

APPENDIX 3

WRITTEN SUBMISSIONS

a) Applicant, Anne Petersen – 09/04/24

a) Written Submission from Applicant, Anne Petersen – 09/04/24

Your Ref: STL/00319/23

Licensing Sub-Committee
Aberdeenshire Council
Environmental and Infrastructure
Environmental Health
Gordon House
Blackhall Road
Inverurie
AB51 3WA

The Old Farmhouse
Denside of Durris
Aberdeenshire
AB31 6DU

9th April 2024

Dear Sirs,
Application for Grant of Short Term Let Licence
Premises: Darroch View, 18 Braemar Road, Ballater, AB35 5RL
Applicant: Anne Petersen

My family has been visiting and staying in Ballater on holiday for over 20 years. I bought the flat in July 2021 for use as a holiday let property and for my family to enjoy now and in the future. The previous owner, Treehouse Properties Ltd., renovated and furnished the flat with the intention of using it as a holiday let property.

Operating the flat as a Short Term Let (STL) has multiple benefits to the local council area and economy. It provides accommodation for tourists, those visiting family who live locally, and for those working in the area. Since 2022, the property has provided suitable accommodation for officers of the Metropolitan Police, who provide security services to the Royal Family when they stay at Balmoral or Birkhall. Operating the flat as a STL benefits the local housekeeper and tradesmen on whom I depend to maintain the property to the required standards.

Prior to 2021, the flat was unoccupied for over a year. Since buying the flat, occupancy levels vary and it is generally unoccupied for several weeks, sometimes months, of the year. When guests are staying at the flat, they tend to be out during the day, or are at work. If the licence were to be refused, and the property reverted to residential accommodation, the occupancy rate and noise levels from the flat would undoubtedly be much higher than they are now as a STL property.

Crucially, should my licence application be refused, the financial impact on me would be significant. I would require to sell the property and, having only recently bought and equipped it, would incur significant financial loss (estimated at £130k) if sold in the current market.

I put a great deal of time and care into running my business and I wish to continue to do so. I hope that the points mentioned above provide Members with some background and context to the objections made to the application. I also hope to demonstrate in my responses to the objections that I am a responsible business owner. I sincerely hope that Members seriously consider my position and grant the licence application to allow me to continue operating my business in Ballater.

I attach as an Appendix (with Enclosures) my written responses to the objections made by Ms. Diane Mulholland on 14th September 2023.

Yours faithfully,

A solid black rectangular box used to redact the signature of Anne Petersen.

Anne Petersen

Applicant's responses to objections

1. I do not consider this objection to be competent or relevant to my application. I note from the Committee Report that Officers advise that information relating to building warrants and change of use planning consent are not matters which the Licensing Authority can take into account when determining this application. I also note from the Committee Report that Planning Services and Building Standards were consulted on this application and had no comments to make in respect of same.
2. The property was renovated by the previous owner. The wooden flooring is not only an attractive feature but is practical and easier to clean than a carpet for use as a STL business. The noise levels with an open plan layout are not considered to be greater than they would have been prior to the renovation.
3. To mitigate any noise issues from the wooden flooring, felt pads have been applied to all dining table and chair legs. In addition, a 200x300cm rug has been placed underneath the dining room table and chairs to further reduce noise levels in that area. There is a similar sized rug in the living area.

A MINUT system was installed over a year ago in the living/dining area to allow me to remotely monitor and control guest noise levels. The system sends me an alert if the noise level exceeds 75 decibels for 10 minutes, the recommended setting by the supplier. I attach an example of the system's noise monitor and information on the MINUT settings.

4. I reiterate my response as above in Point 1.
5. (a) I have responded to all Ms. Mulholland's complaints by various means (e-mail, text, WhatsApp, phone). I attach examples to evidence this.

(b) Since the installation of the MINUT system it has only alerted me once, and I immediately contacted the guest asking them to reduce noise. I also advised Ms. Mulholland of the action taken. I attach email and WhatsApp. correspondence with Ms. Mulholland regarding this.

Applicant's responses to objections

5. (c) No parties or events are allowed in the property. This is clearly stated both on the Cottages.com website and in the Guest Information folder.

(d) There has been no problem with the boiler (which is serviced annually). The plumber changed some valves which hadn't been fitted properly. I attach email and WhatsApp. correspondence with Ms. Mulholland regarding this.

6. The Guest Information folder asks guests to comply with, inter alia, the following house rules:

Please have consideration for our neighbours and limit noise between the hours of 10pm-8am. A MINUT noise monitor system has been installed to control excessive noise. Due to wooden floors the neighbours who live in the downstairs flat are easily disturbed so please be mindful of this when using the lounge and dining area. Please do not allow children to play noisy games which would annoy the neighbours in the ground flat.

7. I reiterate my response as above in Points 2 and 3 as to the steps undertaken to reduce noise levels in my flat. I note from the Committee Report that any additional soundproofing would equally apply to all flats contained within the building. Residents and guests of buildings which contain multiple flats should expect to hear a degree of noise from the other flat(s) in the same building.
8. In case of an emergency, guests are advised to contact the emergency services. I provided Ms. Mulholland with my contact details. I have repeatedly and politely asked Ms. Mulholland to refrain from contacting guests directly and instead contact myself so I can consider taking any appropriate action. Unfortunately, Ms. Mulholland has, on various occasions, approached my guests to convey her grievances directly.
9. The windows conform to safety standards. Parents/ guardians should supervise any children.

Applicant's responses to objections

10. I do not consider this objection to be relevant to my application. I note from the Committee Report that Officers advise that CCTV signage is not a matter that can be considered by the Licensing Authority in determining this application. In any event, a GDPR compliant CCTV sign has been placed in the porch window. Guests are also given the option to switch off the CCTV.
11. There is ample parking space for vehicles in my private parking area, which has clear signage. Guests are also advised that they can park in public parking areas. There is no issue whatsoever with restricted access to the lane.
12. The photograph of the property is taken from Braemar Road. Indeed, it is the same photograph used to market the property on ASPC. It is a double upper flat; it would be impossible to take a photograph without it including the ground floor flat. Guests are advised that they do not have access to Ms. Mulholland's garden or property.

I have given Ms. Mulholland and her mother due respect and consideration since buying the property. I acknowledge that Ms. Mulholland's mother is a person with protected characteristics. I hope to have demonstrated in my responses to the objections that I am and encourage guests to be mindful of and respectful towards neighbours, and particularly the residents of the ground floor flat. As previously mentioned, I have also sought to mitigate impacts such as reducing and monitoring noise levels and ensure that the flat is safe and suitable to be used for the purpose of a SLT business.

Enclosures:

1. Email re noise from valves.
2. WhatsApp. messages re noise from valves.
3. Email re noise from guests.
4. WhatsApp. messages re noise from guests.
5. Information re MINUT noise control system settings.
6. Example of MINUT noise control dashboard from MINUT app.

1. Email re noise from valves

From: Anne Petersen [REDACTED]
Subject: Re: Noise
Date: 1 May 2022 at 21:50:37 BST
To: "d.mulholland" [REDACTED]

Hi Diane

Audrey phoned me. I understand she has advised you that she has turned the heating and water system off as a precaution. I will arrange for a plumber to check the system.]

Sorry you and your Mum have been disturbed.

Kind regards

Anne

On 1 May 2022, at 21:27, d.mulholland [REDACTED] wrote:

Hi

No need Audrey came no guests noise stop 21:08 after 1.5 hours. She will contact you.

Sent from my Galaxy

----- Original message -----

From: Anne Petersen [REDACTED]
Date: 01/05/2022 20:56 (GMT+00:00)
To: "d.mulholland" [REDACTED]
Subject: Re: Noise

Hi Diane

I have been unable to contact the guest who is staying there. Sandy will come to the flat this evening to check the situation.

Thanks for letting me know.

Anne

On 1 May 2022, at 20:24, d.mulholland [REDACTED] wrote:

Hi Anne

If u do not call in next 5 min I will no alternative 2 call fire brigade as I do not wish something 2 go on fire. The noise has been going on for more than half hour.

Sent from my Galaxy

From: Anne Petersen [REDACTED]
Subject: Re: Noise
Date: 1 May 2022 at 20:56:15 BST
To: "d.mulholland" [REDACTED]

Hi Diane

I have been unable to contact the guest who is staying there. Sandy will come to the flat this evening to check the situation.

Thanks for letting me know.

Anne

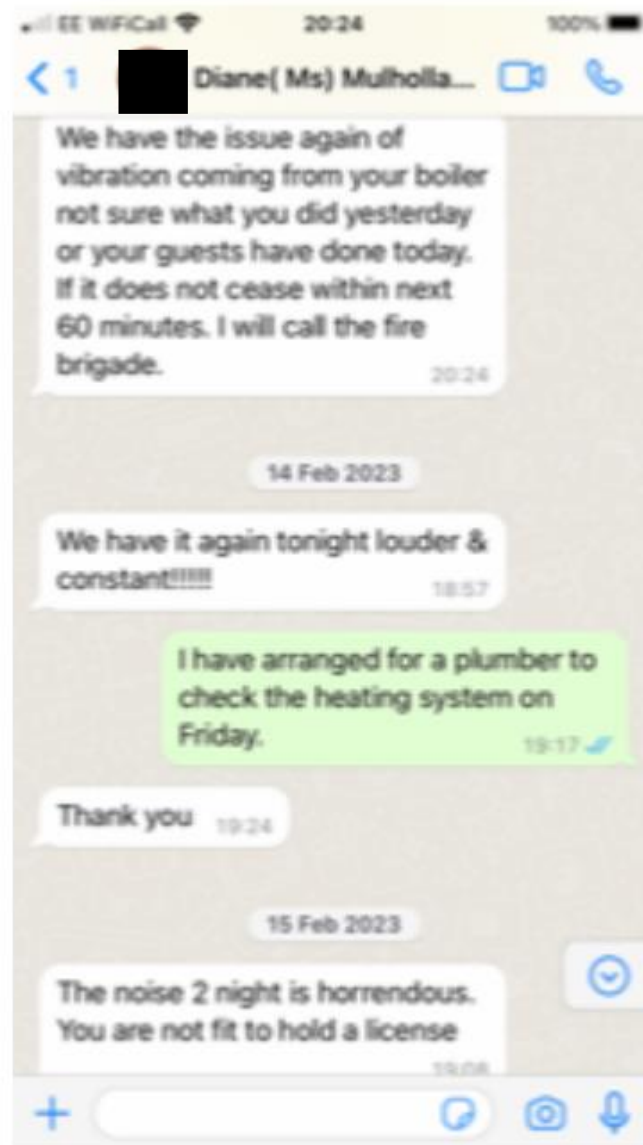
On 1 May 2022, at 20:24, d.mulholland [REDACTED] wrote:

Hi Anne

If u do not call in next 5 min I will no alternative 2 call fire brigade as I do not wish something 2 go on fire. The noise has been going on for more than half hour.

Sent from my Galaxy

2. WhatsApp messages re noise from valves



3. Email re noise from guests

From: Anne Petersen [REDACTED]
Subject: Re: Guests
Date: 15 July 2023 at 19:16:25 BST
To: Diane Mulholland [REDACTED]

Hi Diane

Thanks for your message. I have a noise level monitor which has also alerted me that the noise level has recently been high for a period. I have spoken to the guest who has booked the flat. He has assured me that they are not having a party. They are there for a golfing weekend. I have asked him to tell the group to reduce the noise level. They are going out shortly for a meal and will be playing golf tomorrow. So I hope you won't be disturbed again.

Hope you recover soon from your medical procedure.

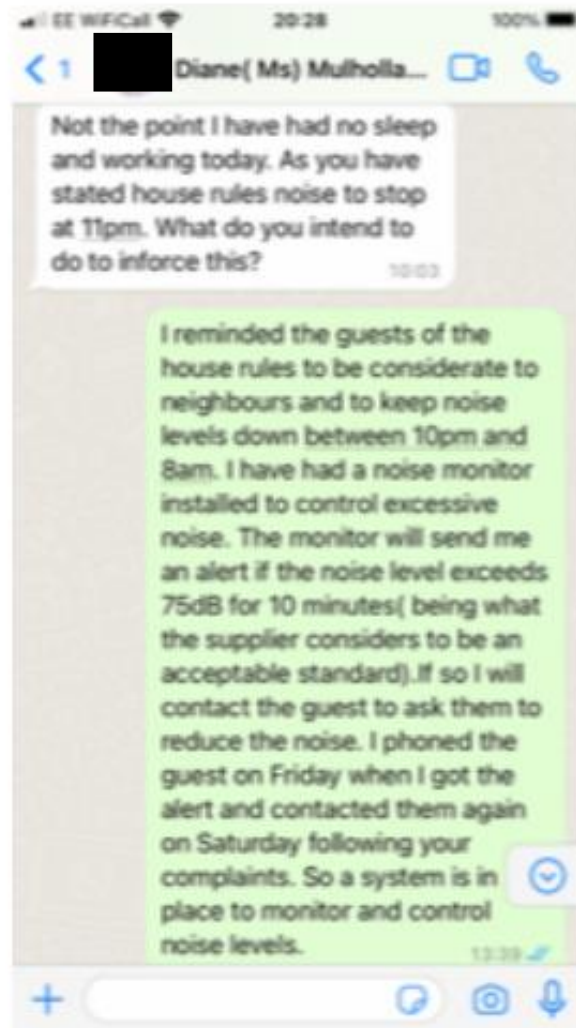
Kind regards

Anne

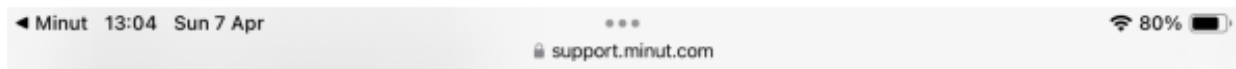
On 15 Jul 2023, at 18:40, Diane Mulholland [REDACTED] wrote:

Hi have just had your guests!!! running down stairs bottle o beer in hand welcoming another guy with more beer. You promised there would be no same sex parties. You need to seriously control your renters.
Sent from my iPhone

4. WhatsApp messages re noise from guests



5. Information re MINUT noise control system settings



Monitor noise levels in a property and get notifications if the level is too high.



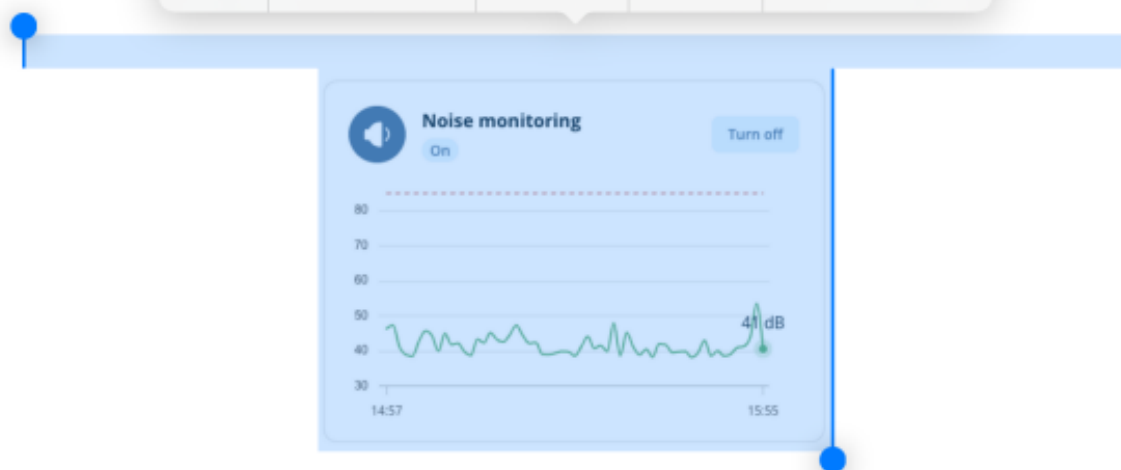
Written by Ipti Niskala
Updated over a week ago

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With Minut, you can monitor the noise levels in your home and get notifications if the noise level is too high.

How to use noise monitoring

Noise monitoring can be toggled for each added home. Tap the Noise monitoring card to toggle it on



The noise card shows the sound level in the last hour. The dashed red line shows the current noise threshold.

Default thresholds and duration

The first time you turn on sound monitoring, all thresholds and duration levels are set to default values.

Normal hours: 75 dB

Quiet hours: 70dB

Duration: 10 min

With these values, you will be notified when the noise levels have been higher than 75/70db for more than 10 minutes.



6. Example of MINUT noise control dashboard from MINUT app

