

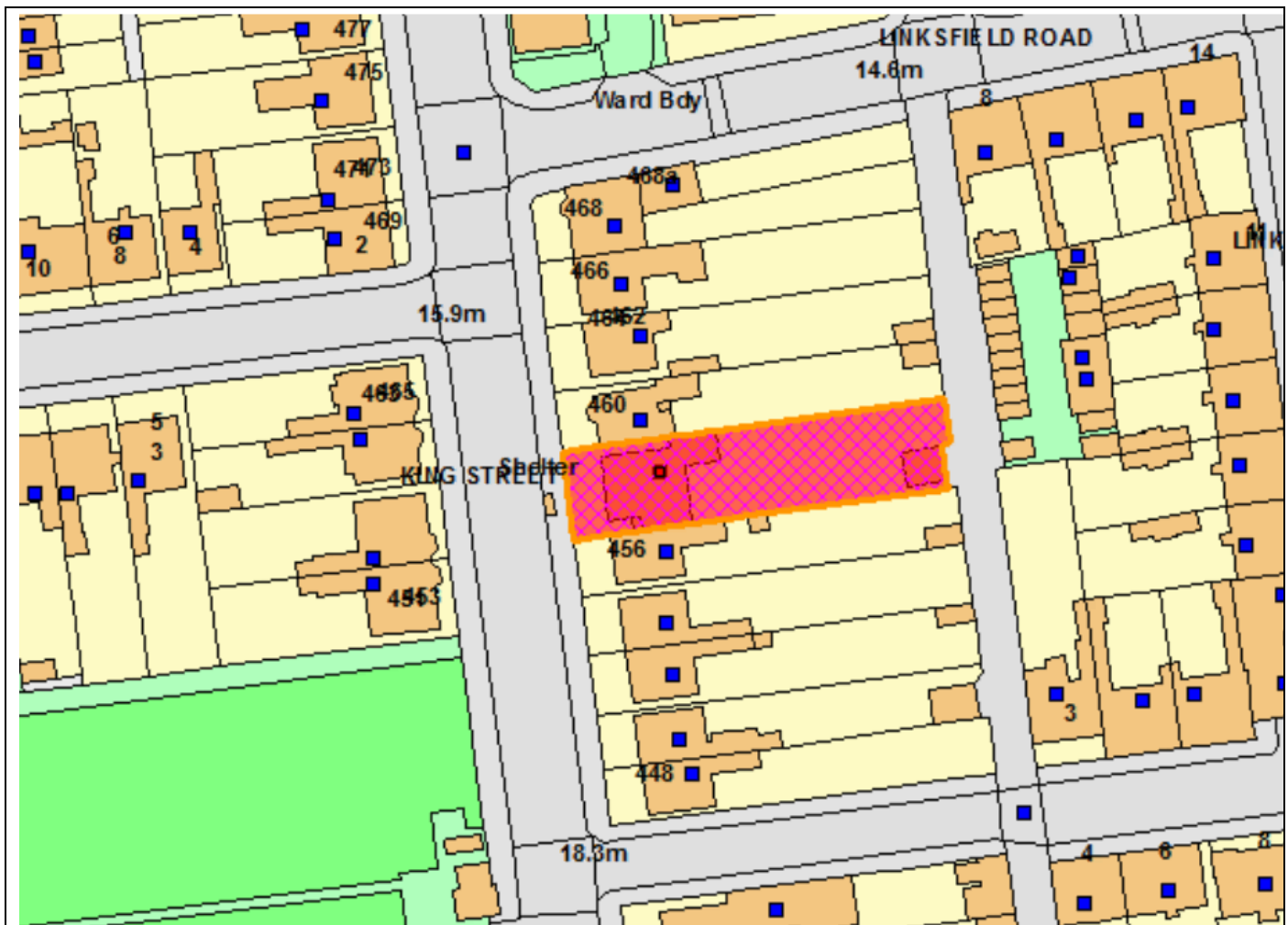


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 15 May 2024

<b>Site Address:</b>	458 King Street, Aberdeen, AB24 3DE
<b>Application Description:</b>	Change of use from house (use class 9 ) to House in Multiple Occupation (HMO)
<b>Application Ref:</b>	240314/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	13 March 2024
<b>Applicant:</b>	Taylor JACS Limited
<b>Ward:</b>	Tillydrone/Seaton/Old Aberdeen
<b>Community Council:</b>	Castlehill And Pittodrie



