

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 10 th March 2026	
Application ID: LA04/2025/1002/F	
Proposal: Change of use from 4-bed residential dwelling (C1) to 5-bedroom HMO (suis generis) with occupancy for 5 people.	Location: 24 Rutherglen Street, Belfast, BT13 3LS
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 condition	
Applicant Name and Address: Honor McCall 67 Drumahean Road Middletown Armagh BT60 3QG	Agent Name and Address: Paul Jenkins 40 Mount Merrion Park Belfast BT6 0GB
Date Valid: 17 th July 2025	
Target Date: 30 th October 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>50 objections have been received raised the following issues which are addressed in the main report.</p> <ul style="list-style-type: none"> • Too many HMOs in the area • Application does not demonstrate compliance with 10% threshold • Family homes needed • Reduced house values • HMOs are not wanted in the area • The property is already listed online • Complaints around the ethics of HMOS and pricing 	

- Higher rental prices
- Overlooking and loss of privacy
- Will lead to further HMOs
- Parking issues
- Strain on local services
- Increased noise
- Increased waste generation
- The house is not large enough to accommodate a HMO
- Sloping roof for top floor rooms would be cramped
- Increased risk of anti-social behaviour
- Sets precedent for more HMOs
- Neighbours were not appropriately notified preventing a full response
- Water supply and sewage overrun
- Reduced emergency vehicle access

The application has been called in for the following reasons:

1. Overconcentration of HMOs
2. Parking and traffic issues
3. Impact on Residential Amenity
4. Property Maintenance and Waste Management
5. Contrary to Planning Policy

The scheme is compliant with Policy HOU10 in that the 10% threshold for HMOs on Rutherglen Street 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. 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

