

Committee Application

Development Management Report	
Application ID: LA04/2019/1173/F	Date of Committee: Tuesday 15 th October 2019
Proposal: Change of use to house in multiple occupation	Location: 7 Ulsterdale Street Belfast BT5 5BT.
Referral Route: HMO (Outside HMO Node or HMO Policy Area)	
Recommendation:	Approval
Applicant Name and Address: McFarlane & Smyth Andrew Smyth 31 Donegall Street Belfast BT1 2FG	Agent Name and Address: n/a
<p>Executive Summary:</p> <p>The application seeks full planning permission for a change of use from a single dwelling to a House in Multiple Occupation (HMO).</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> • Principle of a HMO at this location • Impact on surrounding residential area • Impact of the draft Area of Townscape Character <p>The site is not within a designated HMO Node or Policy Area within the Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015, and as such Policy HMO 5 applies. Records compiled by Belfast City Council HMO and Plan teams indicate that there are 25 domestic properties on Ulsterdale Street and only 1 existing HMO. Applying the 10% threshold this allows for 1 more HMO to be granted on the street.</p> <p>With the exception of the current application there are no other live applications seeking permission for a change of use to HMO on this street. Therefore the principle of a HMO in this location is in line with policy and considered acceptable.</p> <p>No representations have been received in relation to this application.</p> <p><u>Consultees</u></p> <ul style="list-style-type: none"> • Belfast City Council Housing and GIS Team • Belfast City Council HMO Team • Belfast City Council Environmental Health <p>None of the consultees objected to the proposal.</p>	

Recommendation:

Having regard to the policy context and other material considerations, the proposal is considered acceptable and planning permission is recommended for approval with delegated authority for the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0	<p>Description of Proposed Development Change of use from residential to HMO</p>
2.0	<p>Description of Site The site is a two storey red brick terraced dwelling located on Ulsterdale Street in East Belfast. The site is within the draft Area of Townscape Character Ravenscroft Avenue ATC. The surrounding area is residential in nature with Connswater shopping centre located to the west.</p>

Planning Assessment of Policy and other Material Considerations

3.0	<p>Site History</p> <ul style="list-style-type: none"> • None
4.0	<p>Policy Framework</p>
4.1	<p>Belfast Urban Area Plan 2001 (BUAP)</p>
4.2	<p>(Draft) Belfast Metropolitan Area Plan 2015</p>
<p>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</p>	

	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	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Belfast Houses in Multiple Occupation Subject Plan for Belfast City Council Area 2015
4.4.1	Policy HMO 5
5.0	Statutory Consultees Responses
5.1	None
6.0	Non Statutory Consultees Responses
6.1	Belfast City Council HMO Team
6.2	Belfast City Council Housing and GIS Team
6.3	Belfast City Council Environmental Health
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No representations have been made regarding the application.
8.0	Other Material Considerations
8.1	None
9.0	Assessment
9.1	The site is not located within a HMO Policy Area or Development Node as designated in the HMO Subject Plan for Belfast City Council Area 2015 therefore Policy HMO 5 of the Subject Plan applies in assessing the number of HMOs in this area.
9.2	Policy HMO 5 states that outside designated HMO Policy Areas and designated HMO Development Nodes, planning permission will only be granted for further HMO development where as a result the number of HMOs does not exceed 10% of dwelling units on that road or street. Policy HMO 5 is designed to protect the amenity of residential areas and promote balanced communities.
9.3	The BCC Housing and GIS officer was consulted in relation to the proposal and stated that according to the LPS Pointer Address database there are 25 domestic properties on Ulsterdale Street which would allow for 2 HMO properties on Ulsterdale Street before the 10% threshold would be exceeded. According to the records available to the Council, there is currently one HMO existing on Ulsterdale Street (number 1). Other than this application there are no other current planning applications seeking approval for HMO use on Ulsterdale Street.
9.4	The Northern Ireland HMO office were also consulted in relation to the proposal and confirmed it was registered for use as a HMO on 14/03/2019 but have no current inspection records to show that it has been in use as a HMO.
9.5	Environmental Health were consulted in relation to the proposal and considered the proposed development in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations.
9.6	Records held by Environmental Health indicate a previous oil tank leaking at the property in 2007. No further information is held regarding previous land contamination or any previous remediation measure that may have taken place. In order to safeguard public health against

	any potential unknown land contamination, an informative has been attached relating to contaminated land.
9.7	<p><u>Impact on the draft Area of Townscape Character</u></p> <p>The proposal is in compliance with the Addendum to PPS 6 in that the proposed HMO will not have a detrimental impact on the character of the surrounding area. There are no proposed alterations to the external façade of the dwelling.</p>
10.0	<p>Summary of Recommendation:</p> <p>Based on the information available to the Council at the time of assessment, the proposal for a change of use to HMO is considered acceptable at this location.</p>
11.0	<p>Conditions</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>Informative</p> <p>1. In the event that unexpected contamination is encountered during the approved development of this site, the development should cease and the applicant should contact the Environmental Health Service. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with current best practice.</p> <p>2. <u>HOUSE OF MULTIPLE OCCUPATION ACT (NORTHERN IRELAND) 2016</u></p> <p>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>
Notification to Department (if relevant)	
<p>Representations from Elected members: No representation has been received from elected members.</p>	

ANNEX	
Date Valid	9th May 2019
Date First Advertised	7th June 2019
Date Last Advertised	7th June 2019
Details of Neighbour Notification (all addresses)	
<p>The Owner/Occupier, 5 Ulsterdale Street,Belfast,Down,BT5 5BT</p> <p>The Owner/Occupier, 8 Rosebery Street,Belfast,Down,BT5 5BU</p> <p>The Owner/Occupier, 8 Ulsterdale Street,Belfast,Down,BT5 5BT</p> <p>The Owner/Occupier, 9 Ulsterdale Street,Belfast,Down,BT5 5BT</p>	
Date of Last Neighbour Notification	30th May 2019
Date of EIA Determination	n/a
ES Requested	No
Drawing Numbers and Title	
<p>01- Site location Place</p> <p>02- Floor Plans</p> <p>03- Elevations</p>	
Notification to Department (if relevant)	
Date of Notification to Department:	n/a
Response of Department:	