

**Development Management Officer Report
Committee Application**

Summary	
Committee Meeting Date: 10 th March 2026	
Application Ref: LA04/2025/0594/F	
Proposal: Change of use from 4 bedroom residential property (C1) with to 5 bed HMO with occupancy of 5 (Sui Generis)	Location: 163 Ballygomartin Road, Belfast, BT13 3NA
Referral Route: Section 3.8.1 of the scheme of Delegation - request for the application to be reported to the Planning Committee by an Elected Member (Cllr. Verner)	
Recommendation: Approval subject to conditions.	
Applicant Name and Address: Marius Blake c/o 40 Mount Merrion Park Belfast BT6 0GB	Agent Name and Address: Paul Jenkins Techniplan Design 40 Mount Merrion Park Belfast Bt6 0gb
Date Valid: 30 th April 2025	
Target Date: 13 th August 2025	
Contact Officer: Lisa Walshe, Principal Planning Officer (Development Management)	
<p>Executive Summary:</p> <p>This application seeks full planning permission for the change of use from an existing 4 bedroom dwelling to a 5-bed house in multiple occupation (HMO).</p> <p>The key issues for consideration of the application are set out below:</p> <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 <p>41 objections have been received raised the following issues which are addressed in the main report.</p> <ul style="list-style-type: none"> • Concerns regarding parking • Erosion of community/ Loss of the Character Area. • Over occupancy/ Area is over subscribed • Noise, Anti-social behaviour and Security Concerns • Loss of family homes • Increase in demand for water/sewage and waste services • High tenant turnover 	

- Impact on quality of life
- Conflicts with HMO Subject Plan
- Bin provision
- Health services facing higher demand
- Decrease in property value
- Potential licensing issues
- Question raised on compliance with HMO Act (NI) 2016, checks being carried out, antisocial behaviour, management arrangements, code of practices and effective management procedures.
- Infringement of the neighbour's privacy.

The application has been called in for the following reasons:

1. Vehicle access for bin collections.
2. Parking obstructions and residents dumping in entries.
3. Over-crowding of properties
4. Risk of anti-social behaviour/nuisance.

The scheme is compliant with Policy HOU10 in that the 10% threshold for HMOs on Ballygomartin 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. DFI Roads has no objections to the proposal.

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 conditions and deal with any other issues that arise, provided that they are not substantive.