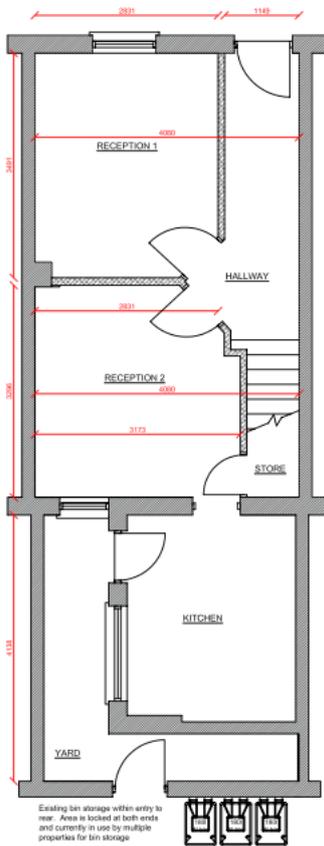
1.0 Drawings

Site Location Plan

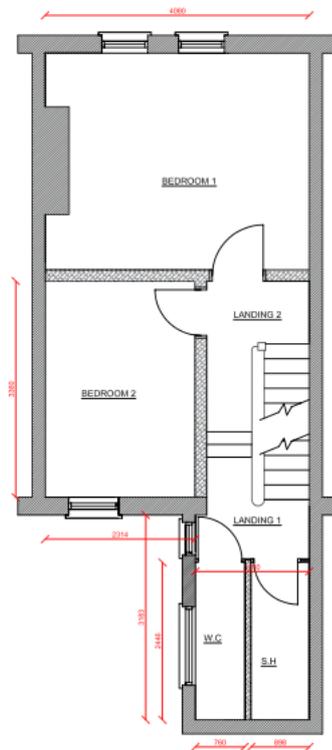


Existing Floor Plans

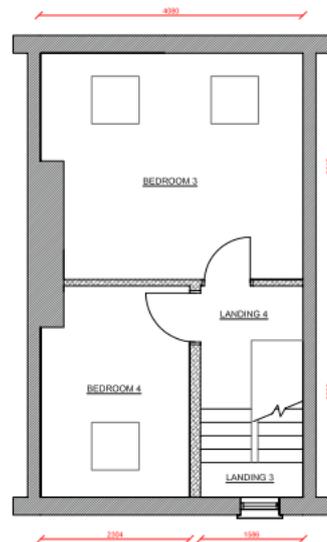
EXISTING GROUND FLOOR



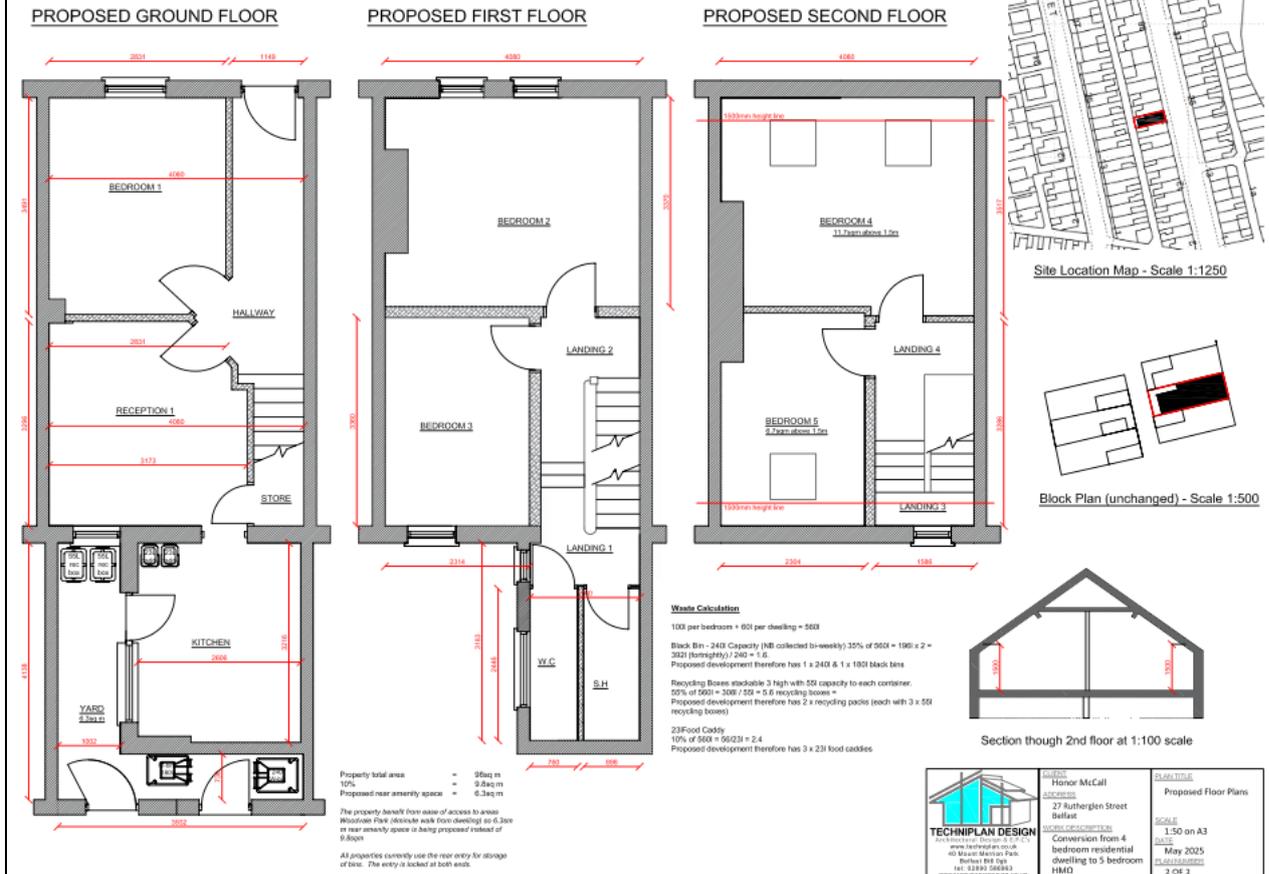
EXISTING FIRST FLOOR



EXISTING SECOND FLOOR



Proposed Floor Plans/Section



2.0	Characteristics of Site and Area
2.1	The application site is located at 24 Rutherglen Road. The site consists of three storey mid-terraced dwelling with an existing two storey rear return. The dwelling has an enclosed yard to the rear leading to an alley. The applicant advises that existing properties currently use the rear alley/entry for storage of bins and the entry is locked at both ends. On-street parking is available along the street. Rutherglen Street is residential in nature, and the surrounding area is predominantly residential.
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.
3.0	Description of Proposal
3.1	The application is seeking planning permission for change of use from 4 bed residential dwelling (C1) to 5-bedroom HMO (suis generis) with occupancy for 5 people.
4.0	Planning History
4.1	There is no relevant planning history for the site or in the immediate area relevant to the site or the proposal.
5.0	Planning Policy and Other Material Considerations
5.1	Development Plan – Plan Strategy Belfast Local Development Plan: Plan Strategy 2035

