

# LICENSING COMMITTEE INFORMATION SHEET

25 January 2023

## Public Application

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

**APPLICANT:** OAKLA DEVELOPMENTS LIMITED

**AGENT:** ABERDEEN PROPERTY LEASING

**ADDRESS:** 74 ASHGROVE ROAD, ABERDEEN

### INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 2 representation/objection e-mails 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 since at the time of drafting this report, the necessary upgrading works and certification have not been completed. I will advise Members during the Committee if that position has changed.

### DESCRIPTION

The 3 storey property at No.74 Ashgrove Road, Aberdeen, is the subject of this renewal HMO licence application and its accommodation comprises 4 letting bedrooms 2 with en-suite, lounge, kitchen, utility room and shower room. The applicant wishes to accommodate a maximum of 5 tenants, which is acceptable to the HMO Unit 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
- A public Notice of HMO Application was displayed outside the building, alerting the public to the HMO licence application.

### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection e-mail from Sheila Symons (Attached as Appendix B)
- One objection letter from Carol Devitt (Attached as Appendix C)

The objections were received within the statutory time period therefore the Council must consider.

## 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'](#)

## GROUNDINGS 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 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 their registration includes No.74 Ashgrove Road.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.74 Ashgrove Road.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- There are currently 8 HMO licensed properties in Ashgrove Road, ie. Flat H, K & M at No16. No 13, 17, 19, 70 and 74 are also HMO licensed.
- The applicant was first granted an HMO licence for No.74 Ashgrove Road in October 2019 and the application under consideration is the first renewal application.
- The objections mention points about car parking and the effect of an HMO on house prices. Members may wish to note that car parking and house prices are not considerations of HMO Licensing as they are not specifically mentioned in the Statutory Guidance.

'A'



**'B'**

From: [REDACTED]  
Sent: 31 October 2022 08:57  
To: HMOUnit <HMOUnit@aberdeencity.gov.uk>  
Subject: Objection to HMO Reference [REDACTED]  
Importance: High

Good morning

Proposed HMO at 74 Ashgrove Road, Aberdeen, AB25 3AD

I hereby lodge an objection to the proposed HMO. (I could not find a form on the council website to complete)

Reasons

1. There are too many HMOs in this area.
2. Antisocial behaviour experienced with the existing HMOs
  - Noisy gatherings lasting all hours of the morning
  - Students smoking pot/weed
  - Traffic cones being uplifted and placed on the pavement.
3. Overflowing street bins.
4. The owners of no. 74 were leasing their garages for commercial purposes and the waste was put in the street bins that serve our property.
- 5.. Extra litter in the street.
6. Shopping trolleys left on the pavement.
7. Lack of parking spaces.
8. Owner/occupier homes are being devalued.

Kind regards

[REDACTED]

'C'

HMO Unit,  
Early Intervention &  
Community Empowerment,  
Business Hub 6,  
First Floor South,  
Marishall College,  
Aberdeen,  
AB10 1AB

RE: REF – [REDACTED]

To whom it may concern,

I am submitting an objection to the above application for a HMO licence in 74 Ashgrove Rd, Ab25 3AD.

This has been applied for by Oakla Delelopments Ltd, at 58 Cairnlee Avenue East Aberdeen, AB15 9NH. On Companies House Oakla Developments Ltd, is registered to Alexander Michael Cardow at 42 Queens Rd, Aberdeen AB15 4YE.

On Ashgrove Rd, which has a small section of residential properties to the proportion of the street, there is eight HMO's registered on the Aberdeen City Council register. These are at 13, 17, 19, 70, 74, 16H, 16K and 16M.

This amount of HMO's decreases the parking spaces for the on street parking on Ashgrove Rd. This in turn increases the car insurance for cars having to park on a street away from home and out of sight.

Too many HMO's on the street will decreases the value of owner occupied properties. Too many HMO's also block up the market for people to are trying to buy homes to occupy.

Scottish legislation changes mean that tenants only have to give notice of 28 days to terminate. This means there can be a high turn over of people in and out of the property and can increase the chances of crime. Several councils in England are taking measures to limit the amount of HMO's due to the links to crime.

Aberdeen Property Leasing confirmed that there are no tenants registered in the property at present. However since I have purchased my home on the 21<sup>st</sup> of October, I have met two tenants. One to stated there were three people living there and one who spoke of his landlord fixing the fire alarm. The fact that the letting agent has no record of tenants is concerning for a lone home owner and others in the street, particularly in terms of safety.

The property was built in 1900 and setting it up as a HMO is not appropriate for the style and age of the building

Looking forward to hearing from you,

[REDACTED]