

## Development Management Report

| <b>Summary</b>   |   |
|--|---|
| <b>Committee Date:</b> 12 <sup>th</sup> November 2024  |   |
| <b>Application ID:</b> LA04/2024/0369/F  |   |
| <b>Proposal:</b> Proposed Specialist Nursing and Residential Care Facility comprising approximately 158 no. beds, day/dining rooms, treatment rooms, staff rooms, office/store rooms, including car parking provision, cycle parking, refuse storage, landscaping, and associated site and access works.   | <b>Location:</b> Lands at Former Monarch Laundry site, and Broadway Hall Site, No's 451 - 457 Donegall Road, Belfast, BT12 6HD. |
| <b>Referral Route:</b> Application for Major development   |   |
| <b>Recommendation:</b> Refusal on flood risk grounds and insufficient parking  |   |
| <b>Applicant Name and Address:</b><br>Healthcare Ireland Group<br>1st Floor, Building 2, St Helens Business Park<br>130-134 St Helen's Court, High Street<br>Holywood<br>BT18 9HQ  | <b>Agent Name and Address:</b><br>TSA Planning<br>20 May Street<br>Belfast<br>BT1 4NL   |
| <b>Date Valid</b>  | 8 <sup>th</sup> February 2024   |
| <b>Target Date</b>   | 5 <sup>th</sup> September 2024  |
| <b>Contact Officer</b>   | Ed Baker, Planning Manager (Development Management)   |
| <p><b>Executive Summary:</b></p> <p>The application relates to lands at the former Monarch Laundry site and Broadway Hall site at Nos. 451-457 Donegall Road. Full planning permission is sought for the demolition of the existing Broadway Hall and the erection of a Specialist Nursing and Residential Care Facility comprising approximately 158 no. beds, day/dining rooms, treatment rooms, staff rooms, office/store rooms, including car parking provision, cycle parking, refuse storage, landscaping, and associated site and access works. The proposal would retain the Scheduled chimney.</p> <p>The application follows a detailed Pre-Application Discussion (PAD).</p> <p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• Principle of a Nursing and Residential Care facility in this location</li> <li>• Flood Risk</li> <li>• Design and Placemaking</li> <li>• Impact on heritage assets</li> <li>• Impact on amenity</li> <li>• Climate change</li> <li>• Open space</li> <li>• Access and transport</li> <li>• Health impacts</li> </ul> |   |

- Environmental protection
- Waste-water infrastructure
- Natural heritage
- Waste management
- Section 76 planning agreement
- Pre-Application Community Consultation

The application site is within the development limit and un-zoned in the BUAP 2001. It is also within the development limit and un-zoned in the draft Belfast Metropolitan Area Plan 2015 (v2004). In the draft Belfast Metropolitan Area Plan 2015 (v2014), the site is within the development limit and the majority of it zoned for housing with the exception of the western portion which is un-zoned “white land”.

The site is considered a sustainable location on an arterial route with a bus stop directly to the front of the site.

The applicant has demonstrated there is sufficient need for the proposal.

The proposed building is considered to be of a good design, appropriate to its location and context, that will regenerate an area of vacant land.

The application site is within the 1 in 100 year climate change fluvial flood plain. The proposed use is for bespoke accommodation for vulnerable groups for which there is a presumption against within a flood plain. A Flood Risk Assessment (FRA) has been submitted, however, DFI Rivers has not assessed it given that the proposal is not an exception to the policy. The applicant has submitted a peer review of the FRA which verifies its content and conclusions. The applicant has also submitted a statement of the material benefits of the proposal, however, these are not in the planning balance considered to outweigh the policy presumption against accommodation for vulnerable groups within the flood plain.

The application proposes 38 parking spaces which represents a shortfall of 20 when set against the parking standards. DFI Roads has objected to the application on grounds of insufficient parking. It has requested a parking survey which to date has not been provided. The application currently fails to demonstrate there is sufficient parking.

NI Water has objected on grounds of insufficient waste-water infrastructure. This issue is addressed in the main report.

There are no objections from other statutory or non-statutory consultees. There is an outstanding response from Environmental Health. Delegated authority is sought to deal with the outstanding consultation response from Environmental Health.

Three letters of support have been received.

### **Recommendation**

Having regard to the Development Plan and material considerations, it is recommended that planning permission is refused on grounds of flood risk and insufficient parking.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the reasons for refusal and deal with the outstanding consultation response from Environmental Health, and any other issues that arise, provided that the issues are not substantive.

# DRAWINGS AND IMAGERY

## Site Location Plan:



## Proposed Site Layout:



# Proposed Elevations:



Elevation A

Elevation B



Elevation C



Elevation D



Elevation E



Elevation F



Elevation G

**Finishing Schedule**

Roof - Marley Modern Roofing Tile Smooth Grey  
 Fascia, Soffit, Barge - White uPVC  
 Rainwater Goods - Black Aluminium  
 External Finish - Brickwork where shown, including soldier course above windows. External "Commercial Red - A38 1144"  
 External Finish - Flashed (K-Rend 'Arnie colour')  
 Windows - uPVC anthracite grey colour  
 Curtain walling & Spandrel Panels - Aluminium Anthracite grey colour  
 External works - Car parking, Permeable Block Paving  
 External works - Paths, brick pavers, heather colour  
 External works - Landscaping, grass areas as shown, trees, planters, shrubs etc.

