

This is not in keeping with the areas and occupancies within the Woodlands development, which is a lovely family area. This type of license is generally associated with students and groups of adults living together, which will most definitely create disruption, and overcrowding within the street with respect to car parking and general traffic in the street. During the period of operation as an HMO it has placed great stress on the amenity to a point whereby it is becoming unmanageable and compromised the safety of the area.

As stipulated in the deeds of the property, on street parking per household is limited to one car only and this is already an ongoing issue with respect to the volume of cars parked on the street. The multiple occupancy has made this even worse, whereby restricting use for other residents parking and visitors. There are a number of neighbors who also object to this renewal for the very same reasons, of which we sympathize with the ongoing parking nightmare it has caused for them. The safety of children and the general neighbors will also be of greater concern due to these issues.

General overcrowding has been an issue for this property during the license and there are safety concerns amongst the residents for our children's safety when in and around this property.

The recent planning application for this property to increase in size from a 5-bedroom property to even larger and was declined twice of late by the planning department. 'Road Safety' would not pass it on the grounds that even with an increase in size of the driveway it was not safe to access the property due to the 'no through' access at the end of the close and without significant alteration of the road. The indication that the owners wished to increase the property in sizes places greater concerns on the issue of congestion, disruption and road safety. Furthermore, we know that tenants from No.12 have been using other driveways, which are currently vacated properties to park. Suggesting they are aware of the lack of parking. We are thankful for the council objection for this planning application and could not even think what would happen next, 7-bedroom HMO rental property.

In light of the above issues, we would kindly request that the Scottish fire and rescue service be consulted in respect of the suitability of the premises as an HMO given the extensive restrictions on safe access to the property that in the event of an incident which would require emergency services to respond thus giving no means of safe access / egress to the road and property due to the extensive on road parking and congestion in the area. We would request that they also see the photos illustrating the congestion in the area.

We believe that based on our previous objections noted for the original application that if this is being considered, that all objectors be invited to the committee meeting.

