

City Chambers
DUNDEE
DD1 3BY

22nd May, 2024

Dear Colleague

I refer to the agenda of business issued in relation to the meeting of the **LICENSING COMMITTEE** to be held remotely on Thursday, 23rd May, 2024 and now enclose the undernoted documentation which was not received at time of issue.

Yours faithfully

GREGORY COLGAN

Chief Executive

2 CIVIC GOVERNMENT (SCOTLAND) ACT 1982

(c) TAXI OPERATOR – REQUEST FOR EXTENSION OF TIME TO PLACE VEHICLE ON SERVICE

No	Name	Address
1	Maureen Martin	46 Poplar Road, Clayton Caravan Park

A written submission is attached (**Appendix 1**). - **Page 1**

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Report on Electric wheelchair Vehicles

This report was compiled after detailed conference with the company Vic Young Ltd . of South Shields 01914271566. This company is the leading electric conversion company for electric wheelchair cars and taxis in the UK.

This company have told us that Nissan is no longer making the E NV200 vehicle which means no more Nissan Electric wheelchair vehicles are available to buy.

Apart for the electric London type vehicle which is too expensive for the trade in Dundee, that leaves only a mini bus type wheelchair taxi that can only cover about 100 miles on a full charge in summer time and about 50 miles or less in bad weather, which makes this also unsuitable for the taxi trade.

Vic Young company are looking at the Vauxhall van to convert to a wheelchair taxi with a range of approx. 170 to 200 miles per charge but this is only at the beginning of the development stage and they cant give me a date for these being available nor the cost of these vehicles.

We don't know what else we can do but keep the Euro 6 engined wheelchair vehicles on until suitable vehicles are available to the market for the taxi trade.

City Chambers
DUNDEE
DD1 3BY

15th May, 2024

Dear Colleague

The undernoted members are requested to attend a MEETING of the **LICENSING COMMITTEE** to be held remotely on Thursday, 23rd May, 2024 at 10.00 am.

Members of the Press or Public wishing to join the meeting should contact Committee Services on telephone (01382) 434211 or by email at committee.services@dundeecity.gov.uk by no later than 5.00pm on Tuesday, 21st May, 2024.

Please submit any apologies for absence to Elaine Doak, Committee Services Officer, on telephone 01382 434211 or email elaine.doak@dundeecity.gov.uk.

Yours faithfully

GREGORY COLGAN

Chief Executive

Depute Lord Provost Kevin CORDELL

BAILIE Christina ROBERTS

COUNCILLORS

Stewart HUNTER
Roisin SMITH

Jax FINNEGAN
George McIRVINE

Charlie MALONE
Daniel COLEMAN

AGENDA OF BUSINESS

The Committee is reminded of the quasi-judicial nature of the meeting and that in accordance with Standing Order No 34(4) only those members who are present during the whole of the proceedings may take part in the deliberation.

1 DECLARATION OF INTEREST

Members are reminded that, in terms of The Councillors Code, it is their responsibility to make decisions about whether to declare an interest in any item on this agenda and whether to take part in any discussions or voting.

This will include all interests, whether or not entered on your Register of Interests, which would reasonably be regarded as so significant that they are likely to prejudice your discussion or decision-making.

2 CIVIC GOVERNMENT (SCOTLAND) ACT 1982

(a) NEW APPLICATIONS GRANTED UNDER DELEGATED POWERS

PUBLIC ENTERTAINMENT – NEW APPLICATIONS

No	Name	Location	Date of Event
1	The Unicorn Preservation Society	HMS Unicorn	Full
2	Ugotan Ltd	Unit 10, Campfield Square	Full
3	Ferry Nails & Spa Ltd	271 Brook Street, Broughty Ferry	Full
4	Sunny Nails & Luxury Spa Ltd	244 Brook Street, Broughty Ferry	Full
5	Tayside Public Transport	44/48 East Dock Street	04/05/2024
6	RNLI	St Stephen's and West Church Hall	22/06/2024

PRIVATE HIRE OPERATOR - NEW APPLICATIONS

No	Name	Address
1	Shbuz Mia	150 Balgowan Avenue
2	Ashar Amin	17 Crescent Lane
3	Kumrul Alam	18E Constitution Street

SKIN PIERCING & TATTOOIST - NEW APPLICATION

No	Name	Address
1	Lovisa UK Ltd	Lovisa Dundee, Overgate Shopping Centre

TAXI DRIVER - NEW APPLICATIONS

No	Name	Address
1	Kumrul Alam	18E Constitution Street
2	Florian M Luta	92A Balunie Street
3	Muhammad Rizwan Khan	14A Bankmill Road
4	Krzysztof G Mazanka	57 Bruce Road
5	Abdellah Mecid	126 Happyhillock Road

