

# Public Document Pack

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



**Belfast  
City Council**

13th March, 2025

## **PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall on Tuesday, 18th March, 2025 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

## **AGENDA:**

### **9. Planning Applications previously considered**

- (a) LA04/2017/1991/F - Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works. - Land adjacent to Concourse Buildings, Queens Road (Pages 1 - 30)
- (b) **WITHDRAWN:** ~~LA04/2021/0547/F - Demolition of the existing buildings and redevelopment of site for 2 no. commercial units on ground floor; 11 no. 1 & 2 bed apartments; landscaped communal courtyard; and all associated site works. - Lands at 124-126 Lisburn Road~~

### **10. New Planning Applications**

- (b) LA04/2022/1046/F - Proposed demolition of existing building and construction of a residential development consisting of 14 No. units (9 No. apartments within a three storey building and 5 No. two storey terraced dwellings) with associated landscaping and car parking (amended description). - 18 Annadale Avenue (Pages 31 - 60)



ADDENDUM REPORT 2	
<b>Committee Decision Date:</b> 18 <sup>th</sup> March 2025	
<b>Application ID:</b> LA04/2017/1991/F	
<b>Proposal:</b> Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.	<b>Location:</b> Land adjacent to Concourse Buildings Queens Road Belfast BT3 9DT.
<b>Referral Route:</b> Major development	
<b>Recommendation:</b> Approval subject to condition	
<b>Applicant Name and Address:</b> Catalyst Inc The Innovation Centre Queens Road Belfast BT3 9DT	<b>Agent Name and Address:</b> McAdam Design 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<b>Background</b> <ol style="list-style-type: none"> <li>1. The application was previously approved by the Planning Committee in April 2020, then March 2024, subject to conditions and a Section 76 planning agreement.</li> <li>2. At its March 2024 meeting, the Committee agreed to approve the application, subject to conditions and a Section 76 planning agreement and delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and to deal with any other issues that might arise provided that they were not substantive.</li> <li>3. The Section 76 planning agreement has still not been completed and so the application is brought back to the Committee for reconsideration.</li> <li>4. This addendum report should be read in conjunction with Addendum Report 1 to the March 2024 Committee and original Development Management Report to the April 2020 Committee, appended.</li> </ol> <b>Section 76 planning agreement</b> <ol style="list-style-type: none"> <li>5. The Section 76 planning agreement was originally required to secure the following:               <ul style="list-style-type: none"> <li>• To restrict the amount of floor space of the proposed office building that could be occupied until such time as the Eastern Access Road on Queens Island has been constructed. As reported to the Committee in March 2024, the Eastern Access Road has since been implemented and so this obligation is no longer required.</li> </ul> </li> </ol>	

- Vibration monitoring of the adjacent Scheduled Thompson dock (located outside the application site to the west) during construction to ensure that construction of the proposed development does not adversely affect the structural integrity of the Scheduled dock.
6. The applicant has pointed to the fact that DfC HED, in responding to the consultation on the planning application for 5 and 3 storey extensions to the ECIT building on the adjoining land to the south (LA04/2024/0393/F), approved by the Committee in November 2024, recommended that vibration monitoring can be dealt with by condition rather than through a Section 76 planning agreement.
  7. The draft planning agreement provides for the following in respect of the vibration monitoring of the Thompson Dock:
    - Evidence of consent from both Belfast Harbour Commissioners and Titanic Properties for the Development
    - Submission and approval by the Council of a survey of the Thompson Dock and vibration monitoring scheme
    - Actions required of the developer should there be exceedance of the vibration limits approved as part of the vibration monitoring scheme
  8. HED has been asked to confirm whether they consider the matter can be dealt with by condition but has yet to formally respond. Nevertheless, officers advise that it would be appropriate to deal with the matter by condition rather than Section 76 planning agreement, based on the following principles:
    - a) A negatively worded (Grampian) condition can be applied, even where the works or activity are to be carried out outside the application site, where there is reasonable prospect of the requirements of the condition being fulfilled. This is considered apply in this case.
    - b) Where a matter can be addressed through a condition, it should be dealt with by condition rather than a Section 76 planning agreement.
    - c) The approach is consistent with the DfC HED's advice and the Committee's decision to impose a condition to secure vibration monitoring for the neighbour ECIT planning permission (LA04/2024/0393/F).

### **Recommendation**

9. Having regard to the Development Plan and material considerations, the recommendation is to approve the application subject to conditions, including a condition to deal with the vibration monitoring requirements rather than a Section 76 planning agreement.
10. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.

### **DRAFT CONDITIONS:**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for Class B1(c) research and development and shall not be used for any other purpose falling within Use Class B1 without express planning permission.

Reason: Alternative use requires further consideration by the Council, having regard to the Zoning BHA01 of the Belfast Metropolitan Area Plan 2015 (v2014).

3. No development or works (including clearance of the site or site preparation) shall commence on site unless a Vibration Monitoring Method Statement has been submitted to and approved in writing by the Council. The Vibration Monitoring Method Statement shall include:

- a conditions survey of the Scheduled Thompson Dock
- vibration monitoring scheme
- methodology for circumstances where the vibration limits set out in the vibration monitoring scheme are exceeded

No development or works shall be carried out unless in accordance with the Vibration Monitoring Method Statement so approved.

Reason: To protect the Scheduled Thompson Graving Dock from unacceptable levels of vibration during construction.

4. No part of the development hereby permitted shall become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 15 'Queens Road Access Sightlines', bearing the Belfast City Council Planning Office date stamp 14 May 2019 and Drawing No. 16 'Sightlines and Car Parking Dimensions', bearing the Belfast City Council Planning Office date stamp 14 May 2019, prior to the occupation of any other development hereby permitted. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

5. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site.

6. A minimum of 24 No. secure cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

7. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

8. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

9. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of the porous public realm and hard surfaced areas have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of sustainable drainage of the site.

10. Prior to the commencement of development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council. This should reflect all the mitigation and avoidance measures to be employed as detailed in the outline CEMP, Proposed Drainage Layout (May 2018), Piling Risk Assessment (March 2018) and all additional submitted information. The CEMP shall include a detailed environmental monitoring plan to include suitable groundwater and surface water monitoring to take place during and after the construction works. This should include at least three rounds of monitoring for a suitable analytical suite. Reported contaminant concentrations should be screened against Generic Acceptance Criteria (GAC) protective of the water environment and results should be submitted in writing to the Council for agreement. The development shall not be carried out unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure that the site is suitable for use, and to ensure there are no adverse impacts on European site features.

11. Prior to the commencement of development, a detailed Remediation Strategy shall be submitted to and approved in writing by the Council. The Remediation Strategy shall consider all unacceptable risk to receptors and should identify the most appropriate remedial options and how these should be implemented and verified. The development shall not be carried out unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure that the site is suitable for use.

12. Any piling work undertaken at the site should use a continuous flight auger piling method. Should the applicant wish to change piling methods a revised piling risk assessment will need to be submitted to and approved in writing by the Council before such works are carried out. No piling works shall be carried out unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure that the site is suitable for use.

13. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

14. After completing all remediation works required by the above conditions, and prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

This report must demonstrate that all remedial measures outlined in the MCL Consulting Ltd report titled Phase 2 Generic Quantitative Risk Assessment (GQRA) Pierpont Office Development Queens Road, Belfast Harbour, dated March 2018, Project Number:P1509-1 have been implemented.

The verification report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use (Commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken.

The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate:

- All Commercial Buildings have gas protection measures in line with CIRIA C665 Characteristic Situation 2.
- For those areas not covered in hardstanding, the report must demonstrate that these areas have been encapsulated in a clean cover fill of at least 600mm. This fill material must be demonstrably suitable for end use (commercial).

Reason: Protection of environmental receptors to ensure the site is suitable for use, and the protection of human health.

15. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to and approved in writing by the Council. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health.

16. A buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and Belfast Lough.

Reason: to ensure there are no adverse impacts on European site features.

17. No external facing or roofing materials shall be applied unless in accordance with a written specification of the materials, which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area.

18. The building shall be constructed to BREEAM Excellent standard (or equivalent) and shall not be occupied until evidence and verification of such has been first submitted to and approved in writing by the Council.

Reason: To mitigate and adapt to climate change.

19. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of a Public Art Scheme have been submitted to and approved in writing by the Council. The scheme shall include details of individual public art installations, proposals for future management and maintenance, and a programme for implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of place making and the amenities of the area. Approval is required upfront because public art may be integral to the design and layout of the scheme.