Regards

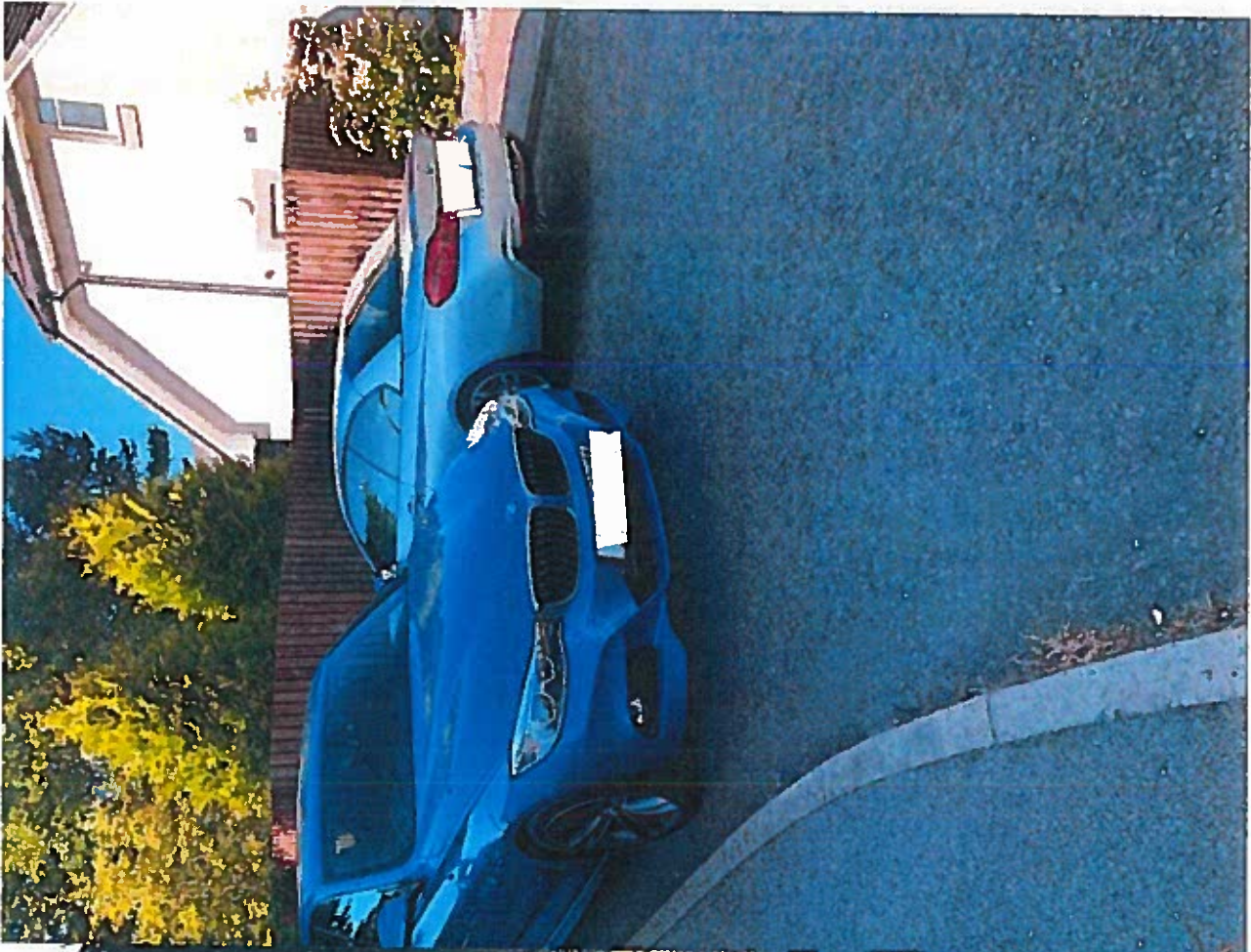
.. and Mrs. Hopkins

Aberdeen City Council  
Housing & Environment

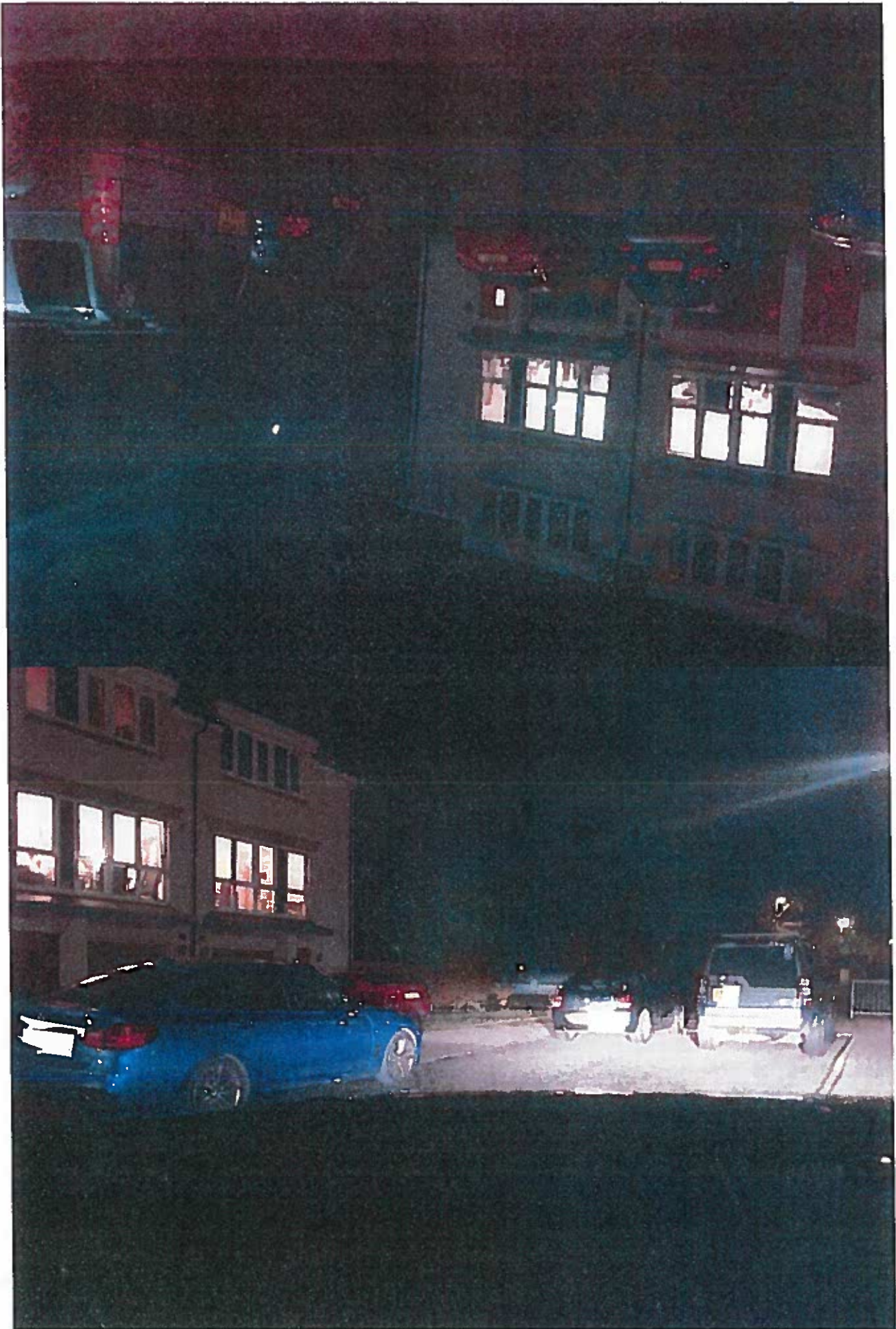
DATE RECEIVED

10 JAN 2019

Private Sector Housing Unit







E

Nicole Gillanders  
Scott Brady

Ar.

Dear Sir/Madam

I am writing in response to the Notice of Application for a License to operate a HMO at No.12 Woodlands Walk. I wish to object this for the following reasons.

My main concern is that this is a family neighbourhood. We have three young children. I feel uncomfortable knowing that there are random tenants living at No. 12. Where there are long term family lettings within this neighbourhood there have been no problems and there is a strong sense of community. We have all paid a premium to live here, so to see the HMO tenants coming and going is concerning. This property has been advertised on Airbnb which means that it is a business run home too, which means more short term leasing and more unknown tenants. This is a concern with lots of children in the neighbourhood.

As the HMO is situated at the very end of the cul-de-sac, trying to manoeuvre out of driveways is sometimes difficult.

It also restricts visitors parking spaces. The neighbourhood is already struggling with parking spaces for two cars per household, let alone five cars to one household. There are no spaces currently for parking as it is.

I have noticed that the HMO tenants have started parking in the driveways of two properties which are currently vacant No.9 and No.10 (No.10 is currently on the market for sale). I would assume this would be without the current owners consent. Please note that due to No.9 and No.10 being vacant there is no one to object to the HMO and once these properties are occupied that could potentially mean four more cars to add to the congestion.

