

The Highland Licensing Committee

Meeting – 6 August 2013

Agenda Item	9.1
Report No	HLC/054/13

Application for the grant of a licence for a House in Multiple Occupation – 8 Southside Place, Inverness (Ward 17 – Inverness Millburn)

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 2 July 2013 an application for the grant of a licence in respect of a House in Multiple Occupation was received from Taigh Lettings Ltd. Ms Helen Morgan is detailed on the application as being the sole director and day to day manager of the premises.

2.2 A check carried out with Registers Direct confirms that Taigh Lettings Ltd. are the owners of the property.

2.3 The property to which the application relates is 8 Southside Place, Inverness. The maximum number of persons applied for to reside at the property is 5.

2.4 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. The Council's Environmental Health Service have also confirmed 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 Section 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 10 objections 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
- whether any rooms within it have been subdivided
- whether any rooms within it have been adapted and that has resulted in an alteration to the situation of the water and drainage pipes within 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 Agencies/Services details in Paragraph 3.1 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.

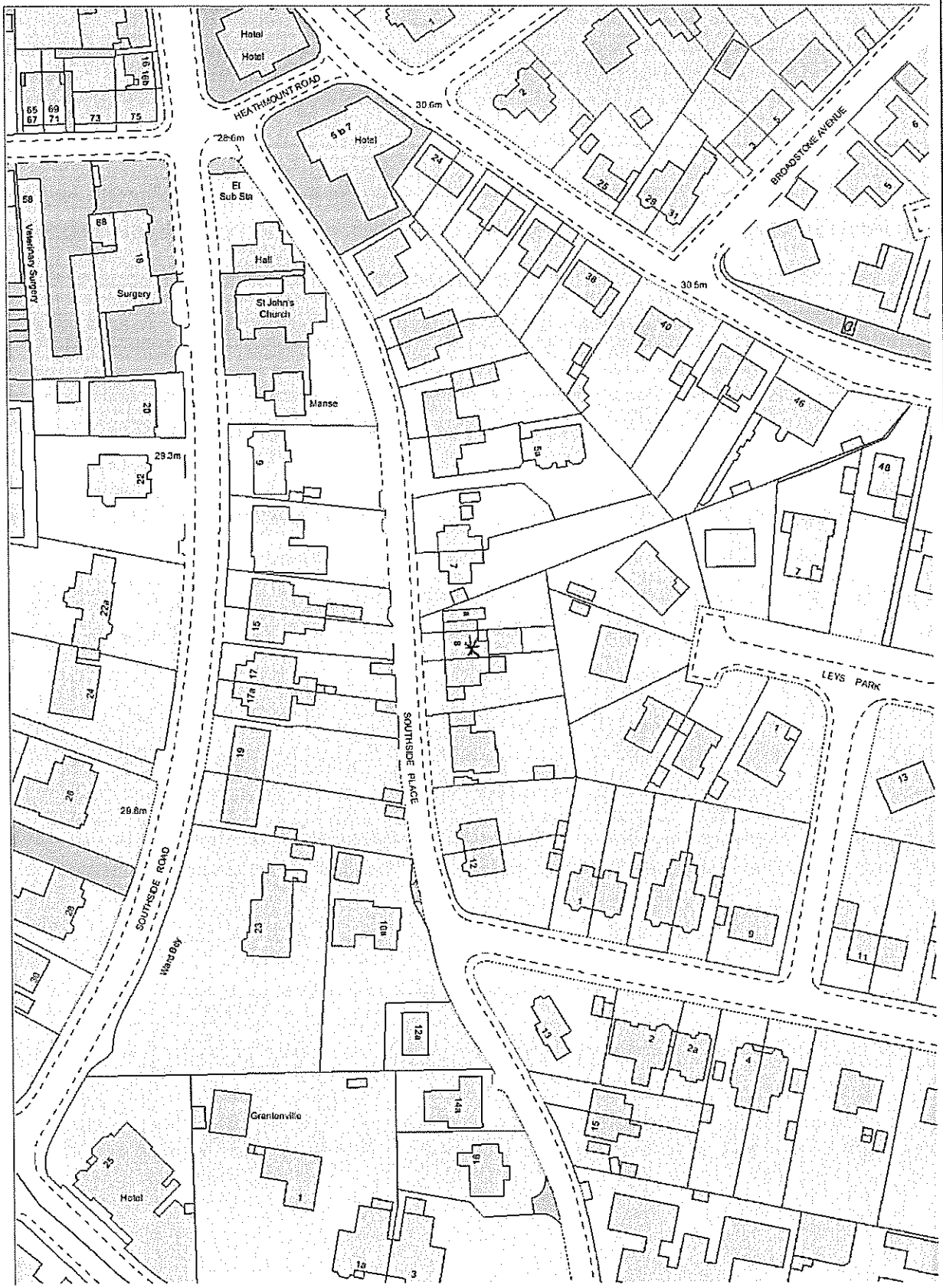
Alternatively the Committee may wish to refuse the application on one of the grounds detailed in paragraphs 6.1 and 6.2 of the report.

