

# LICENSING COMMITTEE INFORMATION SHEET

15 November 2022

## Public Application

**TYPE OF APPLICATION:** HMO LICENCE APPLICATION (NEW)

**APPLICANT:** CASTLEHILL HOUSING TRUST

**AGENT:** NONE STATED

**ADDRESS:** 45 HUXTERSTONE DRIVE, ABERDEEN

### INFORMATION NOTE

This HMO licence application is on the agenda of the Licensing Committee for the reason that 2 representation/objection e-mails were submitted to the HMO Unit.

If, after consideration of the representation/objection, the Committee is minded to grant the HMO licence, it may do so under delegated powers since at the time of drafting this report, the necessary upgrading works and certification have not been completed. I will advise Members during the Committee if that position has changed.

### DESCRIPTION

The detached house at No.45 Huxterstone Drive, Aberdeen, is the subject of this new HMO licence application and its accommodation comprises 4 letting bedrooms, lounge, kitchen, utility room, dining room, activity room & 2 wet rooms. The applicant wishes to accommodate a maximum of 4 tenants, which is acceptable to the HMO Unit in terms of space and layout. The location of the premises is shown on the plan attached as Appendix A.

### CONSULTEES

- Police Scotland
- Scottish Fire & Rescue Service
- A public Notice of HMO Application was displayed outside the building, alerting the public to the HMO licence application.

### REPRESENTATIONS/OBJECTIONS

- Police Scotland – no objections
- Scottish Fire & Rescue Service – no objections
- One objection e-mail from W. Roadnight (Attached as Appendix B)
- Applicant– one letter of representation in response to the objection letter (Attached as Appendix C)

The objection was received within the statutory time period therefore the Council must consider.

## COMMITTEE GUIDELINES/POLICY

All applications for HMO licences are dealt with in accordance with the Scottish Government's document:

['Licensing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'](#)

## GROUNDS FOR REFUSAL

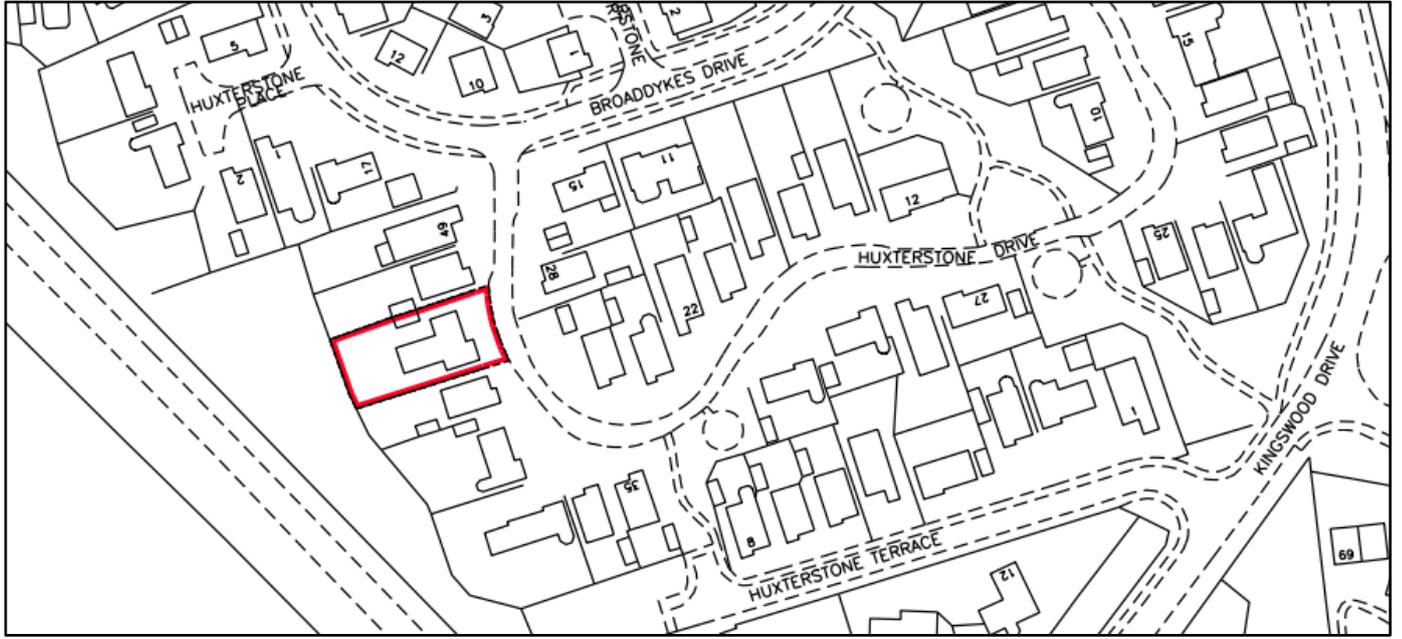
This application is being dealt with under the provisions of [Part 5 of the Housing \(Scotland\) Act 2006](#), as amended. Available grounds of refusal are as follows:

- 1) The applicant and/or agent is not considered to be a 'fit & proper' person to hold an HMO licence, and
- 2) The property is unsuitable for occupation as an HMO for one, some or all the following reasons:
  - i) Its location
  - ii) Its condition
  - iii) Any amenities it contains
  - iv) The type & number of persons likely to occupy it
  - v) Whether any rooms within it have been subdivided
  - vi) Whether any rooms within it have been adapted, resulting in an alteration to the water & drainage pipes within it
  - vii) The safety & security of persons likely to occupy it
  - viii) The possibility of undue public nuisance
  - ix) There is, or would be, an overprovision of HMOs in the locality

## OTHER CONSIDERATIONS

- The applicant is registered as a landlord with this Council and their registration includes No.45 Huxterstone Drive.
- The Council's Anti-Social Behaviour Investigation Team (ASBIT) has no record of any complaints in respect of No.45 Huxterstone Drive.
- All upgrading work required by the HMO Officer, including certification, has not yet been completed.
- There are no other Granted HMO's at Huxterstone Drive.
- The objection mentions parking, members may wish to note that car parking is not a consideration of HMO Licensing as it is not mentioned in the Statutory Guidance, nor is it covered by any of the statutory grounds of refusal mentioned above.

'A'



'B'

Aberdeen City Council
Housing & Environment
DATE RECEIVED
14 SEP 2022
Private Sector Housing Unit

[REDACTED] Huxterstone Drive  
Kingswells  
Aberdeen  
AB15 8UN

Tel: Mobile [REDACTED]  
Home [REDACTED]

05/09/22

HMO Unit  
Early intervention & Community Empowerment,  
Business Hub 6  
First Floor South  
Marischal College  
Broad Street  
Aberdeen AB10 1AB

Dear Sir

**License Application for House of Multiple Occupancy at**

**45 Huxterstone Drive, Aberdeen, AB15 8UN**

**By Castlehill Housing Association, 4 Carden Place, AB10 1UT**

I have contacted Castlehill Housing Association to establish what use the building, originally intended for single occupancy for a (single) family unit, would be put to. I am advised that it would be for 3 or more unrelated disabled or adults with learning disabilities.

I write to record my objection in the strongest possible terms to this proposal on the following grounds

- 1) Kildonan Developments Planning permission for the development of Kingswells excludes use of a property by more than one family unit**  
A copy of the Land Certificate for the writer's property is held by the writer, (ABN106761). This refers to the developer appeal to the Secretary of State against refusal of permissions, and the conditions imposed on the development. Page D14, Section D, Burdens, Subsection (5) "The houses shall be used solely as private dwellinghouses and for no other purpose whatsoever and none shall be sub-divided or occupied by more than one family at a time ..."

The above statement would appear to exclude HMO institutional use.