**Architectural Design Partnership**

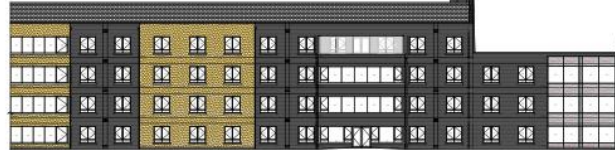


Elevation A

Elevation B



Elevation C



Elevation D



Elevation E



Elevation F



Elevation G

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**Architectural Design Partnership**

**GGIs:**



**Donegall Road**



**Junction of Donegall Road and Monarch Street**



**Access point from Monarch Street**



**Rear Elevation**

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| <p><b>1.0</b></p> <p>1.1</p> <p>1.2</p> <p>1.3</p> <p>1.4</p> <p>1.5</p> <p>1.6</p> | <p><b>Characteristics of the Site and Area</b></p> <p>This application relates to lands on the former Monarch Laundry Site and Broadway Hall site at Nos. 451-457 Donegall Road.</p> <p>The site is approximately 0.59 hectares (ha). It contains a dual frontage along Donegall Road and Monarch Street. The site is currently includes a single storey building known as “Broadway Hall” to the west while the remaining site was previously the Monarch Laundry site which has been demolished. There is an existing chimney which is designated a Scheduled Monument.</p> <p>The surrounding area is primarily residential in nature. To the east and south of the site are one to two storey semi-detached and terrace dwellings situated on side roads off the Donegall Road. To the north and west of the site are the West Link and Broadway Roundabout; there is also a Translink access point which runs along the boundary connecting the roundabout to the Grand Central Station.</p> <p><b>Description of Proposed Development</b></p> <p>The application seeks full planning permission for the demolition of the existing Broadway Hall and the erection of a Specialist Nursing and Residential Care Facility comprising approximately 158 no. beds, day/dining rooms, treatment rooms, staff rooms, office/store rooms, including car parking provision, cycle parking, refuse storage, landscaping, and associated site and access works.</p> <p>The proposed building is of a broadly “L” shape layout and contains dual frontage onto Donegall Road and Monarch Street. The primary access and entrance are on Monarch Street where the proposed main car park is located with a secondary access on Donegall Road to a secondary car park. The proposed building is to be three storeys fronting onto Donegall Road and four storeys fronting onto Monarch Street. The proposed materials are a mix of red brick and coloured render.</p> <p>The application was subject to a Pre-Application Discussion (PAD).</p> |
| <p><b>2.0</b></p> <p>2.1</p>  | <p><b>RELEVANT PLANNING HISTORY</b></p> <p>LA04/2019/1445/O – outline planning permission granted in December 2019 for residential development of 53no. apartments between 2.5 and 5 storeys with 53 car parking spaces, refuse storage and cycle parking area, landscaping and associated works. The permission expires on 4<sup>th</sup> December 2024 with the period for submitting applications for approval of reserved matters having lapsed.</p>   |
| <p><b>3.0</b></p> <p>3.1</p>  | <p><b>PLANNING POLICY</b></p> <p><b>Development Plan – Plan Strategy</b></p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p><i>Strategic Policies:</i></p> <p>Policy SP1A – managing growth and supporting infrastructure delivery<br/> Policy SP2 – sustainable development<br/> Policy SP3 – improving health and wellbeing<br/> Policy SP5 – positive placemaking</p>  |

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|     | <p>Policy SP6 – environmental resilience<br/> Policy SP7 – connectivity<br/> Policy SD2 – Settlement Areas</p> <p><i>Operational Policies:</i></p> <p>Policy HOU8 – Specialist Residential Accomodation</p> <p>Policy DES1 – Principles of urban design<br/> Policy DES2 – Masterplanning approach for major development<br/> Policy BH1 – Listed Buildings<br/> Policy BH5 – Archaeology</p> <p>Policy TRAN1 – Active travel – walking and cycling<br/> Policy TRAN2 – Creating an accessible environment<br/> Policy TRAN4 – Travel plan<br/> Policy TRAN6 – Access to public roads<br/> Policy TRAN8 – Car parking and servicing arrangements<br/> Policy TRAN9 – Parking standards within areas of parking restraint</p> <p>Policy ENV1 – Environmental quality<br/> Policy ENV2 – Mitigating environmental change<br/> Policy ENV3 – Adapting to environmental change<br/> Policy ENV4 – Flood Risk<br/> Policy ENV5 – Sustainable drainage systems (SuDS)</p> <p>Policy HC1 – Promoting healthy communities<br/> Policy GB1 – Green and blue infrastructure network<br/> Policy OS3 – Ancillary open space<br/> Policy TRE1 – Trees<br/> Policy NH1 – Protection of natural heritage resources</p> <p><u>Supplementary Planning Guidance</u></p> |
| 3.2 | <p>Placemaking and Urban Design<br/> Masterplanning approach for Major developments<br/> Sustainable Urban Drainage Systems<br/> Transportation<br/> Planning and Flood Risk</p>   |
| 3.3 | <p><b>Development Plan – zoning, designations and proposals maps</b><br/> Belfast Urban Area Plan (2001) BUAP<br/> Draft Belfast Metropolitan Area Plan 2015 (v2004)<br/> Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>  |
| 3.4 | <p><b>Regional Planning Policy</b><br/> Regional Development Strategy 2035 (RDS)<br/> Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>  |
| 3.5 | <p><b>Other Material Considerations</b><br/> Developer Contribution Framework (2020)<br/> Belfast Agenda (Community Plan)</p>  |



