


**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 12 th November 2024	
Application Ref: LA04/2024/1020/F	
Proposal: Proposed change of use from dwelling (C1) to 3-bed HMO (Sui generis) including partial demolition of existing rear extension to create new flat roof, fenestration changes and new roof light window to front (amended proposal description).	Location: 6 Paxton Street, Belfast, BT5 4NU
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 Bradley Ferguson) and paragraph 3.8.7 (discretion of the Director).	
Recommendation: Approval subject to condition	
Applicant Name and Address: Robert McGlone 52 Collinbridge Gardens Newtownabbey BT36 7SU	Agent Name and Address: Applicant is agent
Date Valid: 11/06/2024	
Target Date: 24/09/2024	
Contact Officer: Lisa Walshe, Principal Planner	
<p>Executive Summary:</p> <p>This application seeks full planning permission for the change of use from an existing dwelling to a 3-bed house in multiple occupation (HMO) including partial demolition of existing rear extension to create new flat roof, fenestration changes and new roof light window to front (amended proposal description). The existing dwelling is located at 6 Paxton Street in East Belfast.</p> <p>The key issues for consideration of the application are set out below:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character and appearance of the Templemore Avenue draft ATC. • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection. <p>2 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. Concerns regarding amenity 2. Concerns over lack of parking. 	

The scheme is compliant with Policy HOU10 in that the 10% threshold for HMOs on Paxton Street has not yet been reached. Officers consider that the proposal will not be harmful in terms of traffic, parking, impact on residential amenity or the amenity of the surrounding area of the Templemore Avenue Draft Area of Townscape Character.

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 style="text-align: center;">Proposed Floor Plans</p> 	
<p>2.0</p>	<p>Characteristics of the Site and Area</p>
<p>2.1</p> <p>2.2</p>	<p>The application site is located at 6 Paxton Street. The property is a 2-storey residential terraced dwelling with a two-storey rear return. There is an enclosed amenity space to the rear of the dwelling. The immediate area is mixed with residential, and community uses.</p> <p>The site falls within the development limit as set out in the BUAP 2001 and draft BMAP 2015. In the draft BMAP 2015, the site is located within a proposed Area of Townscape Character, Templemore Avenue. The site does not fall within any of the existing HMO Policy Areas or Development Nodes as designated in the Belfast HMO Subject Plan 2015.</p>
<p>3.0</p>	<p>Description of Proposal</p>
<p>3.1</p>	<p>The application is seeking full planning permission for change of use from dwelling (C1) to 3 Bedroom HMO (Sui Generis) including partial demolition of existing rear extension to create new flat roof, fenestration changes and new roof light window to front (amended proposal description).</p>

4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – Plan Strategy Belfast Local Development Plan, Plan Strategy 2035
4.2	<i>Strategic Policies:</i> Policy SP2 – sustainable development
4.3	<i>Operational Policies:</i> Policy ENV1 – Environmental quality Policy BH3 – Area of townscape character Policy HOU10 – Housing management areas (HMAs) Policy RD1 – New residential developments Policy RD2 – Residential extensions and alterations Policy TRAN8 – Car parking and servicing arrangements Policy OS3 – Ancillary open space
4.4	<u>Supplementary Planning Guidance</u> Residential Design Transportation Waste Infrastructure
4.5	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)
4.6	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.7	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 BCC Plans & Policy Team – No objections. HMO considered acceptable at this location.
5.3	Representations
5.3.1	The application has been advertised and neighbours notified. The Council has received 2 letter of representation raising the following concerns: - <ul style="list-style-type: none"> 1. Concerns of impact of the proposed works during the renovation stage. 2. Many properties in the area are already HMOs. 3. Requirements of extra bin provision. 4. Off-street car parking. 5. Anti-social behaviour and noise. <p>Points 1-5 are considered in the report below, additional points raised are considered as follows:</p>

	<p>6. Devaluing of property – This is not a material consideration and is outside the remit of the planning service.</p> <p>7. Impact on sewage – Two additional ensembles will not intensify the use of an existing dwelling. The dwelling will be connected to the main sewerage network as all properties on the street are.</p> <p>8. Velux window to the front of the property being proposed – officer sought clarification regarding the positioning of the existing Velux window. New drawings were available to view on the planning portal on 04/11/2024 demonstrating the Velux window will be retained on the rear elevation.</p>
6.0	PLANNING ASSESSMENT
6.1	Development Plan Context
6.1.1	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.
6.1.2	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.
6.1.3	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 statutory local development plan (“Departmental Development Plan”) until the Local Policies Plan is adopted.
6.1.4	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.).
6.1.5	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.
6.1.6	Belfast Urban Area Plan 2001 - The site is located within the settlement development limit in the BUAP and is not zoned for any use.
6.1.7	Belfast Metropolitan Area Plan 2015 (2004) - In draft BMAP 2015 (v2004) the site is located within the settlement development limits of Belfast and within a proposed Area of Townscape Character – Templemore Avenue (Ref: BT 074).