- 2) Road Access**  
Huxterstone Drive is a Novel Path (or Way) road design. The writer is advised that the exact specification of this road design, and purpose, is now archived and effectively not available. The specification outlines:-

- (1) Single track and intended for low volumes of traffic.
- (2) Has passing places for passing and re-passing.
- (3) Has no sidewalks for the safety of pedestrians.
- (4) As there are no sidewalks and the road is narrow, the opportunity to park 'at the side of the road', is not available – apart from in the passing places, which leads to road blockages, especially when refuse collection vehicles or builders lorries are in present.

**3) Parking**

For the support services, that such an institutional development can be expected to require, the parking required would not be available. While the frontage of this building is all given over to parking, it is submitted that this will probably not be sufficient. Other options for parking are not available as on-street parking blocks the street. (See (2.4 above).

**4) Access to local shops**

As the proposed residents will be physically disabled, or with learning difficulties, they will need pedestrian access to a full range of shops for groceries and other needs. The CO-OP in Kingswells provides some shopping, but not a full range. Existing residents have to walk in the shared-use road/footpath, as there are no pavements/ sidewalks available. It is submitted that the proposed residents will require adult supervision if they step past their front door. Therefore, this is not the right place for an institution dedicated to housing Disabled people, and Adults with Learning Disabilities.

**5) Refuse**

An institutional undertaking of the type proposed could expect to use industrial-type refuse bins, as is usual for commercial premises. These are of either 660Lt or 1100Lt capacity. This would need a different collection and, as Huxterstone Drive is a single-track road, the collection vehicle would have to go in one end and out the other. Large vehicles lead to disruption of residential traffic. The locbloc surface of the road is not designed for heavy collection lorries and the existing burden of residents is beginning to destroy the existing locblobs, under existing traffic.

**6) Mostly elderly population**

Other residents in the street are mostly elderly, some living on their own. This is a consequence of being bungalows, (no stairs is desirable for the elderly). The residents of such an institution would, one can assume, feel out of place in an elderly community. Also, existing residents would be unable to help the proposed residents, should they need assistance.

Yours faithfully



W S Roadnight

3 November 2022

Ms Jocelyn Janssen  
Private Sector Manager  
Aberdeen City Council  
Marischal College  
Broad Street  
Aberdeen  
AB10 1AB



4 Carden Place  
Aberdeen, AB10 1UT

T: 01224 625822  
E: [info@castlehillha.co.uk](mailto:info@castlehillha.co.uk)  
W: [www.castlehillhousingtrust.org.uk](http://www.castlehillhousingtrust.org.uk)

Dear Ms Janssen

**HMO application 45 Huxterstone Drive (HOUS446021650)**

I am writing in connection with Castlehill Housing Trust's application for an HMO licence in respect of 45 Huxterstone Drive. As you are aware the Council has received five letters objecting to the granting of the licence, and as a result the application will be considered by the Licensing Committee on 15<sup>th</sup> November. As requested, this letter is being submitted in support of our application, and I seek not only to provide some additional background to the proposal but also to respond to the concerns raised by the residents who have raised objections.

I wrote to all five people who had submitted objections, as well as to all other householders in Huxterstone Drive, on 28<sup>th</sup> September. The purpose of that letter was to address their concerns as well as to provide assurance about the nature of service that will be provided at the property if the HMO is granted. I invited everyone to contact me by email or phone to discuss their concerns. To date I have only received one response and this to state that they would be happy to see the new service in place in 45 Huxterstone Drive now that further information had been provided.

45 Huxterstone Drive has been owned by Castlehill Housing Trust (CHT) since 1997. Until the spring of this year CHT leased the property to Cornerstone. For 25 years it was used as a registered care home to provide accommodation and support for adults with learning disabilities. When Cornerstone chose to withdraw from providing the service and end the lease in May of this year, Aberdeen City Council commissioned Archway to provide a very similar service for adults with learning disabilities. Accordingly, Castlehill Housing Trust has been working with Archway to lease the building to them to provide a home for these individuals.

Archway is an independent Aberdeen based parent led charity offering a range of innovative community-based services to improve the opportunities available and quality of life for people with learning disabilities in Aberdeen and throughout the Northeast area – it has been operating for over 30 years. The service being planned by Archway will provide a permanent home for four people with learning disabilities. They will be supported by staff 24 hours a day 7 days a week.

Cornerstone's project involved a level of personal care which required their service to be registered as a care home, but Archway's service does not involve that level of care and as a result does not need to be registered as a care home. As you are aware, a registered care home does not require an HMO licence, even though it provides homes for three or more unrelated people. Since the Archway project is not a registered care home, CHT, as owner, must register the property as an HMO. We are aware that some people may have preconceptions about HMOs and hold the view that they can have a negative effect on a neighbourhood and this may impact on their views on any proposal for an HMO in their own area. I sought to reassure the residents of Huxterstone Drive that Castlehill Housing Trust already holds a number of HMO licences for a number of properties where similar services are provided not just in Aberdeen City but also in Aberdeenshire and Moray, and that these work well. Similarly, I told them that Archway runs other services, for other housing providers, in other properties with HMO licence. As a final reassurance I pointed out that the lease has been signed for an initial 5 years. Although we do not anticipate any problems at all, it can be ended with 3 months' notice if Archway does not keep to the terms of the lease.

It is our view that the nature of the service to be provided by Archway would result in no material change for the residents on Huxterstone Drive. Previously the property was leased to Cornerstone as a care home, it will now be leased to Archway, and the change from care home to HMO is a designation only, as the care home registration is not required, which will provide a more domestic setting for the residents.

We understand fully that residents in Huxterstone Drive will be apprehensive about a new service being introduced within their neighbourhood, having been used to having Cornerstone for 25 years and I detailed our response to their stated concerns below

#### **Parking**

Concerns have been raised on whether there is adequate parking within the curtilage of the property. There is hard standing to the front and side of the building and Archway deems that there is more than ample for the number of staff who will be in the property at any time. As result there will be no need to park out with the immediate curtilage of the property. Archway also points out that most of its care staff are not car owners and use public transport to get to work.

#### **Traffic and noise levels**

There is some concern about a potential increase in traffic and noise levels. However, as previously explained the service will run on the same lines as the Cornerstone service so no change is likely

#### **Refuse collection**

In relation to the worry that the service would have to use industrial sized refuse bins which would require separate collection by large vehicles. However, the house will maintain the existing domestic wheelie bins, it is not an institutional setting and will not use commercial bins.

#### **Condition of garden**

There has been a concern that any new provider would not look after the garden. It is one of the conditions of the lease that Archway take responsibility for garden maintenance. This may have not started yet given the delay in getting the HMO licence and commencing the service, but we will ensure that the garden is tidied meantime.

**Access to facilities**

A concern has been raised that 45 Huxterstone Drive might not be a suitable environment for the proposed residents of this service, given that there are no pavements, local facilities and limited, and that other residents in the area are elderly and could not provide assistance to the residents at no.45 if required. However, the individuals that will live there will be supported by staff and whilst they may have some physical disabilities all are mobile and will be able to safely access the local facilities, as did the previous occupants. In addition, no support from any existing residents will be required for the individuals since they will have staff 24/7 and, given the previous occupants at the house lived there happily for many years it is anticipated that the street will be a welcoming place for the new individuals moving in.

**Planning permission**

One resident raised a query about whether this proposed HMO is compliant with the restrictions imposed when planning permission was granted for the properties on Huxterstone Drive. It is our view that, given 45 Huxterstone Drive operated as a registered care home for 25 years, that this has been laid aside. We have sought advice from our solicitors who has conducted appropriate searches and cannot see that this is a valid objection to the granting of an HMO.

I hope that this provides you with sufficient information but if you require anything further, please contact me by email or phone. My email is [REDACTED] or you contact me by phone: [REDACTED]

Yours sincerely

[REDACTED]

Director of Housing and Property Services