Designation: Legal Manager

Officer Reference: Michael Elsey

Date: 23 July 2013

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



8 Southside Place, Inverness
Scale 1:1500

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10 Southside Place
Inverness
IV2 3JF

10th July 2013

Legal Manager
Highland Council
Senior Licensing Officer
Town House
Inverness
IV1 1JJ

RECEIVED
11 JUL 2013

Dear Sir/Madam

Our Objection to an Application for a licence for a House in Multiple Occupation (HMO) by Taigh Letting (Helen Morgan) at 8 Southside Place, Inverness.

We are writing to you to object for various reasons to the application for a licence for a House in Multiple Occupation (HMO) by Taigh Letting (Helen Morgan) at 8 Southside Place, Inverness.

Unfortunately this house has a long history of planning concerns and other issues, the excessive extensions to the original Victorian semi-detached house having been built partly in breach of planning consent.

This planning consent was for a family residence but it is doubtful if its extensions were ever intended for this purpose, therefore, is a change of use from a family residence to a HMO now belatedly also required before a HMO licence is considered?

Recently, rooms in the house seem to be have been let on a short-term basis without required approval, the main problem which this caused being tenants' vehicles parked on-street outside other houses without permits and causing difficulties for neighbours.

A Building Warrant has also been applied for to undertake internal alterations and we have looked at the Council standards required for HMOs but we are unable to comment specifically on whether the existing or altered house will meet these standards.

However the existing planning permission is for a family residence consistent with this quiet residential area of owner-occupied houses and which is an inappropriate location for an HMO, unfortunately so often associated with anti-social behaviour/nuisance.

There is no precedent or history of HMOs being established in this area and it is a very quiet street with many elderly residents and lots of school children and passing pedestrians, to whom the proximity of a HMO would seem rather incompatible.

As referred to previously, there is also a particular concern regarding vehicle parking associated with 8 Southside Place of which there is a problematic history of illegal on-street parking causing difficulties for neighbours.

Southside Place is a narrow street, made partly one-way a number of years ago because it is not wide enough for two-way traffic, with residents' parking on one side, although many residents park off-street, but often other vehicles are parked illegally.

The one-way part of Southside Place on which 8 Southside Place is located also provides access to many Southside Road garages and gardens and if there is excessive parking on Southside Place it also creates access difficulties for Southside Road residents.

Sometimes at 8 Southside Place two small cars are parked off-street in the front area but normally only one vehicle can be parked in this space and, with only one resident's on-street parking permit, there are only two-three parking spaces for 8 Southside Place.

The house at 8A Southside Place also normally has two cars parked on-street outside 8A or 8 so any additional vehicles normally in excess of two-three associated with 8 Southside Place historically seem to be parked illegally outside other residents' houses.

In addition, these vehicles have sometimes been commercial vehicles, either vans or lorries, which are wider than the residents' parking bay, often creating a road traffic issue and which can obstruct access to residents' gates even if not parked over the gates.

Therefore if there are five tenants in the proposed HMO at 8 Southside Place and at best there only two-three parking spaces including both off-street and on-street parking, this may result in the worsening of illegal and obstructive parking in Southside Place.

We are objecting to the application for a licence for a HMO at 8 Southside Place because 1] it may require a change of use of planning permission; 2] it is an inappropriate location for a HMO in a residential area; 3] it could worsen parking and access problems.

