

Proposed House of Multiple Occupancy for 4 Persons

KEY INFORMATION

Ward West End

Address

Flat 2
57A Perth Road
Dundee

Applicant

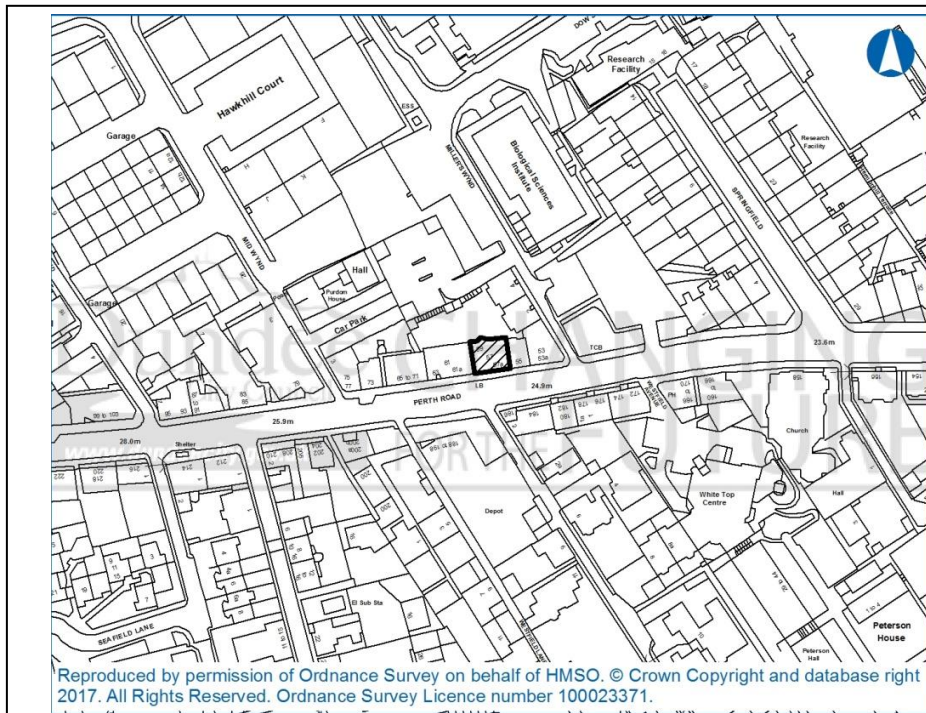
Century 21 Homes Ltd
3 Old Hawkhill
Dundee DD1 5EU

Agent

Mark Walker
276B Blackness Road
Dundee DD2 1RZ

Registered 30 Aug 2016

Case Officer S Dorward



SUMMARY OF REPORT

- Planning permission is sought for a change of use to a proposed 4 person House of Multiple Occupancy.
- The statutory neighbour notification procedure was undertaken, no representation has been received.
- In accordance with Dundee City Council's scheme of delegation, this application is to be determined by the Development Management Committee at the request of an elected member.
- The application has been advertised as being contrary to the Adopted Dundee Local Development Plan, 2014.
- More details can be found at: <http://idoxwam.dundee.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=OCPMABGCFS600>.

RECOMMENDATION

The application complies with the relevant provisions of the development plan, with the exception of Policy 15 of the Adopted Dundee Local Development Plan, 2014, in relation to the change of use of a flat to an HMO within a property with a shared entrance. Site specific circumstances in terms of the prevalence of HMO units within the property would allow a departure from Policy. The application is therefore recommended for APPROVAL.

1 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks planning permission for a change of use from a flat to a 4 person House of Multiple Occupancy (HMO). No physical alterations are proposed.

2 SITE DESCRIPTION

- 2.1 The application site is located within the West End Lanes Conservation Area and is to the west of Dundee City Centre, within Inner City Dundee as per the Adopted Dundee Local Development Plan (2014). More specifically, the application site relates to a flat within a tenement block containing 2 other flats which share the same entrance. The flat is located on the 2nd floor and comprises 4 bedrooms, a separate living room and kitchen, and two shower rooms. The ground floor of the tenement is occupied by retail premises, the first and third floor premises are existing HMO properties.

