

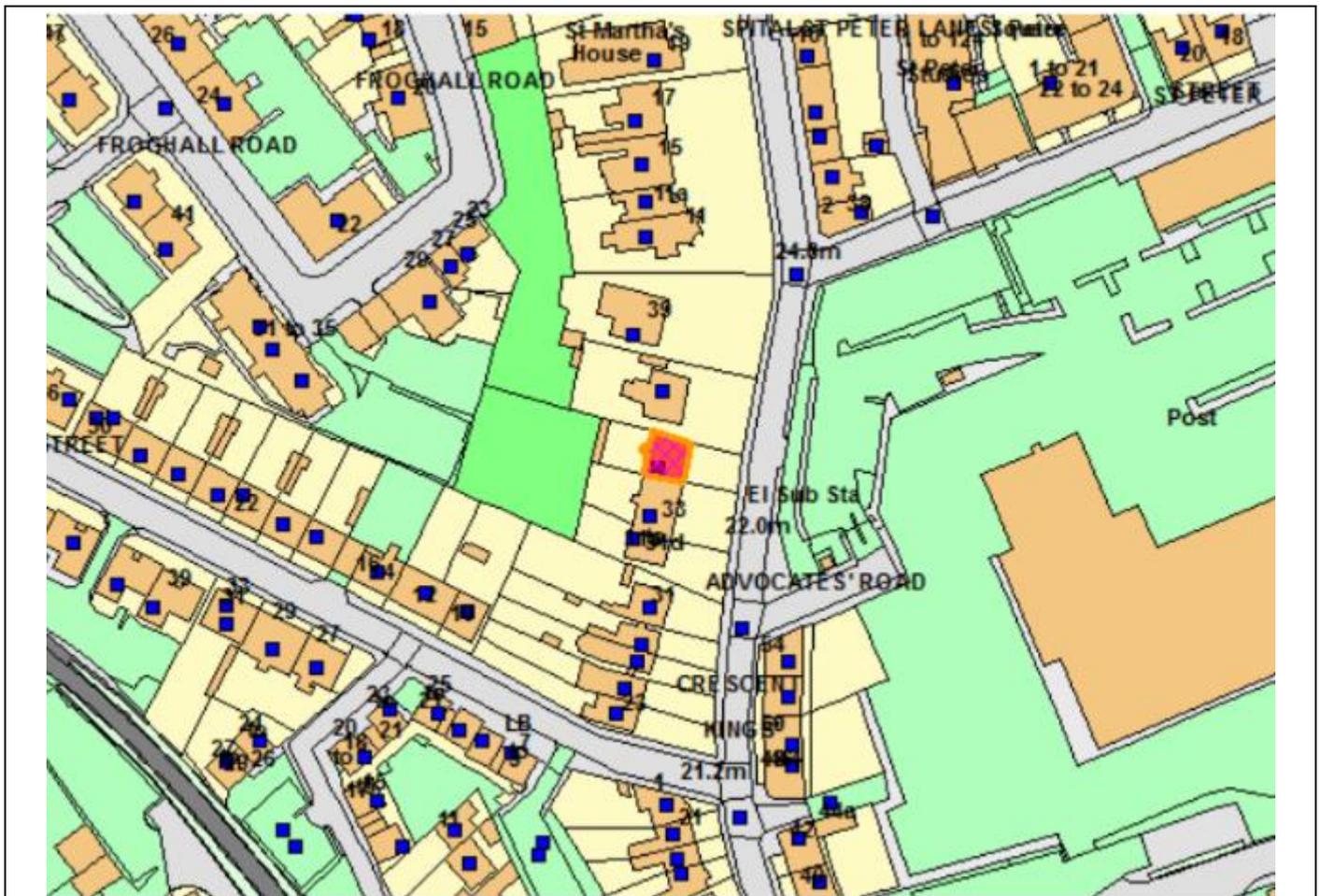


# Planning Development Management Committee

Report by Development Management Manager

**Committee Date:** 18 April 2024

<b>Site Address:</b>	35C King's Crescent, Aberdeen, AB24 3HP
<b>Application Description:</b>	Change of use from flat to HMO (House in Multiple Occupation)
<b>Application Ref:</b>	240143/DPP
<b>Application Type</b>	Detailed Planning Permission
<b>Application Date:</b>	12 February 2024
<b>Applicant:</b>	Alexander David & Co (Scotland) Ltd.
<b>Ward:</b>	George Street / Harbour
<b>Community Council:</b>	Old Aberdeen



