

LICENSING COMMITTEE INFORMATION SHEET

19 March 2024

Public Application

TYPE OF APPLICATION: SHORT TERM LET LICENCE APPLICATION

EXISTING HOST-SECONDARY LETTING

APPLICANT: JENNIFER CAMPBELL

PROPERTY MANAGER: GRAMPIAN LETTINGS LIMITED

ADDRESS: 66 WILLOWBANK ROAD, ABERDEEN

INFORMATION NOTE

- Application Submitted 27/09/2023
- Determination Date 26/09/2024

This Short Term Let licence application is on the agenda of the Licensing Committee for the reason that 3 representations/objections were 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 66 Willowbank Road, Aberdeen, is the subject of this new Short Term Let licence application and its accommodation comprises lounge/kitchen, and bathroom, 2 bedrooms one with an ensuite. 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 – planning not required
- One objection email from Aoibhinn Gallagher (Attached as Appendix B)

- One objection letter from Kristopher Samuel Law & Abbey King (Attached as Appendix C)
- One objection letter from Harry Hanton (Attached as Appendix D)
- One representation from Grampian Lettings (Attached as Appendix E)

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

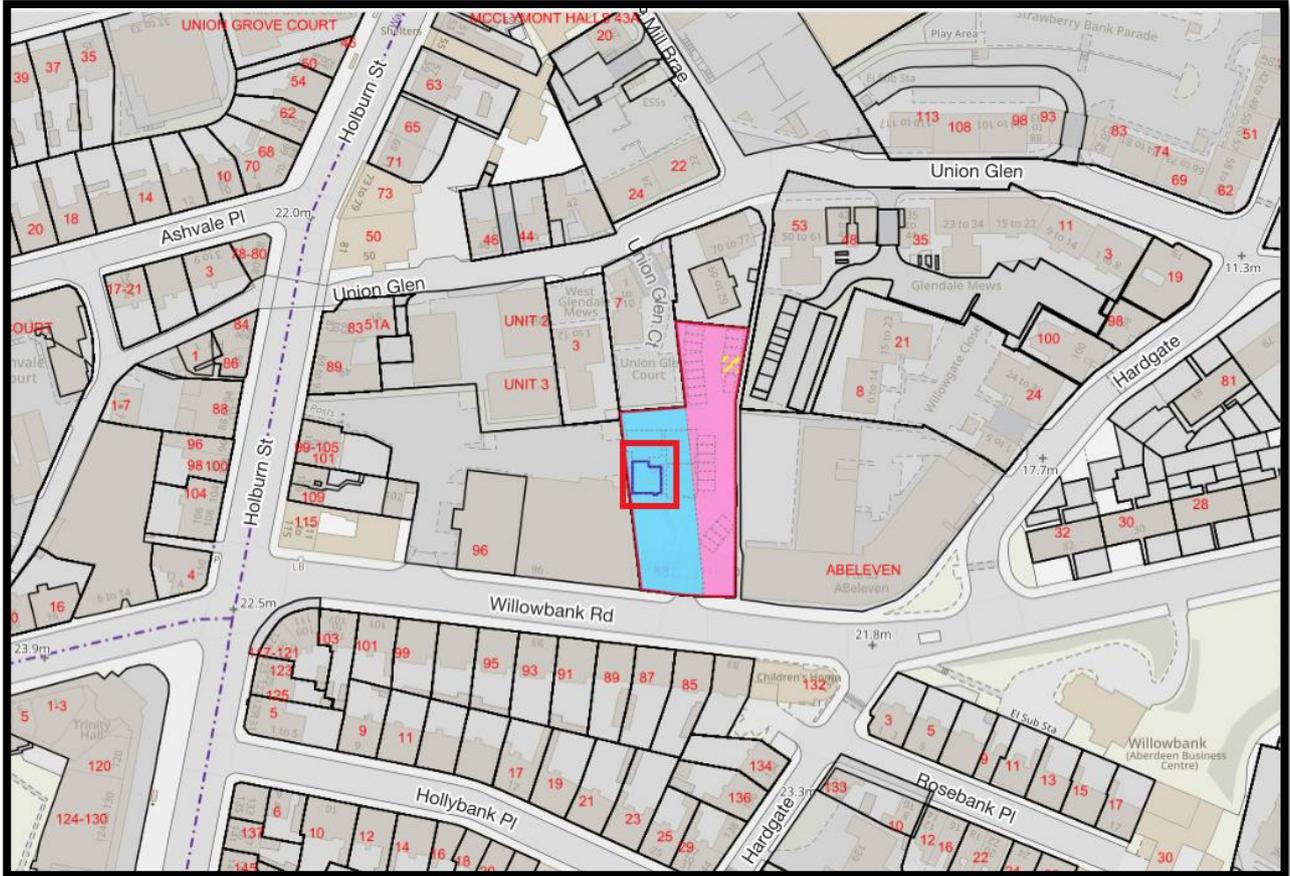
(v)public order or public safety; or

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

OTHER CONSIDERATIONS

- Landlord Registration is not a requirement of Short Term Let licensing.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of 66 Willowbank Road, Aberdeen.
- There is one Granted Short Term Let licence at 95 Willowbank Road, Aberdeen.
- 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.
- Information within the Deed of Conditions is not a ground for refusing a Short Term Let licence within the legislation. Licensing cannot be used to enforce other legal issues and that would have to be enforced via other means.
- The Short Term Let application is for up to 4 guests.

'A'



'B'

From: Aoibhinn Gallagher
Sent: Tuesday, October 17, 2023 1:17 PM
To: ShortTermLets <ShortTermLets@aberdeencity.gov.uk>
Subject: 66 Willowbank Rd -AC22630P

I object to this property having a short term let licence for the follow reasons:

- A) the location, character or conditions of the premises
- B) the nature and extent of the proposed activity
- C) the kind of persons likely to be in the premises
- D) the possibility of undue public nuisance; or
- E) public order or public safety; or