Case Officer Report

1.0

Drawings

1.1

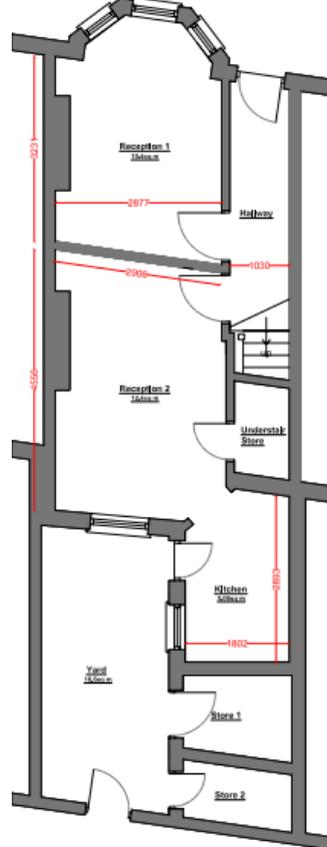
Site location Plan

Site Location Map - Scale 1:1250

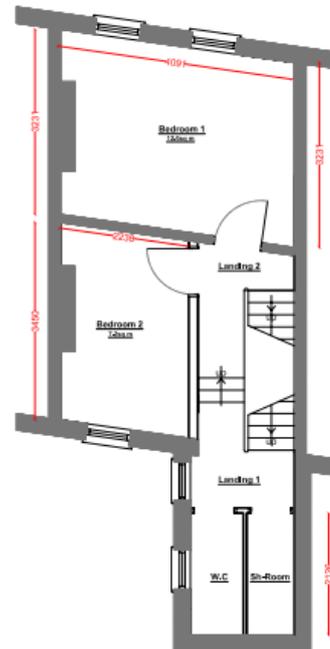


Existing Floorplans

Existing Ground floor



Existing First floor

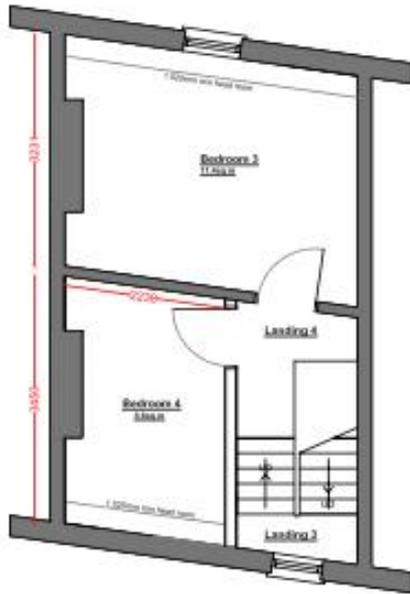


Site Location Map - Scale 1:1250

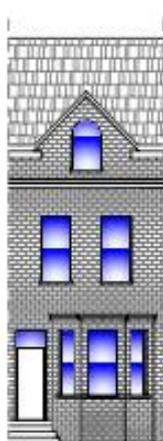
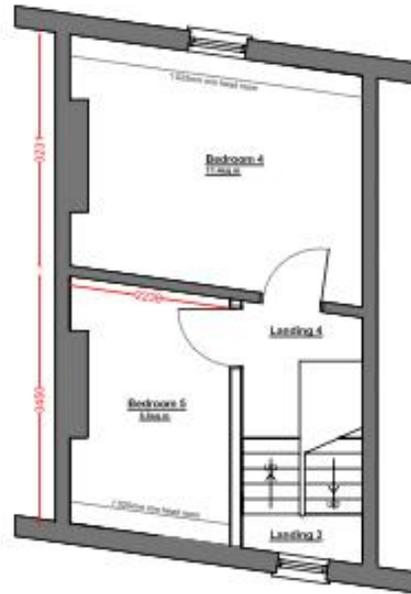


Existing & Proposed Second Floor Plan & Elevations

Existing Second floor



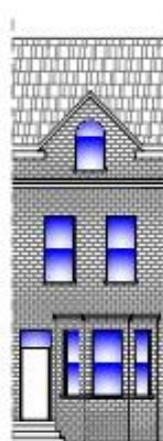
Proposed Second floor



Existing Front Elevation



Existing Rear Elevation



Proposed Front Elevation



Proposed Rear Elevation

Elevations Scale 1:100

163 Ballygomartin Rd, Belfast	
Conversion to H.M.O.	
Maria Blake	Existing Second floor and cross section
	1:50 1 (MARK 25)
TECHNIPLAN DESIGN 10 Mount Moor Park Belfast BT6 8JG Tel: 028 3066 0400 www.techniplan.co.uk	2 of 2

Proposed Floor Plans & Section



2.0 Characteristics of Site and Area

2.1 The application site is located at 163 Ballygomartin Road, North Belfast. The site consists of a two and a half storey, mid terraced property with a two storey rear extension. The dwelling has an amenity area to both the front and rear. An alleyway runs along the rear of the dwelling which leads to Westway Drive. On-street parking is available along Ballygomartin Road. Ballygomartin Road is predominantly residential in nature, and the surrounding area is predominantly residential with the exception of a small number of commercial units and community buildings.

2.2	The site falls within the development limit of Belfast. The site does not fall within any site-specific zonings in the BUAP or either version of BMAP. 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 planning permission for change of use from 4 bedroom residential property (C1) with to a 5 bed HMO with occupancy of 5 (Sui Generis) with no external alterations.
4.0	Planning History
4.1	There is no relevant planning history for the site or in the area which would be relevant to the site or the proposal.
5.0	Planning Policy and Other Material Considerations
5.1	<p>Development Plan – Plan Strategy Belfast Local Development Plan: Plan Strategy 2035</p> <p>Strategic Policies Policy SP2 – Sustainable development</p> <p>Operational Policies Policy ENV1 – Environmental quality Policy HOU10 – Housing management areas (HMAs) Policy RD1 – New residential developments Policy TRAN8 – Car parking and servicing arrangements Policy OS3 – Ancillary open space</p> <p><i>Supplementary Planning Guidance</i> Residential Design Transportation Waste Infrastructure</p> <p><u>Development Plan – zoning, designation and proposal maps</u> Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) Belfast Houses in Multiple Occupation Subject Plan for Belfast City Council Area 2015</p> <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
6.0	Consultations and Representations
6.1	Non-Statutory Consultees N/A
6.2	Statutory Consultees DFI Roads – no objection
6.3	<p>Representations The application was neighbour notified and advertised in the local press. A total of 41 objections were received including representations from elected members: Cllr Verner and Cllr McDowell. The main issues raised are as follows:</p> <ol style="list-style-type: none"> 1. Parking 2. Erosion of community/ Loss of the Character Area. 3. Over occupancy/ Area is over subscribed

