

Development Management Report Committee Application

Summary

Committee Meeting Date: 13th May 2025

Application Ref: LA04/2024/1654/F

Proposal:

Change of use from a 7-bedroom dwelling house (C1) to a 7 bed/ 9 person House of Multiple Occupancy (Sui generis)

Location:

432 Falls Road,
Belfast,
BT12 6EN

Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request for the application to be reported to the Planning Committee by an Elected Member (Cllr. Rónán McLaughlin).

Recommendation: Approval subject to condition

Applicant Name and Address:

Gerald Mackle
Callan House,
Milford,
BT60 3NZ

Agent Name and Address:

Marc McNeice
The Breague,
73 Lisanally Lane,
Armagh,
BT61 7HF

Date Valid: 21st October 2024

Target Date: 3rd February 2025

Contact Officer: Ciara Reville, Principal Planning Officer

Executive Summary:

This application seeks full planning permission for the change of use from an existing dwelling to a 7-bed house in multiple occupation (HMO).

The key issues for consideration of the application are set out below:

- The principle of an HMO at this location
- Impact on the character and appearance of the surrounding area.
- Impact on residential amenity
- Traffic, Parking and Access
- Waste and refuse collection

7 objections have been received with the issues raised addressed within the main report.

The application has been called in for the following reasons:

1. Concerns regarding amenity
2. Concerns over lack of parking.

The scheme is compliant with Policy HOU10 in that the 10% threshold for HMOs on Falls Road has not yet been reached. Officers consider that the proposal will not be harmful in terms of traffic, parking, impact on residential amenity or the amenity of the surrounding area.

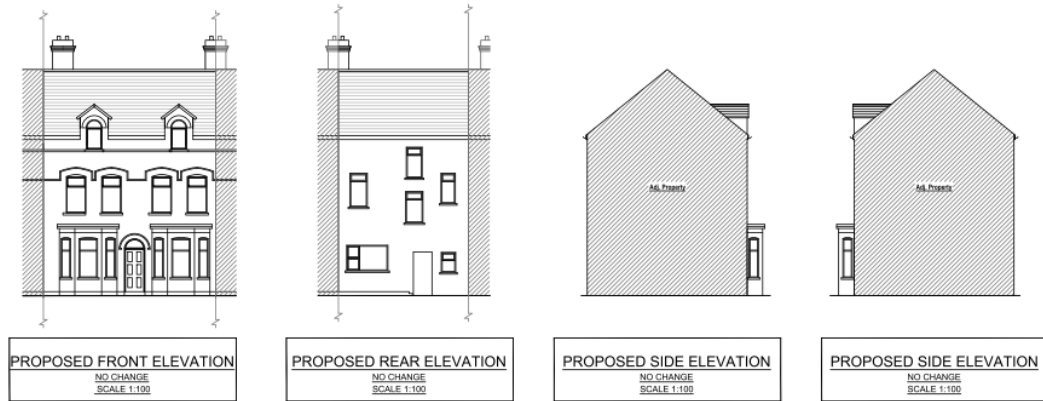
Recommendation:

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. 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.

1.0	Drawings and Imagery
1.1	<p>Site Location Plan</p> 
1.5	<p>Proposed Floor Plans</p>  <div data-bbox="355 1809 531 1854">PRO. GROUND FLOOR PLAN SCALE 1:50</div> <div data-bbox="730 1809 906 1854">PRO. FIRST FLOOR PLAN SCALE 1:50</div> <div data-bbox="1098 1809 1273 1854">PRO. SECOND FLOOR PLAN SCALE 1:50</div>

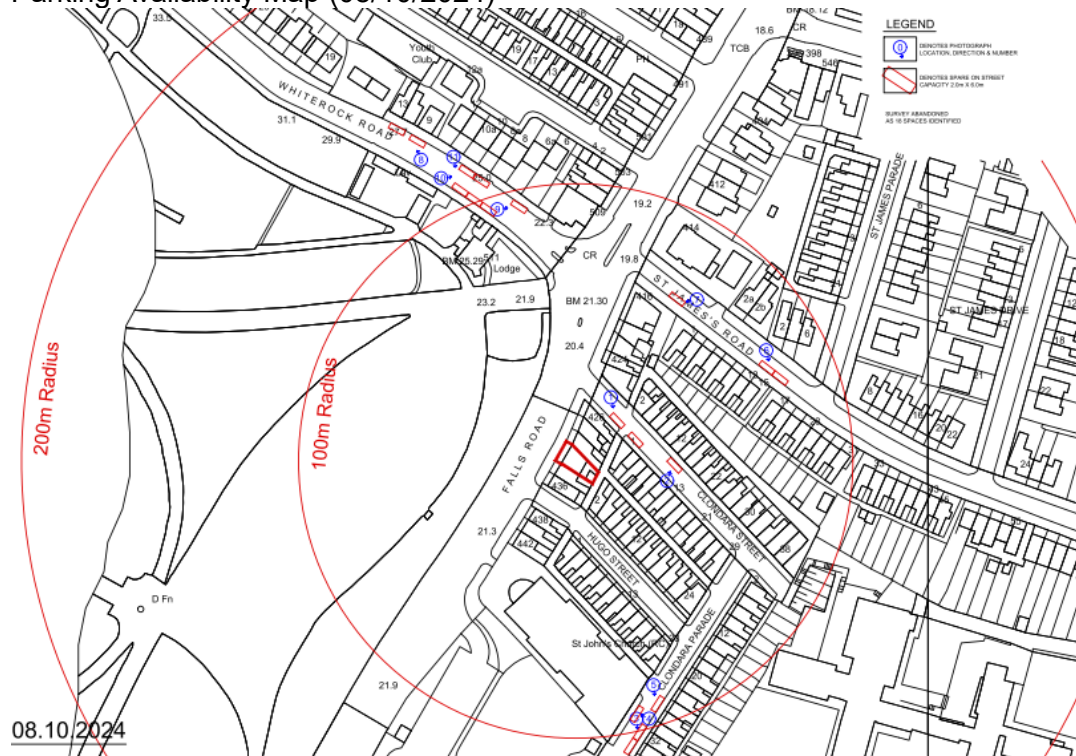
1.6

Proposed Elevations



1.7

Parking Availability Map (08/10/2024)



1.8	<p>Parking Availability Map (09/10/2024)</p> <p>09.10.2024</p>
2.0	Characteristics of Site and Area
2.1	The application site is located at 432 Falls Road and comprises a three-storey terraced dwelling. The property features an enclosed rear amenity space that backs onto an alley. The surrounding area is characterised by a mix of residential, retail, and community uses.
2.2	The site falls within the development limit as set out in the BUAP 2001 and draft BMAP 2015. 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	This application seeks full planning permission for the change of use from an existing dwelling (C1) to a 7-bed house in multiple occupation (HMO) (Sui Generis).
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – Plan Strategy Belfast Local Development Plan: Plan Strategy 2035
4.2	Strategic Policies Policy SP2 – Sustainable development
4.3	Operational Policies Policy ENV1 – Environmental quality Policy HOU10 – Housing management areas (HMAs) Policy RD1 – New residential developments Policy BH3 – Area of townscape character Policy TRAN8 – Car parking and servicing arrangements Policy OS3 – Ancillary open space
4.4	Supplementary Planning Guidance Residential Design Transportation Waste Infrastructure

4.5	Development Plan – zoning, designation and proposal maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.6	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.7	Relevant Planning History Z/2001/2782/F – 432 Falls Road – Change of use from dwelling house to house of multiple occupancy – Permission granted 28/12/2001 Z/2008/2521/F – 432 Falls Road – Change of use from dwelling to provide 3no apartments plus dormer window to 2 nd floor rear – Permission granted 09/11/2009 Z/2010/0452/F – 432 Falls Road – Change of use from dwelling to provide 3no apartments plus dormer window and external staircase at rear (Amendment to previous approval Z/2008/2521/F) – Permission granted 18/05/2010
5.0	Consultations and Representations
5.1	Non-Statutory Consultation: - Conservation Belfast City Council - no objection to this proposal. Statutory consultation: - DFI Roads – No objection
5.2	The application has been advertised and neighbours notified. The Council has received 7 letters of representation raising the following concerns:- 1. Off-street Car Parking 2. Waste disposal 3. Anti-social behaviour Points 1-3 are considered in the report below, additional points raised are considered as follows: <ul style="list-style-type: none"> • Devaluing of property – This is not a material consideration and is outside the remit of the planning service. • Impact on sewage – The proposal will not intensify the use of the existing dwelling. The existing dwelling and proposed HMO will be connected to the main sewerage network. • Additional occupancy – The proposal will not intensify the current use of the property.
6.0	Planning Assessment
6.1	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.
6.2	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.
6.3	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.

6.4	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.
6.5	Belfast Urban Area Plan 2001 - The site is located within the settlement development limit in the BUAP and is not zoned for any use.
6.6	Belfast Metropolitan Area Plan 2015 (2004) - In draft BMAP 2015 (v2004) the site is located within the settlement development limits of Belfast and within a proposed Area of Townscape Character – Falls/ Donegall Road (Ref: BT 042).
6.7	Belfast Metropolitan Area Plan 2015 (v2014) - 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 – Falls/ Donegall Road (Ref: BT 042). The site is not located in a Housing Policy Area or an HMO Development Node in the Belfast HMO Subject Plan 2015.
7.0	Key Issues
7.1	The key issues for consideration of the application are set out below: <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character and appearance of the surrounding area • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection
7.2	<i>The principle of an HMO at the location</i>
7.2.1	The site is not located within a Housing Policy Area or development node as designated in the Belfast HMO Subject Plan 2015. Policy HOU10 of the Plan Strategy is applicable and states that: <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>
7.2.2	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: <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, with the total then divided by the total number of dwelling units within the street. If a street is longer than 600m, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street.
7.2.3	According to the LPS Pointer Address database there are 96 domestic properties on Falls Road. This would allow for 9 HMO properties on the Falls Road before the 10% threshold would be exceeded. There are currently 4 HMO properties along the Falls Road so 5 more could become HMO properties before the threshold is reached.
7.2.4	Each application is considered on its own merits and officers consider that this proposal is compliant with policy HOU10 for the reasons stated above and any further applications for HMOs will be assessed in accordance with the relevant planning policy.
7.2.5	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 in Policies RD1, RD2 and RD3. The assessment of the proposal against these policies is set out below.
7.3	<i>Impact on the character and appearance of the surrounding area</i>
7.3.1	The proposed development will not result in any external alterations to the property, ensuring that its appearance remains unchanged. Additionally, there are no internal modifications that would alter the existing room configuration, meaning there will be

	no intensification of the property layout. As a result, it is expected that the proposal will have no adverse impact on the appearance or character of the surrounding area.	
7.4	<i>Impact on the character and appearance of the Falls/ Donegall ATC</i>	
7.4.1	The site is located within the Falls/ Donegall Road ATC. There are to be no alterations to the building.	
7.4.2	The proposal will not create conflict with the character of the Falls Road and the overall character of the area will be maintained. The proposal is therefore considered to comply with Policy BH3 – ‘Areas of townscape character’.	
7.5	<i>Impact on residential amenity</i>	
7.5.1	<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</i>, including overlooking, loss of light, overshadowing, dominance, noise or other <i>disturbance</i> - Officers consider that the scheme will not give rise to any of the issues listed in criterion b. There will be no further overlooking, loss of light, overshadowing and dominance than that which already exists. 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. The site is a convenient walking and cycling distance of major centres of health care, employment, education, churches, community facilities and the city centre. The site is well served by public transport - bus and glider services provide links between the area and the city centre, with two stops located less than 5-minute walk away.</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 minimum space standards as set out in the Belfast Local Development Plan: 2035 and provides a generous level of accommodation for a 7-bedroom, 9-person HMO.</p> <p>Accordingly, the proposal is in full compliance with the relevant HMO space standards. A breakdown of the required and proposed provision is outlined below:</p> <table><tr><td>7 Bedroom/ 9 Person HMO</td></tr></table>	7 Bedroom/ 9 Person HMO
7 Bedroom/ 9 Person HMO		

		Minimum Requirement	432 Falls Road Measurement
	Bedrooms Total	42sqm	80.3sqm
	Bedroom 1 GF	6.5sqm	12.5sqm
	Bedroom 2 1 st	6.5sqm	15.7sqm
	Bedroom 3 1 st	6.5sqm	10.1sqm
	Bedroom 4 1 st	6.5sqm	8sqm
	Bedroom 5 Attic (floorspace >1.5sqm in height)	6.5sqm	15.2sqm
	Bedroom 6 Attic (floorspace >1.5sqm in height)	6.5sqm	8.6sqm
	Bedroom 7 Attic (floorspace >1.5sqm in height)	6.5sqm	6.5sqm
	Combined Kitchen/ Living Room	19.5sqm	31.6sqm
	<p>Overall, the proposed layout offers suitable and well-proportioned living accommodation for future occupants.</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 - All units have safe and secure access from the front door of the dwelling.</i></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>		
7.5.2	<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 proposal comprises 7 bedrooms for the intended use of up to 9 persons and will also be subject to the licensing process which will determine how many persons the home can accommodate. HMOs can meet high demand for housing and the application site is 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>		
7.5.3	<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>		
7.5.4	<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>		

7.5.5	<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>a) <i>Any units are self-contained</i> - This criterion is not applicable.</p> <p>b) <i>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</i> - Officers consider that this criterion is met (refer to section 7.6 below).</p> <p>c) <i>The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling</i> – This criterion is not applicable to this proposal as a HMO is not considered to be a sub-division.</p> <p>d) <i>Conversions above commercial premises do not prejudice the commercial functions of the business</i> - This criterion is not applicable to this proposal.</p> <p>Taking account the nature of the proposal and the criteria set out above the proposal is considered to comply with Policy RD3.</p>
7.6	<i>Traffic, Parking and Access</i>
7.6.1	Officers acknowledge the objections to parking and 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.
7.6.2	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.
7.6.3	A parking survey was provided demonstrating that adequate parking is available within a radius of 150 metres walking distance from the application site to serve the proposal and concludes that the scheme will not be detrimental to on-street parking in the prevailing area.
7.6.4	The parking survey demonstrates that adequate parking is available to serve the proposal which is considered to meet Policy TRAN8. DfI Roads has considered the Parking Survey submitted under this application and has confirmed there is sufficient parking within the vicinity of the proposal. Furthermore, the site is in a sustainable location with regular bus services operating in proximity and accessible to services and amenities in the local and wider area.
7.7	<i>Waste and refuse collection</i>
7.7.1	Policy RD3 criterion B applies, it states that adequate refuse storage space must be 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.
7.7.2	<p>The adopted Waste Infrastructure Supplementary Planning Guidance (SPG) and Local Government Waste Storage Guide for NI set out typical weekly waste arisings for different types of development including HMOs. For an HMO, the typical weekly waste arising is 100L per bedroom plus 60L per dwelling. For the proposed 7 bed HMO this would equate to the typical production of 760L of waste per week. The total waste production is broken down into the following types of waste:</p> <ol style="list-style-type: none"> 1. 35% general waste (collected fortnightly), 2. 55% recycling and 3. 10% food waste (both 2. and 3. collected weekly).
7.7.3	<p>The following bins would be required to serve the proposed HMO in line with the SPG and the Local Government Waste Storage Guide for NI.</p> <ol style="list-style-type: none"> 1. Black bins – 3 x black bins (3 x 180L) – sufficient for 2 weeks of general waste.

	<p>2. Recycling – 3 x recycling packs (3 x 55L) – collected weekly.</p> <p>3. Food waste – 4 x food bins (4 x 23L) – collected weekly.</p>
7.7.4	<p>The SPG advises that applicants must provide a layout of the waste storage area demonstrating that all of the required bins can be accommodated in a way that:</p> <ul style="list-style-type: none"> • users can easily deposit any type of waste into the corresponding bins without moving them around; and • bins can be easily removed for collection.
7.7.5	<p>Taking account of the guidance set out in the Waste SPG 3 sets of bins would be required to serve the proposed HMO which according to the SPG would equate to an area of 2.0 x 1.8 (3.6sqm) for each set of bins, this proposal would require 3 sets of bins and so a total area of 10.8 sqm would be required.</p>
7.7.6	<p>The applicant has provided a plan which demonstrates that there is adequate provision for bin storage and that the bins can be easily accessed, whilst retaining an adequate amount of residential amenity space. A condition is recommended to ensure bin storage is provided within the curtilage of the property.</p>
7.7.7	<p>The rear amenity space measures 29.3 sqm. The provision of the minimum storage area for three sets of bins would leave approximately 18.5 sqm remaining for amenity provision. The dwelling benefits from a considerate amenity space compared to other houses as many have extended into the rear where the proposed site has not. The site is located within a 12-minute walk away from Bog Meadows Nature Reserve and a 10-minute walk from the Falls Park Playground which include significant open space and a play park, which occupants of the proposed HMO can avail of. The provision of amenity space is considered acceptable taking account of the local context and the proximity to open space facilities.</p>
7.7.8	<p>Officers consider that the information provided satisfactorily demonstrates that the proposed waste management arrangements are acceptable.</p>
8.0	Recommendation
8.1	<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>
8.2	<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> <p>1. 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>2. The development shall not be occupied for the use hereby approved unless a refuse and recycling storage area within the rear curtilage of the property has been provided. This area must be sufficient to meet the requirements of the development and must be retained and managed at all times.</p> <p>Reason: To ensure adequate management of waste and in the interests of the amenities of the area.</p>	