

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 21 <sup>st</sup> January 2025	
<b>Application ID:</b> LA04/2024/0966/F	
<b>Proposal:</b> Retrospective: Change of use from 3-bedroom residential dwelling (C1) to short-term let (Sui Generis).	<b>Location:</b> 28 Dunvegan Street, Belfast, BT6 8GE
<b>Referral Route:</b> Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member (Cllr Ruth Brooks)	
<b>Recommendation:</b> Refusal.	
<b>Applicant Name and Address:</b> Love Rooms, 28 Dunvegan Street, Belfast, BT6 8GE	<b>Agent Name and Address:</b> Ally Olphert, Create Architecture, Blick Studios, 46 Hill Street, Belfast, BT1 2LB
<b>Date Valid:</b> 14.06.2024.	
<b>Target Date:</b> 27.09.2024	
<b>Contact Officer:</b> Lisa Walshe, Principal Planner	
<p><b>Executive Summary:</b></p> <p>This application seeks to change the use of a 3-bedroom residential dwelling to a short-term let. Two of the three rooms are proposed to be utilised for short-term let use and one remaining room is proposed to be retained for permanent residential occupation. There are no external changes proposed.</p> <p>The key issues for consideration of the application are:</p> <ul style="list-style-type: none"> <li>• Principle of a change of use to short-term let at this location</li> <li>• Policy HOU3 - Protection of existing residential accommodation.</li> <li>• Policy HOU13 – Short-term Let Accommodation</li> <li>• Character, design and appearance</li> <li>• Traffic, Parking and Access</li> </ul> <p>DFI Roads had been consulted as the statutory consultee and have raised no objections.</p> <p>There have been 5no. third-party objections received, 2no. letters from the applicant in response to objections received and 1no. letter of support from a local business. Specific details of the representations will be detailed in the body of the planning report.</p>	

The proposal has been assessed against prevailing policy and fails to meet two key criteria (c) and (d) of Policy HOU 13 in that the proposal is not within a tourism cluster or within 1200km of a visitor attraction and, that the management arrangements are not sufficiently robust to mitigate the potential impacts of the proposal on the amenity of residents.

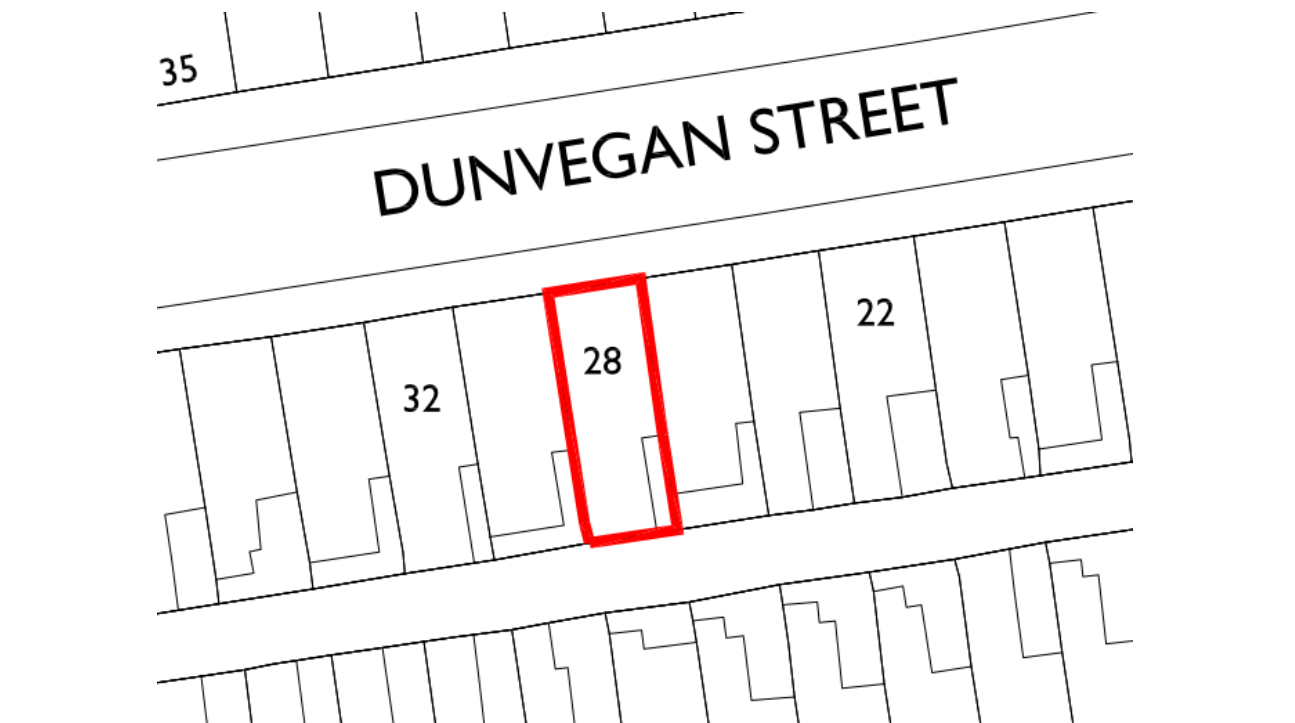
Having regard to the development plan and other material considerations, the proposal is considered unacceptable. It is recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons and deal with any other issues that arise, provided that they are not substantive.

# 1.0 Drawings

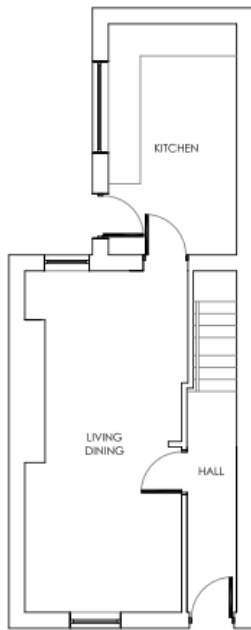
## Site Location Plan



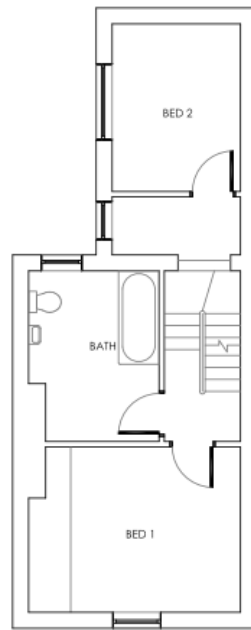
## Proposed Site Plan



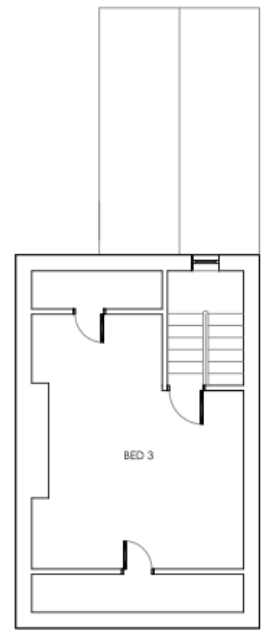
## Existing Floor Plans



EXISTING GROUND FLOOR 1:50

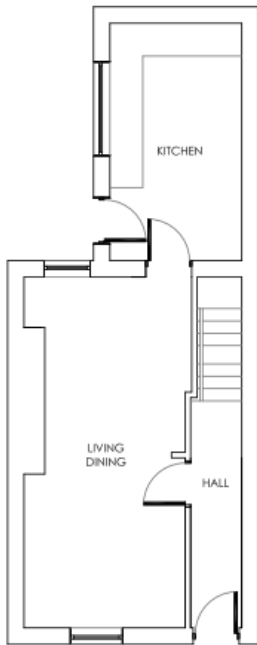


EXISTING FIRST FLOOR 1:50

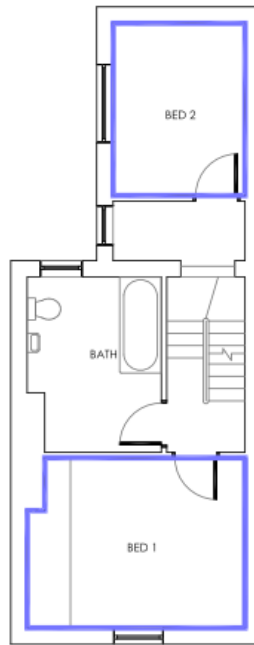


EXISTING SECOND FLOOR 1:50

## Proposed Floor Plans

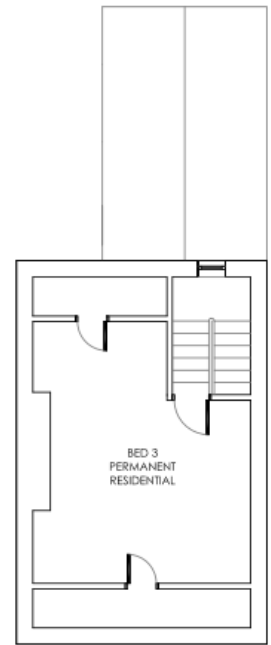


PROPOSED GROUND FLOOR 1:50



PROPOSED FIRST FLOOR 1:50

■ PROPOSED SHORT TERM LET USE



PROPOSED SECOND FLOOR 1:50

## 2.0 Characteristics of the Site and Area

2.1 The application site is referred to as No.28 Dunvegan Street. The site is geographically located in East Belfast. The site is part of a two-storey residential terrace development containing a pitched roof profile. The finish of the house is red brick.

<p>2.2</p> <p>2.3</p>	<p>The site is an established residential area with similar house types and designs. The site is within the development limits as zoned 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<sup>nd</sup> May 2023.</p> <p>The site lies within the draft Lagan Village Area of Townscape Character (ATC), which helps illustrate the similarities regarding design and character in the immediate area. The site is also within an Area of Parking Restraint (City Fringe) and is situated approximately 80m from the Ravenhill Road, which is designated as a main Arterial Route.</p>
<p>3.0</p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p><b>3.0 Planning Assessment of Policy and Other Material Considerations</b></p> <p><b>3.1 Site History</b></p> <p>Z/1988/1052 – Extension to dwelling – Permission Granted – 10/12/1988.</p> <p><b>3.2 Policy Framework - Development Plan Context</b></p> <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> <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> <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><b>3.3 <u>Operational Policies</u></b></p> <p>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. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).</p> <p><b>3.4 <u>Proposals Maps</u></b></p> <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, 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 is a matter for the decision maker. It is considered that significant weight should be given to</p>

	<p>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>
