

**Development Management Officer Report
Committee Application**

| Summary | |
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| Committee Meeting Date: 15th August 2017 | |
| Application ID: LA04/2017/0573/F | |
| Proposal: Conversion of dwelling to HMO | Location: 9 Euterpe Street Belfast BT12 5PS |
| Referral Route: Non-delegated - HMO | |
| Recommendation: | Refusal |
| Applicant Name and Address: Jim Logan 78 Newton Heights Belfast BT8 6HA | Agent Name and Address: H R Jess Ltd 1 Jordanstown Road Newtownabbey BT37 0QB |
| <p>Executive Summary: Full planning permission is sought for the conversion of dwelling to a HMO</p> <p>The key issues in assessment of the proposed development include:</p> <ul style="list-style-type: none"> • The principle of a HMO at this location; • Impact on the character of the area; and • Impact on traffic flow; <p>The site is located within the settlement development limits for Belfast as designated within the Draft Belfast Metropolitan Area Plan 2004 and falls within the Donegall Road East Area of Townscape Character.</p> <p>The site also falls within the Donegall Road HMO Policy Area (HMO 2/07) as set out in the Houses in Multiple Occupation (HMO) Subject Plan for Belfast City Council Area 2015.</p> <p>Transport NI was consulted and had no objection to the proposal.</p> <p>One representation has been received and raised the following issues which have been considered in the case officer report attached.</p> <ul style="list-style-type: none"> • Increased traffic/concerns regarding impact of increased traffic including safety of children playing in the street • Unsatisfactory parking • Safety risk of HMO property • Concerns regarding upkeep of HMO properties/ level of control over anti-social behaviour • Proposal contrary to objective of the emerging LDP <p>Recommendation</p> <p>The proposal has been assessed against relevant planning policy including the HMO Subject Plan 2015. The proposal does not comply with planning policy and this application is recommended for refusal.</p> | |

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| Characteristics of the Site and Area | |
| 1.0 | <p>Description of Proposed Development</p> <p>The proposal is for the change of use from a dwelling to a House of Multiple Occupation (HMO).</p> |
| 2.0 | <p>Description of Site</p> <p>The site is located at no.9 Euterpe Street, off the Donegall Road in South Belfast, and consists of a 2-storey mid terrace dwelling. The area is predominantly residential in nature.</p> |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | <p>Relevant Planning History</p> <p>None</p> |
| 4.0 | <p>Policy Framework</p> <p>BUAP 2001 Draft Belfast Metropolitan Area Plan November 2004 Version of Belfast Metropolitan Area Plan published 03.09.14 Strategic Planning Policy Statement Houses in Multiple Occupation Subject Plan for Belfast City Council Area 2015 Planning Policy Statement 7 (Addendum) – Safeguarding the Character of Established Residential Areas</p> |
| 5.0 | <p>Other Material Considerations</p> <p>None</p> |
| 6.0 | <p>Statutory Consultees</p> <p>Transport NI – No objection</p> |
| 7.0 | <p>Non-Statutory Consultee Responses</p> <p>None</p> |
| 8.0 | <p>Representations</p> <p>8.1 The application has been neighbour notified and advertised in the local press and no comment has been received.</p> <p>8.2 An objection was submitted by the Blackstaff Community Development Association at 177 Tates Avenue. A summary of points raised is as follows:</p> <ul style="list-style-type: none"> • The area has an ongoing problem with landlords not looking after their properties – few can control activities of their tenants which cause noise and antisocial behaviour • The area is not suitable for this kind of development – traditional housing does not provide for satisfactory parking for HMOs |

