

Agenda item	7.1
Report no	HLC/049/22

## **THE HIGHLAND COUNCIL**

**Committee:** Highland Licensing Committee

**Date:** 25 October 2022

**Report title:** Application for the grant of a licence for a House in Multiple Occupation – Staff Accommodation, Allengrange, Garbhein Road, Kinlochleven  
(Ward 21 – Fort William & Ardnamurchan and Strathspey)

**Report by:** Principal Solicitor – Regulatory Services

### **1.0 Purpose/Executive summary**

**1.1** This report relates to an application for a licence for a house in multiple occupation.

### **2.0 Recommendation**

**2.1** Members are asked to determine the application in accordance with the Council's hearing procedure.

### **3.0 Background**

**3.1** The licensing of houses in multiple occupation (HMO) is an activity covered under Part 5 of the Housing (Scotland) Act 2006.

**3.2** 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.

### **4.0 Application**

**4.1** On 16 August 2022 an application for the grant of a licence in respect of a house in multiple occupation was received from Sheila Crerar, by her agents, Shepherd and Wedderburn LLP, 1 Exchange Crescent, Conference Square, Edinburgh, EH3 8UL.

**4.2** The property to which the application relates is staff accommodation at Allengrange, Garbhein Road, Kinlochleven, PH50 4SE.

**4.3** The maximum number of persons applied for to reside in the premises is 5.

### **5.0 Process**

**5.1** 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 Planning Service
- Highland Council Housing Service

**5.2** There have been no objections received from the abovementioned Agencies/Services in relation to the application apart from the Scottish Fire and Rescue Service who have indicated that they are currently unable to sign off the application until they receive a satisfactory response from the applicant in relation to fire safety measures within the premises.

### **6.0 Objection(s)**

**6.1** It is open to any member of the public to submit an objection or representation in relation to an application made under Part 5 of the Housing (Scotland) Act 2006 for a licence for a house in multiple occupation.

In respect of this application, the statutory notice was initially displayed within the grounds of the above premises where it could not be viewed easily by members of the public.

The applicant was therefore requested to relocate the site notice so that it could be conveniently read by members of the public and display the notice for a further period of 21 consecutive days.

Confirmation has been received from the applicant's agent that the site notice was displayed during the period 16 August to 6 September 2022.

Following this display period, the following timeous notices of objection have been received and are attached as appendices to this report:

1. Notice of objection dated 25 August 2022 received from K Owens and M Casson
2. Notice of objection dated 25 August 2022 received from Mr & Mrs D MacMillan
3. Notice of objection dated 25 August 2022 received from Mrs S MacMillan

**6.2** The applicant and the objectors have been invited to attend the hearing. They have been advised of the hearings procedure which will be followed at the meeting and which may also be viewed via the following link:

[https://www.highland.gov.uk/directory\\_record/738757/houses\\_in\\_multiple\\_occupation\\_hmo](https://www.highland.gov.uk/directory_record/738757/houses_in_multiple_occupation_hmo)

## **7.0 Determining Issues**

**7.1** 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.

**7.2** 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:

- (a) is suitable for occupation as an HMO, or
- (b) can be made so 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 the local authority must consider—

- (a) its location,
- (b) its condition,
- (c) any amenities it contains,
- (d) the type and number of persons likely to occupy it,
- (da) whether any rooms within it have been subdivided,
- (db) 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,
- (e) the safety and security of persons likely to occupy it, and
- (f) the possibility of undue public nuisance.

**7.3** If required the Principal Solicitor will offer particular advice on the criteria relating to this particular application.

**7.4** A copy of this report has been sent to the applicant who has been invited to state their case.

## **8.0 Policies**

**8.1** The following policies are relevant to this application:

Highland Council HMO Conditions and Standards. A copy of these can accessed at: [https://www.highland.gov.uk/directory\\_record/738757/houses\\_in\\_multiple\\_occupation\\_hmo/category/497/housing](https://www.highland.gov.uk/directory_record/738757/houses_in_multiple_occupation_hmo/category/497/housing) or a hard copy can be supplied where requested.

