

The Highland Licensing Committee

Meeting – 11 June 2013

Agenda Item	10.1
Report No	HLC/042/13

Application for the grant of a licence for a House in Multiple Occupation – 40 Harrowden Road, Inverness (Ward 15 – Inverness Central)

Report by the Legal Manager

Summary

This Report relates to an application for a licence for a house in multiple occupation.

This application is subject to a formal hearing procedure.

1.0 Background

1.1 The licensing of houses in multiple occupation is an activity covered under Part 5 of the Housing (Scotland) Act 2006. The licensing of this activity became mandatory on 1st October 2000 and from this date all houses in multiple occupation which had six or more persons residing at the premises required to be licensed. This limit or threshold has been reduced and now applies to properties with three or more unrelated persons.

1.2 An HMO is defined as living accommodation in which 3 or more unrelated adults live and share one or more of the basic amenities which are a toilet, personal washing facilities and facilities for the preparation or provision of cooked food. It must be their only or main residence.

2.0 Application

2.1 On 18 April 2013 an application for the grant of a licence in respect of a House in Multiple Occupation was received from Alexander MacLeod. The applicant has declared that a Margaret Wilson will be responsible for the day to day management of the premises.

2.2 The property to which the application relates is 40 Harrowden Road, Inverness. The maximum number of persons applied for to reside at the property is 5.

2.3 A location plan is appended for Members information (Appendix 1).

3.0 Process

3.1 Following receipt of this application a copy of the same was circulated to the following Agencies/Services for consultation:

- Police Scotland
- Scottish Fire and Rescue Service
- Highland Council Environmental Health Service
- Highland Council Building Standards Service
- Highland Council Housing Service

3.2 Confirmation has been received from Police Scotland that they have no objections to the application.

3.3 Any works, documents or certificates required by the remaining Services will be requested from the applicant should the Committee be minded to grant the application.

4.0 Objections

4.1 In terms of paragraph 4(2) of Schedule 4 of the Housing (Scotland) Act 2006 any objection or representation in relation to an application requires to be submitted within 21 days of the application being made.

4.2 A total of nine letters of objection have been received in relation to the application copies of which are attached in Appendix 2.

5.0 Hearing

5.1 In Accordance with the Act both the applicant and objectors have been invited to attend the meeting and will be provided with an opportunity to address the Committee through the attached hearing procedure.

6.0 Determining Issues

6.1 Section 130 of Part 5 of Housing (Scotland) Act 2006 states that a Licensing Authority may refuse to grant a licence where the applicant or anyone else detailed on the application is not a fit and proper person

6.2 Section 131 of the same Act also states that a Licensing Authority may grant a licence only if it considers that the living accommodation concerned is:

- suitable for occupation as an HMO; or
- can be made suitable by including conditions in the HMO licence.

and in determining whether any living accommodation is, or can be made to be, suitable for occupation as an HMO must consider:

- its location
- its condition
- any amenities it contains
- the type and number of persons likely to occupy it
- the safety and security of persons likely to occupy it
- the possibility of undue public nuisance

6.3 If required the Legal Manager will offer particular advice on the criteria relating to this particular application.

7.0 Policies

7.1 The following policies are relevant to this application:

Highland Council HMO Conditions and Standards. A copy of these can accessed at:

<http://www.highland.gov.uk/businessinformation/licensing/civ-gov-lic-hmo.htm>
or a hard copy can be supplied where requested.

8.0 Other Requirements

8.1 If members are minded to grant the application delegated powers should be given to the Legal Manager to issue the licence once any requirement required by the Services details in Paragraph 3.3 of the Report have been completed.

9.0 Recommendation

Members are **invited** to give consideration to the above application.

If Members are minded to grant the licence, agreement in principal could be given that the licence be issued by the Legal Manager using delegated powers once any works, documents and certification has been received.

Alternatively the Committee may wish to refuse the application on one of the grounds detailed in paragraphs 6.1 and 6.2 of the report.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 21 May 2013

Attachments: Appendix 1 – Location plan
Appendix 2 – Letters of objection

APPENDIX I.



