

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2019/0992/F	<b>Date of Committee:</b> Tuesday 17 September 2019
<b>Proposal:</b> Retrospective change of use from a dwelling to a HMO	<b>Location:</b> 28 Oceanic Avenue Belfast BT15 2HS.
<b>Referral Route:</b> House in Multiple Occupation application outside HMO Policy Area or Development Node	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Damien McArdle 37 Old Forge Manor Belfast BT10 0HY	<b>Agent Name and Address:</b> David Robinson 28 Beechgrove Drive Belfast BT6 0NW
<p><b>Executive Summary:</b> Retrospective planning permission is sought for a change of use from a dwelling house to a House in Multiple occupancy (HMO).</p> <p>The key issues in the assessment of the proposed development include: principle of a HMO in this location; impact on parking; impact on residential amenity; and, flooding</p> <p>In respect of the principle of the proposal at this location, the proposed site is not located within a HMO Policy Area or HMO Node in the Subject Plan for Belfast City Council Area. Policy HMO 5 is therefore applicable, the policy permits for development outside of a HMO Policy Area or HMO Node or the change to HMO use at a value of up to 10% of any street.</p> <p>The Land and Property Pointer Address database indicates that there are 20 domestic properties on Oceanic Avenue. This would allow 2 HMO properties on Oceanic Avenue before the 10% threshold would be exceeded. Records show that there are currently no properties in HMO use on Oceanic Avenue.</p> <p>A petition of objection to the proposal was received which was signed by 17 residents from the surrounding area. Issues raised in the letter of objection related to, anti-social behaviour, parking, violence, criminal activity and noise.</p> <p>Issues regarding anti-social behaviour, criminality and violence all fall outside the remit of planning and are matters for the PSNI.</p> <p>DFI Roads, Environmental Health, Rivers Agency and the Council's internal Development Plan Team were consulted, and all offered no objection to the proposal.</p> <p><b><u>Recommendation – Approval</u></b> Having regard to the policy context and third party objection, the proposal is considered, on balance, to be acceptable and planning permission is recommended for approval.</p>	

# Case Officer Report

## Site Location Plan



<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Retrospective planning permission is sought for a change of use from a dwelling to a HMO. The property will have 5 bedrooms which will exist across 3 floors.
<b>2.0</b>	<b>Description of Site</b> The application site is located at 28 Oceanic Avenue, a predominantly residential street situated between Antrim Road and Limestone Road. The site is a two and half storey dwelling finished in red brick and grey slate. A flat roof dormer exists to both the front and rear of the property to facilitate a loft conversion. The surrounding area consists of 2.5 storey dwellings with a number having pitched dormers on the front elevation.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b> No previous planning applications on the site.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	(Draft) Belfast Metropolitan Area Plan 2015 Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still 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.
4.3	HMO Subject Plan 2015
4.4	Strategic Planning Policy Statement (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Planning Policy Statement 15: Planning and Flood Risk
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	Rivers Agency – No objection DFI Roads – No objection
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	Environmental Health – No objection Local Development Plan Team – No objection
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press. A petition of objection with 17 signatures from local residents was received. Issues raised include anti-social behaviour, limited parking, criminality and violence.
7.2	Issues regarding anti-social behaviour, criminality and violence all fall outside the remit of planning and are matters for the PSNI.
7.3	The petition also raised parking availability as an issue. DFI Roads were consulted and offered no objection to the proposal. The proposal will use existing available on-street parking in the area.
7.4	In terms of noise and disturbance Environmental Health were consulted with the proposal and advised that they had no objection.

<b>8.0</b>	<b>Assessment</b>
8.1	<p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of a HMO in this location;</li> <li>• Impact on Parking;</li> <li>• Impact on Residential Amenity; and,</li> <li>• Flooding.</li> </ul>
8.2	<p><u>Principle of an HMO in this location</u></p> <p>The site is located on unzoned land within the settlement development limit for Belfast as designated in BUAP 2001 and draft BMAP 2015. As such the principle of the proposal is deemed acceptable at this location subject to planning and other environmental matters.</p>
8.3	<p>The application site is not within a HMO Policy Area or Development Node as designated in the HMO Subject Plan 2015. Therefore HMO 5 is applicable in this instance.</p>
8.4	<p>Policy HMO 5 permits for 10% of any street outside a HMO Policy Area or Development Node to be changed to HMO use.</p>
8.5	<p>Planning history records and the register for HMO's demonstrate that the proposal is compliant with Policy HMO 5 in that it would not exceed the 10% rule.</p>
8.6	<p>According to the LPS pointer address database there are 20 domestic properties on Oceanic Avenue. This would allow 2 HMO properties on Oceanic Avenue before the 10% threshold would be exceeded. According to the records held by the Local Development Plan Team there are currently no properties in HMO use on Oceanic Avenue.</p>
8.7	<p>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.</p>
	<p><u>Impact on Parking</u></p>
8.8	<p>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.</p>
8.9	<p>DFI Roads were consulted and offered no objection to the proposal.</p>
8.10	<p>The proposal will use existing available on-street parking.</p>
	<p><u>Impact on Residential Amenity</u></p>
8.11	<p>In terms of noise and disturbance Environmental Health were consulted with the proposal and advised that they had no objection to the proposal.</p>
8.12	<p>No operational development is proposed and therefore existing amenity space provision is unaffected.</p>
8.13	<p>There will be no impact on the character of the area given that no external changes are proposed to the property.</p>

8.14	<p><u>Flooding</u></p> <p>The application site is within a fluvial flood plain, therefore the applicant submitted a flood risk assessment with the application. Rivers Agency were consulted on the application and were content that the proposal was compliant with Policy FLD1 and Policy FLD 5 within PPS 15 therefore it is not considered to impact on the existing flow paths of flood waters.</p>
9.0	<p><b>Summary of Recommendation: Approval</b></p> <p>Having regard to the policy context and consideration of the objections received, on balance, the proposal is considered acceptable and planning permission is recommended for approval.</p>
10.0	<p><b>Conditions</b></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><b>Informatives:</b></p> <p>1. 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> <p>2. HOUSE OF MULTIPLE OCCUPATION ACT ( NORTHERN IRELAND) 2016 For detailed requirements relating to HMO Standards and relevant documentation you should visit NIHMO. Please see also the HMO (NI) Act 2016 which contains the definition of a House in Multiple Occupation for Northern Ireland. This also contains the minimum space standard for rooms in a HMO that are occupied as sleeping accommodation</p>

<b>ANNEX</b>	
<b>Date Valid</b>	2nd May 2019
<b>Date First Advertised</b>	24 <sup>th</sup> May 2019
<b>Date Last Advertised</b>	24th May 2019
<b>Details of Neighbour Notification</b> (all addresses)	
<ul style="list-style-type: none"> <li>• The Owner/Occupier, 20 Oceanic Avenue Belfast Antrim</li> <li>• The Owner/Occupier 26 Oceanic Avenue,Belfast,Antrim,BT15 2HS</li> <li>• The Owner/Occupier, 30 Oceanic Avenue,Belfast,Antrim,BT15 2HS</li> </ul>	
<b>Date of Last Neighbour Notification</b>	04/09/2019
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
01- Site Location Map, 02- Existing and Proposed Floor Plans 03- Existing and Proposed Elevations	
<b>Notification to Department (if relevant)</b>	
<b>Date of Notification to Department:</b> <b>Response of Department:</b>	