

Committee Report

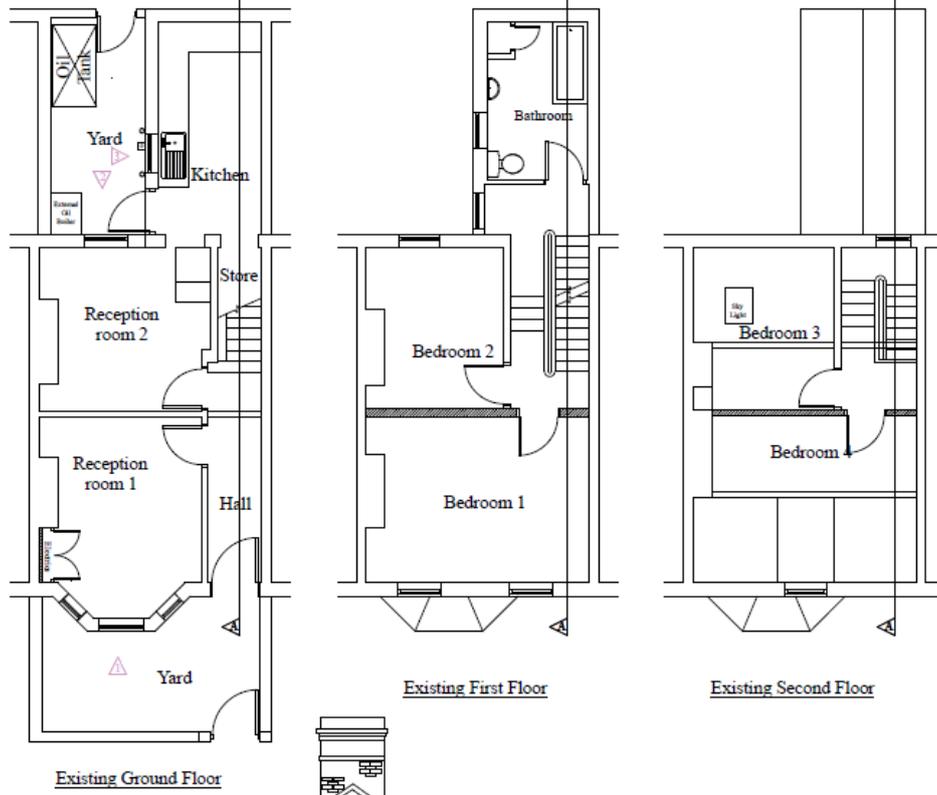
Summary	
Application ID: LA04/2022/1256/F	Date of Committee: 16th August 2022
Proposal: Conversion of existing residential property into a house of multiple occupation, with a minor single storey extension to the rear of the property.	Location: 14 Belmont Avenue Belfast BT4 3DD.
Referral Route: Request for referral to the Planning Committee under Section 3.8.1 of the Scheme of Delegation. Requested by Ald. George Dorrian by reason of unsuitable location for HMO use.	
Recommendation:	Approval
Applicant Name and Address: Innov8 Living 29 Ardpatrick Gardens Belfast BT6 9GF	Agent Name and Address: 6030 Survey & Design 29 Ardpatrick Gardens Belfast BT6 9GF
<p>Executive Summary:</p> <p>The application seeks full planning permission for a change of use from a single dwelling to a House in Multiple Occupation (HMO) with a minor single storey extension to the rear of the property.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on Amenity • Impact of Proposed Extension / draft ATC <p>Three representations have been received in relation to the application, raising issues including: unsuitable use of houses with noise impact, traffic congestion and parking, devaluing of properties, timing of NN letters and considerable development in the immediate vicinity. These have been fully considered in the assessment of the application.</p> <p>Consultees: DFI Roads and the Councils internal Development Plan team – No objection</p> <p>In respect of the principle of the proposal at this location, the application site, No. 14 Belmont Avenue is not located within an HMO Policy Area or Development Node as designated in the HMO Subject Plan for Belfast City Council Area 2015. Policy HMO 5 of the Subject Plan will apply in assessing the number of HMOs in this area. HMO 5 states that planning permission will only be granted for further HMO development where as a result the number of HMOs does not exceed 10% of the dwelling units on that road or street. The proposed change of use would result in 2 HMO properties along Belmont Avenue which is below the allowance of 8 HMOs, therefore the 10% threshold would not be exceeded. The proposal complies in full with the HMO Subject Plan 2015.</p> <p>The site is within the proposed Belmont Area of Townscape Character in Draft BMAP. It is unzoned whiteland in the BUAP. The proposed rear extension will have limited impact on neighbouring amenity and is considered to be sympathetic to the host dwelling, the proposed Belmont ATC and surrounding area in accordance with Policy EXT1 of PPS7 Addendum and the SPPS.</p>	

The proposal is considered acceptable in respect of all other matters.