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The site comprises a traditional granite building of 19th century origin and associated garden ground / garage. The detached 2 storey building fronts onto and is accessed from King Street. Its frontage is set back from the pavement by around 6m. The premises comprises a 5 bedroom house and has a large private rear garden area. Access to the front door is via a path from King Street. Access to the rear lane is available via the ancillary detached garage and a pedestrian gate. There are neighbouring residential premises to the north, west and south and lock-up garage to the east, across Pittodrie Lane. Notwithstanding that the site currently operates with an HMO license, its authorised planning use is as a house.

### **Relevant Planning History**

A pre-application enquiry was submitted for the proposal in January 2024 (ref. 240060/PREAPP) and response provided in March 2024.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Change of use to enable the premises to operate as a house in multiple occupation with 6 occupants. The proposed ground floor layout would comprise 2 bedrooms, a shared lounge, dining kitchen and ancillary rooms. The proposed upper floor layout would comprise 4 bedrooms, a bathroom and store. No physical development, external alterations or extension are proposed. Existing access arrangements would be maintained. Secure cycle storage would be available on site within a lockable store / outbuilding and the garage.

### **Amendments**

None.

### **Supporting Documents**

All drawings and supporting documents listed below can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=SAA0Y9BZL5E00>

- Planning Statement
- Waste Storage Statement
- Amenity Statement
- Cycle Storage Statement
- Site Photos

### **Reason for Referral to Committee**

The application has been referred to the Planning Development Management Committee because the local Community Council object to the proposal and the recommendation is approval.

## **CONSULTATIONS**

**ACC - Waste And Recycling** – No objection. Advise that bin collection is undertaken from King Street using wheelie bins.

**ACC - Roads Development Management Team** – No objection. Note that in terms of ACC parking guidelines, the proposal does not result in an increased car parking requirement. Note that on-site

cycle parking is proposed. Consider that the site is very accessible by public transport, walking and cycling.

**Castlehill And Pittodrie Community Council** – Object on the basis of potential increased car parking pressure and potential obstruction of access for emergency vehicles and bin collection vehicles. Request clarification regarding existing on-street parking restrictions / enforcement of parking controls.

## **REPRESENTATIONS**

One objection has been received from a resident which raises the following concerns:

- Lack of car parking provision / obstruction of adjacent driveway
- Obstruction of access to adjacent premises for emergency vehicles
- There should not be multiple people living in a family house.

## **MATERIAL CONSIDERATIONS**

### **Legislative Requirements**

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that where making any determination under the planning acts, regard is to be had to the provisions of the Development Plan; and, that any determination shall be made in accordance with the plan, so far as material to the application, unless material considerations indicate otherwise.

### **Development Plan**

#### **National Planning Framework 4**

National Planning Framework 4 (NPF4) is the long-term spatial strategy for Scotland and contains a comprehensive set of national planning policies that form part of the statutory development plan.

- Policy 1 (Tackling the Climate and Nature Crises)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)
- Policy 15 (Local Living and 20 Minute Neighbourhoods)
- Policy 16 (Quality Homes)

#### **Aberdeen Local Development Plan 2023 (ALDP)**

- Policy H1 (Residential Areas)
- Policy H8 (Houses in Multiple Occupation)
- Policy D2 (Amenity)
- Policy D7 (Our Granite Heritage)
- Policy NE3 (Our Natural Heritage)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

### **Aberdeen Planning Guidance (APG)**

- Houses in Multiple Occupation and Overprovision

- Transport and Accessibility

### **Other National Policy and Guidance**

- Planning Circular 2/2012 - Houses in Multiple Occupation: Guidance on Planning Control and Licensing

<https://www.gov.scot/publications/houses-multiple-occupation-guidance-planning-control-licensing/>

This states that :

*“HMOs provide a vital source of accommodation, and planning authorities should seek to ensure that an adequate supply is available to meet demand.”*

### **Other Material Considerations**

- ACC Local Housing Strategy 2017-2023 (LHS) states that local authorities have the power to refuse to grant a HMO licence where it considers that there is overprovision in an area.