(b) STREET TRADER - NEW APPLICATION

No	Name	Address
1	Oliver Lambert	33 Blackness Avenue

A request has been received to remove conditions 9 and 10 to allow Mr Lambert to trade from a static pitch (**Appendix 1**). A letter of consent has been received from the landowners (**Appendix 2**). EHTS have still to provide comments. A copy of the Public Liability Insurance and vehicle certificate of compliance have still to be submitted. – **Pages 1 and 3**

(c) TAXI OPERATOR – REQUEST FOR EXTENSION OF TIME TO PLACE VEHICLE ON SERVICE

No	Name	Address
1	Maureen Martin	46 Poplar Road, Clayton Caravan Park

Two requests have previously been received for 28 day extensions. The original request was received on 6th March, 2024.

3 HOUSING (SCOTLAND) ACT 2006

(a) HOUSES IN MULTIPLE OCCUPATION – DELAGATED

No	Name	Person Responsible	Address
1	John Robinson & Nicole Milton	Easylets Ltd	2/2, 32 Seagate
2	Veyda Ltd	Easylets Ltd	3/1, 132A Nethergate
3	Jiujiang Zhu	Mawei Ltd	20 Constitution Crescent

(b) HOUSES IN MULTIPLE OCCUPATION – NEW APPLICATIONS

No	Name	Person Responsible	Address
1	Nevis Properties Ltd	Tay Lettings Ltd	67 Ladywell Avenue

A letter of representation from the Private Sector Services Manager is attached (**Appendix 3**). A copy of the overprovision report is attached (**Appendix 4**). - **Pages 5 and 7**

4 CIVIC GOVERNMENT (SCOTLAND) ACT 1982, (LICENSING OF SHORT-TERM LETS) ORDER 2022

(a) SHORT-TERM LETS – DELEGATED

No	Name	Person Responsible	Address
1	Mohammed Zaveri	Zaveri Properties Ltd	1B Benvie Road
2	Sarah Pheasey & Duncan Rear	Sarah Pheasey	17 David Street
3	Alastair Burt & Sarah Pheasey	Alastair Burt	G/R, 32 Brown Street
4	Alasdair & Marjorie McAnish	Clark Anderson Properties Ltd	45 Panmure Street
5	Tax Planning Metters Ltd		5E Gray Street

(b) SHORT-TERM LETS – NEW APPLICATION

No	Name	Person Responsible	Address
1	Kinship Investments Ltd	Ann McMahon	Flat 17 Taypark, 30 Dundee Road

Letters of objections have been received from members of the public – copies attached
(Appendix 5). – Page 9

(c) SHORT TERM LETS – NEW APPLICATION - UPDATE

No	Name	Person Responsible	Address
1	Benny & Santhy Anto	Benny Anto	5 Eastwell Gardens

The Licensing Committee at its meeting held on 1st February, 2024 agreed to grant the above but to bring it back for an update regarding outstanding works. The update was heard at the Licensing Committee meeting held on 25th April, 2024 and the Committee agreed to defer the application for the remaining outstanding works to be carried out.

The Committee may resolve under Section 50(A)(4) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting for the undernoted items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 3, 6 and 9 of Part I of Schedule 7A of the Act.

5 CIVIC GOVERNMENT (SCOTLAND) ACT 1982

(a) TAXI DRIVER - NEW APPLICATION

(b) TAXI DRIVER- SUSPENSION HEARINGS

(c) TAXI DRIVER – REQUEST FOR WHEELCHAIR EXEMPTION

(d) TAXI DRIVER – REQUESTS FOR SUSPENSION HEARINGS

APPENDIX 1

33a Blackness Avenue

Dundee

DD2 1EY

04/04/24.

Attn: Head of Democratic and Legal Services.

Please find a request to vary Conditions 9 & 10 and any other conditions to allow Oliver Lambert T/A Blue Palm Coffee Limited to trade with the grounds of: **The Vision building, 20 Greenmarket, Dundee. DD1 4QB.** To allow sale of Specialty teas, Jamaican Coffee and soft drink & snacks

Consent is included with the application from Be International Ltd (the landlord).

Yours Sincerely

Oliver Lambert

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05 April 2024

Ollie Lambert
Blue Palm Coffee
33a Blackness Avenue
Dundee
DD2 1EY

Dear Ollie

Coffee Pitch @ The Vision Building, Dundee

Please accept this letter, acting on behalf of Be International Ltd (the landlord), as consent for Blue Palm Coffee to use the agreed location within The Vision Building's car park for a pitch.

The property address is The Vision Building, 20 Greenmarket, Dundee DD 4QB.

I trust the foregoing allows you to progress the trading application with Dundee City Council, but please let me know if any further information is required at this stage.

