

Planning Development Management Committee

26 SPITAL, OLD ABERDEEN

CHANGE OF USE TO HOUSE IN MULTIPLE OCCUPATION

For: Meadowvale Property, Mrs Wendy Garrett

Application Type : Detailed Planning Permission
Application Ref. : P130849
Application Date: 11/06/2013
Officer: Tommy Hart
Ward : George Street/Harbour (A May/J Morrison/N Morrison)

Advert :
Advertised on:
Committee Date: 26 September 2013
Community Council : Comments



RECOMMENDATION:

Approve Unconditionally

DESCRIPTION

The application property is a 2 ½-storey granite built building with slate roof finish and is located on the eastern side of the Spital, around 25m to the south of the junction with Merkland Road. The property faces gable-on to the Spital and has four timber sash and case windows on the front elevation. The surrounding area has a mixture of uses including mainstream residential, student accommodation and 'sandwich' shop.

The property has been used as a House in Multiple Occupation (HMO) for seven years (since November 2006) but due to a change in HMO legislation, planning permission needs to be in place prior to the HMO licence being granted.

RELEVANT HISTORY

Adjacent property – Glamis Cottage

Planning ref 111313 for change of use from former care home to 5no residential flats was approved conditionally under delegated powers in December 2011.

PROPOSAL

This application seeks formal planning permission for change of use from residential property to house in multiple occupation. There would be six bedrooms as part of the development with a kitchen, lounge, and other storage/wc rooms. No external changes are proposed as part of this application. The main access is taken from the existing access door on the northern side of the building. A fire escape is located on the southern side of the building into the garden off the kitchen.

Supporting Documents

All drawings and the supporting documents listed below relating to this application can be viewed on the Council's website at - <http://planning.aberdeencity.gov.uk/PlanningDetail.asp?130849>

On accepting the disclaimer enter the application reference quoted on the first page of this report.

REASON FOR REFERRAL TO SUB-COMMITTEE

The application has been referred to the Sub-committee because the Old Aberdeen Community Council have objected to the application. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Projects Team – no objections

Environmental Health – no observations

Enterprise, Planning & Infrastructure (Flooding) - no observations

Community Council – Old Aberdeen Community Council object to the application as there are too many HMO's in the area which detract from the existing amenity; and, there are insufficient toilet/shower facilities within the building.

REPRESENTATIONS

Two letters of objection have been received from a neighbouring property and the

Old Aberdeen Heritage Society. The objections raised relate to the following matters –

- Lack of parking provision;
- Lack of facilities for multiple tenants;
- Increase in current parking issues;
- Overprovision of HMO's in the area leads to a change in the character of the area;
- Loss of privacy and increase in noise.

PLANNING POLICY

National Policy

Scottish Planning Series – Planning Circular 2/2012 (Houses in Multiple Occupation: Guidance on Planning Control and Licensing)

Planning authorities should be mindful of the potential impact that concentrations of HMO properties may have on the amenity of an area. Essentially, it encourages policies being put in place in order to ensure there is not an over-concentration of HMO properties in an area.

Aberdeen Local Development Plan

Policy H2 – Mixed Use Areas

Applications for development or change of use within Mixed Use Areas must take into account the existing uses and character of the surrounding area and avoid undue conflict with the adjacent land uses and amenity.

Policy D3 – Sustainable and Active Travel

Developments should help to minimise use of the car, improve access to services and promote a healthy lifestyle by encouraging active travel. Development will maintain and enhance permeability, ensuring that opportunities for sustainable and active travel are proth promoted and protected.

Supplementary Guidance

The Council's supplementary guidance "Householder Development Guide" is a relevant material consideration. Page 24-26 of the Householder Development Guide gives specific guidance on how to assess proposals for HMO.

EVALUATION

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

Principle of Development and impact on character of the area

The proposed use, by nature, remains a residential use and there are no exterior alterations proposed. In that respect there is no conflict with Aberdeen Local Development Plan Policy H2.

Circular 2/2012 states that planning authorities should be mindful of the potential impact that concentrations of HMO properties may have on the amenity of an area. It is not considered that a single HMO property would be considered as a 'concentration' and the Circular does not cover this specific situation.