We are submitting this letter in response to the notice attached to the lamp post outside 8 Southside Place which is not very visible and we are concerned that not many other residents, particularly the more elderly residents, will actually have seen this notice.

Whilst in no way are we speaking on their behalf, it is of concern that, because these other residents may not have seen the notice or be aware of the application, there may be fewer objections to the application than is representative of residents' concerns.

Therefore could you please note that we are concerned not only about the application for a licence for a HMO at 8 Southside Place but also about its restricted notification which has no doubt been done compliantly but which in practice has been inadequate.

Yours sincerely

Hugh & Lydia Black

10 Southside Place
Inverness
IV2 3JF
16th July 2013

Legal Manager
Highland Council
Senior Licensing Officer
Town House
Inverness
IV1 1JJ

RECEIVED
16 JUL 2013

Dear Sir/Madam

Our Objection to an Application for a licence for a house in Multiple Occupation (HMO) by Taigh Letting (Helen Morgan) at 8 Southside Place, Inverness.

Further to our letter of objection of 10th July 2013 to the above application, we would like to make the following additional representations regarding its unsuitability.

We understand that the application for a licence has been made by a limited company, Taigh Letting or Taigh Lettings, but we have been informed that only the owner of the property can make an application and hold a licence. We don't know, but we are unsure if Taigh Letting or Helen Morgan or someone else is the owner of the property and anyway, if it is this company which owns the property, it is only recently formed with just £100 capital and therefore no experience of managing an unsupervised HMO.

We also referred to the planning debacle in the early 1990s and which resulted in the existing extension(s) now included in the HMO application. At that time, eventually the Scottish Office Inquiry Reporters were involved in an investigation into the flaunting of planning permission by the then owner and in a lengthy finding/letter of 4 May 1994 against the owner it is stated by the Reporter that "any form of bedsit use would not be appropriate in this wholly residential area, would lead to objections from neighbouring houses and would be strongly resisted by the planning authority".

In addition to our above comments about the extension(s) being built in breach of planning permission and subsequently being partly demolished, it has reminded us of the very poor quality of construction (and demolition) of the extension(s) at the time for which a HMO licence is now being applied. Therefore we wonder but clearly don't know if in fact there was a (current) building warrant ever issued for the existing extension(s) irrespective of any new building warrant now being sought and which we believe it would worthwhile checking.

Finally to return to the parking issue which we highlighted previously and which we have now discussed with our local councillor. There are three dwellings at 8 and 8A Southside Place with a relatively small frontage, with only one or two off-street parking spaces and two or three on-street parking spaces for the three dwellings. As far as we can see, the off-street and on-street parking is now fully utilized so any additional parking from a HMO will require to be on-street outside other residents' houses and probably without permits which would be unacceptable to existing residents.

Yours sincerely

MAGUIAN LYDIA BLACK

RECEIVED

18 JUL 2013

21 Southside Road
Faversham
102 3BF.

Dear Sir/Madam.

I strongly object to 8 Southside Place becoming an H.M.O.

I live and look after my 92-year-old mother who is at home alone when I am at work.

Despite her age she is very socially aware and knows of the reputations of some occupants of H.M.Os.

No 8 Southside Pl. is very close to the rear of our house which backs on to Southside Pl.

My mother is extremely worried that anyone could

(2)

access our garden and get
into the house if they
wished, as am I.

Southside Place is NOT
suitable for an FTHO and
I am sure our neighbours
share our concerns.

My mother, Caterina Ford,
and I protest and object
to this application most
vigorously.

Yours faithfully

Faith C Ford

FAITH CECIL FORD

The Legal Manager
Highland Council
Senior Licensing Officer
Town House
INVERNESS
IV1 1JJ

RECEIVED
12 JUL 2013

Dear Sir,

8 Southside Place, Inverness

I heard with deep concern that 8 Southside Place is applying for a House of Multiple Occupancy licence. I have lived at 12 Southside Place for some 50 years and I can assure you that it is not a suitable place for such an establishment.

This is a residential area with elderly people, family units and young children and it is totally inappropriate for a House of Multiple Occupancy to be located in this quiet part of Inverness. I have read about social problems which are often associated with such establishments and which would be of concern to existing residents.

