

LICENSING COMMITTEE INFORMATION SHEET

12 December 2023

Public Application

TYPE OF APPLICATION: HMO LICENCE APPLICATION (RENEWAL)

APPLICANT: NATASHA KOCHHAR

AGENT: NONE

ADDRESS: 13 ORCHARD STREET, ABERDEEN

INFORMATION NOTE

- Application Submitted 07/08/2023
- Determination Date 06/08/2024

This HMO licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection letter 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 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 property at No.13 Orchard Street, Aberdeen, is the subject of this renewal HMO licence application and its accommodation is a first floor, flatted property with 3 letting bedrooms, lounge, kitchen, bathroom, with stair access to rear garden. The applicant wishes to accommodate a maximum of 3 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 letter from Euan Thompson (Attached as Appendix B)
- One representation email from Natasha Kochhar (Attached as Appendix C)

The objection was 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'](#)

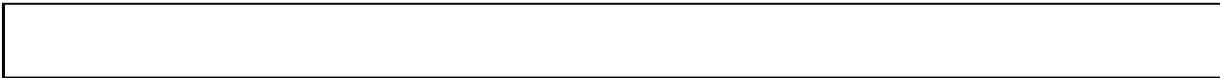
GROUNDINGS FOR REFUSAL

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.13 Orchard Street.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) have one record of an email noise complaint in respect of No.13 Orchard Street, on 16 November 2020. The ASBIT team advised the complainant of current ASBIT operational procedure and advised to use the service.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- There are currently 19 HMO licensed properties in Orchard Street, ie. No.3, 4, 5, 7, 9, 10, 10A, FFL 10, 2FR 10, 19, 21, 23, 29, 30D, 30K, 31, 37 and 39, along with 4 St Peters Place, Orchard Street.
- The applicant was first granted an HMO licence for No.13 Orchard Street in February 2014 and the application under consideration is the third renewal application.
- The letter of objection refers to flooring noise at No.13 Orchard Street. As part of the HMO application process, an Inspecting Officer will attend the property and an update on the flooring type will be provided to Committee.



'A'



'B'

Delivered by hand to Marischal College



Re HMO renewal
13 Orchard Street
HOUS537455589

Dear HMO Unit,

As the immediate neighbour under the property I would like to raise concerns regarding the renewal of the license as follows;

- Noise Pollution. The properties have no apparent sound insulation between them. This has always meant that a mutual respect and compromise is required between the properties. With the frequent changing tenants this sometimes has been hard to establish. However I recognise that when I have raised complaints with the landlord they have spoken with the tenants in the past to resolve. However the very recent change of tenant has resulted in a marked increase in loud impact noise coming from the floor of no. 13 and therefore I question if the floor covering have been changed resulting in this significant increase in noise. A quality underlay below good carpets would assist greatly
- Environmental Risk. The trees in the exclusive garden areas of No.13 have grown to a size that block light and are a potential hazard in terms of structure damage to the flats, to my garage and to the boundary walls. I have previously on separate occasions asked for the trees to be attended to.

If these issues could be addressed I would not have any issue with the renewal of the license.

Your sincerely,



Euan Thompson



Aberdeen City Council
Housing & Environment
DATE RECEIVED
2 8 AUG 2023



From: Natasha Kochhar [REDACTED]
Sent: Thursday, November 23, 2023 5:11 PM
To: HMOUnit [REDACTED]
Subject: Re: HMO Application - 13 Orchard Street

Dear Jocelyn/Doug/HMO Unit

I can confirm receipt of this correspondence. Firstly, my sincere apologies for the delayed response, the initial email was not received. Please kindly confirm you have received this email.

I will join the Council Licencing Committee meeting via Teams on 12 December at 10am and look forward to answering any questions and alleviating any concerns with regards to the objection received. I will look forward to receiving the meeting invite details.

There are a few points I have made below, which I share for the Committee's further consideration and in response to the points made in the objection.

Noise pollution:

- There is a certain degree of noise transfer in these older terraced properties, I know having lived in the property as my home for many years that the direct neighbours below front door and radio can often be heard in some rooms from 13 Orchard Street, that has been the case since I purchased the property, and I understand is to be expected with these older terraced properties.
- There is carpet and underlay throughout the property hallways, lounge, and bedrooms, which I have maintained in good order, and which was replaced and upgraded two years ago to ensure that the quality was not diminishing. There have been no further changes to the flooring. The kitchen and flooring are vinyl laid, again this has not changed for many years aside and have been upgraded to maintain good quality.
- At new tenant check in and inspections, tenants are encouraged to be respectful of neighbours, be mindful of noise levels and we have not received complaints from other neighbouring properties in this regard.
- The property was unfortunately vacant for several months last year, it may be that while it was vacant the occupiers of the below premises got used to no day-to-day noise coming from the property. That may have led to them becoming more sensitive to the day-to-day noise but there has been no other change to the circumstances. I have had a successful HMO licence for many years.

Environmental risk:

- Now that a concern about the tree being a potential hazard has been raised, I will ensure a tree surgeon checks the safety of the tree as a priority. I think it is a beautiful tree and as a keen environmentalist I really do not favour the unnecessary cutting of trees.
- I have planted no trees, these have been at the property since purchase and are approximately 40 feet from the property, happy to provide photos if helpful.
- As a separate point, the trees also provide a better view and covers the slightly unsightly view of the cemetery over the boundary wall from the upstairs flat, something that the lower property does not have to contend with.

I hope that is helpful and I remain at your disposal for any further questions or queries.

Many thanks

Natasha Kochhar