Proposals involving formation of an HMO as defined in the supplementary guidance will be assessed with regard to matters including, but not limited to, the following;

1. Any adverse impact upon pedestrian or road traffic safety as a result of increased pressure on car parking;
2. Significantly adverse impact upon residential amenity for any reason. This may include, but not be limited to, adequate provision of refuse storage space, appropriate provision of garden ground/amenity space, and an appropriate level of car parking.
3. An excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area. This will be assessed in consultation with the Council's HMO Unit within the Housing & Environment service, who hold relevant information on the location of existing licensed HMO properties.

Where it is not practicable for dedicated car parking to be provided alongside the development, a proposal must not exacerbate existing parking problems in the local area.

A search of the Council's records suggests that planning applications for a change of use are infrequent with no identifiable pattern. It is worth noting that a change of use is required to allow six or more unrelated people to live together although an HMO licence is only required to allow three or more unrelated persons to live together so this may be why there are not many planning applications. In terms of the number of properties benefiting from an HMO licence, there are more than one hundred in the wider area from Bedford Road to King Street and St Machar Drive to Mounthooly. With respect to the Spital and Spital Walk, there are 27 HMO's currently in place, with other concentrations around Bedford Road/Avenue/Place (27), Elmfield Avenue/Terrace (26) and Orchard Place/Street/Road (25). Given the current situation, it is not considered that approval of this application would result in, or contribute to an excessive concentration of HMO premises within the local area. The potential for direct disturbance from six individuals living in the property via noise nuisance is not considered to be significantly different from the five unrelated residents which could be living in the same property without the need for change of use. It is therefore unlikely that there would be any direct adverse impact upon the adjoining property or surrounding area as a result of the proposed change of use. It is worth noting that if this property was mainstream residential, six or more related people could live at the address without the need for planning permission. Therefore the application would not be contrary to ALDP Policy H2 and would not be contrary to the defining principles of the Circular or the Householder Development Guide.

Traffic Impacts, Access Arrangements and Car Parking

The Council's Roads Officer has no objections to the proposal in terms of the lack of car parking. The application property is only around 10-15 minutes walk from the City Centre and the University of Aberdeen respectively and there is a frequent bus route on the Spital and King Street, and in that respect it is considered that the spirit of Aberdeen Local Development Plan policy D3 is being promoted in this proposal.

Relevant planning matters raised by the Community Council

The issue raised relating to the number of 'HMO's' in the area has been dealt with in the principle of development and impact on character of the area section above.

The issue raised about lack of toilet/shower facilities is not a material planning consideration.

Relevant matters raised in written representations

The issues raised relating to lack of parking provision and increase in current parking issues has been addressed in the Traffic Impacts, Access Arrangements and Car Parking section above. Also it is worth noting that there was no objection forthcoming from the Roads Officer.

The issue raised about lack of facilities for multiple tenants is not a material planning consideration.

The issue raised relating to the number of 'HMO's' in the area has been dealt with in the principle of development and impact on character of the area section above.

With respect to loss of privacy and increase in noise, it is considered that granting permission would not have a significant impact on the privacy currently afforded by the adjoining residents. The issue raised about noise has been dealt with in the principle of development and impact on character of the area section above.

RECOMMENDATION

Approve Unconditionally

REASONS FOR RECOMMENDATION

The property has been used as a HMO for seven years without formal planning consent. The continued use as an HMO would not have a negative impact on the character or amenity of the surrounding area which is allocated as Mixed Use (Policy H2) in the Aberdeen Local Development Plan and there is no conflict with the pages 24 – 26 of the Householder Development Guide or Scottish Planning Series – Planning Circular 2/2012 (Houses in Multiple Occupation: Guidance on Planning Control and Licensing). The Council's Roads Projects Team does not object to the proposal in relation to lack of car parking provision or impact on road safety. The close proximity to the University and City Centre, as well as good bus links, helps to promote sustainable travel in line with Aberdeen Local Development Plan Policy D3.

Dr Margaret Bochel

Head of Planning and Sustainable Development.