

Development Management Officer Report Committee Application

| Summary | |
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| Application Ref: LA04/2023/4021/F | Committee Meeting Date: 16 th January 2024 |
| Proposal: Change of use from dwelling to 5 Bed House in Multiple Occupation. | Location: 166 Upper Newtownards Road, Belfast, BT4 3ES |
| Referral Route: Request to be presented to Planning Committee by Elected Member (Cllr Anthony Flynn) | |
| Recommendation: | Approval |
| Applicant Name and Address: Sikkim Properties 34 Dufferin Ave Bangor BT20 3AA | Agent Name and Address: Gravis Planning Unit 1, Pavilions Office Park Kinnegar Drive Holywood |
| <p>Executive Summary: This application seeks full planning permission for Change of use from dwelling to 5 Bed House in Multiple Occupation.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location; • Impact on surrounding residential amenity/character including policy analysis • Traffic, Parking and Access • Waste and refuse collection • Over-occupation/anti-social behaviour • Climate change <p>22 objections have been received with the issues raised addressed within the main report.</p> <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.</p> | |

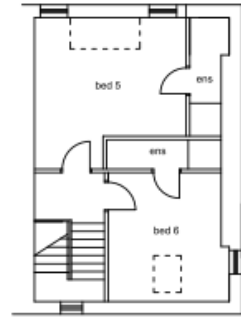
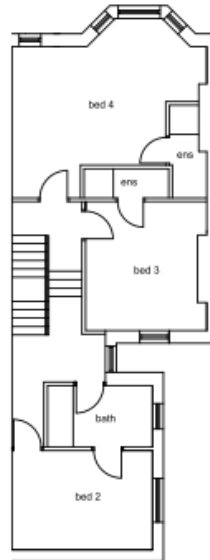
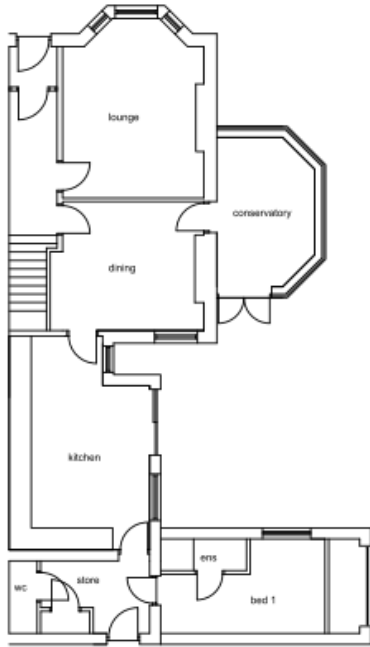
Officer Report

1.0

Drawings

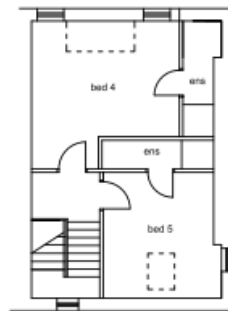
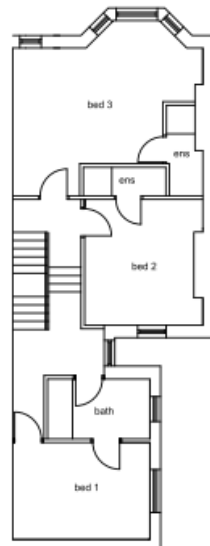
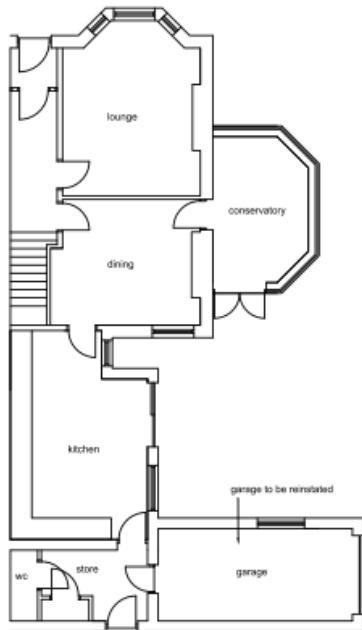
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Existing Floor Plans



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| Project | CHANGE 166 UPP BELFAS |
| Drawing | EXISTING |
| Dir.No: | |
| Scale: | |
| | 1 Beamline Or 8132' 102' |

Proposed Floor Plans



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| | Please note there are no external alterations and therefore elevations have not been shown here. |
| 2.0 | Characteristics of the Site and Area |
| 2.1 | The application site is located at 166 Upper Newtownards Road, a corner plot that adjoins Oakland Avenue. |
| 2.2 | The building is three storey semi-detached dwelling finished in white render. There is a small amount of amenity space to the front with pedestrian access, characterised by vegetation which screens the site from the road. There is a small amenity space to the rear/side between the rear return and the side boundary which also hosts an in-curtilage garage. |
| 2.3 | The site falls within houses in multiple occupation (HMOS) subject plan for Belfast city council area 2015 - zoning HMO 4/10 HMO development node. |
| 3.0 | Description of Proposal |
| 3.1 | The application is seeking full planning permission for change of use from dwelling to 5 Bed House in Multiple Occupation (amended description). |
| 4.0 | Planning Policy and Other Material Considerations |
| 4.1 | Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 |
| 4.2 | Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) |
| 4.3 | Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) |
| 4.4 | Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI) |
| 4.5 | Relevant Planning History N/A |
| 5.0 | Consultations and Representations |
| 5.1 | Statutory Consultations DfI Roads – No objections |
| 5.2 | Non-Statutory Consultations BCC Plans & Policy team – No objections |
| 5.3 | Representations The application has been advertised and neighbours notified. The Council has received 22 objections which are summarised as follows: <ol style="list-style-type: none"> 1. Parking, traffic, road safety and enforcement 2. Waste and refuse collection 3. Adverse impact on the sewage network |

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| | <ol style="list-style-type: none"> 4. Anti-social behaviour/noise 5. Negatively impact on the character of the area 6. Non-compliance with Policy RD2 7. Lack of cycle parking provision 8. Additional guests staying over/anti-social behaviour 9. Precedent for further HMOs in the area 10. Alleged previous internal works to the property 11. Impact on the provision of family homes in the area <p>Issues 1-8 are covered in the main body of the report. Additional points are considered as follows:</p> <p>9. Precedent for further HMOs in the area/domino effect - Each application is decided on its own merit. Officers consider that this scheme is compliant with policy considerations.</p> <p>10. Alleged previous internal works to the property - This would be outside the remit of planning and not relevant to the assessment of the application as internal works do not require planning permission.</p> <p>11. Impact on the provision of family homes in the area - This HMO is for 5 bedrooms, the licensing process will determine how many persons the home can accommodate. HMO's can meet high demand for housing and the application site is located within one of three HMO Development Nodes on the Upper Newtownards Road which are designated due to their proximity to services and access to public transport.</p> |
| 6.0 | PLANNING ASSESSMENT |
| 6.1 | <p>Development Plan Context Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> |
| 6.1.1 | <p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> |
| 6.1.2 | <p>The Development Plan is the Belfast Local Development Plan, which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The Belfast LDP is in two parts: Part 1 is the Plan Strategy, which was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals map for Belfast and has yet to be published. For this reason, the assessment of this application still considers that the property is in an HMO Node, as designated under the HMO Subject Plan (2015) and will remain so until the LPP is adopted.</p> |
| 6.2 | <p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p> |
| 6.3 | <p>Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its</p> |

