

Planning Development Management Committee

635 KING STREET, ABERDEEN

CHANGE OF USE FROM DWELLINGHOUSE
TO 6-BEDROOM HOUSE IN MULTIPLE
OCCUPATION [RETROSPECTIVE].

For: Mr Neil Macdonald

Application Type : Detailed Planning Permission
Application Ref. : P151919
Application Date: 06/01/2016
Officer: Alex Ferguson
Ward : Tillydrone/Seaton/Old Aberdeen (J
Noble/R Milne/R Grant)

Advert :
Advertised on:
Committee Date: 21 April 2016
Community Council : Comments



RECOMMENDATION:

Approve subject to conditions

DESCRIPTION

The application site comprises a 1½ storey semi-detached traditional granite dwelling on the western side of King Street near the junction with Seaton Drive. The property has 6 bedrooms and is currently in unauthorised use as a House in Multiple Occupancy (HMO). The property has a detached single garage situated in its 350sqm rear garden. The garage is accessed via a gated driveway that runs adjacent to the northern gable end of the building.

RELEVANT HISTORY

None.

PROPOSAL

Planning permission is sought retrospectively for the change of use of the property from a dwellinghouse to a House in Multiple Occupancy (HMO). No external alterations are proposed.

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=151919>

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

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Old Aberdeen Community Council have objected to the change of use. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Roads Development Management – The property is situated within a controlled parking zone and the property is eligible to apply for 2 on-street parking permits. In addition to this the property has one off-street parking space and is situated on an arterial road with good access to public transport. The RDM Team therefore have no objection to the proposals.

Environmental Health – No observations

Communities, Housing and Infrastructure (Flooding) - No observations
Community Council – The Old Aberdeen Community Council object to the application as they consider that the surrounding area currently has an overprovision of HMO accommodation, to the detriment of the area, and because the property does not provide adequate services to its occupants in relation to the Scottish Government's guidance on HMO Licencing.

REPRESENTATIONS

None.

PLANNING POLICY

Scottish Government Circular

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

Aberdeen Local Development Plan

- Policy H1 (Residential Areas)
- Policy T2 (Managing the Transport Impact of Development)

Proposed Aberdeen Local Development Plan

- Policy H1 (Residential Areas)
- Policy T2 (Managing the Transport Impact of Development)

Supplementary Guidance

- Householder Development Guide
- Transport and Accessibility

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 the proposed change of use

The application site is situated in a residential area and thus any development is required to comply with Policy H1 (Residential Areas) of the Aberdeen Local Development Plan. Policy H1 states that proposals for residential development in residential areas will be approved in principle if it:

- Does not constitute over development;

- Does not have an unacceptable impact on the character or amenity of the surrounding area; and
- Complies with the supplementary guidance on house extensions (Householder Development Guide).

The Council has supplementary guidance relating to proposals for a change of use of a dwellinghouse to a House in Multiple Occupancy (HMO). This is contained within the Householder Development Guide. The relevant supplementary guidance states that the three main considerations in applications for change of use to an HMO are likely to be:

- Impact on pedestrian or road traffic safety;
- Impact on residential amenity (both for occupants of the property and those living in the surrounding area); and
- Whether or not there is an excessive concentration of HMO's in a given locality, cumulatively resulting in a material change in the character of that area.

Pedestrian and Road Traffic Safety

The property is situated within a controlled parking zone and the property is eligible to apply for 2 on-street parking permits. In addition to this the property has one off-street parking space and is situated on an arterial road with good access to public transport. The RDM Team has no objection to the proposals and in this area it is likely that the demand for HMO accommodation will predominantly be for students of the nearby Aberdeen University and additional car ownership/usage by occupants compared to a residential dwelling is unlikely to be significant. Therefore the proposals are considered to comply with the aims of Policy T2 (Managing the Transport Impact of Development).

Concentration of HMO's in the locality and the impact on the character and amenity of the area

The Householder Development Guide does not quantify a number or ratio of HMO properties that would constitute 'overprovision' in a specific locality. In planning terms, without a quantifiable definition for overprovision, it is difficult to state with any certainty exactly when overprovision of HMO's in a given locality would occur. The objective of the overprovision criterion is to protect the residential character and amenity of a locality. It is therefore necessary to make a judgement on the proposal on the basis of whether or not it would have a detrimental impact on the residential character of the surrounding area.