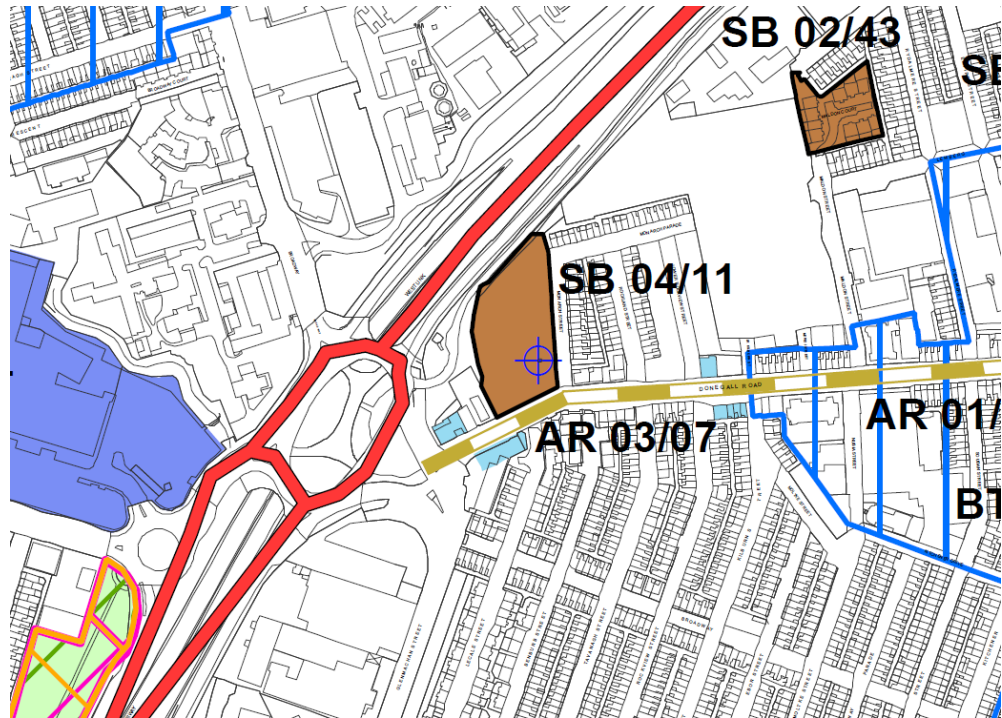
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| <p>4.0</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p> | <p><b>CONSULTATIONS AND REPRESENTATIONS</b></p> <p><u>Statutory Consultees</u></p> <p><b>DfI Roads</b> – Objection. Requested amendments and parking survey which to date has not been submitted.</p> <p><b>DfC HED</b> – No objection.</p> <p><b>DfI Rivers</b> – Site lies within the 1 in 100 year climate change fluvial flood plain. DfI Rivers will not assess the Flood Risk Assessment unless the Council deems the application an exception.</p> <p><b>DAERA</b> – No objection subject to conditions.</p> <p><b>NI Water</b> – Recommends refusal (see main assessment).</p> <p><u>Non-Statutory Consultees</u></p> <p><b>Planning Service Urban Design Officer</b> – No objection.</p> <p><b>Environmental Health</b> – Awaiting response following submission of further information</p> <p><b>Tree Officer</b> – No objection.</p> <p><b>BCC Economic Development Unit</b> – Recommends an employability and skills developer contribution for both the construction and operational phases.</p> <p><b>Shared Environmental Services (SES)</b> – No objection.</p> <p><b>Development Plan Housing Team</b> – see main assessment.</p> <p><u>Representations</u></p> <p>The application has been advertised in the newspaper and neighbours notified.</p> <p>Three letters of support have been received. The letters of support cite the need for elderly care in the area, the economic benefits, and the regeneration of the vacant land. Blackstaff Residents Association has offered no comments.</p> |
| <p>5.0</p> <p>5.1</p>                                  | <p><b>PLANNING ASSESSMENT</b></p> <p><b>Main Issues</b></p> <p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• Principle of a Nursing and Residential Care facility in this location</li> <li>• Flood Risk</li> <li>• Design and placemaking</li> <li>• Impact on heritage assets</li> <li>• Impact on amenity</li> <li>• Climate change</li> <li>• Open space</li> <li>• Access and transport</li> </ul>   |

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|     | <ul style="list-style-type: none"> <li>• Health impacts</li> <li>• Environmental protection</li> <li>• Waste-water infrastructure</li> <li>• Natural heritage</li> <li>• Waste management</li> <li>• Section 76 planning agreement</li> <li>• Pre-Application Community Consultation</li> </ul> <p><b>Development Plan Context</b></p>   |
| 5.2 | 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.  |
| 5.3 | 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.  |
| 5.4 | 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 (“Departmental Development Plan”) remain part of the statutory local development plan until the Local Policies Plan is adopted.                            |
|     | <u>Operational Polices</u>   |
| 5.5 | The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed at paragraph 3.1.  |
|     | <u>Proposals Maps</u>  |
| 5.6 | 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 (“Departmental Development Plan”), 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 maps 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. |
| 5.7 | <b>Belfast Urban Area Plan 2001</b> – the site is un-zoned “white land” within the development limit.  |
| 5.8 | <b>Draft Belfast Metropolitan Area Plan 2015 (v2004)</b> – the site is un-zoned “white land” within the development limit.   |
| 5.9 | <b>Draft Belfast Metropolitan Area Plan 2015 (v2014)</b> – the majority of the site is zoned for housing with the exception of the western portion which is white land. The site is within the development limit.  |

**Principle of a Nursing and Residential Care facility in this location**

5.10 The site is located within the urban development limit in the BUAP 2001 and both versions of dBMAP 2015.

5.11 The entire site is un-zoned “white land” in the BUAP 2001 and dBMAP 2015 (v2004). The majority of the site, with the exception of the western portion, is zoned for housing within dBMAP 2015 (v2014), as shown the proposals map below.



5.12 Policy HOU8 of the Plan Strategy states that planning permission will be granted for Specialised Residential Accommodation where the following criteria are met.

- a. *The homes and/or bed spaces to be provided meet community needs demonstrated through a statement of specialist housing need;*

5.13 A statement of specialist housing need has been submitted with the application. It states that the 2021 census data demonstrates an ageing population which illustrates that demand for Specialist Residential Accommodation (SRA) will continue to increase. The statement confirms that seven care homes in Belfast have closed since 2015 resulting in a decreased supply while a 2022 report confirmed NI has the highest occupancy levels of SRA in the UK, illustrating that the local care sector is close to capacity.

5.14 The Planning Service’s Plans and Policy team has been consulted. It recognises that the proposed accommodation does appear to be seeking to cater for the growing needs of the population, however, the statement lacks detail in terms of enabling the closure of care homes in NI to be directly correlated to an additional need for Belfast. The applicant submitted further information detailing the care homes that have closed in Belfast since 2015 which has led to a loss of 223 beds. While the statement does not account for planning approvals since 2015, it is clear that given the Plan Strategy’s requirements of 820 additional bed

spaces over the plan period until 2035, combined with the loss of bed spaces in the city, that there is a demonstrable need.

- b. *The proposals will deliver convenient access to relevant local services and facilities, including local shops, public transport routes and health facilities.*

5.15

The proposal is located within the development limit of Belfast. The Donegall Road itself provides access to relevant local services and facilities as well as being an arterial route to the City Centre. The site is within 120m to the nearest shops and neighbourhood convenience store. Public transport is easily accessible with a bus stop directly to the front of the Donegall Road entrance. The site is within close proximity to both the City Hospital and the Royal Victoria Hospital.

