

# LICENSING COMMITTEE INFORMATION SHEET

## 5 July 2022

### Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (NEW)

**APPLICANT:** NICHOLAS JAMES

**AGENT:** STUDENT HOUSE ABERDEEN

**ADDRESS:** 35 ST. MACHAR DRIVE, ABERDEEN

### INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that one written representation/objection was 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 at the time of drafting this report, the necessary upgrading work & certification is not complete. I will advise Members during the meeting if that position has changed.

### DESCRIPTION

The premises at No.35 St. Machar Drive, Aberdeen, is a two-storey semi-detached house with accommodation comprising 4 letting bedrooms, lounge, kitchen/diner, study area, shower room & bathroom. 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 – one written representation/objection (Attached as Appendix B).
- Licence-applicant – one written representation in response to the letter of representation/objection (Attached as Appendix C)

The written representation/objection (Appendix B) was received within the statutory 21-day period and must therefore be considered by Committee.

## 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.35 St.Machar Drive and another 2 rental properties.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints of anti-social behaviour involving the tenants of No.35 St.Machar Drive.
- The previous owners of No.35 St.Machar Drive held an HMO licence between November 2013 and March 2022 when the property was sold to the applicant.

- Along the length of St.Machar Drive, between Don Street and King Street, the properties at No.80 St.Machar Drive and Nos.7 & 8 St.Machar Place are currently HMO-licensed.

- The representation/objection includes 2 separate points as follows:

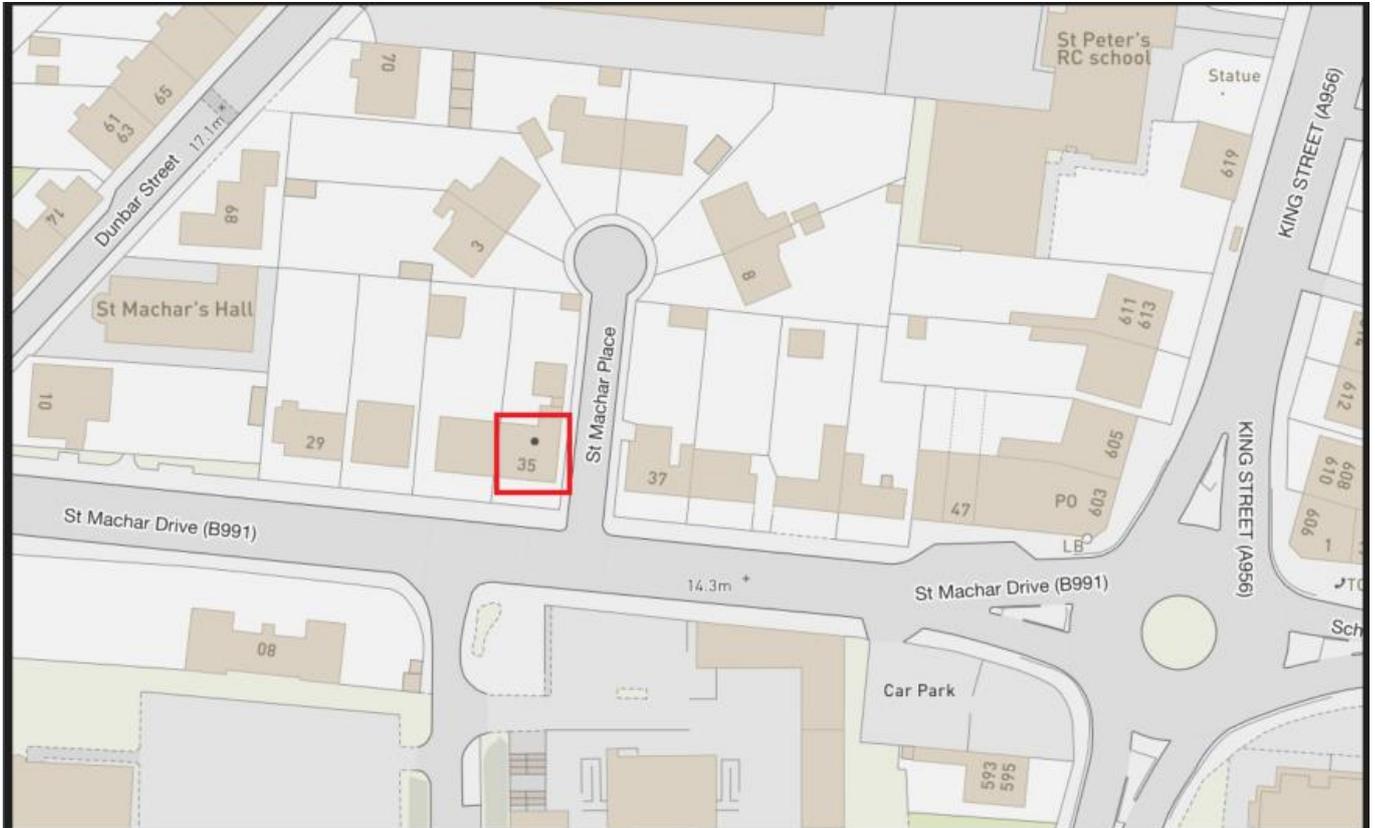
*"50 percent of the property's around my house is far to much"*