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## **RECOMMENDATION**

Approve Conditionally

## **APPLICATION BACKGROUND**

### **Site Description**

The application site comprises a first floor flat within a 3-storey traditional end-terraced residential tenement situated on the western side of King's Crescent. The building contains a total of four residential properties, with two flats on the ground floor level, the application property at first floor and a flat used as a House in Multiple Occupation (HMO) on the second floor. The building forms the northernmost part of a terrace of three different addresses (31, 33 and 35 King's Crescent) containing a total of 16 properties (six flats each at no's 31 and 33 and four at no. 35).

### **Relevant Planning History**

**P131480** – Detailed planning permission was approved in 2013 for the replacement of the property's timber-framed windows with new pvc-framed sliding sash & case units.

### **Relevant Licensing History**

The application property was lawfully operated as a House in Multiple Occupation (HMO) previously, with an HMO licence for up to 5 unrelated persons last granted in 2016. The HMO licence for the property expired in 2019 and has not been renewed since.

The top floor flat in the building (Flat D) is currently licensed (most recent licence granted February 2023) and used as an HMO for 3 occupants.

## **APPLICATION DESCRIPTION**

### **Description of Proposal**

Detailed planning permission is sought for the change of use of the first floor flat to a House in Multiple Occupation (HMO), which would be used as the primary residence for up to a maximum of four unrelated occupants at any one time.

### **Amendments**

Following the initial submission of the application, amended floor plans were submitted, along with a site plan showing the proposed location where bins associated to the property would be stored.

### **Supporting Documents**

All drawings can be viewed on the Council's website at:

<https://publicaccess.aberdeencity.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=S8J29KBZK0H00>

### **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 proposed change of use.

## **CONSULTATIONS**

**ACC - Waste and Recycling** – No objection. Note that the proposed HMO would be provided with

1 x 180l wheeled bin for general waste, 1 x 240l bin for mixed recycling and 1 x 240l bin for food and garden waste. Further information for the applicant to be aware of in relation to the purchase of the required bins is included as an Advisory Note.

**ACC - Roads Development Management Team** – No objection. The site is located in the Inner City and does not lie within a controlled parking zone. As per the Council's guidance, the existing flat has a parking requirement of 1.5 spaces, whereas the proposed HMO use has a parking standard of 0.25 spaces per bedroom, equating to 1 space in this instance. As there is no associated off-street parking provision for either the existing or proposed uses, there would be shortfall in parking provision beyond the existing situation. The site has direct access to the existing adopted footpath network which provides pedestrian linkages to the wider area, amenities and the city centre, as well as public transport.

**Old Aberdeen Community Council (OACC)** – The OACC object to the proposed change of use for the following reasons:

- The Community Council are concerned about the proliferation of HMOs specifically in this area, and of the cumulative impacts which are already evident in the loss of community cohesion due to the transience of HMO residents;
- While the Council's guidance is structured around HMO concentrations in Small Data Zones, this metric fails to capture the true concentration of HMOs in the immediate vicinity of the property. Another HMO is already operating in the building and 20 HMOs are registered across four postcodes which surround the application site. Additionally, there are a number of purpose-built student accommodation buildings nearby, such as St Peter House and St Peter Studios. As such the actual concentration of HMO residents likely approaches 50% of the population. The Small Data Zone metric is inadequate and inappropriate for calculating overprovision in this instance and the approval of the application would exacerbate existing issues; and
- There are ongoing issues with domestic wheelie bins at the application property being left out on the pavement, to the detriment of pedestrian safety. Given the decreased accountability of transient tenancy, the change of use would increase the difficulty in keeping the pavement clear of bins.

