

# LICENSING COMMITTEE INFORMATION SHEET

21 February 2024

## Public Application

**TYPE OF APPLICATION:** SHORT TERM LET LICENCE APPLICATION  
EXISTING OPERATOR -SECONDARY LETTING

**APPLICANT:** KENNETH WATT

**PROPERTY MANAGER:** KENNETH WATT, ALISON WATT & STEVEN WATT

**ADDRESS:** 79 ASHGROVE AVENUE, ABERDEEN

### INFORMATION NOTE

- Application Submitted 28/09/2023
- Determination Date 27/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 1 representation/objection was submitted to the Private Sector Housing Team.

If, after consideration of the representations/objections, the Committee is minded to grant the Short Term Let licence, it may do so since at the time of drafting this report, the necessary upgrading works and certification have been completed.

### DESCRIPTION

The property at 79 Ashgrove Avenue, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises of a 4 storey, tenement property, providing 2 letting bedrooms for 4 persons, kitchen, lounge, shower/bathroom. The applicant wishes to accommodate a maximum of 4 guests, which is acceptable 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
- Aberdeen City Council's Planning Team
- A public Notice of Short Term Let Application was displayed outside the building, alerting the public to the licence application.

### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- Aberdeen City Council's Planning Team – no objections
- One objection email from Ross Gibb and Jodi Gemmell (Attached as Appendix B)

- One representation letter from Kenneth & Alison Watt (Attached as Appendix C)

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

## COMMITTEE GUIDELINES/POLICY

All applications for Short Term Let licences are dealt with in accordance with the Scottish Government's document:

[Short term lets - licensing scheme part 2: supplementary guidance for licensing authorities, letting agencies and platforms](#)

## GROUNDS FOR REFUSAL

This application is being dealt with under the provisions of '[Civic Government \(Scotland\) Act 1982 \(Licensing of Short Term Lets\) Order 2022](#)' (the 2022 Order)

Available [grounds of refusal](#) are as follows:

A licensing authority shall refuse an application to grant or renew a licence if, in their opinion—

**(a)**the applicant or, where the applicant is not a natural person, any director of it or partner in it or any other person responsible for its management, is either—

(i)for the time being disqualified under section 7(6) of this Act, or

(ii)not a fit and proper person to be the holder of the licence;

**(b)**the activity to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant or renewal of such a licence if he made the application himself;

**(c)**where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to—

(i)the location, character or condition of the premises or the character or condition of the vehicle or vessel;

(ii)the nature and extent of the proposed activity;

(iii)the kind of persons likely to be in the premises, vehicle or vessel;

