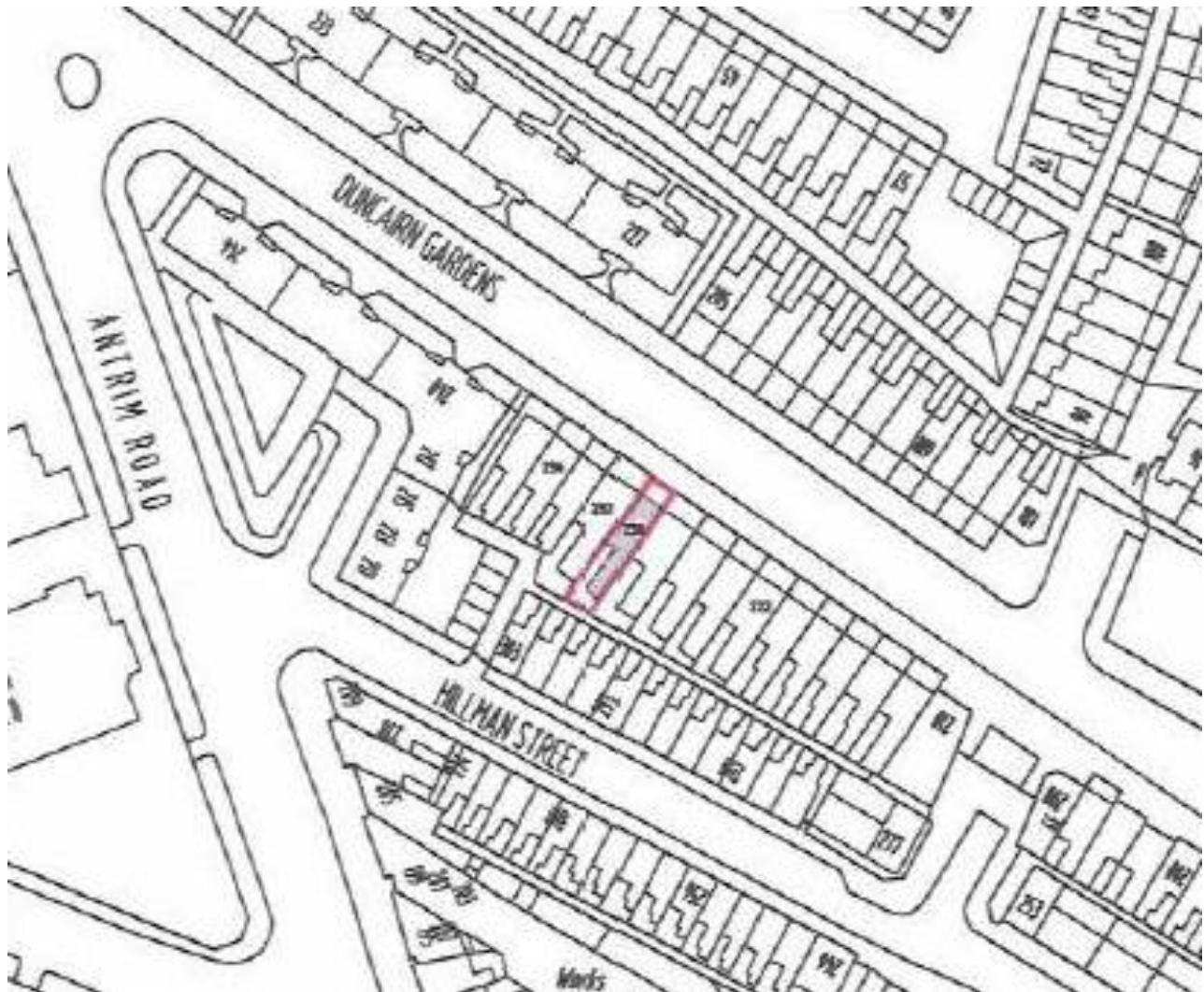


Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 15 November 2019	
Application ID: LA04/2019/2103/F	
Proposal: Retrospective change of use from a dwelling to a house in multiple occupancy.	Location: 230 Duncairn Gardens Belfast BT15 2GP
Referral Route: House in Multiple Occupation outside a designated HMO Node / Policy Area	
Recommendation: Approval Subject to Conditions	
Applicant Name and Address: Yentac Limited 160 Upper Malone Road Belfast BT17 9JZ	Agent Name and Address: Planning & Design 3 Thirlmere Gardens Belfast BT15 5EF
<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 107 domestic properties on this section of Duncairn Gardens which would allow for 10 No. HMOs before the 10% threshold would be exceeded. According to records held by the Local Development Plan Team there are currently 5 HMO properties on this section of Duncairn Gardens.</p> <p>4 third party representations have been received raising the following: parking impact, existing problems for residential parking, antisocial behaviour concerns and a lack of family homes in the area.</p> <p>DfI Roads, BCC Environmental Health and the Council's 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 Retrospective change of use from a dwelling to a house in multiple occupancy.

2.0 Description of Site

2.1 The application site is a 3 storey terraced dwelling with 2 storey bay window to the front. There is a 3 storey extension and an attached single storey lean to at the rear. The 7 bedroom dwelling has a floorspace of approx. 170m².

There is hard surfaced yard to the rear of the site. There are steps up to the front door. A low wall and railings bounds the front of the site to the footpath.

There is on street parking in this mainly residential area.