## **REPRESENTATIONS**

Two representations have been received, both objecting to the application. The matters raised in the objections can be summarised as follows:

### 1. Overprovision of HMOs in the area, and associated adverse impacts

Approval of the application would result in the overprovision of HMOs in the surrounding area. There is an existing HMO operating at 35 King's Crescent (Flat D) and approval of the application would result in at least a further 4 tenants in the building, resulting in additional pressures on local services and parking, and detrimental impacts on residential amenity (including community cohesion) due to the high proportion of transient, short-term occupants.

### 2. Methodology for calculating overprovision

The Council's method for calculating overprovision of HMOs in an area (based on percentages of HMOs as a proportion of the total number of residential properties in defined

Small Data Zones) is not the most appropriate way of calculating overprovision. The data zones are too large and do not accurately reflect the significant number of HMOs in the immediate vicinity of the application site, with another HMO already at no. 35, and a number of other HMOs with considerable capacity nearby on both King's Crescent and on the Spital. There is also a substantial block of student flats nearby at 29 Froghall Road, all officially categorised as HMOs, as well as further HMO flats at 19 Spital (St Martha's House). If the Council had adopted Census Output Areas as the unit of measurement for density of existing HMOs, then it is likely the immediate area around 35C King's Crescent would be found to be overprovided.

3. Bin storage and pedestrian / road safety

There are existing issues with a significant number of domestic waste bins being left on the narrow pavements of King's Crescent, which poses a risk to pedestrian and road safety.

4. Fly tipping

There are existing issues with fly tipping on the pavement opposite no's 31 to 35 King's Crescent. This is exacerbated when students vacate HMOs and old and damaged furnishings are left on the pavement, to the detriment of amenity.

5. Condition of outbuildings

The outbuildings at 35 King's Crescent are in a dangerous condition, with the roofs collapsing, which could pose a safety issue for tenants using the communal rear garden.

6. Presence of trees adjacent to the site

The application form wrongly states that there are no trees adjacent to the property. There are two large trees in the curtilage of no. 37 and many others to the rear of no. 35.

7. Internal works

It would appear that the flat has already been converted into an HMO configuration. Shouldn't planning permission be sought for this work?

8. Impact on the conservation area

The site lies in the Old Aberdeen Conservation Area and is a gateway to Old Aberdeen. The introduction of a further HMO with transient residents has the potential to add an unacceptable negative impact to the character of the area.

9. Loss of residential flat

The proposal would result in the loss of yet another residential flat in the area to multiple occupancy, which would harm the sustainability of the local community.

## **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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires the planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

## **Development Plan**

### National Planning Framework 4 (NPF4)

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 2 (Climate Mitigation and Adaptation)
- Policy 3 (Biodiversity)
- Policy 7 (Historic Assets and Places)
- Policy 12 (Zero Waste)
- Policy 13 (Sustainable Transport)

### Aberdeen Local Development Plan 2023 (ALDP)

- Policy D2 (Amenity)
- Policy D6 (Historic Environment)
- Policy H2 (Mixed Use Areas)
- Policy H8 (Houses in Multiple Occupation and Overprovision)
- Policy R5 (Waste Management Requirements for New Developments)
- Policy T2 (Sustainable Transport)
- Policy T3 (Parking)

## **Aberdeen Planning Guidance**

- Houses in Multiple Occupation and Overprovision
- Transport and Accessibility
- Waste Management Requirements for New Development

## **Other National Policy and Guidance**

- Historic Environment Policy for Scotland (HEPS)

## **EVALUATION**

### **Mixed Use Areas**

The application site lies within a Mixed Use Area, as zoned in the Aberdeen Local Development Plan 2023 (ALDP) Proposals Map. Policy H2 (Mixed Use Areas) of the ALDP states that:

*'Applications for development or change of use within Mixed Use Areas (H2 on the Proposals Map) must take into account the existing uses and character of the surrounding area and avoid direct conflict with the adjacent land uses and amenity.'*

As no external alterations or additions to the building are proposed, and the use of the property would remain as residential, neither the character nor appearance of the surrounding area would be affected.

A detailed assessment of the likely impacts of the proposed change of use on the amenity of the surrounding area is set out in the following section of the evaluation but to summarise, it is considered that the proposed use of the property as a House in Multiple Occupation (HMO) would not adversely affect the character or amenity of the surrounding area or any adjacent land uses to any significant degree, in accordance with the requirements of Policy H2 of the ALDP.

### **Houses in Multiple Occupation and Overprovision**

Policy H8 (Houses in Multiple Occupation and Overprovision) of the ALDP states:

*‘Proposals requiring planning permission for use as a House in Multiple Occupation (HMO) will be assessed on their own merits. An HMO will not result in significant adverse impact upon: residential amenity of the site; upon those walking, wheeling and cycling; upon road traffic safety as a result of increased traffic; or demand for car parking as a result of the HMO.*

*Proposals will also be assessed as to whether the cumulative concentration of HMO’s would be excessive (in the context of the consequent proportion of HMO’s relative to other residential properties and any resultant detriment to the established residential character and amenity of the area). Within areas of concern due to excessive concentration further provision is unlikely to prove acceptable.’*

The proposed change of use is assessed against each of the various criteria of Policy H8 as follows:

#### Residential amenity

In terms of impacts on residential amenity, it is important to note that if the application is approved, the property would remain in residential use, just of a slightly intensified form. Whilst the occupancy of the property by up to four unrelated persons would likely intensify the existing authorised residential use somewhat, it is considered that there would not be significantly more people living in the property than if it were to remain in mainstream residential use, occupied by either a single family or less than 3 unrelated persons. It is therefore considered that the proposed intensification of use would be relatively minor and at such a level that would not cause any significant harm to the amenity of the neighbouring flats within the building (two mainstream flats at ground floor level and one other HMO for 3 people at second floor level).

#### Walking, wheeling and cycling

The application site lies immediately adjacent to the adopted public footpath network on King’s Crescent, which provides pedestrian linkages to surrounding areas including Old Aberdeen and the city centre, as well as to nearby public transport routes on King’s Crescent, Mounthooly and King Street. The proposed continued residential use of the property, albeit on a slightly intensified basis, would not adversely impact on those walking, wheeling or cycling.

#### Road traffic and safety

The proposed use of the property as an HMO for up to four unrelated occupants would likely result in a slight intensification of the existing authorised residential use (for either a single family or up to two unrelated occupants). However, as per the Council’s Transport and Accessibility Aberdeen Planning Guidance (APG), the parking standards for HMOs in Inner City locations (0.25 spaces per

bedroom, equating to 1 space for the application property) are lower than for a four bedroom flat (1.5 spaces). As such, it is anticipated that there is likely to be a lower level of private car ownership and usage associated to the use of the property as an HMO as there would be if it were to remain in mainstream residential use. Thus, no additional impacts on road traffic are anticipated beyond what can be expected of the existing residential use.

No adverse impacts on road safety are anticipated as a result of the proposed change of use. The bins required to serve the HMO could be stored within the curtilage of the property and there would not be any more bins than are required for the existing, authorised use. The potential safety implications of their placement on the public pavement are therefore not a material consideration.

### Car parking

As above, as per the parking standards set out in the Transport and Accessibility APG, the proposed HMO use is likely to have a lesser parking demand than the current mainstream residential use. Additionally, given the close proximity of the application site to the University of Aberdeen campus in Old Aberdeen and the North East Scotland College on Gallowgate, it is likely that the property would be attractive to students studying at nearby higher education facilities and, if that is the case, then private car ownership and on-street parking demand is likely to be low.