(iv)the possibility of undue public nuisance; or

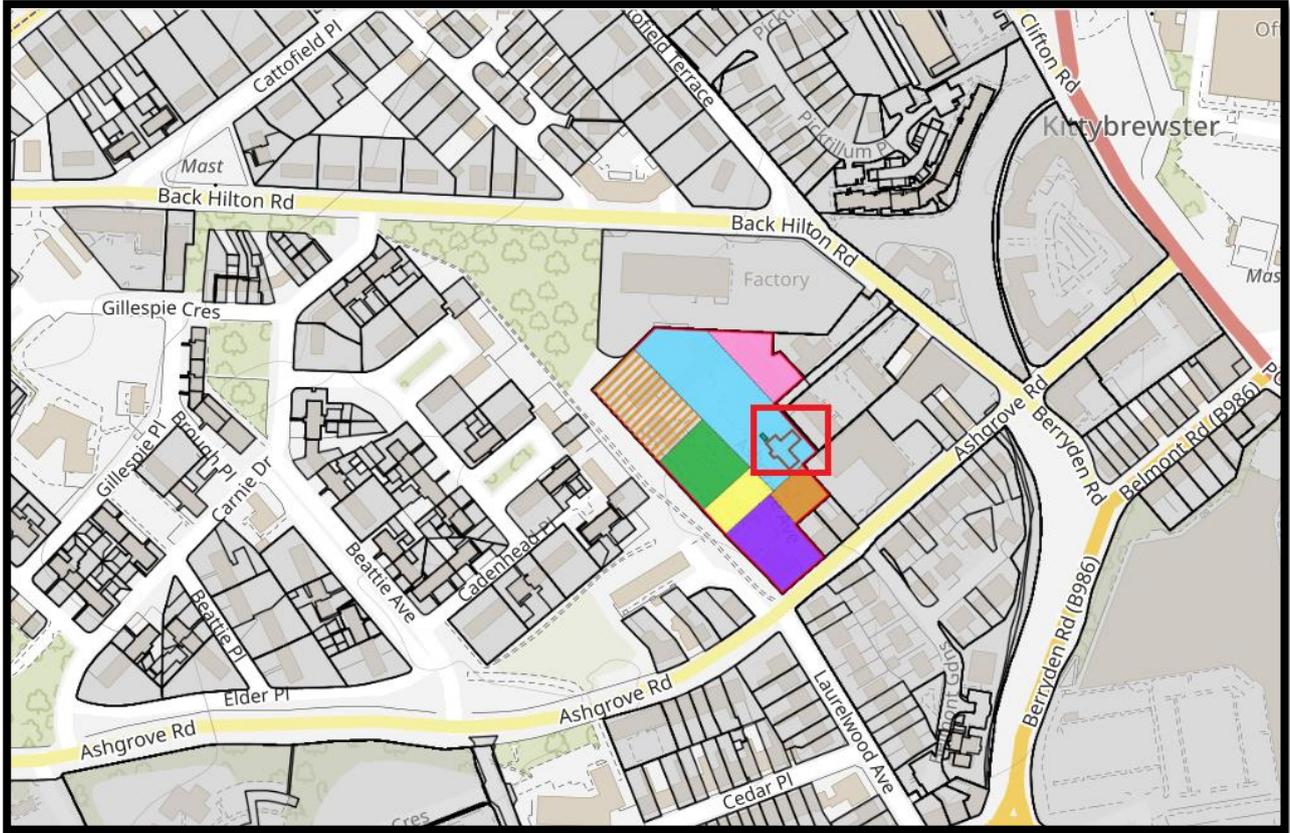
(v)public order or public safety; or

**(d)**there is other good reason for refusing the application;

## OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- All upgrading work required by the Private Sector Housing Officer, including certification, has been completed.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 79 Ashgrove Avenue, Aberdeen.
- There are no Granted Short Term Let licenses at Ashgrove Avenue.
- The property is currently unlicensed. However as the applicant was an existing operator before 01 October 2022, the property is currently operating as a Short Term Let until the Licence application is determined.

# 'A'



**'B'**

**From:** Ross Gibb  
**Sent:** Friday, September 29, 2023 5:59 PM  
**To:** ShortTermLets <ShortTermLets@aberdeencity.gov.uk>  
**Subject:** No.79 Ashgrove Avenue AB253BQ

Dear planning officers.

Myself and my Partner, occupants of [REDACTED] Avenue wish to object to the application for short term let license no: HSTL550554555.  
For the following reasons-

We are concerned that due to the location of the let in a largely residential area may cause us disturbance during weekends. The building lacks high quality sound insulation. The short term let in our building has been used for short stays hosting parties in the past which has causes a noise nuisance. And due to the nature of the Air B&B business we have limited options for recourse.

We are also concerned by the lack of availability of parking in the area for increased traffic. Which already causes issues.

We hope you take our points into serios condition and reject the above application.

Regards

Ross Gibb and Jodi Gemmell  
[REDACTED]

Thanks

Ross Gibb

**'C'**

**Response to Objection to the Application for Short Term Let Licence, #HSTL 550554555 for 79 Ashgrove Ave. by the Occupants of [REDACTED]**

There are 3 parts to the objection raised by Ross Gibb & Jodi Gemmell

- 1) parties
- 2) noise
- 3) parking

1. **Parties:** We have no evidence over the past 20 years of parties taking place, and there have been no complaints made. We would appreciate knowing the dates when such parties are claimed to have taken place, to correlate them with the guests who were staying.
2. **Noise:** Our flat, #79 only shares a short bedroom wall with flat [REDACTED] bedroom (see diagram A attached), which is also insulated from our flat by a built in cupboard & wardrobe. It is unlikely that any noise is created in our bedroom. There is far more noise & disturbance created by the flats above our floor. Flat [REDACTED] also ajoins flat [REDACTED]. Other sources of annoying noise mainly comes from people banging the main stairwell door & lack of carpets on floors in favour of noisy wooden/laminate floor coverings.
3. **Parking:** According to the plans provided by the builder there are (see diagram B & C) 95 lock block parking spaces, allowing 1 reserved parking space per flat, within view of each flat. The markings delimiting the parking spaces have faded over time. This can cause confusion as to where people should park.  
42 tarmac parking spaces for visitors  
6 parking spaces for disabled residents.

