

LICENSING COMMITTEE INFORMATION SHEET

18 January 2022

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: CRAIG DURWARD

AGENT: PARKHILL PROPERTIES

ADDRESS: 17 WESTBANK, ABERDEEN

INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that four letters of representation/objections were submitted to the HMO Unit.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so under delegated powers for the reason that the necessary upgrading works & certification has not been completed.

DESCRIPTION

The premises at No.17 Westbank, Aberdeen, is a three-storey, end-terraced townhouse with accommodation comprising 4 letting bedrooms, one dining kitchen & 3 bathrooms. There is also an integral garage on the ground floor which is accessed from Westbank by a car runway in the front garden of the property. The car runway is of a suitable length to allow one car to be parked upon it. The applicant wishes to accommodate a maximum of 4 tenants, which is acceptable to the HMO Unit in terms of space & layout. The location of the premises is shown on the plan attached as Appendix A.

CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building, alerting the general public to the HMO licence application.

REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- General public – four letters of representation/objections as follows:
 - Stuart & Wendy Leighton (Attached as Appendix B).
 - Victoria Smith (Attached as Appendix C).
 - PG Lorensen & JMM McKenzie-Lorensen (Attached as Appendix D).
 - Robert Kernaghan (Attached as Appendix E).

COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:
'*Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities*'

GROUNDS FOR REFUSAL

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

OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and his registration includes No.17 Westbank.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.17 Westbank.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- The applicant was first granted an HMO licence for No.17 Westbank in July 2009 and the application under consideration is his 4th renewal application.
- There are no other Granted HMO's at Westbank.
- The letters attached as Appendixes B, C & D all concern car parking. Following receipt of these letters, advice was sought from the Council's Roads Infrastructure Manager who e-mailed the advice attached as Appendix F. This information was sent to all 4 objectors. Members may wish to note that car parking is not a consideration of HMO Licensing as it is not specifically mentioned in the Statutory Guidance. The legislation does however include "*possibility of undue public nuisance*" as a ground of refusal however legal remedies for prevention of illegal car parking already exist as detailed in Appendix F.

‘A’



'B'



16 November 2021

HMO Unit
Early Intervention & Community Empowerment
Business Hub 6, First Floor South
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Aberdeen City Council
Housing & Environment
DATE RECEIVED
18 NOV 2021
Private Sector Housing Unit

Dear Sir/Madam

NOTICE OF APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 17 WESTBANK, ABERDEEN, AB11 6TH – REFERENCE HOU5377094422

We wish to object to the above application for HMO for the above property.

Council records show a licence has been granted on four previous occasions. When the property has been occupied by multiple residents, owners/tenants in the development (16 properties including No 17) have had to deal with several vehicles being parked illegally (on double yellow lines and on pavement). The property has capacity for two vehicles – one in garage and one on driveway. This illegal parking has caused danger to owners/tenants as No 17 is on a blind corner. Owners/tenants have to negotiate the cars/vans parked on the road or have to dismount the pavement and walk on the road because vehicles have been parked across the pavement which is a safety hazard, particularly to residents who have young children, during winter months and when dark. With the exception of dedicated parking spaces allocated to each property, all other areas of the development are marked with double yellow lines. Our understanding is the development has double yellow lines to a) provide clear and sufficient access to emergency service vehicles, b) allow ease of access to the communal refuse/recycling area and c) to avoid non-resident parking in the development.

It should be noted that the concerns noted above do not affect the applicant as he is a non-resident owner.

Should the licence be granted, we request it is conditional upon applicant's tenants adhering to legal parking restrictions (ie no parking on double yellow lines or pavement), parking provisions for the property (ie one in garage and one on driveway), and any additional vehicles require to be parked on the public roads nearby using pay and display or by purchasing a resident's parking permit (as all other owners/tenants are obliged to do).

Yours faithfully



STUART LEIGHTON



WENDY LEIGHTON

From: Victoria Smith
Sent on: Sunday, November 20, 2021 4:05:06 PM
To: HMOUnit <HMOUnit@aberdeenshire.gov.uk>
Subject: Notice of Application, 17 Westbank Aberdeen AB11 6TH, Reference HOUSJ77094422

Follow up: Follow up
Follow up status: Completed
Completed on: Monday, November 22, 2021 10:48:00 AM

Dear Sir/Madam,

We wish to object the application for the proposed HMO at 17 Westbank Aberdeen AB11 6TH, when the property has been occupied by multiple individuals this has resulted in several vehicles being parked in an unsafe (on pavements) and illegal (parked on double yellow lines) areas in the estate.

This is a threat to safety of the residents driving their cars to get to/from their homes, but also for residents who are walking as they have to dismount the pavement and walk on the road to pass the vehicles.

The cars have been parked at the entrance to the estate the cars resulting in a blind corner and this increased the risk that an accident could occur and is a threat to public safety should the licence be granted we request that it is conditional the tenants adhere to the legal parking restrictions in place, which all other residents respect and adhere to.

Kind Regards

Victoria

Victoria Smith

'C'

'D'



19 November 2021

HMO Unit,
Early Intervention and Community Empowerment,
Business Hub 6, First Floor South,
Marischal College,
Broad Street,
Aberdeen
AB10 1AB

Dear Sir / Madam,

**Notice of Application for a Licence for a House in Multiple Occupation – 17 Westbank,
Aberdeen AB11 6TH – Reference HOUS377094422**

We wish to object to the above application for HMO for 17 Westbank, Aberdeen AB11 6TH –
Reference HOUS377094422.

On previous occasions when the property has been used for multiple occupancy there have been repeated problems caused by the tenants of 17 Westbank parking cars illegally on the double yellow lines around the property, including parking partially on the pavement. As well as inconveniencing the other residents in the street this also presents a potential access and egress risk to emergency vehicles, and service vehicles.

We would suggest that if this parking issue does not constitute sufficient grounds to reject the application, that the conditions of granting the Licence for a House in Multiple Occupation (the Licence) should include a special condition to the effect that the owner of the property shall provide parking permits for the tenants to allow for street parking in Fonthill Road, or Fonthill Terrace. Further, failure to provide the tenants with such parking permits as per the special condition of the Licence would constitute a breach of the Licence and result in withdrawal of the Licence.

We look forward to your response.

Yours faithfully,



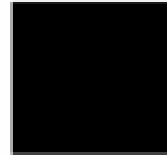
PG Lorensen



JMM McKenzie-Lorensen

Aberdeen City Council
Housing & Environment
DATE RECEIVED
22 NOV 2021
Private Sector Housing Unit

'E'



19 November 2021

HMO Unit
Early Intervention & Community Empowerment
Business Hub 6, First Floor South
Marischal College
Broad Street
ABERDEEN
AB10 1AB

Dear Sir/Madam

NOTICE OF APPLICATION FOR A LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION – 17 WESTBANK,
ABERDEEN, AB11 6TH – REFERENCE HOUS377094422

In common with many other property owners in the Westbank development, I wish to object to the above application for HMO for the above property.

The development is small and secluded with a mix of retirees and young families as owners/occupiers. Thus, it is totally unsuited to an HMO which would spoil the development for the rest of the owners.

I would be most grateful if you would consider what is best for the development and the people who live there as a whole and reject this application which is solely for the financial benefit of one home owner who chooses not to live in the estate himself.

Yours faithfully,



Robert Kernaghan

Aberdeen City Council
Housing & Environment
DATE RECEIVED
22 NOV 2021
Private Sector Housing Unit

From: [REDACTED]
Sent: 23 November 2021
To: [REDACTED]
Subject: RE: 17 WESTBANK, ABERDEEN - HMO OBJECTION QUERY

[REDACTED]

The Westbank development is a private development where the roads and footpaths within the development are adopted.

I've attached a plan showing the adopted areas in red and the locations of the "at any time" or double yellow lines.

The development also sits within Controlled parking zone V where each property is permitted up to a maximum of two residential parking permits (one of which must be fixed to a registration number and the other can be a flexible permit)

These residential properties are mainly town houses with an additional driveway; therefore, each resident can use the garage and driveway, but also apply for a maximum of two permits.

What they can't do is park on the "at any time" restrictions and if they do, they may receive a Penalty Charge Notice (PCN) from our City Wardens. The residents should report any indiscriminate parking on these lines to [REDACTED] and his team.

If any vehicles are causing an obstruction, then this must be enforced by Police Scotland.

'F'