Looking forward to progressing further on my return from annual leave on 15 April 2024.

Yours sincerely



Fiona Khan
Asset Manager for Be International Ltd

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APPENDIX 3



Memorandum

To	SENIOR ELECTORAL SERVICES & LICENSING OFFICER, SUPPORT SERVICES	
From	Gabrielle Hayes – Ext. 6842	
Our Ref	GH/PC HMO/3126	
Your Ref		
Date	06 May 2024	
Subject	Housing (Scotland) Act 2006 - Part 5 67 Ladywell Avenue, Dundee – Nevis Properties Limited 23 May 2024 Licensing Committee	(5 persons)

In respect of the above application, I would make the following observations in regard to a licence being issued for a house in multiple occupation to the period 30 September 2026:

- The following items identified following an inspection by PSSU on 28 February 2024 remain outstanding:

Bedrooms

1. Bedroom 4 – This room does not have a window of an aggregate glazed area equal to at least 1/15th of the floor area. This room would, therefore, not be considered to comply with the standards for shared accommodation and cannot be included for licensing.
 2. Bedroom 5 – This room does not meet the minimum 2.25m width which is required for a bedroom. This room would, therefore, not be considered to comply with the standards for shared accommodation and cannot be included for licensing.
- Bedrooms 4 & 5, as they currently are, do not meet the standards for shared accommodation and therefore PSSU do not support an occupancy level of more than 3 for this property.
 - Scottish Fire and Rescue inspected this property on 28 February 2024 and have no objection to a licence being granted.
 - Due to a backlog of inspections and a shortage of resources within PSSU this property was inspected very late. This application was received on 24 May 2023 therefore the last scheduled Committee for it to be determined at is 23 May 2024.

GABRIELLE HAYES
PRIVATE SECTOR SERVICES MANAGER

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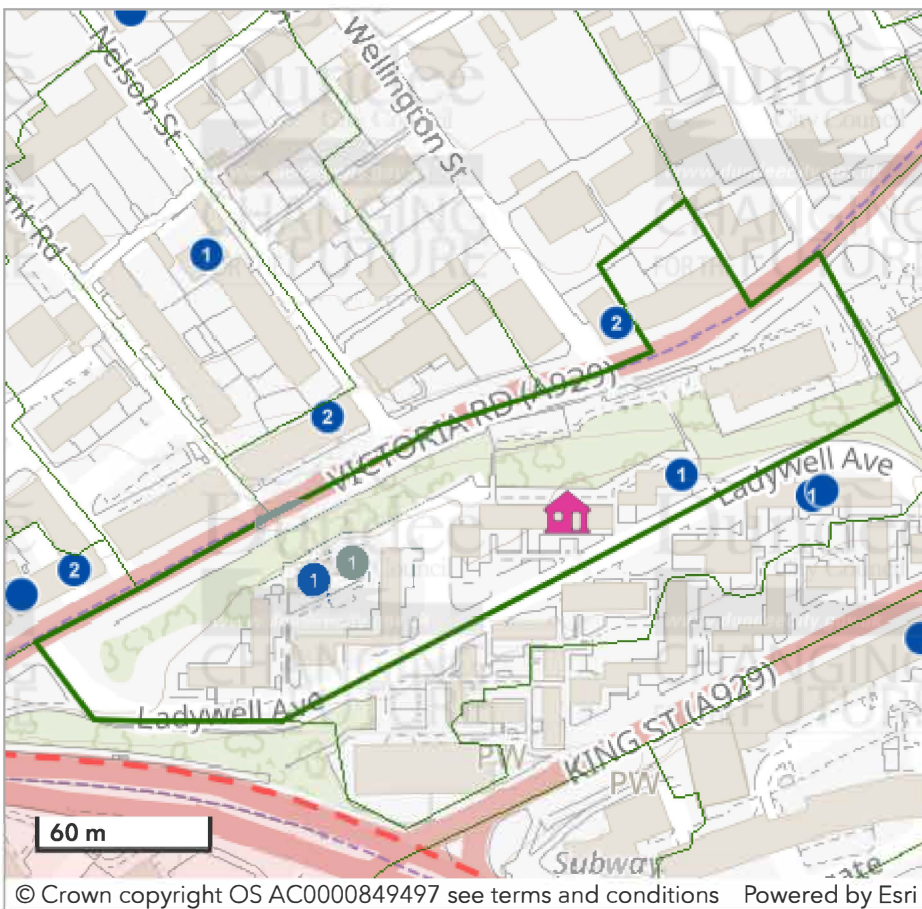
67 Ladywell Avenue, DUNDEE, DD1 2LA (UPRN:009059040654)

This property lies within the 60QJ000006 output area. The maximum HMO licenses for this area is 7(rounded down to nearest whole number).

