

Civic Licensing

From: ANDREW SMITH [REDACTED]
Sent: 06 October 2023 15:56
To: CDS STL
Cc: [REDACTED]
Subject: objection to STL ID 478
Attachments: Objection to 5GW v0.4.docx

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Written objection to STL application ID 478 for "Tigh Na Beannich" 5 Gartwhinzean Loan, FK14 7LU
Please acknowledge receipt

6th October 2023

Dear Perth and Kinross Council : Short Term Let ID 478

We are writing to place on record with Perth and Kinross Council (PKC) our strong objections to the short term let licence application "478" by a neighbouring house which shares a 20m garden border with us. "Tigh Na Beannaich" 5, Gartwhinzean Loan applied on 28th September 2023 to change their designated status from a residential property in a quiet residential area of about 20 homes. They apparently lived there for two decades after building completed 30 years ago and raised their children there, then moved away. We have lived here almost 3 years and have been blighted by this "Party House" on Gartwhinzean Loan and shall substantiate all five permitted grounds of objection as those premises are not suitable or convenient for the conduct of short term let activity having regard to the following :

- (i) the location, character or condition of the premises;
- (ii) the nature and extent of the proposed activity;
- (iii) the kind of persons likely to be in the premises;
- (iv) the possibility of undue public nuisance;
- (v) public order or public safety;

We request that short term let activity is prohibited with immediate effect in the light of multiple breaches of PKC rules at 5, Gartwhinzean Loan until the due process of PKC has concluded. The owners of the property continue to show a blatant disregard for the due process of PKC. They waited until the last day possible to submit their application and failed to inform neighbours or display any notice which they are required to do. PKC has already ruled against "Stag Parties" or "Hen Parties" in a written report (ref 22/00011/STL) for that property in late 2022 and yet one such Hen Party took place on 19th May 2023, photographic evidence retained by my neighbour.

Here are details and examples under the respective categories of why 5, Gartwhinzean Loan premises are not suitable or convenient for the conduct of short term let activity having regard to :

i) location and condition :
Location is in the middle of a quiet residential area of about 20 homes all of which are owner occupied full time. There have been numerous occasions of excessive noise, screaming and shouting, and antisocial behaviour. The owners of number 5 benefitted from this quiet residential location when their children were growing up, but now fail to respect this location as unsuitable for a short term let property.

ii) nature and extent of activity :
There is a swimming pool in the centre of the house which extends out into a conservatory which opens towards two neighbouring properties. This pool is the source of excessive and disturbing noise levels measured between 60 and 80 decibels from the garden doors of the next door property. There is often loud screaming and shouting on the Monday and Friday evenings of holiday rentals with noise levels similar to a public swimming pool due to the excitement of hirers seeking to maximise their short stay. The noise levels rise further when the doors next to the pool are opened, usually by people wishing to smoke and to escape the din inside. The screaming is often alarming as though

someone is in difficulty in the pool. There is neither risk assessment nor effective safe operating procedures for the swimming pool. The pool area cannot be isolated from all the bedrooms overnight and it can only be a matter of time before there is a serious accident and perhaps a fatality as there is a major risk of drowning. There is also an uncertain risk of chemical poisoning of the household if proper operating procedures are not followed by each and every visitor.

iii) kind of persons using the property :

The house is usually occupied by multiple households and often for a party or other celebration or event. There have been stag parties and hen parties, most recently on May 19th 2023, as well as teenagers attending parties, such as on 21st November 2021 – see also v) Public Order and Public Safety below. The house often has many cars on the driveways and the pavement outside, such as 8 vehicles photographed on 28th January 2023, the last one blocking the pavement. None of the residents of Gartwhinzean Loan park their vehicles on the street.

iv) the possibility of undue public nuisance:

There have been regular instances of public nuisance, usually excessive noise evenings and late at night. This extends to loud and abusive language, singing shouting and screaming, and abusive verbal responses to any appeals for quiet. The noises from the pool at number 5 are similar to a public swimming pool especially on the first night of any rental. The type of noise from a public swimming pool would not be tolerated by a planning application in a quiet residential area.

There have been many other examples public nuisance, including unseasonal fireworks let off, such as November 25th 2021 at midnight, several very loud rockets were launched and one landed on the roof of a neighbouring house before exploding.

The refuse collection is another regular cause of public nuisance in this clean and tidy residential area, with their wheelie bins are often left blocking the pavement for days. As recently as the week when the owner made their application, on 23rd September 2023 the wrong bin was on the pavement. 2 days later black plastic sacks of rubbish were left on the driveway attracting rodents. The next day PKC made a special collection of rubbish, presumably at the request of the owner who probably claimed the collection service had ignored their bins, when in fact they were not out for collection.

v) public order or public safety :

Public order has been breached by numerous instances of abusive language and threatening behaviour from residents when asked to be quiet. The police had to be called on several occasions in 2022 and on at least one of these occasions the Police were subject to abusive language and threatening behaviour likely to cause a breach of the peace. Police have had to warn neighbours not to approach the occupants or the property in case of disturbances, but to ring the police, which has often become necessary. For example 15th November 2021 10pm there was excessive noise waking my neighbours and too loud for us to go to sleep. I went to the door of number 5 and demanded they respect their neighbours and be quiet. Police subsequently visited me next day and insisted we should not go to number 5 in future, but to call them instead. Next time, in the early hours of the morning, police were called and police were threatened and verbally abused on the doorstep of number 5. This has happened more than 20 times in the 33 months we have lived next door. Any application for a premises to be used in such a way as to threaten public order and public safety should be rejected, especially in any quiet residential area.

In summary, 5, Gartwhinzean Loan premises are not suitable or convenient for the conduct of short term let activity. Such activity should be ceased immediately pending permanent prohibition when this application is rightly declined, and any subsequent appeal processes are exhausted. There is still no notice published at 5 Gartwhinzean Loan, and I request PKC attend and prohibit further activity if no such notice is found to be on display.

Our thanks in anticipation,

Andrew Smith & Catherine Smith

9 Gartwhinzean Loan, Powmill, DOLLAR. FK14 7LU