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**Democratic Services Section
Legal and Civic Services Department
Belfast City Council
City Hall
Belfast
BT1 5GS**



**Belfast
City Council**

8th November, 2023

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 14th November, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

- 8 (d) LA04/2022/1831/F - Change of use from residential to short term holiday let accommodation, 258 Limestone Road (Pages 1 - 14)

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Committee Addendum Report 2	
Application ID: LA04/2022/1831/F	Date of Committee: 14 th November 2023
Proposal: Change of use from residential to short term stay accommodation.	Location: 258 Limestone Road Belfast BT15 3AR
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Mr John Young 1 Riverside Magherafelt BT45 6GZ	Agent Name and Address: Tim Doyle Total Architecture + Design Limited 140 Lisburn Road Belfast BT9 6AJ
<p>Background</p> <p>This application is for full planning permission and was previously reported to the October 2023 Planning Committee. The application was deferred in order that Legal Services could consider a procedural point raised by the applicant.</p> <p>Since the previous October committee meeting, the applicant has been in contact (email) with the case officer for clarification on the procedures of the application process. These are summarised below;</p> <ul style="list-style-type: none"> • To confirm the correct procedure of listing consultation responses was followed. • The date consultation responses were received. • The date in which latest neighbourhood notifications were issued. • The date the councillor requested that the application be referred to committee. • Enquiring where the statistics regarding noise complaints from Environmental Health came from. <p>The above queries have all been answered by email.</p> <p>This addendum report should be read in conjunction with the original report to the April committee which is appended.</p> <p>The recommendation for refusal remains as per the previous Committee Addendum Report 1.</p> <p>Recommendation</p> <p>In consideration of the adoption of the new plan strategy the recommendation is that planning permission should be refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>	

The draft refusal reasons are set out below:

1. The proposal, is contrary to Policy HOU13, criterion (c), as it is not sited within an existing tourism cluster or in close proximity to a visitor attraction.
 2. The proposal, is contrary to Policy HOU3, in that the proposal would fail to protect existing residential stock for permanent occupation and is contrary to criterion (a) as the proposed use is not considered complimentary to the surrounding residential uses and will likely result in adverse effects on residential amenity within this established residential area.
 3. The proposal, is contrary to Policy HOU3, in that the proposal would fail to protect existing residential stock for permanent occupation and is contrary to criteria (c) and (d) in that the short term let use would not be considered subordinate to the residential use and does not provide a separate user entrance as public access will be required.
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Committee Addendum Report 1

Application ID: LA04/2022/1831/F	Date of Committee: 17 th October 2023
Proposal: Change of use from residential to short term stay accommodation.	Location: 258 Limestone Road Belfast BT15 3AR.
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Mr John Young 1 Riverside Magherafelt BT45 6GZ	Agent Name and Address: Tim Doyle Total Architecture + Design Limited 140 Lisburn Road Belfast BT9 6AJ

Background

This application is for full planning permission and was previously reported to the April 2023 Planning Committee. The application was deferred in order that officers explore the availability of additional evidence with regard to the environmental impacts of short-term holiday lets.

This addendum report should be read in conjunction with the original report to the April committee which is appended.

Since the application was deferred, the Belfast Local Development Plan: Plan Strategy has been adopted (as of 02 May 2023). This provides a new policy framework for decision-making.

The proposal involves a change of use from residential to short term stay accommodation.

Updated Policy Context

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.

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.

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.

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. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will 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).

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) 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 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.

Relevant Planning Policies

The following policies in the Plan Strategy are relevant to consideration of the applications.

- Policy BH3 – Areas of Townscape Character
- Policy HOU3 – Protection of existing residential accommodation
- Policy HOU13 – Short term let accommodation
- Policy TRAN8 – Car parking and servicing arrangements

Updated Assessment

The adoption of the Plan Strategy requires the following updated assessment.

Consultation Responses

As per the reason for deferral of the application in April 2023, councillors had asked officers to explore the availability of additional evidence with regard to the environmental impacts of short-term holiday lets. As a result of this, the Police Service Northern Ireland (PSNI) and Environmental Health were consulted and asked to provide any evidence with regard to the environmental impacts of short-term holiday lets such as noise or anti-social behaviour complaints. As part of the adoption of the Plan Strategy the Local Development Plan (LDP) Housing Team were also consulted.