There are 3 legally operating qualifying HMO licenses. That is **5%** of the residential properties in this area

There is 1 pending qualifying HMO license, so in total there are 4 qualifying HMO licenses (operating+pending)

There are 4 HMO licenses available in this area.


Property Address

Legally Op & Qualifying
Status

-  Legally Operating and Qualifying

City Centre

Census Output Areas 2001


Please note that the information provided in this report represents a summary of the level of concentration of Houses in Multiple Occupation (HMO's) in the Census Output Area (COA) concerned as at the date and time printed above. The data listed may change by the time applications for a licence fall to be considered by the Licensing Committee. This report is intended to assist prospective applicants for licences (and potential objectors to applications for licences) to make their own assessment as to whether or not overprovision of licences in the COA may be a consideration when any such application comes to be determined. However, it is not to be regarded as an assurance that a licence will be granted where there are available licences in the COA nor is it to be taken that an application will be refused where the level is or would be exceeded. Each application will be considered by the Committee on its own merits in light of the policy on overprovision of HMO's and all other relevant factors and it should be borne in mind that an application may be refused on grounds other than overprovision. Anyone wishing to apply for a licence or object to an application may wish to seek independent professional advice before proceeding with an application/objection.

Ordnance Survey (OS) terms and conditions: You are granted a non-exclusive, royalty free revocable licence solely to view the licensed data for non-commercial purposes for the period during which Dundee City Council makes it available; You are not permitted to copy, sub-license, distribute, sell or otherwise make available the licensed data to third parties in any form; and Third party rights to enforce the terms of this licence shall be reserved to OS.

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Ashley Smith

From: Iain Sturrock <[REDACTED]>
Sent: 05 October 2023 10:45
To: licensing.board
Subject: Short Term Let Licence - Flat 17 Taypark

I understand that an application has been made for a short term let licence for Flat 17 Taypark, 30 Dundee Road, Brought Ferry.

I wish to submit an objection to this application. I am joint owner of [REDACTED] in the same complex. The development is a residential development with mainly owner occupiers, most of whom are elderly. The use of this flat as a short term let, which I understand is planned to be through Air BNB, is out of keeping with the development and is likely to detract from their enjoyment of their property of the other residents.

Regards

--
Iain Sturrock MBE CDipAF CEng FIET
[REDACTED]

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Ashley Smith

From: [REDACTED]
Sent: 02 October 2023 16:08
To: licensing.board
Subject: Flat 17, Taypark, 30 Dundee Road, Broughty Ferry, Dundee DD5 1LX

Dear Sir / Madam,

I am the Executor of the Estate, and brother of the late Mrs Phyllis Hay, legal owner of [REDACTED] as referenced above.

I understand that an application has been made by Flat 17 to “operate an Airbnb rental business” at the said premises.

The Land Register of Scotland / Land Certificate 2006, D. Burdens Section D5, states “The dwellinghouse comprised in the feu shall be used and occupied by the Feuar as a dwellinghouse only and for no other purpose whatsoever.”

Furthermore it does state “no full time or part time of any trade, business or profession ... to ordinary residential use of the feu.”

Notwithstanding any of the foregoing we vigorously oppose any license or the like to short term rentals such as Airbnb at the said apartment and the Block in general.

Kindly acknowledge receipt of the above objection to the application.

Yours sincerely,

John Derek Anderson [REDACTED]
Executor the Estate The Late Mrs Phyllis Hay

From my iPad

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~~30~~
30 Dundee Road,
Broughty Ferry,
Dundee.
DD5 1LY.
2/10/23

Democratic Legal Services,
Dundee City Council,
24 City Square, DD1 3BY.

I write in response to the one, barely readable, notice, stuck behind weathered glass at the entrance to Block B - why were all owners not advised individually? - intimating that the owner of Flat 17 makes application for her premises to be used as an Air B & B letting.

Time was, and I have been a home owner for 25 years, when 'Fayhark' was a happy, harmonious community, where all residents owned their flats. In time, sadly, vacant flats were bought by people who wanted not to live in them and enjoy them, as we do, but to make money from them by letting them. This has led to problems with parking, tenants having 2, sometimes 3 cars, and not using their garages; tenants not observing the covenants set down in their Deed of Conditions, and being indifferent to proprietors because their tenure is not permanent.

The unsupervised, short term, self catering lets, which Air B & B necessitates, is abhorrent to me - 2 years ago an owner refused a higher offer for the sale of his flat because the buyer intended to use it as an Air B & B - and I vehemently object to permission being granted.

Another example of absentee landlords profiting at the expense of neighbouring home owners.

