

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE

25 February 2014

Agenda Item	5.8
Report No	PLS/017/14

**13/04445/FUL: Inverness City Apartments Ltd and Highland Homeless Trust Ltd
Glenurquhart House, 35 Glenurquhart Road, Inverness, IV3 5NZ**

Report by Area Planning Manager – South

SUMMARY

Description: Change of use from house/holiday accommodation to HMO

Recommendation: GRANT

Ward: 14 - Inverness West

Development category: Local

Pre-determination hearing: N/A

Reason referred to Committee: Objections from 5 or more addresses.

1. PROPOSAL

- 1.1 Planning Permission is sought for the change of use from Class 9 (House) to Class 8 (Residential Institution). The proposal relates to the creation of an HMO for up to 6 people with 24 hour supervision and accommodation for a warden.
- 1.2 No pre-application advice was sought.
- 1.3 The application site is served by a shared vehicular access which extends directly from Glenurquhart Road, the A82 trunk road. The existing water supply and drainage arrangements are to remain.
- 1.4 This application has been submitted on behalf of the Highland Homeless Trust, a local charity that works to provide housing solutions and support services to young adults in housing need. The Highland Homeless Trust is registered as a private landlord with the Highland Council and with the Care Inspectorate as a provider of both Housing Support Services and Supported Accommodation. The management of all Highland Homeless Trust's services are regulated and subject to quality assurance processes by these authorities.

2. SITE DESCRIPTION

- 2.1 The application site relates to an existing dwellinghouse and associated curtilage on Glenurquhart Road, Inverness. The property has been altered internally to form 7 separate bedrooms with individual bathroom facilities. There is also a large communal kitchen and several living/break out areas.

3. PLANNING HISTORY

- 3.1 09/00510/FULIN - Alterations, extension and part change of use from house to holiday accommodation at Chester Cottage, 35 Glenurquhart Road, Inverness. Permission granted.

08/00645/FULIN - Extension and part change of use from house to holiday accommodation at Chester Cottage, 35 Glenurquhart Road, Inverness. Application refused.

05/01090/FULIN - Erection of single storey dwellinghouse (revised scheme) to the Rear of 35 Glenurquhart Road, Inverness. Permission granted.

05/00540/FULIN - Erection of dwellinghouse to the Rear Of 35 Glenurquhart Road Inverness. Application refused.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: 09.12.2013

Representation deadline: 10.01.2014

Timeous representations: 5, including a petition with 7 signatories

Late representations: 1

- 4.2 Material considerations raised are summarised as follows:

- The proposal would have a significant detrimental impact on residential amenity and is out of character with the surrounding area.
- The property in question has been occupied in the past in a similar manner which has resulted in excessive noise and disturbance.
- Evidence suggests that the concentration of HMO accommodation in one area can have a significant negative impact in terms of crime, noise and disturbance.
- The proposal will have a detrimental impact upon road safety. The single shared access and parking provision is not adequate.
- The proposed development of a 7 bedroomed House of Multiple Occupation would constitute an over-intensive use and over-development. The site has been sub-divided in the past and now accommodates 3 other properties.
- The property to the rear (35A & 35B) has been sub-divided into 2 properties.

- HMO's in the City Centre have affected the perception of Inverness by tourists.
- There are already a few HMO's in the vicinity of this property.
- The application site has encroached into the garden ground of the rear property.
- No. 35 Glenurquhart Road is better suited to remain as holiday accommodation.

4.3 All letters of representation are available for inspection via the Council's eplanning portal which can be accessed through the internet www.wam.highland.gov.uk/wam. Access to computers can be made available via Planning and Development Service offices.

5. CONSULTATIONS

5.1 **Transport Scotland:** No objections. No further action.

5.2 **TECS (Area Roads and Community Works Manager):** No comments.

5.3 **TECS (Environmental Health):** No objections. Informative recommended in relation to licensing.

5.4 **Development Plans:** No objections. No further action.