Planning Assessment of Policy and other Material Considerations

3.0 Site History

	<p>None</p> <p><u>Surrounding Area</u> LA04/2019/2104/F – 232 Duncairn Gardens - proposed HMO Under consideration – Recommended for Approval</p>
4.0	Policy Framework
4.1	<p>Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 HMO Subject Plan 2015</p>
4.2	<p>SPPS, Planning Policy Statements:</p> <p>Strategic Planning Policy Statements for NI (SPPS) Planning Policy Statement 3: Access, Movement and Parking (Revised Feb 2005)</p>
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	8 neighbouring properties were notified and the proposal was advertised in the local press. 4 representations were received.
7.2	<p>Objectors raised a number of concerns:</p> <ul style="list-style-type: none"> • Objectors highlight potential problems that new residents will bring in respect of parking. Existing street parking problems were raised. • They also highlight the presence of more flats and HMOs on Duncairn Gardens than family homes and that the lack of family homes needs to be addressed and that another HMO will contribute to the decline of the Duncairn Gardens community. • Anti-social behaviour in the area is high, including at this property. • Another local resident claimed the property is being used as a HMO without a licence and raised concerns whether the applicant is a fit and proper person to be granted a licence. And had also raised concerns with Planning Enforcement.
7.3	From the NI HMO Public Register of Licenced HMOs (updated 16 October 2019) it appears that the property has a HMO Licence as from April 2019.
7.4	DfI Roads offered no objection to the proposal, including concerns with parking.
7.5	The HMO Subject Plan allows for 10% of residential properties to be HMOs in this area. Records held by the Local Development Plan Team show that there are 5 HMO properties

7.6 7.7	<p>on this section of Duncairn Gardens and therefore a HMO at no. 230 is acceptable in terms of the 10% threshold.</p> <p>Incidents of anti-social behaviour are beyond the remit of planning, as are vetting of landlords and tenants. A fit and proper person test is dealt with by HMO Licencing. Environmental Health has offered no objection to the proposal.</p> <p>As this application is for full permission for a change of use, the 5 year's continuous use test is not applicable.</p>
8.0 8.1	<p>Assessment</p> <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.
8.2 8.3 8.4 8.5 8.6 8.7 8.8	<p><u>Principle of a HMO in this location</u></p> <p>The proposal is within the development limits for Belfast as identified in the BUAP and draft development plan (dBMAP 2015).</p> <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>Policy HMO 5 permits for 10 percent of any street outside a HMO Policy Area or Development Node to be changed to HMO use.</p> <p>Land and Property Services Pointer Address database (as of 1st October 2019) indicates that there are 107 domestic properties on this section of Duncairn Gardens which would allow for 10 No. HMOs before the 10% threshold would be exceeded. Records show there are currently 5 HMO properties on this section of Duncairn Gardens (not including the assessment of No. 232 as an existing HMO – LA04/2019/2104/F) and therefore a HMO at no. 230 is acceptable in terms of the 10% threshold, and complies with Policy HMO 5.</p> <p>A planning history search of Duncairn Gardens indicates no recent approvals/decisions relating to HMO development. There is a live planning application LA04/2019/2104/F for neighbouring property No. 232 for a proposed HMO.</p> <p>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.</p> <p><u>Impact on Parking</u></p> <p>The SPSS 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	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.
8.10	<u>Impact on Residential Amenity</u>
8.11	In terms of noise and disturbance Environmental Health were consulted with the proposal and advised that they had no objection to the proposal.
8.12	No operational development is proposed and therefore existing amenity space provision is unaffected.
8.13	On balance, it is considered that the proposal will not result in demonstrable harm to the residential amenity of neighbours.
8.14	The conversion is for 7 HMO bedrooms. There is no planning guidance on space standards for HMOs. However the 7 bedrooms meet the HMO space standards set by Northern Ireland Housing Executive. They range in size from 6.8sqm to 12.5sqm so meet the 6.5sqm requirement set by NIHE. The kitchen area of 18.7sqm is above the 10sqm, as per the NIHE standard. There is a bathroom, w.c and shower room, meeting the NIHE requirement for households of 6-10 individuals.
8.14	There is no anticipated impact on the visual amenity and character of the area given that no external changes are proposed.
9.0	Summary of Recommendation: Approval
9.1	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.
10.0	<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>

CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT (NORTHERN IRELAND) 2011

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.

ANNEX	
Date Valid	19th August 2019
Date First Advertised	4 th October 2019
Date Last Advertised	
Details of Neighbour Notification (all addresses) 199 – 203, 222, 226- 228, 232, 236Duncairn Gardens,Belfast,Antrim,BT15 2GF 301 & 303 Hillman Street,Belfast,Antrim,BT15 2GA 36 Alfred Street,Belfast,BT2 8EP	
Date of Last Neighbour Notification	1 st October 2019
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA04/2019/2104/F Proposal: Change of use from residential to HMO (7 Bedroom) Address: 232 Duncairn Gardens Decision: SITE INSPECTED Decision Date: NOVEMBER COMMITTEE Ref ID: LA04/2019/1731/F Proposal: Retrospective change of use to short term holiday let premises Address: 210 Duncairn Gardens Decision: PERMISSION GRANTED Decision Date: 1 OCTOBER 2019 Ref ID: Z/2014/1410/F Proposal: Change of use to gym Address: 210 Duncairn Gardens Decision: PERMISSION REFUSED Decision Date: 4 NOVEMBER 2015	
Summary of Consultee Responses Dfl Roads – no objection BCC Environmental Health – no objection	

Drawing Numbers and Title
Drawing No. 01 Type: Plans and Elevations Status: Submitted
Notification to Department (if relevant) Date of Notification to Department: Response of Department: