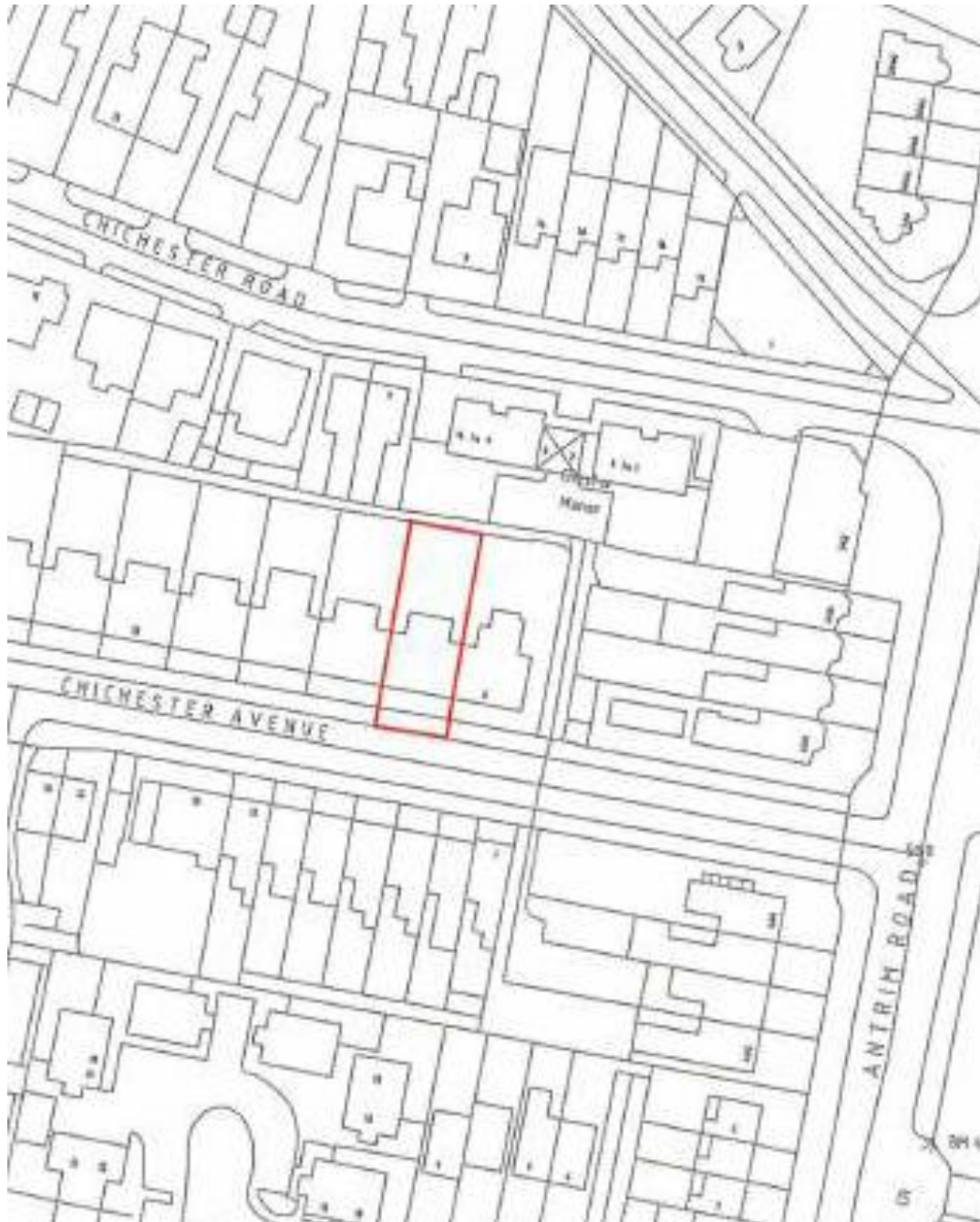


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 15 October 2019	
Application ID: LA04/2019/1887/F	
Proposal: Retrospective change of use from residential property to HMO (amended description)	Location: 4 Chichester Avenue Belfast BT15 5EH
Referral Route: House in Multiple Occupation outside a designated HMO Node / Policy Area	
Recommendation: Approval Subject to Conditions	
Applicant Name and Address: Tim Hughes Garvey Studios 8-10 Longstone Street Lisburn BT28 1TP	Agent Name and Address: CPS Planning Consultants 164 Lisburn Road Belfast BT9 6AL
<p>Executive Summary:</p> <p>This application seeks full planning permission for conversion of 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"> • The principle of a HMO at this location; • Impact on Parking; and, • Impact on Residential Amenity. <p>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.</p> <p>The Land and Property Services Pointer Address database indicates that there are 30 domestic properties on Chichester Avenue which would allow for 3 No. HMOs before the 10% threshold would be exceeded. According to records held by the Local Development Plan Team there are currently no HMO properties on Chichester Avenue.</p> <p>2 third party representations have been received raising the following: traffic and parking impact, health and safety risks to children from increased traffic, existing problems for residential parking, build-up of rubbish and antisocial behaviour concerns.</p> <p>DfI Roads, BCC Environmental Health and the Council's internal development plan team were consulted, and all offered no objection to the proposal.</p> <p><u>Recommendation – Approval Subject to Conditions</u></p> <p>Having regard to the policy context and third party objections, the proposal is considered to comply with policy and the application is recommended for approval.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0	Description of Proposed Development
1.1	Full planning permission is sought to convert a single occupancy dwelling to a House of Multiple Occupation (HMO).
2.0	Description of Site
2.1	The application site is a 3 storey terraced dwelling with 2 storey bay window and an 'A-frame' dormer to the front. There is a single storey rear extension. The 9 bedroom dwelling has a floorspace of approx. 300m ² .

	<p>There is grassed amenity space to the rear of the site. A hard surface to the front is bounded by a low wall and railings to the footpath.</p> <p>There is on street parking in this mainly residential area.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
	None
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 HMO Subject Plan 2015
4.2	SPPS, Planning Policy Statements: Strategic Planning Policy Statements for NI (SPPS) Planning Policy Statement 3: Access, Movement and Parking (Revised Feb 2005)
5.0	Statutory Consultees Responses
5.1	DfI Roads – No objection.
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – No objection, with informatives.