6. DEVELOPMENT PLAN POLICY

The following policies are relevant to the assessment of the application

6.1 Highland-wide Local Development Plan 2012

28	Sustainable Design
29	Design Quality and Place-Making
33	Houses in Multiple Occupation
34	Settlement Development Areas
57	Natural, Built and Cultural Environment

6.2 Inverness Local Plan (March 2006) (as continued in force)

N/A

7. OTHER MATERIAL CONSIDERATIONS

7.1 Highland Council Supplementary Planning Policy Guidance

Sustainable Design Guide (June 2011)

Houses in Multiple Occupation (November 2008)

7.2 **Scottish Government Planning Policy and Guidance**

Scottish Planning Policy (The Scottish Government, February 2010)

8. **PLANNING APPRAISAL**

8.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2 This means that the application requires to be assessed against all policies of the Development Plan relevant to the application, all national and local policy guidance and all other material considerations relevant to the application.

8.3 **Development Plan Policy Assessment**

The proposal requires consideration as it relates to a more intensive form of development constituting a Class 8 use which allows for houses in multiple occupancy, in this case for up to 6 people with 24 hour supervision. Policy 34 of the Highland-wide Local Development Plan identifies support in principle for proposals within Settlement Development Areas and if they meet with the requirements of Policy 28: Sustainable Design i.e. the extent to which the proposal is compatible with public service provision, whether the conversion is compatible with existing and approved adjacent land uses, whether it has an acceptable impact upon residential amenity and will contribute to an acceptable mix of housing tenure.

8.4 **Material Considerations**

Residential amenity: Whilst the use of an HMO by unrelated individuals on a short term basis, which also includes vulnerable young people, may have different patterns of lifestyle typical of a single family unit, there is no evidence to suggest that use of the proposed HMO would be materially different in planning terms to that of a 7 bedroomed dwellinghouse/guesthouse with the amount of activity and traffic generated by that use. There is no indication that the proposed use, managed efficiently, would result in a detrimental impact upon existing amenity to an extent which would warrant refusal of this application.

In addition, the proposed conversion would provide a reasonable living environment for proposed occupiers with good sized living areas and adequate provision of facilities. In this regard there are not considered to be sufficient grounds to warrant a reason for refusal on the basis of residential amenity. It is also noted that there will be 24 hour supervision by a qualified person, which will significantly reduce the potential for anti-social behaviour. This level of supervision will be made the subject of a condition should planning permission be granted.

Housing mix and residential character: This area of Inverness has an existing mix of dwelling types including houses, flats, guesthouses and holiday accommodation. There have been no recent applications for HMOs in the area and following detailed consultation with the Development Plans team, it has been established that the percentage of similar uses do not dominate this section of Glenurquhart Road or wider area. The current proposal, if granted planning permission, would result in a total concentration of similar uses within this census output area of 3.92%. This is well within the 10% suggested maximum identified in the relevant supplementary guidance as to potentially indicate excessive concentration.

Road Safety: Transport Scotland has raised no objection to the grant of planning permission. The application form states that there are 6 private parking spaces (1 disabled) and a bicycle store associated with the property. It is not considered that the proposed change of use is likely to result in a significant increase in parking demand, given that it is young homeless people that will be housed here, but the site plan shows there is provision if required. It is noted that the site is well located in relation to local facilities and the City Centre, and good public transport is readily available.

8.5 **Other Considerations – not material**

The comments received from neighbours are noted, and much of the content is discussed in the main body of the report. In addition, the property to the rear (comprising 35A and 35B) has been sub-divided although the requisite planning permission was never sought (or granted) for this. However, in accordance with Section 25 of the Town and Country Planning (Scotland) Act 1997 the present planning application must be determined on its individual merits in accordance with the development plan and relevant material considerations. The matter relating to numbers 35A and 35B has been subject to separate investigation and is close to being resolved. At the time of writing this report, confirmation has been received that the landlord is in the process of remedying the breach and provisions are being put in place to revert the property back to its permitted use as a single planning unit.

In terms of the application site, the applicants have confirmed that the entire area is under their ownership and this is reflected in the land ownership certificate submitted with the application form. It should be noted that if this is not the case, then the matter becomes a legal issue exclusively between the applicant and the land owner.

In light of several representations relating to various issues which are outwith the remit of the planning system, it is important to emphasise that the planning and HMO licensing systems are two separate regimes with distinct functions and objectives. Whilst the assessment above covers the remit of the Planning Authority, the purpose of HMO licensing is to control standards in 3 other main areas: the suitability of the property owner to be an HMO landlord and the suitability of any agent of the owner; management of the premises; and the physical condition and facilities of the accommodation.