5.16

Having regard to the above assessment, the proposal is considered to satisfy Policy HOU8 of the Plan Strategy.

**Flood Risk**

5.17

The application site is within the 1 in 100 year climate change fluvial flood plain as confirmed by DFI Rivers and as shown in the flood map below:



5.18

Policy ENV4 relates to flood risk and states that:

*'In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions. All planning applications will be determined with reference to the most up to date flood risk information available and in consultation with DfI Rivers and other relevant bodies as appropriate.'*

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| 5.19 | Policy ENV4 goes onto refer to the SPPS which sets out the planning policies for flood risk to minimise flood risk to people, property and the environment. The council will take full account of these in assessing development proposals.   |
| 5.20 | <p>Paragraph 6.107 of the SPPS states that built development must not be permitted within the flood plains of rivers or the sea unless the following circumstances apply:</p> <ul style="list-style-type: none"> <li>• the development proposal constitutes a valid exception to the general presumption against development in flood plains (exceptions for defended and undefended areas of the flood plain are set out at Figure 1);</li> <li>• the development proposal is of overriding regional or sub-regional economic importance; and</li> <li>• the development proposal is considered as minor development in the context of flood risk.</li> </ul>  |
| 5.21 | <p>None of the above circumstances apply as set out below.</p> <p><i>Whether the proposal constitutes a valid exception:</i></p>  |
| 5.22 | <p>The site is located within an undefended area and the valid exceptions are listed below:</p> <ul style="list-style-type: none"> <li>○ replacement of an existing building;</li> <li>○ development for agricultural use, transport and utilities infrastructure, which for operational reasons has to be located in the flood plain;</li> <li>○ water compatible development, such as for boating purposes, navigation and water based recreational use, which for operational reasons has to be located in the flood plain;</li> <li>○ the use of land for sport or outdoor recreation, amenity open space or for nature conservation purposes, including ancillary buildings;</li> <li>○ the extraction of mineral deposits and necessary ancillary development.</li> </ul> |
| 5.23 | <p>Whilst the proposal involves the replacement of an existing building, paragraph 6.108 of the SPPS clearly states that: <i>‘Even where the proposal constitutes an exception to the policy there should be a presumption against certain types of development in the flood plain including bespoke development for vulnerable groups, essential infrastructure (unless for operational reasons it has to be in the flood plain) and also development for the storage of hazardous substances likely to cause pollution in a flood event.’</i></p>   |
| 5.24 | <p>Figure 1 of the SPPS (page 64) refers to the ‘Exceptions to General Presumption against Development in Flood Plains’. Amongst some other forms of development, it excludes <i>‘bespoke accommodation for vulnerable groups, such as schools, residential / nursing homes, sheltered housing’</i> from being an “exception”.</p>  |
| 5.25 | <p>The Council’s Planning and Flood Risk SPG provides further guidance on development within a flood plain.</p>   |
| 5.26 | <p>Paragraph 4.2.21 states that <i>‘the replacement of a building to provide bespoke accommodation allowing for the introduction of vulnerable groups to the flood risk area is unacceptable.’</i></p>  |
| 5.27 | <p>It is clear from both the SPPS and SPG that since the proposal involves bespoke accommodation for vulnerable groups (i.e. residential/nursing home), the proposal cannot be considered an exception.</p>   |

5.28 Whilst the previous approved development on the site was deemed an exception (LA04/2019/1445/O), that permission was for general housing and did not involve accommodation for vulnerable groups.

*Whether the development proposal is of overriding regional or sub-regional economic importance:*

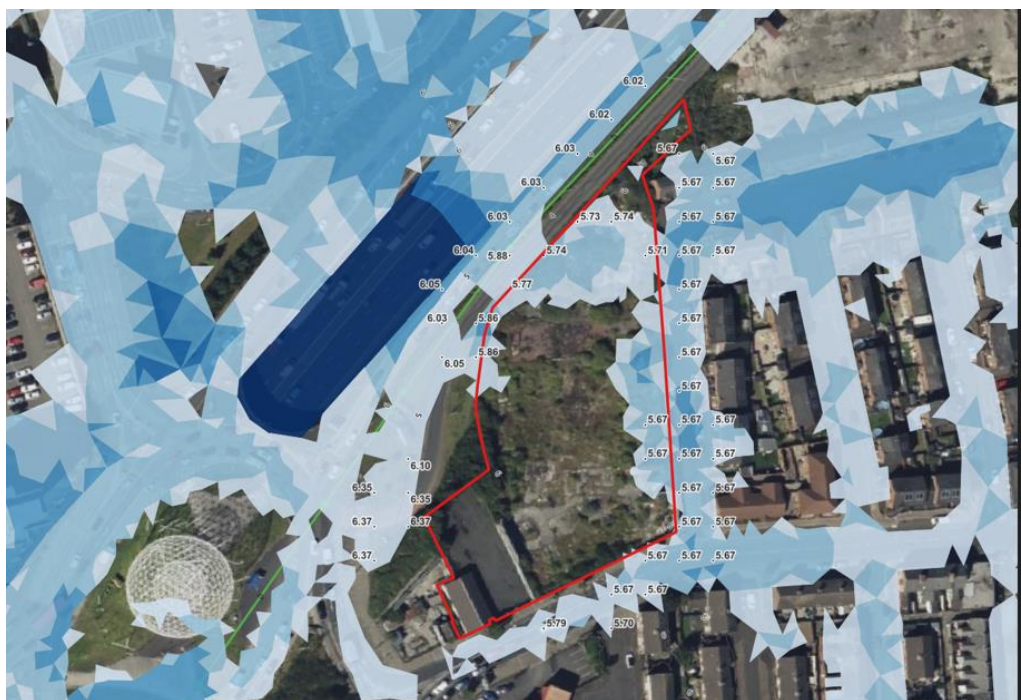
5.29 The proposed nursing home is not considered to be of overriding regional or sub-regional economic importance.

*Whether the development proposal is considered as minor development in the context of flood risk:*

5.30 The proposal is not minor development; examples of minor development include alterations to buildings and “householder” development such as sheds, garages and extensions.