## **9.0 Implications**

**9.1** Not applicable.

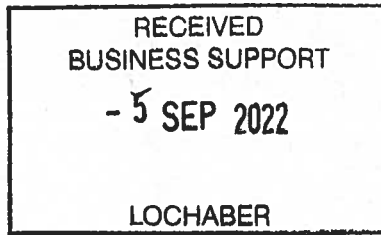
Date: 4 October 2022

Author: Julie Traynor

Background Papers: Housing (Scotland) Act 2006

### **Appendices:**

1. Notice of objection dated 25 August 2022 received from K Owens and M Casson
2. Notice of objection dated 25 August 2022 received from Mr & Mrs D MacMillan
3. Notice of objection dated 25 August 2022 received from Mrs S MacMillan




Keith Owens and Marion Casson



25/08/2022

**Ref HMO application for Allengrange, Garbhein Road, Kinlochleven**

 we would like to lodge an objection to a recent HMO application on the above property.

This has always been a quiet, peaceful residential part of the village. The residents are typically long term respectable homeowners enjoying the beauty and tranquility of the area. The houses were originally built for managers of the British Aluminum Company and have been used as family homes for families since before the last century. To this day the houses are 'homes' and not temporary accommodation used for working persons who typically will stay a season, maybe two at most, and will therefore have no interest in integrating into the community. It is unlikely that they will appreciate and respect the natural beauty of the area.

Our objections are therefore based on a number of issues:

**Bins:**

The bins that are kept at the bottom of the drive are always overflowing even with the current number of residents in Allengrange, which can attract vermin. I frequently see the wrong bin put out for collection on a Monday. I put out my correct bin on the correct day and frequently see rubbish added into my recycling bin, and recycling waste added to the refuse bin which makes it look like I am at fault. My partner Marion Casson and I were former members of the 'Lochaber Environmental Group' many years ago and environmental issues remain a big concern for us.

**Behaviour:**

So far there have been many instances of anti-social behaviour, sometimes serious which has resulted in police call outs and very worryingly, on one occasion, a vehicle being overturned onto it's roof last year. By doubling the number of persons in a property clearly not designed for such numbers can only increase tensions within that property and can result in bad behaviour. There is already noise and a refuse collection problem at Allengrange and doubling the number of people would be unacceptable.

**Resident, Marion Casson:**



[REDACTED] Marion has expressed much concern about the neighbours and at times she has suffered insomnia. The last thing I need is to worry about [REDACTED] is the state of my partner's well being and then have to deal with all the problems caused by an overcrowded residence [REDACTED]. Marion has rightly expressed concern over an increased fire risk that could result from so many meals being cooked each day. [REDACTED] Allengrange kitchen area and therefore I can safely say that there is no way up to 12 persons can prepare, cook and clean up in a safe and hygienic manner. The risk of a fire breaking out is of great concern to us.

**Covid:**

Covid is not over. You cannot seriously expect up to 12 strangers to be Covid compliant within [REDACTED] and therefore fail to see how suitable spacing can be kept between people to avoid cross infection. These people will then go to work and will be at risk of infecting fellow staff and residents. To house 12 strangers together, with no idea of their attitudes to Covid, and no idea of how to observe safe hygiene required by a pandemic is simply thoroughly irresponsible and shows total disregard for public health.

**Environment:**

I see workers picked up and dropped off from Allengrange by GIH vans. This means 4 x 7 mile journeys to move a single person to work and back which is hardly environmentally friendly. It is an abundant waste of energy, at a time when we are all encouraged to utilise transport economically, and not add yet more carbon into the atmosphere.

**Alternative accommodation:**

I absolutely fail to see why a large establishment such as the Glencoe Inn Hotel has to house, and transport their workers from a quiet residential area 7 miles away, when the GIH surely has ample facilities to provide accommodation on site. After all, providing accommodation is a key element of the GIH business model so it would surely be logical and make sense to use or develop their current premises for their workers.