Yours faithfully,
John H. Whitehead

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Ashley Smith

From: [REDACTED] >
Sent: 02 October 2023 12:40
To: licensing.board
Subject: 17 Taypark, 30 Dundee Road
Attachments: IMG_20231001_101414.jpg

I refer to the attached Application for secondary letting at the above address. I am emailing on behalf of my parents, Ian and Dorothy Low, [REDACTED]

My parents are both in their 90s and becoming increasingly vulnerable. My mother has advanced Alzheimer's disease and my father is deaf and frail. Although my mother no longer has capacity my father has expressed significant concerns about the proposed secondary letting and in particular the impact this would potentially have on the safety and security of the block in which they live. Short term lets will mean many different groups of people coming and going at different and possibly anti social times, a potential increase in noise and reduction in attention to security. My parents live on the ground floor so will be impacted significantly as there is a shared entrance. There may also be an impact in terms of parking facilities and waste disposible.

Understandably, they wish to remain in their own home as long as possible and to feel safe. We are concerned that approval may lead to an increase in applications of this nature and in turn a loss of community within the area. We are of the view that it is important to maintain a sense of community and for residents to continue to enjoy their environment in the way it was originally intended. We are aware that some of these concerns may be considered as only 'potential' and therefore may not be taken into account but if the application is approved and they become a reality it may be too late.

We are also aware of the benefits of increased tourism to the city of Dundee but do not believe this location, where the majority of the residents are elderly, is suitable for a short term let.

Judith Lynch

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Ashley Smith

From: [REDACTED]
Sent: 02 October 2023 12:12
To: licensing.board
Subject: Flat 17 Taypark, 30 Dundee Road DD1 5LX

Sir,

It has come to my attention that the above property has been licensed as an air b&b. I object strongly to it being put to this use. Being a 3 bedroom flat it will be available to groups of individuals who may well be noisy both within the property and when entering and leaving the premises. There is no guarantee it will not be used for parties and we do not want to be woken or kept awake by antisocial behaviour.

I therefore officially write to express our objection and trust the license, if now in place, will be revoked. If not yet in place, will not be considered.

Yours faithfully,

Linda and Andrew Loudon

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Broughty Ferry
DD1 5LX

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Ashley Smith

From: Linda McLennan <[REDACTED]>
Sent: 04 October 2023 09:08
To: licensing.board
Subject: Application Objection : Flat 17 Taypark, 30 Dundee Road, DD5 1LX

Dear Sir

This is regarding the application by Flat 17 Taypark, 30 Dundee Road, DD5 1LX for a short term let licence to use this property as an Airbnb.

As the owner of [REDACTED], 30 Dundee Road, DD5 1LX I object to the granting of such a licence on the grounds of the impact an Airbnb would have on a property such as Taypark. Taypark consists of owner occupied apartments within a quiet self contained area in Broughty Ferry. Parking is limited and there is a risk that the privacy of residents will be negatively compromised together with noise disturbance resulting from frequent visitors to the Airbnb property.

A very significant risk is of security as the apartments are currently accessed by an Entry Security System which will require the Airbnb host to provide these details to guests. There is no reception at Taypark. Also there is no housekeeping services currently at Taypark, and such services will cause disruption to the permanent residents.

Kind regards

[Sent from Yahoo Mail on Android](#)

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Ashley Smith

From: [REDACTED] n>
Sent: 01 October 2023 11:56
To: licensing.board
Subject: Proposed AirBnB rental

As an elderly owner of a flat in Taypark, I would like to state my objections to flat No.17 being used as an AirBnB.

This is a residential area of Broughty Ferry. Parking is already a challenge for residents, many of whom are elderly.

There is the potential for holiday visitors creating noise, late into the evening. This is particularly concerning for residents in the proposed block of flats.

Security is an added concern, especially to those living alone.

Margaret Young
[REDACTED]

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Ashley Smith

From: [REDACTED]
Sent: 02 October 2023 13:07
To: licensing.board
Subject: Airbnb at Taypark

To whom this may concern

I have just seen what seems to be a white piece of paper, referring to flat no 17 becoming an Airbnb. Although this paper is barely readable and behind wired glass it states this matter.

I am suprised at this letter as i have been informed this flat is already an Airbnb and has been since 2022.(Reviews are on line).To which i have looked up and read.

Shocking as to why it was not seeking permission in 2022 to become an Airbnb .

I would have objected then as i am now. Taypark is a quiet area. With very little parking as it is full to capacity with the owners at present. To add an Airbnb would be disastrous for us living here. We already oblige the parking here to accommodate the elderly and residents with mobility issues.

I bought my flat at [REDACTED],so i could live a quiet peaceful life due to illness so do not want noise,late comings and goings and numerous people and parties,that Airbnb's bring.

This i have witnessed at my friends house . Theres an Airbnb there and parties,drugs and prostitution is going on .