	<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	<p>Non-Statutory Consultees N/A</p>
6.2	<p>Statutory Consultees DFI Roads – No objection</p>
6.3	<p>Representations The application was neighbour notified and advertised in the local press. A total of 50 objections were received including representations from elected members: Cllr Verner and Cllr McDowell. The main issues raised are as follows:</p> <ul style="list-style-type: none"> • Too many HMOs in the area • Application does not demonstrate compliance with 10% threshold. • Family homes needed. • Reduced house values. • HMOs are not wanted in the area • The property is already listed online • Complaints around the ethics of HMOS, pricing • Higher rental prices • Overlooking and loss of privacy • Will lead to further HMOs • Parking issues. • Strain on local services. • Increased noise. • Increased waste generation. • The house is not large enough to accommodate a HMO. • Sloping roof for top floor rooms would be cramped. • Increased risk of anti-social behaviour.

- Sets precedent for more HMOs.
- Neighbours were not appropriately notified preventing a full response.
- Water supply and sewage overrun.
- Reduced emergency vehicle access.

Officers response to the issues raised are set out below:-

1. Too many HMOs in the area

During the Council's calculation of the HMO threshold in the area, no existing HMOs were identified on Rutherglen Street within the database, there are no live enforcement cases with the Council for unlawful HMO properties on this street and no HMO licences have been granted for dwellings on this street. A full assessment of the applications compliance with HOU10 is set out below.

2. Application does not demonstrate compliance with 10% threshold.

A full assessment of the proposal against Policy HOU 10 is set out within the main body of the report. The proposal has been found to comply with Policy HOU10.

3. Family homes needed.

The proposal meets the criteria for HMO development as set out in Policy HOU 10. The LDP permits a range of housing needs across the city of Belfast. The local development plan 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. It is considered that the proposal would not undermine the availability of family housing in the area and the proposed area will remain predominantly family housing.

4. Reduced house values.

This is not a material planning consideration.

5. HMOs are not wanted in the area

This is not a material planning consideration. Policy HOU10 makes provision for HMOs subject to meeting the requirements set out within.

6. The property is already listed online

The Agent has confirmed that 2 rooms are being leased. The renting of the property to two persons would not constitute a HMO.

7. Complaints around the ethics of HMOs, pricing

This is outside the remit of planning.

8. Higher Rental prices

This is outside the remit of planning.

9. Overlooking and loss of privacy

Overlooking and privacy will not be exacerbated beyond what already exists.

10. Will lead to further HMOs

There is no substantive evidence that the current proposal will lead to further HMOs in the street. Notwithstanding, any further application for a HMO in this street will be subject to assessment under Policy HOU10 and considered on its own merits.

11. Parking issues.

DFI Roads was consulted in relation to the proposal and are content with the findings of the Parking Survey and have offered no objection to the proposal.

12. Strain on local services.

The HMO is located within an area which has not exceeded the 10% threshold within the street. It is considered there are appropriate services within the area to serve the proposed HMO and that the proposal would have no greater impact than the existing residents of a family occupied dwelling at this location.

13. Increased noise.

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 which will appropriately deal with issues relating to noise and tenant behaviour should they arise.

14. Increased waste generation leads to risk of overflowing and vermin

The waste storage requirements are considered below. A condition is proposed to ensure that waste is stored in the curtilage of the property and does not overspill into the adjoining alley.

15. The house is not large enough to accommodate a HMO.

Each of the proposed rooms within the HMO meet the required space standards. This is discussed within the main body of the assessment.

16. Sloping roof for top floor rooms would be cramped.

The second floor bedrooms have been appropriately assessed and meet the space standards required. A Plan was also submitted to verify this (01C). This is discussed within the main body of the assessment.

17. Increased risk of anti-social behaviour.

An anti-social management plan will be required as part of the HMO licensing process which will appropriately deal with issues relating to anti-social behaviour should they arise.

18. Water supply and sewage overrun.

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.

19. Reduced emergency vehicle access.

DFI Roads was consulted in relation to the proposal and have raised no concerns regarding access to the site by emergency vehicles.