#### **Informatives:**

##### **NOT03 Compliance with planning permission**

Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at [planning@belfastcity.gov.uk](mailto:planning@belfastcity.gov.uk).

##### **NOT04 Discharge of condition(s)**

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

##### **NOT06 Non-planning requirements**

The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.



<b>ADDENDUM REPORT 1</b>	
<b>Committee Decision Date:</b> 19 <sup>th</sup> March 2024	
<b>Application ID:</b> LA04/2017/1991/F	
<b>Proposal:</b> Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.	<b>Location:</b> Land adjacent to Concourse Buildings Queens Road Belfast BT3 9DT.
<b>Referral Route:</b> Major development	
<b>Recommendation:</b> Approval subject to Section 76 planning agreement	
<b>Applicant Name and Address:</b> Catalyst Inc The Innovation Centre Queens Road Belfast BT3 9DT	<b>Agent Name and Address:</b> McAdam Design 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<b>Background</b> <ol style="list-style-type: none"> <li>11. This application relates to a proposed 5 storey office building off Queens Road, Queens Island. The application was previously approved by the Planning Committee in April 2020, subject to conditions and a Section 76 planning agreement.</li> <li>12. Delegated authority was given to the Director of Planning and Building Control to finalise the wording of conditions. The Section 76 planning agreement required the completion of the Eastern Access Road prior to occupation of more than 40% of the floor space of the proposed office building; and submission and implementation of a vibration monitoring and condition survey of the Thompson Dock. The Committee's decision was subject to no new substantive issues being raised by third parties by close of consultation. In the event such issues are raised a decision will be taken following consideration of any responses with members being consulted.</li> <li>13. The Section 76 planning agreement has yet to be completed and so the decision is still to issue. The application is reported back to the Committee for re-assessment against the Belfast Local Development Plan: Plan Strategy 2035.</li> <li>14. The Plan Strategy was adopted in May 2023. This provides a new policy framework for decision-making. In accordance with the advice given to Members at the April 2023 Committee, the application is required to be re-assessed having regard to the policies in the Plan Strategy.</li> <li>15. This report should be read in conjunction with the original case officer report to the April 2020 Committee, appended.</li> </ol> <b>Updated consultations</b> <ol style="list-style-type: none"> <li>16. DfI Roads provided a final consultation response on the day before the April 2020 Planning Committee, advising no objection subject to conditions. These include limiting occupancy of no more than 40% of the floor space until the Eastern Access Road has been constructed; provision of the access and visibility splays; provision of the parking and servicing areas; securing 24 cycle parking stands; travel plan; and</li> </ol>	

removing any necessary street furniture or landscaping that interferes with the visibility splays or access.

### **Updated Policy Context**

17. 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.
18. 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.
19. 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 ("Departmental Development Plan") until the Local Policies Plan is adopted.
20. **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 the 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).
21. **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.
22. The site is un-zoned "white land" in the Belfast Urban Area Plan 2001 (BUAP). It is within the Titanic Quarter in both version of draft Belfast Metropolitan Area Plan 2015 (dBMAP). It is within "Zone F" in dBMAP v2004.

### **Relevant Planning Policies**

#### **Plan Strategy**

23. The following policies in the Plan Strategy are relevant to consideration of the Section 54 application.

Policy SP1 – growth strategy

Policy SP1a – managing growth and supporting infrastructure delivery

Policy SP2 – sustainable development

Policy SP3 – health and wellbeing

Policy SP5 – positive placemaking

Policy SP6 – environmental resilience  
 Policy SP7 – connectivity  
 Policy DES1 – principles of urban design  
 Policy DES2 – masterplanning approach for major development  
 Policy BH1 – listed buildings  
 Policy BH4 – works to grounds affecting built heritage assets  
 Policy BH5 – archaeology  
 Policy HC1 – promoting healthy communities  
 Policy EC1 – delivering inclusive economic growth  
 Policy EC3 – major employment and strategic employment locations  
 Policy TRAN1 – active travel – walking and cycling  
 Policy TRAN 2 – creating an accessible environment  
 Policy TRAN3 – transport assessment  
 Policy TRAN4 – travel plan  
 Policy TRAN6 – access to public roads  
 Policy TRAN8 – car parking and servicing arrangements  
 Policy TRAN10 – design of car parking  
 Policy ENV1 – environmental quality  
 Policy ENV2 – mitigating environmental change  
 Policy ENV3 – adapting to environmental change  
 Policy ENV4 – flood risk  
 Policy ENV5 – SuDS  
 Policy OS3 – Ancillary open space  
 Policy NH1 – protection of natural heritage resources  
 Policy TRE1 – Trees

#### Supplementary Planning Guidance

Placemaking and Urban Design

Masterplanning Approach for Major Development

Transportation

Planning and Flood Risk

### **Updated Assessment**

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

### **Consultation responses**

25. Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.

### **Principle of development**

26. The site is previously developed land (car park supporting the adjacent office uses) within the development limit in Titanic Quarter. The site is a sustainable location with good access to public transport including the Glider.

27. The site forms part of zoning BHA 01 in dBMAP v2014. Policy BHA01 zones the site and wider lands for mixed use development including employment. Acceptable uses include business uses Classes B1(a), (b) and (c). There is a limit on Class B1(a)

offices of 15,000 sqm, however, the proposal falls under Class B1(c) research and development and would be restricted as such by condition.

28. Policy BHA01 is subject to a number of Key Site Requirements (KSRs) including, amongst others, the restriction on Class B1(a) floor space. Other relevant KSRs include:

- Development shall accord with an overall Development Framework for the area – a Development Framework was adopted by the former Department of Environment in 2008 and assigns the site and lands around it as the Northern Ireland Science Park. It is considered that the proposal is consistent with the Framework including use and provision of high quality landmark buildings. DfI Roads is satisfied that appropriate transport infrastructure is in place;
- The Development Framework shall be accompanied by a Transport Masterplan – the Transport Masterplan is also in place;
- The overall design concept shall have particular regard to the maritime heritage of the site, tourism potential and the need for connectivity with the rest of the City Centre – the architectural approach to the design of the building is considered bold, innovative and an appropriate reference to the industrial heritage of Titanic Quarter. The site has good connectivity to the City Centre and wider city;
- Provision for appropriate public transport to the site – the site benefits from regular public transport services including the Glider;
- Provision shall be made for appropriate pedestrian/cycle routes and facilities – there is a cycle lane as well as pedestrian pavement on Queens Road to the site. Provision is to be made for secure cycle parking.

29. The proposal is considered consistent with the relevant KSRs and would not undermine their objectives.

30. The proposed office building will be used for science and IT related businesses, which are supported by Policy EC1.

31. The site is within an existing employment area and therefore the proposal accords with Policy EC3.

32. The proposal would provide R&D employment for around 1,400 people and would support economic activity and the economy.

33. Having regard to these factors, the proposed development is considered to remain acceptable in principle.

### **Design and placemaking**

34. The design and layout of the building and car park are considered to remain acceptable for the reasons set out in the original report. The architectural approach to the building is considered bold and innovative, being of appropriate high quality design, and a reference to the industrial heritage of the Titanic Quarter. There would be large areas of new public realm, providing an appropriate setting to the building and good connectivity. The design of the car parking is considered acceptable. The proposal is considered compliant with Policies DES1 and TRAN10.

35. In terms of masterplanning, the proposal is mindful of adjacent sites and has been designed to integrate with the existing concourse buildings. The proposal would help

enhance the waterside character and setting of the River Lagan. The building is to be constructed to BREEAM Excellent (or equivalent) standards. A public art scheme can be secured by condition. The proposal is considered to accord with the key objectives of Policy DES3.

#### **Impact on adjacent uses**

36. The proposal is considered compatible with the adjacent commercial uses and would not result in conflict in terms of noise, overlooking, loss of light or outlook. The proposal is considered compliant with Policies DES1 and ENV1, and relevant provisions of the SPPS.

