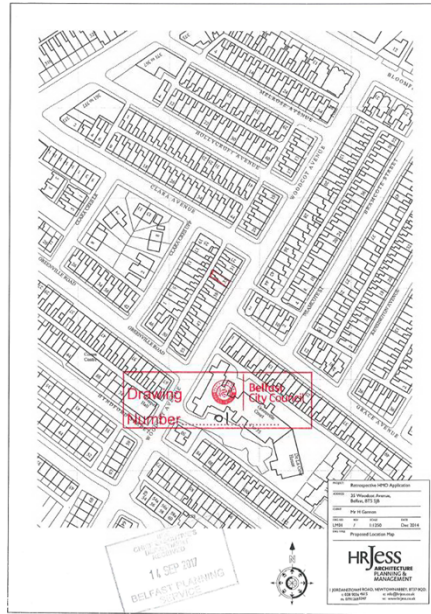


## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 16 January 2018	
<b>Application ID:</b> LA04/2017/2145/F	
<b>Proposal:</b> Retrospective use of dwelling as HMO	<b>Location:</b> 35 Woodcot Avenue Ballyhackamore Belfast BT5 5JB
<b>Referral Route:</b> House in Multiple Occupation outside a designated HMO Node / Policy Area.	
<b>Recommendation:</b>	<b>Approval</b>
<b>Applicant Name and Address:</b> Michael Henry Gannon 51 Meadowbank Jordanstown Newtownabbey BT37 0UP	<b>Agent Name and Address:</b> H R Jess LTD 1 Jordanstown Road Newtownabbey BT37 0QB
<p><b>Executive Summary:</b></p> <p>This application seeks full planning permission for the retention of a change of use from a single dwelling to a House In Multiple Occupation (HMO). The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> <li>• The principle of a HMO at this location; and</li> <li>• Impact on surrounding residential amenity.</li> </ul> <p>No third party representations have been received.</p> <p>Consultees TransportNI; Environmental Health and the council's internal development plan team.</p> <p><b>Recommendation:</b> Having regard to the development plan, regional planning policy and associated guidance, it is recommended that this application is approved.</p>	

## Case Officer Report

### Site Location Plan



**1.0 Description of Proposed Development**

Proposal is for the retention of a change of use from a single dwelling to a House In Multiple Occupation (HMO).

**2.0 Description of Site**

The application site is a 2.5 storey mid-terrace dwelling. This has a small rear yard and the front garden that consists of a walled strip of land to provide a degree of separation from the public footpath. The dwelling is four bedrooms.

The surrounding area is predominantly residential, characterised by high to medium density housing.

**Planning Assessment of Policy and other Material Considerations**

**3.0 Site History**

Z/2015/0148/LDE - Retrospective use of dwelling as HMO. Refusal.

**4.0 Policy Framework**

Belfast Urban Area Plan 2001  
 Draft Belfast Metropolitan Area Plan 2015  
 HMO Subject Plan for Belfast City Council Area 2015

4.1.1 The site is on land zoned for housing EB 02/34 in the draft Belfast Metropolitan Area Plan (BMAP) 2015

4.2 SPPS, Planning Policy Statements:

4.2.1 Strategic Planning Policy Statement for NI (SPPS)

4.2.2 Houses in Multiple Occupation Subject Plan for Belfast City Council Area 2015

4.2.3	Planning Policy Statement 3: Access, Movement and Parking (Revised Feb 2005)
<b>5.0</b>	<b>Planning Assessment</b>
5.1	The proposal is within the development limits for Belfast as identified in the draft development plan (dBMAP 2015). As such the principle of the proposal is deemed acceptable at this location subject to planning and other environmental matters.
5.2	The application site is not within an HMO Policy Area or Development Node as designated in the HMO Subject Plan 2015. Therefore Policy HMO 5 is applicable in this instance.
5.3	Policy HMO 5 permits for 10 percent of any street outside a HMO Policy Area or Development Node to be changed to HMO use.
5.4	There are 111 domestic properties on Woodcot Avenue. This would allow for 11 no. HMOs on Woodcot Avenue before the 10% threshold would be exceeded. Council records indicate that as of November 2004 there were no properties in HMO use.
5.5	A planning history check of the street indicates no recent approvals/decisions relating to HMO development or use have been issued other than the refusal of a certificate of lawfulness for the use of the dwelling as a HMO on the application site (ref. Z/2015/0148/LDE).
5.6	The proposal complies with Policy HMO 6 in that the criteria are either met or are not relevant: the first bullet point is not relevant as the property is not within a Policy Area; the second bullet point is met in that the HMO is not wholly in the rear of the property and without access to the public street; and the third and fourth bullet points are not relevant as the proposal is not being converted into HMO flats.
5.7	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.
5.8	Environmental Health was consulted and has no concerns regarding potential for noise.
5.9	The proposed conversion will result in 4 persons sharing the house together. In terms of car parking/impact on existing traffic arrangements, the various policy requirements of the 'Subject Plan' seek to encourage regeneration, address need and demand, and also protect residential amenity, but 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. Transport NI has been consulted and have no objections to this proposal.
5.10	No operational development is proposed and therefore existing amenity space provision is unaffected.
5.11	There is no anticipated impact on the visual amenity and character of the area given that no external changes are proposed.

<p><b>6.0</b></p> <p>6.1</p>	<p><b>Summary of Recommendation: Approval</b></p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.</p>
<p><b>7.0</b></p> <p>7.1</p>	<p><b>Conditions:</b></p> <p>This decision notice is issued under Section 55 of The Planning Act (Northern Ireland) 2011.</p> <p>Reason: This is a retrospective application.</p>
<p><b>8.0</b></p> <p>8.1</p>	<p><b>Informatives:</b></p> <p>CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011</p> <p>Should any unforeseen ground contamination be encountered during the development, and in order to protect human health, all works on the site should immediately cease. Belfast City Council should be informed and a full written risk assessment in line with current government guidance (Model Procedures for the Management of Land Contamination-CLR11) that details the nature of the risks and any necessary mitigation measures and verification (if required) should be prepared and submitted for appraisal.</p>

<b>ANNEX</b>	
<b>Date Valid</b>	14th September 2017
<b>Date First Advertised</b>	29th September 2017
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 13 Clara Crescent Upper,Belfast,Down,BT5 5EQ, The Owner/Occupier, 15 Clara Crescent Upper,Belfast,Down,BT5 5EQ, The Owner/Occupier, 2a ,Grace Avenue,Belfast,Down,BT5 5JH, The Owner/Occupier, 33 Woodcot Avenue,Belfast,Down,BT5 5JB, The Owner/Occupier, 37 Woodcot Avenue,Belfast,Down,BT5 5JB, The Owner/Occupier, The Corner Shop,2 Grace Avenue,Belfast,Down,BT5 5JH,	
<b>Date of Last Neighbour Notification</b>	6th October 2017
<b>ES Requested</b>	Yes /No
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Plan  Drawing No. 02 Type: Block Plan  Drawing No. 03 Type: Floor Plan	