Since residents parking was introduced into Southside Place and it was made one way, much of the street parking problems have been resolved but, if there are people living in 8 Southside Place with cars or vehicles are they just going to park anywhere along the street without permits?

Yours faithfully

Mrs N Fraser
12 Southside Place
INVERNESS
10/07/13

RECEIVED

16 JUL 2013

17A, Southside Road,
Inverness
July 12, 2012.

Legal Manager
Highland Council

Dear Sir, I wish to object to
the application for change of
use from dwelling house to
H.M.O. at Number 8 Southside
Place.

Yours faithfully,

Wednesday July 17th 2013.
RECEIVED
19 JUL 2013

10 A Southside Place.
Epsom. W2 3SF.
TEL. 01463 233455.

Dear Sir.

Ref. Application for HMO at 8 Southside Place, Epsom.

I wish to register my objection to the above proposal.

My main reason for this is that I already, and for some time now, consider this road to be an accident waiting to happen.

The road, which is one-way, is narrow & made narrower by quite dense on-street parking; the pavement (on one side only) is narrow & uneven predisposing to pedestrians, often elderly & children, to walk on the road by preference, especially in winter conditions. Cyclists, and a motorised buggy use the roadway against the one-way traffic flow. On the opposite side to the pavement and private residences of Southside Place are the garages & parking areas of houses on Southside Road. Driving out of these, often in reverse, is extremely hazardous & near misses have been observed. This is aggravated by the use of this road as a shortcut ('rat-run') by cars & taxis which clothe at speed at, or over, the legal maximum of 30mph.

Southside Place is much used as a school route (largely primary school, with school children on foot and on bicycles often accompanied by mothers with prams & infants).

To add to this scenario by sanctioning further traffic and on-street parking, which would be necessary in this case, I would consider as taking an unnecessary additional risk.

Already there is real need for reducing the speed limit and for speed limiting measures e.g. road bumps to be introduced.

This roadway has numerous elderly residents for whom the relatively quiet nature of the area is a boon. To risk anything that might alter this in any way is something which I believe should be avoided at all costs.

Yours faithfully,

DR. D. M. KIRKWOOD.
10A SOUTHSIDE PLACE.
INVERNESS. IV2 3.5F.

11 Southside Place
Inverness
IV2 3JF

11 July 2013

to
The Legal Manager
The Highland Council
Senior Licensing Officer
The Town House
Inverness IV1 1JJ

RECEIVED
12 JUL 2013

Dear Sir

I understand that there is a notice on the lamp post outside No 8 Southside Place informing people that an application is being made by Taigh Lettings to convert No 8 Southside Place into a house of multiple occupation.

Although I have not received a letter about this matter, I would like to state that, as a long term resident of Southside Place, I am very opposed to such a use. There have been various problems for a long time with this house after it was over-developed some years ago.

Using No 8 Southside Place as proposed would increase these problems and this property should really only be used as a family residence. This is a quiet, residential area of the city which is completely unsuitable for a house of multiple occupation with strangers from elsewhere who are not part of our community.

In the past we have had parking problems in Southside Place partly caused by too many people living temporarily at No 8 and parking vehicles without either resident or visitor permits outside other houses and making it difficult to get in and out of our gates.

There don't appear to be many people living at No 8 at present and I think it has just been bought by new owners but, if in future there are more people living there, there aren't enough parking spaces for any more than the one or two cars which are already parked there.

Yours truly

Mrs Evelyn MacGregor

Carron
19 Southside Road
INVERNESS
IV2 3BG
14 July 2013

The Senior Licensing Officer
Town House
Inverness

RECEIVED
16 JUL 2013

Dear Sir/Madam

Application for licence to use dwelling house at 8 Southside Place as HMO

We write to express our objections to the application to change the use of number 8 Southside Place from a dwelling house to a house of multiple occupancy.

The proposed change in use would in our opinion have a deleterious effect on the social dynamic of the neighbourhood and the local community. (We write as house owners whose property and grounds abut onto Southside Place, and it is on Southside Place that the means of vehicular access to our property is situated.) The community on Southside Place is mixed. There are at least eight properties on Southside Place which are occupied by pensioners, and there are three properties on Southside Road which back onto Southside Place likewise occupied by pensioners. Other occupiers have small children, and there are some families with teenage children. To introduce into this community an HMO with unpredictable occupancy would, in our opinion, be irresponsible. We read weekly of the apparently inevitable social problems which occur as a result of the presence of HMOs – the issues are widely reported in detail in the local newspaper. Were there to be such issues in this small community, with its current demographic mix, the results would be nothing short of disastrous to the well-being of the elderly and the young alike.