#### **Heritage impacts**

37. The site is adjacent the Thompson Dock, a Scheduled Monument, beyond which is the Listed former pump house, converted into a distillery. DfC HED was consulted on the application and offers no objection to the proposal. It is considered that the proposal would respect the setting of the Scheduled Monument and setting of Listed Building, compliant with Policy BH1 and relevant provisions of the SPPS.
38. In relation to archaeology, as set out in the original Committee report, in view of the piling construction, monitoring of vibration levels is required to protect the structural integrity of the Scheduled Thompson Dock. As the vibration monitoring is to take place outside the application site, it should be secured by a Section 76 planning agreement. Subject to this provision, it is considered that the proposal would have an acceptable impact on archaeology, compliant with Policy BH5 and relevant provisions of the SPPS.

#### **Access, parking and transportation**

39. DfI Roads offers no objection to the proposal subject to conditions, which are recommended.
40. Due to concerns about capacity of the road network, it was originally required that only 40% of the floor space of the building could be occupied until such time as the Eastern Access relief road onto Sydenham Road was constructed. This has since been built out with the road having been certified as substantially complete. Accordingly, there is no longer a requirement to restrict the occupancy of the building and therefore this obligation in the Section 76 planning agreement can be removed.
41. The proposed building has previously been committed through the Committee's previous resolution to grant planning permission and the road network capacity is considered to remain acceptable. DfI Roads has confirmed that it has no technical objections to the proposal subject to conditions, including completion of the Eastern Access Road.
42. In terms of parking, the proposal would provide 716 car parking spaces to support the proposed and existing commercial buildings. DfI Roads has no objection to the level of parking, which is considered acceptable.
43. The site is a sustainable location with good access to public transport services including the Glider and cycle path. Provision will be made for cycle parking.

44. The proposal is considered compliant with Policies TRAN1, TRAN2, TRAN3, TRAN4, TRAN6, TRAN8 and TRAN10.

#### **Climate change**

45. The layout of the scheme will allow the building to benefit from solar gain. The building would be constructed to BREEAM Excellent standard (or equivalent), which is welcomed and should be secured by a planning condition. The proposal is considered compliant with Policy ENV2.
46. In terms of adapting to climate change, the Flood Risk Assessment and Drainage Strategy indicate that flood risk and surface water will be appropriately managed. There is no objection from DfI Rivers. The proposal complies with Policy ENV3.
47. SuDS measures are proposed via tree planting and permeable paving, and the approach is considered proportionate. The proposal complies with Policy ENV5.

#### **Open space**

48. Policy OS3 requires that all new development proposals include appropriate provision for open space. The precise amount, location, type and design of such provision will take account of the specific characteristics of the development, the site and its context. A normal expectation will be at least 10% of the total site area. The proposal would provide a significant area of public realm and around 30% of the site would be open space. The proposal is considered to satisfy Policy OS3.

#### **Health impacts**

49. The site has good connectivity and the travel plan will promote walking and cycling to encourage active travel, exercise and wellbeing. Hard and soft landscaping, as well as the general design quality of the building, will provide a pleasant working environment for employees. The proposal complies with Policy HC1.

#### **Environmental impacts**

50. Environmental Health offers no objection to the proposal and advises conditions in relation to contaminated land, which are recommended. No unacceptable impacts have been identified in respect of noise and air quality. The proposal is considered compliant with Policy ENV1.

#### **Drainage and flood risk**

51. DfI Rivers offers no objection and the proposal is considered to remain acceptable in relation to drainage and flood risk. The proposal complies with Policy ENV4.

#### **Waste-water infrastructure**

52. NI Water offers no objection and the proposal is considered acceptable in terms of waste-water infrastructure. The proposal accords with Policy SP1a.

#### **Natural heritage**

53. For the reasons set out in the original Committee report, the proposal is considered to remain acceptable in relation to natural heritage. The proposal complies with Policy NH1.

### **Section 76 planning agreement**

54. For the reasons set out previously, it is considered necessary to secure a vibration monitoring scheme in order to protect the structural integrity of the Scheduled Thompson Dock. As the monitoring would take place outside the application site, this would need to be secured by means of a Section 76 planning agreement.

### **Other considerations**

55. Regard is had to the longevity of the application which was submitted in 2017 and which was originally approved by the Council in April 2020.
56. Other aspects of the proposal acceptable, having regard to the policies in the Plan Strategy and SPPS.

### **Recommendation**

57. Having regard to the Development Plan and material considerations, the recommendation remains to approve the application subject to conditions and a Section 76 planning agreement.
58. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise provided that they are not substantive.

### **DRAFT CONDITIONS:**

20. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

21. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for Class B1(c) research and development and shall not be used for any other purpose falling within Use Class B1 without express planning permission.

Reason: Alternative use requires further consideration by the Council, having regard to the Zoning BHA01 of the Belfast Metropolitan Area Plan 2015 (v2014).

22. No part of the development hereby permitted shall become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 15 'Queens Road Access Sightlines', bearing the Belfast City Council Planning Office date stamp 14 May 2019 and Drawing No. 16 'Sightlines and Car Parking Dimensions', bearing the Belfast City Council Planning Office date stamp 14 May 2019, prior to the occupation of any other development hereby permitted. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

23. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site.

Reason: To ensure that adequate provision has been made for parking and servicing.

24. A minimum of 24 No. secure cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

25. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

26. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

27. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of the porous public realm and hard surfaced areas have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of sustainable drainage of the site.

28. Prior to the commencement of development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Council. This should reflect all the mitigation and avoidance measures to be employed as detailed in the outline CEMP, Proposed Drainage Layout (May 2018), Piling Risk Assessment (March 2018) and all additional submitted information. The CEMP shall include a detailed environmental monitoring plan to include suitable groundwater and surface water monitoring to take place during and after the construction works. This should include at least three rounds of monitoring for a suitable analytical suite. Reported contaminant concentrations should be screened



against Generic Acceptance Criteria (GAC) protective of the water environment and results should be submitted in writing to the Council for agreement. The development shall not be carried out unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure that the site is suitable for use, and to ensure there are no adverse impacts on European site features.

29. Prior to the commencement of development, a detailed Remediation Strategy shall be submitted to and approved in writing by the Council. The Remediation Strategy shall consider all unacceptable risk to receptors and should identify the most appropriate remedial options and how these should be implemented and verified. The development shall not be carried out unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure that the site is suitable for use.

30. Any piling work undertaken at the site should use a continuous flight auger piling method. Should the applicant wish to change piling methods a revised piling risk assessment will need to be submitted to and approved in writing by the Council before such works are carried out. No piling works shall be carried out unless in accordance with the approved details.

Reason: Protection of environmental receptors to ensure that the site is suitable for use.

31. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and approved in writing by the Council.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

32. After completing all remediation works required by the above conditions, and prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

This report must demonstrate that all remedial measures outlined in the MCL Consulting Ltd report titled Phase 2 Generic Quantitative Risk Assessment (GQRA) Pierpont Office Development Queens Road, Belfast Harbour, dated March 2018, Project Number:P1509-1 have been implemented.

The verification report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use (Commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken.

The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular, this Verification Report must demonstrate:

- All Commercial Buildings have gas protection measures in line with CIRIA C665 Characteristic Situation 2.
- For those areas not covered in hardstanding, the report must demonstrate that these areas have been encapsulated in a clean cover fill of at least 600mm. This fill material must be demonstrably suitable for end use (commercial).

Reason: Protection of environmental receptors to ensure the site is suitable for use, and the protection of human health.

33. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to and approved in writing by the Council. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health.

34. A buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and Belfast Lough.

Reason: to ensure there are no adverse impacts on European site features.

35. No external facing or roofing materials shall be applied unless in accordance with a written specification of the materials, which shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of the character and appearance of the area.

36. The building shall be constructed to BREEAM Excellent standard (or equivalent) and shall not be occupied until evidence and verification of such has been first submitted to and approved in writing by the Council.

Reason: To mitigate and adapt to climate change.

37. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of a Public Art Scheme have been submitted to and approved in writing by the Council. The scheme shall include details of individual public art installations, proposals for future management and maintenance, and a programme for implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of place making and the amenities of the area. Approval is required upfront because public art may be integral to the design and layout of the scheme.

#### **Informatives:**

##### **NOT02      Drawing Numbers**

This decision relates to the following approved drawing numbers: [to be confirmed]

##### **NOT03      Compliance with planning permission**

Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If

you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at [planning@belfastcity.gov.uk](mailto:planning@belfastcity.gov.uk).

**NOT04 Discharge of condition(s)**

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

**NOT05 Section 76 planning agreement**

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement.

