

APPENDIX 2

COPY OF OBJECTIONS

- a) Nigel Dyer, amended objection letter dated 26th December 2023
- b) Jonathan Machin, amended objection letter dated 27th December 2023
- c) Neil Fraser, amended objection letter dated 24th December 2023

a) Nigel Dyer, amended objection letter dated 26th December 2023

Nigel Dyer

26th December 2023 (Redacted version of letter dated 11th October 2023 in response to council letter dated 13th December)

Head of Planning & Economy (Environmental Health)
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie
AB51 3EA

**Dear Head of Planning & Economy (Environmental Health)
Aberdeenshire Council,**

I am writing to object to the granting of a short-term-let license for 7 Balnacoil, Rhu-na-haven Road, Aboyne requested by Mr Bruce Booth on the 27th September 2023.

Balnacoil Apartments (of which no.7 is a part of) is a conversion of a Victorian era hotel located on the banks of the river Dee with approximately 2 acres of common ground around it. The building was converted to 8 apartments in 1994/5 and was subsequently listed in 2000. I have lived at this property for 27 years - and up to one year ago there was a generally harmonious environment.

On the 27th September 2022 Mr Bruce indicated he was planning to use his apartment as an Airbnb with the first customer arriving on 21st October 2022. At this stage I pointed out that I was against having an Airbnb due to:

1. The unique characteristics of the property would lead to a loss of privacy and security - with groups of people, unknown to the existing residents, arriving on a regular basis and moving around the grounds and buildings.
2. The fact that the hotel was converted (in 1994/5) before building codes supported adequate sound proofing required residents modulating their behaviour to avoid degrading quality of others lives - eg. learning impact of noise on neighbours and avoiding or changing time of noise producing activity - this learning would be impossible in an Airbnb with regular flows of temporary guests and thus would lead to noise disruption.

Despite this Mr Booth proceeded to go-ahead and market his property through Airbnb and take paying guests even though he should have been aware that he needed a license for short term rentals started after the 1st October 2022. His subsequent comment that he had paying guests in July 2022 is inconsistent with his original e-mail saying his first guest was due on 21st October and I have seen no evidence of the property being marketed prior to October 2022.

During the period no. 7 has been on short term let through Airbnb there have been numerous issues with guests including:

1. Excessive noise until around 2am, and on one occasion verbal abuse of a resident when asked to Airbnb guests to keep the noise down.
2. Guests walking around looking to get access to no. 7 and knocking on other resident's doors and looking through windows to get attention.
3. Parking on grass areas.
4. Security issues with uncertainty around numerous people around the property who we do not know whether they are Airbnb guests or third parties walking through.
5. It is now not uncommon for guests to arrive with e-bikes - no.7 does not have direct ground floor access (it shares a common entry with another apartment and is located on the first and second floors of the building) so there are fire concerns associated with potential charging of these in the apartment.

Overall, the quality of life in Balnacoll has been significantly degraded by having an Airbnb in one of the apartments. Granting a license for this apartment could set a precedent for other owners to request a short term let license which would amplify the degradation of the unique living environment at Balnacoll that most residents who have lived here for many years cherish.

I strongly urge you to reject this license application under Legal Test section c and potentially section a. I am happy to answer any queries you may have to reach a decision.

Yours sincerely,

A black rectangular redaction box covering the signature of Nigel Dyer.

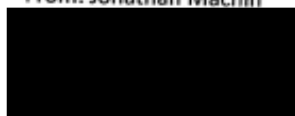
Nigel Dyer

b) Jonathan Machin, amended objection letter dated 27th December 2023

27th December 2023.

Head of Planning & Economy (Environmental Health)
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie
AB51 3WA

From: Jonathan Machin



By email delivery.

Ref: Site Notice – Short Term Let Licence, 7 Balnacoil Apartments, Aboyne AB34 5JD

I wish to proceed with this objection letter. This is a requested re-submission of the original letter submitted on 12th October 2023.

As per the above Site Notice, I write to deliver my grave objections to this Application. I am a direct neighbour of this apartment. My own apartment is directly underneath the applicant.