Not for Taypark.

I strongly object.

I look forward to your prompt response on this urgent matter.

Many thanks

Sandra Gallacher [REDACTED]

Many thanks

Sent from my Galaxy

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Ashley Smith

From: [REDACTED]
Sent: 02 October 2023 11:43
To: licensing.board
Subject: Objection to license at 30 Dundee Road Flat 17 Taypark Broughty Ferry Dundee DD5 1LX

We would like to strongly object to the licence for above property This is a second floor flat in a residential area We have had our solicitor look at the title deeds of the property and it states clearly you are not allowed to run a business of any type from any of the properties at 1 to 24 Taypark

Mr & Mrs G N Anderson

[REDACTED]
[REDACTED]
[REDACTED]
Broughty Ferry
Dundee
DD 5 1 LX
Sent from my iPad

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Ashley Smith

From: [REDACTED]
Sent: 25 September 2023 14:43
To: licensing.board
Subject: Short term let - 17 Taypark Broughty Ferry DD5 1LX

We understand that there is an application from the owners of Flat 17 Taypark for a licence for short term lets.

We object to this. Our objections are:

1. There is a community of residents who include elderly and/or vulnerable people who find it convenient and safe because of the location close to amenities and public transport. Such residents may be concerned about unknown persons on site entering through common areas.
2. There is already a parking problem on site as garages were built in the 1980s when cars were smaller and residents cannot get cars into the garages.
3. There will be a reduction in the housing stock in the area as a short term let means the property is not available for local residents which exacerbates the housing shortage.
4. Whilst I am sure the landlord will have proper obligations in terms of behaviour of tenants, there is no means of enforcement in the short term if tenants are antisocial.

--

Cherry and Robin White

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Ashley Smith

From: Derek How [redacted] >
Sent: 03 October 2023 16:15
To: licensing.board
Subject: Air B&B, Flat 17 Taypark. DD5 1LX

We are hereby formally objecting to the application lodged, for number 17, Taypark to be an Air B&B. This is fundamentally wrong, for an owner occupied residential apartment development in a prestigious area of Broughty Ferry.

An Air B&B attracts myriad individual types, some desirable, some less so.

Parking is at a premium, unofficially it's full. Safety of all owners is paramount, considering the majority are elderly, so therefore with a potential influx of vehicles not familiar with Taypark layout or rules is significantly dangerous.

All Air B&B individuals will have a key to the security door, there for safety for all 6 apartments in the block. Therefore, a potential safety risk for all those residents. In addition, nuisance aspect of hugely varying comings and goings, day and night, plus associated potential noise from temporary lettings.

For existing owners, with an integral Air B&B could have a detrimental affect on any future sale.

Taypark has a very strong community feel, coveted by our elderly owners who enjoy, safety, peace and harmony.

The presence of an AirB&B in Taypark would be a total missfit and completely unacceptable in this stable development.

Yours sincerely,

Mr & Mrs Derek & Aileen How, [redacted]

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Ashley Smith

From: [REDACTED]
Sent: 01 October 2023 18:09
To: licensing.board
Subject: Short term let - Objection

Good morning

I am writing to object to the application for short term let at 17 Taypark, 30 Dundee Rd, Broughty Ferry, Dundee DD2 1LX.

There are 24 flats at 'Taypark' - Four blocks split into 6 flats per block. It is a quiet residential development, many owners older with some having lived here for decades. I live in the ground floor [REDACTED] the applicant, Mrs McMahon's flat (17) is right above my flat. I pay an ongoing fee to Taylor & Martin who are the current 'Factors' for this development.

The applicant has been operating an Airbnb for a couple of years and the frequency of short term lets is increasing.

The grounds for my objection fall under Additional Licensing Conditions which sit within the Dundee City Council- Short term Lets Licensing Policy Statement (Guidance Notes and Standards for Accommodation) and the STL application also contravenes the property deeds and residents agreed Code of Practice.

Additional Licence Conditions

57.

Antisocial behaviour -

The entrance to the block is a shared entrance with an outer and inner door, shared stairs and landings. My fee to the Factor includes a charge for regular cleaning of the shared areas which regardless of this is kept in good order by the permanent residents. There have been a number of incidents in the last 18 months where spillages have occurred in the entrance from those using Flat 17 Airbnb. The increasing number of visitors with their trolley cases etc also means additional wear and tear to the communal hallway areas and staircase. In addition, many short term let visitors are coming through the entrance doors from 11pm through to the early hours of the morning and allowing the doors to slam shut. This is unfortunately a regular occurrence and has prompted one of my neighbours to put up notices asking for the doors to be closed quietly. Permanent residents know better but notably when the Airbnb is occupied little difference has been made. Car parking here for residents is at a premium already with many residents owning 2 cars. My own daughter regularly struggles to find a space when visiting and additional cars belonging to STL visitors will only increase these issues. Flat no. 17 can hold up to six people and potentially this could mean parking is required for 3 or more cars.

