

ADDENDUM REPORT

Application Ref: LA04/2023/4153/F	Committee Meeting Date: 17th September 2024
Proposal: Conversion of an existing dwelling house to a 5 bed HMO dwelling house. No works to the exterior or elevation of the property.	Location: 44 Ponsonby Avenue, Belfast, BT15 2LS
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request for the application to be reported to the Planning Committee by an Elected Member (Cllr Conor Maskey) and paragraph 3.8.7 (discretion of the Director)	
Recommendation:	Approval with conditions
Applicant Name and Address: Samuel McCammon 184 Newry Road Banbridge BT32 3NB	Agent Name and Address: Samuel McCammon 184 Newry Road Banbridge BT32 3NB
Valid date: 4 th October 2023	
Target date (15 weeks): 17 th January 2024	
Contact officer: Lisa Walshe, Principal Planning Officer	
<u>Background</u> <p>This addendum report should be read in conjunction with the original report to the 18th June 2024 Committee, appended.</p> <p>This application was deferred for a site visit by the Committee at its 18th June 2024 meeting. The site visit took place on 25th June 2024.</p> <p>At the site visit, it was noted that there was an oil tank situated where the bins were proposed to be located on the submitted plans (Drawing Number 04A). There was also a small outhouse which was not shown on the submitted plans either.</p> <p>The oil tank has since been removed from the site, in anticipation of gas installation in July 2024. The removal of the oil tank has been verified by officers during a site visit. An updated plan (Drawing Number 04B) has been updated to reflect the oil tank removal and inclusion of the outhouse. This updated drawing is provided at Appendix 1.</p> <p>A photograph of the area within the rear yard where the application proposes to store the bins is provided at Appendix 2.</p>	

Bin storage requirements

Requirements for the proposed 5-bedroom HMO:

The Council's Waste Infrastructure SPG sets out the bin requirements for new development (Table 6 of Appendix 2). The weekly bin requirements for a 5-bedroom HMO are 560L (i.e. 100L per bedroom plus 60L per dwelling). The breakdown of this waste requirement is:

- 35% general waste – collected fortnightly
- 55% recycling – collected weekly
- 10% food waste – collected weekly

This is then broken down as follows:

- Black bins – 35% of 560L = 196L x 2 weeks = 392L = 2.18 180L bins = **3 x 180L bins** (rounded up)
- Recycling – 55% of 560L = 308L = 5.6 x 55L bins = **6 x 55L bins rounded up (2 recycling packs)**
- Food waste – 10% of 560L = 56L = 2.4 x 23L bins = **3 x 23L bins rounded up**

In total 8 bins/containers are required (3 x black bins, 2 x recycling packs and 3 x food bins)

Under Table 7 of Appendix 2 of the SPG, each set of 4 containers (bins) requires a minimum storage area of 2.0m x 2.4m which equates to 4.8sqm. In this case, 8 containers are required, therefore, the minimum storage area required for bins is 4.8sqm x 2 = 9.6 sqm.

The proposed bin storage area would reduce the rear yard amenity area by 9.6 sqm from the existing 18 sqm to 8.4 sqm (excluding the small outhouse).

Requirements for the existing 4-bedroom dwelling:

In comparison, the existing use of the property as a 4-bedroom dwelling requires 310L of bin capacity (i.e. 70L per bedroom plus 30L per dwelling). This is broken down as follows:

- Black bins – 35% of 310L = 108.5L x 2 weeks = 217L = 1.2 180L bins = 2 x 180L bins (rounded up)
- Recycling – 55% of 310L = 170.5L = 3.1 x 55L bins = 4 x 55L bins rounded up (2 recycling packs)
- Food waste – 10% of 310L = 31L = 1.3 x 23L bins = 2 x 23L bins rounded up

In total, 6 bins/containers are required (2x black bins, 2 x recycling packs and 2 x food bins).

Under Table 7 of Appendix 2 of the SPG, this equates to a requirement of 2.0 x 1.8m = 3.6 per 3 containers. In this case, 6 containers are required, therefore, the minimum storage area required for bins is 3.6sqm x 2 = 7.2sqm.

As a result, the bin storage area would reduce the rear yard amenity area by 7.2sqm from the existing 18 sqm to 10.8 sqm.

The bin requirements for the proposed HMO would reduce the rear yard amenity area by 2.4 sqm over and above the existing use as a dwelling. This is not considered to be a significant difference.

Other considerations

Regard is also had to the close proximity of the site to Alexandra Park to the north, which is less than a 10-minute walk and includes significant open space and a play park, which occupants of the proposed HMO can avail of.

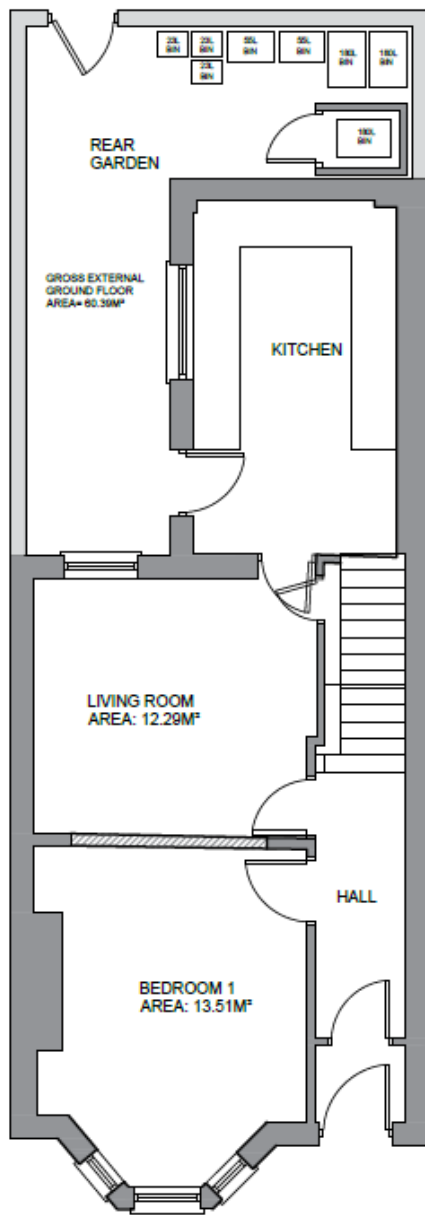
Recommendation

Taking into consideration these factors, it is considered that sufficient amenity space would be in place for occupants of the proposed HMO.

The recommendation remains that planning permission is granted subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other issues that arise provided that they are not substantive.

Appendix 1 – Drawing Number 04B:



Proposed Ground Floor

Appendix 2 – Photograph of rear yard and proposed bin storage area



Development Management Officer Report Committee Application

Addendum	
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Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request for the application to be reported to the Planning Committee by an Elected Member (Cllr Conor Maskey) and paragraph 3.8.7 (discretion of the Director)	
Recommendation:	Approval
Applicant Name and Address: Samuel McCammon 184 Newry Road Banbridge BT32 3NB	Agent Name and Address: Samuel McCammon 184 Newry Road Banbridge BT32 3NB
<p>Executive Summary: This application seeks full planning permission for Change of use from dwelling to 6 Bed House in Multiple Occupation (HMO). The site is No. 44 Ponsonby Avenue.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character and appearance of the Alexandra Park ATC • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection • Other matters <p>18 objections have been received with the issues raised addressed within the main report.</p> <p>The application has been called in for the following reasons:</p> <ol style="list-style-type: none"> 1) The application may negatively affect parking and traffic in the street (and surrounding area) and; 2) The application may negatively impact amenity (regarding additional waste disposal units required at the properties) <p>The scheme is compliant with Policy HOU10 in that the 10% threshold for HMO's on Ponsonby Avenue has not yet been reached. Officers consider that the scheme will not be harmful in terms of traffic, parking, impact on amenity of the surrounding area or the Alexandra Park Area of Townscape Character.</p> <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise, provided that they are not substantive.</p>	

