

Development Management Officer Report Committee Application

Summary	
Application Ref: LA04/2023/4208/F	Committee Meeting Date: 19 th March 2024
Proposal: Change of use from dwelling to HMO (6 Beds)	Location: 24 Orient Gardens, Belfast, BT14 6LH
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member (Cllr Tomas O'Neill)	
Recommendation:	Approval subject to condition
Applicant Name and Address: Charlene Turkington 24 Orient Gardens, Belfast, BT14 6LH	Agent Name and Address: Ally Olphert Create Architecture Blick Studios 51 Malone Road Belfast
<p>Executive Summary:</p> <p>This application seeks full planning permission for Change of use from a dwelling to a 6 Bed House in Multiple Occupation. The site is located at 24 Orient Gardens.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character and appearance of the Lower Cliftonville draft area of townscape character • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection <p>24 objections have been received with the issues raised addressed within the main report.</p> <p>The application has been called in for the following reasons:</p> <ol style="list-style-type: none"> 1. Significant public Interest. 2. Concerns relating to congestion and parking. <p>The scheme is compliant with Policy HOU10 in that the 10% threshold for HMO's on this stretch of the Orient gardens has not yet been reached. Officers consider that the scheme will not be harmful in terms of traffic, parking, impact on amenity of the surrounding area of the Lower Cliftonville Draft Area of Townscape Character.</p> <p>Recommendation</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. 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>	

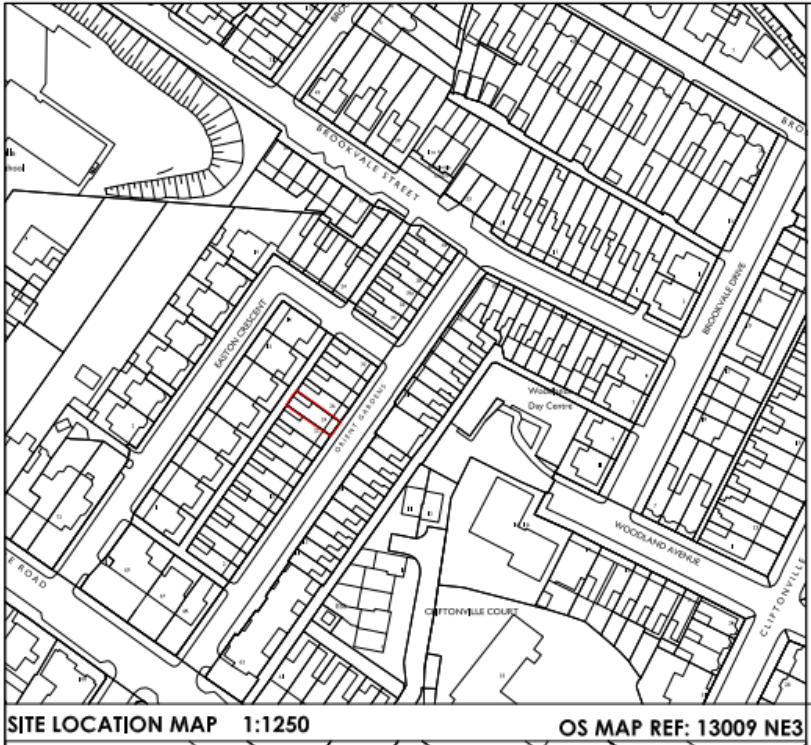
Officer Report

1.0

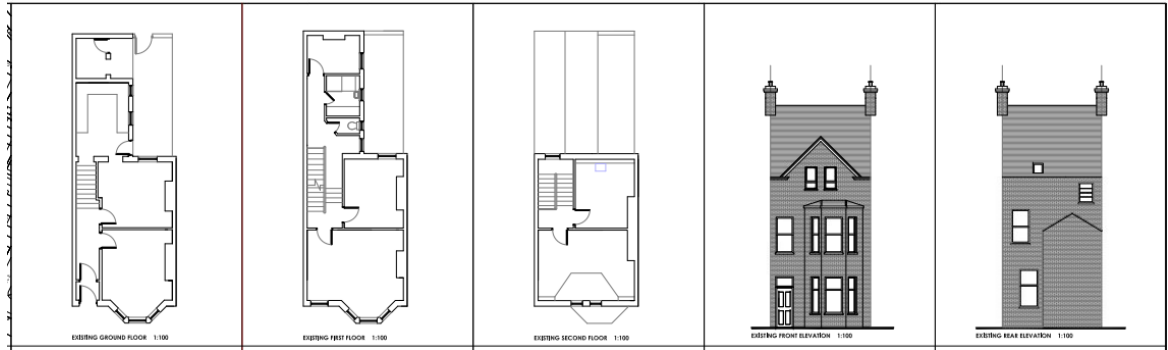
Drawings

1.1

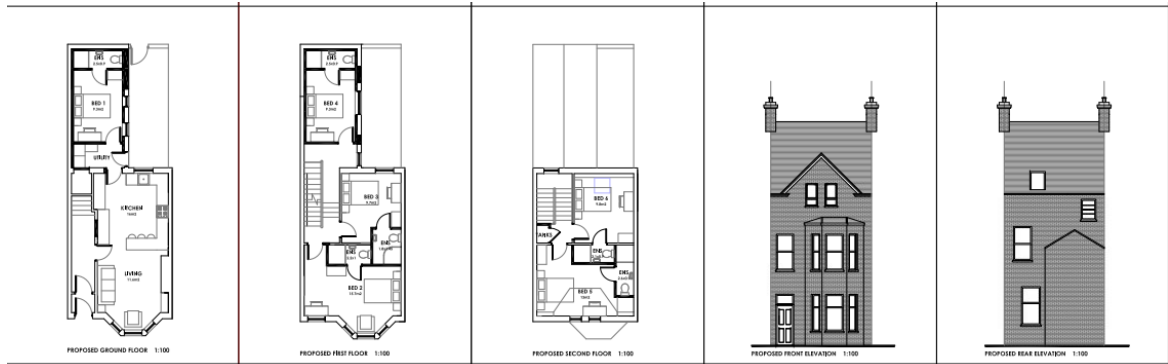
Site Location



Existing Floor Plans and Elevations



Proposed Floor Plans and Elevations



Please note there are no external alterations proposed.

2.0	Characteristics of the Site and Area
2.1	The application site is located at 24 Orient Gardens. The property is a 3 storey residential terraced property with a two-storey rear return. There is a small, enclosed amenity space to the rear of the building. The immediate area is predominantly residential.
2.2	The site falls within the development limit as set out in the BUAP 2001 and draft BMAP 2015. In the draft BMAP 2015, the site is located within a proposed Area of Townscape Character, Lower Cliftonville. The site does not fall within any of the existing HMO Policy Areas or Development Nodes as designated in the Belfast HMO Subject Plan 2015.
3.0	Description of Proposal
3.1	The application is seeking full planning permission to change the of use to a dwelling to a 6 bed HMO (suis generis).
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	Relevant Planning History There is no relevant planning history.
5.0	Consultations and Representations
5.1	Statutory Consultations Dfl Roads – No objections DFI Roads – Position retains from the previous response after evaluation of parking survey.
5.2	Non-Statutory Consultations BCC Plans & Policy Team – No objections. HMO considered acceptable at this location.
5.3	Representations
5.3.1	The application has been advertised and neighbours notified. The Council has received 24 letters of objection. The issues raised in the objections are summarised as follows: <ol style="list-style-type: none"> 1. Parking, traffic, road safety. 2. Waste and refuse collection 3. Adverse impact on the sewage network 4. Anti-social behaviour/noise 5. Adverse visual impact/anti-social behaviour/noise pollution 6. Overcrowding 7. Devaluing property <p>Issues 1-5 are addressed in the main body of the report.</p>
5.3.2	Additional points are considered as follows:

5.3.3	<p>6. Overcrowding – The proposal includes 6 bedrooms which meet the space standards for HMOs as set out in the Plan Strategy. A HMO at this location would require a HMO licence which whilst outside the remit of the planning process would restrict the number of occupants.</p> <p>7. Devaluing property – This is not a material consideration and is outside the remit of planning.</p>
6.0	PLANNING ASSESSMENT
6.1	Development Plan Context
6.1.1	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.
6.1.2	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.
6.1.3	The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan (“Departmental Development Plan”) until the Local Policies Plan is adopted.
6.1.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).
6.1.5	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 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 advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. The site is located within the settlement development limit in the BUAP and is not zoned for any use. In draft BMAP 2015 (v2004) the site is located within the settlement development limits of Belfast and within a proposed Area of Townscape Character – Lower Cliftonville (Ref: BT 058). In draft BMAP 2015 (v2014) the site is also located within the settlement development limits of Belfast and within a proposed Area of Townscape Character – Lower Cliftonville (Ref: BT 041). The site is not located in a Housing Policy Area or a HMO Development Node in the Belfast HMO Subject Plan 2015.
6.2	Relevant Planning Policies
6.2.1	The following policies in the Plan Strategy are relevant to consideration of the application.