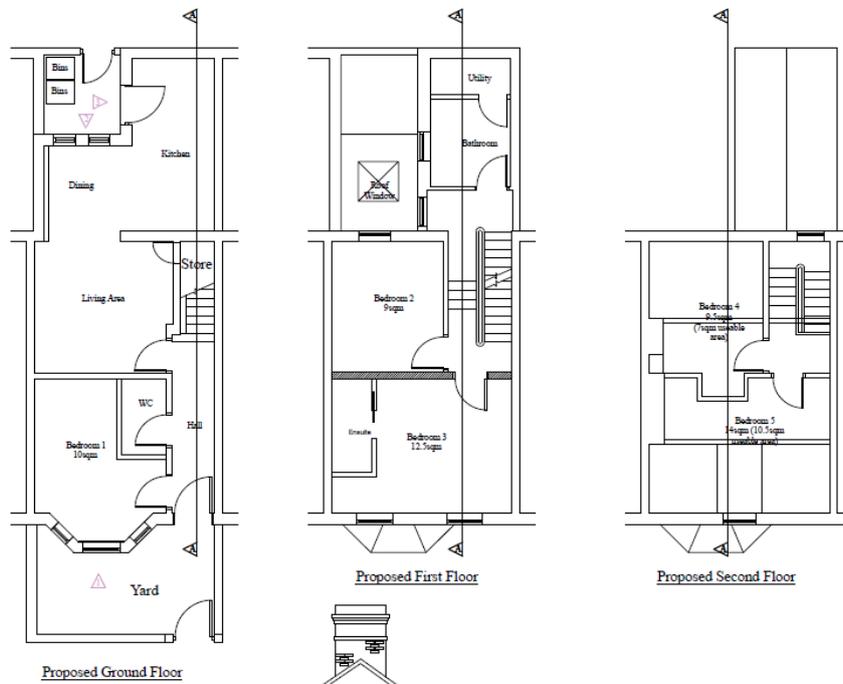
Having regard to the development plan, policy context and third party objections, the proposal is considered, to be acceptable and planning permission is recommended for approval.

Recommendation- Approval subject to conditions

It is recommended that full permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.



Proposed floor plans



Proposed Elevations



Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>The proposal is for full planning permission for Conversion of existing residential property into a house of multiple occupation, with a minor single storey extension to the rear of the property.</p>
2.0	<p>Description of Site</p> <p>The application site is located at 14 Belmont Avenue in East Belfast and consists of a two-storey mid-terrace dwelling. The building is finished in render with a feature bay window and roof dormer to the front elevation and a two storey return to the rear.</p> <p>The surrounding area is predominately residential with semi-detached and terraced properties finished in a mix of materials.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p>
3.1	Z/1985/2248 - 14 BELMONT AVENUE - EXTENSION TO DWELLING - PERMISSION GRANTED
3.2	<p>Surrounding Site History</p> <p>LA04/2019/2395/F - 22 Belmont Avenue Belfast BT4 3DD - Change of use to House in Multiple Occupancy (retrospective) – PERMISSION GRANTED</p>
4.0	Policy Framework

4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (both v2004 and v2015) The extant Development Plan is the BUAP. Both versions of Draft BMAP carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.
4.3	Belfast Local Development Plan Draft Plan Strategy 2035 The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	The Houses in Multiple Occupation (HMOS) Subject Plan for Belfast City Council Area 2015
4.6	Addendum to Planning Policy Statement 7: Residential Extensions and Alterations
5.0	Statutory Consultees Responses DFI Roads - No objection
6.0	Non-Statutory Consultees Responses Internal Development Plan Team – No objection
7.0	Representations The application has been neighbour notified and advertised in the local press. Three representations have been received from the surrounding properties. Their concerns are as follows, with case officer's response provided below. <ul style="list-style-type: none"> • Devalue the adjacent properties and potentially making them unsalable. <i>This is not a planning consideration.</i> • Dwellings in Belmont Avenue not suitable for HMO use due to their construction and transmission of noise / location of rooms in close proximity to neighbours' rooms. <i>The construction of the dwellings is not a planning consideration but rather Building Control. Whilst It is not anticipated that any intensification caused by additional people living at the premises would lead to significant impacts upon residential amenity, Under the NI Houses in Multiple Occupation Act, landlords or agents must have good management policies and procedures in place to make sure physical standards are maintained, occupiers' rights are respected, and any problems which arise during the period of the license are effectively addressed. They must also be able to manage issues which may concern neighbours effectively (such as building maintenance, cleaning, noise or disturbance and suitability of the applicant or agent).</i> • Traffic congestion and parking / hinder emergency services / pressures on the infrastructure i.e., bin collections aborted. <i>DFI roads were consulted with regards to parking and traffic concerns and offered no objections to the proposal.</i>