## **EVALUATION**

### **Principle of Development**

The site has good connectivity with supporting / related uses in the wider area, including access to the range of services and amenities available nearby (e.g. Aberdeen Sports Village, at the University of Aberdeen campus, a supermarket, public house) such that there is no conflict with NPF4 policy 15. NPF4 policy 16 contains no specific reference to the appropriateness of the location of HMO premises within residential areas and thus has limited application. However, there is no conflict with its objectives and expectations. The appropriateness of use of the premises as an HMO and compliance with ALDP policies H1 and H8 and Houses in Multiple Occupation and Overprovision APG is dependent on a number of factors which are considered below.

### **Existing Residential Amenity**

Use as an HMO is in principle compatible with residential amenity and complementary to residential use. The proposal would not affect the character of the area as it already includes HMO licensed premises. As no external alterations or additions to the building are proposed, the appearance of the surrounding area would not be affected. Thus, there is no evident conflict with ALDP policy H1.

### **Amenity for Occupants**

ALDP Policy D2 seeks to ensure that all residential developments benefit from a satisfactory quality of amenity, taking into consideration matters such as privacy, internal floor space, external amenity space, outlook and sunlight and daylight receipt. In this instance, no new residential development is proposed, although the proposal would increase the occupancy of the premises and intensify its use. Thus policy D2 is of limited weight. The premises benefits from a large mature rear garden. Photographic evidence has been provided to evidence that the garden is well maintained and provides generous space for food / plant growing, sitting out and drying laundry and that the communal areas within the house are of generous size and provide a high level of amenity. Whilst occupants of the site would be exposed to a degree of traffic noise and associated air pollution from King Street, that is an existing situation. The overall level of amenity provided would be satisfactory.

### **Waste**

Whilst the proposal would generate a need for increased waste / recycling storage, that can be accommodated on site at the frontage, without requirement for a planning condition as waste uplift

would be by wheelie bin and no physical waste storage structures are required. Thus there is no conflict with the objectives of NPF4 policy 12 and ALDP policy R5.

### **HMO Overprovision**

Notwithstanding that, in terms of Planning legislation (i.e. the use classes order), the authorised use of the premises is a house, it currently operates with an HMO license, with up to 5 occupants permitted. Although there are HMO licensed premises within the wider area (e.g. adjacent to the site, at No. 460), records held by the Council demonstrate that the application site does not lie within an area where there is a high level of HMO provision (Froghall, Powis and Sunnybank - 08 - existing 6.3% provision). The proposed use would therefore not result in the overprovision, or exacerbate an existing overprovision, of HMOs in the defined Data Zone Area. Thus there is no conflict with this part of ALDP policy H8 and associated APG. There would be no conflict with the LHS. It is noted that ACC has separate power as a Licensing Authority to refuse to grant a HMO licence where it considers that there is overprovision in an area. Furthermore the guidance within Planning Circular 2/2012 that planning authorities should seek to ensure that an adequate supply of HMOs is available to meet demand weighs in favour of the proposal.

### **Traffic Impact / Parking**

The site is located within walking distance of the University of Aberdeen and related supporting facilities (e.g. Aberdeen Sports Village) and is located close to regular bus services such that there is good accessibility by sustainable transport modes and no conflict with the objectives of NPF3 policy 13 and ALDP policy T2. Secure on-site cycle parking is potentially available on site within an existing outbuilding / shed / garage in accordance with the objectives of ALDP policy T3. Details of this provision can be required by condition.

In terms of Transport and Accessibility APG, the change of use would not result in increased on-street parking pressure as the theoretical car parking generation for both uses would equate to 3 spaces. Whilst there are double yellow lines at the site frontage on King Street, it is unlikely that occupants would choose to park on that street. The site lies outwith Old Aberdeen controlled parking zone (CPZ) or any other such CPZ, although there are parking restrictions on part of King Street close to the site and on the lane at the rear of the site during events at Pittodrie Stadium. ACC Roads DM have no objection to the proposal on road safety grounds or generation of car parking pressure. Thus there is no conflict with that aspect of ALDP policy H8. Given the similarity between the existing and proposed uses in terms of parking generation, the site context and Roads consultee response, any marginal change in car parking pressure does not warrant refusal.