- 4.Noise, Anti-social behaviour and Security Concerns
- 5.Loss of family homes
- 6.Increase in demand for water/sewage and waste services
- 7.High Tenant turnover
- 8.Impact on quality of life
- 9.Conflicts with HMO Subject Plan
- 10.Bin provision
- 11.Health services facing higher demand
- 12.Decrease in property value
- 13.Potential licensing issues
- 14.Question raised on compliance with HMO Act (NI) 2016, checks being carried out, antisocial behaviour, management arrangements, code of practices and effective management procedures.
- 15.Infringement of the neighbour's privacy.

Points 1, 3, 6, 10 are considered in the assessment below. Additional comments raised are addressed as follows;

Point 2 & 5 - Erosion of community/ Loss of the Character Area & Loss of family homes – The local development plan, plan strategy seeks to facilitate sustainable housing growth in response to changing housing needs and states that carefully managing the variety of housing types, sizes and tenures will help to meet the diverse needs of all the community. HMOs contribute to providing choice and assisting and meeting community needs. Controls on the number of HMOs allowed in any one street will ensure that the residential character of areas is protected.

Point 4 – 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 management plan will be required as part of the HMO licensing process, and it is the landlord's responsibility to ensure compliance with licensing requirements.

Point 6 - The proposal will not intensify the use of the existing dwelling. The existing dwelling could accommodate 5 persons and it is considered that there would be no intensification on the existing water/sewerage network from the proposed development. The proposed dwelling is currently connected to the main sewerage network and this would remain unchanged.

Point 7 – High tenant turnover – This is not material planning consideration. Landlords should have robust procedures in place to assess the suitability of prospective tenants.

Point 8 - Impact on quality of life – No persuasive evidence has been provided to support this position or to show a HMO would have greater impact than the existing residents of a family occupied dwelling.

Point 9 - Conflicts with HMO Subject Plan – The proposal has been assessed against the relevant sections of the HMO Subject Plan which still apply and is found to be compliant.

Point 11- Health services facing higher demand - no evidence has been provided to demonstrate that local services would face higher demand from this development. The existing dwelling could accommodate 5 persons and it is considered that the demand on services would be no greater than currently exists.

Point 12 – Decrease in property value - This is not a material consideration and is outside the remit of the planning service.

	<p>Point 13 & 14 – Potential licensing issues and Questions raised on HMO compliance- HMO licensing is a separate regulatory control regime outside the planning remit, as are concerns regarding the applicant’s suitability to manage and operate a HMO.</p> <p>Point 15 – The proposal has been assessed against relevant policy and it is concluded that there would be no greater impact on the privacy of neighbours than currently exists.</p>
7.0	Planning Assessment
7.1	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.
7.2	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.
7.3	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 until the Local Policies Plan is adopted.
7.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application which are set out in section 5.0 above.
7.5	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), HMO Subject Plan 2015 and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. Whilst the Belfast Urban Area Plan 2001 remains the statutory plan insofar as the proposals maps (“Departmental Development Plan), 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.
8.0	Key Issues
8.1	<p>The key issues for consideration of the application are set out below:</p> <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 <p><u>The principle of an HMO at the location</u></p>
8.2	The application site falls outside a Housing Management Area. Housing Management Areas (HMAs) will be designated within the local policies plan, based on evidence available relating to concentrations for HMOs and flat conversions. In advance of the local policies

	<p>plan, this will be applied to the HMO policy areas under designation HMO2 of the 'Houses in Multiple Occupation (HMOs) Subject Plan for Belfast City Council Area 2015'.</p> <p>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></p> <p>8.3 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, 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. <p>8.4 As a result of the Ballygomartin Road exceeding 600 metres calculations have been completed 300 metres either side of the road. According to the LPS Pointer Address database there are 119 domestic properties calculated within the relevant section along Ballygomartin Road. According to the Planning Service records (calculating intensive forms of house SSA online viewer and relevant planning history) there is currently 1 HMO within the area. Therefore, this proposal would be acceptable under the 10% threshold and complies with Policy HOU10 of the Belfast LDP.</p> <p>8.5 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.</p> <p>8.6 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.</p> <p><u>Impact on the character and appearance of the surrounding area</u></p> <p>8.7 The proposed development will not result in any external alterations to the property, ensuring that its appearance remains unchanged. As a result, it is expected that the proposal will have no adverse impact on the appearance or character of the surrounding area.</p> <p><u>Impact on residential amenity</u></p> <p>8.8 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> <ol style="list-style-type: none"> a) <i>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</i>
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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.