*Flood Risk Assessment:*

5.31 Even though the proposal is not deemed an exception, the applicant has submitted a Flood Risk Assessment (FRA) in support of the application. The hydraulic model used to produce Flood Maps (NI) mapping was licensed and reviewed with amendments made to the model to reflect recent changes to the Clowney River and to represent structures and flood storage associated with the Westlink underpass. The new modelling within the FRA is shown below:



5.32 The FRA concludes that:

- The duration of flooding on/adjacent to the site for the 1% climate change flood is estimated to be 3.5hrs;
- The proposed buildings are sited at a flood resilient level to adjacent flooding and are unaffected by internal flooding;

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|      | <ul style="list-style-type: none"> <li>• Areas of access and car parking area affected by flooding up to 0.15m deep;</li> <li>• The bin store is affected by flooding up to 0.25m deep;</li> <li>• Recreational/green space is affected by flooding up to 0.4m deep;</li> <li>• The primary access from Monarch Street would be flooded to a depth of 0.35m which would prevent main access and egress to the site. However, the emergency services would be able to access the building from the secondary access and car park from Donegall Road which would be affected to a lesser extent (&lt;0.1m); and</li> <li>• The proposed layout is designed to accommodate a key flood flow route which ensures that the proposal causes no flooding elsewhere.</li> </ul> |
| 5.33 | <p>Whilst the proposal is not an exception, the Planning Service asked DfI Rivers to assess the submitted Flood Risk Assessment to allow officers to understand the extent of the actual flood risks during a flood event, as a material consideration relevant to the assessment of the proposal by the Council. DfI Rivers responded by email, stating that:</p> <p><i>‘The Planning Authority has informed Rivers Directorate that the proposed development will not be deemed an exception as set out under the “Exceptions to development within flood plains” heading of the SPG – accordingly, in line with the sequential nature of policy, Rivers Directorate has not appraised the Flood Risk Assessment (FRA).’</i></p>                                      |
| 5.34 | <p>DfI Rivers has maintained this position through officers’ discussions with them.</p>   |
| 5.35 | <p>Given that the FRA has not been independently assessed by DfI Rivers, officers are unable to confirm the accuracy of the content and conclusions of the FRA.</p>   |
| 5.36 | <p>However, the applicant has commissioned an independent peer review of the FRA which concludes that the FRA <i>‘shows that the proposal causes no change to the predicted flooding to any third-party land, and slight changes in flood risk within the site are accommodated within the freeboard and mitigation measures proposed to the development. RPS have no reason to disagree with the findings of the FRA.’</i></p>   |
| 5.37 | <p>The FRA was carried out by a professional qualified engineer and has been subject to peer review which has confirmed its conclusions. Officers have no reason to dispute the findings of the FRA or its conclusions.</p>   |
| 5.38 | <p>Notwithstanding the FRA, the proposal is clearly contrary to Policy ENV4, which states that: <i>‘In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.’</i></p> <p><i>Material considerations:</i></p>   |
| 5.39 | <p>Section 6(4) of the Act requires the Council to determine the application in accordance with the Development Plan unless material considerations indicate otherwise. In response to officers’ position in respect of Policy ENV4, the applicant has outlined a number of material considerations which they wish to be taken into account in the assessment of the application as set out below.</p>   |

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|      | <u>Overriding Health Care Need</u>   |
| 5.40 | The applicant states that in NI there is a demand for over 3,000 beds and a bed blocking issue within NHS hospitals. Statistics are provided to demonstrate that there is an increasing need for care services in NI as well as delays in patient discharge rates due to the lack of care home capacity.   |
| 5.41 | The statement goes onto outline the community health care benefits such as patients receiving the right care at the right time, alleviating the strain on hospitals, better health outcomes for patients, safe place for the elderly and vulnerable with appropriate care plans, social interaction and medication management.   |
|      | <u>Redevelopment of a Brownfield Site</u>  |
| 5.42 | The applicant outlines the benefits of redeveloping a brownfield site formerly used as a 'Laundry' before being demolished between 2004 and 2005 (with the exception of the Scheduled chimney stack). They state that the proposal is an opportunity to bring underutilised land back into use.  |
|      | <u>Interface/Flash Point/ Anti-Social Behaviour</u>  |
| 5.43 | The applicant states that the site has been subject to sectarian violence and has historically been used for bonfires. A letter of support from MLA Edwin Poots is included with their statement.  |
|      | <u>FRA and Peer Review of Flood Risk at the Site</u>   |
| 5.44 | The statement acknowledges that the Council is not in a position to grant an exception to policy given it is a development proposal involving bespoke accommodation for vulnerable groups.   |
| 5.45 | However, the statement refers to the previous outline planning permission for residential redevelopment of the site (LA04/2019/1445/O) and that the proposal was granted an exception as it was considered a replacement building. The applicant contends that the previous approval would have resulted in significant intensification of use which for which there is a presumption against under the previous Policy FLD1 of PPS 15 and current Plan Strategy. It goes onto say that the current planning application is no different to the previous in that there were replacement buildings at a point in time.                            |
| 5.46 | However, officers advise that there is a clear distinction between the previous approval which was for general housing and the current proposal which is for accommodation for vulnerable groups. A proposal for general housing allows a degree of planning judgement as to whether the housing would represent a significant intensification when set against the previous building; this is not the case for accommodation for vulnerable groups which should be resisted in the flood plain. As set out in detail previously, the policy position is very clear that accommodation in the flood plain for vulnerable groups is unacceptable. |





**Monarch Laundry site prior to demolition**



**Previous outline approval (LA04/2019/1445/O)**



**Proposed Site Layout (LA04/2024/0396/F)**

- 5.47 Moreover, it should be noted that since the previous approval, the Council has adopted its Plan Strategy and a new flood risk policy in the form of Policy ENV4. It has also published detailed guidance through the Planning and Flood Risk SPG.
- 5.48 The applicant’s statement considers that the policy is worded in a manner that does not completely rule out bespoke accommodation for vulnerable groups. It advises that policy states it should be avoided. Paragraph 6.106 in the SPPS states that development in flood risk should be avoided where possible; this applies to all development regardless of whether or not the proposal is considered an exception to the policy or not. Paragraph 6.107 is stronger in stating that built development must not be permitted within floodplains unless one of the three listed circumstances apply. Paragraph 6.108 reiterates the presumption against certain types of development in a flood plain including bespoke development for vulnerable groups. Furthermore the, paragraph 4.2.21 of the SPG states that the introduction of vulnerable groups to the flood risk area is unacceptable.
- 5.49 The applicant’s statement refers to the submitted FRA and the measures undertaken in reducing the residual risks. The applicant appointed RPS to provide a peer review of the FRA and confirms that it has no reason to disagree with the findings of the FRA. As previously stated, officers have no reason to dispute the conclusions of the FRA.
- Economic Benefits
- 5.50 The applicant states that the proposal represents an investment of £18.5 million to the local economy with the potential for 150-180 construction jobs and creation of 185 full time caring jobs. These are relevant material considerations that support the case for the proposal.

