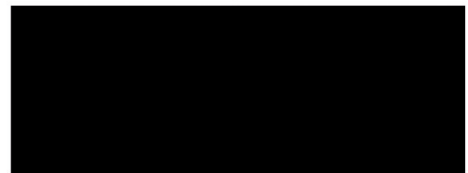
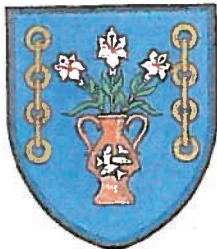


Dear Mr. Browning,

Enclosed is the OAH's representation in response to the Local Plan Consultation, accompanied by a copy of our response to the Consultation on HMOs, in May, which we very much wish to be taken as part of our response to this Local Plan Pre-Main Issues consultation.

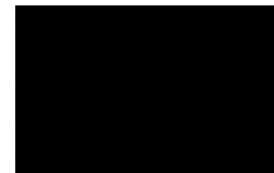
Thank you for your patience,





OLD ABERDEEN HERITAGE SOCIETY

Andrew Brownrigg,
Team Leader,
Development Plan Team,
Planning Department,
Aberdeen City Council



June 2013

Dear Mr. Brownrigg,

Aberdeen Local Development Plan Pre-Main Issues Consultation

The main issues the Society wishes to raise fall into two broad categories relating to:-

- 1) The future of Old Aberdeen as a sustainable community
- 2) Conservation Area Issues, with particular reference to Old Aberdeen

1) OLD ABERDEEN AS A SUSTAINABLE COMMUNITY

First and foremost we are concerned about the excessive pressures which continue to affect Old Aberdeen, and, if not checked, will undermine the future sustainability of this historic community.

These pressures are as follows:-

HOUSES IN MULTIPLE OCCUPATION

There is a more or less unrestrained proliferation of houses in multiple occupation (both licensed and unlicensed) across the Conservation Area, where family homes have been converted to use for multiple tenancy. In almost every case, this means that permanent residents are replaced by temporary residents. This situation is exacerbated by the tendency of owners/proprietors to turn smaller houses or flats (which do not need an HMO licence) also into accommodation for temporary residents. The sum total of properties being occupied by transient tenants is therefore increasing steadily, to the loss of community identity.

For a viable community, it is necessary to have a healthy majority of permanent residents who have put down roots in the neighbourhood, and have a long-term interest in the general welfare of the area. Historically, this been very much the case in Old Aberdeen, where there has always been a strong community spirit and a distinctive local character. The loss of so many family homes to use for multiple occupancy by temporary residents, who may only stay for 8-9 months, is having a serious effect on social cohesion in this historic community.

The root cause of this problem is that property is increasingly being seen as financial investment, and the pressure on Old Aberdeen has been especially severe due to its proximity to the University. Also, up until now, the City Council has not had the means to control this situation. Now, however, the situation has changed, and recently introduced legislation allows the Council to regulate the level of HMOs as and where it deems necessary.

It is our view that this growing issue needs to be addressed urgently, in a firm and far-reaching new City Council policy specifically designed to deal with the problem, and restore balance to the community of Old Aberdeen.

We refer you to our submission, to the recent consultation by the Housing Department, on the possibility of introducing an Overprovision Policy. We enclose a copy of this submission, which we wish to be considered as part of our response to this Local Plan consultation.

That submission details our argument for an Overprovision Policy, and highlights the measures being taken in St. Andrews and other University towns in Scotland. It also requests a moratorium on any further HMO licences in the Old Aberdeen area, while a full survey is carried out of the residential balance in the area. It should be noted that a moratorium to protect specific areas is being proposed, or is already in place, in several other cities, as a measure to tackle the same problems as we have here in Old Aberdeen.

In conjunction with this, we ask for a lowering, across the city, of the occupancy levels at which planning consent is required, and for section 75 conditions to be made mandatory for all 'newbuild' family houses in Old Aberdeen.

ZONING

We are very concerned about the zoning, in the current Local Development Plan, of the area at the heart of the Old Aberdeen Conservation Area under the designation "CF1" or "Existing Community Sites and Facilities".

We understand that it is zoned in this way to indicate the presence of "existing further education and research institute sites" viz. Aberdeen University, in this community, but such a designation does not reflect in any way the true character of the area. Firstly, all the other sites marked "CF1" on the City Wide Proposals Map are, without exception, quite simply, discrete collections of buildings which together form a research institute, university, college or hospital. None of these include a surrounding village or community of family homes.

These 'sites' are simply not comparable, and should not be zoned together. Old Aberdeen cannot be wholly zoned as "existing Community Sites and facilities" in the terms outlined under the CF1 policy. Old Aberdeen is not the 'site' of an institution; it is a distinct living community with a rich history which can be traced from its earliest beginnings, through its mediaeval status as Burgh of Barony, to the present day village within a city. This is an ancient community or village within which an ancient educational institution, the University, has a significant and most welcome presence, but it is first and foremost a living community, with its own distinct historical and cultural identity.

Assigning a "CF1" zoning to the very heart of Old Aberdeen is not only completely inappropriate from a purely descriptive point of view, but it also poses a risk to the future protection of its historic and community character. This zoning is directed towards the promotion of new or extended institutional uses, and specifically states that these will be supported in

principle. Although the policy concludes with a caveat which gives a cursory allusion to the presence of other uses in that area, and to a measure of protection which might be afforded to these, this postscript does not redress the balance implied by this zoning, which clearly favours institutional use over others, as it defines the heart of the Old Aberdeen community as part of a 'site' in to which institutional use can be extended, in principle. The emphasis is all on the institution to the detriment of sustainability of this living community.

As the policy stands, it is vital that this last paragraph (pp.32-33) is retained, because it gives some degree of protection to the community, and that, of course, is both welcome and essential, but it is not enough. In the context of the present policy, specific reference should be made to this central part of the Old Aberdeen Conservation Area and to the community which gives it life, and should give it at the very least equal weighting in description and consideration. The policy also need to state that when changes are proposed which would affect the historical, architectural or cultural character of the area, or the vitality of the community, then these latter should have absolute priority.

It is our view that this CF1 zoning has the potential to contribute to the depopulation of Old Aberdeen, and to other kinds of negative impact on its character and sustainability as a community, and it should be altered. Old Aberdeen is unique, and deserves a unique zoning. Explicit recognition of its distinctive historical, aesthetic, cultural and community identity should be made in the Local Plan, in order to make clear the Council's determination to give it the fullest protection.

The existing Policy CF1 does not do this, and it is our view that changes need to be made.

In addition to these changes in zoning, it is our view that the City Council should further protect the residential amenity of the heart of the Old Aberdeen community by enacting a specific policy which makes it clear that the Council will refuse any more applications for change of use from residential to institutional.

To sum up, we are anxious to see firm steps being taken without delay to ensure the continued viability of Old Aberdeen as a community, both by a policy of more stringent control of proposed changes, by more accurate and appropriate zoning, and by measures to restore a balance of uses which will safeguard it as a wholly sustainable community.

2) CONSERVATION AREA ISSUES

The other broad category of concerns which we would wish to be considered in the preparation of the new Local Plan is largely that of issues related to the conservation and protection of the historic environment, and especially that of Old Aberdeen. Rather than attempt to fit our concerns in to specific sections of the Local Plan, we shall simply detail them under simple headings, which can be applied to the relevant section or sections in the Plan as required.

Trees

When work is proposed to trees on land owned by the Council itself, it is imperative that there should be a policy in place to require that the proposed works are not only submitted to the Council Tree Officer, but also go through the same consultation process as trees on land owned

by others. The Council must advertise the application for the tree-work, as it does with all others, with the requisite number of days to allow members of the public, amenity bodies and Community Councils to make representations. Only once these representations have been gathered and taken account of, should a recommendation for approval or refusal be made. Members of the public have a right to know of proposals, and to object if they wish. Had this procedure been in place, some particularly inappropriate work to trees in Conservation Areas could have been avoided. This is a very important matter.

Gardens and Designed Landscapes

As well as those in the National Inventory, those gardens and landscapes which contribute to the local historic environment and character of Conservation Areas should be given special protection, as detailed in the Government's Scottish Historic Environment Policy p.47, 3;79

Roads and Pavements

Granite Setts

We are concerned that these have been incorrectly laid in recent years, and many historic areas have suffered damage to their character as a result. What has happened is that the setts have been laid too far apart, and tarmac poured in the gaps. The traditional way is to place them close together, separated only by a thin layer of something like lime/mortar, or perhaps a sand mixture. In any case, the result of the recent work is ugly, and in no way traditional. A further unexpected result is that hot weather has caused the tar to melt and re-distribute itself, and the road has become uneven, and thus dangerous for pedestrians.

Another regrettable feature of this new way of laying setts is the complete loss of camber, which detracts enormously from the appearance of the road, and also that part of the Conservation Area. It is simply not authentic; not historically accurate. Furthermore, laying setts flat in this manner, without camber, brings other unintended results. After heavy rain, much of the water gathers on the road, rather than draining away to the sides, and in cold weather turns into ice, thus presenting a hazard for pedestrians. This is unnecessary, and would not happen if a road of granite setts were laid correctly.

As to pavements, the re-laying of historic granite paving-stones has also been done incorrectly. These should be laid right up against each other, but have been laid with significant gaps between them, infilled with some substance or other. This is not authentic either, and looks out of place in Old Aberdeen.

In some other parts of Old Aberdeen, traditional setts and/or paving-stones have been removed and replaced with modern materials. We would wish to see the original type of materials reinstated as soon as practicable, as they contributed in significant measure to the character of the Conservation Area.

We would like the Council to protect and enhance the Old Aberdeen Conservation Area by reinstating traditional pavements and roads (with camber) where lost, and to take action to ensure that all future works to setted roads and granite pavements are carried out in the traditional way.

We realise that the appropriate skills and craftsmanship for these tasks may no longer be found locally, but suggest that such is the importance of this, that local employees attend training-courses to learn the necessary skills which would restore the roads and pavements in our Conservation Areas to their original state. Alternatively, craftsmen from other parts of the

country could come to Aberdeen to pass on their skills while restoring pavements and granite setted roads together in Aberdeen.

Roads Department of the City Council - interface with Conservation Section of Planning Dept.

We believe that it is vital that the Roads Dept work closely with the Conservation Section of the Planning Dept where any works to Old Aberdeen are planned, any road signs or other devices, street furniture, etc, proposed, or any issues arise which might affect the character or amenity of this prime Conservation Area.

In our view, it is vitally important that the Roads Dept should consult the Conservation Dept before arranging to undertake such works, so that the planners who know the sensitivities of the area and have responsibility for protecting it, can advise which would be acceptable, and which not, and help find alternative solutions.

We should like the Council also to strive to undo the damage caused, in Old Aberdeen, by inappropriate works to roads, especially by traffic-calming measures such as the ugly 'chicanes' in College Bounds, and proliferation of signs and street furniture, all of which are seriously detrimental to the Conservation Area. The unique historic character of Old Aberdeen has been damaged by these, and this needs to be put right.

One particular point is that the Roads Department are still using bright yellow paint and broad stripes when making yellow road markings in Old Aberdeen, when the law relating to Conservation Areas allows them to use, and in fact directs them to prefer the use of a pale cream for the paint instead of yellow, and a much thinner stripe, in order to lessen their impact on the historic character of the area. The Society would suggest that this should become mandatory for all such works in Conservation Areas.

Windows and Doors - Repair and Replacement

We wholeheartedly endorse the Council's policy in the Supplementary Guidance of March 2012 that "for buildings which are located within Conservation Areas (but are not listed buildings) the Council's preference is for original windows and doors to be repaired and restored whenever possible."

We would also like to see the Council form and pursue an active policy of identifying inappropriate window and door replacements, and through enforcement procedures (on more recent cases) or by education and persuasion, along with the offer of grant aid, bring about the restoration of these windows and doors to their original state.

Right to Privacy and Light

It is our view that these rights should be clarified further, and that the standards adopted as the basis for the regulations should be more rigorous.

CCTV

If such devices are deemed absolutely necessary, siting and design in a Conservation Area must be tightly controlled by the Planning Dept. to minimise their negative impact.

Satellite Dishes

The proliferation of satellite dishes in Conservation Areas is much to be regretted. Many frontages, especially of flatted properties, are peppered with these, and to see one on the front, or other visible elevation, of an attractive house in a Conservation Area, spoils the appreciation, not only of that building, but of the surrounding area.

Unfortunately, correcting this situation is a considerable task, but one which must nevertheless be undertaken if we are to restore the character of those parts of Conservation Areas which are affected. As with windows and doors, there are two situations. Those satellite dishes which have been erected without planning permission, within the requisite number of years can be the subject of enforcement procedures to have them moved. Those which have been in place for longer present more of a difficulty, but it may well be possible to persuade owners of these properties to improve the appearance of their homes by moving them.

In either case, a robust programme should be instigated as soon as possible to deal with this very real threat to the integrity and character of Conservation Areas. The longer this matter is left unattended, of course, the more ingrained the practice will become, and the more difficult to set things right. We do hope that the Council will put in place a robust policy of proactive management of both this issue, and that of unauthorised window and door replacements, as between them, these developments hugely disfigure our Conservation Areas

Shopfronts and Signs

We very much welcome the Council's policy on the reinstatement and restoration of traditional shopfronts and signs in Conservation Areas, and would suggest that grants should be made available to encourage the owners of such properties to undertake this work.

Inappropriate shopfronts and signs have spoiled the appearance of some very fine old buildings in Old Aberdeen, and have had a serious effect on the setting of the surrounding area, detracting from its traditional character. We believe that a robust enforcement procedure with regard to unauthorised changes would make a big difference here also.

Having said all this, we have serious concerns about the handling of applications to alter shopfronts or signs in Conservation Areas. On many occasions, planning officers handling these applications have had little experience of what is involved, or of the sensitivity attached to choice of style, materials, proportion and colour. Regrettably, as a result, completely inappropriate shopfronts and/or signs have received approval even in outstanding Conservation Areas such as Old Aberdeen.

The problem needs to be addressed at source, with such applications being allotted only to officers with the necessary experience of, and commitment to, Conservation Areas.

Other Signage

Council policy for Conservation Areas should take account not only of shop signs, but also signs erected on buildings belonging to other types of business, organisations, institutions including Universities, Colleges, Schools, or Local or Scottish Government buildings. All of these have the potential to impact negatively on a Conservation Area. These signs, too, are often completely inappropriate, and are often erected without permission. Even the occasional unsuitable sign can have a considerable effect. It is our view that there should be strict control of these signs as well as of shop-signs, and that for all types, there should be a less ambiguous guidance as to what

constitutes an acceptable sign in a Conservation Area. Requirements for particularly sensitive areas should be stipulated in detail.

Advertisements

Conservation Areas would benefit greatly if the Council were able to exert more control over advertisements of all kinds, including all those defined in the “Town and Country Planning (Control of Advertisements) (Scotland) Amendment Regulations 1992”

It would appear that the Council has no specific, separate policy relating to advertisements and signs in Conservation Areas, and the formulating of such a policy would surely be a great step forward in the protection of those areas of special architectural and historic interest.

We suggest that Council guidelines for Conservation Areas should include a stipulation that there should be no types of advertisement that can have “deemed consent”, and that all should be the subject of applications for permission. There should also be robust enforcement procedures where property owners have erected advertisements without consent.

It is understood that not all Conservation Areas will need the same degree of control on this, so perhaps the Council could revive the concept of “areas of special control” for advertisements, as allowed for in the Town and Country Planning (Scotland) Act 1997 (parts 182 and 183). This allowed the Council to designate such areas if they “appear to require special protection on grounds of amenity”.

Under the same Act, surely the Council has the power “to make different provision with respect to different areas”, and so could devise a policy which applied the requisite level of regulation or control to each area as merited by its sensitivity?

It has been to the detriment of the special character of Conservation Areas, and particularly Old Aberdeen, that advertisement control has not been implemented as it would be hoped. Inappropriate advertisements from relatively small examples right up to those of large hoarding-size have detracted from these special parts of the City. It is to be hoped that some kind of policy can be devised to bring the situation under control.

