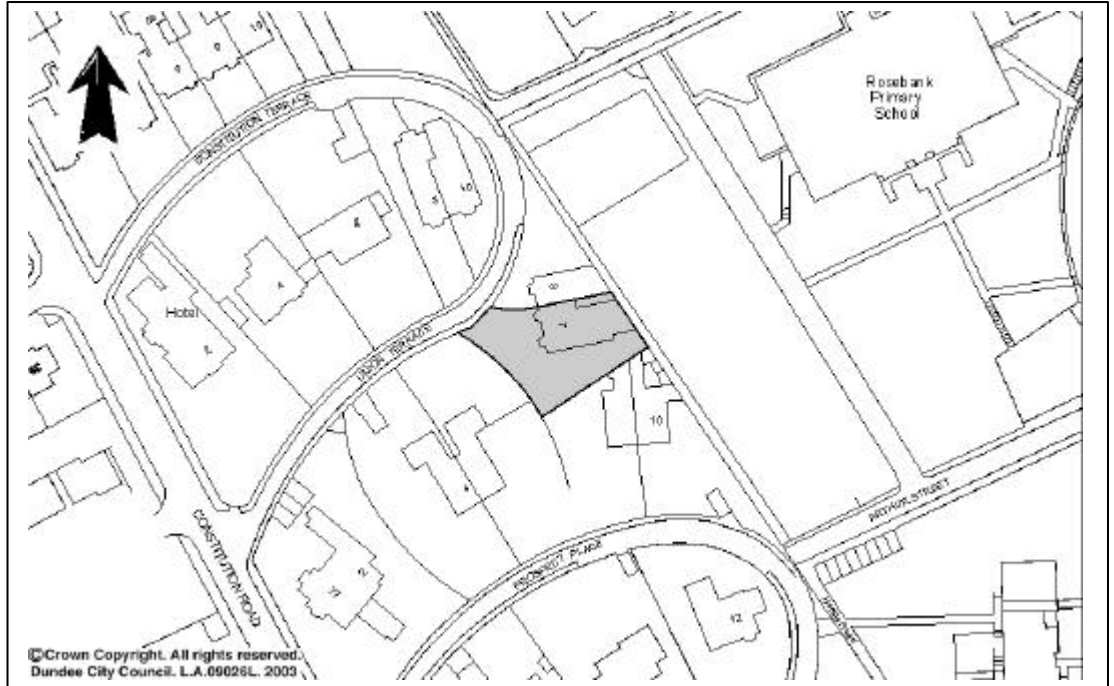


**KEY INFORMATION****Ward** Hilltown**Proposal**

Change of use from 5 person HMO to 7 person HMO

**Address**G/O  
7 Union Terrace  
Dundee**Applicant**Mr James Grant  
12 College Terrace  
Derry**Agent**Leadingham Jameson  
Rogers & Hynd  
18 South Tay Street  
Dundee  
DD1 1PD**Registered** 16 Sep 2005**Case Officer** S Cooper

## Proposed HMO in Union Terrace

A change of use from a 5 person HMO to a 7 person HMO is **RECOMMENDED FOR REFUSAL**.  
Report by Director of Planning and Transportation

**RECOMMENDATION**

The proposal is contrary to the provisions of Policy 1 and parts B and C of Policy 11 of the Dundee Local plan Review 2005. The views of the objector are supported. There are no material considerations that would justify the grant of planning permission contrary to the development plan. Accordingly, the application is recommended for **REFUSAL**.

**SUMMARY OF REPORT**

- The proposal is for the change of use of the ground floor flat at 7 Union Terrace from a 5 person HMO to a 7 person HMO.
- The property would have 7 bedrooms, and a communal kitchen, living room, bathroom and shower room. There is garden ground in front of the property. The vehicular access is shared with the first floor flat. Refuse storage would be provided adjacent to the front boundary, and 6 car parking spaces would be provided in the curtilage of the flat.
- One letter of objection has been received in respect of this application.
- Policies 1 and 11 of the Dundee Local Plan review are of relevance. Those policies identify criteria in respect of design, layout, access to garden ground, refuse storage, parking and traffic movement issues.
- The proposal is contrary to the provisions of Policies 1 and 11 of the Dundee Local Plan Review 2005. The views of the objector are supported.

## DESCRIPTION OF PROPOSAL

Planning permission is sought for the change of use of the ground floor flat at 7 Union Terrace, Dundee to a 7 person House of Multiple Occupancy. Accommodation would comprise 7 bedrooms, a living room, kitchen, bathroom, shower room and a store room. There would be 111m<sup>2</sup> of garden ground and the applicant has indicated that 6 car parking spaces could be accommodated. Refuse storage would be to the front of the property, adjacent to the north boundary wall.

## SITE DESCRIPTION

The application relates to a ground floor flat in a two storey flatted building. The ground floor flat has its own entrance. It is located within a predominantly residential area in the Crescents Conservation Area.

## POLICY BACKGROUND

### Dundee and Angus Structure Plan 2001-2016

There are no policies relevant to the determination of this application.

### Dundee Local Plan Review 2005

Policy 1: Vibrant and Sustainable Communities seeks to safeguard the amenity of residential areas in terms of design as well as layout, parking and traffic movement, and noise and smell issues.

Policy 11 is also of relevance. It states that proposals for multiple occupation of a dwelling that requires planning permission will only be supported where:

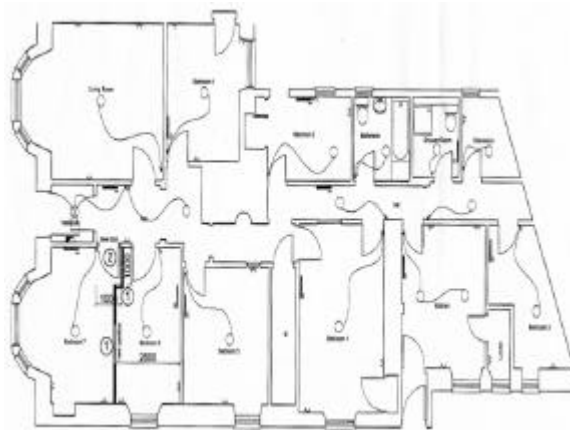
- a it does not involve the change of use of a tenement flat or other form of flat with a common stair or shared entrance, unless within the city centre; and
- b it will not be detrimental to traffic or pedestrian safety on account of increased parking pressures; and
- c it will not have a detrimental impact on residential amenity. In this regard each proposal must provide adequate refuse storage space, garden ground and car parking. Where dedicated car parking cannot be provided the proposal must not exacerbate

existing parking problems in the local area; and

- d it will not result in an excessive concentration of such uses to the detriment of the character of the local area.

## Scottish Planning Policies, Planning Advice Notes and Circulars

There are no statements of Government policy relevant to the determination of this application.



## Non Statutory Statements of Council Policy

The Council's supplementary planning guidance on Houses of Multiple Occupation is relevant.

## LOCAL AGENDA 21

Key Theme 7 promotes access to facilities, services, goods and people is not achieved at the expense of the environment and are accessible to all. It is considered that the proposal does not comply with this Key Theme by virtue of its adverse impact on the residential amenity of the area.

## SITE HISTORY

There is no relevant site planning history.

## PUBLIC PARTICIPATION

The applicant has carried out the Statutory Neighbour Notifications. One letter of objection has been received.

The grounds of objection relate to:

- car parking and traffic and pedestrian problems;

- inappropriate refuse storage provision;
- the proposal will result in an excessive concentration of HMOs to the detriment of the historic character of the Conservation Area; and
- detrimental impact on the local community due to the transient nature of occupants of HMOs.

It is intended to comment on these issues in the 'Observations' section of this report. A copy of the letter is available in the Members Lounge.

## CONSULTATIONS

No adverse comments have been received from consultees.

## OBSERVATIONS

In accordance with the provisions of Section 25 of the Act the Committee is required to consider

- a whether the proposals are consistent with the provisions of the development plan; and if not
- b whether an exception to the provisions of the development plan is justified by other material considerations.

## The Development Plan

The provisions of the development plan relevant to the determination of this application are specified in the Policy background section above.

Policy 11 of the Dundee Local Plan Review 2005 sets out the criteria in assessing the acceptability of proposed HMOs. The criteria set out relates to car parking and pedestrian and traffic safety, access to amenity space, adequate provision of refuse storage facilities, and seeks to avoid an excessive concentration of HMOs.

The proposal is for the change of use of a ground floor flat to a House in Multiple Occupation. The flat is located outwith the City Centre. The ground floor and first floor flats have their own entrances, although the vehicle and pedestrian accesses to the site are shared. The first floor flat is accessed from the rear of the building. It is therefore considered that the proposal accords with part A of Policy 11 of the Dundee Local Plan Review 2005.

In terms of car parking the application drawings indicate that 6 parking spaces would be provided alongside the eastern and southern boundaries of the property. Union Terrace is a very narrow street with a one way system in operation and there is a large volume of on street parking in the area. The existing vehicular access is very narrow and has relatively poor visibility splays which would be made worse by the proposed positioning of the bin stores directly adjacent to the vehicular access. Given the proposed arrangement of the parking spaces and the quality of the visibility splay at the vehicular access it is likely that the proposal would be detrimental to road traffic and pedestrian safety on account of the additional parking pressure. It therefore follows that the proposal is contrary to part B of Policy 11 of the Dundee Local Plan Review 2005.