The objections are for the reasons as stated below. I have cut and paste from the Scottish Government website as template for the list (<https://www.gov.scot/publications/short-term-lets-scotland-licensing-scheme-part-1-guidance-hosts-operators-3/pages/4/>).

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.*

Following the detailed points on the template:

concerns about the safety of guests, neighbours or others;

No. 7 Balnacoil Apartments is contained within a quiet residential development on the outskirts of Aboyne Village. The property was specifically designed as the conversion made around 40 years ago from a much older building, for long term residential use and amenity. The property contains an open-access communal garden lovingly maintained by and for the enjoyment of the residents.

I purchased my apartment at the time of original conversion 40 years ago. The Balnacoll apartments are it would be fair to say a close-knit community where safety is valued above all else and neighbours take care to watch over each other and their properties. Great pride is taken in our communal garden with shared facilities which the neighbours have in the past rarely needed to lock.

However, the apartment in the application has actually been marketed for Airbnb purposes for some time now, estimated over 1-year (the exact dates are unclear to me). While we try to remain on cordial terms with fellow owner Mr Bruce Booth, he has become only too aware of the neighbours mounting severe concerns over this short term Airbnb business. To be blunt, I carry a large amount of stress worrying about personal safety due to the multiple different transient customers who come and go sometimes daily, the risk of damage they might cause, and safety implications to our residential community.

concerns about noise or nuisance; and

There have been in the course of the last months several egregious cases of noise and disturbance caused by the Airbnb business now underway at Apartment 7. For example, on or around the night of Saturday 12th August 2023 several Airbnb customers of Apartment 7 woke up myself, my children and other neighbours at approx. 1AM with shouting in what appeared to be a drunken fight underway on the communal garden. Upon being challenged by myself, and another neighbour from apartment 8, the Airbnb customers became unpleasantly aggressive and returned to Apartment No 7. A tremendous noise of shouting and crashing continued for a further hour or two from within the apartment but keeping us awake.

My kids aged 16 and 18 were studying for critical re-sit exams at the time and this incident has caused them tangible distress. This is one example, and there are others.

concerns that the application runs contrary to other legal or contractual requirements.

I am also flagging up that I do indeed have "concerns that the application runs contrary to other legal or contractual requirements".

Yours faithfully,



Jonathan Bruce Machin



c) Neil Fraser, amended objection letter dated 24th December 2023

Neil Fraser



24 December 2023

Head of Planning and Economy
Aberdeenshire Council
Gordon House
Blackhall Road
Inverurie AB51 3WA

Your ref: STL/00863/23. (Revised objection letter previously submitted 19 Oct 23)

Dear Sir / Madam,

I am writing to you regarding the short term let licence application pertaining to:

7 Balnacoil Apts, Rhu Na Haven Rd, Aboyne. AB345JD

I would like to object in the strongest possible terms.

Having resided very happily in this communal building for almost 25 years, the current short term lease arrangement on the above mentioned property is causing continual grief to ourselves primarily due to noise, nuisance and loss of privacy. This lease has also had a detrimental impact to the traditionally safe environment within our private grounds..

One of the main reasons for the purchase of our home at Balnacoil Apartments, was the privacy, safety and peace afforded by its location and surroundings, which has been completely ruined recently with the constant turnover of strangers on our premises.

It is unfair that we, as residents, are put in the very uncomfortable (and potentially unsafe) position of having to confront, at times drunken, loud strangers late at night to inform them that their behaviour is inappropriate.

During the conversion of this building into apartments (late 1990s), very little effort was put into adequately insulating walls/ceilings/floors to prevent internal noise disturbance from neighbouring apartments. Having constant turnover of people who are not aware of these issues has become severely problematic. I firmly believe there has been a relatively high turnover of apartments here as a result of these noise issues.

Furthermore many years ago we had to introduce a 5mph speed limit in the grounds which we, as residents, strictly adhere to and enforce, due to near misses with children/pets in the past. Short term tenants regularly ignore/disregard this limit and it has now become a serious safety concern.

As mentioned above, this short term let venture is inconsiderate and to the detriment/ wellbeing of the remaining homeowners. Therefore we trust that our objections to this application are strongly considered.

Yours Faithfully,



Neil Fraser