Sculptures

It is not clear whether large sculptures in a prominent position in a Conservation Area require planning permission, but according to what seems to be the legal definition of a “building” in planning terms, it would appear that permission is necessary. Certainly a very large sculpture or statue has a considerable impact on the surrounding part of the Conservation Area, and can easily be detrimental to its character. This is an issue which needs to be clarified in Council policy, and action taken to control the situation. Not all sculpture is an enhancement of an area; some actually have the reverse effect. Others may be acceptable if sited in a less prominent position. It is important, therefore, that each is considered individually, and to this end an application for planning permission should be required.

Matters of Procedure relating to applications for development or changes in Conservation Areas

We would suggest that it should be a matter of policy that all planning applications for Conservation Areas be assigned to one of a small team of officers experienced in and knowledgeable about conservation law and policies, and committed to the protection and

enhancement of such areas. This will ensure that plans for sensitive areas are not primarily dealt with by planning officers with little expertise in that field.

In every case, such a plan should be referred in the first instance to the Conservation Section of the Planning Department for initial comments and advice.

Plans for property in a Conservation Area should never be dealt with under delegated powers, as they have an impact on sensitive areas. The tightening up of control on this would ensure that all applications were considered by the Planning Committee, and potential objectors' concerns would be fully heard.

If this principle for some reason cannot be accepted, or cannot be implemented, then, we suggest, it is important to address this matter in the following way:-

At present, an application to which the local Community Council has objected will not be allowed to be determined by delegated powers. Also, if alterations to the plan are made in relation to the content of that objection, the Community Council are informed, and if they decide to withdraw their objection, the application then falls to be dealt with under delegated powers.

It is our view that this courtesy should be extended to local heritage and amenity bodies, who, although not statutory consultees, represent often some of the most well-informed people in the area, who know it extremely well, particularly in its environmental and historical context.

To clarify this point, we request that the Council give equal weight to representations from local heritage and amenity bodies, so that an objection from them would preclude an application being dealt with under delegated powers. This policy is necessary also, so that such bodies would be notified of any changes to an application, whether related to their original objection or not. If such a body declines to withdraw its objection, then the application should not be determined under delegated powers.

If applicants alter a plan relating to a Conservation Area after it has been submitted, and notification and advertisement has taken place, then it must be re-submitted and re-advertised, neighbours re-notified and local conservation, heritage and/or amenity society notified.

Representations from Heritage and Conservation Societies should be given particular weight, along with those from Community Councils. Even though they may not be statutory consultees, they have a wealth of experience and detailed knowledge of the area in all its aspects, especially on historic, aesthetic and cultural matters.

There should be good communications between the Council and such bodies, enabling them to be kept up-to-date with, and be consulted on, all developments relating to the Conservation Area. In particular, it would be particularly welcome if the Council would undertake to notify such bodies of all applications for property, or trees, in their area, just as they do at present for Community Councils.

Further Supplementary Guidance

May we suggest that it would strengthen the Council's position with regard to the protection of Conservation Areas if new supplementary guidance documents were issued specifically covering the following subjects in Conservation Areas:-

HMO applications; traffic and parking; work to roads; advertisements, signs and shopfronts;

Old Aberdeen Conservation Area - proposed extension to boundaries

The Society wishes formally to request that the City Council give serious consideration to extending the boundaries of the Old Aberdeen Conservation Area as follows.

We would like to see the area from Dunbar Street (east side) right down to King Street and from St. Machar Drive (north side) to Harrow Road, included in the Conservation Area. This is in recognition that:

- 1) This area contains some fine granite buildings, particularly those of St. Peter's School, which lies between Dunbar Street and King Street, and some handsome dwellings on King Street.
- 2) This area also includes some very attractive, and as yet, unspoilt groupings of traditional houses, a particularly fine example being the exquisitely designed cul-de-sac at St. Machar Place.
- 3) It makes no sense that the west side of Dunbar Street is protected, and the east is not, as any development on the east side obviously has an impact on the setting of the Conservation Area on the opposite side of the road.
- 4) Cheyne Road and Harrow Road, while not in themselves of particularly historic or architectural distinction, form a link between Don Street and the fine granite houses on King Street, and form the approach to this part of the Conservation Area. In addition to this, the modest size of the bungalows here reflects the scale of the houses in Don Street, which is important for their setting. Furthermore, the gardens of these houses contribute to the approach to the Conservation Area, and indeed to the whole setting of this part of Don Street.
- 5) These houses, and other modest-sized homes in this area, are in need of some protection following the recent relaxation of the law relating to development in areas which are not conservation areas. Already permission has been given for one of these to be almost doubled in size, from a small bungalow, to a building which extends in to most of the rear garden. This particular house has also received permission for use as an HMO, and the combination of these two consents will very much alter its character. If the houses in Cheyne Road and Harrow Road are not included in the Conservation Area, there will be scope for many more such changes, which as well as affecting these two roads themselves, would be significantly detrimental both to the approach to the Conservation Area, and to its setting.