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| | <ul style="list-style-type: none"> • Anti-social behaviour and noise is greatly increased when a property is an HMO. Fire risk and emergency vehicle access problems are also increased • No playground in the area – local children play on street – additional associated with HMO would increase risk to their safety • The proposal goes against the Local Development Plan 2020-2035 regarding the wellbeing of communities |
| 8.3 | These issues are dealt with in the assessment below. |
| 9.0 | Assessment |
| | <p>Development Plan Background</p> <p>9.1 The adopted Belfast Metropolitan Area Plan (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for Belfast.</p> <p>9.2 Section 45 (1) of the Planning Act (NI) requires to be had to the Development Plan as material to the application and to any other material considerations. Section 60 states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise.</p> <p>9.3 As the decision to adopt BMAP has been quashed in its entirety, it is as though BMAP has never been adopted, however the version of draft BMAP which was to be adopted remains a material consideration.</p> <p>9.4 The HMO Subject Plan for Belfast City Council Area 2015 is unaffected by the quashing of BMAP and is a material consideration. The site is within the Donegall Road HMO Policy Area (HMO 02/07) as set out in the HMO Plan.</p> <p>9.5 Principle of Development The Houses In Multiple Occupation Subject Plan for Belfast City Council Area 2015 provides the relevant guidance and policy for this proposal.</p> <p><i>The HMO Subject Plan Strategy aims to adopt a balanced approach to HMO development, by seeking to positively influence and shape the market for HMOs, while controlling and curtailling further development in areas where such accommodation is currently concentrated. The Belfast HMO Strategy is to:</i></p> <ul style="list-style-type: none"> • <i>Protect the amenity of areas where multiple occupation is, or is likely to become, concentrated;</i> • <i>Accommodate the need and demand for multiple occupation while maintaining a community balance;</i> • <i>Focus HMO development in areas where it can contribute to regeneration and</i> • <i>Promote appropriate development of purpose built student accommodation</i> <p>9.6 The site falls within HMO Policy Area 2/07 Donegall Road. Policy HMO 1 applies and states that within designated HMO Policy Areas, planning permission will only be granted where the number of HMO dwelling units does not as a result exceed 30% of all dwellings within the Policy Area.</p> <p>9.7 OSNI Pointer Address Data and the NIHE HMO database 2004 indicates that for Donegall Road HMO Policy Area the total number of dwelling units is 410 with 253 in non-use and 157 in use as HMOs resulting in an overall 38% in HMO use.</p> |

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| 9.8 | <p>In circumstances where an applicant disagrees with Planning Service's assessment of the number of HMOs in a given area the applicant is afforded an opportunity to provide evidence and demonstrate otherwise. As such the applicant has submitted evidence to the NIHE Public Register of HMOs (NIHE Landlord Registration Scheme) of HMOs in the area which indicates that the number of HMOs as a percentage of all dwelling units in the area is currently 3%. It should be noted that the NIHE Landlord Registration Scheme is not part of the planning process and is not kept for planning purposes. There is no reliance for landlords who register to have planning permission for their HMO properties placed upon the accuracy of the level of HMOs in the area based on information from the NIHE Public Register of HMOs.</p> |
| 9.9 | <p>The HMO plan clearly sets out the methodology by which the level of multiple occupancy within an area, will be measured by and takes into account the following criteria:</p> <ul style="list-style-type: none"> • the number of HMOs recorded by the NIHE at November 2004, plus • the number of HMO development units subsequently approved by the Planning Department, plus • the number of extant permissions for HMO development units |
| 9.10 | <p>The number of HMOs recorded by NIHE in 2004 was 38% as set out in Appendix 1 of the HMO Subject Plan. No HMOs were subsequently approved and there are no permissions for HMO development within the policy area. Therefore the number of HMOs within the Donegal Road HMO Policy Area exceeds 30% of all dwelling units within the Policy Area and as such the proposal is contrary to Policy HMO 1.</p> |
| 9.11 | <p>Assessment of HMO Development</p> <p>Policy HMO 6 states that planning permission will only be granted for HMO development where all of the following criteria are met:</p> <ol style="list-style-type: none"> 1) <i>Any HMO unit within a Policy Area does not exceed 4 bedrooms;</i> 2) <i>Any HMO unit is not wholly in the rear of the property and without access to the public street;</i> 3) <i>The original property is greater than 150 square metres gross internal space when any house is being converted to flats for HMO use;</i> 4) <i>All flats for HMO use are self-contained (i.e. having separate bathrooms and kitchen available for use only by the occupiers);]</i> 5) <i>Any approval for HMO development within a Policy Area will be subject to a condition restricting the number of occupants to 4.</i> |
| 9.12 | <p>In assessing the proposal against the above criteria it is noted that the proposal is for a 3 bed HMO and is accessed from the front of the property and does not relate to conversion of a house to flats and is self-contained. The proposal therefore meets the requirements of Policy HMO 6.</p> |
| 9.13 | <p>Issues Raised by Objector</p> <p>The objector raised concerns that there is an ongoing problem with landlords neglecting their properties, this is not considered to be an issue which can be addressed by planning control. As regards suitability for this kind of development, traditional terraced housing have for many years been popular for this type of accommodation and the proposal satisfies the criteria as set out in the above policy context. No evidence was provided to demonstrate that anti-social behaviour and noise is greatly increased when a house becomes a HMO, nor that they present a greater fire risk and problem for emergency vehicle access. Notwithstanding the Council can use its powers to control excessive parking and refuse out with the planning system.</p> |