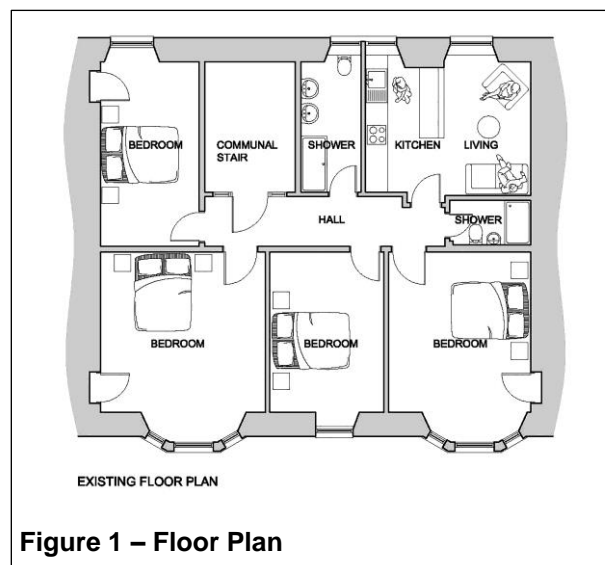


Figure 1 – Floor Plan

3 POLICY BACKGROUND

- 3.1 The following plans and policies are considered to be of direct relevance:

DUNDEE LOCAL DEVELOPMENT PLAN

Policy 15: Houses in Multiple Occupation
Policy 50: Development in Conservation Areas

- 3.2 There are no other plans, policies and non-statutory statements that are considered to be of direct relevance.

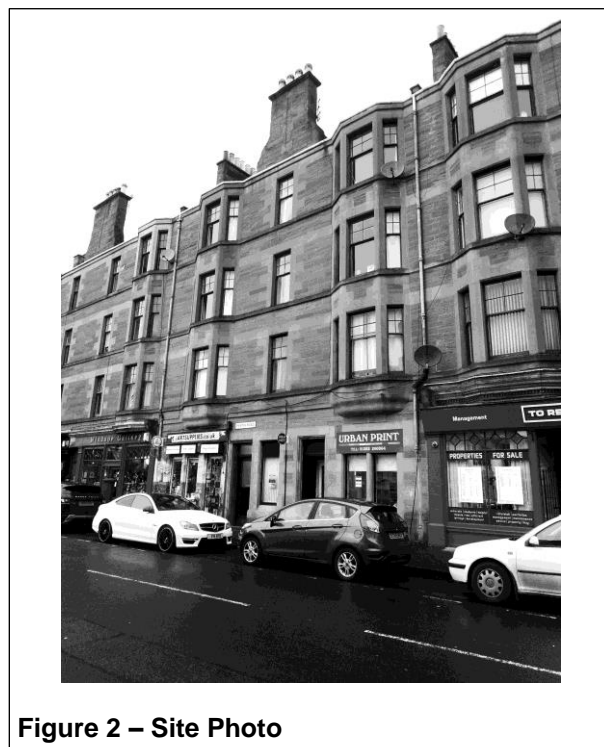


Figure 2 – Site Photo

4 SITE HISTORY

- 4.1 There is no relevant planning history.

5 PUBLIC PARTICIPATION

- 5.1 No letters of representation have been received.

6 CONSULTATIONS

- 6.1 No consultation responses have been received.