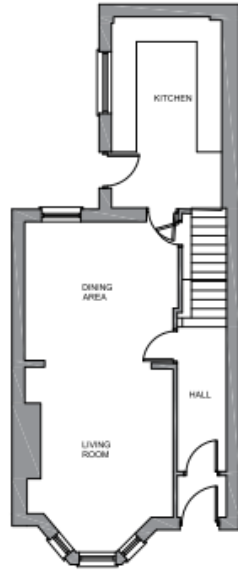
Officer Report

1.0

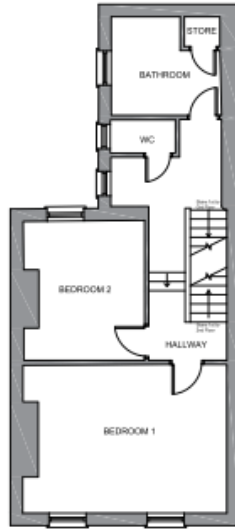
Drawings

1.1

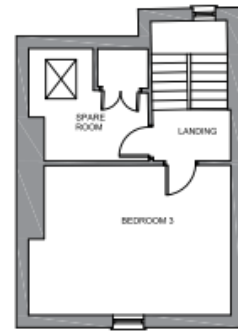
Existing Floor Plans



Existing Ground Floor

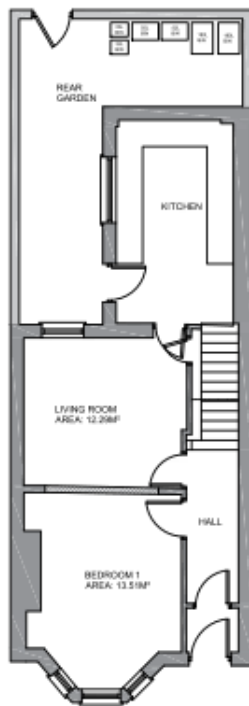
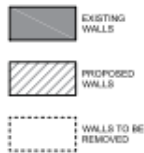


Existing First Floor



Existing Second Floor

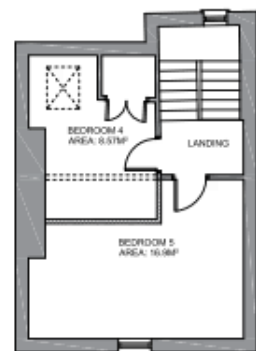
Proposed Floor Plans



Proposed Ground Floor

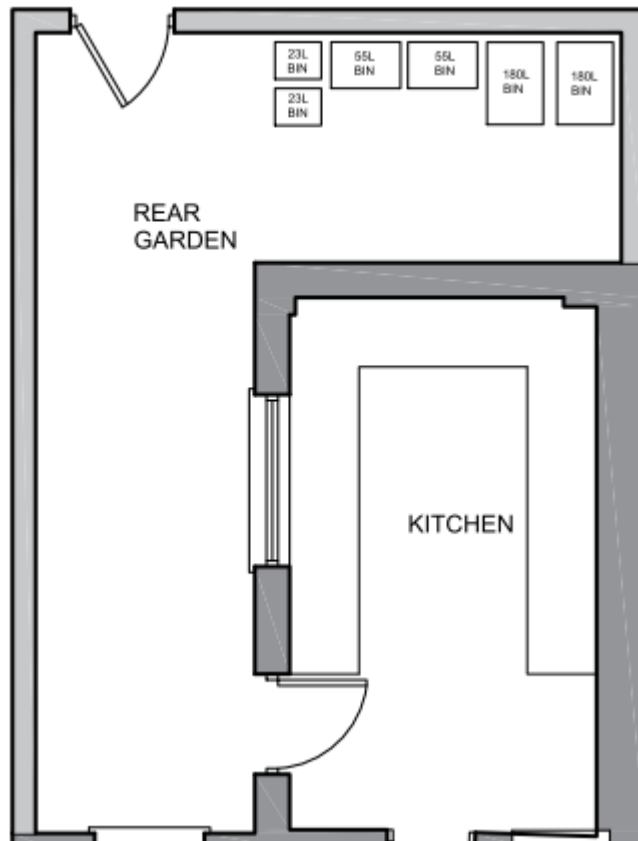


Proposed First Floor



Proposed Second Floor

Bin storage and amenity



Please note that no external alterations are proposed and therefore elevations have not been provided.

2.0 Characteristics of the Site and Area

- 2.1 The application site is located at 44 Ponsonby Avenue in the Newington area of North Belfast.
- 2.2 The building is a 2.5 storey terraced dwelling finished in red brick with a rendered bay window to the front. There is a small, enclosed amenity space to the front with pedestrian access. There is also a small amenity space to the rear which backs onto an alleyway.
- 2.3 The site does not fall within any of the existing HMO Policy Areas or Development Nodes; therefore the 10% threshold applies.
- 2.4 The site is in Draft Belfast Metropolitan Area Plan 2015 - Designation BT 030 Area of Townscape Character: Alexandra Park, Belfast.

3.0 Description of Proposal

- 3.1 The application is seeking full planning permission for change of use from a dwelling to 5 Bed House in Multiple Occupation. No works to the exterior or elevation of the property.

4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Relevant Planning History There is no relevant planning history.
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – No objections
5.2	Non-Statutory Consultations N/A
5.3	Representations The application has been advertised and neighbours notified. The Council has received 18 objections, issues raised are summarised as follows: <ol style="list-style-type: none"> 1. Parking, traffic, road safety and enforcement 2. Waste and refuse collection 3. Anti-social behaviour/noise 4. Negatively impact on the character of the area 5. Anti-social behaviour Issues 1-5 are covered in the main body of the report. Additional points are considered as follows: 6. Precedent for further HMOs in the area - Each application is decided on its own merit. Officers consider that this scheme is compliant with policy considerations. 7. Impact on the provision of family homes in the area - This HMO is for 5 bedrooms, the licensing process will determine how many persons the home can accommodate. HMO's can meet high demand for housing and the application site is located close to services and public transport. The policy considerations are dealt with in the main body of the report. 8. The dwelling does not have the appropriate fire safety measures This would be an issue for building control and licensing to deal with if the application is approved. 9. Loss of a sense of community, high turnover of tenants Planning policy seeks to provide balanced communities through the provision of a mix of housing along streets.

	<p>10. The dwelling is not spacious enough to accommodate an HMO All 5 bedrooms and communal area comply with space standards as set out in pg. 319 of the Belfast LDP 2035.</p> <p>11. The consultation response from BCC Housing Team on LA04/2023/3319/F does not include No. 31 Ponsonby Avenue This issue has been resolved with the housing team. The initial response alluded to No. 37 Ponsonby Avenue, which was a typographical error and should have said No. 31.</p> <p>12. Noise from construction if approved There are no external alterations proposed as part of this scheme.</p> <p>13. Property is not located within an existing tourism cluster This policy (HOU 13) applies to short-term lets and not HMOs.</p> <p>14. Issues with sewerage There are no extra bathrooms proposed to what is existing. The dwelling will be connected to the main sewerage network as all properties on the street are.</p> <p>15. Over-occupation/anti-social behaviour Officers consider that the scheme complies with space standards and provides a suitable number of bedrooms. The HMO licensing scheme is in place to regulate HMOs. An anti-social behaviour plan will therefore be in place, and it is the landlord's responsibility to ensure compliance with licensing requirements. Tenants also have responsibilities to make sure the landlord can carry out their duties.</p> <p>The NIHMO Unit within BCC has developed a guide highlighting ways to tackle antisocial behaviour linked to their properties. The guide provides preventative measures that landlords can take to manage antisocial behaviour, highlights how to demonstrate compliance by record keeping and intervention, and details how to develop an antisocial behaviour plan. The HMO legislation in Northern Ireland has the potential to have a positive impact on the lives of those living in HMOs, the owners of HMOs, and the residents surrounding HMO properties.</p> <p>Some objections allude to noise emanating from the existing property. This would be outside the remit of planning as the dwelling has not received planning permission for an HMO. Any perceived noise coming from existing residents.</p>
6.0	PLANNING ASSESSMENT
6.1	<p>Development Plan Context Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
6.1.1	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
6.1.2	<p>The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the</p>

<p>6.2</p> <p>6.3</p> <p>6.4</p> <p>6.5</p> <p>6.6</p>	<p>statutory local development plan (“Departmental Development Plan”) until the Local Policies Plan is adopted.</p> <p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).</p> <p>Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p> <p>The site is designated within the limits of Belfast under both Draft and adopted Belfast Metropolitan Area Plan 2015 - Designation BT 001 Development Limit: Belfast City. The site is white land under Belfast Urban Area Plan 2015.</p> <p>Operational Policies</p> <ul style="list-style-type: none"> • HOU10 – Housing Management Areas • BH3 – Areas of Townscape Character • RD1 – New Residential Developments • TRAN8 – Car Parking and Servicing Arrangements <p>Key Issues</p> <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character and appearance of the Alexandra Park ATC • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection <p>The principle of an HMO at this location</p> <p>44 Ponsonby Avenue is not within a Housing Management Area (HMA) or HMO Development node, therefore Policy HOU 10 applies.</p> <p>Policy HOU10 states: <i>‘Outside of designated HMAs planning permission will only be granted for HMOs where the number of HMOs would not as a result exceed 10% of all dwelling units on that road or street. Where such a street is in excess of 600 metres in length, the 10% threshold will be calculated on the basis of existing residential units within 300 metres of either side of the proposal on that street.’</i></p> <p>According to the LPS Pointer Address database there are 48 domestic properties on Ponsonby Avenue. Following the methodology outlined above, the HMO Licence Register and Planning records show there are 2 HMOs on the street (Nos. 31 and 57). Taking account of the number of dwelling units within Ponsonby Avenue, two further HMOs would</p>
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	<p>be permitted before the 10% threshold would be exceeded. Therefore, the principle of an HMO at this location is acceptable.</p>
<p>6.7</p>	<p>Impact on the character and appearance of the Alexandra Park ATC</p> <p>When considering the prevailing area, the proposed development in terms of scale, layout, design and materials must be in keeping with the site and its surrounding area. The character and appearance of the Alexandra Park ATC in this case would be preserved as the application is for change of use only and no external alterations to the property are proposed.</p> <p>The proposal is compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties, including unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The policy context is set out in Policies HOU 10, BH3, RD1 & TRAN8 below which further address amenity.</p>
<p>6.8</p>	<p>Impact on residential amenity</p> <p>The proposal complies with the HMO space standards for a 5-bed HMO as set out within Belfast Local Development Plan: 2035, Appendix C, table C3. The kitchen and living room greatly exceed the space standards for a combined kitchen / living room. The proposal would provide a quality and sustainable residential environment.</p> <p>It is considered that there will be no adverse impact on the amenity of adjacent properties and the wider street. The HMO will further require to be licensed with BCC which mitigates amenity concerns by enforcing an anti-social behaviour plan and ensuring the HMO operator runs the property effectively. The property will be served by appropriate refuse storage which will be collected as normal.</p> <p>The property is a 2.5 storey dwelling and is an appropriate size to accommodate an HMO, comfortably providing accommodation for 5 people whilst still meeting the space standards.</p>
<p>6.9</p>	<p>Policy RD1</p> <p>Policy RD1 states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal:</p> <ul style="list-style-type: none"> a) <i>Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential areas – it is considered that the proposed use does not conflict with adjacent land uses.</i> The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and sufficient bin storage. b) <i>Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance – it is considered that the scheme will not give rise to any of the issues listed in criterion b. Overlooking, loss of light, overshadowing and dominance will not be changing from the current situation. Noise or other disturbance will be addressed by the anti-social behaviour plan which is a licensing requirement.</i> c) <i>Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure – the proposal is located 1 minute from the Antrim Road which has several bus stops and has good access to services and amenities. There is sufficient space for cycle parking to the front and rear.</i>

- d) *Provides appropriate open space* – the proposal maintains the current level of open space, and in addition, the area has good access to open space such as the Waterworks and Alexandra Park.
- e) *Keeps hard surfacing to a minimum* – no additional hard standing is proposed as part of this application.
- f) *Creates a quality and sustainable residential environment in accordance with the space standards set out in Appendix C* – as described, the proposal generally meets the requirements set out in the space standards and provides an appropriate amount of living space for the occupants of the 5 bedrooms.
- g) *Does not contain any units which are wholly in the rear of the property without direct, safe and secure access from the public street* – all units have safe and secure access from the front door of the dwelling.
- h) *Ensures that living rooms, kitchens and bedrooms have access to natural light* - all habitable rooms in the dwelling have access to natural light.