As such, HMO owners, landlords and tenants are governed by regulations set within the HMO licence process which establish the legal responsibilities and duties involved in managing such a facility. These are intended to prevent and manage problems related to anti-social behaviour, repair and maintenance. If landlords fail to fulfil their responsibilities, there are enforcement powers that can enable action to be taken under the licensing regime.

8.6 Matters to be secured by Section 75 Agreement

None.

9. CONCLUSION

9.1 Based on the above observations, this proposal is considered to represent an acceptable form of development, which satisfies development plan requirements pertaining to safeguarding the character and amenity of the surrounding area, and accordingly attracts a positive recommendation. There are no material considerations which would warrant any other recommendation.

10. RECOMMENDATION

Action required before decision issued	N
Notification to Scottish Ministers	N
Notification to Historic Scotland	N
Conclusion of Section 75 Agreement	N
Revocation of previous permission	N

Subject to the above, it is recommended the application be **GRANTED** subject to the following conditions and reasons:

1. Unless otherwise agreed in writing with the Council (as Planning Authority), a suitably qualified person shall be in occupation at the premises 24 hours per day for the duration of the development, as approved.

Reason: In order to clarify the terms of the permission hereby granted and to ensure that the development is implemented and operated as approved.

2. The permission hereby granted shall endure only for the benefit of the Highland Homeless Trust.

Reason: In order to clarify the terms of the permission hereby granted and to ensure proper consideration is given to the operation of the premises should the management regime change.

3. No development shall commence until full details of a covered and secure communal bicycle storage/racking system for 6 bicycles have been submitted to, and approved in writing by, the Planning Authority. Thereafter, the storage/racking system shall be installed in accordance with these approved details prior to the first occupation of the development hereby approved.

Reason: In order to facilitate the use of a variety of modes of transport.

4. The number of tenants accommodated in the development shall not exceed 6 at any one time.

Reason: In order to safeguard the privacy and amenity of occupants of the adjacent properties.

INFORMATIVE NOTE REGARDING THE TIME LIMIT FOR THE IMPLEMENTATION OF THIS PLANNING PERMISSION

In accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997 (as amended), the development to which this planning permission relates must commence within THREE YEARS of the date of this decision notice. If development has not commenced within this period, then this planning permission shall lapse.

FOOTNOTE TO APPLICANT

Statutory Requirements: The following are statutory requirements of the Town and Country Planning (Scotland) Act 1997 (as amended). Failure to meet their respective terms represents a breach of planning law and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development (NID) in accordance with Section 27A of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority prior to work commencing on site. Furthermore, work must not commence until the notice has been acknowledged in writing by the Planning Authority.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended) to the Planning Authority.

Copies of the notices referred to are attached to this consent for your convenience.

Conditions: Your attention is drawn to the conditions attached to this permission. Any pre-conditions (those requiring certain works, submissions etc. prior to commencement of development) must be fulfilled prior to work starting on site. Failure to meet these conditions may invalidate your permission or result in formal enforcement action.

Flood Risk: It is important to note that the granting of planning permission does not imply there is an unconditional absence of flood risk relating to (of emanating from) the application site. As per Scottish Planning Policy, planning permission does not remove the liability position of developers or owners in relation to flood risk.

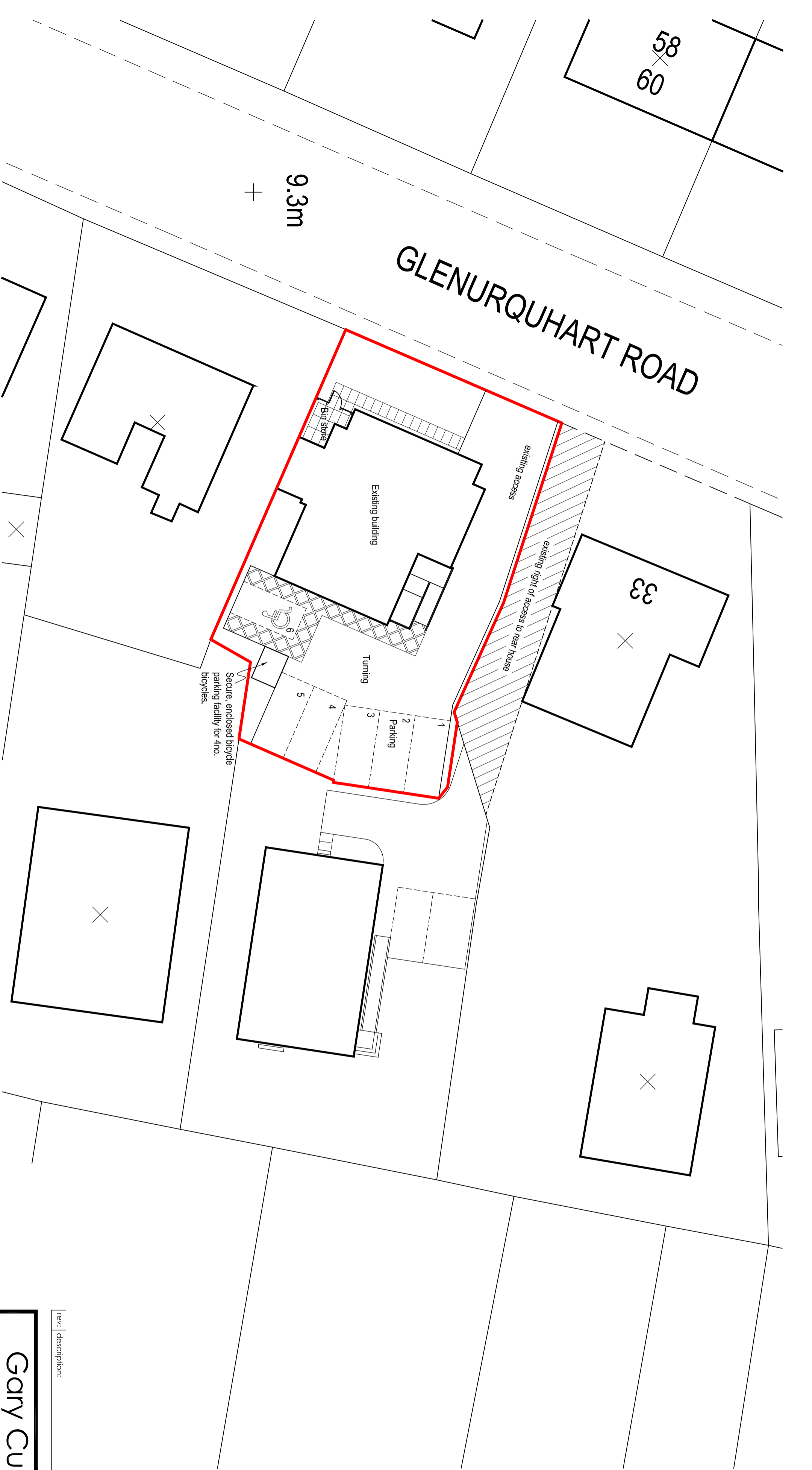
Scottish Water: You are advised that a supply and connection to Scottish Water infrastructure is dependent on sufficient spare capacity at the time of the application for connection to Scottish Water. The granting of planning permission does not guarantee a connection. Any enquiries with regards to sewerage connection and/or water supply should be directed to Scottish Water on 0845 601 8855.

Environmental Health: Whilst our Service would have no objections in principle to the development, the property would require to be licensed by the Council prior to being occupied as a House of Multiple Occupation (HMO). Furthermore, the property would require to satisfy the licence conditions and the Council's adopted standards for such properties.