7 DETERMINING ISSUES

- 7.1 **Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance with the development plan unless material considerations indicate otherwise.**

THE DEVELOPMENT PLAN

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

DUNDEE LOCAL DEVELOPMENT PLAN

- 7.2 **Policy 15 Houses in Multiple Occupation** - is supportive of proposals for a change of use to a House in Multiple Occupation (HMO) where:
- 1 they do not involve the change of use of a flat within a property with a common or shared entrance, unless located within the city centre;
 - 2 there would be no detrimental impact to road safety on account of increased parking pressures, and no exacerbation to existing parking pressures;
 - 3 there would be no adverse effect on the amenity afforded to neighbouring residents, the HMO must provide adequate refuse storage space, garden ground, car parking and bike storage space; and
 - 4 the approval of an additional HMO would not result in the proportion of licenced HMOs within a particular Census Output Area (outside the City Centre) to exceed 12.5% of total residential stock.
- 7.3 In relation to Criterion 1, the property has a shared entrance and is not located within the city centre. The application therefore does not meet this requirement.
- 7.4 In terms of Criterion 2, the proposed HMO would not provide any off street parking facilities. However, the proposal is for a four person HMO and the existing flat is a four bedroom property. A four person HMO would not generate any additional parking demand beyond that of the existing four bedroom flat. Therefore, the proposal would not exacerbate the existing parking pressures in the area surrounding the application site. Additionally, the site is located on Perth Road, within the heart of the university/student district, and is well located for pedestrian access to the city centre and Perth Road District Centre. The location is also well served by public transport, with bus services available on Perth Road. In this instance, there would be no detrimental impact on road safety or exacerbation of existing parking pressures in the area. The application therefore satisfies Criterion 2.
- 7.5 In terms of residential amenity, the property has access to a shared amenity space to the rear of the site where there is adequate garden ground and space for external refuse storage as is currently the case. Whilst no new secure cycle storage or car parking is proposed, there is none within the site at present and the proposal would not alter the existing situation. Existing HMOs are located above and below the application property and again, an additional HMO in

this block would not adversely affect the amenity of the neighbouring residents. The application therefore satisfies Criterion 3.

- 7.6 Criterion 4 states that the approval of an HMO should not result in the proportion of licensed HMOs in any Census Output Area (excluding the city centre) exceeding 12.5% of the total residential stock. The present proportion of HMOs in this census area would allow for one additional HMO property and the proposals would therefore comply with this requirement.
- 7.7 **The proposal contravenes Policy 15.**
- 7.8 **Policy 50 Development in Conservation Areas** - expects that all development proposals will preserve or enhance the character of the surrounding area, retaining all features that contribute to the character and appearance of the conservation area.
- 7.9 As no alterations are proposed to the exterior of the building, the character and appearance of the Conservation Area would be preserved, thereby the terms of Policy 50 would be met.
- 7.10 **The proposal satisfies Policy 50.**
- 7.11 **It is concluded from the foregoing that the proposal does not comply with the provisions of the Development Plan.**

OTHER MATERIAL CONSIDERATIONS

- 7.12 The other material considerations to be taken into account are as follows:

A - JUSTIFICATION FOR A DEPARTURE FROM POLICY 15 OF THE ADOPTED DUNDEE LOCAL DEVELOPMENT PLAN 2014

- 7.13 In this instance, there are two other residential properties at 57a Perth Road, both of which are registered HMO properties, a retail premises occupies the ground floor. The second floor property, which is the subject of this application, is the only other flat in the block. There would therefore be no detrimental impact to residential amenity as a result of a shared entrance, as there are no other private accommodation flats within the block.
- 7.14 On balance, it is considered that the site specific circumstances and location of the application site are of sufficient weight in the material considerations outlined above, to justify a departure to Policy 15 in this instance.

B - STATUTORY DUTY

- 7.15 Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that with respect to any buildings or other land in a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
- 7.16 For the reasons set out above the proposed works comply with national planning guidance with regard to development affecting a Conservation Area or the setting of a listed building. The statutory duty set out in Section 64 of the Act would be discharged through the approval of planning permission.
- 7.17 **It is concluded from the foregoing that the material considerations support the approval of planning permission.**

8 CONCLUSION

- 8.1 The proposal fails to satisfy the requirements of the Development Plan. There are material considerations that justify approval of planning permission. Therefore, it is recommended that this application be approved.

9 RECOMMENDATION

- 9.1 It is recommended that consent be GRANTED.
- 1 There are no conditions attached to this consent.