### Overprovision / concentration

The Council's Aberdeen Planning Guidance (APG) on Houses in Multiple Occupation and Overprovision supplements and expands upon Policy H8 of the ALDP. The APG states that in order to prevent an excessive concentration of HMOs within parts of the city, the number of licensed HMOs should generally not exceed 12% of the total residential properties in any single Small Data Zone. This broadly equates to a 1:8 ratio of HMOs to other residential properties within any single Small Data Zone, as set out within the APG. The APG notes: *'Small Data Zones have been identified as the most appropriate geographical area for this purpose as they are large enough for statistics to be presented accurately whilst also being small enough that they can be used to represent communities spatially. They also have shapes that respect physical boundaries on the ground wherever possible.'*

In this instance the application site lies within Small Data Zone 'Hanover North – 02', which includes 733 residential properties from King's Crescent in the north to King Street in the east, with West North Street forming the southern and western boundaries of the Small Data Zone. The northern part of King's Crescent, within which the application property lies, therefore represents the northern extent of this small data zone. There are a total of twenty-three licensed residential HMOs in the 'Hanover North – 02' SDZ, equating to just 3% of the 733 residential properties. The approval of the application would increase that percentage to 3.3%, which would still be well below the maximum threshold of 12% HMOs per Small Data Zone as set out in the APG. As such, the approval of the application would not result in the overprovision or overconcentration of HMOs in the Hanover North – 02 Small Data Zone, in accordance with the requirements of Policy H8 of the ALDP and the corresponding APG.

### **Amenity for occupants**

Policy D2 (Amenity) of the ALDP 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, a new residential property is not being created but rather a change of use proposed which would increase the occupancy of the flat and slightly intensify its residential use. The first floor level flat has a relatively generous c. 80sqm internal floor area and has a dual aspect with multiple

windows of a good size on both the eastern (front) and western (rear) elevations. The property benefits from adequate daylight receipt and has a reasonable outlook, elevated above street level; which also ensure that the occupants would not be overlooked and would have adequate levels of privacy. The building has a front door to the public street and a communal garden area to the rear. The applicant has confirmed that the intention would be for the property to accommodate four people, which would allow each occupant to have their own bedroom, as well as access to a shared kitchen and living room.

It is thus considered that a satisfactory quality of residential amenity would still be available for occupants of the property, despite the slight intensification of use. The proposals are therefore compliant with the aims of Policy D2 of the ALDP.

## **Waste Management**

Policy 12 (Zero Waste) of NPF4 and Policy R5 (Waste Management Requirements for New Development) of the ALDP both require developments that would generate waste to have sufficient space for the appropriate storage and convenient collection of that waste. The proposed HMO use of the property would likely result in a slight intensification of the existing, authorised residential use, to the extent that four unrelated adults would be living in the property, rather than a single family or two unrelated persons.

The Council's Waste Management Requirements for New Developments APG states that the bin requirements for HMO properties of less than 6 residents are: 1 x 180l wheeled bin for general waste, 1 x 240l bin for mixed recycling and 1 x 240l wheeled bin for food and garden waste. As these requirements are the same as for the property's existing, authorised use as a mainstream flat, there would be no additional bin provision compared to the existing situation. There is also ample space within the front garden area of the building where the bins for the property could be stored prior to being presented kerbside on King's Crescent on collection days.

Furthermore, the Council's Waste & Recycling team have advised that in order to address existing issues in relation to the placement of bins on the public pavement on King's Crescent, there are plans in the 2024/25 financial year to install large communal general waste and mixed recycling bins on the street, which would allow for the removal of the existing domestic wheeled bins. Whilst no timescale has been confirmed for these works taking place, it is likely that if approved, the HMO would be able to utilise the communal bins in the near future, rather than the wheeled bins as noted above.

Nevertheless as the bin requirements for the proposed HMO use are the same as for the authorised mainstream residential use, as per the Council's APG, and the bins required are capable of being stored within the front curtilage of the property, any waste generated could be adequately stored and collected, in accordance with Policies 12 and R5, as well as the guidance set out in the corresponding APG.

## **Transport and Accessibility**

Policy 13 (Sustainable Transport) of NPF4 and Policy T2 (Sustainable Transport) of the ALDP are both supportive of developments that would be accessible via sustainable and active modes of transport. Policy T3 (Parking) of the ALDP states that in Inner City areas, low or no car development will be supported in suitable locations where there is adequate access to active travel and public transport options. It also notes that low car development is encouraged within conservation areas. Policy 13 of NPF is also supportive of development proposals which are ambitious in terms of low/no car parking, particularly in urban locations that are well served by sustainable transport modes.

The parking standards for residential properties, as set out in the Council's Transport and Accessibility APG, note a general guideline of 1.5 car parking spaces for a 3-bed flat in an Inner City location, and a guideline of 0.25 spaces per bedroom for HMOs in the Inner City. The APG also notes that the Council: *'will support applications for low or no car developments in well-connected locations.'*

The application site lies in a highly accessible location, with immediate access to the adopted footpath network that provides good pedestrian access to Old Aberdeen, King Street, George Street and the city centre beyond. Public transport (bus) routes are also located in close proximity to the site on King's Crescent itself, as well as King Street, Mounthooly and Causewayend. As such, the site is highly accessible by sustainable and active modes of transport, as are the various facilities and amenities in the surrounding area – including the nearby higher education facilities and campuses.

In relation to private vehicle trip generation and car parking, the proposed use of the property as an HMO would likely generate less traffic and car parking demand than the authorised mainstream residential use, as per the parking standards set out in the Transport and Accessibility APG. The site lies in an accessible Inner City location and Policies 13 of NPF4 and T3 of the ALDP, as well as the Council's APG, are all supportive of low and no car developments in such areas.

The Council's Roads Development Management team do not object to the application, noting the accessibility of the site and the lower parking requirements for HMO use compared to the existing authorised use. As such, the proposed change of use would not be likely to generate any additional traffic or localised on-street parking demand which could affect the amenity of residents and the proposed use is thus compliant with the aims and requirements of Policies 13 of NPF4, T2 and T3 of the ALDP and the Transport and Accessibility APG.

### **Impact on the historic environment**

Policies 7 (Historic Assets and Places) of NPF4, Historic Environment Policy for Scotland (HEPS) and Policy D6 (Historic Environment) of the ALDP all require new development in conservation areas to either preserve or enhance the character and appearance of the conservation area.

The application site lies within the Old Aberdeen Conservation Area. However, no physical alterations to the exterior of the building or its curtilage are proposed and the proposed change of use would see the property remain in residential use, albeit of a slightly intensified nature. The proposed change of use would not affect either the character or appearance of the conservation area, and would thus preserve those aspects, in accordance with Policy 7 of NPF4, HEPS and Policy D6 of the ALDP.

### **Tackling the Climate and Nature Crises, Climate mitigation and Biodiversity**

Policy 1 (Tackling the Climate and Nature Crises) of NPF4 requires significant weight to be given to the global climate and nature crises in the consideration of all development proposals. Policy 2 (Climate Mitigation and Adaptation) of NPF4 requires development proposals to be designed and sited to minimise lifecycle greenhouse gas emissions as far as possible, and to adapt to current and future risks from climate change. Policy 3 (Biodiversity) of NPF4 requires proposals for local development to include measures to conserve, restore and enhance biodiversity, proportionate to the nature and scale of development.

The proposed development, comprising the change of use of an existing property, with no associated external alterations, is sufficiently small-scale such that it would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are

there any opportunities to minimise greenhouse gas emissions given the nature of the proposals. Therefore, the proposals do not conflict with Policies 1 and 2 of NPF4. The proposed development would be wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 of NPF4.

### **Matters raised by the Community Council**

- *The Community Council are concerned about the proliferation of HMOs specifically in this area, and of the cumulative impacts which are already evident in the loss of community cohesion due to the transience of HMO residents*

Response: This is addressed above in the foregoing evaluation.

- *While the Council's guidance is structured around HMO concentrations in Small Data Zones, this metric fails to capture the true concentration of HMOs in the immediate vicinity of the property. Another HMO is already operating in the building and 20 HMOs are registered across four postcodes which surround the application site. Additionally, there are a number of purpose-built student accommodation buildings nearby, such as St Peter House and St Peter Studios. As such the actual concentration of HMO residents likely approaches 50% of the population. The Small Data Zone metric is inadequate and inappropriate for calculating overprovision in this instance and the approval of the application would exacerbate existing issues.*

Response: The methodology / metric for calculating overprovision or concentration of HMOs in an area (based on the percentage of HMO's in defined Small Data Zones) is set out in the Council's 'Houses in Multiple Occupation and Overprovision' APG, which was approved by Council in 2023. The methodology for calculating overprovision and defining the extent of the Small Data Zones was consulted upon and chosen for the APG as the most appropriate method. Whilst it is acknowledged that there are multiple other properties in HMO use in the surrounding area, particularly to the north on the Spital, it is not for the Planning Service to diverge from the approved methodology on a case-by-case basis. The approval of the application would not result in the overprovision of HMOs in the Small Data Zone within which the application site lies.