**Public Notice:**

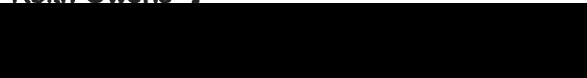
The fact that the 'notice' for the HMO application was in fact placed in the window of Allengrange which only the residents of Allengrange could see speaks volumes about the sincerity of the applicant. One would have to cross onto private property by approximately 15m to read it which is clearly a deliberate attempt to avoid notifying the local residents of the application.

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We therefore ask you to consider our justified objections and refuse the HMO application for Allengrange.

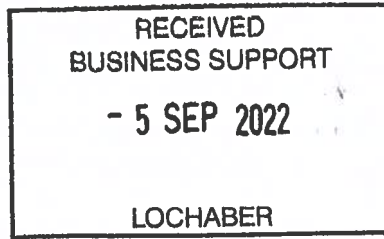
Yours sincerely,

Keith Owens



Marion Casson





Mr and Mrs D MacMillan



25/08/2022

Ref Allengrange, Garbhein Road, Kinlochleven

We would like to lodge an objection to a recent HMO application on the above property.

We [REDACTED] and have had many issues with the residents of Allengrange since it was converted to staff accommodation.

Allengrange used to be run as a Bed and Breakfast by the previous owners, the property was well maintained and complimented [REDACTED]

Since the property was sold to a hotel chain we have had many people coming and going as residents. The property is staff accommodation currently, they have no care to how the property appears and its grounds have become overgrown and unkempt.

We have had to make complaints to the owners and hotel management on several occasions. We have called the police on 2 occasions.

There is consistent anti-social behavior, drinking and smoking drugs in the garden, residents vomiting against [REDACTED] fence after their parties. Excessive noise. Garbage bins always overflowing with waste and litter being dropped. We have had Glencoe Hotel staff van crash through our garden fence on 3 occasions and hotel needed to repair this.

Last time our fence was damaged I had to seek legal advice and send a notice of intended legal action, I had to wait several months for the fence to be repaired.

We have reported drink driving of the residents. We have had a car being rolled onto its roof due to driver error and a steep driveway (August 2021), he had alcohol in his system but was within the drink driving limit after police and ambulance attendance.

Staff van is in the street early morning and late at night with loud music coming from it. They have in the past reversed into our plant pots at bottom of our driveway and fail to pick them up, this is an example of their lack of consideration to others around them.

Already the house has 5 residents, we feel any increase to this number will increase the noise and anti-social behavior we are suffering with.

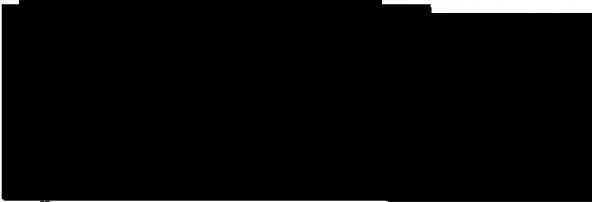
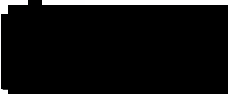
These incidents and the condition of the property is decreasing the value of my property

The residents put their excess rubbish in other properties wheelie bins causing these owners frustrations, the wheelie bins are overflowing with rubbish constantly with rubbish left to blow around the street.

On the grounds of Anti-Social behavior, noise and poor upkeep of the garden we would like to object.

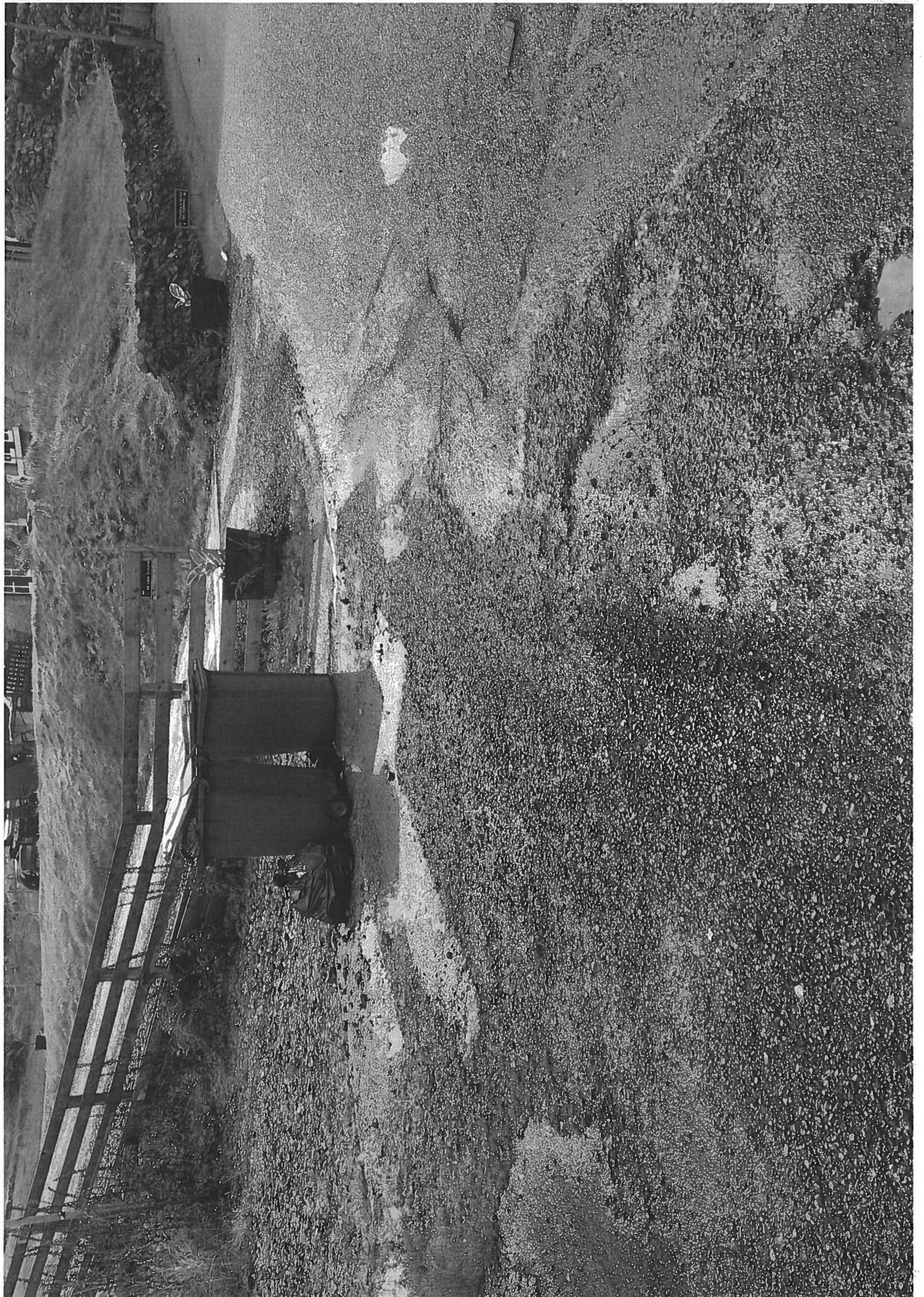
We have included the title plan for Allengrange, you can see the yellow shaded area, this yellow area is currently being used as a driveway by Allengrange, this ground is actually not owned by Allengrange, with that also in mind I would like to bring into question what parking provisions are going to be made for the proposed HMO? Potential 12 residents with potential 6 cars?

Mr. and Mrs. MacMillan



















LAND REGISTER  
OF SCOTLAND

Officer's ID / Date

9995  
21/10/2010

TITLE NUMBER

**ARG13747**



ORDNANCE SURVEY  
NATIONAL GRID REFERENCE

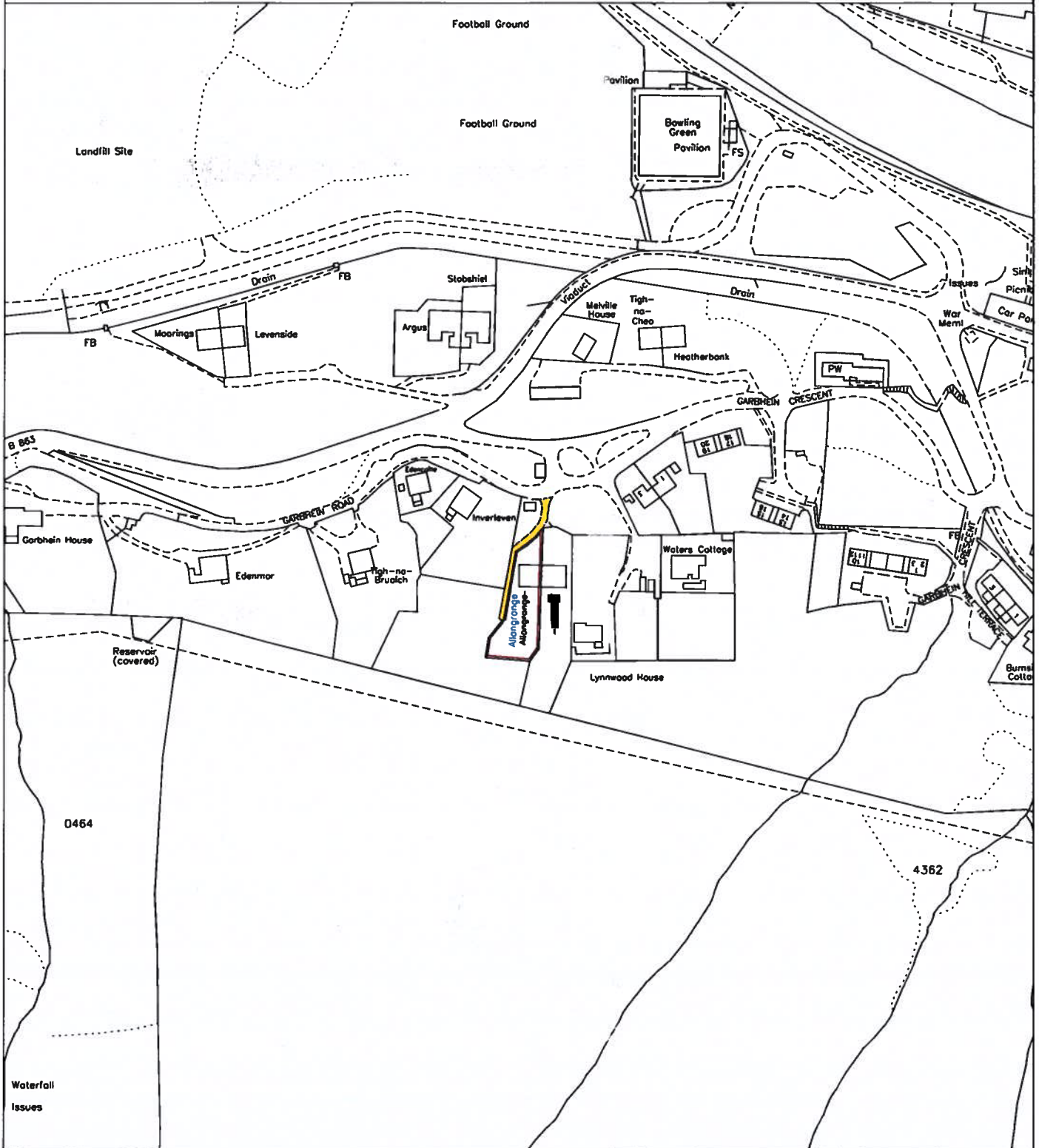
140m

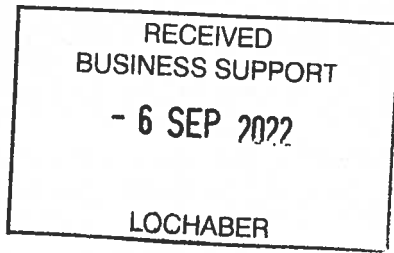
NN1861 NN1862 NN16SE

Survey Scale

1/2500

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Mrs S MacMillan

25/8/2022

Ref: Allengrange, Garbhein Road, Kinlochleven

I would like to object to the proposed HMO application at Allengrange, Garbhein Road, Kinlochleven.

My husband and I have written a joint letter of objection; however, I would like to write a more personal one in addition to this.

Previously, Allengrange was an established B&B and over the years there was not a single incident of anti-social behaviour or damage to my property despite their being multiply guests on different nights of the week/weekend.

Unfortunately, this is not the case since the takeover of Allengrange to accommodate staff employed at the Glencoe Gathering Restaurant/Hotel.

I would like to highlight the reasons I would like to object on the ground it is having a negative impact on my mental health and wellbeing and affecting our standard of living as a family

. Occupants of Allengrange regularly drink alcohol in excess in the garden of the property and it often leads to verbal altercations between the occupants and persons being physically sick on the side driveway.

. The branded business transport car that collects the staff before and after the standard social hours regularly has music playing at a volume of excess when collecting staff waking the [REDACTED] and myself.

. Our driveway fence damaged multiple times. This includes scrapes, panels being bend and planks knocked off due to the company car and occupant's personal cars reversing into it.

. Overflowing bins are left at the bottom of the driveway [REDACTED] and are overflowing. There is often broken glass left around the bins too that my husband and myself clear to ensure our pets to not sustain injury.

. The occupants of Allengrange also use other resident's bins without permission and this has led to the owner of 4 flats next on the opposite side of Allengrange having to contact the owner to complain.

. There is a smell of cannabis regularly coming from the rear of property. Mostly on night where the occupants have visitors or are consuming alcohol.

. I was verbally abused while attending to help injured occupants of the property after a car was overturned on the bottom of the driveway with occupants of the property inside. The occupants of Allengrange abandoned the injured driver when police attended and carried on drinking at the property.



. I have had to call the police to report drink driving after CCTV caught occupants of Allengrange drinking during the day in the garden of the property and then drove a vehicle leading to damage to my fence caused by an intoxicated driver.

. There has been two previous complaints made directly via phone to the manager of the hotel and to the owner of the hotel. I was assured that the occupant responsible would be spoken to and the continuous anti-social and illegal behaviour would stop. This has not been the case. The residence change on a regular basis and on each occasion the incidents are becoming more regular and more anti-social.

. The loud music that plays from the upstairs of the property from open windows can also be at a high volume out with social hours and can include Sundays.

The constant anti-social behaviour from the occupants of Allengrange are affecting my own mental health and wellbeing, as I have to confront the persons responsible when damage has been caused to the fence. I am regularly woken up or have sleep disrupted due to music playing from the staff pick up/drop off car. The mess at the bins and smell prevents me enjoying time in the garden. The drinking, abusive language and drunken behaviour during the day that often happens make enjoying time in the garden [REDACTED] difficult.

As a busy working family [REDACTED] the occupants of Allengrange are affecting my families sleep and preventing our opportunity to rest and spend quality time together in our garden.

[REDACTED] I am often left to deal with the consequences due to the behaviour and damage caused to my property caused by occupants of Allengrange myself and this is stressful, unpleasant and becoming emotionally exhausting.

CCTV has also had to be fitted around my property to prove who is causing the damage and too also make me feel a more safe in my home during the night and this is not a comfortable situation.

The repairs to damaged plant pots, replacement of fence panels and fitting of CCTV has also cost us financially.

On these grounds, I would like objects to the application of HMO status for the property of Allengrange.

Yours sincerely,

Susan MacMillan

[REDACTED]