7.0	Representations
7.1	<p>27 neighbouring properties were notified and the proposal was advertised in the local press. 2 representations were received raising a number of issues.</p> <ul style="list-style-type: none"> • Local residents objected in respect of the potential problems that new residents will bring on transport and parking. Existing street parking problems were raised, exacerbated by parking by users of HMOs on the Antrim Road, and a charity at one end of the street and a vet at the other end. In response to traffic concerns, DfI Roads offered no objection to the proposal. <p>DfI Roads offered no objection to the proposal.</p> <ul style="list-style-type: none"> • Rubbish and antisocial behaviour concerns were also raised. Environmental Health has offered no objection to the proposal.
8.0	Assessment
8.1	<p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • The principle of a HMO at this location; • Impact on Parking; and • Impact on Residential Amenity.

	<u>Principle of a HMO in this location</u>
8.2	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.
8.3	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.
8.4	Policy HMO 5 permits for 10 percent of any street outside a HMO Policy Area or Development Node to be changed to HMO use.
8.5	Land and Property Services Pointer Address database (as of 7 th August 2019) indicates that there are 30 domestic properties on Chichester Avenue which would allow for 3 No. HMOs before the 10% threshold would be exceeded. According to the records held by the Local Development Plan Team there are currently no HMO properties on Chichester Avenue and therefore a HMO at no. 4 is acceptable in terms of the 10% threshold, and complies with Policy HMO 5.
8.6	A planning history search of Chichester Avenue indicates no recent approvals/decisions relating to HMO development.
8.7	The proposal complies with Policy HMO 6 in that the criteria are either met or are not relevant: the first criteria is not relevant as the property is not within a Policy Area; the second criteria 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.
	<u>Impact on Parking</u>
8.8	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.
8.9	The conversion is for 9 HMO bedrooms. 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.
8.10	DfI Roads were consulted and offered no objection to the proposal.
8.11	The proposal will use existing available on-street parking. The site is also considered to be a sustainable location due to its proximity to the city centre with nearby public transport links.
	<u>Impact on Residential Amenity</u>
8.12	In terms of noise and disturbance Environmental Health were consulted with the proposal and advised that they had no objection to the proposal.
8.13	No operational development is proposed and therefore existing amenity space provision is unaffected. There is approx. 88sqm of private amenity space to the rear which is above the recommended 70sqm in line with Creating Places Guidance.
8.14	