PSNI response- “An evidence base for complaints from Air B&B’s cannot be provided as we don’t record this as a residential type.”

Environmental Health ran a report for short term lets services for the BT15 post code area since 2018. Whilst there was none related to the Limestone Road, there were complaints recorded within the post code area at Glandore Ave (7 complaints, 2 properties), Fortwilliam Crescent (14 complaints, 1 property) and Duncairn Gardens (1 complaint, 1 property).

LDP Housing Team response- The proposal does not comply with policy HOU3 and HOU13 of LDP PS.

Whilst some consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.

Representations

The application was not re-neighbour notified, however, a further 30 individual objections were received along with a petition of objection with 192 signatures from individual addresses. This along with the original 19 objections now totals 241. The majority of the most recent objections focus on the points considered in the previous case officer report such as anti-social behaviour, lack of privacy/overlooking, noise disturbance, amount of traffic, lack of car parking space, who will be the occupants and management of rubbish/bins.

Within the most recent received objections a further concern was raised. This is summarised below:

Loss of residential housing – The council would agree with this and as assessed under Policy HOU3 the proposal would fail to meet criteria ‘c’ as the short term let use would not be considered subordinate to the residential use. Therefore, the proposal would fail to protect existing residential stock for permanent occupation, within an established residential area.

Policy BH3 – Areas of Townscape Character

The proposal is considered to comply with Policy BH3 criterion e and f. The proposal is introducing no new external alterations. It is considered that the character and appearance of the draft Area of Townscape Character would be preserved.

Policy HOU3 – Protection of existing residential accommodation

Policy HOU3 seeks to protect existing residential stock for permanent occupation, within all established residential areas. Permission would only be granted for a change of use away from permanent occupation if the use was complimentary to surrounding residential uses and would not result in any adverse effects on existing residential amenity; or if the proposal is for community infrastructure considered necessary within the residential area.

An established residential area is normally taken to mean residential neighbourhoods dominated by a recognisable form of housing styles with associated private amenity space or gardens. Along Limestone Road and within the surrounding streets, the common form of housing is typically red brick terraced housing. These areas may include buildings in commercial, retail or leisure use, with the majority of the nearby retail provision coming from the Antrim Road, and Alexandra Park also situated in close proximity to the site in question.

In this instance the proposal would not meet HOU3 criterion ‘c’ as the short-term let would not be subordinate to the residential use. The plans illustrate one bedroom, or one fifth of the dwelling would be maintained as a permanent residential use while four bedrooms or four fifths of the dwelling would be used for the purpose of a short term let. Given the larger portion of the original dwelling would be utilised for a short term let, it cannot be concluded that this is subordinate to the residential use.

The agent has provided a supporting statement (dated August 2023) in which they argue that Policy HOU13 of the Plan Strategy defines ‘short term lets’ as residential use and therefore Policy HOU3 should not be considered. The council are of the opinion that this statement within the Plan Strategy is not a definition of use class. A short term let is classed as a Sui Generis use.

Therefore, the proposal would fail to meet criteria ‘c’ of Policy HOU3 as the short term let use would not be considered subordinate to the residential use.

The proposal would also fail to meet criteria ‘d’ of Policy HOU3 as it does not provide a separate user entrance as public access will be required.

Policy HOU3 explicitly states that the use of permanent residential stock as short-term holiday accommodation will be treated as a change of use and will also be subject to the requirements of Policy HOU13 Short-term let accommodation.

Policy HOU13 – Short term let accommodation

Under Policy HOU13 planning permission will be granted for short-term let accommodation, whether new build or change of use, where the following criteria are met:

a. It strengthens and diversifies the range of short-stay visitor accommodation in the city;
Complies - Offers alternative accommodation to hotel, B&B, guesthouse etc.

b. It is accessible by public transport;
Complies – Is within 10 minutes of a bus stop and within 20 mins of a rail halt.

c. It is sited within an existing tourism cluster or in close proximity to a visitor attraction;
Does not comply - The intention is to define tourism clusters in the LPP, but in the interim common sense can be used to identify visitor attractions. A tourist attraction is generally understood to be a place of interest that tourists visit, typically for its inherent or an exhibited natural or cultural value, historical significance, natural or built beauty, offering leisure and amusement.