The house was not designed for multiple occupancy. It was originally a semi-detached family dwelling, which was extended a number of years ago, presumably with planning permission and the appropriate completion procedures. Its use as an HMO, in an area which is predominantly residential, with detached or semi-detached family dwellings, would in our opinion be inappropriate, and out of keeping with the surrounding area which is part of the Crown Heritage area of the city. It might be the case that occupants would have vehicles to park on Southside Place, a narrow one-way street already much used for car parking, with the possibility of obstruction to the exits from the houses on Southside Road and Southside Place.

Southside Place is a well-used route for young children to walk, for the most part unaccompanied, to Crown Primary School. Southside Place is clearly considered by parents to be a safe route. Were the composition of the environment to be altered, the security of those children might be jeopardised. Students attending Millburn Academy also walk along Southside Place. Any change in use of dwellings which might render the route less secure for the young, impressionable and possibly vulnerable, would be irresponsible in the extreme. We recognise that the applicant for the licence may well argue that there is no intention to let the facilities to people who exhibit anti-social behaviour, but the bottom line is that the HMO will be a commercial venture, and that in the fullness of time it will be more important for the owner to have a guaranteed income stream rather than to check on the social credentials of tenants.

Within the locality there is already a high number of facilities for a transient population. Within a radius of a few hundred yards from 8 Southside Place there are three hotels, five bed and breakfast establishments and an existing HMO. To increase the temporary capacity further would be to create social pressures which those who purchased family homes in a secure, safe environment should not be expected to bear.

We would finally like to draw to your attention the fact that 8 Southside Place already has occupants. It would appear that the property is being used and rooms rented out. If it indeed is the case that the property is being used before the date of the hearing for a licence, then the actions of the owner and the agent give little indication of any respect for procedures or of any future willingness to abide by them, or of any conditions which might be imposed.

Yours faithfully

ROBERT MCKINSTRY

ALICE MCKINSTRY

Carron
19 Southside Road
INVERNESS
IV2 3BG

17 July 2013

The Legal Manager
The Highland Council
Senior Licensing Officer
Town House
Inverness

Dear Sir/Madam

Objection to granting of a licence for an HMO at 8 Southside Place, Inverness

Further to our letter outlining our objections to the use of 8 Southside Place as an HMO, we should like to draw to your attention and to the attention of the licensing body the findings of the Scottish Office Inquiry Reporters, presented in a document dated 4 May 1994.

In that document the reporters stated that, with regard to the property:

'any form of bedsit use would not be appropriate in this wholly residential area...'

It is our contention that nothing has occurred in the interim to cause that decision to be altered, and that the findings of the Scottish Office are therefore still applicable and valid when dealing with the current application. The reporters' judgement is clearly and categorically stated.

Yours faithfully

Robert McKinstry

Ariel McKinstry

RECEIVED
18 JUL 2013

RECEIVED

17 JUL 2013

The Senior Licensing Officer
The Legal Manager
Highland Council, Town House,
Inverness, IV1 1JJ

Dear Sir/ Madam:

I am a proud house owner in Southside Place, and I am writing to express my deep concern about the recent application to change the use at number 8 Southside Place from a dwelling house to an HMO.

I object most strenuously to this application on the grounds:

- That this commercial venture would alter the character of this small residential street
- As there would be no home owner residing in this property the probability of neglect to the property and gardens is a major concern
- That this small narrow one way street, with already limited permit parking, would be unable to cope with what potentially could be, at least, an extra 5 cars
- That with 5 bedrooms being leased the potential for noise levels and general disturbance to neighbours would be high
- The possible lowering of the value of my property should this application succeed

Sadly I know the frustrations of having bad tenants and indeed bad landlords at first hand as my partner recently was unable to have anti social behaviour effectively resolved by the authorities in her last property. This was despite her following guidelines and procedures by the highland council. This caused her immense stress.

It is a situation I do not wish to see inflicted on my good neighbours in Southside Place.

With this in mind I would strongly advocate that this application is refused.

Yours sincerely,

Mr Craig Methven

3 Southside Place Inverness iv2 3jf

RECEIVED
17 JUL 2013

Mr M & Mrs G Smyth
Bonniefield
13 Southside Road
Inverness
IV2 3BG

Tel: 07824311983

15th July 2013

Dear Sir/Madam

OBJECTION TO APPLICATION FOR HOUSE OF MULTIPLE OCCUPANCY 8 SOUTHSIDE PLACE,
INVERNESS

We are writing to object to the license request for a House of Multiple Occupancy at 8 Southside Place. We live at 13 Southside Road, the rear of our house and garden backing on to Southside Place and opposite 8 Southside Place. The owner of the house has said that the rooms will only be let to "professional" people. There are no guarantees that this will be the case once the license has been granted.

The owner is proposing to let 5 rooms. There is the potential for 2 people/a couple to rent each room and the potential for 2 cars per room. At the most, this could mean that there are 10 additional cars in this already small congested road, 5 additional cars at the least. They could park one of these cars directly opposite my garden gates making it extremely difficult for us to take our car out, not to mention the environmental impact of additional cars. This has the potential to create disputes within a peaceful neighbourhood. Southside Place has one pavement and is single track. On exiting our garden gates there is no pavement on our side and is already quite dangerous without the added presence of more traffic. We have children and this is always of concern to us when they are leaving the garden gates.

There is the potential for 10 wheely bins which would take the bin lorries longer to empty and the potential for holding up the traffic flow.

The value of our house and the other houses in Southside Place and Southside Road will be devalued due to the presence of a House of Multiple Occupancy. This is grossly unfair, we have lived here for 20 years, worked hard to maintain our property and pay our rates and mortgage and when we sell our house, we will be the ones that will suffer financially whilst the owner of this HMO will continue to benefit from their monthly rent. Our property is also our children's legacy and an HMO would affect their future. Some of the residents have lived in Southside Road and Southside Place for many years and are elderly. We cannot see what benefit this would be for them either.

This could change the character of the community, create additional noise, potential disputes re parking etc. As we said earlier, having lived here for 20 years, there have in the past been problems with parties and late night noise. The potential for this to happen again is higher given the nature of an HMO property license being granted.

We are therefore **very strongly objecting** to this property becoming an HMO and we hope that our concerns will be taken into consideration.

We look forward to hearing from you and could you also let us know of any appeals procedures available to residents should this license be granted.

Thank you.

GILL SMYTH

MARK SMYTH

Mrs Hester Trainer
7 Southside Place
Inverness IV2 3JF
07779 120 635

RECEIVED
18 JUL 2013

The Legal Manager
Highland Council.
FAO The Senior Licensing Officer.

13th July 2013.

We wish to object to the HMO application at 8 Southside Place on the basis that:

- i) There is already and will be further problems with parking on the street - without permits and blocking access to driveways.
- ii) First we were told that 'anyone' would be renting the rooms then it changed to 'professionals'. I find it hard to believe that a professional would choose to share a house with 3 others - plus another in attached flat. I have issues here with safety - I have two very young children and potentially there could be 5 new people every 6 months to a year living next door. What check will be made? There is also a nursery opposite No 1.
- iii) I assume no pets are allowed as outdoor space for this property is extremely limited as the studio flat has been built.
- iv) Who will be responsible for putting out and taking in

bins - how does it become one of five's responsibility?

- v) I have concerns about noise and behaviour - with two young children this is important.
- vi) I believe that if this HMO is granted it may have severe implications to the street and neighbours - it is a quiet, well maintained street and area in general. We take pride in this and I think it is absolutely the wrong area for this type of property.
- vii) I have been inside this house and just don't think that it's big enough for 4 adults, all of whom I presume will have company at some point, to live comfortably. It was lastly inhabited by a couple and one child and latterly one adult and one child. How will the kitchen and living spaces work for 4 completely independent people?

This application has upset many neighbours - more likely because I believe it could have been approached by the owner more sensitively. She obviously has no knowledge of the area and as the Letting company was set up the month she purchased the house I doubt she has the experience to undertake this task and as it will take a lot of monitoring and maintenance. Please act on appropriately. Many thanks.