I have been down to the estate at weekends, when any parties are likely to be taking place in the evenings. There has been on every occasion plenty of empty visitor parking spaces available. I have photographic proof.

Our new build flat was originally acquired in 1998 as a residence for our sons who were attending further education. When they had finished their courses the flat was used as long term residence for a short while and then subsequently as Short Term Holiday Lets. Having run a 4\* Guest House for the past 20+ years we are aware that holiday guests and people coming to work or to visit the hospital, university, etc., prefer a self catering flat rather than staying in a B&B type accommodation. Our flat has proved very popular and would be greatly missed in Aberdeen if it was required to close down.

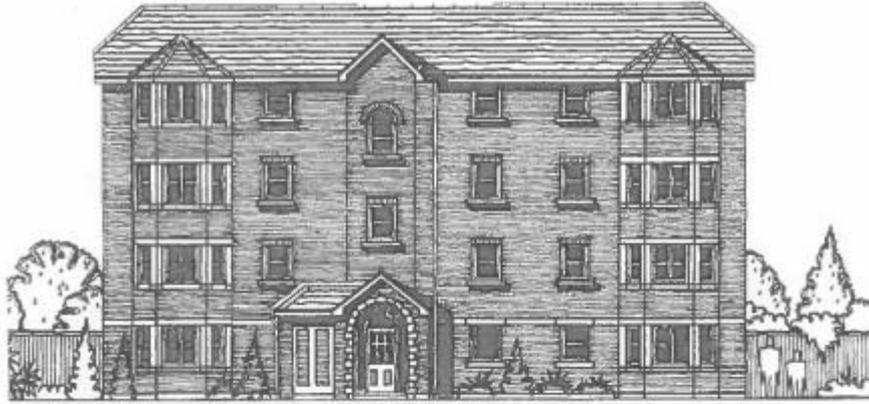
Since we do not use key boxes at any of our flats we meet and greet every guest, & make sure they know the preferred behaviour and use of communal spaces like the dustbin/cycle sheds.

We do not use outside contractors for cleaning & turning round the flats between stays. Therefore, my wife is in attendance almost every week at the flat and would be available to deal with any problems. She has never experienced any complaints from residents with whom she has talked.

Kenneth & Alison Watt  
owners of  
79 Ashgrove Avenue  
Aberdeen AB25 3BQ  
28<sup>th</sup> January 2024

Aberdeen City Council
Housing & Environment
DATE RECEIVED
29 JAN 2024
Private Sector Housing Unit

