

THE HIGHLAND COUNCIL

SOUTH PLANNING APPLICATIONS COMMITTEE
14 December 2015

Agenda Item	6.8
Report No	PLS 094/15

15/02631/FUL: GSA Property & Business Holdings, Mr Ali Mohamed
23 High Street, Inverness, IV1 1HT

Report by Area Planning Manager – South

SUMMARY

Description: Change of Use to HMO with Ancillary Use as Hostel

Recommendation: **GRANT**

Ward: 15 Inverness Central

Development category: Local

Pre-determination hearing: Not required

Reason referred to Committee: Number of objections

1. PROPOSED DEVELOPMENT

- 1.1 The proposal is to change the use of the existing hostel to allow it to operate as a House in Multiple Occupation (HMO) and as a hostel but at different times of year.
- 1.2 A Waste Management Plan was submitted in support of the plan.
- 1.3 **Variations:** One variation was made to take account of Environmental Health's requirements to upgrade the bin storage facilities in the building.

2. SITE DESCRIPTION

- 2.1 This is an existing hostel in the city centre on the High Street. A number of shops, businesses and other residential properties lie in close proximity.

3. PLANNING HISTORY

- 3.1 There is no relevant planning history.

4. PUBLIC PARTICIPATION

- 4.1 Advertised: Schedule 3 Development
Representation deadline: 18.09.15
Timeous representations: 7
Late representations: 1

- 4.2 Material considerations raised are summarised as follows:
- Bin storage and odours;
 - More than enough HMO's in the city centre;
 - Anti-social behaviour;
 - Under the HMO3 policy, the property will have a negative effect on businesses in the city centre;
 - Concerns about the size of the HMO.

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 **Development Plans:** No objection.

5.2 **Environmental Health:** No objection.

5.3 **Crown Community Council:** No objection but concerned about the way the hostel is managed at present and the policy application based on households rather than bedspaces.

6. DEVELOPMENT PLAN

The following policies are relevant to the assessment of the application

6.1 **Highland Wide Local Development Plan 2012**

33 Houses in Multiple Occupation

6.2 **Inner Moray Firth Local Development Plan 2015**

6.3 **Highland Council Supplementary Guidance**

Houses in Multiple Occupation – approved March 2013

7. OTHER MATERIAL CONSIDERATIONS

7.1 **Draft Development Plan**

Not applicable

7.2 **Scottish Government Planning Policy and Guidance**

Not applicable

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 Policy Team have been consulted on this application and have advised that the document “Houses in Multiple Occupation: Supplementary Guidance (March 2013)” has been statutorily adopted as part of the Development Plan and is directly related to Policy 33 of the Highland-wide Local Development Plan.

Policy HMO2 of this document states that:

“Planning applications within Inverness City Centre (as defined by the Inverness Local Plan (As Continued in Force 2012) or as re-defined by the emerging Inner Moray Firth Local Development Plan), will be assessed on their individual planning merits and supported where they meet the criteria set out in Development Guideline HMO3 of this Supplementary Guidance and other relevant policies of the Local Development Plan.

To ensure that HMO provision does not have an adverse effect on the character and amenity of the City Centre, this development guideline will be reviewed if the concentration of HMO properties across the City Centre reaches 10% of all residential units in Inverness City Centre.”

There are currently three HMOs already in existence in this Census Output Area. If this application for planning permission and the requisite HMO licence are granted the concentration in this Census Output Area (S00119433) would be 6.9%, well below the recommended 10% threshold. In terms of the Houses in Multiple Occupation: Supplementary Guidance (HMO2) this would not be considered to be an excessive concentration. Across the defined City Centre the location of existing and proposed HMOs is indicated on the attached map. It is noted that the overall City Centre concentration of HMOs is 3.24%, and this is depicted in the table and map in Annex 1 at the end of the report.

In terms of assessing the proposal against HMO3, this is a city centre location adjacent to the pedestrianised area. In such a location, car parking would not be expected to be provided. The location is extremely well served by public transport both within the city and out of the city. Social and community facilities are also within walking distance of the property. As a residential property within the city centre, the use is compatible with other city centre uses. Waste management has been addressed by Environmental Health and management and maintenance of the building will be controlled by licensing. In itself, changing a hostel to a part-time HMO does not materially alter the character of the area.

Policy HMO3 also states that the potential impact on residential and/or business amenity will be considered in determining proposals for HMO accommodation. The comments submitted in this respect highlight increased incidences of disturbance and anti-social behaviour within the City Centre and seek to relate these to increased levels of HMOs in the City Centre area. No specific evidence has been submitted to support these comments other than a reference to discussions with Police Scotland. If there is any case to be made, a clear correlation would need to be identified through Police records linking these incidences to the presence of HMOs within the City Centre. This information has not been provided and as such this application is supported in policy.

8.4 **Material Considerations**

Bin Storage and odours

Environmental Health officers were consulted on this application. They confirmed they have received complaints regarding this property in the past, so met with the applicant to agree appropriate waste management arrangements for the building either as an HMO or a hostel. A Waste Management Scheme for collection of waste has also been agreed with Environmental Health.

More than enough HMO's in the city centre

The Development Plans Team was consulted on this application. At present the policy counts the number of HMO households rather than the number of bedspaces. This is the standard used to measure the total number of HMOs within each output area of the city. Based on the number of HMO households in the relevant census output area, the Development Plans Team have confirmed that this application meets policy criteria and does not exceed the 10% of the total residential stock limit set out in policy HMO2.

Under HMO3, the property will have a negative effect on businesses

While it is accepted that there have been issues in relation to waste management as detailed in a number of the objections, these are matters that have been addressed to the satisfaction of Environmental Health. Issues relating to how a hostel or an HMO are managed are a matter for the Licensing Authority and not a planning matter. As such, within the city centre where many residential properties and businesses are located, it is not reasonable to single out one residential property over any other as having a negative effect on businesses. The use in itself is compatible with other city centre uses.

8.5 **Other Considerations – not material**

Alleged increase in anti-social behaviour is not a material planning consideration.

9. CONCLUSION

- 9.1 All relevant matters have been taken into account when appraising this application. It is considered that the proposal accords with the principles and policies contained within the Development Plan and is acceptable in terms of all other applicable material considerations.

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/notes to applicant:

1. There shall be no occupation of the House in Multiple Occupation (HMO) until the management and maintenance procedures that are agreed with the Licensing Authority for this HMO have been submitted to the Planning Authority. Thereafter all management and maintenance procedures agreed to in this document shall be adhered to.

Reason: In the interests of protecting the amenity of neighbouring properties.
2. There shall be no occupation of the HMO until a copy of the contract of the services referred to in the Waste Management Plan, submitted to the Council on 26 November 2015, has been submitted to and received approval in writing from the Planning Authority. The Waste Management Plan shall thereafter be adhered to at all times to the satisfaction of the Planning Authority.

Reason: To ensure that waste is properly managed in the interests of residential amenity.
3. For the avoidance of doubt, a suitable and sufficient off street storage area shall be identified and maintained at all times for refuse containers associated with this development. All refuse and recyclable materials associated with the development shall be stored within the approved store/area that forms part of the application site. No refuse or recycling material shall be stored or placed for collection on the public highway or pavement, except on the day of collection.

Reason: In the interests of residential amenity.
4. For the avoidance of doubt, no waste or refuse container connected with this development shall be stored within stair 2 as identified on Drg No: 2015/GSA2/01.B, or within the bin store located within stair 2, to the satisfaction of the Planning Authority.

Reason: In the interests of residential amenity.

REASON FOR DECISION

The proposals accord with the provisions of the Development Plan and there are no material considerations which would warrant refusal of the application.

TIME LIMITS

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

Initiation and Completion Notices

The Town and Country Planning (Scotland) Act 1997 (as amended) requires all developers to submit notices to the Planning Authority prior to, and upon completion of, development. These are in addition to any other similar requirements (such as Building Warrant completion notices) and failure to comply represents a breach of planning control and may result in formal enforcement action.

1. The developer must submit a Notice of Initiation of Development in accordance with Section 27A of the Act to the Planning Authority prior to work commencing on site.
2. On completion of the development, the developer must submit a Notice of Completion in accordance with Section 27B of the Act to the Planning Authority.