4.13. The primary purpose of the licensing scheme is to ensure short-term lets are safe and take account of local needs and circumstances. Competent grounds for objection to a licensing application may include: -concerns that the application is inaccurate or misleading -concerns about the safety of guests, neighbours or others; -concerns about noise or nuisance; and -concerns that the application runs contrary to other legal or contractual requirements.

Many thanks.

Aoibhinn Gallagher



'C'

18th October 2023

Kristopher Samuel Law & Abbey King

86 Willowbank Road

Aberdeen

AB11 6XL

Private Sector Housing Unit
Early Intervention & Community Empowerment
Business Hub 11
Second Floor West
Marischal College
Broad Street
Aberdeen
AB10 1AB

To whom it may concern

We are owners of a neighbouring property within the same development, and we would like to object to the application of making 66 Willowbank Road a short term let based on the below criteria.

The property is advertised for 6 people even though it is a two-bedroom apartment. The car park at the Willowbank Road development is not made to cope with that many people living in 1 flat, putting undue stress on us owners who stick to the rules.

We are also concerned about the safety for ourselves and others residents, even the thought of parcels not being safe to deliver to the building anymore.

As we work early mornings and our bedroom backs onto the building in question we cannot have parties and loud residents disrupting our sleep.

It is also stated that an STL is not allowable based on the title deeds for the development.

The premises are not suitable or convenient for short term let in the slightest. I hope you take notice of our and the other residents' concerns and make the correct decision to decline this application. Please don't allow this stand-up development to turn into a living nightmare.

Kind Regards

Kristopher Law & Abbey King

Letter of Objection

To: Aberdeen City Council Short-Term Letting Committee
From: Harry Hanton ([REDACTED])
CC: Recipient names
Date: 21 October 2023
Re: Application for Short-Term Letting Licence – 66 Willowbank Road, Aberdeen, AB11 6XL

Dear Members of the Committee

It has come to my notice that an application has been submitted for a Short Term Let Licence for the property at 66 Willowbank Road, neighbouring my flat at number [REDACTED] within the same development.