- *There are ongoing issues with domestic wheelie bins at the application property being left out on the pavement, to the detriment of pedestrian safety. Given the decreased accountability of transient tenancy, the change of use would increase the difficulty in keeping the pavement clear of bins.*

Response: As noted above, the waste generation and bin requirements for the proposed use of the property as an HMO would be the same as if the property were to remain in mainstream residential use, and there is sufficient space within the curtilage of the property where the required bins could be stored. The placement of domestic wheeled bins on the public road or pavements adjacent to the site, either on a permanent basis, or for a prolonged period following collection, would be a management issue relative to the residents of the property in question. The potential placement of bins on the public pavement when there is sufficient space for their storage within the application site is thus not a material planning consideration.

### **Matters raised in representations**

Matters 1 (Overprovision of HMOs in the area, and associated adverse impacts), 3 (Bin storage and pedestrian / road safety) and 8 (Impact on the conservation area) raised in the representations are

addressed in the foregoing evaluation above. The remainder of the matters raised can be addressed as follows:

2. Methodology for calculating overprovision

*The Council's method for calculating overprovision of HMOs in an area (based on percentages of HMOs as a proportion of the total number of residential properties in defined Small Data Zones) is not the most appropriate way of calculating overprovision. The data zones are too large and do not accurately reflect the significant number of HMOs in the immediate vicinity of the application site, with another HMO already at no. 35, and a number of other HMOs with considerable capacity nearby on both King's Crescent and on the Spital. There is also a substantial block of student flats nearby at 29 Froghall Road, all officially categorised as HMOs, as well as further HMO flats at 19 Spital (St Martha's House). If the Council had adopted Census Output Areas as the unit of measurement for density of existing HMOs, then it is likely the immediate area around 35C King's Crescent would be found to be overprovided.*

Response: The matter of the appropriateness of the methodology for calculating overprovision in an area as set out in the APG is largely addressed above in response to the comments made by the Old Aberdeen Community Council.

Nevertheless, if the Council were to utilise the smaller Census Output Areas to calculate overprovision instead, as suggested in one of the representations, it should be noted that the Census Output Area within which the application site lies (containing the odd no's 1-39 King's Crescent and odd no's 1-25 Jute Street) only contains 3 licensed HMO properties at present, out of a total of 55 residential properties. The approval of the current application would increase that number to four, but the total percentage of HMOs in the Census Output Area would rise from 5.5% to just 7.3% - thus still not exceeding the guideline maximum of 12%.

4. Fly tipping

*There are existing issues with fly tipping on the pavement opposite no's 31 to 35 King's Crescent. This is exacerbated when students vacate HMOs and old and damaged furnishings are left on the pavement, to the detriment of amenity.*

Response: Fly tipping is covered by separate legislation and is not a material planning consideration.

5. Condition of outbuildings

*The outbuildings at 35 King's Crescent are in a dangerous condition, with the roofs collapsing, which could pose a safety issue for tenants using the communal rear garden.*

Response: The alleged poor condition of the existing outbuildings in the rear curtilage of the building is not a material planning consideration and nevertheless, the situation would be the same if the property were to remain in its current authorised use as a mainstream flat.

6. Presence of trees adjacent to the site

*The application form wrongly states that there are no trees adjacent to the property. There are two large trees in the curtilage of no. 37 and many others to the rear of no. 35.*

Response: Whilst there are existing trees outwith, but immediately adjacent to, the site – the

proposal is to change the use of the first floor flat only, with no associated external works proposed which would have any impact on the existing trees.