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| 6.4 | <p>advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p> |
| | <p>Key Issues The key issues are:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location; • Impact on surrounding residential amenity/character including policy analysis • Traffic, Parking and Access • Waste and refuse collection • Over-occupation/anti-social behaviour • Climate change |
| 6.5 | <p>Principle of development The Upper Newtownards Road is not within a HMA however the site is located within the Upper Newtownards Road HMO Development Node (HMO 4/10) as designated in the HMO Subject Plan for Belfast City Council Area 2015.</p> |
| 6.5.1 | <p>Policy HOU11 states “Within designated intensive housing nodes, planning permission will be granted for HMOs and flats/apartments. This will be subject to meeting all other policy requirements.”</p> |
| 6.5.2 | <p>Para 7.1.76 of Policy HOU 11 states that proposals for HMOs and flats/apartments within intensive housing areas will still be carefully assessed against the relevant residential design requirements set out in policies RD1, RD2 and RD3.</p> |
| 6.6 | <p>Impact on surrounding amenity/character of the area When considering the policy context, the proposed development in terms of scale, layout, design and materials must be in keeping with the site and its surrounding area. The character and appearance of the area in this case would be preserved. Appropriate open space is provided and/or the site has good access to existing open space infrastructure. The proposal complies with the HMO space standards for a 5 bed HMO as set out within Belfast Local Development Plan: 2035. The proposal would provide a quality and sustainable residential environment. The HMO will further require to be licensed with BCC which mitigates amenity concerns by enforcing an anti-social behaviour plan and ensuring the HMO operator runs the property effectively.</p> |
| 6.6.1 | <p>The property is a large three-storey dwelling which has been extended over the years and is an appropriate size to accommodate an HMO, comfortably providing accommodation for 5 people whilst still meeting the space standards.</p> |
| 6.6.2 | <p>The proposal is compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties, including unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The policy context is set out in Policies HOU 11, RD1, RD3 and TRAN8 below.</p> |
| 6.7 | <p>Policy HOU 11 Policy HOU 11 para 7.1.76 states that proposals for HMOs and flats/apartments within intensive housing areas will still be carefully assessed against the relevant residential design requirements set out in policies RD1, RD2 and RD3, which have been addressed above. Policy RD2 is not relevant to this application as no extensions are proposed.</p> |
| 6.7.1 | <p>Local character, environmental quality and residential amenity, privacy of existing residents and scale and massing will continue to be particularly important considerations within intensive housing areas.</p> |

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| 6.7.2 | The proposed change of use of an existing dwelling into a HMO is located within an intensive housing node where HMOs are acceptable in principle under policy HOU11 of the BPS. The use is therefore considered appropriate to the local character and surrounding area. |
| 6.8 | <p>Policy RD1 Policy RD1 states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal:</p> |
| 6.8.1 | a) Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential areas - Officers consider that the use does not conflict with adjacent land uses. The scheme meets the policy requirements set out in HOU 11 and RD1 & RD3. The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and sufficient bin storage. |
| 6.8.2 | b) Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance - Officers consider that the scheme will not give rise to any of the issues listed in criterion B. Overlooking, loss of light, overshadowing and dominance will not be changing from what is existing. Noise or other disturbance will be addressed by the anti-social behaviour plan. |
| 6.8.3 | c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure - The proposal is located on a glider bus stop and has good access to services and amenities. There is sufficient space for cycle parking. |
| 6.8.4 | d) Provides appropriate open space - The proposal maintains the current level of open space, and in addition, the area has good access to open space such as the Comber Greenway. |
| 6.8.5 | e) Keeps hard surfacing to a minimum - No hard standing is proposed as part of this application. |
| 6.8.6 | f) Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C - The proposal exceeds the requirements set out in the space standards and provides a significant amount of living space for the occupants of the 5 bedrooms. |
| 6.8.7 | g) Does not contain any units which are wholly in the rear of the property without direct, safe and secure access from the public street - All units have safe and secure access from the front door of the dwelling. |
| 6.8.8 | h) Ensures that living rooms, kitchens and bedrooms have access to natural light - All habitable rooms in the dwelling have access to natural light. |
| 6.9 | <p>Policy RD3 Policy RD3 states that planning permission will be granted for conversion or change of use of existing buildings for residential use where all the criteria in policy RD1 and all the additional criteria below are met:</p> |
| 6.9.1 | |