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. 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.

c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure - 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 services provide links between the area and the city centre. The nearest bus stop along Ballygomartin Road is approximately 45m from the front of the dwelling.

d) Provides appropriate open space - The existing rear amenity space is to be retained which is considered sufficient to serve the proposal. The site has good access to existing open space infrastructure with Woodvale Park located further along Ballygomartin Road.

e) Keeps hard surfacing to a minimum - No hard standing is proposed as part of this application.

f) Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C - Each of the bedrooms in the proposed HMO meet the space standards set out in Appendix C for 1 person occupancy. The proposed HMO is also in compliance with the space standards set out for kitchens and living rooms for a total occupancy of 5 persons. Accordingly, the proposal is in full compliance with the relevant HMO space standards.

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 bedrooms have safe and secure access from the front door of the dwelling.

h) Ensures that living rooms, kitchens and bedrooms have access to natural light - All habitable rooms in the dwelling have access to natural light.

8.9

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 5 bedrooms for the intended use of 5 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.

8.10	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.
8.11	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.
8.12	<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> <ul style="list-style-type: none"> a) <i>Any units are self-contained</i> - This criterion is not applicable. 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 8.17 – 8.24 below). 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. d) <i>Conversions above commercial premises do not prejudice the commercial functions of the business</i> - This criterion is not applicable to this proposal.
8.13	<p>Taking account the nature of the proposal and the criteria set out above the proposal is considered to comply with Policy RD3.</p> <p><u>Traffic, Parking and Access</u></p>
8.14	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. 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.
8.15	A parking survey was provided demonstrating that adequate parking is available within walking distance of the site on Ballygomartin Road and Westway Drive to serve the proposal. It is considered that the scheme will not be detrimental to on-street parking in the prevailing area. It was noted during the case officer's site visit that on-street parking was available in the immediate area.
8.16	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.

	<u>Waste and refuse collection</u>
8.17	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.
8.18	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 5 bed HMO this would equate to the typical production of 560L of waste per week. The total waste production is broken down into the following types of waste: 1. 35% general waste (collected fortnightly), 2. 55% recycling and 3. 10% food waste (both 2. and 3. collected weekly).
8.19	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. 1. Black bins – 3 x black bins (3 x 180L) – sufficient for 2 weeks of general waste. 2. Recycling – 2 x recycling packs (3 x 55L) – collected weekly. 3. Food waste – 3 x food bins (4 x 23L) – collected weekly.
8.20	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: <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.
8.21	Taking account of the guidance set out in the Waste SPG 8 bins would be required to serve the proposed HMO which according to the SPG would equate to an area of 2.0 x 2.4 (4.86sqm) for 4 bins and an overall total area of 9.6 sqm for 8 bins.
8.22	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.
8.23	The rear amenity space measures 10.6 sqm. The provision of the minimum storage area for the bins required would leave approximately 1 sqm remaining for amenity provision. The rear yard space is similar to other terraced properties along this stretch of Ballygomartin Road. In the recent appeal decision under reference 2024/A0045 (Ponsonby Avenue), the commissioner found that the amenity space for the terraced dwelling (similar to the application site) provided ' <i>restricted private amenity space, which is of limited 'socialising and gardening' value</i> ' and considered that the increase in bin provision for the HMO would not alter that. Furthermore, the Commissioner gave weight to the proximity of open space facilities to the site. In this case, Woodvale Park is within 7 minutes walking distance to the site and officers consider that its proximity would offset the level of private amenity space.
8.24	The provision of amenity space is considered acceptable taking account of the local context and the proximity to open space facilities.

9.0	Recommendation
9.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted.
9.2	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.
10.0	Draft Conditions
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.
2.	The development shall not be occupied until the refuse and recycling storage area have been provided within the rear curtilage of the property in accordance with the approved plans. This area must be sufficient to meet the requirements of the development and must be retained and managed at all times. Reason: To ensure adequate provision of refuse and recycling storage in the interests of the amenities of the area.
3.	The HMO hereby permitted may not be occupied by more than 5 persons. The owners 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. Reason: In the interest of residential amenity.