**NOT06 Non-planning requirements**

The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

## Development Management Officer Report

Committee Application	
<b>Committee Decision Date:</b> Tuesday 21 April 2020	
<b>Application ID:</b> LA04/2017/1991/F	
<b>Proposal:</b> Construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.	<b>Location:</b> Land adjacent to Concourse Buildings Queens Road Belfast BT3 9DT.
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Catalyst Inc The Innovation Centre Queens Road Belfast BT3 9DT	<b>Agent Name and Address:</b> McAdam Design 1c Montgomery House 478 Castlereagh Road Belfast BT5 6BQ
<b>Executive Summary:</b>  <p>The application seeks full permission for the construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> <li>- Principle of use on the site</li> <li>- Access, movement, parking and transportation, including road safety</li> <li>- Design</li> <li>- Impact on natural environment</li> <li>- Impact on built heritage</li> <li>- Landscaping</li> <li>- Flood Risk</li> <li>- other environmental matters</li> <li>- Legal Agreement</li> </ul> <p>The site is located on land adjacent to Concourse Buildings, Queens Road, Belfast. The 3.18 ha site is located on both sides of Queens Road (to the front and rear of the Legacy Building) within the existing grounds of Catalyst Inc, formerly known as the Northern Ireland Science Park. The area is currently used for car parking on both sides of the road. Both areas are defined by a mix of hedging and fencing. The site is in proximity to a number of National, European and International designated areas, Thompson Dry Dock (archaeological site) as well as the Pump House (listed building). The site is sited within Belfast Harbour and is identified as whiteland in the BUAP 2001. The site is located within the development limits of Belfast in dBMAP and is identified as being within Zoning BHA 01 Titanic Quarter, a site zoned for mixed use development in the draft plan.</p> <p>The proposal has been assessed against and is considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (dBMAP), PPS 2, PPS 3, PPS 4, PPS 6 and PPS 15.</p>	

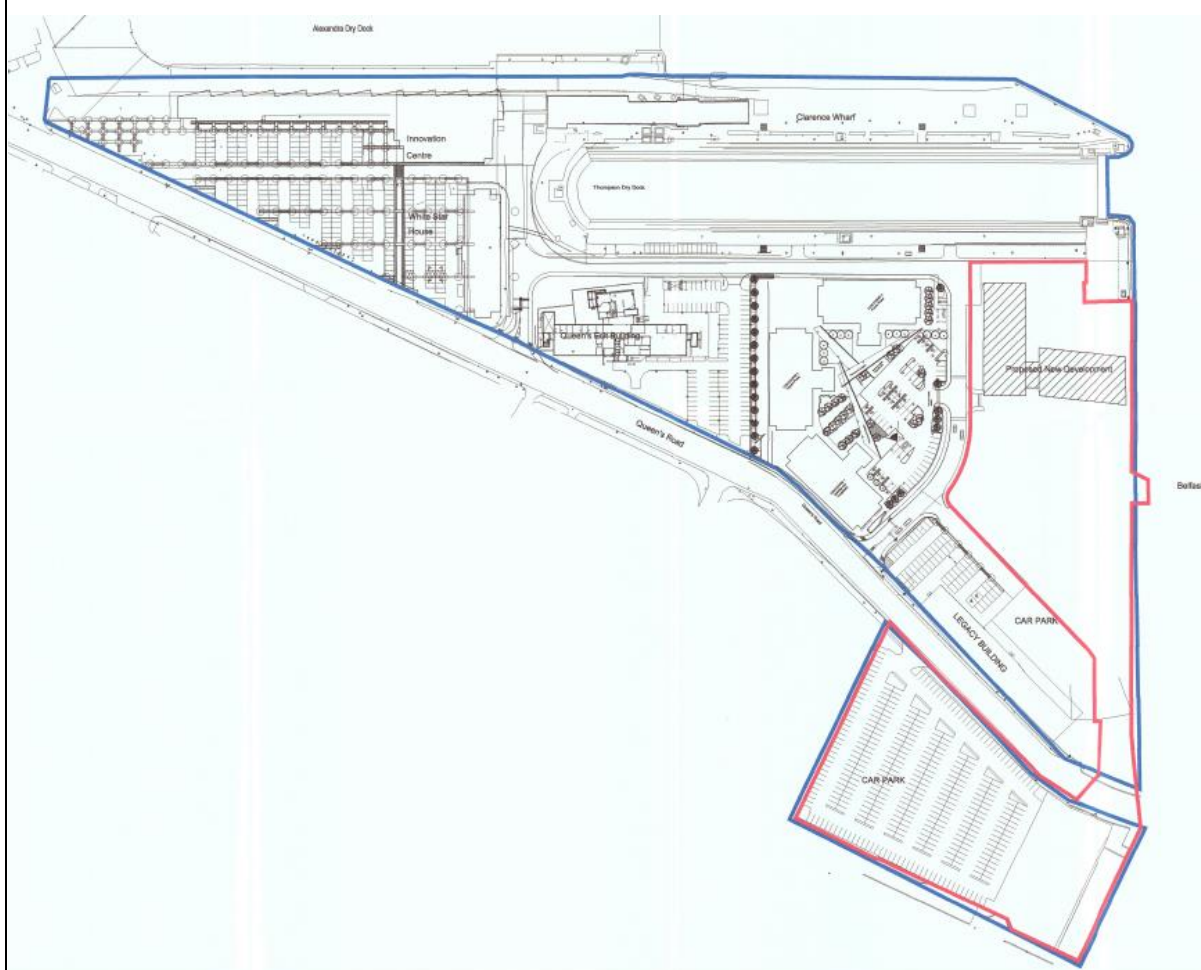
All statutory and non-statutory consultees responded with no objections subject to conditions.

Accordingly, it is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and to enter into a Section 76 planning agreement to provide a mechanism to linking the occupation of the proposed office building to the completion of the Eastern Access Road and to secure a vibration monitoring regime extending beyond the application site and a condition survey of the Thompson Dock subject to no new substantive planning issues being raised by third parties.

Page Break

## Case Officer Report

### Site Location Plan



### Representations:

Letters of Support	None received
Letters of Objection	1 received, then withdrawn
Number of Support Petitions and signatures	No petitions received
Number of Petitions of Objection and signatures	No petitions received

### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

The application seeks full planning permission for the construction of a new 5 storey office development for science and I.T. based business and associated car parking and public realm works.

#### 2.0 Description of Site

The site is located on land adjacent to Concourse Buildings, Queens Road, Belfast. The 3.18 ha site is located on both sides of Queens Road (to the front and rear of the Legacy

Building) within the existing grounds of Catalyst Inc, formerly known as the Northern Ireland Science Park. The area is currently used for car parking on both sides of the road. Both areas are defined by a mix of hedging and fencing. The site is in proximity to a number of national, European and international designated areas, Thompson Dry Dock (archaeological site) as well as the Pump House (listed building). The site is sited within Belfast Harbour and is identified as whiteland in the BUAP. The site is located within the development limits of Belfast in dBMAP and is identified as being within Zoning BHA 01 Titanic Quarter, a site zoned for mixed use development.

## **Planning Assessment of Policy and Other Material Considerations**

### **3.0 Site History**

The most recent planning history on the site relates to a small portion of the overall site on the opposite side of the road from the Legacy Building under Z/2013/1511/F. This was for an “Existing building to be extended to the south-east and south to create additional 2330 sq metres of lettable work space and 98 car parking spaces remotely located 300 metres north east of the NISP building”, and permission was granted on 26th November 2015. The proposal falls under the category of Major Development and Pre Application Community Consultation was carried out under the planning reference LA04/LA04/2017/0751/PAN.

### **4.0 Policy Framework**

- 4.1 Belfast Urban Area Plan 2001 (BUAP)
- 4.2 (Draft) Belfast Metropolitan Area Plan (BMAP) 2004
- 4.3 (Draft) Belfast Metropolitan Area Plan (BMAP) 2015
- 4.4 Developer Contribution Framework 2020
- 4.5 Strategic Planning Policy Statement (SPPS)
- 4.6 Planning Policy Statement (PPS) 2: Natural Heritage
- 4.7 Planning Policy Statement (PPS) 3: Access, Movement and Parking
- 4.8 Planning Policy Statement (PPS) 4: Planning and Economic Development
- 4.9 Planning Policy Statement (PPS) 6: Planning, Archaeology and the Built Heritage
- 4.10 Planning Policy Statement (PPS) 15: Planning and Flood Risk

### **5.0 Statutory Consultees Responses**

- 5.1 DfI Roads Service – No objection subject to conditions
- 5.2 DfC Historic Environment Division (Historic Monuments) – No objection subject to conditions
- 5.3 DfC Historic Environment Division (Historic Buildings) – No objection
- 5.4 NI Water – No objection
- 5.5 DAERA Regulation Unit – No objection subject to conditions
- 5.6 DAERA Natural Environment Division – No objection subject to conditions
- 5.7 DAERA Marine and Fisheries Division – No objection
- 5.8 DAERA Coastal Management – No objection
- 5.9 DAERA Water Management – No objection subject to conditions
- 5.10 DFI Rivers Agency – No objection

### **6.0 Non Statutory Consultees Responses**

- 6.1 Belfast City Council (BCC) Environmental Health - No objection subject to conditions
- 6.2 Belfast City Council (BCC) Local Development Plan Team – No objection subject to conditions
- 6.3 Belfast City Council (BCC) Tree Officer – No objection subject to conditions
- 6.4 Belfast City Airport – No objection
- 6.5 Shared Environmental Services – No objection subject to conditions

## **7.0 Representations**

7.1 The application has been neighbour notified and advertised in the local press. An objection was received from Strategic Planning dated 3<sup>rd</sup> July 2018, on behalf of IBM who occupy the Legacy Building. The issues raised were construction noise, discrepancy within the parking layout, parking provision already at full capacity, and discrepancy relating to the public walkway. Following direct dialogue between the Applicant and Objector this representation was withdrawn on 14<sup>th</sup> September 2018.

## **8.0 Other Material Considerations**

8.1 Parking Standards (supplementary planning guidance)

## **9.0 Assessment**

9.1 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remained contentious). The site is located inside the development limits of Belfast as shown in the draft Belfast Metropolitan Area Plan 2015 and within Zoning BHA 01, Titanic Quarter.

9.2 The proposal will develop the existing site by erecting a five storey office building for science and I.T. based business, with associated car parking and public realm works. The proposed building will be located to the rear of the site adjacent to Thompson Dry Dock with car parking to the front (to the rear of the Legacy building), with further proposed car parking on the opposite side of the road. The proposed building is an 'L shape' with two main elements and a link between. Each section features a small projection for stairs, lift and WCs. The plans show the two main sections of the building on each floor as open plan office space with the link areas showing lifts, stairs, as well as showering facilities and two conference rooms on each floor, with the exception of the ground floor. This area is characterised by the entrance foyer, café and reception area.

9.3 The key issues are:

- Principle of use on the site
- Access, movement, parking and transportation, including road safety
- Design
- Impact on natural environment
- Impact on built heritage
- Landscaping
- Flood Risk
- other environmental matters
- Section 76 Planning Agreement

### **9.4 Principle of use on the site**

The site is located within the settlement limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below. As stated the proposal is sited within dBMAP zoning BHA 01, and there are a number of key site requirements (KSRs) for the zoning which outline the acceptable uses in Titanic Quarter. These include business uses (as currently specified in Class B1 (a), (b) or (c) of the Planning (Use Classes) Order (Northern Ireland) 2004), now superseded by the 2015 Order. The KSRs go on to state that 'the total amount of floorspace for Use Class B1 (a) Offices shall not exceed 15,000m<sup>2</sup> and that consideration may be given to office proposals above



15,000m<sup>2</sup> where it can be demonstrated that the proposal cannot be accommodated within Belfast City Centre and which would otherwise result in a loss of significant inward investment'. The agent has confirmed the proposed use as B1(c) Research and Development. Under the KSRs for zoning BHA01 there is no floorspace restriction of B1(c). Following consultation with the BCC Local Development Plan Team they had no objection to the proposal and suggested a condition be included, should approval be granted, restricting the office use to B1(c). The site is within a commercial area and compatible with surrounding uses. The proposal, subject to planning considerations, is considered to make a positive contribution to the area.

#### **9.5 Access, Movement, Parking and Transportation**

The proposed car parking has been located to the front of the proposed building, as well as on the opposite side of the road (directly opposite the Legacy Building). A Transport Assessment Form, Transport Assessment, Travel Plan, and Service Management Plan were submitted with the application. DfI Roads were consulted and they raised a number of concerns regarding traffic and road safety.

9.6 After extended engagement and discussions between Planning, DfI Roads Service and the applicant's agent and roads consultant, an updated Travel Plan, traffic calculations as well as other supporting information was submitted and forwarded to DfI Roads for comment. They responded on 9<sup>th</sup> April 2020 stating no objection subject to a number of conditions, including a restriction on the occupation of the proposed office building. It is considered necessary to allow no more than 40% of the floor area of the proposed development to be occupied or otherwise operational until the 'Titanic Quarter Eastern Access Road', recommended for approval by the Planning Committee in March 2020 under planning reference LA04/2019/2810/F, has been constructed to the satisfaction of DfI Roads and become operational. The condition is considered necessary because if the building was wholly occupied in advance of the new road it would have an adverse impact on the existing road infrastructure.

#### **9.7 Design**

The proposed building is 5 storeys high, and consists of 2 main elements linked by a circulation core to form a general "L shaped" block. Plant is proposed to the roof and will be screened by parapet walls. The proposal is sited approximately 105m from the Legacy building to the front and 30m to the nearest of the three Concourse buildings adjacent to the East, also 5 storeys. The proposed height, massing and design are acceptable for the site and its surroundings. The Agent states that the design and materials been carefully considered in relation to the industrial history of the site.

9.8 The building is of a modern design with large areas of glazing. The external materials are a mix of grey curtain wall cladding; rainscreen cladding and grey brick (to the ground floor). The proposed mix of materials are similar to that of a number of buildings in the immediate area, which overall is characterised by a variety of building types and elevation treatment. Should approval be granted a condition shall be attached stating development shall not commence under materials have been submitted to and agreed in writing with the Council.

#### **9.9 Impact on natural environment**

The site is in proximity to a number of national, European and international designated areas, Belfast Lough Open Water ASSI, Belfast Lough Ramsar/SPA, The Maidens SAC, East Coast Marine Proposed SPA and North Channel SAC, as well as the Outer Belfast ASSI.

9.10 A Habitats Regulation Assessment (HRA) was submitted demonstrating the potential impacts on the above European Sites. This assessment determines if there could be any

significant effects on the features and conservation objectives, and hence integrity, of any European sites to meet the requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended). This information was forwarded to Shared Environmental Services for comment, along with an Outline Construction Environmental Management Plan (CEMP), Piling Risk Assessment as well as the proposed drainage layout. They responded with no objections to the proposal subject to a condition relating to the submission of a final CEMP. They also placed emphasis on the importance of Conditions which had been suggested by DAERA's Regulation Unit.

9.11 DAERA Natural Environment Division assessed the same information as Shared Environmental Services, as well as the submitted GQRA. They are content the proposal is unlikely to significantly impact protected and/or priority species and habitats subject to conditions. They have also requested the submission of a final CEMP for agreement prior to works commencing. They also stated that a buffer of at least 10m must be maintained between the location of all construction works etc and Belfast Lough. This shall be conditioned should approval be granted.

9.12 DAERA Marine and Fisheries Division were content with the conclusions of the HRA and consider that provided the proposal is confined to the red line boundary and there is no significant noise disturbance associated with construction works there should be no impact on the natural environment. In conclusion the proposal is in keeping with PPS 2, Natural Heritage.

#### **9.13 Impact on built heritage**

The proposal is within the vicinity of archaeological sites (including Thompson Dock) and a listed building (Pump House) and therefore the policies in PPS 6 are a material consideration in this case. HED Historic Buildings assessed the application in relation to the setting of the listed Pump House. On the basis of the information provided, HED is content that the proposal is satisfactory and complies with the policies in the SPPS and Policy BH11 of PPS 6.