For the purposes of this policy, close proximity is defined in paragraph 7.1.85 of the PS as walking distance, which is generally accepted as 1,200 metres or 15-minute walking distance/time (which derives from the document “Institute of Highways and Transportation’s- Guidelines for Providing Journeys on Foot”).

The property does not appear to be within walking distance of any visitor attractions.

d. Has appropriate management arrangements in place to ensure a positive and safe living environment whilst minimising any potential negative impacts;
Complies – The agent has submitted a management plan that ensures a positive and safe living environment.

e. 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
Complies - Site is not within an HMO Policy Area/HMA.

f. In the case of a change from permanent residential use, part of the property must be retained as permanent residential housing.
Complies – The agent has submitted amended plans to show part of the property (1 bedroom) being retained as residential use.

In consideration of the above criteria, the proposal does not meet criterion (c), it would therefore fail to comply with Policy HOU13.

Policy TRAN8 – Car parking and servicing arrangements

Whilst DfI Roads have referred to the no longer extant Planning Policy Statement in their consultation response, the equivalent policy TRAN8 in the Plan Strategy remains the same. Therefore, there was no requirement to re-evaluate the proposal in the context of the Plan Strategy.

As per the previous report, DfI Roads were consulted and advised no objection to the proposal. The parking and traffic impacts are considered acceptable.

Recommendation

In consideration of the adoption of the new plan strategy the recommendation is that planning permission should be refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

The draft refusal reasons are below.

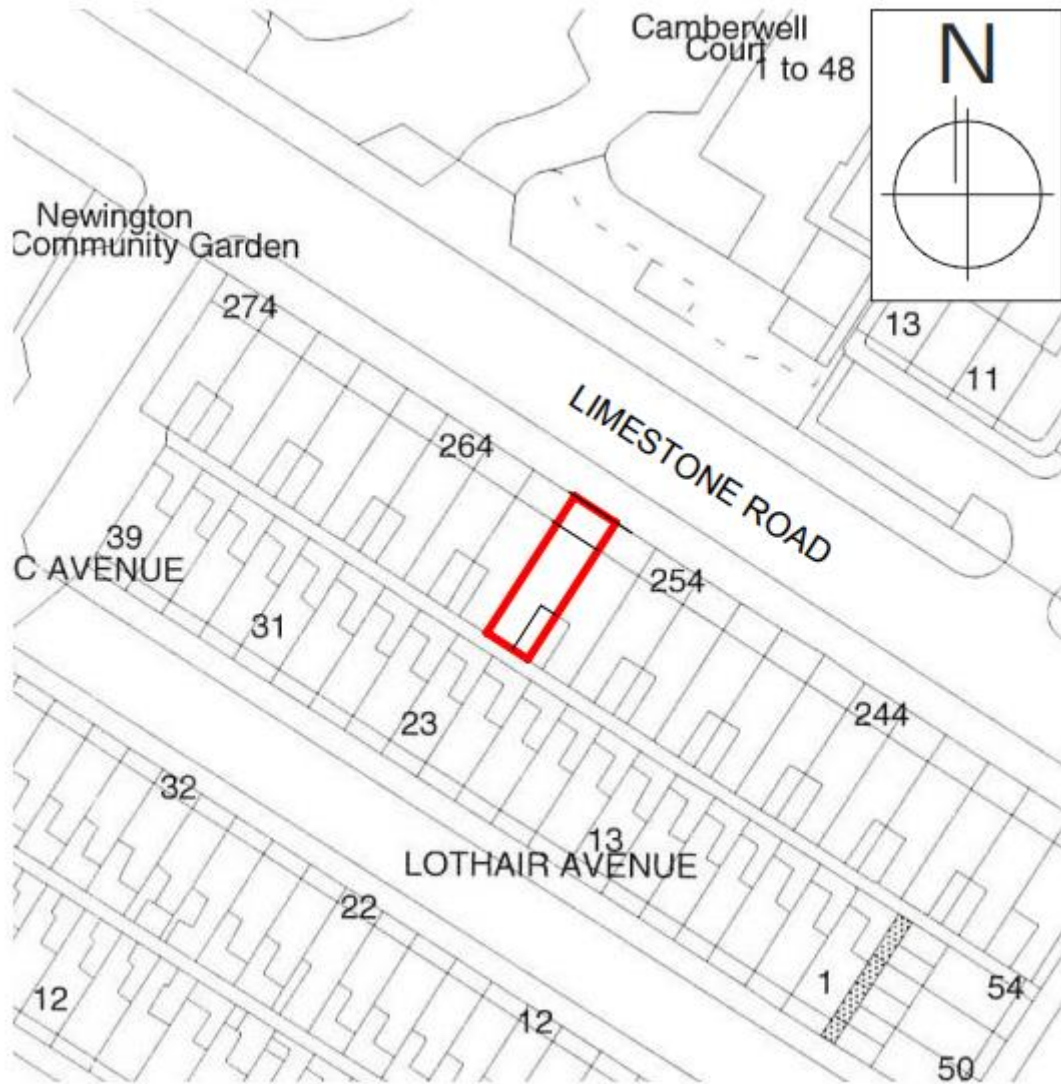
4. The proposal, is contrary to Policy HOU13, criterion (c), as it is not sited within an existing tourism cluster or in close proximity to a visitor attraction.
5. The proposal, is contrary to Policy HOU3, in that the proposal would fail to protect existing residential stock for permanent occupation and is contrary to criterion (a) as the proposed use is not considered complimentary to the surrounding residential uses and will likely result in adverse effects on residential amenity within this established residential area.
6. The proposal, is contrary to Policy HOU3, in that the proposal would fail to protect existing residential stock for permanent occupation and is contrary to criteria (c) and (d) in that the short term let use would not be considered subordinate to the residential use and does not provide a separate user entrance as public access will be required.

