



Committee Deferred Application Report

Summary	
Committee Meeting Date: 16 June 2015	Item Number:
Application ID: Z/2014/1720/F	Target Date:
Proposal: Retrospective change of use from dwelling to HMO	Location: 6 Cutters Lane Malone Lower Belfast BT9 5JG
Referral Route: Committee Deferral– deferred on 19 May 2015 for further information Case Officer Report presented 19 May attached below for ease of reference	
Recommendation	Approval
Applicant Name and Address: Mr A Johnston	Agent Name and Address: Concepts 19 The Knockans Broughshane Ballymena BT43 7LQ
The Committee asked for further information on:- a. Transport NI Policy on change of use to HMOs. Response - In assessing development applications proposing Houses in Multiple Occupation, Transport NI is informed by the HMO Subject Plan for Belfast City Council Area 2015 which was adopted in December 2008. While the various policy requirements of 'Subject Plan' seek to encourage regeneration, address need and demand, and also protect residential amenity, it is noted that the provision of car parking is not a requirement of the assessment process. Equally, existing Regional Planning Policy and supplementary planning guidance, including the published 'Parking Standards', do not incorporate car parking as a requirement for HMO development.'	
b. Report on Enforcement Status Response - An alleged breach of planning control was reported to the enforcement section for this address. An investigation is ongoing under Ref Z/2014/0365/CA. The planning application has been received in response to warning letters issued from enforcement.	
Summary of Recommendation: Having considered the scheme against prevailing planning policy, site specifics and consultation responses it is considered the proposed development is acceptable in terms of the Houses in Multiple Occupation (HMO's) Subject Plan for Belfast City Council Area 2015.	

Conditions: - Time limit

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 19 May 2015	Item Number:
Application ID: Z/2014/1720/F	Target Date:
Proposal: Retrospective change of use from dwelling to HMO	Location: 6 Cutters Lane Malone Lower Belfast BT9 5JG
Referral Route: Committee – HMO (Previous Town Planning Committee Deferral)	
Recommendation	Approval
Applicant Name and Address: Mr A Johnston	Agent Name and Address: Concepts 19 The Knockans Broughshane Ballymena BT43 7LQ
Executive Summary:	
<p>The application seeks planning permission for the change of use from a four bedroom dwelling house to a House of Multiple Occupation.</p> <p>The application was presented to Town Planning Committee on 23rd March 2015 with an opinion to approve. Members are directed to the full detailed planning report on the planning portal under application reference Z/2014/1720/F.</p> <p>The application was recommended to council with an opinion to approve as the proposal was deemed to meet the policy set out in the HMO Subject Plan.</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • The principle of an HMO unit at this location • Impact on amenity <p>The site lies outside any defined HMO Policy area or development node. The proposal is assessed against planning policy HMO 5 which sets a 10% maximum threshold for HMO's within any street outside a defined HMO area.</p> <p>Within the street 'Cutters Lane' there are 25 dwellings therefore up to 2 conversions to HMO may be approved within Policy. There is no record of any other approvals in this street therefore this property would be the first one within the 10% cap.</p> <p>The application does not propose an increase in the number of bedrooms that exist within the dwelling and no other changes are proposed to the property.</p> <p>14 objections were received including 2 objections from elected representatives (see annex for details). Issues raised including intensification of traffic, lack of car parking, access for emergency vehicles being prejudiced change in character, noise and general disturbance.</p>	

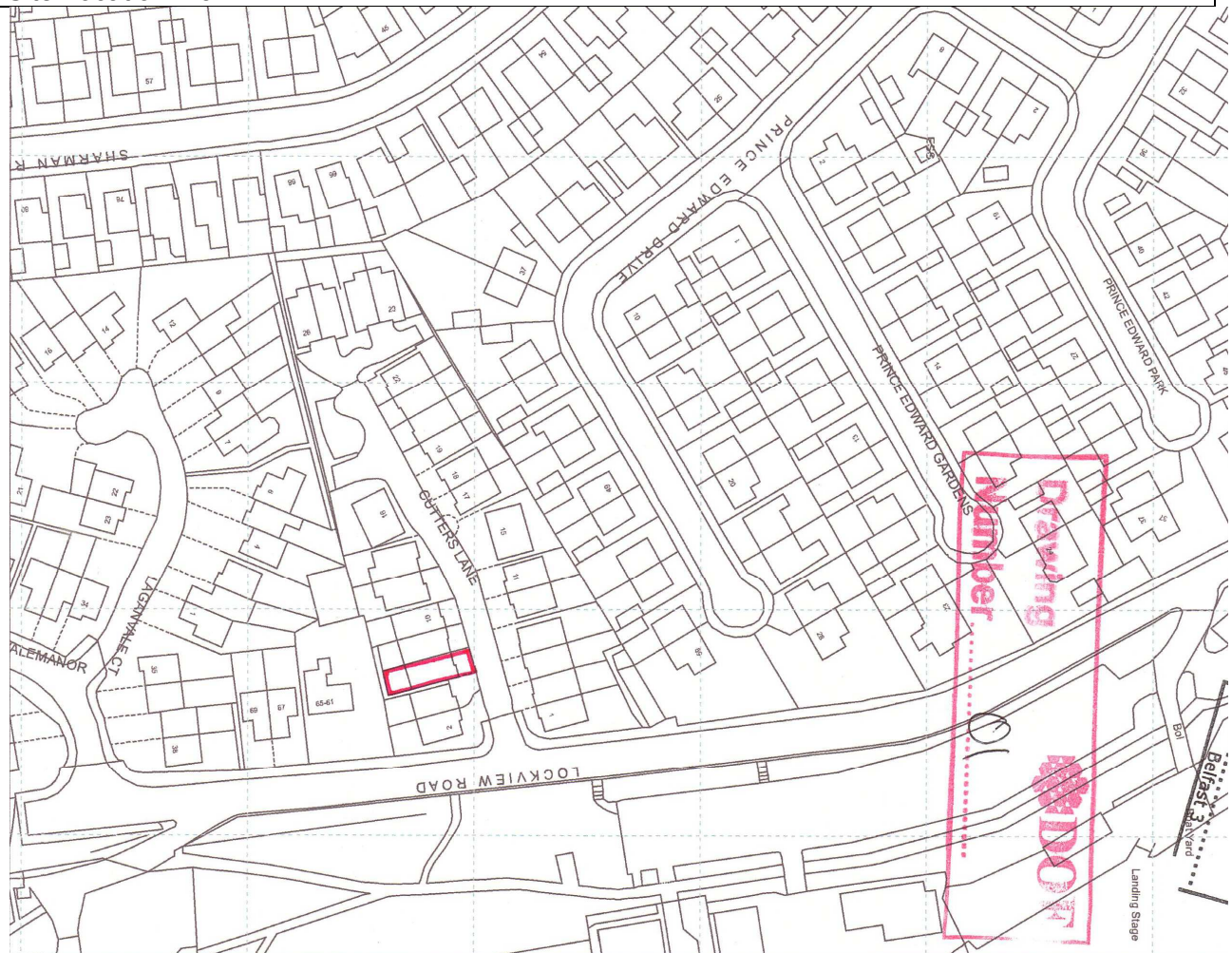
Environmental Health and Transport NI were consulted and have no objections on principle to the use as a HMO. However EH had concerns regarding contaminated land and requested a Contaminated Land Risk Assessment. Given that no breaking of ground is involved in the proposal and the property remains in residential use this assessment was not requested.