9.14 HED Historic Monuments (HM) was consulted given the site's proximity to a scheduled monument (Thomson Dock). HED HM raised concerns relating to any potential physical impacts of construction works upon the structural integrity and fabric of adjacent maritime sites. A structural engineer's report, piling methodology details, as well as details of a vibration monitoring scheme were forwarded to HED HM for consideration. In their response dated 8<sup>th</sup> April 2019 they made a number of recommendations. They stated in view of the proposed piling works it is essential that a robust monitoring regime is agreed and implemented. The regime will however require the monitoring of vibration levels outside the red line of the boundary of the application site and a condition survey of Thompson Dock. They suggested that any approval for the scheme should be conditional on the agreement and implementation of a piling and monitoring methodology that provides for the requirements described within their response. As the requirements for the monitoring of vibration levels relate and the condition survey of the dock relate to land beyond the red line of the application site, it is necessary that these requirements are secured as part of a Section 76 Planning Agreement. These measures will ensure the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

#### **9.15 Landscaping**

The site exhibits a small number of trees which the BCC Tree Officer has confirmed as more than likely the result of natural regeneration or self-seeded. These should be retained, where it is reasonably possible to do so. The proposed landscaping plan shows 50 semi mature trees of mixed species. These will soften the visual aspect of the proposed site.

The BCC Tree Officer responded to consultation with no objection subject to a number of standard conditions.

#### **9.16 Flood Risk**

A flood risk and drainage assessment was submitted for consideration, and consultation undertaken with Rivers Agency in relation to these matters. They responded on 23<sup>rd</sup> November 2017 with no objection to the proposal, and it is therefore considered that the proposal complies with the policy requirements set out in PPS15 as acceptable drainage and flood risk protection measures are proposed. On reviewing the updated Flood Risk Assessment on 19<sup>th</sup> February 2019 their previous comments remained the same.

#### **9.17 Other Environmental Matters**

A Preliminary Risk Assessment and Generic Quantitative Risk Assessment were submitted and comments were invited from both BCC Environmental Health and DEARA. BCC and DEARA both responded suggesting conditions to be included should approval be granted. These are included below as part of this report.

#### **9.18 Section 76 Planning Agreement**

A current application, under LA04/2019/2810/F, for “Titanic Quarter eastern access road including new signalised junction on Sydenham Road and associated works.” was recommended for approval at the BCC Planning Committee meeting on 10th March 2020 with powers delegated to the Director of Planning and Building Control to finalise the wording of conditions and resolve any outstanding matters. DfI Roads Service have recommended by condition that no more than 40% of the floor area of the proposed development shall be occupied or otherwise become operational until the ‘Titanic Quarter Eastern Access Road’ has been constructed to the satisfaction of DfI Roads and become operational. This will be generally in accordance with the approval LA04/2019/2810/F ‘Titanic Quarter eastern access road including new signalised junction on Sydenham Road and associated works’. The condition is considered necessary because if more than 40% of the building was occupied in advance of the new road it would adversely impact on the existing roads infrastructure.

9.19 As the new road is outside the red line for the office development, and subject to a separate planning permission, it is considered that should planning permission be granted for the new office development, the developer will be required to enter into a Section 76 planning agreement with the Council to provide a mechanism to link the occupation of the proposed office development, if granted, under LA04/2017/1991/F to the completion of the Eastern Access Road (LA04/2019/2810/F).

9.20 In addition the planning agreement should include the HED HM requirements for monitoring of vibration levels outside the red line boundary of the application site and a condition survey of the scheduled dock. The developer has expressed a willingness and commitment to enter into such a legal agreement.

#### **9.21 Economic Benefit**

The Planning Design and Access Statement submitted in support of the proposal states the development will provide accommodation for 1400 people approximately with of course a number of short term construction jobs and will bring an injection of vitality to this area of Chichester Street. The increased footfall to the area will also boost trade for local restaurants and retailers.

### **10.0 Conclusion**

10.1 Having regard to the policy context and other material considerations above, the proposal is considered acceptable and it is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to

finalise the wording of conditions and to enter into a Section 76 planning agreement to provide a mechanism to linking the occupation of the proposed office building to the completion of the Eastern Access Road and to secure a vibration monitoring regime extending beyond the application site and a condition survey of the Thompson Dock subject to no new substantive planning issues being raised by third parties.

**Neighbour Notification Checked:** Yes

**Summary of Recommendation:** Approval subject to conditions and a Section 76 Planning Agreement

**Conditions:**

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

2. No part of the development hereby permitted shall become operational until the vehicular access, including visibility splays and any forward sight distance are provided in accordance with Drawing No. 15 'Queens Road Access Sightlines', bearing the Belfast City Council Planning Office date stamp 14 May 2019 and Drawing No. 16 'Sightlines and Car Parking Dimensions', bearing the Belfast City Council Planning Office date stamp 14 May 2019, prior to the occupation of any other development hereby permitted. The area within the visibility splays and any forward sight line shall, with the exception of existing trees, be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.

Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.

3. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 16 'Sightlines and Car Parking Dimensions', bearing the Belfast City Council Planning Office date stamp 14 May 2019 to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

Reason: To ensure that adequate provision has been made for parking and servicing.

4. A minimum of 24 No. secure cycle parking stands shall be provided and permanently retained close to the accesses to the proposed development for use by staff and visitors to the development.

Reason: To encourage the use of alternative modes of transport for development users.

5. The development hereby permitted shall operate in accordance with the approved Travel Plan published by the Belfast City Council Planning Office on 22 January 2020. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. This Travel Plan will be issued as a standalone document and the measures contained within will be monitored and assessed from the inception of the Plan on a minimum of an annual basis to ensure the Plan's effectiveness.

Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

6. Prior to the commencement of development, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing by the Council. This should reflect all the mitigation and avoidance measures to be employed as detailed in the outline CEMP, Proposed Drainage Layout (May 2018), Piling Risk Assessment (March 2018) and all additional submitted information. The CEMP shall include a detailed environmental monitoring plan to include suitable groundwater and surface water monitoring to take place during and after the construction works. This should include at least three rounds of monitoring for a suitable analytical suite. Reported contaminant concentrations should be screened against Generic Acceptance Criteria (GAC) protective of the water environment and results should be submitted in writing to the Council for agreement. In the event of unacceptable risk to receptors being identified, works shall cease and the requirements of Condition 11 will apply.

Reason: Protection of environmental receptors to ensure that the site is suitable for use, and to ensure there are no adverse impacts on European site features.

7. Prior to the development proceeding, a detailed remediation strategy shall be presented to the planning authority for agreement. The remediation strategy should consider all unacceptable risk to receptors and should identify the most appropriate remedial options and how these should be implemented and verified. The remediation strategy should be completed in accordance with the Model Procedures for the Management of Land Contamination (CLR11).

Reason: Protection of environmental receptors to ensure that the site is suitable for use.

8. Any piling work undertaken at the site should use a continuous flight auger piling method. Should the applicant wish to change piling methods a revised piling risk assessment will need to be submitted to the planning authority for agreement.

Reason: Protection of environmental receptors to ensure that the site is suitable for use.

9. If during the development works, new contamination and risks are encountered which has not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented and verified to its satisfaction.

Reason: Protection of environmental receptors to ensure the site is suitable for use.

11. After completing all remediation works required under Conditions 7-10, and prior to occupation of the development, a Verification Report shall be submitted and agreed in writing with the Council. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

This report must demonstrate that all remedial measures outlined in the MCL Consulting Ltd report titled Phase 2 Generic Quantitative Risk Assessment (GQRA) Pierpont Office

Development Queens Road, Belfast Harbour, dated March 2018, Project Number:P1509-1 have been implemented.

The verification report shall demonstrate the successful completion of remediation works and that the site is now fit for the intended end-use (Commercial). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency.

In particular, this Verification Report must demonstrate:

- All Commercial Buildings have gas protection measures in line with CIRIA C665 Characteristic Situation 2.
- For those areas not covered in hardstanding, the report must demonstrate that these areas have been encapsulated in a clean cover fill of at least 600mm. This fill material must be demonstrably suitable for end use (commercial).

Reason: Protection of environmental receptors to ensure the site is suitable for use, and the protection of human health.

12. In the event that contamination not previously considered is encountered during the approved development of this site, the development shall cease and a written report detailing the nature of this contamination and its management must be submitted to the Council for approval. This investigation and risk assessment must be undertaken in accordance with current best practice.

Reason: Protection of human health

13. A buffer of at least 10m must be maintained between the location of all construction works including refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc and Belfast Lough.

Reason: to ensure there are no adverse impacts on European site features.

14. The development hereby approved shall be used only for B1(c) Research and Development, as described within The Planning (Use Classes) Order (Northern Ireland) 2015.

Reason: To control the use at this location and to secure a satisfactory mix of land uses.

15. The development hereby permitted shall not commence until details and samples and a written specification of the materials to be used in the external elevations, have been submitted to and have been approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: To protect the visual amenities of the area.