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

Accordance with Approved Plans & Conditions

You are advised that development must progress in accordance with the plans approved under, and any conditions attached to, this permission. You must not deviate from this permission without consent from the Planning Authority (irrespective of any changes that may separately be requested at the Building Warrant stage or by any other Statutory Authority). 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 adhere to this permission and meet the requirements of all 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 (or emanating from) the application site. As per Scottish Planning Policy (p.259), 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.

Local Roads Authority Consent

In addition to planning permission, you may require one or more separate consents (such as dropped kerb consent, a road openings permit, occupation of the road permit etc.) from TECS Roads prior to work commencing. These consents may require additional work and/or introduce additional specifications and you are therefore advised to contact your local TECS Roads office for further guidance at the earliest opportunity.

Failure to comply with access, parking and drainage infrastructure requirements may endanger road users, affect the safety and free-flow of traffic and is likely to result in enforcement action being taken against you under both the Town and Country Planning (Scotland) Act 1997 and the Roads (Scotland) Act 1984. Further information on the Council's roads standards can be found at: <http://www.highland.gov.uk/yourenvironment/roadsandtransport>. Application forms and guidance notes for access-related consents can be downloaded from: <http://www.highland.gov.uk/yourenvironment/roadsandtransport/roads/Applicationformsforroadoccupation.htm>

Construction Hours and Noise-Generating Activities: You are advised that construction work associated with the approved development (incl. the loading/unloading of delivery vehicles, plant or other machinery), for which noise is audible at the boundary of the application site, should not normally take place outwith the hours of 08:00 and 19:00 Monday to Friday, 08:00 and 13:00 on Saturdays or at any time on a Sunday or Bank Holiday in Scotland, as prescribed in Schedule 1 of the Banking and Financial Dealings Act 1971 (as amended).

Work falling outwith these hours which gives rise to amenity concerns, or noise at any time which exceeds acceptable levels, may result in the service of a notice under Section 60 of the Control of Pollution Act 1974 (as amended). Breaching a Section 60 notice constitutes an offence and is likely to result in court action.

If you wish formal consent to work at specific times or on specific days, you may apply to the Council's Environmental Health Officer under Section 61 of the 1974 Act. Any such application should be submitted after you have obtained your Building Warrant, if required, and will be considered on its merits. Any decision taken will reflect the nature of the development, the site's location and the proximity of noise sensitive premises. Please contact env.health@highland.gov.uk for more information.

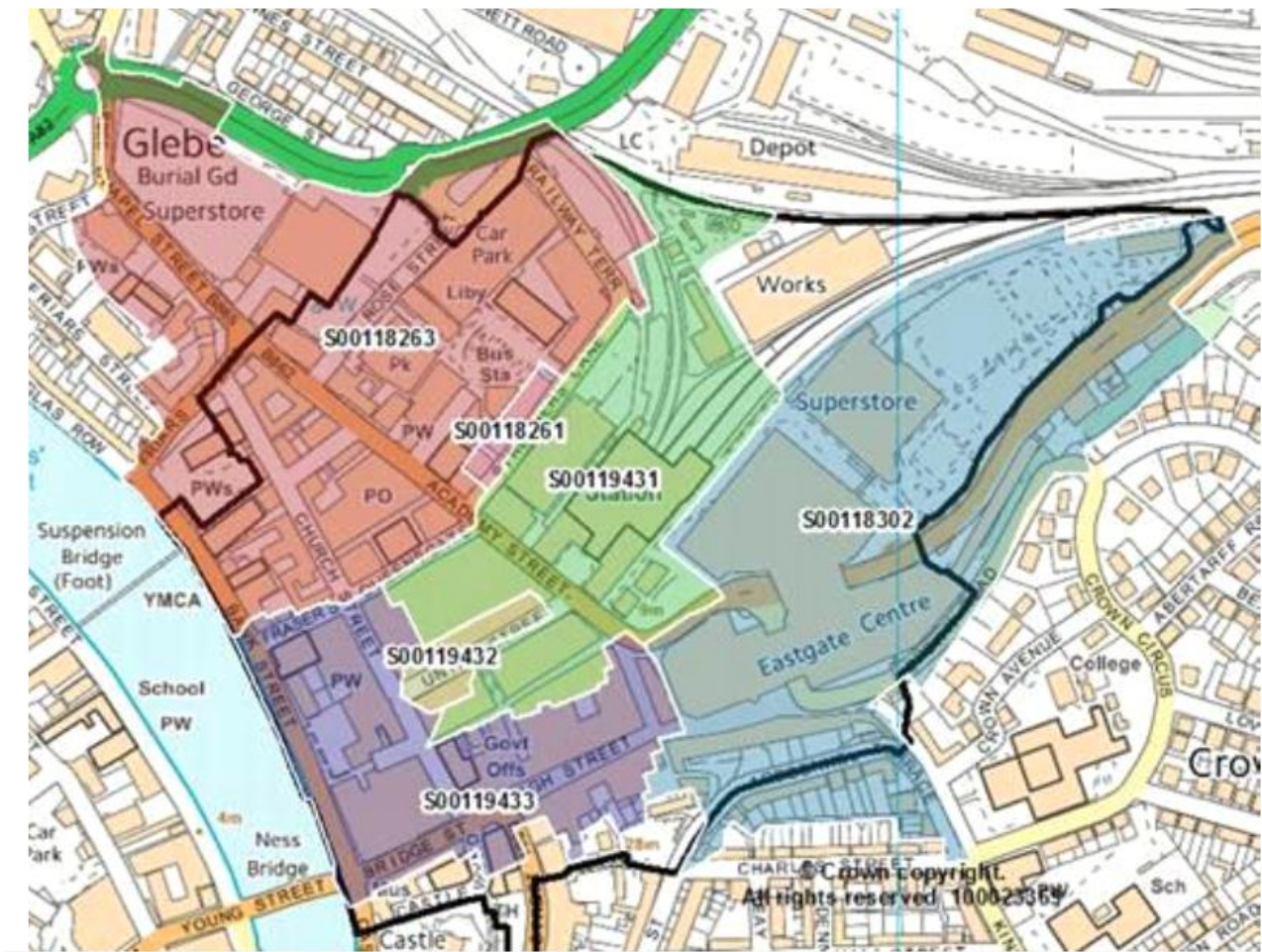
Building Regulations: Please note that Building Regulations and/or a Building Warrant may be applicable to some or all of the works described in this decision notice. You must check with the Council's Building Standards service prior to work commencing to establish what compliance or approval is necessary. If a warrant is required, you must not commence work until one has been applied for and issued. For more information, please contact Building Standards at BuildingStandards@highland.gov.uk or on 01349 886606.

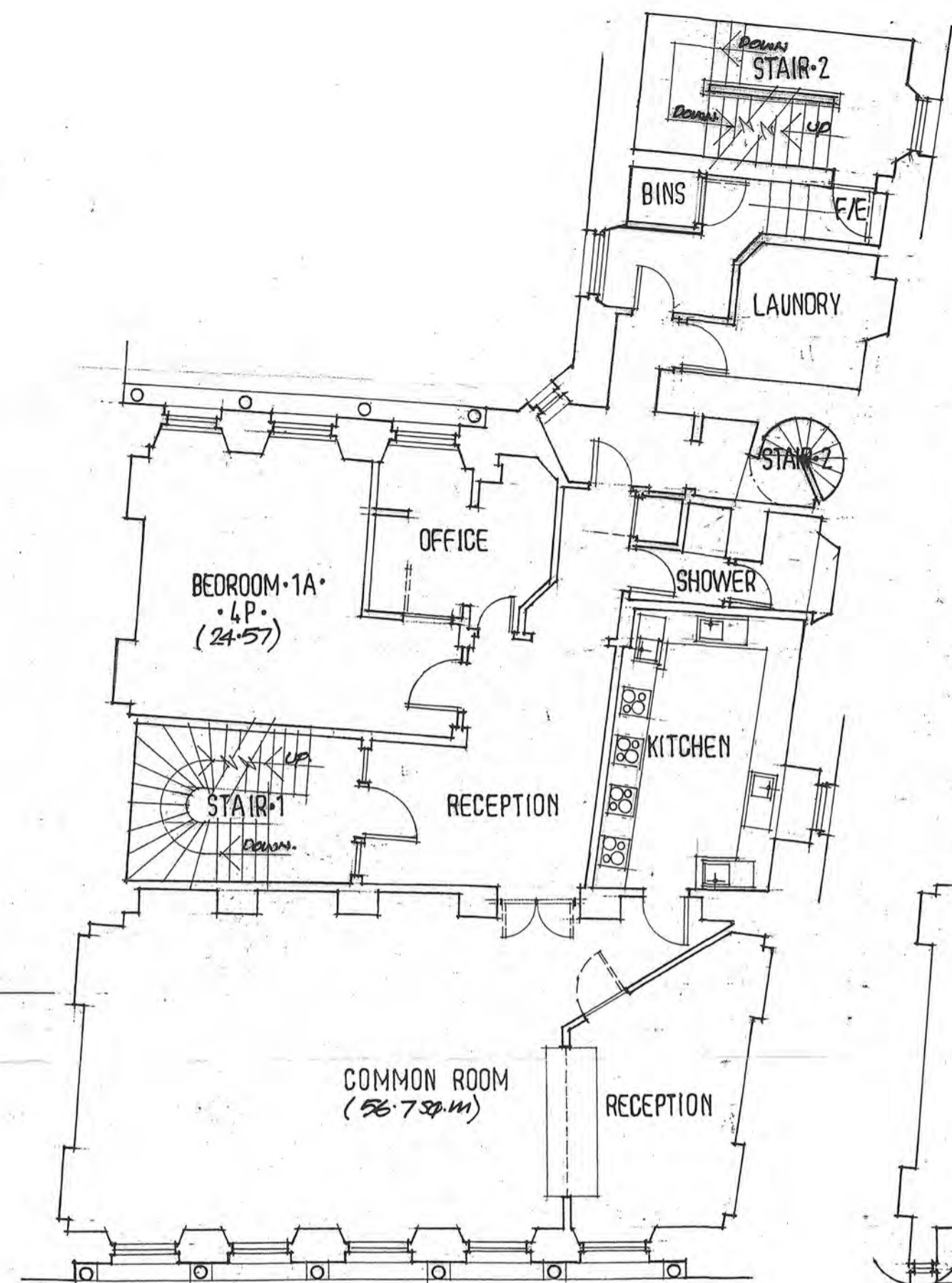
Signature: Allan J Todd
Designation: Area Planning Manager - South
Author: Elaine Watt
Background Papers: Documents referred to in report and in case file.
Relevant Plans: Plan 1 – General Plan

Annex 1

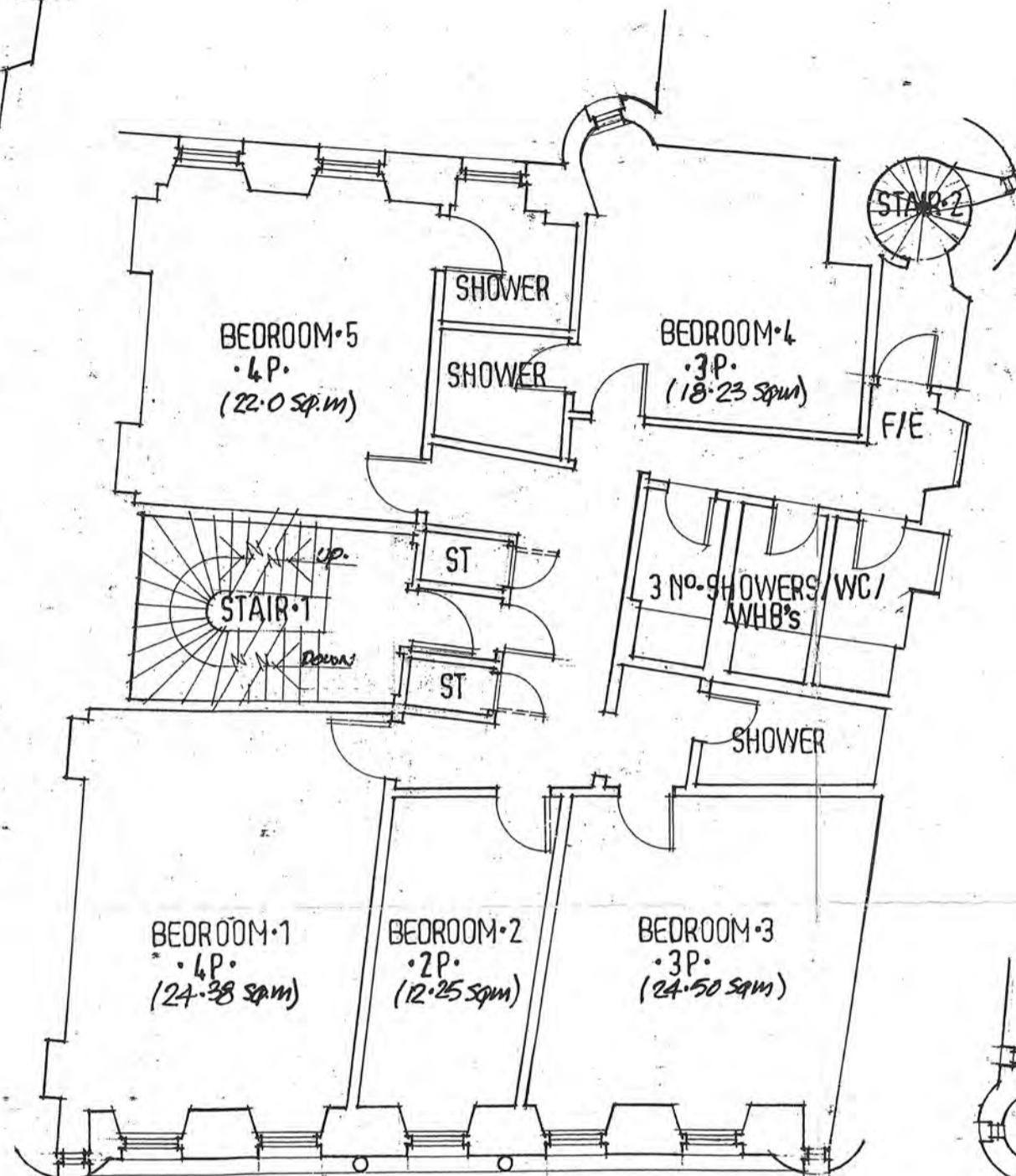
HMO concentration by Output Area			
Census Output Area	Number of Households	No of HMOs	
S00118261	48	0	0.00%
S00118263	63	0	0.00%
S00118302	48	1	2.04%
S00119431	41	2	4.65%
S00119432	45	3	6.25%
S00119433	54	4*	6.90%
Total	299	10	3.24%

*Includes proposed HMO

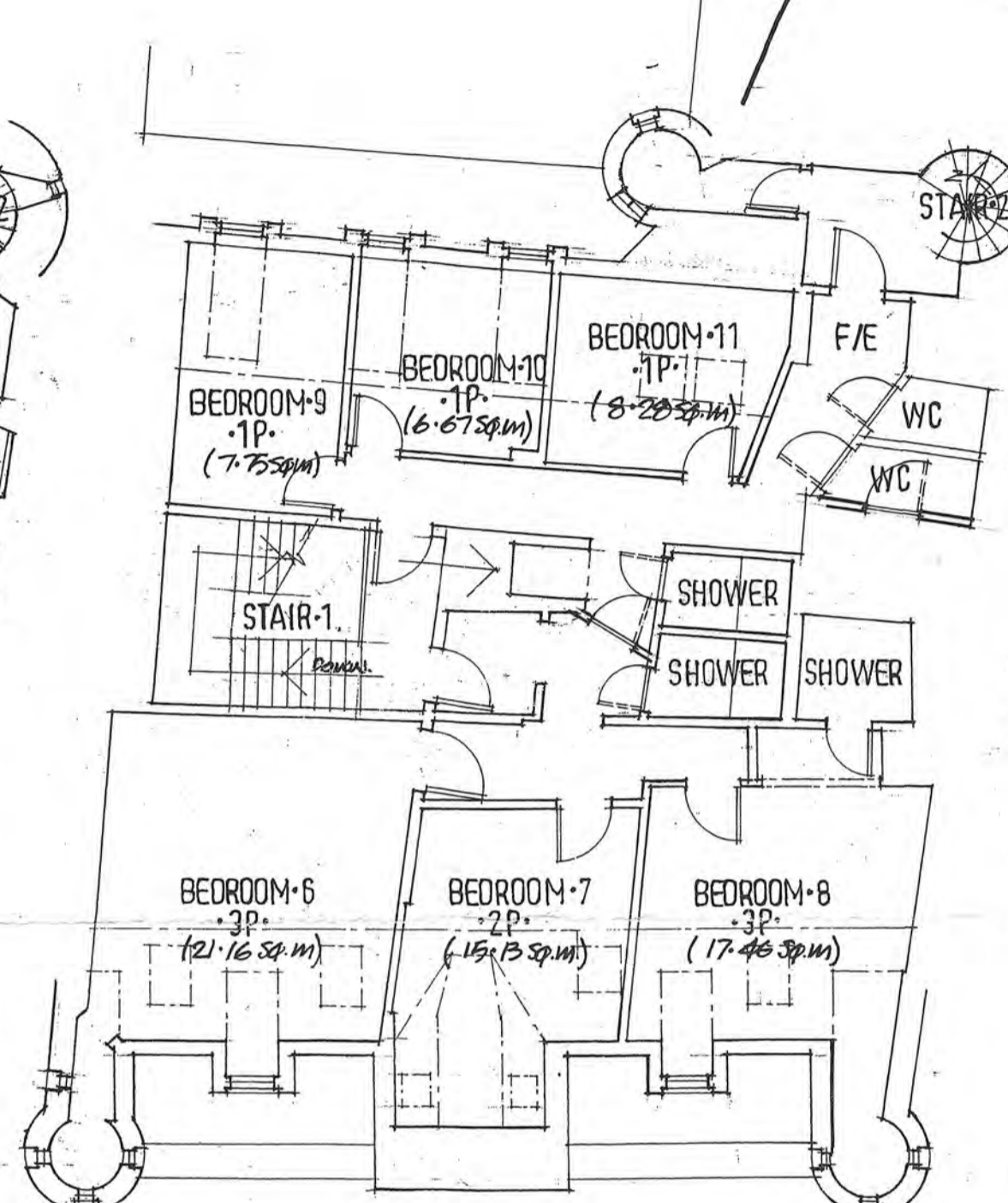




EXISTING
• FIRST FLOOR PLAN •

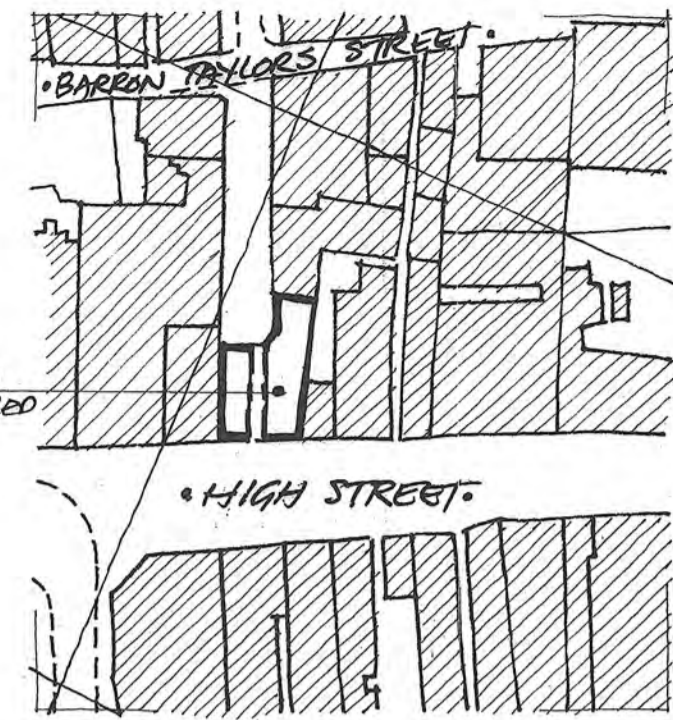


EXISTING
• SECOND FLOOR PLAN •

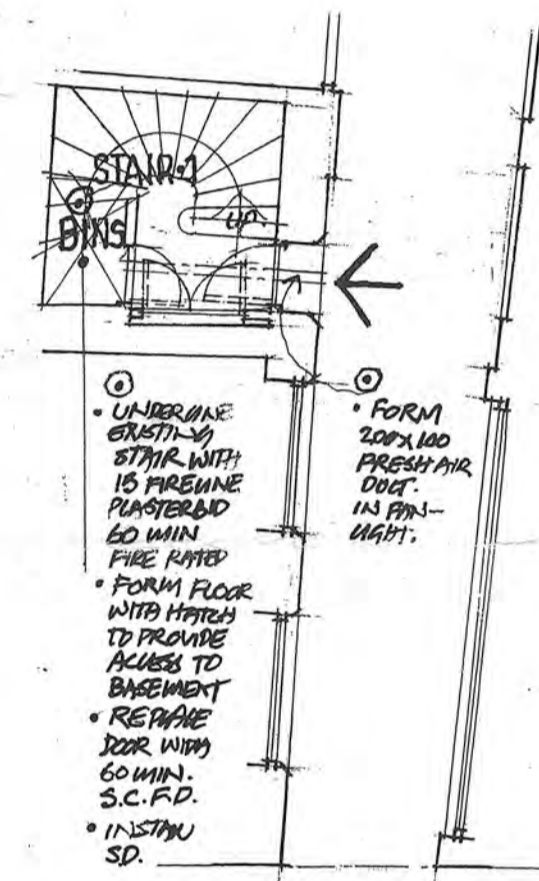


EXISTING
• THIRD FLOOR PLAN •

* NOTE - AREAS CONTAINED WITHIN 1.5M HEIGHT.



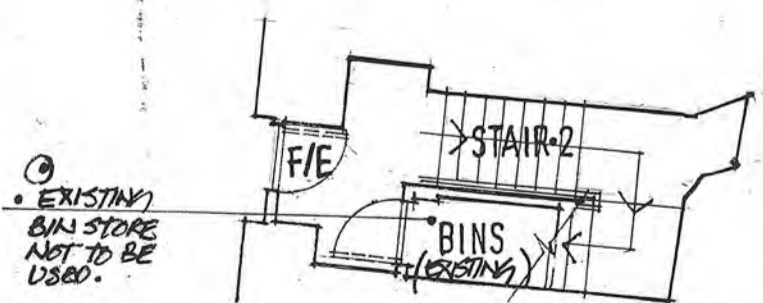
• LOCATION PLAN •
(SCALE 1:1250)



- ① UNDERLINE EXISTING STAIR WITH 15 FIRELINE PLASTER AND 60 MIN FIRE RATED
- ② FORM FLOOR WITH MATCH TO PROVIDE ACCESS TO BASEMENT
- ③ REPAIR DOOR WITH 60 MIN. S.C.F.D.
- ④ INSTAL SD.
- ⑤ FORM 200x100 FRESH AIR DUCT IN FINISH LIGHT.