I only became aware of this application from the owner of another neighbouring flat by chance – I am unaware of any formal neighbour notification, and I cannot see any notification on any lamppost or some other visible place near the flats, which it is my understanding should have happened to allow a chance to object. It is my hope that my objection is within the allowed period and will be considered by the committee.

The grounds for my objection to this application are as follows: -

1. Much increased footfall from tenants coming and going from the flat.
2. Potential for increased noise from the tenants as they come and go from the property. Short term tenants tend to enter and leave properties more frequently than longer term lessees.
3. There is a likelihood of increased wear and tear in communal areas by short term tenants coming and going on a regular basis, both to carpets and to walls, from scuffing from luggage for example.
4. No matter how careful the owner may be in trying to ensure the short-term tenants are responsible, there is an increased likelihood of late-night parties and disturbances at unsociable hours.
5. The development is looked after by a factoring company who are responsible for insuring the development. One of the questions asked by the insurance company is whether there are any short-term leases within the development. If there are some short-term leases, the premiums are increased due to the additional risk created by short term renters. This alone speaks volumes in as much as the insurance companies realise that there is a greater risk of damage to the properties by short term lessees as they generally don't take the same

care as owner/occupiers or indeed long-term lessees. These increased costs would require to be met by the other people who live in the development.

6. Finally, although the committee may not take this into consideration, I would wish to highlight that the title deeds related to this development contain a clause (copy attached) which states 'That each flat shall be used and occupied as a private dwelling house and shall not be sub-divided or occupied by more than one family or group of individuals living together as a family at a time; However, nothing therein contained will be deemed to be a prohibition upon the leasing of any Flat, provided that the use of such Flat by the occupiers thereof is as a private dwellinghouse or residence in accordance with the provision of this Deed.'

I would ask that members of the committee would consider whether they would like to live in an environment where there are short term lets happening with the accompanying problems.

Additionally, I would ask that if they do permit this Licence to be granted, that they grant it on condition that this Title Deed Lease condition is applied so that at least there would be a tighter control on any short term lets for this flat.

Yours sincerely

[Redacted Signature]

Harry Hanton

Owner - [Redacted] Willowbank Road, Aberdeen, AB11 6XL

Response to objection to Licence for Short Term Let for 66 Willowbank Road

It is noted that 3 objections have been lodged.

Objector Kristopher Samuel Law & Abbey King

In response to this objection, we would like to point out that this property has been used for Short Term Lets for more than a year and we have not had any reports of issues.

As the objectors noted they have concerns about what might happen, but it's obvious that the property is managed professionally and they did not find any of these concerns to materialize in the last year.

The property is a 2-bedroom apartment with 2 bathrooms. Advertised for up to 4 guests. This apartment is usually occupied by 1-2 working professionals who work in offices nearby.

The apartment has allocated two parking spaces which fully satisfies our guests needs.

Objector Harry Hanton

1. This property has an occupancy rate of 68% which shows that footfall decreased.
2. Statistics show that the average length of stay is 6.5 days. We don't see any reports that would show increased noise compared to long-term leases.
3. Same as per point 2. No evidence to prove this speculation.
4. We had no reports of parties in this property and we take measures to make sure the guests staying at this property are the target customers - working professionals. Our guests fill in arrival forms from what we can see the vast majority are business customers.
5. Property insurance is provided by the factoring company. We have not seen any increase in the building insurance costs.
6. Title deeds allow to lease of the property and do not mention any restrictions to leasing it for the short term. Also, guests are using this property for accommodation same as any other tenant or landlord in the development.

Aoibhinn Gallagher

The objector only provided a copy of the short-term lets legislation therefore we don't have what to comment. We are happy to answer any questions or queries through email, phone call or at the council sub-meeting.

In conclusion, we sincerely hope that the responses provided adequately address any concerns or objections raised. And we are available for further discussion or clarification if needed. Thank you for your attention to this matter.

Kind regards,
Grampian Lettings