Committee Report

Development Management Report	
Application ID: LA04/2022/1831/F	Date of Committee: 18 th April 2023
Proposal: Change of use from residential to short term stay accommodation.	Location: 258 Limestone Road Belfast BT15 3AR.
Referral Route: Requested by councillor Carl Whyte as per para 3.8.1 in the Scheme of Delegation	
Recommendation: Approval	
Applicant Name and Address: Mr John Young 1 Riverside Magherafelt BT45 6GZ	Agent Name and Address: Tim Doyle Total Architecture + Design Limited 140 Lisburn Road Belfast BT9 6AJ
<p>Executive Summary:</p> <p>The application seeks planning permission for change of use from a residential dwelling to short term stay accommodation.</p> <p>The site is located at 258 Limestone Road. The property is a 2.5 storey residential terrace with a two storey rear return. There is a small enclosed amenity space to the rear of the building, accessed by a gate from a rear service alley located on Oceanic Avenue. The immediate area predominantly consists of residential use.</p> <p>The site is situated on white-land within the Belfast Urban Area Plan 2001. In the draft Belfast Metropolitan Area Plan 2015, the site is within an Area of Townscape Character, Alexandra Park.</p> <p>The key issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • Principle of a holiday let at this location • Impact on the character and appearance of the area • Access/Parking • Impact on residential amenity <p>There have been no objections from consultees.</p> <p>Nineteen objections have been received and are addressed within the main report.</p> <p>The application has been referred to the Committee at the request of Councillor Whyte on grounds of amenity and compatibility with the character and environmental quality of the area.</p> <p>Recommendation</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.</p> <p>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.</p>	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development

1.1 The application seeks planning permission for change of use from a residential dwelling to short term stay accommodation. The property would provide five bedrooms, each of which could be let separately to different persons.

2.0 Description of Site

2.1 The site is located at 258 Limestone Road. The property is a 2.5 storey residential terrace with a two storey rear return. There is a small enclosed amenity space to the rear of the building, accessed by a gate from a rear service alley located on Oceanic Avenue. The immediate area predominantly consists of residential use.

2.2	The site is situated on white-land within the Belfast Urban Area Plan 2001 (BUAP). In the draft Belfast Metropolitan Area Plan 2015 (dBMAP), the site is within as an Area of Townscape Character, Alexandra Park.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	None relevant
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) (dBMAP) Following the Court of Appeal decision on dBMAP (2014), the extant development plan is the BUAP. DBMAP (both v2004 and v2014 versions) are material considerations. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight.
4.3	Belfast Local Development Plan Draft Plan Strategy The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Planning Policy Statement 6 Addendum: Areas of Townscape Character
4.7	Planning Policy Statement 16: Tourism
5.0	Statutory Consultees Responses DFI Roads – No objections
6.0	Non Statutory Consultees Responses Environmental Health – No objections NI Water – No objections