40 Harrowden Road, Inverness
Scale 1:1500

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35, Harraddeh Road,

Inverness,

IV3 5DN.

30.04.13

RECEIVED

1-10-13

Dear MR. Elsey,

Re: application for a house of multiple occupancy
at 40, Harraddeh Road, Inverness

I have lived at 35, Harraddeh Road for some
12 years, & I am writing to you to formally
object to the grant of a licence of multiple
occupancy at number 40, formerly a family dwelling.
I believe it will alter the residential nature of
my immediate neighbourhood.

Over the time I have lived here, it has become
increasingly difficult to park a car; & with the
volume of traffic, sometimes it is dangerous to
reverse onto a space, with traffic backing up
on either side. The street is used as a
main conduit, & sometimes the traffic
calming, chicanes do not work creating dangerous
squeezing points between hurried drivers.

To have potentially 5 single occupancies
with transport will put an increasing
burden on the current residents and
potentially pose problems for traffic &
the passage of emergency vehicles when
use the street to access Dalrymple from the
Telford Roundabout.

I trust that you & the Board will take
my objections and refuse to grant this
application for a residential area,
with parking & traffic problems

Yours sincerely,

IRENE
RINDFIELD

MICHAEL ELSEY
CIVIC GOVERNMENT LICENSING OFFICER
HIGHWAY COUNCIL
TOWN HOUSE
INVERNESS
IV1 1JJ

MRS. MARY BUSSE
25, HARROWDEN ROAD
INVERNESS
IV3 5QN

6th MAY 2013

RECEIVED

7th MAY 2013

DEAR SIR,

40, HARROWDEN ROAD INVERNESS,

WITH REGARD TO THE PROPOSED CONVERSION OF THE ABOVE MENTIONED PROPERTY TO A 5 PERSON HOUSE OF MULTIPLE OCCUPANCY, I HEREBY SUBMIT MY OBJECTION TO THE CONVERSION ON THE FOLLOWING ISSUES.

- * THE ADDITIONAL REQUIREMENT FOR OFF STREET WASTE AND RECYCLING FOR 5 HOUSEHOLDS WILL CREATE BIN CLUTTER ON THE PAVEMENT AND AROUND 40 HARROWDEN ROAD, THIS WILL INCREASE A SAFETY ISSUE FOR PAVEMENT USERS, (EXAMPLE PARENTS WITH PLAYING/ PUSHCHAIRS),
- * THE INCREASE OF FOOTFALL DUE TO 5 INDIVIDUAL HOUSEHOLDS LIKELY TO ENTERTAIN, COULD INCREASE NOISE LEVELS AND POSSIBLE NUISANCE INCIDENTS.
- * REDUCED PRIVACY OF EXISTING NEIGHBOURING PROPERTIES, DUE TO THE CHANGE IN USE OF ALL ROOMS IN 40 HARROWDEN ROAD, THE UPPER ROOMS THAT MAY HAVE BEEN USED AS BEDROOMS WILL BECOME MULTI-USE LIVING (SLEEPING) AREAS THAT WILL UNDOUBTLY INCREASE THE OVERLOOK ONTO NEIGHBOURING PROPERTIES.
- * HARROWDEN ROAD IS ALREADY AN EXTREMELY BUSY ROAD FOR TRAFFIC, AND PARKING IS AT A PREMIUM DUE TO HARROWDEN ROAD BEING NOW BECOMING PARKING, WITH EXISTING BED-BREAKFAST BUSINESS, AT PRESENT THERE ARE PROBLEMS WITH COMMERCIAL AND WORK VEHICLES PARKING OVERNIGHT

I LOOK FORWARD TO HEARING FROM YOU.

YOURS FAITHFULLY

23 Harrowden Road
Inverness
IV3 5QN
3 May 2013

Mr Michael Elsey
Civic Government Licensing Officer
Highland Council
Town House
Inverness

RECEIVED
3 MAY 2013

40 HARROWDEN ROAD

Dear Mr Elsey

We wish to object to the application for a licence for a HMO at 40 Harrowden Road.