In this regard, the character of this section of King Street is predominantly residential. A number of HMO's are situated in the immediate vicinity given the proximity of the area to the Aberdeen University campus. Recent data provided by the Council's HMO Licencing Team demonstrates that 6 of the 24 properties within 50m of the application site currently have an HMO licence.

With regard to the perceived overprovision of HMO's in a specified area, The Scottish Government Planning Circular 2/2012 provides some guidance on meeting the demand for such accommodation. The Circular 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. Demand for HMOs should be met where it arises...'

In terms of demand, the property first received an HMO licence in October 2009, over 6 years ago. The property has been in use as an HMO since, which demonstrates the continuing demand for such accommodation, particularly in this area where it is acknowledged that there is a high demand for accommodation of this type, predominantly due to the proximity of Aberdeen University and the necessity for student accommodation.

Although not in the same use class - in planning terms - as a dwellinghouse, the use of a property as an HMO still fundamentally constitutes a residential use, albeit of an increased intensity compared to a standard single-family occupied dwelling. As a result of the intensified residential use of a property created by its conversion to an HMO, it is appreciated that there is likely to be some level of impact on the amenity of the surrounding area in terms of increased comings and goings to the property, both in terms of occupants and visitors, and an increased potential for the generation of noise.

However, King Street is a main arterial road for the city and this section is heavily trafficked for significant periods of the day by private vehicles, heavy goods vehicles and public transport. As a result the character of the area, although predominantly in residential use, is dominated by the vehicular traffic on King Street and any issues relating to comings and goings are likely to be relatively insignificant compared to the noise emissions from the adjacent road.

It is also worth noting that the property consists of 6 bedrooms and as a result, the additional intensification of the use of the property above and beyond the intensity of residential use to be expected for a single-family occupied dwelling or a 5-person HMO (which does not require planning permission) is likely to be minimal.

As such, given the relatively low proportion of HMO's within the immediate vicinity of the application site, combined with the diminished effect of the potentially detrimental impact of the intensified residential use of the property given the context of the area, it is considered that there would not be any significant impact on the existing character or amenity of the surrounding area that would arise as a result of approving this application, nor would approval of the application result in an overprovision of HMO's in the locality.

Waste storage

A condition has been added with regard to the bin storage requirements and contact details have been provided as an informative, in order that sufficient bin storage facilities can be provided.

Community Council comments

The Old Aberdeen Community Council have objected to the application on the grounds that; the property is situated in an area that already suffers from an overprovision of HMO's in the locality and, that the property does not provide adequate services for its occupants, in accordance with the Scottish Government document 'Licencing of Houses in Multiple Occupation: Statutory Guidance for Scottish Local Authorities'.

The issue of overprovision of HMO's in the locality has been addressed in the foregoing evaluation.

The document referenced by the Community Council in their objection provides guidance specifically aimed for use by local authorities' HMO Licencing teams in determining applications for a licence. The document's specifications for internal facilities within HMOs are relevant in terms of assessing the HMO licence but they do not constitute relevant material planning considerations in the determination of this application. In this regard, national planning guidance contained in Scottish Government Circular 2/2012 is of relevance.

Regarding the quality of living standard provided for occupants of the property, Planning Circular 2/2012 states that:

*'The licensing of HMOs seeks to ensure high standards in terms of; the suitability of a property owner (and their agent) to be a HMO owner (or to act for the owner); **the suitability of the living accommodation itself**; and allows the local authority to consider overprovision. A licensing authority has discretion to set any reasonable conditions it thinks fit. **These issues are matters properly dealt with through the HMO licensing regime and are therefore not matters for planning authorities to take into account in the granting of planning permission.***

In this regard, the property has had an HMO Licence since October 2009 and given the standards required to be met in terms of living conditions are part of the Licencing process, it is considered that an acceptable level of amenity for the occupants has already been established. Therefore it is not considered that the issues relating to living standards raised by the Community Council constitute a material planning consideration.

