

Signed (authorised Officer(s)):

243 NORTH DEESIDE ROAD,
PETERCULTER

CHANGE OF USE TO HOUSE OF
MULTIPLE OCCUPATION (HMO)
(RETROSPECTIVE)

For: Rob Roy Bar Ltd, Mr Simon Cruickshank

Application Type : Detailed Planning
Permission

Application Ref. : P150466

Application Date : 27/03/2015

Advert : None

Advertised on : N/A

Officer : Andrew Miller

Creation Date : 29 June 2015

Ward: Lower Deeside (M Boulton/A
Malone/M Malik)

Community Council: No response received

RECOMMENDATION:

Refuse

DESCRIPTION

The site comprises a 7 bedroom first floor flat on the southern side of North Deeside Road, Peterculter. It forms part of a two storey building and is accessed via steps at the rear of the building. The ground floor of the building is occupied by a bank.

RELEVANT HISTORY

None

PROPOSAL

Retrospective Detailed Planning Permission is sought for the change of use of the flat to a House of Multiple Occupation for 9 unrelated persons.

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?ref.=150466>

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

CONSULTATIONS

Roads Development Management – Recommend refusal on the grounds that no parking provision is available within the site and there is insufficient on street parking in vicinity of site.

Environmental Health – Recommend informative notes in relation to construction hours and waste/refuse storage.

Communities, Housing and Infrastructure (Flooding) – No observations.

Community Council – No response received.

REPRESENTATIONS

None

PLANNING POLICY

Aberdeen Local Development Plan

RT3 - Town, District and Neighbourhood Centres

Proposals for changes of use from retail to non-retail use in town, district and neighbourhood centres will only be allowed if:

1. the proposed alternative use makes a positive contribution to the vitality and viability of the shopping centre; and
2. the proposed alternative use will not undermine the principal retail function of the shopping centre or the shopping development in which it is located; and
3. the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use since the property became vacant); and
4. the proposed use caters for a local need; and
5. the proposed use retains or creates a live and attractive shop frontage.

Supplementary Guidance

The Council's Supplementary Guidance – Householder Development Guide (SG) is a material consideration in this instance. It contains three factors to be assessed in any change of use to an HMO:

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.

Proposed Aberdeen Local Development Plan

NC6 – Town, District, Neighbourhood and Commercial Centres

Retail is the preferred use within these designated centres, however a mix of uses is desirable. Proposals for changes of use from retail to non-retail use in town, district, neighbourhood and commercial centres will only be allowed if it meets all of the following criteria:

1. the proposed alternative use makes a positive contribution to the vitality and viability of the centre;
2. the proposed alternative use will not undermine the principal function of the centre in which it is located;
3. the applicants can demonstrate a lack of demand for continued retail use of the premises (applicants may be required to demonstrate what efforts have been made to secure a new retail use);
4. the proposed use caters for a local need;
5. the proposed use retains or creates a live and attractive shop frontage;
6. the new use does not create clustering of a particular use in the immediate vicinity; and
7. the alternative use does not conflict with the amenity of the neighbouring area.

Other Relevant Material Considerations

None

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.

The main consideration in this instance relate to the principle of the change of use and the impact of the use of the flat as a House of Multiple Occupation (HMO).

The premises are located in an area containing a mix of retail and commercial uses and residential. It is zoned as Culter District Centre in the ALDP with associated policy RT3 creating a presumption against the loss of retail in these areas. In this instance as the previous use of the premises as a residential flat and current (unauthorised) use as an HMO are both residential, the proposals are not considered to conflict with the requirements of RT3.

Consideration must therefore be given to the suitability of the change of use of the premises from flat to HMO in terms of its impact on the surrounding area. The Council's Supplementary Guidance – Householder Development Guide (SG) states that all HMOs will be assessed against, but is not limited to, three criteria as detailed above.

No external amenity space is provided as part of this development. The application form states that 9 persons can be accommodated in the 7 bedroom HMO, and given the size of the property it would be expected that some degree of amenity would be provided for residents. A small area is available to residents to the rear at ground level, however given the numbers proposed as part of the HMO, it is considered there is insufficient amenity provided to the residents of the HMO.

Relating to the number of HMO properties in the locality, it is acknowledged there is unlikely to be a particular concentration in Peterculter in comparison to other areas of Aberdeen. Accordingly it is not considered that an addition of an HMO in this location would result in an excessive concentration of HMOs.

The guidance also states that where dedicated parking cannot be provided alongside the development, a proposal must not result in an exacerbation of parking problems in the local area.

The main issue in this case is parking provision. The Council's Roads Development Management team have objected to the application on the basis it fails to provide any parking. Whilst there is no current parking standard for HMOs, forthcoming draft supplementary guidance requires 0.5 spaces per

bedroom, meaning there would be a shortfall in 3 parking spaces. Whilst there is parking on North Deeside Road, there is an existing high demand for spaces and parking is at a premium. North Deeside Road is also the A93, a highly trafficked arterial route for Aberdeen.

This results in two impacts – one being an adverse impact on established residential amenity in the mixed use area, whereby there would be an increase in parking demand in an area where there is high demand for parking. The other is a potential impact on road safety, as an increase in pressure on on-street parking coupled with a highly trafficked arterial route could result in indiscriminate parking to the detriment of road safety.

The shortfall of parking means that the change of use does not comply with the requirements of the SG, by failing to provide sufficient designated parking and as a result would exacerbate existing parking problems.

Cycle parking should also be provided within the curtilage of the property, however it is noted there is a small area to the rear of the flat where cycle parking could be provided.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved at the meeting of the Communities, Housing and Infrastructure Committee of 28 October 2014. It constitutes the Council's settled view as to what should be the content of the final adopted ALDP and is now a material consideration in the determination of planning applications, along with the adopted ALDP. The exact weight to be given to matters contained in the Proposed ALDP (including individual policies) in relation to specific applications will depend on whether:

- these matters have been subject to public consultation through the Main Issues Report; and
- the level of objection raised in relation these matters as part of the Main Issues Report; and
- the relevance of these matters to the application under consideration

The foregoing can only be assessed on a case by case basis. In relation to this particular application, the relevant policies within the proposed plan are similar to those of the adopted plan, therefore no further evaluation is required in respect of the proposed plan.

RECOMMENDATION

Refuse

REASONS FOR RECOMMENDATION

Notwithstanding its retrospective nature, the change of use of the flat to a House of Multiple Occupation fails to provide any parking as part of the development in an area where on street parking is at a premium and would result in an exacerbation of parking problems in the local area and would have an adverse impact on the amenity of established residential uses as well as road safety. In addition the HMO fails to provide sufficient useable amenity space. Accordingly, the change of use to a House of Multiple Occupation would therefore fail to comply with the requirements of the Council's Supplementary Guidance – Householder Development Guide.