Refuse storage facilities would be provided in front of the flat, adjacent to the north boundary wall. In such a position the bins would be prominently open to public views as the existing boundary wall is only 1 metre in height. In their proposed position in front of the flat, the bin stores would be detrimental to the visual amenity and residential amenity of the area, contrary to the provisions of Part C of Policy 11 of the Dundee Local Plan Review.

A total of 111m<sup>2</sup> of amenity space would be provided to the front of the flat. The amenity space could not be considered as private space as it is openly visible from the public footpath to the north, and has no screening from the access to the first floor flat. Policy 11 does not require that the garden ground is private, however the area provided is relatively small. To compare the garden ground provision with the Local Plan requirements for new housing, Policy 4 of the Dundee Local Plan Review requires that a 2 bedroom house should have a minimum of 50 sq. m of private useable garden space. This proposal is for 7 residents and provides 111 sq. m of garden ground to the front of the flat. It is therefore considered that the garden ground provision would be insufficient for the proposed HMO, contrary to the provisions of Part C of Policy 11 of the Dundee Local Plan Review 2005.

In consultation with the Council's HMO licensing team it has been established that there are a number of

known HMOs in the surrounding area. However, it is considered that the proposal would not result in an excessive concentration of HMOs in the area. Accordingly, the proposal complies with part D of Policy 11.

Policy 1 seeks to minimise any affect on the environmental quality enjoyed by local residents by virtue of design, layout, parking and traffic movement issues, noise or smell. The proposal raises no issues in terms of design, noise or smell and those points of Policy 1 can thereby be discharged.

The proposal raises issues in terms of Policy 1 by virtue of its layout and parking and traffic movement issues.

As discussed above it is considered that the proposed layout, with the bin stores to the front of the property, would be detrimental to the residential amenity of the area. Also, the additional parking pressure is likely to lead to road safety problems as discussed above. It therefore follows that the proposal is contrary to Policy 1 of the Dundee Local Plan Review for those reasons.

It is concluded from the foregoing that the proposal does not comply with the provisions of the development plan.

### Other Material Considerations

The other material considerations to be taken into account are the Council's supplementary planning guidance on HMOs and the views of the objectors.

### Supplementary Planning Guidance

The Council's supplementary planning guidance on HMOs:

Policy HMO1 states that planning permission is required for the occupation of a flat by 4 or more unrelated people.

Policy HMO3 reflects parts A, B and C of Policy 11 of the Dundee Local Plan Review 2005. These issues have been discussed above and it is considered that the proposal is contrary to Parts B and C of Policy 11. It therefore follows that the proposal is contrary to the provisions of Policy HMO3 of the Council's supplementary planning guidance on HMOs.

### The Views of the Objectors

The objectors raise issues in relation to car parking, amenity space and refuse

provision, an excessive concentration of HMOs and the impact of the local community. These issues have all been commented on above. It is concluded that the views of the objector are supported.

It is concluded from the foregoing that insufficient weight can be accorded to any material consideration such as to justify the grant of planning permission contrary to the provisions of the development plan. It is therefore recommended that planning permission be refused.

### Design

The design of the development is not an issue in the consideration of this application.

### CONCLUSION

It is concluded that the proposed 7 person HMO is contrary to the provisions of Policies 1 and 11 of the Dundee Local Plan Review 2005. The views of the objector are supported and there are no material considerations that would justify the grant of planning permission contrary to the provisions of the development plan.

### RECOMMENDATION

It is recommended that planning permission be REFUSED for the following reasons:

### Reasons

- 1 The proposal is contrary to Policy 1 (Sustainable and Vibrant Communities) of the Dundee Local Plan Review 2005 by reason of its detrimental impact on the environmental quality enjoyed by local residents by virtue of the cumulative impact of; the layout of the proposal in terms of the location of refuse storage and the layout of the car parking, and insufficient garden ground for the number of residents. There are no material considerations that would justify the grant of planning permission contrary to this Policy.
- 2 The proposal is contrary to the provisions of Policy 11 (Houses in Multiple Occupation) of the Dundee Local Plan Review 2005 by reason of the cumulative impact of; the detrimental impact on traffic and pedestrian safety

by virtue of the lack of sufficient parking, the location of the refuse storage area at the front of the property, and the inadequate provision of garden ground. There are no material considerations that would justify the grant of planning permission contrary to this Policy.