

KEY INFORMATION

Ward Maryfield

Proposal

Change of use from 3 bedroom flat to 4 bedroom House of Multiple Occupancy

Address

1/1, 5 Morgan Place
Dundee
DD4 6LZ

Applicant

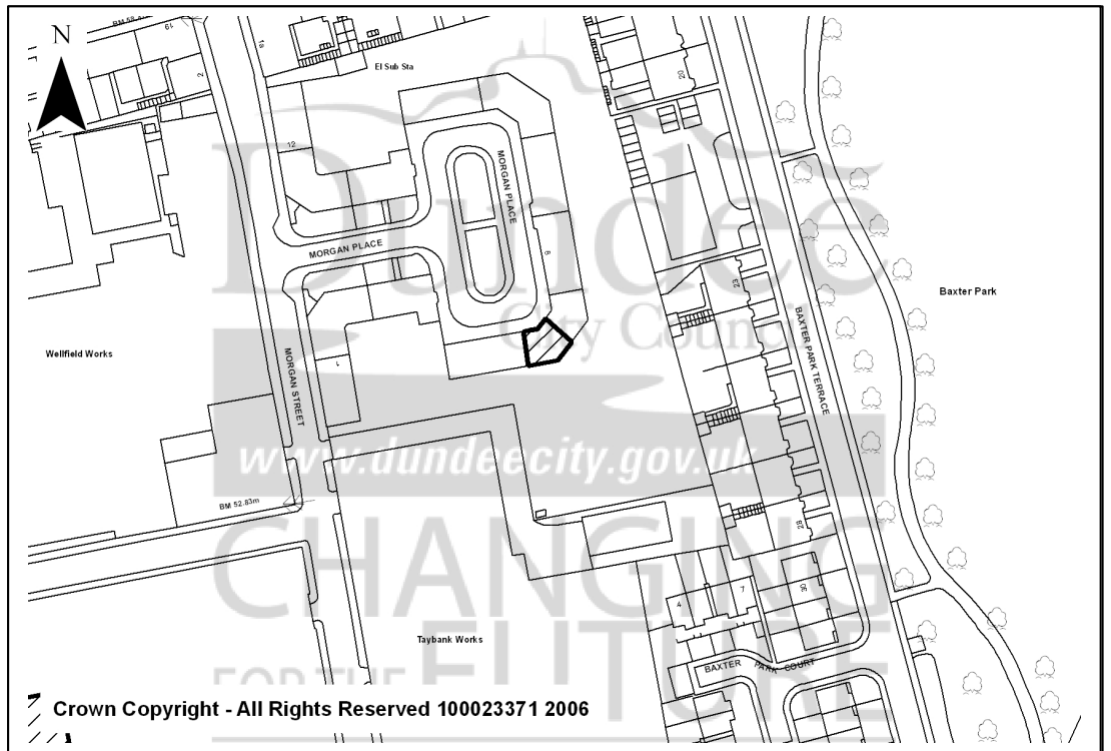
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Registered 6 Nov 2007

Case Officer C Walker



Proposed HMO in Morgan Place

A change of use from a 3 bedroom flat to a 4 bedroom House of Multiple Occupancy is **RECOMMENDED FOR REFUSAL** Report by Director of Planning and Transportation.

RECOMMENDATION

The proposed development is contrary to Policy 11 of the Local Plan due to the access being through a common stair and due to the exacerbation of parking problems in the area. The objections submitted support the recommendation of refusal and there are no reasons to support the development. The application is recommended for **REFUSAL**.

SUMMARY OF REPORT

- Planning permission is sought for the change of use from a three bed flat to a four bedroom house in multiple occupation at 5 Morgan Place, Dundee.
- Six letters of objection were received from neighbouring residents on the grounds of parking and traffic problems, noise, refuse provision, concentration of HMO's and the fact that the works have been completed and the use commenced.
- It is considered that the proposal does not comply with Policy 11 of the Dundee Local Plan Review 2005. The views of the objectors are supported and there are no material considerations that would justify the approval of this application contrary to the provisions of the development plan.

DESCRIPTION OF PROPOSAL

Planning permission is sought to change the use of a first floor flat from a three bedroom flat to a four bedroom house in multiple occupation at 5 Morgan Place, Dundee. The works to implement the change of use have already been carried out to provide four bedrooms, a lounge, separate kitchen and a bathroom. There are no external works proposed. It is unclear whether the flat is being occupied as an HMO. There are no details regarding the amount of dedicated amenity space or refuse provision for this development.

SITE DESCRIPTION

The application site is located on the south side of Morgan Place. It is a first floor flat within a three storey flatted block. There is a large grassed area to the rear of the site with drying areas. Morgan Place is a residential area with flatted properties in a crescent. There is a central island with trees and associated parking. None of the dwellings in this area have off street parking.

POLICY BACKGROUND

Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 11: Houses in Multiple Occupation - proposals for multiple occupation of a dwelling that require 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 a shared entrance, unless within the City Centre;
- b it will not be detrimental to traffic or pedestrian safety on account of increased parking pressures;
- 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 Planning and Transportation Committee at its meeting on 13 November 2006 approved supplementary planning policy guidance on the subject of Houses in Multiple Occupation (HMO). This supplementary planning policy guidance has been published to provide a more robust and clear approach to dealing with the planning



issues of HMOs. It is considered that this Guidance will complement the Council's powers under licensing and ensure that the standard of HMO properties in the City is high and that the important contribution that this type of property makes to the housing stock can be achieved without adverse impact on existing residential areas.