Diagram A



Ground Floor



First, Second & Third Floors

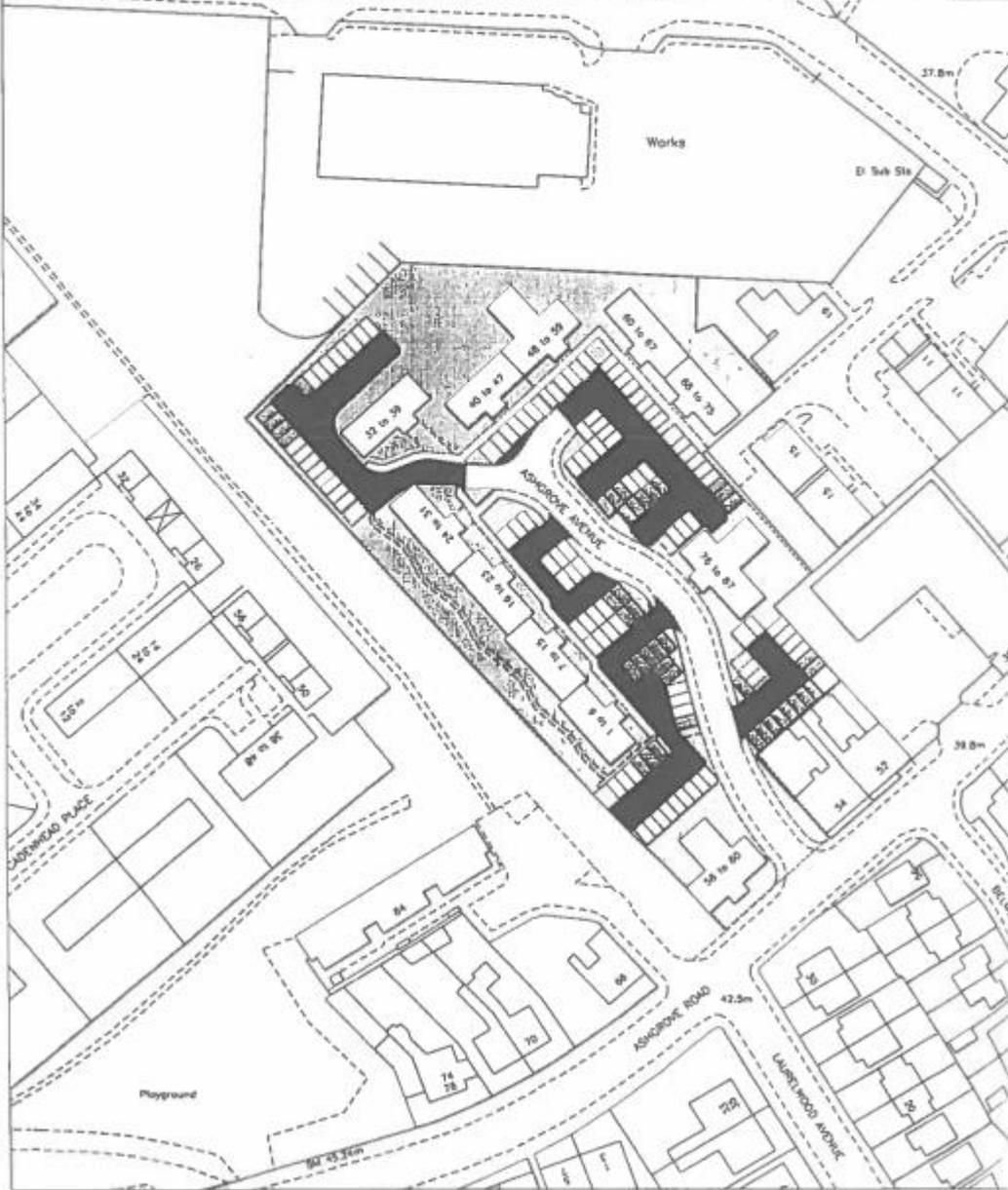


This range of flats are spacious one and two bedroomed apartments designed for an attractive lifestyle. Clever use of feature bay windows in the lounges enhance their appeal. These apartments also have good sized bedrooms; brand new fitted kitchens with integrated ovens, hobs and cooker hoods; and modern bathrooms. Built in exclusive blocks, this range of apartments offer a superb choice, all with the convenience of contemporary design and building technology.