The effect of increased traffic and footfall would be detrimental to the area which is traditionally occupied by very elderly residents. Highway safety is a concern (for example with many non resident cars parked, blocking clear vision for both drivers and pedestrians. There is already an issue of commercial vehicles parking.)

Changing what was a family dwelling, in an already busy area, to a 5 person HMO will create more activity and likely to impact on the residential amenity. The additional need for off street waste and recycling for 5 households will create bin clutter on pavement and around the property. Neighbouring properties will experience reduced privacy due to change of use of rooms

There are already numerous HMOs in the surrounding area.

We trust you will view this objection positively and refuse the change of use.

Yours sincerely

W A Clark (Mrs) ✓
G M Clark (Mr) ✓

RECEIVED

Mr and Mrs Easton
31 Harrowden Road
Inverness
IV3 5QN

Dear Mr Elsey,

I am writing on behalf of myself and my husband, Stephen Easton, in connection with the application for a licence for a house of multiple occupancy at 40 Harrowden Road, Inverness.

My husband and I are the owners of 31 Harrowden Road and we have lived there for the past 5 years.

I would like to lodge an objection to the application for the reasons stated below.

1. The impact a HMO will have on parking in our street. We do not have a drive and rely on on-street parking outside our house. Harrowden Road is already very busy, especially during the seasonal months due to the various B&B's in the street.
2. The street is already extremely busy, especially during morning and evening rush hour, as most vehicles use Harrowden Road as a 'short cut' between Fairfield Road and Telford Street roundabout. I believe the extra vehicles in the street may have an impact on the emergency services, which regularly use Harrowden Road to reach the Dalneigh area of Inverness.

Thank you in anticipation of considering these objections.

Mrs Pamela Easton

RECEIVED

41, Harrowden Road,

Inverness.

IV3 5QN

24/04/13

Dear Mr Elsey,

I saw a notice in the front garden of No 40 Harrowden Road this evening concerning the possible change to a House of Multiple Occupancy.

I wish to raise an objection to this.

I moved to Harrowden Road three years ago, and it appears to me that the street is mainly privately owned, or rented to families. In an area this close to the centre of town, tourism also plays a vital part in the community, and there are many Guest Houses in the vicinity.

Parking in the street is often impossible, and at times I have had to park in a parallel road. My neighbours are about to start work on demolishing their front wall and removing their front garden so as to create a parking space.

Multiple Occupancy is likely to lead to multiple cars, taking up home owners' spaces and perhaps more vitally, tourist spaces. It goes without saying that nobody wants to haul their suitcase from their car to accommodation some distance away. In a street so central to town facilities, and in an area so reliant on tourism, priority should surely be given to supporting these businesses.

Not to be overlooked is the single – flow aspect of the road. At each end we have a short dual flow system, and at one end is a roundabout. Traffic problems – gridlocking at busy times – are frequent. Even the weekly refuse collection is enough to cause 10 minutes or more delays. The emergency services frequently use the street at speed to access Dalneigh when coming off the roundabout as it is a straight through route. However, when cars are parked at both sides, even normal traffic readily experiences difficulties and with further potential parked cars will be unsafe.

Once family residential areas become multiple occupancy areas (in this instance with great concerns for traffic and safety) , it is often the case that there is less concern about appearance and amenities. What should be a pleasant mixed-dwelling street with families, hospitality businesses and professional occupants might quickly become an area of sinking house prices. So near to the hub of the capital of the Highlands, this cannot be something to be recommended.

Yours sincerely,

Denise Fordyce (Mrs)

RECEIVED

28/04/13

42 Harrowden Road
Inverness
IV3 5QN

28/04/13

Dear Sir,

I am writing with regard to the application for a House of Multiple Occupancy at 40 Harrowden Road. I feel very concerned about this application. My reasons are as follows:

