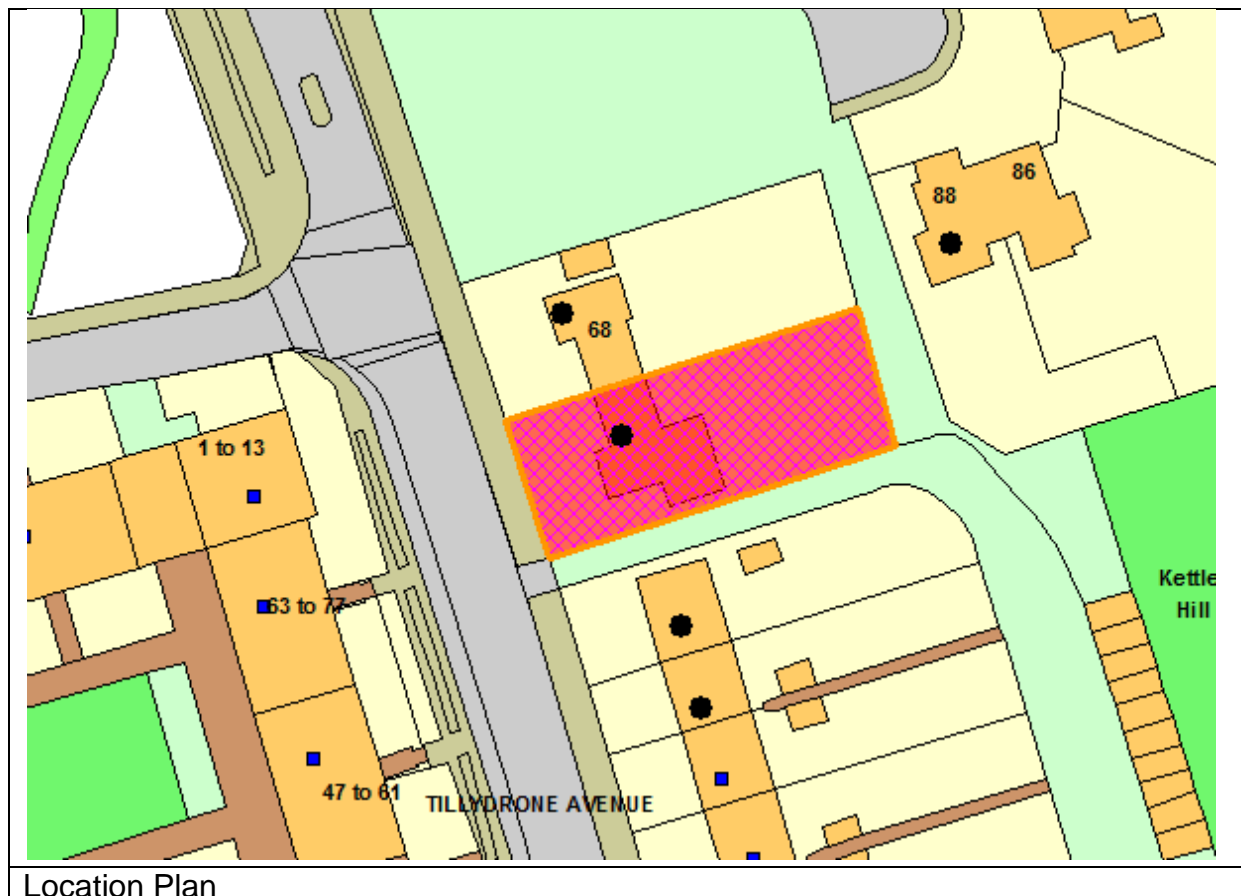


Planning Development Management Committee Detailed Planning Permission

161003/DPP: Change of use from 5 bedroom dwelling (Class 9) to six bedroom HMO (Sui Generis), replacement roof, replacement windows to rear extension, reduction of window and blocking up of door to rear extension at 66 Tillydrone Avenue, Aberdeen, AB24 2TN,

For: LOJJ (Scotland) Ltd

Application Date:	25 July 2016
Officer:	Karla Mann
Ward:	Tillydrone/Seaton/Old Aberdeen
Community Council:	Old Aberdeen
Advertisement:	Development affecting a Listed Building or Conservation Area (S60/S65)
Advertised Date:	17.08.2016 – 07.09.2016



RECOMMENDATION: Approve Conditionally

SITE DESCRIPTION

The site is a semi-detached 2 storey dwelling, dating from the 1920s, with existing single storey rear and side extension. The property has cream coloured harled walls and a slated hipped roof. The front elevation has a hipped gabled projection with ground floor bay window. The existing front garden is informally covered in gravel chips and used as a parking area. An access lane, leading to a garage court runs along the south boundary, and a gate provides pedestrian access from this lane to the rear garden.

