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| | Agenda item | 6.1 |
| | Report no | HLC/088/23 |

THE HIGHLAND COUNCIL

Committee: THE HIGHLAND LICENSING COMMITTEE

Date: 28 November 2023

Report title: Application for the grant of a short term let licence - Wee Corsee, Corsee House, Victoria Street, Nairn, IV12 4HH (Ward 18 Nairn and Cawdor)

Report by: The Principal Solicitor – Regulatory Services

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| 1. | Purpose/Executive Summary |
| 1.1 | This report relates to an application for the grant of a short term let licence. |
| 2. | Recommendation |
| 2.1 | Members are asked to determine the application in accordance with the Council's hearings procedure. |

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| 3. | Background |
| 3.1 | In terms of The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022, a licence is required for residential accommodation for use as a short term let. |
| 3.2 | In terms of the abovementioned Act, the Licensing Authority have twelve months from receipt of the application to determine applications received from 'existing hosts' (those who were operating their property as a short-term let property prior to 1 October 2022), therefore this application must be determined by 6 December 2023. Failure to determine the application by this time would result in the application being subject of a 'deemed grant' which means that a licence would require to be issued on 6 December 2023 for a period of 12 months. The application is before this Committee as this is the last meeting before the determination date expires. |
| 3.3 | <p>Short term let means the use of residential accommodation provided by a host in the course of business to a guest, where all of the following criteria are met:</p> <ul style="list-style-type: none"> • The guest does not use the accommodation as their only or principal home • The short term let is entered into for commercial consideration • The guest is not: <ol style="list-style-type: none"> 1. An immediate family member of the host 2. Sharing the accommodation with the host for the principal purpose of advancing the guest's education as part of an arrangement made or approved by a school, college, or further or higher educational institution, or 3. an owner or part-owner of the accommodation • the accommodation is not provided for the principal purpose of facilitating the provision of work or services by the guest to the host or to another member of the host's household • the accommodation is not excluded accommodation, and • the short-term let does not constitute an excluded tenancy |
| 4. | Application |
| 4.1 | On 7 December 2022 (date application was deemed valid) an application for the grant of a short term let licence was received from Anne Marie MacKenzie. |
| 4.2 | The Premises to which the application relates is Wee Corsee, Corsee House, Victoria Street, Nairn, IV12 4HH (the Premises"). A site plan and floor plan were provided by the applicant as part of the application process which are attached as an appendix to this report (Appendix 1). The Premises are those edged red on the plan marked as "site plan" found on page 1 of Appendix 1. |
| 4.3 | The application has been made on the basis that Anne Marie MacKenzie and a Darren MacKenzie will be the host/operator of the Premises. Mr and Mrs MacKenize have applied for the short term let licence as 'existing hosts' on the basis that they operated the Premises as a short term let property prior to 1 October 2022. |
| 4.4 | The type of short term let which has been applied for is a 'secondary let'. A 'secondary let' involves the letting of a property where the applicant does not normally live. |

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| 4.5 | The Premises is described as a garage conversion dwellinghouse which can accommodate a maximum of six guests. The Premises comprises of an open-plan kitchen/living area (including a sofa bed), a bedroom and bathroom on the ground floor with steps leading to the upper floor which comprises of a bedroom and shower-room. |
| 5. | Process |
| 5.1 | The application was circulated to the following Agencies/Services for consultation: <ul style="list-style-type: none"> • Police Scotland; • Highland Council Environmental Health Service; • Highland Council Building Standards. |
| 5.2 | Police Scotland and the Highland Council Environmental Health Service have confirmed that they have no objections to the application. |
| 5.3 | The Scottish Fire & Rescue Service was not further consulted on the application as the fire safety checklist, which was completed by the applicant, pertaining to the application was deemed satisfactory. |
| 5.4 | Highland Council Building Standards have objected to the application and a copy of their objection is attached as an Appendix to this report: <ul style="list-style-type: none"> • Objection from Highland Council Building Standards dated 13 December 2022 (Appendix 2) <p>By way of an update on such objection, Building Standards confirmed on 12 October 2023 that the applicants had applied for a completion certificate on 30 August 2023 and the case officer subsequently inspected the property on 13 September 2023. A number of minor issues were identified and a verbal update on the position will be provided at the Hearing.</p> |