7.0

Policy RD3

Policy RD3 states that planning permission will be granted for conversion or change of use of existing buildings for residential use where all the criteria in policy RD1 and all the additional criteria below are met:

- a) Any units are self-contained - Officers consider that this criterion is met.
- b) Adequate refuse storage space is provided within the curtilage of the site, large enough to allow for the separation of recyclable waste, and is designed to not be visible from the amenity space / public realm - Officers consider that this criterion is met. The property will provide appropriate refuse bins for general waste, recycling and food waste.
- c) The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling – No subdivision is occurring.
- d) Conversions above commercial premises do not prejudice the commercial functions of the business - This criterion is not relevant to this application.

7.1

Traffic, Parking and Access

Officers acknowledge the objections to parking. Whilst the various policy requirements seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy. Policy TRAN8 'Car parking and servicing arrangements' states: '*Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements*'. However, existing Regional Planning Policy and supplementary planning guidance, including the published 'Parking Standards', do not incorporate car parking as a requirement for HMO development. Furthermore, the site is in a sustainable location with metro services running alongside the site. In this context adequate provision is provided to meet TRAN8.

Notwithstanding the above, the applicant conducted a parking survey to assess parking demand in the area, which DfL Roads were consulted on and have no objection to. Officers consider that the survey is acceptable in that it displays a sufficient level of parking in the vicinity of the site. The parking survey concludes that the scheme will not be detrimental to

7.2	<p>on-street parking in the prevailing area. DfI Roads were consulted with the parking survey and responded to state that they are content with its findings. Objectors raised concerns regarding parking enforcement. The PSNI and DFI would be responsible for enforcing the Highways Act and parking regulations.</p> <p>Waste and Refuse Collection</p> <p>Objectors have alluded to previous issues with bin lorries getting down Ponsonby Avenue.</p> <p>Policy RD3 criterion B applies, it states that adequate refuse storage space must be provided within the curtilage of the site, large enough to allow for the separation of recyclable waste and is designed to not be visible from the amenity space / public realm.</p> <p>The adopted Waste Infrastructure Supplementary Planning Guidance (SPG) and Local Government Waste Storage Guide for NI set out typical weekly waste arisings for different types of development including HMOs. For an HMO, the typical weekly waste arising is 100L per bedroom plus 60L per dwelling. For the proposed 5-bed HMO this would equate to the typical production of 560L of waste per week. The total waste production is broken down into the following types of waste: 1. 35% general waste (collected fortnightly), 2. 55% recycling and 3. 10% food waste (both 2. and 3. collected weekly).</p> <p>The Council's Waste Management Unit has advised that the following waste containers would be required to serve the proposed HMO in line with the SPG and the Local Government Waste Storage Guide for NI.</p> <ol style="list-style-type: none"> 1. Black bins – 3 x black bins (3 x 180L) – sufficient for 2 weeks of general waste 2. Recycling – 2 x recycling packs (6 x 55L) – collected weekly 3. Food waste – 3 x food bins (3 x 23L) – collected weekly <p>Officers consider that this policy is complied with. The yard to the rear will continue to host the bins as before. The disposal of rubbish is the responsibility of tenants and the landlord.</p> <p>The requirement for black bins is only marginally above 2 which may be deemed acceptable, however there is sufficient space should 3 be required. The rear amenity space of the property is 19.38 sqm. The provision of 3 sets of bins would leave approximately 16.9sq m for amenity provision. The premises will therefore be served by the correct amount for a 5-bed HMO as set out in the Supplementary Planning Guidance whilst maintaining sufficient amenity space. Bin storage is also a licensing requirement and the Council's website states that <i>"during the period of the licence the licensee shall ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal in accordance with the Local Government Waste Storage Guide for Northern Ireland"</i>.</p>
8.0	Recommendation
8.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.
8.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.

ANNEX

Date Valid	17/10/2023
Date First Advertised	27/10/2023
Date Last Advertised	27/10/2023

Details of Neighbour Notification (all addresses)

36 Ponsonby Avenue
40 Ponsonby Avenue
42 Ponsonby Avenue
46 Ponsonby Avenue
47 Ponsonby Avenue
49 Ponsonby Avenue
51 Ponsonby Avenue
53 Ponsonby Avenue
55 Ponsonby Avenue
57 Ponsonby Avenue
43 Newington Avenue
45 Newington Avenue
47 Newington Avenue
58 Newington Avenue
60 Newington Avenue
62 Newington Avenue
64 Newington Avenue
66 Newington Avenue
68 Newington Avenue
70 Newington Avenue
72 Newington Avenue