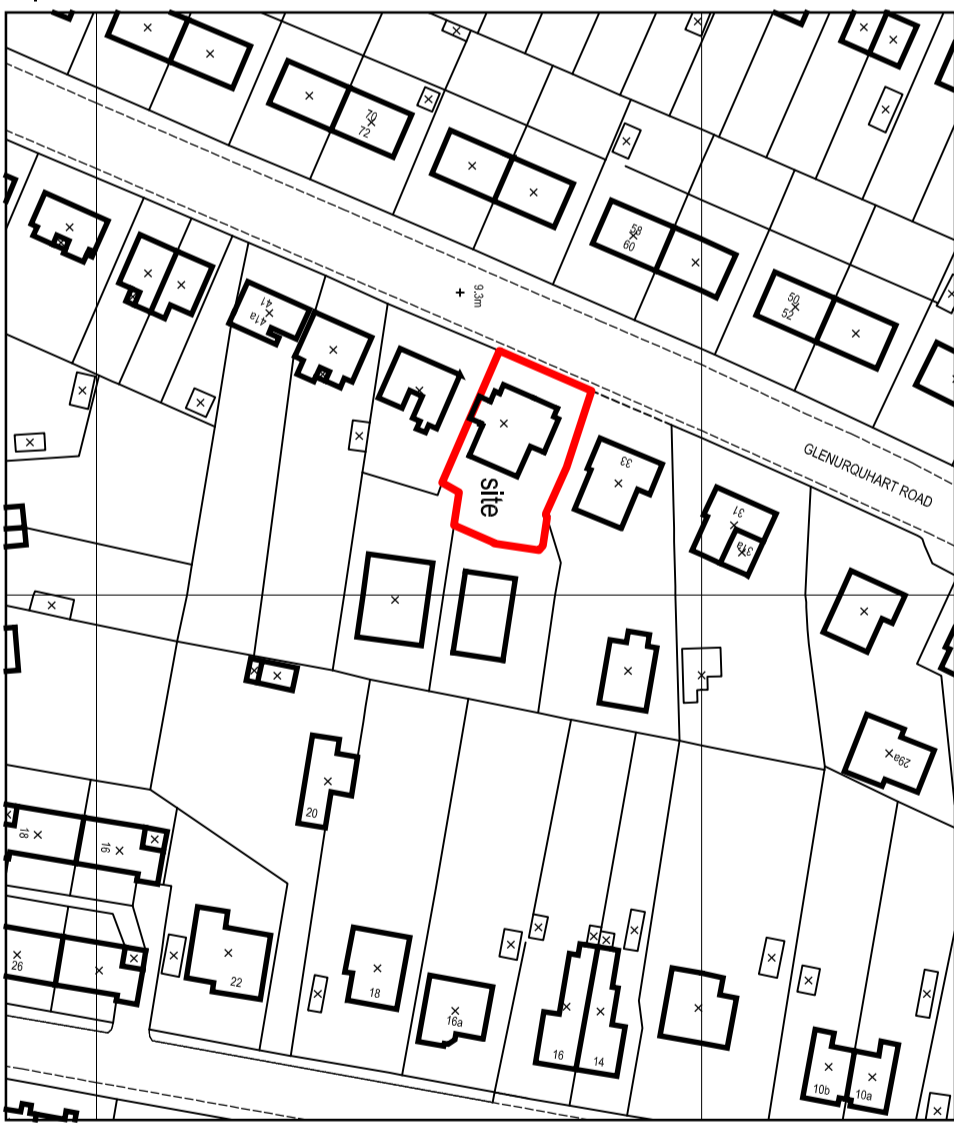
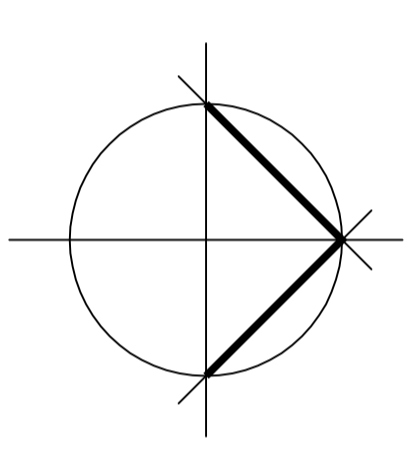
Signature: Allan J Todd
Designation: Area Planning Manager – South
Case Officer: Stuart Morrison
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1: Location Plan 1208 01
Plan 2: Floor Plan 1208 02

Appendix – Letters of Representation

Name	Address	Date Received	For/Against
Petition	7 separate addresses	09.01.2014	Against
Mrs S. MacGruer	62 Glenurquhart Road, Inverness	10.01.2014	Against
Mrs A. Girvan	33A Glenurquhart Road, Inverness	09.01.2014	Against
Mr & Mrs W. Fraser	37 & 37A Glenurquhart Road, Inverness	06.01.2014	Against
Mr & Mrs C. Girvan	33 Glenurquhart Road, Inverness	09.01.2014	Against
Councillor Graham Ross	5 Ardness Place, Inverness	20.01.2014	Against



site plan. scale 1:200.



location plan. scale 1:1250.
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rev	description	date