3.5	<p><b>Belfast Urban Area Plan 2001</b> – The site is located within the settlement development limit and is not zoned for any use.</p>
3.6	<p><b>Belfast Metropolitan Area Plan 2015 (2004)</b> – the site is un-zoned “white land” within the settlement development limits of Belfast.</p>
3.7	<p><b>Belfast Metropolitan Area Plan 2015 (v2014)</b> – the site is also located within the settlement development limits of Belfast.</p>
3.8	<p><b>Belfast Local Development Plan – Plan Strategy 2035</b></p> <ul style="list-style-type: none"> <li>▪ Policy HOU3 – Protection of existing residential accommodation.</li> <li>▪ Policy HOU13 – Short-term let accommodation.</li> <li>▪ Policy DES1 – Principles of urban design</li> <li>▪ Policy TRAN 8 – Car parking and servicing arrangements</li> </ul>
3.9	<p><b>Strategic Planning Policy Statement for Northern Ireland (SPPS)</b></p>
3.10	<p><b>Statutory Consultations</b> DFI Roads – No objections</p>
3.11	<p><b>Non-Statutory Consultations</b> None</p>
3.12	<p><b>Internal Advice</b> No internal consultees within Belfast City Council were deemed necessary for this proposal.</p>
3.13	<p><b>Representations</b></p> <p>The application has been advertised in the local press and the relevant neighbours have been notified. There have been 5no. objections to this proposal and 2no. letters from the applicant in support / response to the objections received to date. 1no. letter in support of this proposal has been submitted which details the positive impact the proposal has had on their business.</p> <p>The issues raised in the objections are summarised as follows:</p> <ol style="list-style-type: none"> <li>1. Loss of residential property;</li> <li>2. Suited for family home not short-term let;</li> <li>3. Not enough demand for this use as hotels are only at 80% capacity;</li> <li>4. Already in use – unauthorised;</li> <li>5. Noise, disturbance and loss of amenity;</li> <li>6. Sole purpose is to maximise profit;</li> <li>7. Rental rate is driving up property prices discouraging long-term homeowners;</li> <li>8. Fails to meet HOU3 and HOU13;</li> <li>9. Inconsiderate parking causing issues;</li> <li>10. No valuable engagement with neighbours / residents / community; and</li> <li>11. Management plan submitted not reflective of lived experience.</li> </ol> <p>Points 6, and 7 are non-material to planning policy. The other points are material planning considerations and are addressed within the following assessment.</p>