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|      | <i>Conclusion on the issue of flood risk:</i>  |
| 5.51 | Officers recognise the significant benefits of the proposal as outlined by the applicant, which are material considerations relevant to the consideration of the application. However, Policy ENV4 is very clear that: <i>'In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.'</i> Given this clear policy position, it is considered that the material considerations advanced by the applicant do not in the planning balance outweigh the policy presumption against new development in the flood plain, especial for accommodation for vulnerable groups. |
| 5.52 | For these reasons, it is recommended that planning permission is refused with the proposal contrary to Policy ENV4 and paragraphs 6.106 to 6.108 of the SPPS.  |
|      | <b><u>Design and placemaking</u></b>   |
| 5.53 | The proposal has been assessed against Policies SP5, DES1 and DES2 of the Plan Strategy, the SPPS and Creating Places. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent development.  |
|      | <i>Scale, height and massing:</i>  |
| 5.54 | The form of the building is broadly an “L” shape with a dual frontage onto Donegall Road and Monarch Street. Facing onto Donegall Road the proposal is three storeys in height at 13.4m. There is a three storey flat roof link to the rear section which then rises to four storey at a height of 14.8m. The building then steps down to three storeys again to 9.4m as it moves closer to the dwellings on Monarch Street.   |
| 5.55 | The surrounding area is comprised of bungalows and two storey dwellings. It is considered that the three storey section fronting onto the Donegall Road is of a contextually appropriate height that is sympathetic to the existing character of the surrounding area. The building line has been cut back from the junction of the Donegall Road and Monarch Street which allows views of the Scheduled chimney to be appreciated.  |
| 5.56 | The proposal contains a three storey flat roof element which links the three storey section fronting the Donegall Road to the four storey section along Monarch Street; this section acts as a transition piece which is considered successful in dealing with the increase in height to the rear.   |
| 5.57 | While the proposed four storey section is significantly taller than the two storey dwellings along Monarch Street, the building is set 25m behind the site frontage which provides relief to the exiting dwellings and allows the proposal to sit comfortably within the surrounding area. This section utilises a shallow pitch and a parapet wall which aids in reducing the height of the building as well as allowing the building to appear as a modern interpretation of a Victorian Warehouse.  |
| 5.58 | The step down to three stories at the end section is considered appropriate as the building moves closer to the residential dwellings on Monarch Street and provides a bridge in height between the four storey element and the two storey dwellings.  |

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| 5.59 | <p>The Council's Urban Design Officer (UDO) was consulted and raises no concerns in terms of the proposed scale, height and massing following the PAD process. The UDO welcomes the three storey element between the two blocks, the larger amenity space and additional articulation along Monarch Street. The UDO requested consideration to be given to the addition of a parapet along the four storey element as well as additional detailing. The UDO's suggestions have been incorporated into amended plans.</p> <p><i>Architectural treatment:</i></p> |
| 5.60 | <p>As mentioned, the design of the building takes the form of a modern interpretation of a Victorian Warehouse, which is considered contextually appropriate to the site and its history. The proposed materials comprise a mix of red brick and sections of render. With consideration to the site's industrial heritage and the existing Scheduled chimney, red brick is considered an appropriate material while the use of render will aid in breaking up the elevations.</p> <p><i>Public realm:</i></p>   |
| 5.61 | <p>There are no proposed alterations to the public realm. The Donegall Road frontage is set back off the footpath to allow a private pathway with an area of landscaping to give a degree of defensible space and minimise any impacts to prospective residents.</p> <p><i>Masterplanning:</i></p>  |
| 5.62 | <p>Policy DES 2 requires proposals to adopt a holistic approach to site assembly, layout and design that is mindful of adjacent sites, where suitable for redevelopment, while avoiding prejudice for future development potential and/or quality where development is of a significant scale and prominence.</p>   |
| 5.63 | <p>The proposal is deemed to comply with policy DES2. The proposal is mindful of the adjacent residential dwelling and sets back the building to give sufficient separation distance. The proposal removes the existing physical barriers to the site such as the palisade fence and wall. The proposal includes high quality landscaping and retains a key landmark which is the existing listed chimney.</p> <p><i>Conclusion:</i></p>  |
| 5.64 | <p>Overall, the design quality of the scheme is welcomed and the proposal is considered compliant with Policies DES1, DES2 and relevant provisions of the SPPS.</p> <p><b><u>Impact on the heritage assets</u></b></p>  |
| 5.65 | <p>The application site contains a Scheduled monument in the form of a factory chimney associated with the former Monarch Laundry and Donegall Weaving Company factory. This is a monument of regional importance, scheduled for protection under protection under the Historic Monuments and Archaeological Objects (NI) Order 1995.</p>   |
| 5.66 | <p>The proposal retains the chimney within a grassed amenity area.</p>  |
| 5.67 | <p>DFC Historic Environment Division have been consulted and advises that the site layout is satisfactory being located within an area of greenspace which separates the Scheduled chimney from the buildings and allows maintenance access to it.</p>  |