7.0	Policy Context
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	The key issues for the assessment 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
8.2	<u>The principle of an HMO at the location</u> 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 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’. The site is not located within a Housing Policy Area or development node as designated in the Belfast HMO Subject Plan 2015.
8.3	Policy HOU10 of the Plan Strategy is applicable and states that:

	<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> <p>8.4 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>8.5 According to the LPS Pointer Address database there are a total number of 106 houses which fall within Rutherglen Street, allowing for 10 HMOs. At the time of assessment there were 0 properties with existing HMO licenses and/or planning approval. The proposal is therefore within the 10% threshold and is acceptable in principle.</p> <p>8.6 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>8.7 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>8.8 <u>Impact on the character and appearance of the surrounding area</u></p> <p>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>8.9 <u>Impact on residential amenity</u></p> <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> <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</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. b) <i>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. 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.
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<p>8.10</p> <p>8.11</p> <p>8.12</p>	<p><i>c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure</i> - 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 185m (3 minute walk) from the front of the dwelling.</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. The site has good access to existing open space infrastructure with Woodvale Park located c. 250m (4 minute walk).</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> - Each of the bedrooms in the proposed HMO meet the space standards set out in Appendix C for 1 person occupancy. A 1-person bedroom should measure a minimum of 6.5m². All bedrooms proposed meet this standard. Bedrooms 4 and 5 which are located on the 2nd floor meet the recommended floorspace standards when measured from the height of the sloping roof at 1.5m. The proposed kitchen/living area measures a combined 18.2m² which exceeds the recommended standard of 11.5m². 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.</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 bedrooms have safe and 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</i> - All habitable rooms in the dwelling have access to natural light.</p> <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 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.</p> <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> <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>
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	<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 8.16-8.22 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>
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>
8.14	<p><u>Traffic, Parking and Access</u></p>
	<p>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.</p>
8.15	<p>A parking survey was provided demonstrating that adequate parking is available within walking distance of the site on Rutherglen Street to serve the proposal. It is considered that the scheme will not be detrimental to on-street parking in the prevailing area.</p>
8.16	<p>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.</p>
8.17	<p><u>Waste and refuse collection</u></p> <p>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. 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:</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).

8.18	<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. 2. Recycling – 2 x recycling packs (3 x 55L) – collected weekly. 3. Food waste – 3 x food bins (4 x 23L) – collected weekly.
8.19	<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.
8.20	<p>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 9.6sqm for 8 bins would be required.</p>
8.21	<p>Policy RD3 requires that adequate provision is made within the curtilage of the site for the storage of refuse and recyclable materials, in order to safeguard residential amenity, visual appearance and public health. The rear amenity space measures 6.3 sqm and would fail to accommodate the minimum storage requirements for bin storage. The nature of the immediate area is characterised by terraced dwellings of a similar size to the application site with limited rear amenity space.</p>
8.22	<p>In the recent appeal decision under reference 2024/A0045 (Ponsonby Avenue), a similar situation arose in that the amenity area was not large enough to accommodate the required minimum storage requirements for the proposed HMO and the Council put forward a refusal reason relating to <i>‘insufficient space within the site for accommodating the increased waste storage requirements for a 6-bedroom HMO whilst maintaining sufficient amenity space for occupants of the development’</i>.</p>
8.23	<p>The Commissioner having considered the context of the site concluded that they were satisfied that <i>‘the required bin storage could be accommodated within the rear enclosed yard and not overspill into the rear alleyway or require bins to be located at the front of the property’</i>. Furthermore, the Commissioner stated that the level of amenity space provided for that particular terraced dwelling (similar to the application site) was <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. The Commissioner gave significant weight to the proximity of open space facilities to the site. In this case, Woodvale Park is within 4 minutes walking distance to the site and officers consider that its proximity would offset the level of private amenity space.</p>
8.24	<p>Taking account of the PAC decision which is a material consideration in the assessment of this application officers consider that additional bins required to serve the HMO could be physically accommodated in the rear yard and would not overspill into the rear alleyway and that the proximity to Woodvale Park would offset the level of amenity provision which is not significantly lower than that available for other terraced dwellings in the street/area. The waste storage arrangements and level of private amenity space are on balance considered acceptable. It is recommended that the provision of bin storage within the curtilage of the property be controlled by condition.</p>
9.0	Recommendation
9.1	<p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted.</p>

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
10.1	<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>
10.2	<p>The development shall not be occupied until the refuse and recycling storage area have been provided within the rear curtilage of the property. 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 provision of refuse and recycling storage in the interests of the amenities of the area.</p>
10.3	<p>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.</p> <p>Reason: In the interest of residential amenity.</p>