### **Heritage Impact**

Although the site is not located within a conservation area, the house is of historic interest and retains much of its traditional character. As the premises is a granite building, continued active use of it accords with the objectives of NPF4 policy 7 and ALDP policy D7, by helping to ensure that the building is suitably maintained. The proposal does not result in the subdivision of existing rooms or other subdivision of the premises and thus helps to preserve its character, and could readily be converted back to its original use as a large family house.

### **Climate / Nature Crises**

Notwithstanding the expectations of NPF4 policies 1 and 3 and ALDP policy NE3, given that no physical development is proposed, it would be unreasonable to require the development to address biodiversity or climate change matters. Any policy tension therefore does not warrant refusal in this instance. As the proposal is solely for a change of use there is no requirement to address energy / water saving matters, and there is no conflict with ALDP policy R7 and related guidance.

### **Matters raised in objection**

- Matters relating to parking / access are addressed above. The concerns raised regarding the

legibility / enforceability of existing parking restrictions in the rear lane are an existing issue which it is not appropriate to address as separate powers exist to address such concerns. ACC Roads officers have taken the existence of such restrictions into account in their assessment.

- As waste uplift and emergency vehicle access to the site and adjacent houses is available from King St and there are parking restrictions there, there is no risk of vehicles obstructing such access.
- Whilst the proposal results in the conversion of a family house to another use that results in multiple occupation, there is no planning policy which requires retention of family houses. The proposal does not result in the subdivision of existing rooms or other subdivision of the premises and thus helps to preserve its character, and could readily be converted back to its original use as a large family house.

### **RECOMMENDATION**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

There is considered to be no conflict with the objectives of Policy 16 (Quality Homes) within National Planning Framework 4 (NPF4) and Policy H1 (Residential Areas) within the Aberdeen Local Development Plan 2023 (ALDP). Active re-use of the premises accords with the objective of NPF4 Policy 7 (Historic Assets and Places) and ALDP Policy D7 (Our Granite Heritage). There is good accessibility by sustainable transport modes and no conflict with the objectives of NPF4 Policy 13 (Sustainable Transport), Policy 15 (Local Living and 20 Minute Neighbourhoods) and ALDP Policy T2 (Sustainable Transport). A condition can be imposed to ensure provision of secure on-site cycle parking in accordance with the objectives of ALDP Policy T3 (Parking). ACC Roads Development Management Service have no objection to the proposal on road safety grounds / generation of car parking pressure. There is no conflict with the objective of NPF4 Policy 12 (Zero Waste) and ALDP Policy R5 (Waste Management Requirements for New Developments). Adequate amenity would be provided in accordance with the expectations of ALDP Policy D2 (Amenity). There is no conflict with ALDP Policy H8 (Houses in Multiple Occupation) and Aberdeen Planning Guidance regarding Houses in Multiple Occupation and Overprovision.

Any tension with NPF4 Policy 1 (Tackling the Climate and Nature Crises) and Policy 3 (Biodiversity) and ALDP Policy NE3 (Our Natural Heritage) does not warrant refusal in this instance. Planning Circular 2/2012 - Houses in Multiple Occupation: Guidance on Planning Control and Licensing is a material consideration that weighs in favour of approval.

### **CONDITIONS**

#### **(01) DURATION OF PERMISSION**

The development to which this notice relates must be begun not later than the expiration of 3 years beginning with the date of this notice. If development has not begun at the expiration of the 3-year period, the planning permission lapses.

Reason - in accordance with section 58 (duration of planning permission) of the 1997 act.

#### **(02) CYCLE STORAGE**

The house in multiple occupation hereby approval shall not be brought into use unless details of proposed on site secure cycle storage facilities on site have been submitted to and approved in writing by the Planning Authority. The approved use shall not take place unless the required cycle parking facilities have been implemented on site and are subsequently retained.

Reason – In the interest of provision of sustainable transport facilities.