We would very much hope that the whole area, as described earlier, can be included within extended boundaries of the Old Aberdeen Conservation Area.

Yours sincerely,

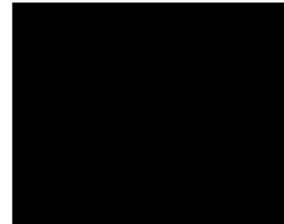
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Graeme Stephen
on behalf of Old Aberdeen Heritage Society



OLD ABERDEEN HERITAGE SOCIETY

Mr Graeme Stuart
Planning and Policy Housing
Business Hub 11, 2nd Floor West
Aberdeen City Council
Broad Street
Aberdeen AB10 1AB



Dear Mr Stuart,

Consultation on HMO Overprovision Policy

We welcome the opportunity to respond to this Consultation, and we are glad that this longstanding problem is being addressed.

While we recognise the need for continued provision of shared housing, the cumulative impact on residential neighbourhoods of the changes brought about by the proliferation of HMOs is a matter of serious concern. It is our view, therefore, that this provision should be regulated to avoid the negative impact of concentration in any one area.

As is recognised by recent Scottish Government legislation and guidance, and as has been the experience of many communities, a high concentration of houses in multiple occupancy in an area can substantially alter the nature of a neighbourhood, by changing the dynamics of a community. It can introduce an imbalance in the population, with an increasing proportion of transient residents, who will often be present only for 9 months of the year, and will then move on.

In Old Aberdeen, this has become an especially significant problem, where the concentration of HMOs has reached levels which are having a distinctly negative impact on the cohesion of the community, and also on the character of the Conservation Area.

Where once there was a majority of permanent residents in the area, who have a settled interest in, and commitment to Old Aberdeen as a community with all its concerns, there is increasingly in some parts a majority of temporary residents, who do not generally have that interest or commitment. This change in dynamics can undermine the stability of an area, and a high turnover of residents does nothing to bring people together as a community. The under-occupation of buildings in the weeks outside term-time brings with it other problems, not least the sense that

parts of the residential area are deserted, and this has a propensity to decrease the level, or at least the perception of the level of personal safety in the neighbourhood.

The steady increase in the numbers of HMOs in Old Aberdeen has been one which, for various reasons, has not been able to be checked. As a result of the lack, up until now, of appropriate legislation to support an overprovision policy by the Council, there has been a huge pressure put on private housing in the area, as a result of landlords (often not from the Aberdeen area) seeking to invest in properties and convert them into HMOs. Such landlords are able to pay over the odds for any property which comes on to the market, with the result that local people who want to put down roots in Old Aberdeen are prevented from doing so. This is much to be regretted.

Concentrations of HMOs in some parts of Old Aberdeen are running at particularly high levels, both in flatted accommodation and in groups of terraced or detached houses. In this situation, a viable, settled community cannot be sustained, and it is clear that without intervention by the local authority in the form of an overprovision policy, the negative change in the character of the area could become entrenched.

We are particularly concerned about the effect on the Old Aberdeen Conservation Area. As noted in the 2012 Government Guidance, there is a potential in areas of high concentration of HMOs for deteriorating physical standards in relation to properties, and a noticeable feature has been the tendency to remove front gardens in favour of gravel or paving, which do not have to be attended to in the same way. Traditional front gardens with shrubs and flower garden make a valuable contribution to the character and amenity of the Conservation Area and its environs, and this can easily be lost.

We have noted the policies being operated or proposed by other local authorities in Scotland, mostly as a result of the new legislation, and the levels at which they have chosen to place a threshold. For Aberdeen as a whole, we feel that a similar threshold, viz. of 10% in any one locality, beyond which an application for a HMO would not be granted, would help to even out the levels across the city.

We do, however, feel that Old Aberdeen merits particular and individual consideration, in view of the specific pressures placed upon it by its proximity to the University. In many ways, the situation here is exactly parallel to that in St Andrews; both historic mediaeval burghs; Conservation Areas full of attractive architecture and listed buildings; both traditionally tight-knit communities on a linear pattern; and both suffering the effects of excessively high concentrations of HMOs, to the detriment of the community.

Fife Council has introduced a moratorium for two years in the St Andrews Central Conservation Area, and no new licences have been permitted since then. The immediate benefit of such a measure is, of course, to prevent further increases in HMO levels, but in the long-term there will also be a benefit when problems in the area are thoroughly researched and addressed.

We propose that Aberdeen City Council place a moratorium on the granting of any type of HMO licence in the Old Aberdeen Conservation Area. It would also be appropriate to do the same for the residential areas immediately adjacent, which are also under great pressure. This measure would protect the whole Old Aberdeen area from any increase in the negative impact caused by the

high concentration of HMOs. Meanwhile, there could be an in-depth assessment of the community amenity impact of these levels of concentration on the residential balance of the area.

As for the question of “locality” mentioned in the 2011 Act, we suggest that for the city in general, an appropriate measure for division might be that of Census Output Area, given its smaller size and its definition by population, with the proviso that this must not result in small enclaves of concentrated HMO accommodation in one output area. If this cannot be achieved by Census Output Area, we then need the further control of a radius measurement.

There should, however, as we have indicated, be an exception to the general policy for the Old Aberdeen Conservation Area and adjacent areas, in recognition of the already high levels of HMO concentration, and this whole area should be treated as one, with what some Councils call a Specialised Local Policy; in this case a moratorium on further licences.

In assessing overprovision in any area, account also has to be taken, of course, of the existence of unlicensed HMOs, and it is to be hoped that the situation regarding these can be regularised.

Also to be noted is that many flats of two bedrooms or fewer, which do not need a licence, are also occupied by temporary residents, so that the proportion of permanent residents in the area is considerably lower than would be apparent simply by examination of the percentage of HMOs. This should perhaps be taken in to account when deciding on percentage thresholds.

Looking to the future, we suggest that it would be a good idea to attach Section 75 conditions to the planning permission granted to new homes built in the Conservation Area. These conditions would stipulate that these houses should not at a later date be converted to houses in multiple occupation. This would be another way of preventing the loss of purpose-built family housing to HMO accommodation, which has regrettably happened in several instances in Old Aberdeen.

We understand that the new legislation also gives Councils the power to set occupancy levels in relation to the requirement for either an HMO licence or planning permission. We believe that the current level in Aberdeen, set in the Planning Policy, for flats, is far too high, leaving too many properties outwith Planning Control, and our view is that it should be reduced to “three or more” in line with other Local Authorities around Scotland. Similarly, the occupancy level for unrelated persons at which a house requires planning permission for change of use in Aberdeen is higher than that of other Planning Authorities, and should be reduced to “five or over”. This would restore a greater measure of control to the local authority in the consideration of applications for change of use to an HMO.

In conclusion, we would like to stress that we believe it to be important that Aberdeen City Council has a Regulation Strategy for HMOs which is a joint undertaking between Licensing/Housing and Planning Departments. This would enable them more closely to align the two operations, and produce a joint policy which would give greater control over the granting of licences and planning permission. We believe also that a specific HMO overprovision policy should be put together jointly, and that it should be applied to all applications for HMO properties, whether flats or houses, with occupancy levels of three or more. Only with this level of control can the proliferation of all HMOs, including the many smaller ones, be restricted, in order to

protect the amenity of residential neighbourhoods. A joint approach to HMO Overprovision, we believe, is very much the intention of the Scottish Ministers in the new legislation, and this could be of great benefit in addressing many of the current problems with overprovision, and in restoring balance to communities.

Yours sincerely,

(G. STEPHEN)

CO-CHAIRMAN

Copies to Bridget Turnbull – Planning Department
Daniel Harrington – Planning Department
Daniel Lewis – Planning Department