	<ul style="list-style-type: none"> • Considerable development in the immediate vicinity / comments regarding other development and their permissions. If approved, instruction on how to request a full review to be undertaken of all planning applications and approvals granted within Belmont, Ballyhackamore, Hollywood Road and the surrounding area. <i>The processing and assessment of any previous approvals are not under review in this application. The application has been assessed and complies with the HMO Subject Plan 2015.</i> • Timing of NN letters at the start of the holiday period – not all residents are available. <i>The Council cannot control when applications are submitted and this planning application has been processed in line with planning legislation.</i>
8.0	Other Material Considerations None
9.0	Assessment
9.1	<u>SPPS</u>
	<p>Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance.</p>
9.2	<p>It is considered the proposal is in compliance with the SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.</p>
	<u>Principle of Development</u>
9.3	<p>No. 14 Belmont Avenue is not located within an HMO Policy Area or Development Node as designated in the HMO Subject Plan for Belfast City Council Area 2015 (the “HMO Subject Plan”). Policy HMO 5 of the Subject Plan will apply in assessing the number of HMOs in this area. Belmont Avenue is less than 600 metres in length, so is considered in its entirety for the purposes of applying Policy HMO 5. HMO 5 states that planning permission will only be granted for further HMO development where as a result the number of HMOs does not exceed 10% of the dwelling units on that road or street.</p>
9.4	<p>The HMO Subject Plan states the level of multiple occupation within an area, whether designated or not, will be measured by:</p> <ul style="list-style-type: none"> • the number of HMOs recorded by the NIHE in November 2004, plus • the number of HMO development units subsequently approved by the Department, plus • the number of extant permissions for HMO development units
9.5	<p>According to the LPS Pointer Address database there are 89 domestic properties on Belmont Avenue. This would allow for 8 HMO properties on Belmont Avenue before the 10% threshold (under Policy HMO 5) would be exceeded. According to our records there is currently 1 HMO property on Belmont Avenue. This is No. 22 Belmont Avenue, which is subject to planning approval (LA04/2019/2395/F) for a retrospective change of use of an existing residential property into an HMO.</p>
9.6	<p>Given the above, the proposal will not exceed the 10% threshold and as such is compliant with Policy HMO 5. The proposal also complies with HMO 6 in that the HMO is not wholly to the rear and has direct access to the public street.</p>
	<u>Impact on Amenity</u>

9.7	The SPPS is relevant given the perceived impact of HMO development on amenity and parking within the locality. This is concerned with impact on amenity such as noise, nuisance and disturbance and impact on road safety and traffic circulation.
9.8	DFI Roads had no objections to the proposal. The proposal is not considered to prejudice road safety or significantly inconvenience the flow of traffic.
9.9	In terms of noise and disturbance, it is not anticipated that any intensification caused by additional people living at the premises would lead to significant impacts upon residential amenity. The HMO Subject Plan 2015 seeks to protect the residential amenity of areas whilst also accommodating the need and demand for multiple occupation. The threshold level set out in Policy HMO 5 is designed to protect amenity. The proposed change of use does not exceed this threshold level and complies in full with the HMO Subject Plan, therefore the amenity of this residential area is not considered to be adversely impacted.
9.10	<p><u>Impact of Proposed Extension</u></p> <p>The proposal includes a minor ground floor extension to the rear. It will extend approx. 2.5m to the rear. It is located solely to the rear with no public views. There is small yard remaining to accommodate bin storage.</p>
9.11	It will have limited impact on neighbouring amenity and is considered to be sympathetic to the host dwelling, draft Belmont ATC and surrounding area in accordance with Policy EXT1 of PPS7 Addendum and the SPPS.
9.12	Having regard to the development plan, policy context and third party objections, the proposal is considered, to be acceptable and planning permission is recommended for approval.
10.0	Summary of Recommendation: Approval
11.0	<p><u>Conditions</u></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Informatives</p> <p>1. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.</p> <p>2. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</p> <p>3. The drawing references referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on: 30/06/22 Drawing No's 01, 03</p>

ANNEX

Valid	23.06.2022
Date First Advertised	08.07.2022
Date Last Advertised	08.07.2022
Details of Neighbour Notification (all addresses) 12 Belmont Avenue, Belfast, Down, BT4 3DD 134 Earlswood Road, Belfast, Down, BT4 3EB 14 Belmont Avenue, Belfast, Down, BT4 3DD 16 Belmont Avenue, Belfast, Down, BT4 3DD 1 Belmont Avenue, Belfast, Down, BT4 3DD 3 Belmont Avenue, Belfast, Down, BT4 3DD 5 Belmont Avenue, Belfast, Down, BT4 3DD	
Date of Last Neighbour Notification	04.07.2022
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title 01-Site Location Plan 02-Existing Floor Plans, Elevations & Sections 03-Proposed Floor Plans, Elevations & Sections	
Notification to Department (if relevant) – N/A Date of Notification to Department: n/a Response of Department: n/a	
Elected Representatives: Ald. George Dorrian	