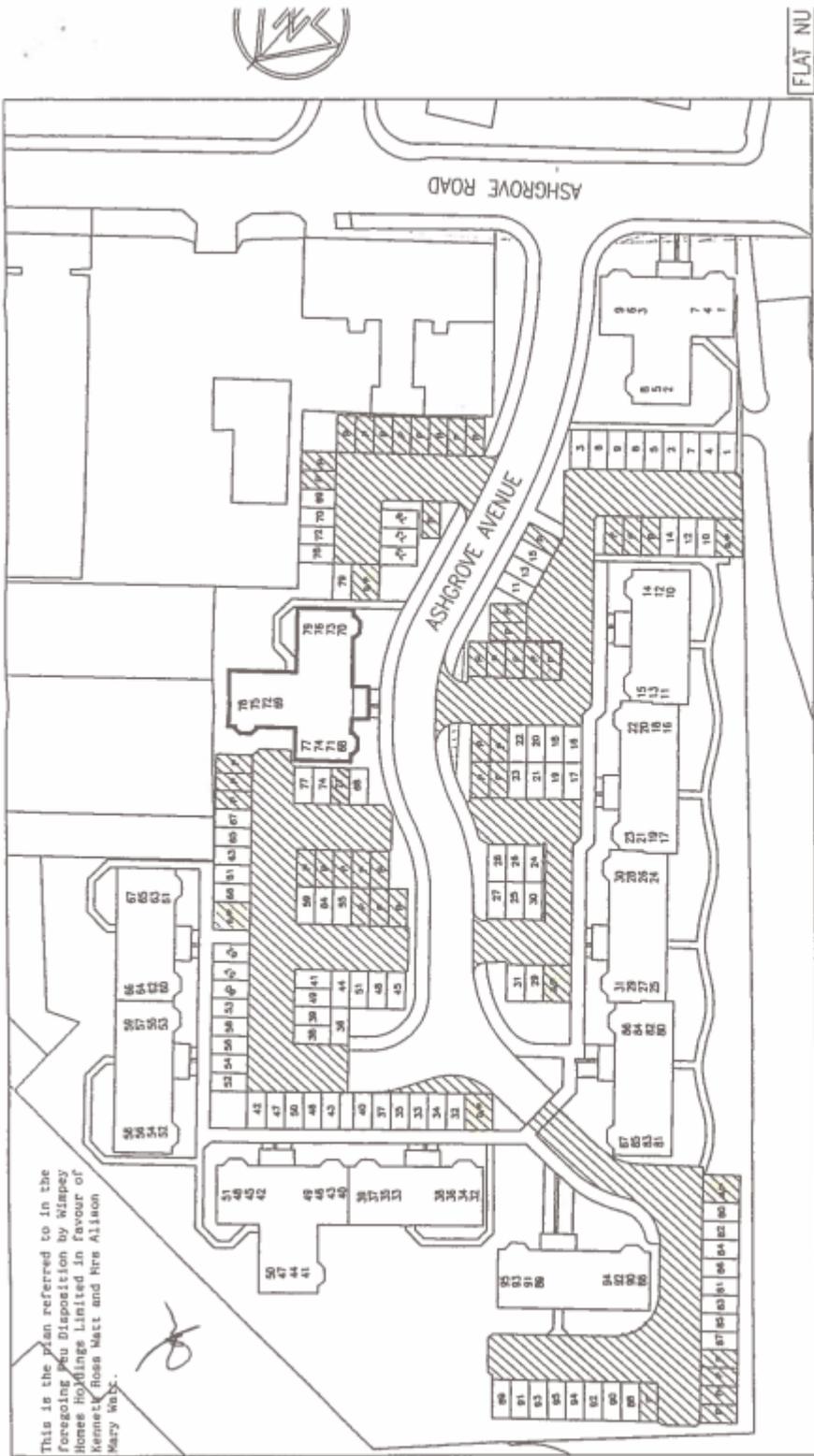
Diagram B

 LAND REGISTER OF SCOTLAND	Officer's ID / Date	Supplementary Plan to Title
	3654 7/2/2002	<b>ABN25672-1</b>
 ORDNANCE SURVEY NATIONAL GRID REFERENCE		Scale
		1/1250
NJ9207NE		Survey Scale
		1/1250

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This is the plan referred to in the Foregoing Pro Disposition by Wimpey Home Holdings Limited in favour of Kenneth Rose Watt and Mrs Allison Mary Watt.



FLAT NU  
71

SCALE 1 : 500

**Wimpey Homes**  
Scotland East  
Edinburgh



GEORGE WIMPEY PLC

PRO INDUOSO LAND	
LAND PARCEL	Hatched pattern
	SHEDS WITHIN PLAT Nos. 45 FOLLOW
	1/16 SHED PLATS 1 TO 15
	1/16 SHED PLATS 1 TO 15

LEGEND	
Hatched pattern	COURT WALLING SPACE
Dotted pattern	COURT SPACE (P)
White box	COURT SURT LAC EXTENDING

POSTAL ADDRESS  
79 ASHGROVE AVENUE  
ABERDEEN  
ASHBERRY COURT ---- ABER

*Diagram C.*