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| 6.9.2 | a) Any units are self-contained - Officers consider that this criterion is met. |
| 6.9.3 | b) Adequate refuse storage space is provided within the curtilage of the site, large enough to allow for the separation of recyclable waste, and is designed to not be visible from the amenity space / public realm - Officers consider that this criterion is met. The property will provide 3 refuse bins for general waste, recycling and food waste. |
| 6.9.4 | c) The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling - The property is 237.5 sq metres in total. |
| 7.0 | d) Conversions above commercial premises do not prejudice the commercial functions of the business - This criterion is not relevant to this application. |
| 7.0 | <p>Traffic, Parking and Access</p> <p>Officers acknowledge the objections to parking. DFI Roads have no objections to the scheme. Whilst the various policy requirements of HOU11 seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy. Policy TRAN8 – Car parking and servicing arrangements states, 'Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements'. However, existing Regional Planning Policy and supplementary planning guidance, including the published 'Parking Standards', do not incorporate car parking as a requirement for HMO development. The applicant has however, following amendments, retained the in-curtilage parking space to the rear in the garage and there is ample space for cycle storage. Furthermore the site is located in an extremely sustainable location with the glider service running alongside the site. In this context adequate provision is considered provided to meet TRAN8.</p> |
| 7.0.1 | Objectors raised concern regarding parking and parking enforcement, both the PSNI and DFI would be responsible for dealing with any congestion or enforcement issues. |
| 7.1 | <p>Waste and Refuse Collection</p> <p>Objectors have alluded to previous issues with bin lorries getting down Oakland Avenue, builders' vehicles which will block the street during construction and build-up of waste in the alleyway to the rear of the site which is the main refuse collection point on Oakland Avenue.</p> |
| 7.1.1 | Policy RD3 criterion B, states that adequate refuse storage space is provided within the curtilage of the site, large enough to allow for the separation of recyclable waste and is designed to not be visible from the amenity space / public realm. Officers consider that this policy is complied with. The alleyway to the rear will continue to host the bins as before. The disposal of rubbish is the responsibility of tenants and the landlord. The premises will continue to be served by three Council refuse bins for general waste, recycling and food. These three bins should be collected in the same manner as before. |
| 7.2 | <p>Impact on the sewage network</p> <p>There is no evidence that change of use from a dwelling to a HMO will cause any issues as the dwelling will continue to avail of the main sewage network like other houses in the street.</p> |
| 7.3 | <p>Over-occupation/anti-social behaviour</p> <p>Officers consider that the scheme complies with space standards and provides a suitable number of bedrooms. The HMO licensing scheme is in place to regulate HMOs. An anti-social behaviour plan will therefore be in place, and it is the landlord's responsibility to ensure compliance with licensing requirements. Tenants also have responsibilities to make sure the landlord can carry out their duties.</p> |
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| <p>7.3.2</p> <p>7.4</p> | <p>The NIHMO Unit within BCC has developed a guide highlighting ways to tackle antisocial behaviour linked to their properties. The guide provides preventative measures that landlords can take to manage antisocial behaviour, highlights how to demonstrate compliance by record keeping and intervention, and details how to develop an antisocial behaviour plan. The HMO legislation in Northern Ireland has the potential to have a positive impact on the lives of those living in HMOs, the owners of HMOs, and the residents surrounding HMO properties.</p> <p>Climate Change The proposal will incorporate measures such as improved insulation which will increase the energy efficiency of the building. The proposal is also located in a prime location with access to public transport.</p> <p>Summary The proposal is acceptable having regard to policies within the Belfast local development plan: plan strategy 2035; and paragraphs 6.135, 6.136 and 6.137 of the Strategic Planning Policy statement for Northern Ireland 2015 and taking account of all material planning considerations.</p> |
| <p>8.0</p> | <p>Recommendation</p> |
| <p>8.1</p> <p>8.2</p> | <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.</p> |
| <p>DRAFT CONDITIONS:</p> <ol style="list-style-type: none"> The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. <p>DRAFT INFORMATIVES:</p> <ol style="list-style-type: none"> Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from | |

consultees may also include other general advice for the benefit of the applicant or developer.

ANNEX

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| Date Valid | 25/09/2023 |
| Date First Advertised | 06/10/2023 |
| Date Last Advertised | 15/12/2023 |

Details of Neighbour Notification (all addresses)

1 OAKLAND AVENUE
164 UPPER NEWTOWNARDS ROAD
168 UPPER NEWTOWNARDS ROAD
170 UPPER NEWTOWNARDS ROAD
172 UPPER NEWTOWNARDS ROAD
2 OAKLAND AVENUE
2A OAKLAND AVENUE
2B OAKLAND AVENUE
3 OAKLAND AVENUE
5 OAKLAND AVENUE
7 OAKLAND AVENUE