Proposed Aberdeen Local Development Plan

The Proposed ALDP was approved for submission for Examination by Scottish Ministers at the meeting of the Communities, Housing and Infrastructure Committee of 27 October 2015. 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 representation and are regarded as unresolved issues to be determined at the Examination; and
- the relevance of these matters to the application under consideration.

Policies and proposals which have not been subject to objection will not be considered at Examination. In such instances, they are likely to be carried forward for adoption. Such cases can be regarded as having greater material weight than those issues subject to Examination. The foregoing can only be assessed on a case by case basis.

In relation to this application, the proposed change of use is considered to comply with Policies H1 and T2 of the Adopted Aberdeen Local Development Plan for the reasons given in the foregoing evaluation. The corresponding policies of the Proposed ALDP substantively reiterate those of the Adopted Local Plan and there are no material considerations that would otherwise warrant the refusal of the application.

RECOMMENDATION

Approve subject to conditions

REASONS FOR RECOMMENDATION

The use of the premises as a House of Multiple Occupation (HMO) is consistent with those uses in the surrounding area (which include residential, student accommodation and HMO's) and would not result in any undue impact on the character and amenity of the property, or those in the surrounding area. No physical alterations are proposed to the property. The proposal would have no adverse impact on pedestrian or road safety, and it is considered that the proposed change of use would not result in an overprovision of HMO's, nor a material change in the character of the surrounding area. The proposals are therefore considered to accord with Policy H1 (Residential Development) of the Aberdeen Local Development Plan (ALDP), and the relevant content pertaining to HMOs in the Council's adopted Householder Development Guide. It is considered that the change of use would not result in a significant increase in traffic generated by occupants of the property and the proposals therefore comply with the aims of Policy T2 (Managing the Transport Impact of Development) of the ALDP. The proposed change of use is also considered to comply with the relevant corresponding policies of the Proposed Aberdeen Local Development Plan.

CONDITIONS

It is recommended that the application be approved subject to the following conditions:

- (1) A scheme for the storage of waste generated by the occupants of the HMO shall be submitted to and approved in writing by the planning authority within 2 months of the issue of the decision for the application. Thereafter the development shall be carried out in accordance with the details so agreed and the HMO shall not be occupied unless waste storage provision has been provided and is available for use – In order to preserve the existing amenity of the area.

INFORMATIVES

Waste Services Comments

The 6 residents will require the following facilities:

- An **additional 240l** wheeled general waste bin
- An **additional 240l** wheeled food waste/ food waste bin. In addition another kitchen caddy will be supplied for food waste
- An **additional black box and white bag for recycling** (Paper/Cardboard, Plastic Bottles, Tins, Cans and Glass jars and bottles). Please note that the black box and white bag will be swapped for **1 x 240litre recycling** wheeled bin from 2017.

Please note that levels of provision may alter in line with changing service requirements across the city that corresponds to alterations in legislation. For example, recycling systems may be altered to accommodate co-mingled collections in due course.

It is pertinent to note that these services will be provided taking account of the following:

General points

- All the wheeled bins and black boxes/white bags must be presented at the kerbside of **only** on the collection day and removed from the kerbside as soon as possible. No containers should be permanently stored on the kerbside.
- **No excess** should be stored out with the containment provided. Information for extra waste uplift is available to residents at either www.aberdeencity.gov.uk/wasteaware or by phoning 08456 08 09 19.
- A **path** should be provided to the vehicle collection point which is level with bin stores. Pathways to the collection vehicles should be free of obstacles with provision of a slope should there be any gradient; so that any containment can be easily moved to the kerbside on collection days. Pathways should be suitably paved to allow bins to be moved safely.

In respect of any construction site signage it is important to note that in the interests of public safety, it is illegal to advertise on public highways, street furniture and lampposts. Any signage installed to direct visitors to the development requires to be authorised by the Planning Department. Anything

installed out-with such approval could be classed as fly-posting and will incur action by Environment Officers.

Developers must contact Aberdeen City Council using the above details a minimum of two months before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A purchase order can be raised with Aberdeen City Council using the above details. We will provide guidance in purchasing the bins.

It might be pertinent nearer the final stages of completion for a representative from Aberdeen City Council's waste team to assess the site to ensure that all of our considerations have been implemented. This will be undertaken by the Recycling Officer for that area. I ask that you contact us with a suitable date and time in the future.