62.

"Fitted carpets with suitable underlay will require to be fitted to reduce sound transmission between flats. Where an existing STL, operated by an existing host/operator, has exposed wooden floor boards, laminate, hard wood flooring or tiled floor finishes and substantiated complaints are received regarding excessive noise, the host/operator will be required to provide fitted carpets and underlay or other acceptable finish to minimise sound transmission" -

Flat 17 is above me and has laminate flooring fitted. When the flat is occupied particularly by short term let visitors the noise transmission is dreadful. I am 85 years old so I spend a good bit of time in my flat and the level of noise makes a difference. It is affecting my general wellbeing and sleep. Even though the applicant Mrs McMahon has advised visitors to take off shoes in the flat, little notice is taken. I hear not only heavy foot traffic but also trolley cases being wheeled across the floor at all hours, dogs and children running and sliding across the floor, chairs dragging etc. I spoke to Mrs McMahon about the laminate flooring being a problem for me but she advised a member of the family is allergic to carpet. The laminate flooring has therefore remained. If substantial sound proofing in the flat above was installed between the joists and/or carpet with suitable soundproofing underlay added, this would lessen sound transmission and improve my position greatly.

Property Deeds and Code of Practice

In support of my objection, the Deeds to the property and agreed residents Code of Practice states:

1. There should be only one family living in the flat (Deed of Conditions)

9. In relation to Noise, the Code of Practice states; this will be a nuisance unless everyone cooperates in consideration of others 'avoid heavy treading in the flats as footsteps are easily heard. Door banging resounds through the block and is very disturbing..... don't bang your own front door.

In addition, the property deeds read that a business or trade should not be carried out from the property without consent....

"The feu shall not be used without the prior written consent of the Superiors for the carrying on full time or part time of any trade, business or profession whether or not such trade, business or profession might be deemed to be in ordinary circumstances incidental to or natural to ordinary residential use of the feu".

Regards

D.A. Sherlock

Dorothy A. Sherlock (Mrs)

Ashley Smith

From: Betty Jolly <[REDACTED]>
Sent: 04 October 2023 17:12
To: licensing.board
Subject: 17 Taypark, 30 Dundee Road

To whom it may concern

I am writing to you regarding the short term let - airbnb - application for Flat 17 Taypark, 30 Dundee Road DD5 1LX. I wish to object to this application due to the following reasons:

- There are a number of vulnerable, elderly residents in the block.
- The flats in the block have their own garages and there is limited parking for visitors. Having multiple guests using the flat will increase pressure on limited parking facilities.

Please keep me informed of any further developments to this application

Many thanks
Elizabeth Jolly

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Ashley Smith

From: Fiona Szeller <[REDACTED]>
Sent: 10 October 2023 06:06
To: licensing.board
Subject: Flat 17 Taypark, 30 Dundee Road, Broughty Ferry, DD5 1LX

Dear Head of Democratic and Legal Services,

I am owner of [REDACTED] Taypark and wish to convey my objections to the application for the short-term let of Flat 17 Taypark.

The application is not consistent with the licensing authority's policy on overprovision:

- The Broughty Ferry area already offers multiple options for short-term let accommodation of this type in addition to hotels and guest houses

Concerns about the safety of guests, neighbours, or others:

- constant change of guests raises concerns for the safety of residents through not knowing who is using the property, and no means of contact should problems arise
- the block is secured with secure entry for residents - this is no longer deemed effective with the property offered for short-term letting, with regular change of guests week on week
- we have a young adult daughter who needs to feel safe and secure arriving and leaving the property, particularly in the stairwell, and passing the doorway of flat 17 which is directly below our property

Concerns about noise or nuisance:

- disruption of additional footfall in the common stairwell with guests arriving and leaving with luggage on a regular basis, and risk of damage to the stairwell over time. The management of check-in/out and cleaning/changeover causes a constant stream of people entering and leaving the building
- There is limited parking with no assigned bays therefore an increase in the number of vehicles puts more pressure on residents parking availability. There is also potential for damage to vehicles due to the unloading and loading of luggage/equipment
- short term break/weekend travellers are not concerned with neighbours and maintaining relations with regards to being mindful of noise; arriving and leaving during anti-social hours, and maintaining reasonable noise levels when in the property
- the properties are not fully soundproof, with sound traveling between flats - loud tv and music, voices and footsteps on the solid floor travels up to the flat above - guests enjoying a short break will not be mindful of the peace and comfort of residents
- each property has a balcony, so noise on this outside space causes further nuisance
- this is a quiet development with many elderly owner/occupier residents. This block in particular has very elderly residents who have dementia so the noise of guests arriving and departing, and unknown people coming and going is disruptive and unsettling for everyone but particularly for those residents

I would be grateful if you would please acknowledge receipt of this email.