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

Policy HMO3 is identical in wording to Policy 1 of the Local Plan except that it does not include the final section

dealing with concentration of HMO's. Policy HM02 deals with concentration but only applies to the Central Dundee Housing Investment Focus Area and does not cover the application site.

SUSTAINABILITY ISSUES

There are no specific sustainability policy implications arising from this application.

SITE HISTORY

Planning permission was applied for to change the use of this flat to an HMO in May 2007 - application 07/00421/COU refers. That application was identical to the current proposal and attracted 8 letters of objection from neighbours. However the application was deemed to be invalid due to the failure to notify some of the neighbours. At the same time a building warrant application was submitted to carry out the works to convert the building and these works were subsequently carried out.

An application for an HMO licence has been submitted and this application was deferred by the June 2007 Licensing Committee.

A Planning Contravention Notice has recently been served on the owner, occupiers and operators of the property in connection with the alleged unauthorised use of the premises as an HMO.

PUBLIC PARTICIPATION

Statutory neighbour notification was carried out and the application was advertised as being contrary to Policy 11 of the Dundee Local Plan Review 2005. At the time of writing this Report six letters of objection had been received from surrounding neighbours. The concerns of the objectors are that the use of the flat as an HMO has resulted in noise, refuse and parking problems in the area, is contrary to the Council's policies and that there are too many HMO's in the area. The objectors are concerned that the development has proceeded without planning permission.

Copies of the objection letters are available for inspection in the Member's Lounge and the issues are

discussed in the "Observations" section below.

CONSULTATIONS

No adverse comments were received from statutory consultees or other bodies.

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 has four criteria which a proposal for multiple occupation must satisfy. It is considered that this proposal does not comply with the policy criteria for the following reasons:

This proposal is contrary to criteria (a). Criteria (a) does not permit the development of multiple occupation where it involves the change of a tenement flat or other form of flat with a common stair. As this proposal is for a flat sharing a common stair this change of use is contrary to this criteria.

In terms of criteria (b) it is considered that although there is limited car parking available in the area of the proposed site, the proposed HMO will not lead to a traffic or pedestrian safety problem.

Criteria (c) requires that each proposal must provide adequate refuse storage space, garden ground and car parking. The proposal must not exacerbate existing parking problems in the local area. As stated previously, it is considered that there is limited parking available within the area. As such, this proposal will add to the parking pressures currently experienced at this location. The planning application does not provide any information relating to the provision of bin storage or amenity space. However there

appears to be a generous area of amenity ground to the rear of the building and no obvious problems relating to refuse disposal have been observed on visits to the site.

In terms of criteria (d) it is considered that as a result of this proposal there would not be an excessive concentration of such uses in the local area. Therefore this proposal would not be contrary to this criterion.

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 as follows:

Letters of Objection - Six letters of objection were received in respect of this application. The concerns of the objectors relating to traffic and parking problems, concentration of HMO's and refuse provision have already been assessed in the context of Policy 11 of the Dundee Local Plan Review 2005. It has been concluded that the proposal contravenes Policy 11 in terms of sharing a common stair and pressure on parking facilities but the concerns about concentration of HMO's and refuse disposal are not accepted.

Some of the objectors are concerned about the increased noise levels as a result of this development. It is recognised that there may be potentially more noise on account of the independent lifestyles of the individual occupants. However, there is separate legislation to deal with issues relating to noise.

Finally some of the objectors are concerned that the work to the flat has been carried out already. It should be noted that planning permission is not required for the building work. It is the change of use from a three bedroom flat to a four bedroom house in multiple occupation which requires planning permission. Objectors also point out that the flat is being occupied by more than 3 unrelated people. This matter is currently being investigated by the Council and a Planning Contravention Notice has recently been served on the owner, occupiers and operators of the property.

Supplementary Planning Policy Guidance (Houses in Multiple Occupation) - The criteria of SPPG HMO3 reflect that of Policy 11. It is

considered that the proposal is not in accordance with criteria a and c of HMO3 for the reasons set out against Policy 11.

It is concluded from the foregoing that the material considerations weigh against the grant of planning permission. It is therefore recommended that planning permission be refused.

Design

As there are no plans to alter the external appearance of the building, it is considered that the plans are acceptable in terms of the overall design.

CONCLUSION

The proposal does not comply with Policy 11 of the Local Plan and there are no material considerations that would justify the approval of the application. Consequently, the application is recommended for REFUSAL.

RECOMMENDATION

It is recommended that consent be REFUSED for the following reason:

Reason

The proposed change of use is contrary to Policy 11 criteria (a) and (c) Houses in Multiple Occupation of the Dundee Local Plan Review 2005. This proposal is contrary to criteria (a) as it involves the change of a tenement flat with a common stair. It is contrary to criteria (c) because there is very limited car parking available in the area of the proposed site and the proposal will add further to the current parking problems. For the same reasons the proposed development contravenes criteria (a) and (c) of HMO3 of the Councils Supplementary Planning Policy Guidance to the Dundee Local Plan Review 2005 approved by the Council in November 2006. There are no material considerations of sufficient strength to justify the granting of planning permission contrary to the Development Plan.