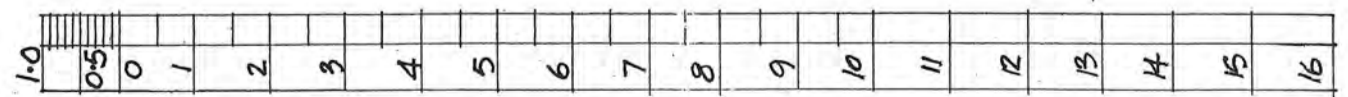
EXISTING
• GROUND FLOOR PLAN •

INVERNESS PLANNING & BUILDING CONTROL SERVICES
16 NOV 2015
RECEIVED



- ① EXISTING BINS STORE NOT TO BE USED.

• EXISTING GROUND FLOOR PLAN •



• SCALE 1:100 •

A2 SHEET
SCALE 1:100
JUNE 2009

J. MACDONALD-BROWN
INVERNESS IV2 7LZ
TEL/FAX 01463 790224
0771 396 0297

REV-A - SEPT. 15 - STAIR-2 / BIN STORE GROUND FLOOR PLAN ADDED.
REV-B - NOV. 15 - BIN STORE TO BE FORMED AT STAIR-1 AS AGREED WITH E.H. SHOWN THUS

EXISTING HOSTEL / PROPOSED H.M.O. AT HIGHLANDER HOSTEL AT 23A HIGH ST. INVERNESS IV1 1HT

DRG. NO. 2015/GSA/2/01-B
EXISTING FLOOR PLANS / LOCATION PLAN