<p>7.0</p> <p>7.1</p> <p>7.2</p>	<p>Representations</p> <p>The application was advertised on the 14th October 2022 and neighbour notified on the 12th October 2022.</p> <p>Nineteen objections have been received from surrounding residents, these are summarised below:</p> <ul style="list-style-type: none"> • Anti-social behaviour – Case officer response: there is no evidence that the proposal would raise a significant issue in this regard; this would be a police matter. • Lack of privacy/overlooking – Case officer response: There are no external changes to windows or boundaries. Therefore, privacy/overlooking would not be impacted over and above the existing situation. • Noise disturbance – Case officer response: there is no evidence to indicate that the proposal would give rise to significant impacts over and above the existing situation. Environmental Health has raised no objection to the application. • Amount of traffic – Case officer response: the proposal could give rise to an increase in traffic. However, DFI Roads offers no objection to the proposal and there is no technical evidence of harm. • Lack of car parking space – Case officer response: the proposal could give rise to additional parking pressures. However, the site is a sustainable location in close proximity to the Antrim Road, an arterial route, with good access to public transport. DFI Roads has offered no objection and has not raised concerns about parking availability. • Who will be the occupants – Case officer response: this is not a material planning consideration. • Management of rubbish/bins – Case officer response: this is not considered a planning matter for a proposal of this nature.
<p>9.0</p> <p>9.1</p> <p>9.2</p> <p>9.3</p> <p>9.4</p>	<p>Assessment</p> <p>It is considered that the proposal is in compliance with SPPS in that the proposed development would not cause demonstrable harm to interests of acknowledged importance which are considered below.</p> <p>Principle of short term lets in this location</p> <p>The application site proposes a change of use from a residential dwelling to short term stay accommodation. The property is located on white-land in BUAP.</p> <p>Policy TCM 1 of PPS 16: Tourism applies. It states:</p> <p><i>‘Tourism Development in Settlements</i></p> <p><i>Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.’</i></p> <p>The proposal complies with Policy TSM 1 of PPS 16. The proposal is for a short term let which is appropriate to the settlement of Belfast and will support tourism in the city. The location is considered highly accessible on an arterial route. The proposal is considered to respect the context of the site in terms of scale, size and design.</p>

<p>9.5</p> <p>9.6</p> <p>9.7</p> <p>9.8</p> <p>9.9</p>	<p>Impact on the character and appearance of the area</p> <p>The proposal is considered to comply with Policy TSM 1 of PPS 16. The proposal is introducing no new external alterations. It is considered that the character and appearance of the draft Area of Townscape Character would be preserved.</p> <p>Impact on amenity</p> <p>The proposal does not require any external changes to the building and there would be no additional impacts over and above the existing use on the neighbouring properties in terms of loss of light, overshadowing, overlooking etc.</p> <p>Each of the five bedrooms in the property could be occupied by separate persons which could give rise to additional comings and goings of people and activity. However, the nature of the proposal is residential (albeit intensified) and there is no evidence that the proposal would give rise to significant noise or other amenity impacts. Environmental Health offers no objection to the proposal. Whilst it has recommended a condition to require a management plan to manage tenant behaviour, this would go beyond reasonable planning control and would also not be enforceable.</p> <p>Parking/Traffic</p> <p>Each of the five bedrooms in the property could be occupied by separate persons which could give rise to additional traffic and parking pressures. The site is a sustainable location, close to the Antrim Road, with good access to public transport. DfI Roads were consulted and advises no objection to the proposal. The parking and traffic impacts are considered acceptable.</p> <p>Others matters</p> <p>The request to refer the application to Committee makes reference to Policies LC1 and LC2 of Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas. However, these are not relevant to the proposal as they relate to proposals for new housing.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p>	<p>Summary of Recommendation:</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.</p> <p>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</p>
<p>11.0</p>	<p>DRAFT CONDITIONS:</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>Informatives</p> <p>This decision relates to the following approved drawing number: 02</p>

ANNEX	
Date Valid	29 th September 2022
Date First Advertised	14 th October 2022
Date Last Advertised	14 th October 2022
Date of Last Neighbour Notification	12 th October 2022
Date of EIA Determination	N/A
ES Requested	No

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