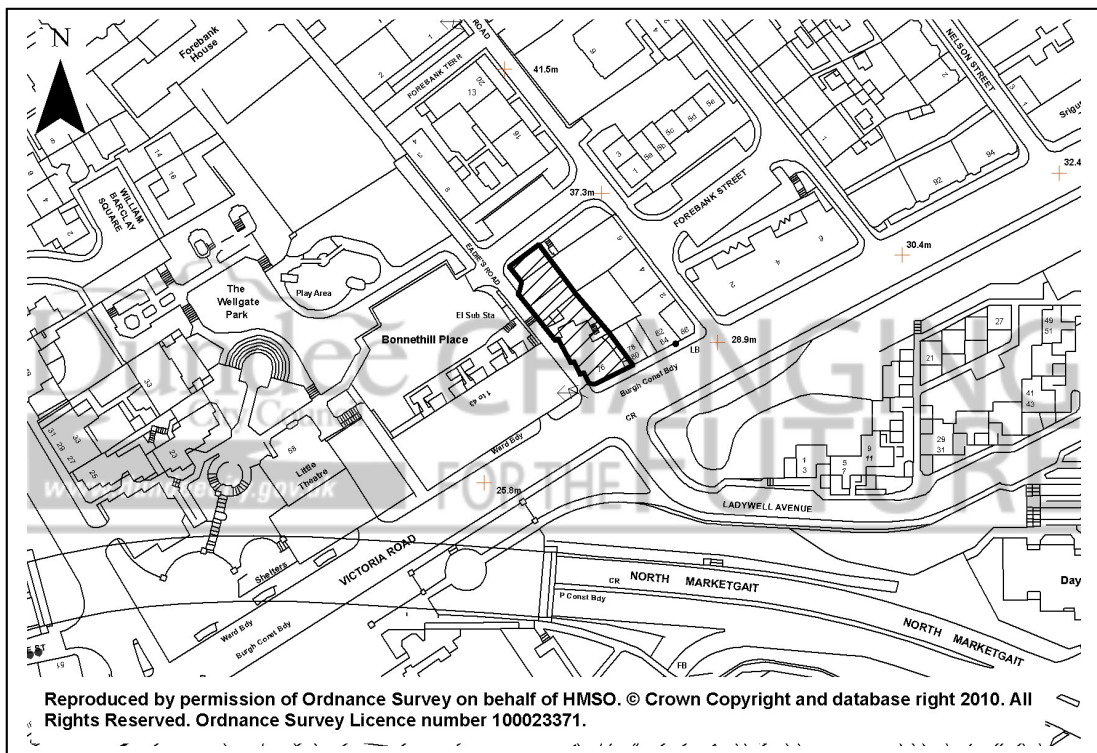


KEY INFORMATION

Ward Coldsid

ProposalChange of use from flat to
4 bed HMO**Address**76A Victoria Road
Dundee
DD1 2NY**Applicant**M & A Dundee Ltd
c/o 7 South Tay Street
Dundee
DD1 1NU**Agent**J S Reavley Inc
Easylets
7 South Tay Street
Dundee
DD1 1NU**Registered** 26 May 2010**Case Officer** Paul Macari

Proposed HMO in Victoria Road

A change of use from flat to 4 bed HMO is **RECOMMENDED FOR APPROVAL**. Report by Director of City Development.

RECOMMENDATION

The proposals comply with the requirements of the Development Plan. There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission. Accordingly the application is recommended for **APPROVAL**.

SUMMARY OF REPORT

- This application seeks planning permission for the conversion of an existing 4 bedroom flat/3 person HMO to a 4 person House of Multiple Occupation at 76A Victoria Road, Dundee.
- Policy 11 (Houses in Multiple Occupation) of the Dundee Local Plan Review 2005 and Supplementary Planning Policy Guidance Houses in Multiple Occupation November 2006 are relevant to the outcome of this planning application.
- The proposed 4 person house of multiple occupation will comprise 4 bedrooms, a bathroom, living room and kitchen. One of the four bedrooms will benefit from an en suite bathroom.
- The proposals comply with the requirements of the Development Plan.

DESCRIPTION OF PROPOSAL

This application seeks planning permission to convert an existing 4 bedroom flat/3 person House of Multiple Occupation into a 4 person House of Multiple Occupation at 76A Victoria Road, Dundee.

No internal or external changes to the existing flat are proposed.

The proposed 4 person house of multiple occupation will comprise 4 bedrooms, a bathroom, living room and kitchen. One of the four bedrooms will benefit from an en-suite bathroom.

In accordance with the Council's mandatory scheme of delegation this application requires to be reported to the Development Quality Committee as an elected member has an interest in the property at 76A Victoria Road.

SITE DESCRIPTION

The application site is located on the northern side of Victoria Road between Eadies Road and Forebank Road.

The application site is located on the ground floor of a recently constructed 5 storey block of flats. The flats have buff facing brick and smooth render walls. The roof of the building is flat and is finished in a waterproof membrane. The windows of the building are aluminium framed double glazed units finished in grey. There are areas of grey cladding matching the window frames on the southern and western elevations. There are also galvanised steel balconies serving the upper floor flats on the southern elevation.

Access to the application site is taken from the rear of the building via a communal courtyard. The existing flat is afforded 1 off street car parking space within a private parking court to the rear of the building at 76A Eadies Road.

The existing building at 76 Victoria Road is bound to the east by a terrace of 4 storey stone built tenement buildings. The neighbouring buildings have ground floor commercial units and upper floor flats. These properties are B listed. Adjacent to the application site on the opposite side of Eadies Road there is a B listed stone built mill building that has been converted into flats.