4.1	<b>Principle of Development</b>
4.1.1	The proposal seeks retrospective planning permission for a change of use from a dwellinghouse (Use Class C1) to a short-term let (Sui Generis). The property is currently operating as a short-term let, albeit without planning permission which this application seeks to regularise.
4.1.2	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.
4.1.2	As the application site is distinguished as a dwellinghouse 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. TLC3 is therefore not relevant to this case.
4.2	<b>Policy HOU3 – Protection of existing residential accommodation</b>
4.2.1	On the 11 <sup>th</sup> June 2024, the High Court ruled in favour of Belfast City Council and quashed two Planning Appeals Commission (PAC) decisions on two applications in the city centre. Mr Justice Humphreys held that the PAC misinterpreted policy in allowing retrospective change of use for two flats to short-term let accommodation. The final judgement confirms that Policy HOU3 applies to any ‘ <i>established residential area</i> ’, including those which are in Belfast City Centre. In addition, the judgement clarifies the meaning of ‘ <i>property</i> ’ in the context of Policy HOU13.
4.2.2	<p>Policy HOU3 of the LDP – Protection of existing residential accommodation states that:  <i>“There is a general presumption in favour of the retention residential stock for permanent occupation. Within an established residential area or fronting onto a city corridor outside of a designated centre, planning permission will be granted for the ...or change of use of existing dwellings for other uses where:</i></p> <ul style="list-style-type: none"> <li><i>a. It is considered complimentary to surrounding residential uses and will not result in any adverse effects on existing residential amenity; or</i></li> <li><i>b. The proposal is for community infrastructure considered necessary within the residential area.</i></li> </ul>
4.2.3	<p>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>”.</p>
4.2.4	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