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| 5.68 | HED has reviewed the Condition Survey and Conservation Management Plan provided with the application. HED has no objections subject to conditions but notes that the proposed site plan within the Condition Survey and Conservation Management Plan is a previous version. The applicant has since updated this to reflect the most up to date Site Layout.   |
| 5.69 | It is considered that the setting of the Scheduled monument would be safeguarded and that the proposal accords with Policies BH1 and BH5, and relevant provisions of the SPPS.   |
|      | <p><b><u>Impact on amenity</u></b></p> <p><i>Open space and amenity space:</i></p>   |
| 5.70 | Policy OS3 requires that all new development proposals make appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to a) the normal expectation will be at least 10% of the total site area; and b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development. |
| 5.71 | The proposal includes three large amenity areas to the front, rear and northern end of the site rooftop amenity spaces measuring approximately 1,565sqm in size. This amount of open space would result in 26% of the total site area which exceeds the 10% open space requirement of Policy OS3 are met.  |
| 5.72 | <p>The external amenity areas would equate to an average of 9.9sqm per bedroom. <i>Creating Places</i>, published in 2000, recommends that private communal open space should range from 10 sqm to around 30 sqm, however, this applies to apartment or flat developments, or 1 and 2-bedroom houses on small urban infill sites, and is not directly applicable to a residential care facility where there would be an expectation of a reduction in amenity space. Nevertheless, the proposed amenity provision is considered generous.</p> <p><i>Daylight and sunlight to bedrooms:</i></p>   |
| 5.73 | <p>An overshadowing analysis is provided with the application and demonstrates that all rooms will receive sufficient daylight and sunlight.</p> <p><i>Impact on neighbouring amenity:</i></p>   |
| 5.74 | The proposal is situated opposite two storey dwellings on Monarch Street and the gables of dwellings at the junctions of Locale Road, Benburb Street and the Donegall Road. An overshadowing analysis was submitted with the application and demonstrates the proposal would not cause an unacceptable degree of overshadowing to neighbouring dwellings and that the proposal would have no impact on rear gardens. Due to the separation distance between the proposal and the dwellings there are no concerns about overlooking.  |
| 5.75 | In these regards, the proposal is considered to satisfy Policies DES1 and RD1, and relevant provisions of the SPPS.  |

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|      | <p><b><u>Climate change</u></b></p> <p><i>Demolition:</i></p>   |
| 5.76 | <p>The proposal involves the demolition of the existing Broadway Hall to facilitate the proposal. Policy ENV 2 states that:</p> <p><i>‘Development proposals should, where feasible, seek to avoid demolition and should consider how existing buildings or their main structures could be reused. Development proposals that include the demolition of existing buildings should demonstrate that reuse is not appropriate or feasible. Where demolition is proposed, measures should be included to minimise any waste through the reuse of as much building material as possible.’</i></p> |
| 5.77 | <p>A Demolition Justification Statement has been submitted and states that Broadway Hall lacks architectural significance and does not meet current building regulations. It is acknowledged that given the proposal it would be difficult to incorporate the building within the design of the site. The demolition of the existing building is therefore considered acceptable.</p>   |
| 5.78 | <p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The proposed building contains two green roof areas which aid with drainage control, temperature regulation and biodiversity gains. The proposals are considered to satisfy Policies ENV2 and ENV3.</p>                     |
| 5.79 | <p>Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The application proposes SuDS features such as the provision of the two green roof areas as well as permeable paving in both parking areas. The proposals are considered to satisfy Policy ENV5.</p>   |
|      | <p><b><u>Access and transport</u></b></p> <p><i>Accessibility and parking:</i></p>  |
| 5.80 | <p>The proposal is in an accessible location on an arterial route. There is a bus stop directly to the front of the Donegall Road frontage.</p>   |
| 5.81 | <p>The proposal is supported by a Travel Plan which will further encourage more sustainable forms of transport to and from the site.</p>  |
| 5.82 | <p>In terms of the access, DFI Roads has requested a note referring to gates to be removed from drawings; the applicant has submitted an amended drawing and DFI Roads has been re-consulted. It is not anticipated that there will be any further issues in regards to the proposed access.</p>  |
| 5.83 | <p>The proposal is considered acceptable having regard to Policies TRAN1, TRAN2, TRAN4, TRAN6, and TRAN 9, and relevant provisions of the SPPS.</p>   |
| 5.84 | <p>Policy TRAN 8 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements.</p>   |

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| 5.85 | The proposal contains 38 parking spaces located across two car parking areas.  |
| 5.86 | Regarding parking, DfI Roads states that the level of parking provision required by the Department's Parking Standards is 58 spaces. The proposal therefore results in a shortfall of 20 spaces or 34%. A parking survey was requested to determine the level of on-street parking capacity to serve the development. The applicant submitted further information clarifying that the submitted TAF details a parking accumulation and calculates a requirement of 29 spaces and that the proposed parking provision is comparable to that of the previous outline approval.   |
| 5.87 | <p>However, DfI Roads maintains their position and states that the previous outline permission was accompanied by a parking survey. Policy TRAN 8 states five circumstances in which a reduced level of car parking may be acceptable. Criteria (c) states that <i>where the development would benefit from spare capacity available in nearby public car parks or adjacent on street car parking</i>. Whilst a reduction in parking may be acceptable, the applicant has failed to demonstrate there is spare capacity available through on street parking through the submission of a parking survey. The application therefore fails to demonstrate that there is sufficient parking to serve the development. The proposal could result in overspill of parking onto the adjacent streets to the detriment of local residents' amenity, highway safety and the free flow of traffic. The proposal is contrary to Policy TRAN 8 of the Plan Strategy.</p> <p><b><u>Health impacts</u></b></p> |
| 5.88 | Policy HC1 seeks to ensure that all new development maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.   |
| 5.89 | The site is accessible and provides good opportunities for active travel, including walking and cycling, through excellent linkages within the City Centre and its shops, services and amenities. The proposal is supported by a Travel Plan which will further encourage more sustainable forms of transport to and from the site.  |
| 5.90 | In terms of place making, the proposed building is considered to be of a good quality design which would provide a pleasant living environment for residents and staff with good levels of amenity space and open space, and well as enhancing the character and appearance of the area.   |
| 5.91 | The proposal is considered to satisfy the requirements of Policy HC1.  |
|      | <b><u>Environmental protection</u></b>   |
| 5.92 | Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of contaminated land, air quality, lighting, odour and noise.   |