Gary Cuthbert
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client:
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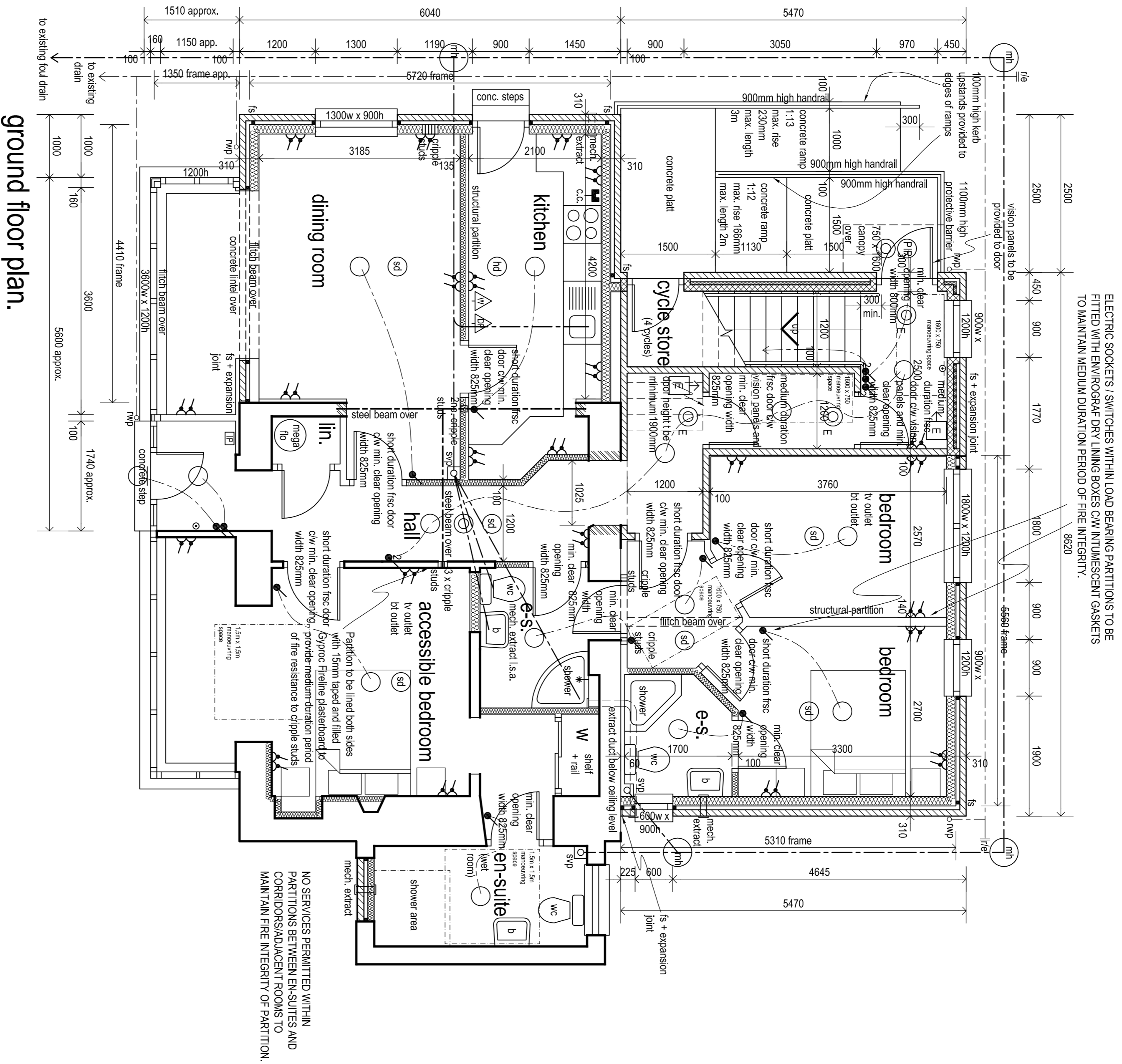
project:
**Change of use to HMO at
 35 Glenurquhart Road, Inverness.**

drawing:
Site & location plans.