6.1.8	<p>Belfast Metropolitan Area Plan 2015 (v2014) - In draft BMAP 2015 (v2014) the site is also located within the settlement development limits of Belfast and within a proposed Area of Townscape Character –Templemore Avenue (Ref: BT 074). The site is not located in a Housing Policy Area or an HMO Development Node in the Belfast HMO Subject Plan 2015.</p>
6.2	<p>Key Issues</p>
6.2.1	<p>The key issues to be considered in this application are:</p>
	<ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character and appearance of the Templemore Avenue draft ATC • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection
6.3	<p>The principle of an HMO at this location</p>
6.3.1	<p>The site is outside Housing Policy Areas and development nodes as designated in the Belfast HMO Subject Plan 2015. Policy HOU10 of the Plan Strategy is applicable and states that:</p>
	<p><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>
6.3.2	<p>The justification and amplification text to Policy HOU10 confirms at paragraph 7.1.66 that the level of HMOs outside a HMA will be measured by adding together:</p>
6.3.3	<ol style="list-style-type: none"> 1. The number of HMOs recorded under the HMO Licensing scheme; and 2. The number of planning approvals for HMOs not yet licensed, with the total then divided by the total number of dwelling units within the street. If a street is longer than 600, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street.
6.3.4	<p>According to the LPS Pointer Address database there are 33 domestic properties on Paxton Street. This would allow for 3 HMO properties on Paxton Street before the 10% threshold would be exceeded. The objection raises concerns that there are many properties in the area that are HMOs however according to our records there are no HMO properties on Paxton Street.</p>
6.3.5	<p>Each application is considered on its own merits and officers consider that this scheme is compliant with policy HOU10 for the reasons stated above and any further applications for HMOs will be assessed in accordance with the relevant planning policy.</p>
6.3.6	<p>Paragraph 7.1.69. of HOU10 states that in all cases, intensive forms of housing whether within or outside HMAs will still be carefully assessed against the relevant criteria set out in Policies RD1, RD2 and RD3. The assessment of the proposal against these policies is set out below.</p>

6.4	<p>Impact on the character and appearance of the Templemore Avenue Draft ATC</p>
6.4.1	<p>The site is located within a proposed ATC - Templemore Avenue. One minor external change is proposed to change the existing rear extension slope roof to a flat roof. The materials are to be render, in line with the existing rear extension. The change in roof height would be a reduction to the existing slope roof.</p>
	<p>The proposal will not create conflict with the character of Templemore Avenue and the overall character of the area will be maintained. The proposal is therefore considered to comply with Policy BH3 - Areas of townscape character.</p>
6.5	<p>Impact on residential amenity</p>
6.5.1	<p>The property is a 2-storey dwelling and is of sufficient size to accommodate an HMO, comfortably providing accommodation for 3 people whilst still meeting the space standards. The proposal complies with the HMO space standards for a 3-bed HMO as set out within Belfast Local Development Plan: 2035. The proposal would provide a quality and sustainable residential environment.</p>
6.5.2	<p>Policy RD1 applies as set out above and states that <i>'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:</i></p> <ul style="list-style-type: none"> <i>a) Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential areas - Officers consider that the use does not conflict with adjacent land uses. The scheme meets the policy requirements set out in HOU10 and RD1 & RD3. The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and provision of sufficient bin storage.</i> <i>b) Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance - Officers consider 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 what is existing. Noise or other disturbance will be addressed by the anti-social behaviour plan which is a licensing requirement.</i> <i>c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure - There is sufficient space for cycle parking. Metro services are available along the Castlereagh road.</i> <i>d) Provides appropriate open space - The existing rear amenity space is to be retained which is considered sufficient to serve the proposal.</i> <i>e) Keeps hard surfacing to a minimum - No hard standing is proposed as part of this application.</i> <i>f) Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C - The proposal exceeds the requirements set out in the space standards and provides a generous amount of living space for the occupants of the 3 bedrooms. The proposal therefore complies with the HMO space standards for a 3 bed HMO as set out within Belfast Local Development Plan: 2035.</i> <i>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</i>