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|       | <u>Contaminated land</u>   |
| 5.93  | The contaminated land reports provided with the application conclude that remediation is required. Environmental Health has concerns with the remediation measures contained within the submitted report and requested further information to address queries. The information has been submitted and Environmental Health's response remains outstanding.   |
|       | <u>Air quality</u>   |
| 5.94  | The application is accompanied by an Air Quality Impact Assessment, Environmental Health were consulted and are unable to confirm at this time that the site has been adequately assessed in relation air quality impact. Further information was required and has been submitted, Environmental Health's response remains outstanding.  |
|       | <u>Noise and vibration</u>   |
| 5.95  | The proposal is located within close proximity of the Westlink. Measurements were taken from Royal Victoria Hospital in 2020 which is a similar distance from the Westlink as the proposed site. Environmental Health have concerns these measures are not suitably representative of the noise impacting the development site given these were taken during lockdown restrictions, further information was requested which has been submitted and Environmental Health's response remains outstanding.  |
| 5.96  | While Environmental Health's response is outstanding it is considered that there will be acceptable remediation measures to satisfy the issues above, delegated authority it sought to deal with any matters arising providing they are not considered substantial.  |
| 5.97  | The proposal is considered to accord with Policy ENV1.   |
|       | <b><u>Waste-water infrastructure</u></b>   |
| 5.98  | Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water objects to the proposal due to the downstream catchment being constrained by overloaded sewage infrastructure, however, no clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all. For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy. |
|       | <b><u>Natural heritage</u></b>   |
| 5.99  | Policy NH1 relates to the protection of natural heritage resources.  |
| 5.100 | The site is not located within the boundary of any statutory or non-statutory designated sites or sites of national or local nature conservation. However, the site is immediately adjacent and hydrologically linked to designated sites within Belfast Lough.  |
| 5.101 | Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough. Water quality of Belfast Lough is a key consideration. The  |



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|       | Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.  |
| 5.102 | Following an Appropriate Assessment in accordance with the Regulations, and having considered the nature, scale, timing, duration and location of the project, SES advises that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. The conclusion is subject to a condition requiring the method of sewage disposal to be agreed in writing with NI Water. |
| 5.103 | DAERA has provided advice from the Regulation Unit and Groundwater Team which have no objections subject to conditions.  |
| 5.104 | The proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the SPPS.   |
|       | <b><u>Waste Management</u></b>   |
| 5.105 | The application is supported by a Service Management Plan. A separate bin store is located to the north of the site along the boundary. The provision of bins complies with the Waste Management SPG.  |
|       | <b><u>Employability and Skills</u></b>   |
| 5.106 | The <i>Developer Contribution Framework</i> requires proposals for Major development to contribute towards Employability and Skills where necessary.   |
| 5.107 | The Council’s Economic Development Unit notes that the estimated construction cost of the development is £12 million. The Economic Development Unit advises that an Employability and Skills Developer Contribution is required for the construction period and operational phase of development and this should be secured by a Section 76 planning agreement.  |
|       | <b><u>Section 76 planning agreement</u></b>  |
| 5.108 | Were the application to be approved, a Construction Employability and Skills Plan would be necessary to make the proposed development acceptable. This would need to be secured through a Section 76 planning agreement.   |
|       | <b><u>Pre-Application Community Consultation</u></b>   |
| 5.109 | For applications for Major development, there is a legislative requirement for applicants to consult the community in advance of submitting the application.   |
| 5.110 | Applicants are required to submit to the council a ‘Proposal of Application Notice’ (PAN) in advance of making the application, which sets out the proposals for the pre-community consultation. A PAN was submitted in July 2023 (LA04/2023/3620/PAN) and confirmed by the Council to be acceptable.  |
| 5.111 | The applicant is further required to prepare a Pre-Application Community Consultation report (PACC) to accompany the planning application. A PACC Report was submitted with the application, which describes the engagement process and feedback received.   |

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| 5.112 | A public event was held in August 2023 and dedicated community consultation website established. A total of 20 responses were received to the Pre-Application Community Consultation Feedback was provided in relation to the benefits for the community, the retention of the chimney and concerns regarding the lack of parking. 85% of respondents strongly agreed with the proposal while 15% agreed.   |
| 5.113 | The PACC report is considered compliant with the legislative requirements.  |
| 6.0   | <p><b>Recommendation</b></p> <p>6.1 The site is located within a flood risk area where there is a presumption against development, especially for accommodation for vulnerable groups such as a nursing home. The applicant has advanced a number of material considerations that support the case for the granting of planning permission including the shortfall of healthcare and current pressures on the health service; regeneration of a brownfield site; removal of a bonfire site; the applicant's Flood Risk Assessment (RFA); and the economic benefits of the scheme. However, Policy ENV4 is clear that: <i>'In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.'</i> ENV 4 states the council will take full account of the planning policies within SPPS and paragraph 6.108 states <i>there should be a presumption against certain types of development in the flood plain including bespoke development for vulnerable groups.</i> Officers consider that the material considerations do not in the planning balance considered to outweigh the policy presumption against accommodation for vulnerable groups within the flood plain.</p> <p>6.2 Having regard to the Development Plan and material considerations, it is recommended that planning permission is refused.</p> <p>6.3 Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the reasons for refusal and deal with the outstanding consultation response from Environmental Health, and any other issues that arise, provided that the issues are not substantive.</p> |
| 7.0   | <p><b>DRAFT REASONS FOR REFUSAL</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to the precautionary approach to new development in the flood plain in that it would result in accommodation for vulnerable groups (a nursing home) in an area at risk of flooding. The proposal fails to accord with Policy ENV4 of the Belfast Local Development Plan: Plan Strategy 2035; paragraphs 4.2.15 to 4.2.22 of the Planning and Flood Risk Supplementary Planning Guidance; and paragraphs 6.106 to 6.108 of the Strategic Planning Policy Statement for Northern Ireland. The material considerations advanced by the applicant are not considered to outweigh the Local Development Plan and planning policy.</li> <li>2. The proposal is contrary to Policy TRAN 8 of the Belfast Local Development Plan: Plan Strategy 2035, Transportation Supplementary Planning Guidance, DCAN 15 and paragraph 6.304 of the Strategic Planning Policy Statement for Northern Ireland in that the proposal fails to provide adequate provision for car parking. The proposal would likely result in overspill of parking into the local roads and streets to the detriment of highway safety, free of traffic and the amenities of local people.</li> </ol>  |