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| Representations for Elected Representatives: None | 9.14 | Transport NI has not raised any concerns regarding the traffic impact of the proposed development. The existing dwelling has two double bedrooms and the proposed HMO 3 double bedrooms. The existing dwelling would be capable of accommodating 4 people. The number of persons occupying the HMO property would be restricted to 4 in line with Policy HMO 1. Therefore any net increase in traffic would be minimal and will not adversely impact the character of the area nor be detrimental to the safety and convenience of road users. |
| | 9.15 | The proposal has been assessed in the context of planning policy as set out above. It is considered that the proposal would not be contrary to the objective of the new plan to promote wellbeing of communities. HMO Policy will be subject to review in the Local Development Plan 2020-2035. |
| | Neighbour Notification Checked: Yes | |
| | Summary of Recommendation: Taking account of all material considerations including any objection received the proposal has been assessed against relevant planning policy and development plan context and the proposal is considered contrary to Policy HMO 1 of the Houses in Multiple Occupation Subject Plan for Belfast City Council Area 2015 and as such refusal is recommended. | |
| Refusal Reason | | |
| <ol style="list-style-type: none"> The proposal is contrary to Policy HMO 1 of the Houses in Multiple Occupation Subject Plan for Belfast City Council Area 2015, in that the number of HMO dwelling units in the Donegall Road HMO Policy Area (HMO 2/07) already exceeds the 30% threshold and therefore further HMO development is not permitted. | | |
| Notification to Department (if relevant): N/A | | |

| ANNEX | |
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| Date Valid | 24 March 2017 |
| Date First Advertised | 07 April 2017 |
| Date Last Advertised | |
| Details of Neighbour Notification (all addresses) | |
| <p>The Owner/Occupier, 10 Euterpe Street, Malone Lower, Belfast, Antrim, BT12 5PS The Owner/Occupier, 10 Thalia Street, Malone Lower, Belfast, Antrim, BT12 5PT The Owner/Occupier, 11 Euterpe Street, Malone Lower, Belfast, Antrim, BT12 5PS The Owner/Occupier, 12 Euterpe Street, Malone Lower, Belfast, Antrim, BT12 5PS The Owner/Occupier, 7 Euterpe Street, Malone Lower, Belfast, Antrim, BT12 5PS The Owner/Occupier, 8 Thalia Street, Malone Lower, Belfast, Antrim, BT12 5PT</p> | |
| Date of Last Neighbour Notification | 12 April 2017 |
| Date of EIA Determination | N/A |
| ES Requested | No |
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