POLICY BACKGROUND

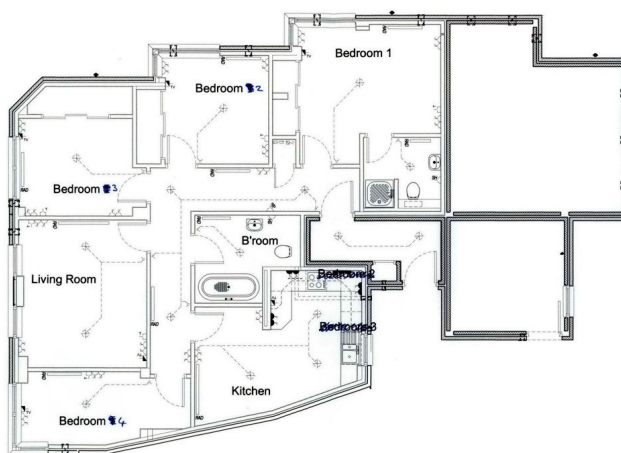
Dundee and Angus Structure Plan 2001-2016

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

Dundee Local Plan 2005

The following policies are of relevance:

Policy 11 on Houses in Multiple Occupation states that 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

Supplementary Planning Policy Guidance to the Dundee Local Plan Review 2005 was introduced for Houses in Multiple Occupation in November 2006.

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

There is no planning history of relevance to the outcome of this planning application.

PUBLIC PARTICIPATION

The Council has followed the statutory neighbour notification procedure as stipulated by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008. This application was also advertised in the Dundee Evening Telegraph as Development Contravening the Development Plan.

No objections to the proposed development have been received.

CONSULTATIONS

No Consultation responses have been received.

OBSERVATIONS

Statutory Requirements

Section 25 of the Act provides that an application for planning permission (other than for a national development) shall be determined in accordance the development plan unless other 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

It is the aim of Policy 11 to ensure that proposals for HMO accommodation provide high quality living accommodation while also protecting the level of environmental quality afforded to neighbouring properties through the provision of adequate refuse storage, garden ground and off street parking facilities.

Criteria (a) of Policy 11 is supportive of proposals for HMO's where the development does not involve the change of use of a tenement flat or other form of flat unless the application site is located within the City Centre. The application site is located within the inner city but the proposals do not involve the conversion of an existing tenement flat or flat with a shared entrance. The existing flat at 76A Victoria Road has an entrance door independent of the communal entrance to the upper floor flats. The proposals therefore accord with the requirements of Criteria (a).

Criteria (b) of Policy 11 stipulates that Houses of Multiple Occupation will not be acceptable in locations where they will be detrimental to traffic or pedestrian safety on account of increased parking pressures. The existing flat has 4 bedrooms and has been operating as a 3 person house of multiple occupation for some time. The property at 76A Victoria Road has only ever benefited from 1 off street car parking space within the parking court to the rear of the building. As the current use of the premises as either a 4 bedroom flat or a 3 person HMO could realistically lead to 4 cars parking in and around Eadie Street it is considered that the change from a 3 person to a 4 person house of multiple occupation at 76A Victoria Road will not result in a significant increase in the number of traffic movements in

and around Eadie Street or the number of cars parking in the streets surrounding the application site. In this instance given the current parking arrangement the proposals will not have an adverse impact upon traffic or pedestrian safety on account of increased parking pressure.

Criteria (c) requires Houses of Multiple Occupation to safeguard the level of residential amenity afforded to neighbouring properties through providing adequate refuse storage, garden ground and car parking within the curtilage of the property. There is sufficient space within the application site to provide adequate refuse storage facilities, usable garden ground and off street car parking facilities for a 4 person House of Multiple Occupation.

Criteria (d) of Policy 11 is not supportive of proposals for the creation of New Houses of Multiple Occupation that would result in an excessive concentration of such uses to the detriment of the character of the surrounding area. In accordance with recent Census Output Data, Houses of Multiple Occupation make up less than 1% of the housing stock in the area surrounding the application site. Therefore, the proposals will not lead to an excessive concentration of HMO's in Victoria Road or the surrounding area.

The proposals comply with the requirements of Policy 11 (Houses In Multiple Occupation) of the Dundee Local Plan Review 2005.

It is concluded from the foregoing that the proposal complies with the provisions of the development plan.

Other Material Considerations

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

Supplementary Planning Policy Guidelines Houses in Multiple Occupation (Nov 2006).

Policy HMO1 identifies that the use proposed requires planning permission as the HMO will provide accommodation for 4 unrelated persons in a house.

Policy HMO2 and Policy HMO3 specify restrictions to the percentage of HMO's within the Dundee Housing Investment Focus Area as identified by the Dundee Local Plan Review 2005. As the application site is not located

within the Housing Investment Focus Area or indeed an area where there is an existing concentration of HMO's these restrictions do not apply.

The proposals are considered to comply with policies HMO2 and HMO3 of the Council's non-statutory guidance on Houses in Multiple Occupation.

It is concluded that there are no material considerations which support refusal of the application contrary to the terms of the Development Plan. It is therefore recommended that planning permission be granted.

Design

The existing building which houses the application site is of a contemporary design finished in modern materials. The proposals do not involve any internal or external changes to the building and therefore will not impact upon the appearance of the existing building at 76 Victoria Road.

CONCLUSION

The proposals comply with the requirements of the Development Plan. There are no material considerations that would justify laying aside the provisions of the Development Plan to withhold planning permission. Accordingly it is recommended that planning permission is granted.

RECOMMENDATION

It is recommended that consent be GRANTED.