It is considered that the change of use to a HMO is consistent with policy and will not result in a detrimental impact on the character of the area or amenity of neighbouring residents.

It is recommended the application is approved.

Case Officer Report

Site Location Plan



Consultations:

Consultation Type	Consultee	Response
Statutory	Protecting Historic Monuments	No Objection
Statutory	Env Health Belfast City Council	Add Info Requested
Statutory	NI Transport - Hydebank	No Objection

Non Statutory	NI Water - Multi Units East - Planning Consultations	No Objection
Non Statutory	Rivers Agency	No Objection
Representations:		
Letters of Support	None Received	
Letters of Objection	14 (including 2 from elected representatives.	
Number of Support Petitions and signatures	No Petitions Received	
Number of Petitions of Objection and signatures	No Petitions Received	
Summary of Issues		
Intensification of traffic, lack of car parking, access for emergency vehicles being prejudiced devaluation of property, change in character, noise and general disturbance.		
Characteristics of the Site and Area		
6 Cutters Lane is a three storey red brick town house property with garage on ground floor and lounge on first floor. It is located in a small development of similar properties, off Lockview Road, beside the River Lagan. The site is open plan with drive ways to front of properties and enclosed paved patio to rear. An entry between 4 and 6 Cutters Lane provides access to the rear amenity space.		
Planning Assessment of Policy and Other Material Considerations		
Addendum Report		
<p>The application was presented to Town Planning Committee on 23rd March 2015 with an opinion to approve. Members are directed to the full detailed planning report on the planning portal under application reference Z/2014/1720/F.</p> <p>The application was recommended to council with an opinion to approve as the proposal was deemed to meet the policy set out in the HMO Subject Plan. It was deferred for an office meeting with objectors however no meeting was arranged due to transfer of planning functions to council. No further objections have been received and opinion to approve remains.</p> <p>The proposal is for a change of use from a 4 bed dwelling house to a four Bed HMO. There are no modifications or alterations to the property. The lies outside a HMO Policy Area or Development Node therefore the 10% cap will apply. As this is the first recorded HMO in a street of 25 properties it is considered acceptable.</p> <p>Objections regarding intensification of traffic, parking issues and blocking access to emergency vehicles, devaluation of property, change in character, noise and general disturbance and additional bins are considered.</p> <p>Transport NI -no objections Environmental Health – no objections in principle however contaminated land issues. (Not relevant as use remaining residential and no breaking of ground involved and therefore reports not requested from applicant.)</p>		

Neighbour Notification Checked	Yes
Summary of Recommendation: Having considered the scheme against prevailing planning policy, site specifics and consultation responses it is considered the proposed development is acceptable in terms of the Houses in Multiple Occupation (HMO's) Subject Plan for Belfast City Council Area 2015.	
Conditions: - Time limit	
Signature(s) Date:	

ANNEX	
Date Valid	16th December 2014
Date First Advertised	16th January 2015
Date Last Advertised	
Details of Neighbour Notification : 47 neighbours notified in line with legislative requirements	
Date of Last Neighbour Notification	14.1.2015
Date of EIA Determination	Does not meet threshold for EIA
ES Requested	No
Planning History Ref ID: Z/2004/0035/F Proposal: 25 No. private dwellings with associated parking provision. Dwelling mix of detached, semi-detached and townhouses. Address: 51A Lockview Road, Malone Lower, Belfast, Northern Ireland, BT9 5FJ Decision: Decision Date: 06.12.2004	
Drawing Numbers and Title 01- Location Map 02a- Plans/elevations	
Representation From Elected Representatives :- Objection from Dr A McDonnell MP Objection from Jimmy Spratt MLA	