	<ul style="list-style-type: none"> • Policy SD2 – Settlement Areas • Policy HOU10 - Housing Management Areas • Policy RD1 – New residential developments • Policy TRAN8 – Car parking and servicing arrangements • Policy ENV1 – Environmental quality • Policy OS3 – Ancillary open space • Policy BH3 – Area of townscape character
6.3	Key Issues
6.3.1	<p>The key issues to be considered in this application are:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character and appearance of the Lower Cliftonville draft ATC • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection
6.4	The principle of an HMO at this location
6.4.1	<p>The site is outside Housing Policy Areas and development nodes as designated in the Belfast HMO Subject Plan 2015. Policy HOU10 of the Plan Strategy is applicable and states that:</p> <p><i>‘Outside of designated HMAs planning permission will only be granted for HMOs where the number of HMOs would not as a result exceed 10% of all dwelling units on that road or street. Where such a street is in excess of 600 metres in length, the 10% threshold will be calculated on the basis of existing residential units within 300 metres of either side of the proposal on that street’.</i></p>
6.4.2	<p>The justification and amplification text to Policy HOU10 confirms at paragraph 7.1.66 that the level of HMOs outside a HMA will be measured by adding together:</p> <ol style="list-style-type: none"> 1. The number of HMOs recorded under the HMO Licensing scheme; and 2. The number of planning approvals for HMOs not yet licensed, <p>with the total then divided by the total number of dwelling units within the street. If a street is longer than 600, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street.</p>
6.4.3	<p>According to the LPS Pointer Address database there are 48 domestic properties on Orient Gardens. This would allow for 4 HMO properties on Orient Gardens before the 10% threshold would be exceeded. According to our records there is one existing HMO on Orient Gardens. The proposal for a change of use from dwelling to HMO would not result in an exceedance of the 10% threshold and is therefore considered compliant with Policy HOU 10 and is acceptable in principle at this location.</p>
6.4.4	<p>Officers consider that this scheme is compliant with relevant policy for the reasons stated above and any further applications for HMOs will be assessed in accordance with the relevant planning policy.</p>
6.4.5	<p>Paragraph 7.1.69. of HOU10 states that in all cases, intensive forms of housing whether within or outside HMAs will still be carefully assessed against the relevant criteria set out</p>

	in Policies RD1, RD2 and RD3. The assessment of the proposal against these policies is set out below.
6.5	Impact on the character and appearance of the Lower Cliftonville draft ATC
6.5.1	The site is located within a proposed Lower Cliftonville ATC which is characterised by 3 storey Victorian red brick terraced dwellings. No external changes are proposed to the dwelling and the proposal will not create conflict with the character of the Lower Cliftonville draft ATC and the overall character of the area will be maintained. The proposal is considered to comply with Policy BH3 - Areas of townscape character.
6.6	Impact on residential amenity
6.6.1	The property is a large 3 storey dwelling and is an appropriate size to accommodate an HMO, comfortably providing accommodation for 6 people whilst still meeting the space standards. The proposal complies with the HMO space standards for a 6 bed HMO as set out within Belfast Local Development Plan: 2035. The proposal would provide a quality and sustainable residential environment.
6.6.2	<p>Policy RD1 applies as set out above and states that '<i>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:</i></p> <p><i>a) Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential areas</i> - Officers consider that the use does not conflict with adjacent land uses. The scheme meets the policy requirements set out in HOU10 and RD1 & RD3. The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and provision of sufficient bin storage.</p> <p><i>b) Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance</i> - 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 which is a licensing requirement.</p> <p><i>c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure</i> - There is sufficient space for cycle parking. Metro services are available along the Cliftonville Road, a 2 minute walk from the property.</p> <p><i>d) Provides appropriate open space</i> - The existing rear amenity space is to be retained which is considered sufficient to serve the proposal.</p> <p><i>e) Keeps hard surfacing to a minimum</i> - No hard standing is proposed as part of this application.</p> <p><i>f) Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C</i> - The proposal exceeds the requirements set out in the space standards and provides a generous amount of living space for the occupants of the 6 bedrooms. The proposal therefore complies with the HMO space standards for a 6 bed HMO as set out within Belfast Local Development Plan: 2035.</p> <p><i>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</i> - All units have safe and</p>

	<p>secure access from the front door of the dwelling.</p> <p><i>h) Ensures that living rooms, kitchens and bedrooms have access to natural light - All habitable rooms in the dwelling have access to natural light.</i></p>
6.6.3	<p>The LDP plan Strategy seeks to facilitate sustainable housing growth in response to changing housing needs. Carefully managing the variety of house types, sizes and tenures will help to meet the diverse needs of all the community. This supports wider LDP aims of shaping quality and sustainable residential development, providing a mix of housing that create more balanced communities, increasing density without town cramming. HMOs are regulated by the relevant Policy set out in the LDP plan Strategy and the proposal has been found to comply with the relevant policies. This HMO comprises 6 bedrooms and will also be subject to the licensing process which will determine how many persons the home can accommodate. HMO's can meet high demand for housing and the application site is located in an accessible location close to services and public transport. It is considered that the proposal would not undermine the availability of family housing in the area.</p>
6.6.4	<p>As indicated above, the HMO will further require to be licensed with BCC which requires the implementation of an anti-social behaviour plan, ensuring the HMO operator runs the property effectively.</p>
6.6.5	<p>The proposal is considered compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties or result in unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The proposal is considered to comply with Policy RD 1.</p>
6.6.6	<p>Policy RD3 is applicable and 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> <p><i>a) Any units are self-contained - This criterion is not applicable.</i></p> <p><i>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 (refer to section 6.8 below)</i></p> <p><i>c) The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling – This criterion is not applicable to this proposal.</i></p> <p><i>d) Conversions above commercial premises do not prejudice the commercial functions of the business - This criterion is not applicable to this proposal.</i></p>
6.6.7	<p>Taking account of the criteria set out above the proposal is considered to comply with Policy RD3.</p>
6.7	<p>Traffic, Parking and Access</p>
6.7.1	<p>Officers acknowledge the objections to parking. DFI Roads have no objections to the scheme. Whilst the various policy requirements of HOU10 seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy.</p>
6.7.2	<p>Policy TRAN8 – Car parking and servicing arrangements states that, '<i>Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements</i>'. Existing Regional Planning Policy and supplementary planning guidance, including the published 'Parking Standards', do not incorporate car parking as a requirement for HMO development.</p>

<p>6.7.3</p> <p>6.8</p> <p>6.8.1</p> <p>6.9</p> <p>6.9.1</p>	<p>However, to satisfy the concerns raised in relation to parking the Council requested a parking survey. The parking survey demonstrates that adequate parking is available within a radius of 100 metres walking distance from the application site to serve the proposal without detriment to the parking provision for existing residents in the area. DfI Roads were consulted on the parking survey and advised that their position of no objections is retained. The parking survey demonstrates that adequate parking is available to serve the proposal which is considered to meet Policy TRAN8. Furthermore, the site is in a sustainable location with regular bus services operating in close proximity and accessible to services and amenities in the local and wider area.</p> <p>Waste and Refuse Collection</p> <p>Policy RD3 criterion b, requires 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. Bin storage is also a HMO licensing requirement and the Council’s website states that “during the period of the licence the licensee shall ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal in accordance with the Local Government Waste Storage Guide for Northern Ireland”.</p> <p>Impact on the sewage network</p> <p>There is no evidence that change of use from a dwelling to an HMO will cause any issues as the dwelling will continue to avail of the main sewage network like other houses in the street. As there is no evidence of significant impact on waste-water infrastructure, it has been unnecessary to consult NI Water as a statutory consultee.</p>
<p>8.0</p>	<p>Recommendation</p>
<p>8.1</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>8.2</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"> 1. 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"> 1. 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. 	

2. 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.
3. 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.