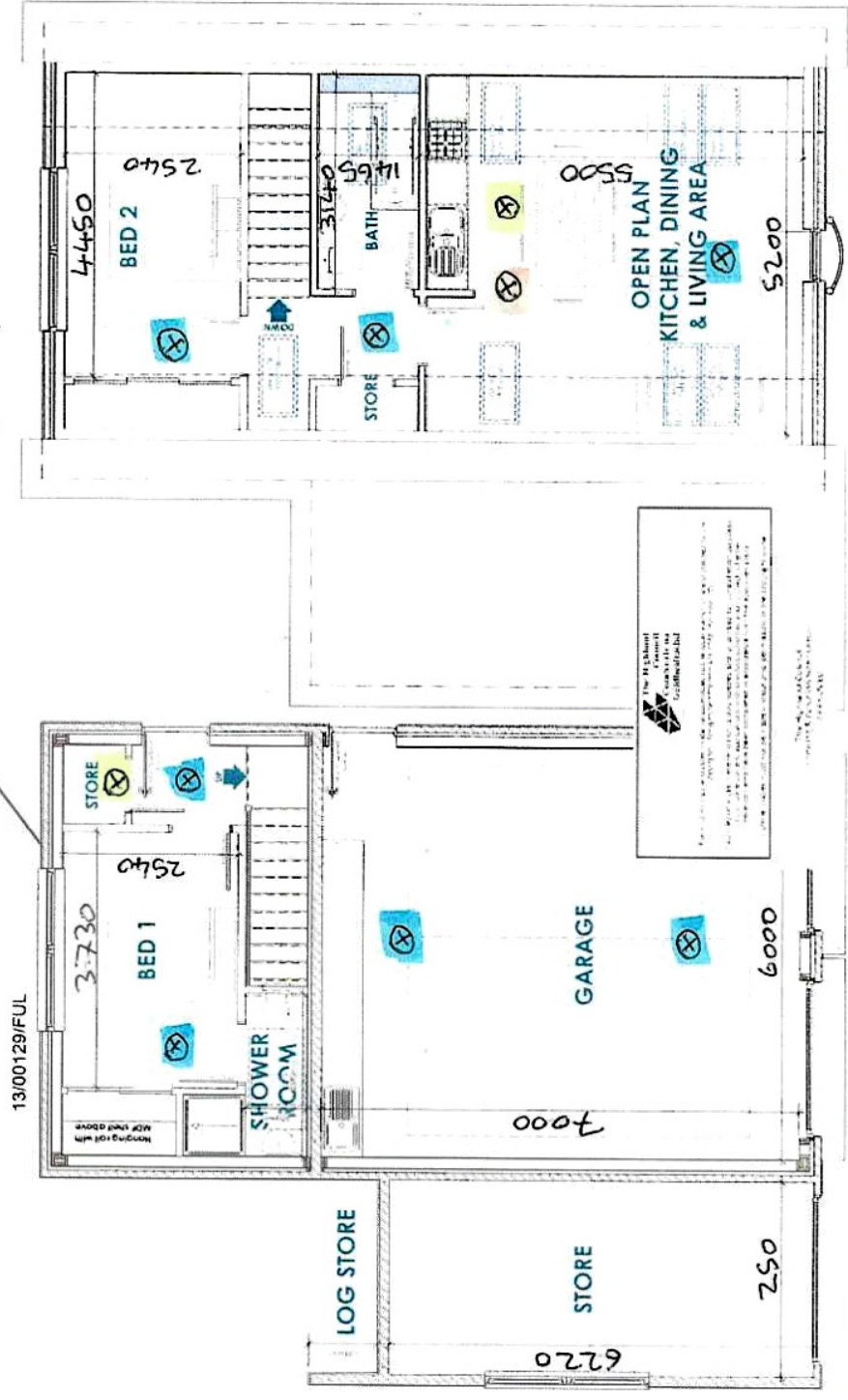
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| 6. | Determining issues |
| 6.1 | Paragraph 5(3) of Schedule 1 of the Civic Government (Scotland) Act 1982 states that a licensing authority may refuse an application to grant or renew a licence where: <ol style="list-style-type: none"> the applicant or anyone else detailed on the application is not a fit and proper person; the activity would be carried out by a person other than the applicant who, if he had made the application himself, would have been refused; where the licence applied for relates to an activity consisting of or including the use of premises or a vehicle or vessel, those premises are not or, as the case may be, that vehicle or vessel is not suitable or convenient for the conduct of the activity having regard to <ol style="list-style-type: none"> the location, character or condition of premises or the character or condition of the vehicle or vessel, the nature and extent of the proposed activity, the kind of persons likely to be in the premises, vehicle or vessel, the possibility of undue public nuisance, or public order or public safety; or |

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| | <p>(d) there is other good reason for refusing the application.</p> <p>If required, the Principal Solicitor – Regulatory Services will offer particular advice on the criteria relating to this particular application.</p> |
| 6.2 | <p>A copy of this report has been sent to the applicant and the objector who, in the terms of paragraph 4(2) of the Civic Government (Scotland) Act 1982, have been invited to attend and will be provided with an opportunity to be heard by the Committee.</p> <p>Both parties have also been advised of the procedure which will be followed at the meeting which may also be viewed via the following link:</p> <p>Licensing hearings procedures Licensing hearings procedure (Licensing Committee) (highland.gov.uk)</p> |
| 7. | <p>Policies</p> <p>The following policy is relevant to this application:</p> <ul style="list-style-type: none"> • Short-term let licensing policy statement (which includes the mandatory and additional licence conditions attached to all Short Term Let Licences):- <p>A copy of this policy can accessed here or a hard copy can be supplied where requested.</p> |
| 8. | <p>Implications</p> |
| 8.1 | Not applicable. |
| <p>Date: 6 November 2023</p> <p>Author: Julie Traynor</p> <p>Reference: FS469289285</p> <p>Background Papers:</p> <ul style="list-style-type: none"> • Civic Government (Scotland) Act 1982 • The Civic Government (Scotland) Act 1982 (Licensing of Short-term Lets) Order 2022 <p>APPENDICES:</p> <p>Appendix 1: Site plan detailing extent of premises, together with floor plan</p> <p>Appendix 2: Objection received on 13 December 2022 from Highland Council Building Standards</p> | |

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Maximum Capacity is 6 people

Accommodation for guests with mobility impairments



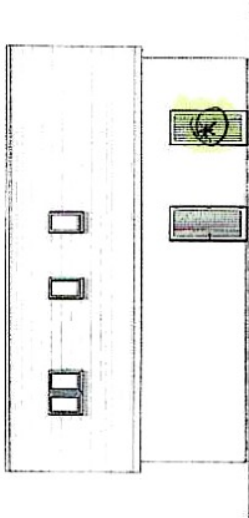
SMOKE ALARM
 HEAT ALARM
 CO2 ALARM

HHL Scotland
 Chartered Town Planning & Building Consultants

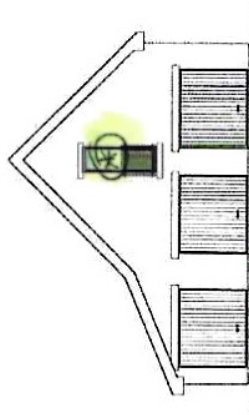
MR DARREN MACKENZIE
 REDEVELOPMENT OF CORSEE HOUSE VICTORIA STREET NAIRN
 HHL 12026-SK09B (GARAGE FLOOR PLANS)

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SIDE ELEVATION
SCALE 1:100@A3

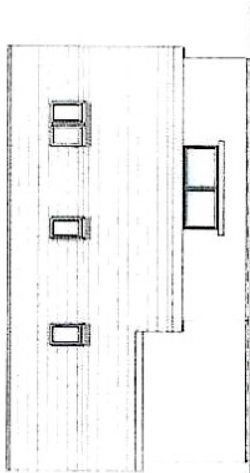


APPROACH ELEVATION
SCALE 1:100@A3

These are the fire-escapes with tilt and turn windows.

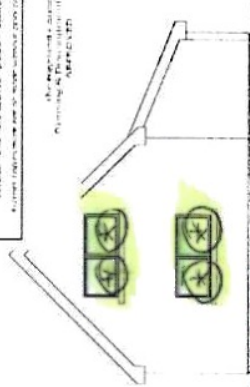


These windows are fire-escapes with tilt and turn windows. They are not to be used for normal ventilation. They are to be used for escape only. They are to be used for escape only. They are to be used for escape only.



SIDE ELEVATION
SCALE 1:100@A3

11400



REAR ELEVATION
SCALE 1:100@A3

9500



HHL Scotland
Chartered Town Planning &
Building Consultants

Client: **MR DARREN MACKENZIE**
Project: **REDEVELOPMENT OF CORSEE HOUSE, VICTORIA STREET NAIRN**
Ref: **HHL 12026.SK11 (GARAGE ELEVATIONS)**

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RTPI

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From: [Alasdair Murray \(Building Standards\)](#) on behalf of [STL_buildingstandards](#)
To: [STL Licensing](#)
Subject: RE: Short term let licence application FS-Case-469289285 - Response required
Date: 13 December 2022 14:44:54
Attachments: [image001.png](#)

Hi,

According to our records there is an outstanding building warrant, Ref number 13/00167/ALX , in respect of the ancillary accommodation that is being let out.

Therefore Building Standards would object to the granting of the licence until such time as this issue has been resolved.

Regards,

Alasdair

*Alasdair Murray
(Acting) Building Standards Team Leader
(verification – Reasonable Inquiry)
Highland Council
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IV1 1JJ*

[Redacted]

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