	<p>secure access from the front door of the dwelling.</p> <p><i>h) Ensures that living rooms, kitchens and bedrooms have access to natural light - All habitable rooms in the dwelling have access to natural light.</i></p>
6.5.3	<p>The LDP plan Strategy seeks to facilitate sustainable housing growth in response to changing housing needs. Carefully managing the variety of house types, sizes and tenures will help to meet the diverse needs of all the community. This supports wider LDP aims of shaping quality and sustainable residential development, providing a mix of housing that create more balanced communities, increasing density without town cramming. HMOs are regulated by the relevant Policy set out in the LDP plan Strategy and the proposal has been found to comply with the relevant policies. This HMO comprises 3 bedrooms and will also be subject to the licensing process which will determine how many persons the home can accommodate. HMOs can meet high demand for housing and the application site is located in an accessible location close to services and public transport. It is considered that the proposal would not undermine the availability of family housing in the area.</p>
6.5.4	<p>As indicated above, the HMO will further require to be licensed with BCC which requires the implementation of an anti-social behaviour plan, ensuring the HMO operator runs the property effectively.</p>
6.5.5	<p>The proposal is considered compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties or result in unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The proposal is considered to comply with Policy RD 1.</p>
6.5.6	<p>Policy RD3 is applicable and 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:</p> <p><i>a) Any units are self-contained - This criterion is not applicable.</i></p> <p><i>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 (refer to section 6.7 below).</i></p> <p><i>c) The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling – This criterion is not applicable to this proposal.</i></p> <p><i>d) Conversions above commercial premises do not prejudice the commercial functions of the business - This criterion is not applicable to this proposal.</i></p>
6.5.7	<p>Taking account of the criteria set out above the proposal is considered to comply with Policy RD3.</p>
6.6	<p>Traffic, Parking and Access</p>
6.6.1	<p>Officers acknowledge the objections to parking. DFI Roads have no objections to the scheme. Whilst the various policy requirements of HOU10 seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy.</p>
6.6.2	<p>Policy TRAN8 – Car parking and servicing arrangements states that, ‘<i>Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements</i>’. Existing Regional Planning Policy and supplementary planning guidance, including the published ‘Parking Standards’, do not incorporate car parking as a requirement for HMO development.</p>

6.6.3	However, to satisfy the concerns raised in relation to parking the Council requested a parking survey. The parking survey demonstrates that adequate parking is available within a radius of 150 metres walking distance from the application site to serve the proposal and concludes that the scheme will not be detrimental to on-street parking in the prevailing area. DFI Roads were consulted on the parking survey and advised that the parking survey indicates the availability of on-street parking capacity within the vicinity of the site and referred the Planning Service to the previous response of no objection.
6.6.4	The parking survey demonstrates that adequate parking is available to serve the proposal which is considered to meet Policy TRAN8. Furthermore, the site is in a sustainable location with regular bus services operating in close proximity and accessible to services and amenities in the local and wider area.
6.7	Waste and Refuse Collection
6.7.1	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.
6.7.2	<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 3 bed HMO this would equate to the typical production of 360L of waste per week. The total waste production is broken down into the following types of waste:</p> <ol style="list-style-type: none"> 1. 35% general waste (collected fortnightly), 2. 55% recycling and 3. 10% food waste (both 2. and 3. collected weekly).
6.7.3	<p>The following bins 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 – 2 x black bins (2 x 180L) – sufficient for 2 weeks of general waste. 2. Recycling – 2 x recycling packs (2x 55L) – collected weekly. 3. Food waste – 2 x food bins (2 x 23L) – collected weekly.
6.7.4	<p>The SPG advises that applicants must provide a layout of the waste storage area demonstrating that all of the required bins can be accommodated in a way that:</p> <ul style="list-style-type: none"> • users can easily deposit any type of waste into the corresponding bins without moving them around; and • bins can be easily removed for collection.
6.7.5	The SPG also provides guidance on the minimum area requirements for a container(s) with capacity of 240L or less.
6.7.6	Taking account of the guidance set out in the Waste SPG 2 sets of bins would be required to serve the proposed HMO which according to the SPG would equate to an area of 2.0 x 1.8 (3.6sqm) for each set of bins and a total area of 7.2 sqm (for 6 bins).
6.7.7	The applicant has provided a plan which demonstrates that there is adequate provision for bin storage and that the bins can be easily accessed, whilst retaining an adequate

<p>6.7.8</p> <p>6.7.9</p> <p>6.8</p> <p>6.8.1</p>	<p>amount of residential amenity space. A condition is recommended to ensure bin storage is provided within the curtilage of the property.</p> <p>The rear amenity space measures 9.4 sqm. The provision of the minimum storage area for two sets of bins would leave c.2.2 sqm remaining for amenity provision. The dwelling benefits from a small amenity area to the front of the property which is capable of accommodating a small seating area for occupants. The site is located within a 10-minute walk away from Avoniel Leisure centre/facilities and the Connswater greenway which include significant open space and a play park, which occupants of the proposed HMO can avail of. The provision of amenity space is considered acceptable taking account of the local context and the proximity to open space facilities.</p> <p>Officers consider that the information provided satisfactorily demonstrates that the proposed waste management arrangements are acceptable.</p> <p>Other Issues</p> <p>Concerns have been raised in the letter of representation about the potential impact of works during the renovation stage. It is acknowledged that there may be some noise and disturbance during this stage of the development, however these works would be temporary. Any works carried out will have to adhere to building control regulations. The Council's Environmental Health team is responsible for dealing with noise complaints.</p>
<p>8.0</p>	<p>Recommendation</p>
<p>8.1</p> <p>8.2</p>	<p>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.</p> <p>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>
<p>DRAFT CONDITIONS:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. The development shall not be occupied for the use hereby approved unless a refuse and recycling storage area within the rear curtilage of the property has been provided. This area must be sufficient to meet the requirements of the development and must be retained and managed at all times. Reason: To ensure adequate management of waste and in the interests of the amenities of the area. 	