Yours faithfully
Fiona Szeller

Sent from [Outlook for iOS](#)

Ashley Smith

From: [REDACTED]
Sent: 05 October 2023 12:42
To: licensing.board
Subject: Objection/Short-term Lets

Dear Sir or Madam,

**Objection to Application for Licence for Short-term Lets
17 Taypark, 30 Dundee Road,
Broughty Ferry, DD5 1LX**

My wife and I are owners of a flat at Taypark. We wish to submit an objection to the above referred application for a licence for Secondary Letting which would permit the owner to undertake short-term lets at flat no.17 in Taypark, for the following reasons:

1. The Deed of Conditions (Title Deeds) applicable to all 24 of the flats at Taypark state that each flat is a dwellinghouse and shall be used as a dwellinghouse only and for no other purpose whatsoever. Furthermore it is not permitted to carry out any trade or business therein.
2. Each of the 4 blocks (each of which comprises 6 flats) is entered by a common external door operated with a security key. It is unacceptable to have short-term visitors being granted access to such a key and thereby into the whole block of flats. This will compromise the security and safety of the flats in that block. Surely short-term lets should have their own direct access and should not affect any nearby residents.
3. The Taypark complex of 24 flats is used by the residents who live there as their principal dwellinghouse. The use of flat 17 for short-term lets is bound to lead to an increase of traffic in the block entrance area and common stair, with more noise and nuisance. Residents are entitled to the peaceful enjoyment of their homes without the disturbance or inconvenience that will inevitably flow from short-term letting to visitors. Most of the residents are in an older age group and it would wholly inappropriate for there to be the comings & goings associated with short-term letting in that block and indeed in the complex as a whole.
4. There will almost certainly be an increase in usage of the carpark at Taypark, where there is already a lack of space.
5. We are concerned that the use of a flat for short-term letting will have an undesirable effect on property values in the Taypark complex.
6. Broughty Ferry is already well-served with short-term accommodation.

We therefore are of the view that the above-referred application for a licence should be refused and we trust that the Council and it's Licensing Committee will reject the application.

Yours sincerely,
Grace & Gordon Shepherd
[REDACTED]

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Ashley Smith

From: Hilary Nimmo <[REDACTED]>
Sent: 02 October 2023 21:01
To: licensing.board
Subject: Airbandb application

Dear Sir,

I wish to register my strong objections to the granting of an Air B and B licence to the property situated at the following address - Flat 11 Taypark

30 Dundee Road
Dundee DD5 1LX

These flats are primarily owned and occupied by elderly people who were attracted by the quietness and low traffic intensity within the complex as well as the community spirit which prevails. Given that owners may be affected by issues with hearing, sight and mobility, these are important safety considerations especially as access to the centrally located recycling bins involves crossing the internal road which provides egress to the main entrance on Dundee Road.

Parking within the complex is at a premium and the consequences of a three bedroom flat with possible multiple occupancy represents an unacceptable increase in traffic and traffic speed, parking problems, noise, nuisance and danger to the elderly residents.

Personal experience of a similar application in Edinburgh led to other residents being disturbed at all hours by arriving renters who created an appalling amount of noise and who, instead of checking where the rented flat was, crashed up and down the communal stair trying to force a door- any door- open with the keys from a key safe box. As I could not prove how my lock had been damaged, I had to cover the repair cost myself!

Security is also an issue. The outside doors to each block are good sturdy wooden doors but the doors giving access to the individual flats are fairly flimsy and could be forced more easily. The handing of keys to an unknown number of people (who could copy them and access other flats in the block at a later date) could affect vulnerable older citizens very negatively and would be a dangerous decision to take. Also, grant one licence now and it would be difficult subsequently to refuse others.

It seems to me to be a retrograde step to open the way to other Air B and B applications in an area which is so favoured by elderly people who value their independence in a safe environment especially when the Broughty Ferry area has already so many properties being run as a Air B and B rentals.

I also note that on the application form (displayed in a small reinforced glass panel inside the front door of the block and therefore inaccessible, difficult to read and missed by most residents until told by residents of that block) the words secondary tenancy are marked. Does this mean that the applicant is a tenant of Flat 15 and not the owner? If so, does the actual owner know this and does he/she accept responsibility for the actions of the sub tenant?

Perhaps I am incorrect in my interpretation - please clarify this for me.

I would appreciate an acknowledgement of this email by 6th October.

Thanking you for your attention to this matter.

Yours faithfully,

Hilary Nimmo