#### 7. Internal works

*It would appear that the flat has already been converted into an HMO configuration. Shouldn't planning permission be sought for this work?*

Response: Planning permission is not required for any internal alterations to the property – only for its change of use to an HMO, which has not taken place at the time of the application.

#### 9. Loss of residential flat

*The proposal would result in the loss of yet another residential flat in the area to multiple occupancy, which would harm the sustainability of the local community.*

Response: The 'loss' of a mainstream residential property is not a policy consideration in this instance and nevertheless, the property would remain in residential use, just in a slightly more intensified form.

### **RECOMMENDATION**

Approve Conditionally

### **REASON FOR RECOMMENDATION**

The use of the property as a House in Multiple Occupation (HMO) would not adversely affect the character or amenity of the area, in accordance with Policy H2 (Mixed Use Areas) of the Aberdeen Local Development Plan 2023 (ALDP). The change of use would not result in a significant impact on residential amenity, those walking, wheeling and cycling, on road safety or on car parking demand. The use of the property as an HMO would also not result in the overprovision of HMOs in the defined Small Data Zone within which the application site lies, in accordance with Policy H8 (Houses in Multiple Occupation and Overprovision) of the ALDP and the corresponding Aberdeen Planning Guidance on Houses in Multiple Occupation and Overprovision.

A satisfactory quality of amenity would be provided for the occupants of the HMO, in accordance with Policy D2 (Amenity) of the ALDP and the change of use would not affect the character or appearance of the Old Aberdeen Conservation Area, in accordance with Policy 7 (Historic Assets and Places) of National Planning Framework 4 (NPF4), Historic Environment Policy for Scotland and Policy D6 (Historic Environment) of the ALDP. The proposed use would be accessible by sustainable and active modes of transport, would generate similar levels of traffic, car parking demand and waste compared to its authorised, mainstream residential use, and any waste generated could be stored within the curtilage of the property, thus ensuing no risk to pedestrian or road safety – all in accordance with the requirements of Policies 12 (Zero Waste) and 13 (Sustainable Transport) of NPF4, Policies R5 (Waste Management Requirements for New Developments), T2 (Sustainable Transport) and T3 (Parking) of the ALDP, as well as the corresponding Aberdeen Planning Guidance on Transport and Accessibility, and Waste Management Requirements for New Development.

The proposed use would not make any material difference to the global climate and nature crises nor to climate mitigation and adaptation, nor are there any opportunities to minimise greenhouse gas emissions given the nature of the proposals, therefore there is no conflict with Policies 1

(Tackling the Climate and Nature Crises) and 2 (Climate Mitigation and Adaptation) of NPF4. The proposed development would be wholly internal, small-scale and does not offer the opportunity for any biodiversity gain and the proposals are thus considered to be acceptable, despite some minor tension with Policy 3 (Biodiversity) of NPF4.

## **CONDITIONS**

### (1) 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.

## **ADVISORY NOTES FOR APPLICANT**

### (1) BIN PURCHASE INFORMATION

The HMO will be provided with:

- 1 x 180 litre wheeled bin for general waste
- 1 x 240 litre co-mingled recycling bin for recycling
- 1 x 240litre wheeled bin for food and garden waste (kitchen caddy, bioliners and associated information will be provided as well)

The following costs will be charged to the developer:

- Each 180l or 240l bin cost £39.00 each
- Caddy & Liners FOC
- Delivery fee for any order of less than 10 bins £30.00

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

#### General points

- All the waste containers must be presented the kerbside on the collection day and must be 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](http://www.aberdeencity.gov.uk/wasteaware) or by phoning 03000 200 292.
- Further information can be found in the Waste Supplementary Guidance available at: <https://www.aberdeencity.gov.uk/sites/default/files/2020-07/7.1.PolicySG.ResourcesForNewDevelopmentUpdateJuly2020.pdf>

Developers must contact Aberdeen City Council a minimum of ONE month before properties will be occupied. Bins MUST be on site prior to residents moving into properties. A Purchase Order should be raised with Aberdeen City Council using the above details and we will provide further guidance for purchasing the bins.

Email: [wasteplanning@aberdeencity.gov.uk](mailto:wasteplanning@aberdeencity.gov.uk)