<p>8.15</p> <p>8.16</p> <p>8.17</p>	<p>On balance, it is considered that the proposal will not result in demonstrable harm to the residential amenity of neighbours.</p> <p>The conversion is for 9 HMO bedrooms. 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. Department for Infrastructure - Roads has been consulted and have no objections to this proposal. They are satisfied that parking on-street is unlikely to have a significant impact on the local road network in terms of traffic and road safety. The site is considered to be a sustainable location due to its proximity to the city centre with nearby public transport links.</p> <p>There is no planning guidance on space standards for HMOs. However the 9 bedrooms meet the HMO space standards set by Northern Ireland Housing Executive. They range in size from 10.4sqm to 15.6sqm so meet the 6.5sqm requirement set by NIHE. The kitchen area of 15.2sqm is above the 10sqm, with 2 sinks, as per the NIHE standard. There are also 2 bathrooms at the property, meeting the NIHE requirement for households of 6-10 individuals.</p> <p>There will be no impact on the visual amenity and character of the area given that no external changes are proposed.</p>
<p>9.0</p>	<p>Summary of Recommendation: Approval</p>
<p>9.1</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 and informatives.</p>
<p>10.0</p>	<p>Conditions</p> <p>1. 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>Informatives:</p> <p>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> <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</p>

	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.
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ANNEX	
Date Valid	9th August 2019
Date First Advertised	23 rd August 2019
Date Last Advertised	
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 10 Chester Manor,Belfast,Antrim,BT15 5EJ</p> <p>The Owner/Occupier, 11 Chester Manor,Belfast,Antrim,BT15 5EJ</p> <p>The Owner/Occupier, 12 Chester Manor,Belfast,Antrim,BT15 5EJ</p> <p>The Owner/Occupier, 13 Chester Manor,Belfast,Antrim,BT15 5EJ</p> <p>The Owner/Occupier, 14 Chester Manor,Belfast,Antrim,BT15 5EJ</p> <p>The Owner/Occupier, 2 Chichester Avenue,Belfast,Antrim,BT15 5EH</p> <p>The Owner/Occupier, 3 Chichester Avenue,Belfast,Antrim,BT15 5EH</p> <p>The Owner/Occupier, 5 Chichester Avenue,Belfast,Antrim,BT15 5EH</p> <p>The Owner/Occupier, 6 Chichester Avenue,Belfast,Antrim,BT15 5EH</p> <p>The Owner/Occupier, 7 Chester Manor,Belfast,Antrim,BT15 5EJ</p> <p>The Owner/Occupier, 7 Chichester Avenue,Belfast,Antrim,BT15 5EH</p> <p>The Owner/Occupier, 8 Chester Manor,Belfast,Antrim,BT15 5EJ</p> <p>The Owner/Occupier, 9 Chester Manor,Belfast,Antrim,BT15 5EJ</p> <p>The Owner/Occupier, 9 Chichester Avenue,Belfast,Antrim,BT15 5EH</p>	

The Owner/Occupier,
Apartment 1,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 10,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 11,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 12,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 13,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 14,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 2,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 3,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 4,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 5,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 6,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

The Owner/Occupier,
Apartment 9,Chester Manor,Chichester Road,Belfast,Antrim,BT15 5EJ

Date of Last Neighbour Notification	23 rd August 2019
Date of EIA Determination	
ES Requested	No
Planning History	
Ref ID: Z/2003/2031/A41 Proposal: Single storey kitchen extension to rear of dwelling Address: 12 Chichester Avenue, Belfast, BT15 5EH Decision: PERMITTED DEVELOPMENT Decision Date: 2 October 2003	
Ref ID: Z/2001/2323/A41	

Proposal: 2 no. dormer windows to rear of dwelling
Address: 12 Chichester Avenue, Belfast, BT15 5EH
Decision: PERMITTED DEVELOPMENT
Decision Date: 24 November 2001

Ref ID: Z/2001/1271/A41

Proposal: Single storey kitchen extension to side of dwelling
Address: 28 Chichester Avenue, Belfast, BT15 5EH
Decision: PERMITTED DEVELOPMENT
Decision Date: 22 September 2001

Ref ID: Z/2001/1220/A41

Proposal: Internal alterations and new velux windows to rear elevation
Address: 12 Chichester Avenue, Belfast, BT15 5EH
Decision: PERMITTED DEVELOPMENT
Decision Date: 20 July 2001

Summary of Consultee Responses

DfI Roads – no objection

BCC Environmental Health – no objection

Drawing Numbers and Title

Drawing No. 01
Type: Site Location & Block Plan
Status: Submitted

Drawing No. 02
Type: Existing Floor Plans
Status: Submitted

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department: