


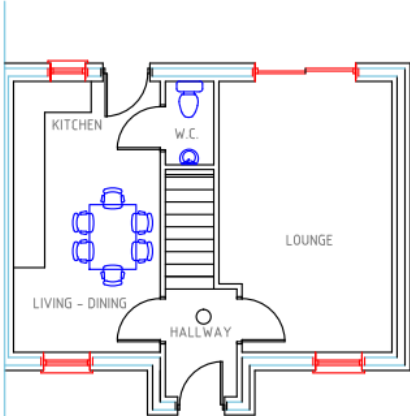
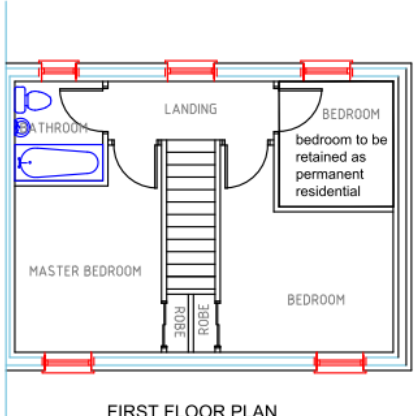
Development Management Report Committee Application

Summary	
Committee Date: 13 th May 2025	
Application ID: LA04/2024/0095/F	
Proposal: Change of use from Dwelling to Short term let accommodation (retrospective)	Location: 3 Broadway Link, Belfast, BT12 6EX
Applicant Name and Address: Josef Bederna 3 Broadway Link, Belfast, BT12 6EX	Agent Name and Address: Matthew Johnson P J Design 2a Bridge Street LISBURN
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member (Cllr Gary McKeown)	
Date Valid : 17/01/24	
Target Date: 01/05/24	
Contact Officer: Ed Baker, Planning Manager (Development Management)	
Executive Summary: <p>The application seeks retention of a change of use from dwelling to short term let accommodation.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> Principle of a change of use to short term let at this location Protection of existing residential accommodation Character, Design & Appearance Impact on Amenity Impact on established residential area <p>The application was requested to be called in for the following reasons;</p> <p>“existing use as a short-term let without permission, the degree of community concern within this residential community, the reports below regarding the management to date of the property, and the existing express concern of the council of the impact of short-term lets in residential areas in close proximity to the city centre”</p> <p>Dfi Roads has offered no objection.</p> <p>61 letters of objection have been received, including a petition. 2 letters of support have been received.</p> <p>All representations and associated issues have been fully considered in the assessment of the proposal.</p> <p>The proposal complies with policy HOU3 and HOU13 of the Belfast Local Development Plan. The dwelling is not located within an HMA and retains permeant residential use on the site. It will not impact negatively on existing residential amenity, strengthens and diversifies short term let accommodation, is located close to public transport and within walking distance of a tourist attraction. Appropriate management arrangements will be sought via planning condition.</p>	

Recommendation

Having regard to the Development Plan and material considerations, 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.

Planning Report	
Site Location Plan and Floor Plans	
	  <p>GROUND FLOOR PLAN</p>  <p>FIRST FLOOR PLAN</p>
1.0	Characteristics of the Site and Area
1.1	The site is situated at 3 Broadway Link, Belfast, BT12 6EX, a two storey semi-detached dwelling finished in red brick. To the rear of the site there is a small yard which provides storage for bins. The surrounding area is predominantly residential and is characterised by semi-detached red brick dwellings.
1.2	The site is located on un-zoned land in the draft Belfast Metropolitan Area Plan 2015 (dBMAP). The dBMAP zonings are currently still material until such time when the Local Policies Plan is formally adopted by Belfast City Council which will complement the now adopted Belfast Local Development Plan – Plan Strategy 2035 which was formally adopted on 2 nd May 2023.
	Description of Proposal
1.3	Retrospective change of use from dwelling to short term let accommodation

2.0	Planning Assessment of Policy and Other Material Considerations
2.1	Site History No relevant planning history
3.1	Planning Policy Framework
3.2	Belfast Local Development Plan – Plan Strategy 2035 Policy HOU3 Policy HOU13 Policy DES1 Policy SP4 Strategic Planning Policy Statement for Northern Ireland
4.0	Consultations and Representations Statutory Consultations
4.1	DFI Roads – No Objection Representations
4.2	<p>The application has been advertised in local press and the relevant neighbours have been notified. The council received 61 letters of objection, 2 letters of support and 1 petition with 3 signatures. The key issues have been outlined below;</p> <ul style="list-style-type: none"> • Incorrect ownership certificate completed • Inadequate Car parking • Proximity to tourist attraction • Out of Character • Waste Management • Security concerns • Noise and disturbance • Impact on community cohesion • Pest Control • Impact on available social housing/residential housing • Contrary to transfer deed agreement • Impact on rent and house prices
4.3	Case Officer Response
4.4	Incorrect ownership certificate completed The Council became aware that the applicant did not own the property and leased it from their landlord. After correspondence with the agent and applicant a new application form was submitted to the Council on Monday 7 th April with the correct certificate completed.
4.5	Inadequate Car Parking Several objectors raised concerns about parking and congestion. The Council therefore consulted with DFI Roads, and no objection was raised. The Council also note that the application site is within close proximity to a number of transport links, with the closest bus stop

	being 0.1 miles away. This helps promote sustainable travel for visitors to the proposed short term let and will reduce reliance on the private car.
4.6	<p>Proximity to tourist attraction</p> <p>A tourist attraction is understood to be a place of interest that tourists visit, typically for its inherent or an exhibited natural or cultural value, historical significance, natural or built beauty, offering leisure and amusement. For the purposes of this policy, close proximity is defined in paragraph 7.1.85 of the Plan Strategy as walking distance, which is generally accepted as 1200 metres or 15-minute walking distance/time (which derives from the document “Institute of Highways and Transportation’s- Guidelines for Providing Journeys on Foot). This would mean that Windsor Stadium would be within reasonable walking distance from the application site.</p>
4.7	<p>Out of Character</p> <p>Objectors have stated that a short term let is not in keeping with the character of the area. The area was declared an ‘Urban Renewal Area’ (URA) in May 2008, triggering £100m of regeneration money which resulted in 580 homes knocked down and replaced with 270 new-build homes. Policy HOU3 of the Belfast Local Development Plan is in place to ensure that existing residential accommodation is protected. As the proposed short term let retains permanent residential use on the site it would be considered complementary to the surrounding residential uses and the proposed change of use is not considered to be out of keeping with the residential character of the area.</p>
4.8	<p>Waste Management</p> <p>Due to the absence of a management plan, the BCC planning have added a draft condition that will ensure the short-term let accommodation, if approved, shall not be occupied or operated unless a Management Plan has been submitted to and approved in writing by the Council. This management plan will include waste storage and collection information. If this is not adhered to by the applicant, they will be in breach the condition and potentially subject to enforcement action.</p>
4.9	<p>Security Concerns</p> <p>The proposed use is residential in nature and does not represent an intensification of use. The retention of permanent residential use (secured via condition) should in itself discourage any anti-social behaviour.</p>
4.10	<p>Nosie and Disturbance</p> <p>As stated above the retention of permanent residential use at the site should discourage anti-social behaviour. Ultimately any unacceptable noise levels or general disturbance would be a matter initially for Belfast City Council Environmental Health Department. A management plan will also be conditioned, the development will be managed in accordance with the approved plan, and this will include general behaviour of occupants and promotion of good practice.</p>
4.11	<p>Impact on Community Cohesion</p> <p>The Council support development that maximises opportunities to build strong, cohesive communities and that makes a positive contribution to good relations. This means considering how all communities may be affected by a development and ensuring that proposals help to improve community cohesion... where diverse groups of people are able to live and work in a safe, healthy and inclusive environment. The proposed short term let will in its very nature encourage diversification in the area.</p>
4.12	Non-material planning considerations

	<p>The issues below, all raised in submitted objections, are not considered material planning considerations and fall outside the remit of planning. The Council would therefore not make any comments on these matters.</p> <ul style="list-style-type: none"> • Pest Control • Impact on available social housing/residential housing • Contrary to transfer deed agreement • Increase rents and house prices
5.0	<p>Planning Assessment</p> <p><u>Main Issues</u></p>
5.1	<p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of a change of use to short term let at this location • Protection of existing residential accommodation • Character, Design & Appearance • Impact on Amenity <p><u>Development Plan Context</u></p>
5.2	<p>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>
5.3	<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>
5.4	<p>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 until the Local Policies Plan is adopted.</p> <p><u>Operational Policies</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed at paragraph 3.1.</p> <p><u>Proposals Maps</u></p>
5.6	<p>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 (“Departmental Development Plan”), 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 advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
5.7	<p>Belfast Urban Area Plan 2001 – the site is un-zoned “white land”.</p>

5.8	Belfast Metropolitan Area Plan 2015 (2004) – the site is un-zoned “white land”.
5.9	Belfast Metropolitan Area Plan 2015 (v2014) – the site is un-zoned “white land”.
	Principle of change of use to short term let at this location
5.10	The proposal seeks planning permission for a retrospective change of use from a dwellinghouse (C1 use class) to a short-term holiday let (Sui Generis use class).
5.11	Paragraph 7.1.19 of the Belfast Local Development Plan – Plan Strategy states that “short-term holiday accommodation falls outside of the residential use class”. Short-term let accommodation is commercial in nature and occupants change regularly, between 1–90-days. It is deemed an alternative form of tourist accommodation.
5.12	As the application site is distinguished as a dwelling house within an established residential area, key policy considerations are set out in HOU3 and HOU13 of the LDP. The final paragraph of policy TLC3: Overnight visitor accommodation, stipulates that proposals for holiday self-catering apartments, serviced apartments, or short term holiday lets will be considered under the short term let policy HOU13.
5.13	The proposal has been assessed against Policy HOU3 of the LDP – ‘Protection of existing residential accommodation’. Policy HOU3 has a general presumption in favour of the retention of residential stock for permanent occupation within Established Residential Areas. Appendix B provides the definition of an Established Residential Area as “residential neighbourhoods dominated by a recognisable form of housing styles with associated private amenity space or gardens.” The definition goes on to state that <i>“Within Belfast City, established residential areas often display a clear spatial structure. Building forms, plot sizes and shapes are sometimes similar with a well-defined pattern of local development. Properties may exhibit comparable design styles including common architectural detailing and treatments, and areas of both public and private amenity space can share an identifiable character. The overall spatial structure is often delineated by a clear network of streets and roads.”</i>
5.14	It is considered that the application site does fall within an established residential area, identified by a clear spatial structure with similar building forms, plot sizes and design styles. Policy HOU3 is therefore engaged and states that within Established Residential Areas planning permission will be granted for a change of use of existing dwellings for other uses where: <ul style="list-style-type: none"> a. It is considered complementary to surrounding residential uses and will not result in any adverse effects on existing residential amenity; or b. The proposal is for community infrastructure considered necessary within the residential area. Criterion (b) does not apply given the proposal is not for community infrastructure.
5.15	Paragraph 7.1.19 recognises that the focus of the policy is on ensuring a suitable supply of permanent residential accommodation for future residents of Belfast, and there is a risk that the use of permanent homes or apartments to provide short-term holiday accommodation could erode the sustainable supply of housing stock in the city. It is therefore considered that as this short term let retains permanent residential use (secured via condition), it is complementary to the surrounding residential uses in this location and the proposed change of use would be in compliance with criterion (a).
5.16	The proposal has also been assessed against Policy HOU13 of the LDP – ‘Short-term let accommodation’. The policy states:

5.17	<p>Policy HOU13 includes six criteria (a. – f.) which must be met for planning permission to be granted for a change of use to short-term let accommodation.</p> <p><i>Criterion (a) of HOU13 – The proposal strengthens and diversifies the range of short-stay visitor accommodation in the city.</i> As the proposal adds an additional use to the area and offers more affordable self-catering accommodation for tourists and families visiting the city it is considered to comply with this criterion.</p> <p><i>Criterion (b) of HOU13- . It is accessible by public transport</i> The site is located approximately 0.1 miles from Donegall Avenue bus stop. Broadway Link is serviced by public transport bus services and bus stop facilities. On balance the distance to public transport provision is considered reasonable and it is therefore considered that the proposal would satisfy this criterion.</p> <p><i>Criterion (c) of HOU13 - It is sited within an existing tourism cluster or in close proximity to a visitor attraction</i> The applicant has not provided a list of attractions they consider to be within close proximity to the application site. However, BCC Planning note that Windsor Park is located approximately 0.4 miles from the application site. Having considered all the attractions in close proximity, it is concluded that the site is located within an existing “tourism cluster”, or “in close proximity” to a visitor attraction. The proposal therefore satisfies criteria c. of HOU13.</p> <p><i>Criterion (d) of HOU13. All proposals must demonstrate the ability to manage accommodation satisfactorily, the requirement for formal management plans will be judged on a case-by-case basis.</i> The applicant has not provided a management plan to the council for consideration. However, if approved, a management plan will be secured via planning condition prior to occupation (as a short term let). This condition is detailed below:</p> <p><i>“The short-term let accommodation hereby permitted shall not be occupied or operated unless a Management Plan has been submitted to and approved in writing by the Council. The Management Plan shall provide for servicing arrangements, waste storage and collection, laundry, procedures for dealing with anti-social behaviour, code of conduct and complaints, guest capacity and management contacts. The short-term let accommodation shall not operate unless in accordance with the approved Management Plan.</i></p> <p>Therefore, the Council deem that the proposal meets criteria d. of HOU13.</p> <p><i>Criteria (e) of HOU13. The site is not located within a designated HMA (see policy HOU10), unless it can be demonstrated that the development is needed to meet a specific unsatisfied demand in that location</i> The application site does not fall within a designated Housing Management Area (HMA) and therefore satisfies this criterion.</p> <p><i>Criteria (f) of HOU13. In the case of a change from permanent residential use, part of the property must be retained as permanent residential housing.</i> The current lawful use is as a permanent residential dwelling. This criterion requires that part of the existing property is retained as permanent residential housing. For the purposes of this policy the unit of occupation should be considered as the individual planning unit such as the house or apartment unless a smaller planning unit can be distinguished both functionally and physically. The proposal satisfies criterion f. as part of the property has been retained as permanent residential housing. Drawing 01a uploaded to the public planning portal on 29/04/25 indicates</p>
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	<p>that one of the three bedrooms will be retained as permanent residential, therefore satisfying criterion f of HOU13.</p> <p>Character, Design & Appearance</p> <p>5.18 This proposal seeks to regularise the change of use of the existing residential dwelling to a short-term holiday let.</p> <p>5.19 As this proposal involves no extensions or alterations to the principal building, there are no concerns from a design and appearance perspective. This element is therefore compliant with DES1 of the LDP.</p> <p>Impact on Amenity</p> <p>5.20 <i>As discussed above Criterion (d.) of HOU13. Requires that all proposals (for short term let accommodation) must demonstrate the ability to manage accommodation satisfactorily.</i> Although it has been acknowledged that the applicant has not provided a management plan to the council for consideration, one will be secured via planning condition prior to occupation, should planning approval be forthcoming.</p> <p>5.21 Notwithstanding the management of the property, the proposed use is residential in nature and does not represent an intensification. The retention of permanent residential use (secured via condition) should also, in itself, discourage any anti-social behaviour.</p> <p>Recommendation</p> <p>6.0 Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions.</p> <p>6.1 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>6.2 All representations and associated issues have been fully considered in the assessment of the proposal.</p> <p>6.3 The proposal complies with policy HOU3 and HOU13 of the Belfast Local Development Plan. Where it protects existing residential amenity, strengthens and diversifies short term let accommodation, located close to public transport, within walking distance from a tourist attraction, appropriate management arrangements, not located within an HMA and retains permanent residential use.</p>
<p>1.0</p> <p>2.0</p>	<p>Conditions</p> <p>The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>The short-term let accommodation hereby permitted may not operate unless the bedroom as annotated on Drawing 01a is occupied by a person as their primary permanent residence, evidence of this should be submitted within one month of the date of this permission. For the</p>

3.0	<p>avoidance of doubt the annotated bedroom shall not be occupied as a second home or short term let accommodation. The Owner will supply to the Council (within 14 days of the Council's written request to do so) such information as the Council may reasonably require in order to determine whether this condition is being complied with.</p> <p>Reason: To maintain and increase the sustainable housing stock in the city, to support cohesive communities and to minimise the risk of adverse effects on nearby uses.</p> <p>Within one month of the date of this permission a management plan should be submitted and agreed with the council. The Management Plan shall provide for servicing arrangements, waste storage and collection, laundry, procedures for dealing with anti-social behaviour, code of conduct and complaints, guest capacity and management contacts. The short-term let accommodation shall not be occupied or operate unless in accordance with the approved Management Plan.</p> <p>Reason: In the interest of residential amenity.</p>						
	<p>ANNEX</p> <table> <tr> <td>Date Valid</td><td>17/01/2024</td></tr> <tr> <td>Date First Advertised</td><td>16/02/2024</td></tr> <tr> <td>Date Last Advertised</td><td>N/A</td></tr> </table>	Date Valid	17/01/2024	Date First Advertised	16/02/2024	Date Last Advertised	N/A
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