	<p>Areas planning permission will be granted for a change of use of existing dwellings for other uses where:</p> <ul style="list-style-type: none"> <li>a. it is considered complementary to surrounding residential uses and will not result in any adverse effects on existing residential amenity; or</li> <li>b. The proposal is for community infrastructure considered necessary within the residential area.</li> </ul> <p>4.2.5 Criterion (b.) does not apply given the proposal is not for community infrastructure.</p> <p>4.2.6 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. There is a risk that the use of permanent homes or apartments to provide short-term let accommodation could erode the sustainable supply of housing stock in the city. However, in this instance the applicant has outlined on the plans and in a statement to the Council; that one of the three bedrooms within the dwelling would be retained as permanent residential housing. This element would help ensure that a source of permanent housing remains at this site and would correspond with criterion f. of HOU13. Retention of some permanent residential housing stock at this site would be complementary to the surrounding residential uses in this location. As the proposal was amended to include retention of a residential element, criterion (a.) of HOU3 is considered to be met.</p> <p><b>4.3 Policy HOU13 – Short-term Let Accommodation</b></p> <p>4.3.1 Policy HOU13 of the LDP – Short-term let accommodation states:  <i>Planning permission will be granted for short-term let accommodation, whether new build or change of use, where the following criteria are met:</i></p> <ul style="list-style-type: none"> <li>a. <i>It strengthens and diversifies the range of short-stay visitor accommodation in the city;</i></li> <li>b. <i>It is accessible by public transport;</i></li> <li>c. <i>It is sited within an existing tourism cluster or in close proximity to a visitor attraction;</i></li> <li>d. <i>Has appropriate management arrangements in place to ensure a positive and safe living environment whilst minimising any potential negative impacts;</i></li> <li>e. <i>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; and</i></li> <li>f. <i>In the case of a change from permanent residential use, part of the property must be retained as permanent residential housing.</i></li> </ul> <p>4.3.2 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. Each criterion will be considered in turn:</p> <p>4.3.3 To justify criterion (a.) of HOU13, the applicant has provided a ‘policy alignment statement’, which very briefly references that the proposal site would contribute towards Belfast’s tourism sector by offering high-quality accommodation that caters to business and leisure travellers and that guests are encouraged to engage with local businesses via curated guides. Officers are aware that as of June 2024, short-term let accommodation makes up 21% of Belfast City Council’s tourist accommodation bed spaces. It is deemed that the proposal complies with criterion a. of HOU13.</p> <p>4.3.4 Criterion (b.) of HOU13 – The site is located approximately 80m from the Ravenhill Road which is designated as an Arterial Route which links the site to Belfast City Centre. The</p>
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	<p>nearest bus stop both city and country bound is located at My Lady's Road, approximately 110m from the application site. The application site is in a highly accessible location for public transport, walking and cycling to Belfast City Centre. It is deemed that the proposal complies with criterion b. of HOU13.</p>
4.3.5	<p>Criterion (c.) of HOU13 – The applicant / agent has not provided a list of attractions they consider to be within “close proximity” to the application site. The LDP definition of acceptable walking distance to visitor attractions is 1.2km. Having completed a desk-based review of the potential key attractions within this distance, it is concluded that the site is not located within an existing “tourism cluster”, or “in close proximity” to a visitor attraction. The applicant had responded to the objections submitted to the Council on 8<sup>th</sup> January 2025, detailing in point (4.) of this response “proximity to tourist amenities”. Referring to Belfast City Centre as 15 – 20 minutes walking distance which provides access to attractions, shops, and cultural landmarks. After careful consideration, it is deemed that the proposal fails to meet criterion c. of HOU13.</p>
4.3.6	<p>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. There have been objections received from both residents of Dunvegan Street and by a local representative that have referred to lived experiences of the unauthorised short-term let. Objections refer to noise and disturbances, parties, lack of care / respect to residents / community and inconsiderate parking as key concerns. Dunvegan residents suggest a lack of meaningful engagement from the owner to resolve issues. The Dunvegan residents state that the management plan provided is long in content but does not reflect residents' experiences. The applicant had submitted a rebuttal letter to the Council dated 11<sup>th</sup> December 2024.</p>
4.3.7	<p>Officers note the provisional management plan put forward. Based on the information submitted and on balance, it is deemed that the proposed arrangements fail to demonstrate how they will minimise the risk of adverse effects on neighbouring residential properties. The proposal therefore fails to satisfactorily meet criterion (d.) of HOU13.</p>
4.3.8	<p>Criterion (e.) of HOU13 seeks to avoid short-term let accommodation within existing HMA's unless it can be demonstrated that it is needed to meet a specific unmet demand for tourist accommodation in a specific locality. The application site does not fall within a designated Housing Management Area (HMA) and therefore satisfies criterion e. of HOU13.</p>
4.3.9	<p>Criterion (f.) of HOU13 states:  <i>“In the case of a change from permanent residential use, part of the property must be retained as permanent residential housing”.</i>  The established use is a single residential dwellinghouse which is therefore permanent residential housing. 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. As the application has proposed to retain one bedroom as permanent residential housing, it satisfies criterion f. of HOU13.</p>
<b>4.4</b>	<b>Character, Design and Appearance</b>
4.4.1	<p>This proposal seeks to regularise the change of use of a single residential dwellinghouse to a short-term let accommodation.</p>

<p>4.4.2</p> <p>4.4.3</p> <p><b>4.5</b></p> <p>4.5.1</p>	<p>The character of the area is residential. The house types in the area are similar regarding layout, design, and form. The house types are residential row terraces with a pitch roof profile and constructed of red brick. The area falls within the draft Lagan Village Area of Townscape Character (ATC).</p> <p>As the proposal involves no extensions or external alterations, there are no concerns from a design and appearance perspective. This element is therefore compliant with DES1 of the LDP.</p> <p><b>Traffic, Parking and Access</b></p> <p>DFI Roads have been consulted in relation to parking and road safety. DFI Roads have formally responded with no objection. This element is deemed acceptable and complies with Policy TRAN 8 of the LDP.</p>
<p><b>5.0</b></p>	<p><b>Conclusion and Recommendation:</b></p> <p>Having regard to the development plan and other material considerations, the proposal is considered unacceptable. It is recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons and deal with any other issues that arise, provided that they are not substantive.</p>
<p><b>6.0</b></p>	<p><b>Refusal Reasons:</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to Policy HOU13 – Short-term let accommodation of the Belfast Local Development Plan 2035 in that the proposal fails to satisfy criterion (c) in that it is not sited within an existing tourism cluster or in close proximity to a visitor attraction.</li> <li>2. The proposal is contrary to Policy HOU13 – Short-term let accommodation of the Belfast Local Development Plan 2035 in that the proposal fails to satisfy criterion (d) in that appropriate management arrangements have not been demonstrated to ensure a positive and safe living environment.</li> </ol>