- I have concerns about the traffic situation. The road is already a busy one particularly at rush hour times when there are frequently altercations between drivers over who has right of way. It's not unusual for the road to become blocked when drivers from opposite directions drive forward onto the single track sections of the road despite the 'holding area' being already full. This road is used regularly by the emergency services for direct access to the Dalneigh area and obviously these vehicles require a clear thoroughfare.
- Very few houses on the road have off-street parking and it can be difficult to find a parking space, particularly in spring/summer/ early autumn, a situation probably exacerbated by the fact that there are already four B&Bs in the street. I understand there are liable to be 5 additional households at No. 40 and this can only add to the parking problem. It's not just a question of the tenants' vehicles themselves, it's also the cars belonging to any visitors to those tenants. In an existing HMO at the other end of Harrowden Road, there are usually two large company vans used by the tenants which are parked on the street.
- I have concerns about the effect the proposed HMO will have on the residential nature of this end of the street. This is a long-established residential area with a strong sense of community. There is a mixture of elderly people, younger couples, and single people. We are all good neighbours to each other, helping each other out when the need arises. The presence of another HMO at this end of the road, will inevitably affect the whole feel of our neighbourhood.
- With five individual tenants and their visitors, noise levels are highly likely to increase and there could potentially be nuisance problems. As No.40 is a semi-detached property to which I am co-joined this is a particular concern for me.
- There will be less privacy for the houses around No 40 should the HMO go ahead as what have previously been upstairs bedrooms in a family home will have to function as both living/sleeping areas. This will mean that neighbouring properties become overlooked to a greater extent than previously.

- Five individual tenants are likely to generate a high degree of waste and this will lead to a large collection of bins on the pavement on collection days.

Yours faithfully,

Christine MacDonald.

RECEIVED

33 HARROWDEN RD

INVERNESS

IV3 5AN

23.4.2013.

Re 40 HARROWDEN RD

I am concerned and saddened by the proposed change of occupancy in this property.

- ①. This is bound to have a detrimental effect on all property values in our area
- ②. Parking is already stretched to the limit. Emergency services depend on this road for speedy access to Dalraigh.
- ③. We have two long-established, top-grade Guest Houses in the area - no doubt their businesses will be adversely affected by the downgrading of N°40.

I trust serious consideration be given to these (and other) comments before granting permission

Yours sincerely

27 HARROWDEN ROAD
INVERNESS
IV3 5QN

3rd MAY '12

RECEIVED
3 MAY 12

Dear Sirs,

As a resident of Harrowden Road I am writing to express my objection to the proposed change of use of no. 40 Harrowden Road, to a House of Multiple Occupancy. My main concerns are that parking in this street can at times be very difficult due to existing H.M.O's and existing BeB accommodation.

I am also concerned about the impact up to five residents in the house would cause eg noise from visitors, cars and general comings and goings of so many in a residential area. Also the effect that may have on house prices.

Yours sincerely

(FAROUKH MACLEOD)

Mr. Michael Elsey,
Civic Government Licencing Officer,
Highland Council,
Town House
Inverness
IV1 1JJ

Mrs. M. Russell
48 Harrowden Road
Inverness
IV3 5QN

1st May, 2013

OBJECTION TO H.M.O LICENCE APPLICATION
40 HARROWDEN ROAD, INVERNESS

Dear Sir,

With reference to the above, I wish to record my objection to this application on the grounds listed below =

ACCESS/EGRESS/PARKING

Potential safety issues could result from any increase in persons/vehicles using or visiting this address. This street already benefits from traffic calming measures to promote road safety therefore any increase in use would require careful assessment in considering this application. There is also potential for neighbourhood conflict as this property is served by a shared driveway.

Parking, which is already a major issue on the street will require reviewing with the potential increase in residents/visitors to the property.

Finally, emergency services vehicles accessing the property, adjacent properties or indeed on route to areas beyond could be impaired by any vehicular increase from this application.

It should be noted that Harrowden regularly used by the emergency services Road is on route to Dalneigh and beyond.

OVERPROVISION

Currently, as far as I am aware, there are H.M.O's located in Telford Road, Telford Street, Kenneth Street and various other locations in close proximity to Harrowden Road and I therefore raise objection on the grounds of overprovision in the area.

Notwithstanding the above objections, in my view, the residential amenity status of the street would not benefit from this application and I would request that this is considered in evaluating this proposal.

I look forward to receipt of your comments/decision in due course.

Yours faithfully,

Mrs. Margaret Russell