The property is located within an identified residential area along Tillydrone Avenue and falls within the Old Aberdeen Conservation Area. Surrounding properties include: a row of terraced granite built two storey dwellings, constructed in the 1950s by the University, immediately to the south; four storey flats opposite; and large two storey detached dwellings to the north and east.

The property is within walking distance to the University of Aberdeen, and Tillydrone Avenue (the route to the Third Don Crossing) sees various bus stops nearby.

It is currently a residential dwelling that was previously used as a House of Multiple Occupation (HMO) with five bedrooms.

RELEVANT HISTORY

Application Number	Proposal	Decision Date
150402	Removal of single storey extension and chimney stack, erection of 2 storey side and rear extension and change of use from dwelling (class 9) to HMO (Sui Generis)	25.06.2016 Status: Refused
950767	House extension and alterations (including replacement windows)	12.06.1995 Status: Approved

DESCRIPTION OF PROPOSAL

Detailed Planning Permission is sought to change the use of the current 5 bedroom residential dwelling to a 6 Bedroom HMO and to replace the roof of the rear extension.

The internal layout of the property would be restructured to allow for an additional bedroom (totalling 6) and would include blocking a door on the north elevation of the extension and reducing the size of a window on the east elevation of the extension. These windows would be replaced with white PVCu, tilt and turn windows which will match in design to current PVCu windows to the rear.

Originally the rear extension roof was to be replaced with a lead look single ply membrane finish; however this has been amended to be replaced with blue/grey natural slate to match existing.

SUPPORTING DOCUMENTS

All drawings and supporting documents listed below can be viewed on the Council's website at www.publicaccess.aberdeencity.gov.uk.

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to the Planning Development Management Committee because the Old Aberdeen Community Council has objected to the proposals for change of use and replacement roof. The application also received 7 additional objections. Accordingly, the application falls outwith the scope of the Council's Scheme of Delegation.

CONSULTATIONS

Consultee	Date of Comments	Comments Made
ACC - Roads Development Management Team	8 August 2016	<p>No Objection – Comments:</p> <p>ACC's supplementary guidance on the parking requirement for a 5 bedroom HMO in this area of the city is 0.5 spaces per bedroom i.e. 2.5 parking spaces would be required by ACC. One extra bedroom (6 bedrooms) would require 3 parking spaces by this calculation. Given the existing use and proposed use is a change which does not alter the parking requirement Roads officers do not foresee issues caused by an additional bedroom at the property.</p> <p>The HMO is located within a short walking distance of Aberdeen University and it is likely the HMO would be available to students attending the university. Public transport is also available on Tillydrone Avenue to a number of locations in Aberdeen. This high level of public transport accessibility (within a 400m walk) is acceptable to ACC. There are options available not to wholly rely upon private car use.</p>
Community Council	07 September 2016	<p>Objection</p> <p>The Old Aberdeen Community Council object to the application on the following grounds:</p>

1. Inadequate Parking:

The previous application 150402 to increase property to 9 no. bedrooms was refused due to insufficient parking and the need to enable a car to turn around on site. The proposal for 6 bedrooms would require 3 parking spaces and thus the existing parking provision is not enough to enable 3 spaces plus a turnaround area.

It was noted that there is no provision for covered parking bicycle parking, also an issue raised within previous application.

2. Inappropriate roofing material:

The proposed roofing material of 'lead look single ply roof membrane finish' would be unsympathetic to the property and the conservation area, especially as these are publically visible.

3. Excessive density of accommodation:

The creation of 6 bedrooms allows the possibility of considerably more than 6 tenants to be residing within the property. This could have an adverse impact on the residential amenity of the area, mainly due to increase level of noise and movement. Previous application 150402 was rejected on this basis.

4. Fire Safety

The back door of this property has been closed off, thus there is only one egress for all 6 bedrooms at the front door. This configuration could cause potential fire safety concerns.

REPRESENTATIONS

8 letters of objection have been received. The matters raised can be summarised as follows:-

- Increase in noise disturbance due to the increase in the number of bedrooms impacting on the character of surrounding area and wildlife

APPLICATION REF: 161003/DPP

- Insufficient car parking to serve the residents and visitors to the property, resulting in displacement of existing car spaces for local residents;
- Detrimental to public safety by not allowing access and egress in forward gear onto busy main road;
- Increase of traffic which poses risk to children playing in the 'green' and area of garages behind numbers 54-64;
- Road safety issues from pedestrian use of the side road access lane;
- Intensive occupancy by virtue of HMO would be detrimental to the surrounding residential amenity;
- Balance might change from a community characterised by families to an area dominated by students;
- The removal of rear door would cause safety issues for occupiers and increase movement along the side lane for access to rear garage;
- The removal of rear door would fail to provide residential amenity for occupants;
- The proposal would set a precedent for similar applications, resulting in altering the composition of the community, with a significant increase in the number of students;

One objection was received which related to an extension and the introduction of 7 bedrooms, however this does not relate to this application and these issues are therefore not considered within the evaluation.

PLANNING POLICY

National Planning Policy and Guidance

Scottish Planning Policy

Historic Environment Scotland Policy Statement (HESPS)

Adopted Aberdeen Local Development Plan

Policy T2 – Managing the Transport Impacts of Development

Policy D1 – Architecture and Placemaking

Policy D5 – Built Heritage

Policy H1 – Residential Area

Proposed Aberdeen Local Development Plan

Policy T2 – Managing the Transport Impacts of Development

Policy D1 – Quality Placemaking by Design

Policy D4 – Historic Environment

Policy H1 – Residential Area

OTHER MATERIAL CONSIDERATIONS

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

Supplementary Guidance

Householder Development Guide

Transport and Accessibility

Conservation Area Appraisal

Old Aberdeen Conservation Area Appraisal

EVALUATION

Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 places a duty on planning authorities to preserve and enhance the character or appearance of conservation areas

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. The relevant sections of Policy H1 states that proposals for residential development in residential areas will be approved in principle if it:

- Does not constitute over development; and
- Does not have an unacceptable impact on the character or amenity of the surrounding area;

The Council also 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.

In this case, the existing residential dwelling, which has previously been in use as a 5 bedroom HMO, would have its internal layout changed to accommodate one additional bedroom. It is considered that the addition of one extra room to a property would not constitute as overdevelopment or a material intensification of the use. However, issues of amenity, both for occupants of the HMO and neighbouring properties, need careful assessment. Additionally, the impact of the proposal on the character and appearance of the Old Aberdeen Conservation Area are considered in detail below.

Impact on the character and appearance of the surrounding area, including the Old Aberdeen Conservation Area:

The material originally proposed for the replacement roof to the extension has been changed during the application process at the request of officers. The originally proposed ply membrane material has been changed to a blue/grey natural slate to match the existing roof. To accommodate the slate the pitch of the roof has been

increased. This increases the proposed height of the extension from the existing height of 1.8m to a new height of c. 2.2m. The new design of the roof also changes the roof from a relatively flat roof to a single pitch, which is similar to the pitch of the roof of the original property. These proposed changes are felt to be in keeping and sensitive to the conservation area.

The proposed rainwater goods would be black UPVC with lead flashings; these are similar to what are on the current extension. The positioning of the rainwater pipe on the public west elevation has been considerate and placed in the corner of the extension and original building. These rainwater goods are common on relatively new extensions and it is not felt that it would be out of character within the conservation area.

It is therefore considered that, due to the agreed amendments, the proposal's design complies with Policy D1 and B4 of the Local Development Plan, and is unlikely to have an adverse effect on the character of the surrounding area or the Old Aberdeen Conservation Area.

Impact on the residential amenities of occupants and neighbouring properties

A significant issue in relation to this application is its impact on the residential amenities of neighbouring properties. The building has previously been in use as an HMO with five bedrooms, which does not require planning permission. However, under the current proposal, the number of bedrooms would be increased to 6, thus triggering the requirement for planning permission.

Issues were raised in relation to the number of bedrooms proposed in this change of use. As there are 6 double bedrooms proposed, it was highlighted that there is the potential to accommodate up to 12 people. Although this may be the case, this would be controlled at the HMO licensing stage and at planning stage we can only consider the number of bedrooms and not number of potential occupants.

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, the property in question is located adjacent to a busy main road. As such it is likely that any noise generated by comings and goings is likely to be relatively insignificant compared to the noise generated from traffic using the road.

Due to its proximity to the University of Aberdeen, concerns were raised about student tenants and problems which they can often bring with regards to noise and disturbances. Although it is plausible that the student rental market may be targeted, this may not be the case and therefore should not be presumed. Even so, a number of issues were raised regarding the issues associated with student rentals.

Concerns were raised regarding possible noise generation from outdoor garden parties, again often associated with student accommodation. As with any property,

residential or HMO, there would always be the potential to experience outside parties, potentially to the nuisance of neighbours. However, it is felt that it is unlikely that noise of this nature would be generated on a regular basis and is just as likely to be created from a residential property with 6 bedrooms as with HMO's. In addition to this, one objection mentioned that there was the potential to use the roof as an outdoor seating area; however with the redesign of the roof, changing it from somewhat flat to a fully pitched roof, it is unlikely this would be possible.

It was also noted in the objections that if this application was to be approved this had the potential to set a precedent for approving similar applications within the area and thus altering the balance of residents towards students and changing the character of the area. It should be noted that each planning application is decided on its own merits and is considered against the Local Development Plan and Supplementary Guidance (Householder Development Guide), within which it requires consideration of "excessive concentration of HMOs in a given locality, cumulatively resulting in a material change in the character of that area." However, through planning research and consultation with the HMO Licencing department it has been identified that there is one HMO Licence in vicinity of the site, at 70 Tillydrone Avenue, however as this will be 5 bedrooms or less it did not require planning permission and is considered to be a residential dwellinghouse in planning terms. It is therefore not considered that approval of this application would result in a change of character to the area as it would still be dominated by family housing/dwellinghouses.

With regards to the removal, and blocking up, of the rear door to accommodate the 6th bedroom, concerns were raised over the potential of increased external movement to access the back garden, rear lane and garages, thus causing nuisance to other residential properties and possible pedestrian safety. It is likely that tenants would be able to access the rear garden by means of a side access within their own property located between the south of the side extension and boundary fence. During a site visit, the planning case officer was able to walk along this side access. It is therefore felt that this is unlikely to cause any significant impact on neighbouring properties.

The blocking of the rear door also raised health and safety concerns in terms of fire access, however it has been confirmed that the windows on the east elevation will be designed, to incorporate a tilt and turn design to allow fire escape in line with building standards. It should also be noted that fire access and safety lies with Building Standards Officers and not with the planning authority.

It is therefore considered that the creation of a 6 bedroom HMO would be unlikely to conflict with the enjoyment of the existing residential amenity of neighbouring properties, nor change the character of the property and would not be contrary to policy H1 of the Aberdeen Local Development Plan and the Householder Development Guide.

Impact on public highways, especially in relation to parking and access, and pedestrian safety:

With regards to parking on the property, Aberdeen City Council's Roads Management Team was consulted on the proposed use and was found to have no objections. It was clarified that following Supplementary Guidance on Transport and

Accessibility the creation of a 6 bedroom HMO would require 3 parking space, which is an increase of 0.5 spaces from the existing 5 bedroom HMO. Due to only the slight increase in parking need, according to the parking standards, it is considered that no additional on-site parking is required in this instance. It is also noted that public transport is highly accessible within the area (within 400m walk) and, where students to reside in the property, it is only a short distance walk from the University of Aberdeen. Again due to this, it is felt that the pressures of relying upon private car usage would be relieved and would support the acceptability of the proposal.

With regards to the need for a turnaround area within the front parking area of the property, as there would be no additional on-site parking required, as mentioned above and thus no additional traffic entering or leaving the site, the current parking arrangements would remain. Whilst acknowledging that the road is now busier as a result of the opening of the Third Don Crossing, roads officers have not raised an objection to the parking arrangements. The proposal is unlikely to cause any significant detrimental impact on public safety.

In light of consultations with the Roads Management Team it is considered that there is unlikely to be any significant impact on public highways, parking or pedestrian safety and thus the proposal is considered to comply with Policy T2 of the Aberdeen Local Development Plan and Supplementary Guidance within Transport and Accessibility.

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.

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 and the Reporter has now reported back. The proposed plan 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 comment by the Reporter; and
- the relevance of these matters to the application under consideration.

The Reporters response does not affect policies in a manner that is relevant to this application. In relation to this particular application proposal policies in the Proposed LDP are not materially different from those in the adopted LDP.

Approval to adopt the LDP will be sought at Full Council meeting of 14th December. The actual adoption date is likely to be around the third week in January.

In relation to this particular application, Policies D1 *Architecture and Placemaking*, D4 *Historic Environment*, H1 *Residential Areas* and T2 *Managing the Transport Impacts of Development* substantively reiterates the guidance given from the policy

in the adopted Local Development Plan and the proposal is therefore acceptable in terms of both plans for the reasons previously given

RECOMMENDATION: Approve Conditionally

REASONS FOR RECOMMENDATION

The use of the premises as a House of Multiple Occupation (HMO) is not considered to result in any undue impact on the character and amenity of the property, or on the surrounding area. The proposed alterations to the roof, rear door and windows are felt to be considerate and would not cause any detrimental impact to the character of the conservation area and thus comply with policy D5 of the Aberdeen Local Development Plan (ALDP). 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 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 and alterations are 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.

APPLICATION REF: 161003/DPP