This property has already had two planning applications for extensions declined due to the fact that parking would be an issue as Road Safety would not pass it on the basis that even with an increased driveway, it would not be safe to access the property due to no through access and without alteration of the road.

Regards,

Ar.

Nicole Gillanders

Aberdeen City Council  
Housing & Environment  
DATE RECEIVED  
11 JAN 2019  
Private Sector Housing Unit

31<sup>st</sup> January 2019

Ally Thain  
Private Sector Housing Unit  
Aberdeen City Council  
Business Hub 1, Lower Ground Floor West  
Marischal College, Broad Street,  
Aberdeen, AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED
04 FEB 2019
Private Sector Housing Unit

Dear Mr Thain

**12 Woodlands Walk, Cults, Aberdeen**

I refer to your letter dated 21<sup>st</sup> January 2019 and confirm that myself as agent and the landlord and owner of the property Mr William Miller shall be attending the Licensing Committee meeting on Tuesday 19<sup>th</sup> February 2019.

I note that letters of objection have been received and the main objections within the letters are parking concerns and "random" tenants.

The five residents that occupy the property are all working professionals mainly employed in the oil and gas sector who are significantly contributing to the local economy. They have families of their own and four of the residents only occupy the property on a Monday to Thursday basis and return to their families and main residence at the weekend.

All five tenants were instructed at the start of the tenancy to find appropriate car parking spaces within the estate and to avoid parking in an obstructive manner.

The licence has now been operational for the last three years and as far as I am aware there have been no complaints received by the HMO department regarding the tenants or the parking during this period.

Yours sincerely

AC.

Marlene Ogston  
Director  
Geraghty-Gibb Property Management