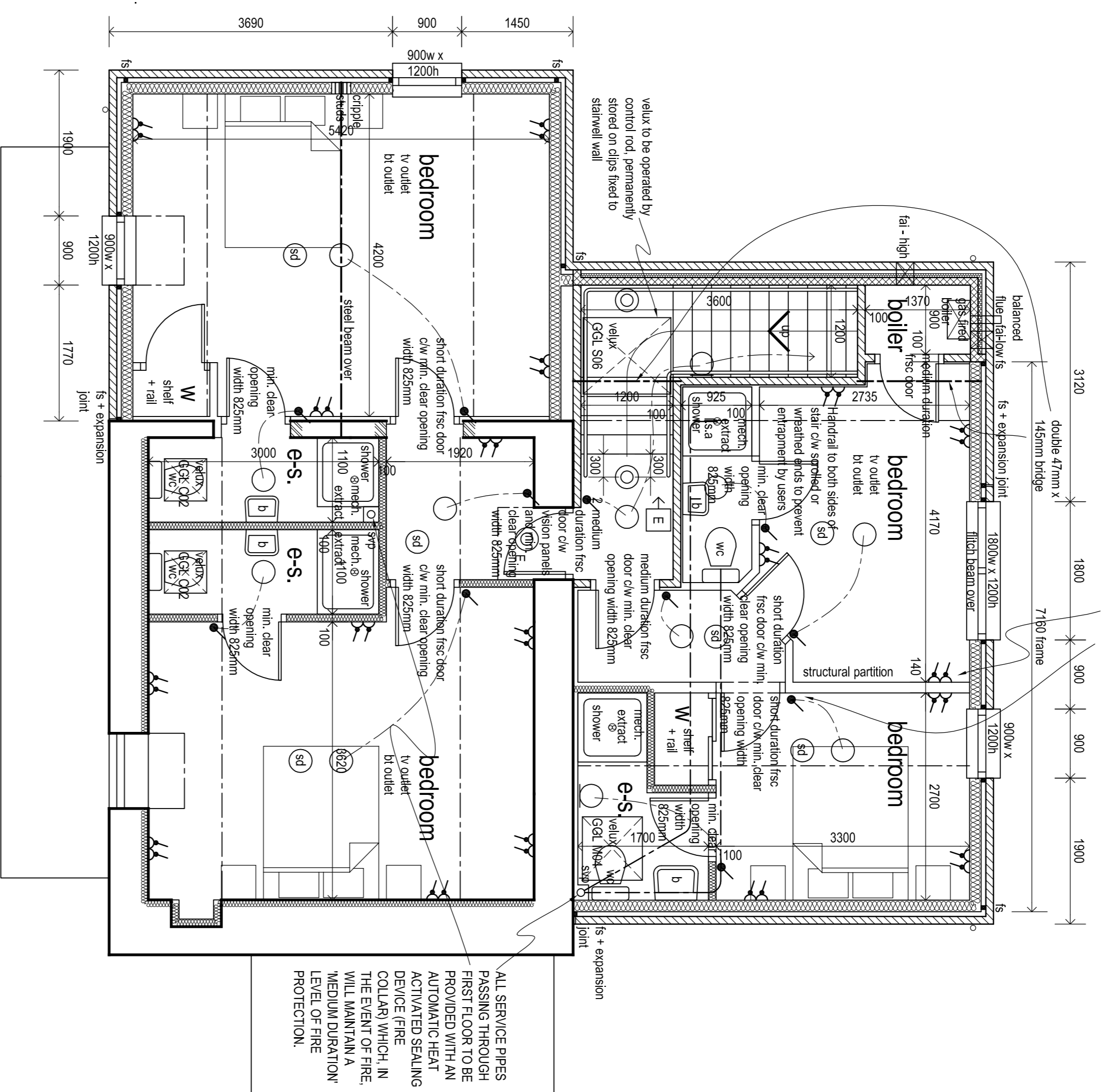
job no:	1208.	diag no:	01.
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scale:	1:200, 1:1250.	date:	November 2013.
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notes: 1) Any discrepancies to be reported to Client / Technician.
 2) Written dimensions to be used, do not scale.
 3) Contractor to check all dimensions prior to commencing works.
 4) Drawing © Gary Cuthbert - Architectural Technician.



ground floor plan.



first floor plan.

rev:	description:	date:
<p>Gary Cuthbert ARCHITECTURAL TECHNICIAN</p> <p>43 Duke's View • Stockcube • Inverness • IV2 6BB tel / fax • 01463 417301 e-mail • gary@garycuthbert.co.uk</p> <p>Inverness City Apartments Ltd.</p> <p>Project: Change of use to HMO at 35 Glenurquhart Road, Inverness.</p> <p>Grounding: Floor plans.</p> <p>job no.: 1208. drg no.: 02. scale: 1:50. date: November 2013.</p> <p>Notes: 1) Any dimensions to be indicated to Client / Technician. 2) Written dimensions to be used, do not scale. 3) Contractor to check all dimensions prior to commencing work. 4) Drawing © Gary Cuthbert - Architectural Technician.</p>		