The objector appears to believe that 50% of the neighbouring properties are HMO-licensed. This perhaps infers 'Overprovision' which is a statutory ground of refusal of an HMO licence application, however this ground of refusal is not available to the Committee for the reason that an 'Overprovision' policy has never been agreed by the Council.

*“there is a lack of parking too.”*

Members may wish to note that car parking is not a consideration of HMO Licensing as it is not mentioned in the Statutory Guidance, nor is it covered by any of the statutory grounds of refusal mentioned above.

# 'A'



# 'B'

**From:** Robert Moir

**Sent:** 14 March 2022 17:44

**To:** HMOUnit <[HMOUnit@aberdeencity.gov.uk](mailto:HMOUnit@aberdeencity.gov.uk)>

**Subject:** Re: Re:

I would like to object to 35 st machar drive getting a hmo license because I think 50percent of the property's around my house is far to much and there is a lack of parking too.

Robert Moir



**From:** Nick James  
**Sent:** 26 April 2022 11:54  
**To:** HMOUnit <[HMOUnit@aberdeencity.gov.uk](mailto:HMOUnit@aberdeencity.gov.uk)>  
**Cc:**  
**Subject:** HMO APPLICATION - 35 ST MACHAR DRIVE, ABERDEEN

Dear Ms Janssen

REF:  
PART 5 OF HOUSING (SCOTLAND) ACT 2006  
APPLICATION FOR LICENCE FOR A HOUSE IN MULTIPLE OCCUPATION (HMO)  
PREMISES: 35 ST MACHAR DRIVE, ABERDEEN  
LICENSING COMMITTEE: WEDNESDAY, 15 JUNE 2022

Thank you for your invite to the licensing committee meeting to hear our case for continuing 35 St Macher as an HMO licensed property.

My wife and I purchased this property in March 2022, with the understanding that the property has historically been let as an HMO licensed property for over 5 years, and the intention to continue to let it as an HMO licensed property to students for the foreseeable future. The property was purchased with tenants in situ, who are still resident in the building. To my knowledge there have been no incidents of anti-social behaviour from these tenants, but please rest assured that in the event of any antisocial behaviour we will act quickly to address it and minimise any unrest amongst local residents. Our managing agent Student House Aberdeen has a 24 hour contact number and email through which any issues can be reported to us.

To address the concerns of Mr Robert Moir:

1. Number of HMOs in the area. Whilst we personally do not have experience of the proportion of HMOs in the area, and whether it is having a negative impact, we can as already provided, give assurances to address any antisocial behaviour quickly. And while there may be an argument for limiting additional HMO licenses in the area, 35 St Macher has already been providing good student accommodation under an HMO licence to Aberdeen University students for more than 5 years. In many respects 35 St Macher is ideally suited to be used for Aberdeen University student accommodation because it is situated directly across the road from the university. It reduces the number of car journeys (or even the need for a car) and thereby emissions, road and parking congestion. It reduces over-reliance on public transport. It's vicinity also means a short, well-lit and therefore safer commute for students, which can also contribute towards giving students more productive time.

2. Parking congestion. 35 St Macher has off street parking on its premises for 2 cars in a double lockable garage. Given the property's closeness to the university it means that students living at 35 St Macher will neither need a car for university life, nor be driving to campus from outside the walkable belt, therefore

allowing students to live at 35 St Macher will in effect be reducing parking congestion in the area vs. forcing them to live further afield.

I will attend the committee meeting on the 15th June, and look forward to receiving the agenda, any further briefing materials and the Microsoft teams link.

Best regards,

Nick James