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## Development Management Report

Summary	
<b>Committee Date:</b> 18 <sup>th</sup> March 2025	
<b>Application ID:</b> LA04/2023/1046/F	
<b>Proposal:</b> Proposed demolition of existing building and construction of a residential development consisting of 14 No. units (9 No. apartments within a three storey building and 5 No. two storey terraced dwellings) with associated landscaping and car parking.	<b>Location:</b> 18 Annadale Avenue Belfast BT7 3JH
<b>Referral Route:</b> 3.8.2 (a) (i) a representation has been received which conflicts with the Planning Officer's recommendation.	
<b>Recommendation:</b> Approval subject to conditions and a Section 76 planning agreement	
<b>Applicant Name and Address:</b> Cregagh Developments Ltd 32a Grennan Road Newry BT34 2PJ	<b>Agent Name and Address:</b> Planning Permission Experts 32a Bryansford Avenue Newcastle BT33 0LG
<b>Date Valid:</b> 4 <sup>th</sup> May 2022	
<b>Target Date:</b> 17 <sup>th</sup> August 2022	
<b>Contact Officer:</b> Ed Baker, Planning Manager (Development Management)	
<p><b>Executive Summary:</b></p> <p>This application relates to land at No. 18 Annadale Avenue within close proximity of the Ormeau Road. The application seeks full planning permission for demolition of the existing building (former children's nursery) and erection of 14 residential units (including 9 apartments and 5 dwelling houses).</p> <p>The proposal consists of a three-storey frontage building containing 9 x two bedroom apartments and two-storey rear return containing 5 x two bedroom terrace dwellings. A mix of private and communal amenity space is proposed for the apartments while the dwellings contain private rear gardens. On-site parking provision is provided to the front of the apartment block and within the rear of the site.</p> <p>The application has been subject to design amendments to address concerns raised by officers. Further amendments were then made to the scheme following adoption of the Belfast LDP Plan Strategy in response to its new policies.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• Principle of housing in this location</li> <li>• Affordable housing</li> <li>• Demolition of Existing Building</li> <li>• Housing Density</li> <li>• Housing Mix</li> </ul>	

- Adaptable and Accessible Accommodation
- Design and Placemaking
- Impact on Heritage Assets
- Climate change
- Residential Quality and Impact on Amenity
- Access and transport
- Environmental Protection
- Flood risk and Drainage
- Waste-water infrastructure
- Waste management
- Natural heritage
- Section 76 Planning Agreement

The site is un-zoned “white land” in the Belfast Urban Area Plan 2001 and both versions of draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014).

The site is located on Annadale Avenue within close proximity of the Ormeau Road which is a designated City Corridor. The site is within an established residential area within the development limit of the city. It is a sustainable location with good access to shops, jobs, services, amenities and public transport. The site is considered a suitable location for housing; the proposal would make effective use of previously developed land and is of an appropriate density.

No affordable housing is provided due to viability. The applicant has submitted a Viability Assessment which has been independently appraised, which concludes that the proposal is unviable with the inclusion of any affordable housing provision or commuted sum. However, the applicant has agreed to a Viability Review prior to commencement of development and this would be secured through a Section 76 planning agreement. Officers confirm that the planning agreement has been agreed in principle without prejudice to the Committee’s decision.

The design, height, scale and massing of the proposed buildings are considered in keeping with the surrounding character and not considered to impact the surrounding listed buildings.

Fifteen third party objections have been received including one from Councillor Brian Smyth and two objections from Paula Bradshaw MLA, these are addressed within the report.

DFI Rivers and NI Water object to the proposals. An updated Drainage Assessment has been requested and delegated authority is sought to re-consult DFI Rivers and deal with any matters arising from the response providing they are not substantive. The objection from NI Water is addressed in the main body of the report.

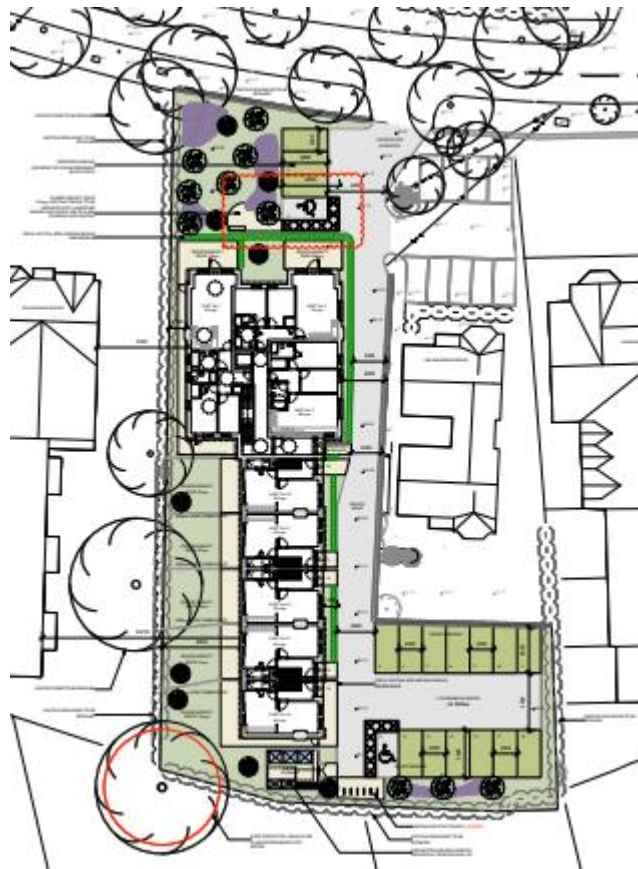
The Committee previously undertook a visit to the site in March 2024.

### **Recommendation**

Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with the further consultation with DFI Rivers and any other issues that may arise, provided that they are not substantive.

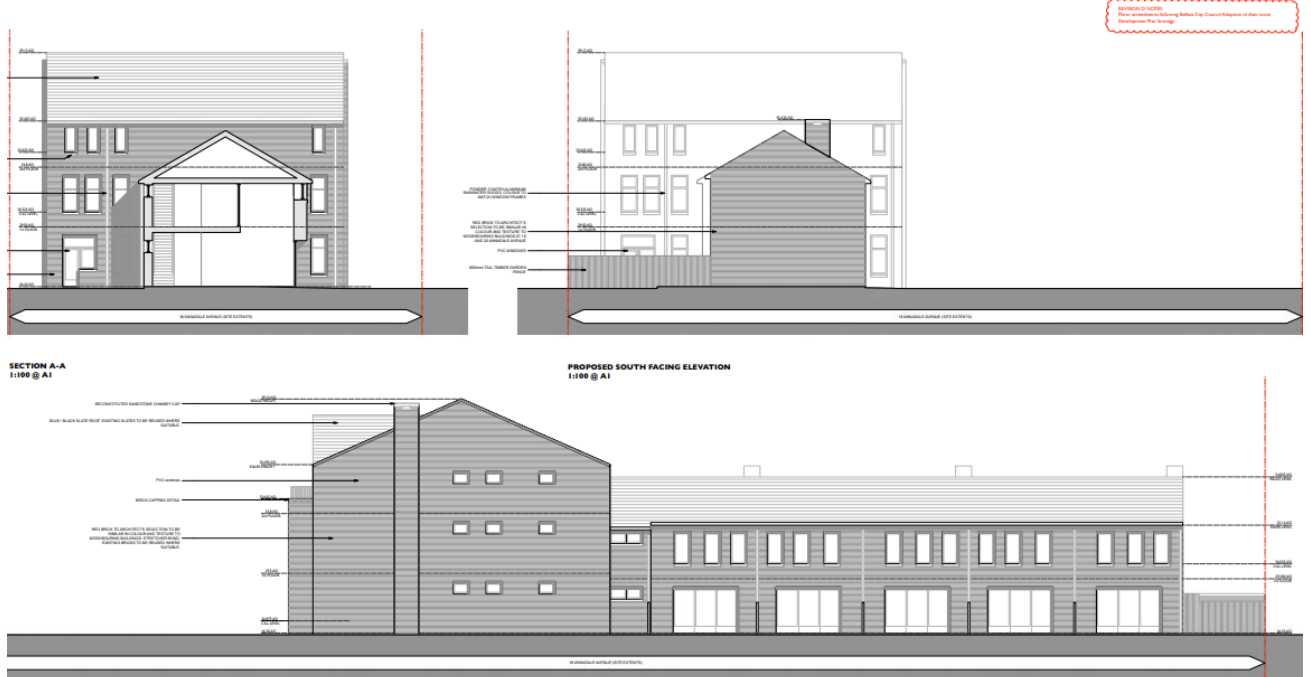
### Site Location Plan:



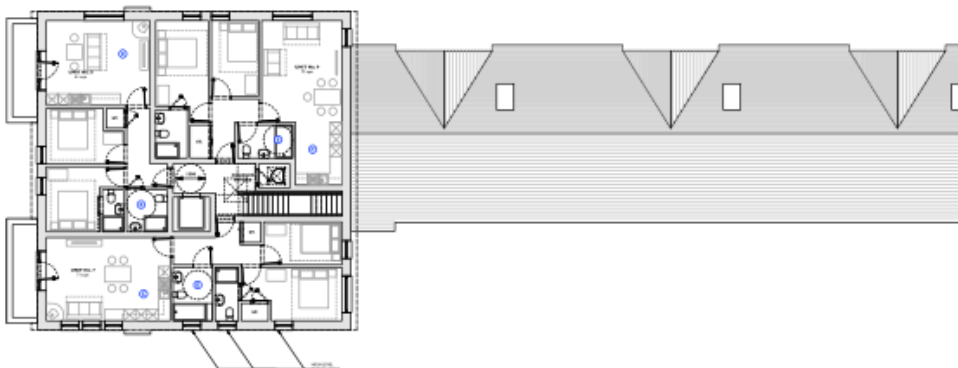
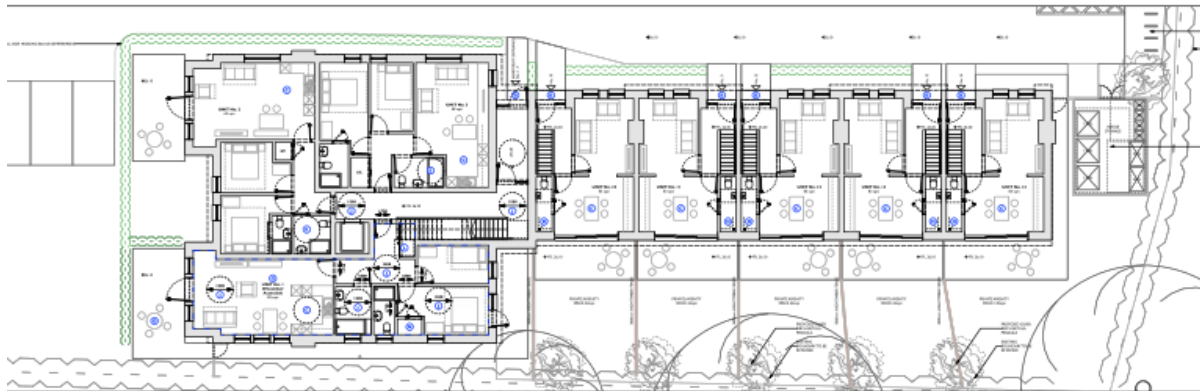
## Proposed North and East Elevations:



## Proposed South and West Elevations:



- ### 2 FIRST FLOOR PLAN





CGI:



**1.0**

**Characteristics of the Site and Area**

**1.1**

The application site is located at No. 18 Annadale Avenue. The site is 0.2 hectares in size and is an “L” shape. It comprises a two-storey red brick building with a flat roof rear return and a metal garage to the side previously in use as a Children’s Nursery. The site contains an existing garden area directly to the rear of the apartments and the adjacent No. 18a Annadale Gardens. The site is located within a mostly residential area.

**1.2**

There are a number of Listed Buildings in the vicinity of the site, including:

- HB26 01 038 Gordon House, 11 Annadale Avenue, Belfast Grade B1
- HB26 01 040 A 25-25A Annadale Avenue, Belfast Grade B
- HB26 01 040 B 27 Annadale Avenue, Belfast Grade B1
- HB26 01 081 Church of Jesus Christ of Latter Day Saints Grade B2

**Description of Proposed Development**

**1.4**

The application seeks full planning permission for the demolition of the existing building and construction of a residential development consisting of 14 No. units (9 No. apartments within a three storey building and 5 No. two storey terraced dwellings) with associated landscaping and car parking.

1.5	The proposal consists of a three-storey frontage building containing 9 x two bedroom apartments and two-storey rear return containing 5 x two bedroom terrace dwellings. A mix of private and communal space are proposed for the apartments while the dwellings contain private rear gardens. On-site parking provision is provided to the front of the apartment block and within the rear of the site.
1.6	The application follows a Pre-Application Discussions. Following submission of the application, the proposal was subject to design amendments to address concerns raised by officers. Further amendments were then made to the scheme following adoption of the Belfast LDP Plan Strategy in response to its new policies. More latterly, the applicant has submitted viability information in relation to the requirements of Policy HOU5 concerning the provision of affordable housing.
<b>2.0</b>	<b>PLANNING HISTORY</b>
2.1	<ul style="list-style-type: none"> <li>• <b>Z/2008/0421/F</b> – 18 Annadale Avenue- Demolition of existing building and erection of residential development comprising 14 units and associated landscaping and surface car parking. Permission Granted.</li> </ul>
2.2	<ul style="list-style-type: none"> <li>• <b>Z/1998/0035</b> – Site to East of 18 Annadale Avenue- Erection of six apartments with associated car parking. Permission Granted.</li> </ul>
<b>3.0</b>	<b>PLANNING POLICY</b>
3.1	<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  Policy SP2 – sustainable development  Policy SP3 – improving health and wellbeing  Policy SP5 – positive placemaking  Policy SP6 – environmental resilience  Policy SP7 – connectivity  Policy SD2 – Settlement Areas</p> <p><i>Operational Policies:</i></p> <p>Policy HOU1 – Accommodating new homes  Policy HOU2 – Windfall housing  Policy HOU4 – Density of residential development  Policy HOU5 – Affordable housing  Policy HOU6 – Housing Mix  Policy HOU7 – Adaptable and accessible accommodation</p> <p>Policy DES1 – Principles of urban design  Policy RD1 – New residential developments  Policy BH1 – Listed Buildings  Policy TRAN1 – Active travel – walking and cycling  Policy TRAN 2 – Creating an accessible environment  Policy TRAN4 – Travel plan  Policy TRAN6 – Access to public roads</p>

	<p>Policy TRAN8 – Car parking and servicing arrangements  Policy ENV1 – Environmental quality  Policy ENV2 – Mitigating environmental change  Policy ENV3 – Adapting to environmental change  Policy ENV4 – Flood Risk  Policy ENV5 – Sustainable drainage systems (SuDS)  Policy OS3 – Ancillary open space  Policy TRE1 – Trees  Policy NH1 – Protection of natural heritage resources</p> <p><u>Supplementary Planning Guidance</u></p> <p>Affordable Housing and Housing Mix  Residential Design  Placemaking and Urban Design  Sustainable Urban Drainage Systems  Transportation  Development Viability</p> <p><b>Development Plan – zoning, designations and proposals maps</b>  Belfast Urban Area Plan (2001) BUAP (“Departmental Development Plan”)  Draft Belfast Metropolitan Area Plan 2015 (v2004)  Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p><b>Regional Planning Policy</b>  Regional Development Strategy 2035 (RDS)  Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p><b>Other Material Considerations</b>  Developer Contribution Framework (2020)  <i>Belfast Agenda</i> (Community Plan)</p>
<b>4.0</b>	<b>CONSULTATIONS AND REPRESENTATIONS</b>
4.1	<p><u>Statutory Consultees</u></p> <p><b>DfI Roads</b> – No objections subject to conditions</p> <p><b>DfC HED</b> – No objections</p> <p><b>DAERA</b> – No objections</p> <p><b>NI Water</b> – Concerns raised about the availability of waste-water infrastructure, which are addressed in the main assessment.</p> <p><b>DFI Rivers</b> – Objection as a safe point of discharge for storm waters is currently not in place.</p>
4.2	<p><u>Non-Statutory Consultees</u></p> <p><b>Planning Service Plans &amp; Policy Unit (Environment and Housing Teams)</b> – Refer to main assessment.</p> <p><b>Environmental Health</b> – No objection subject to conditions.</p> <p><b>BCC Tree Officer</b> – Unable to support – refer to main assessment.</p>



4.3	<p>Whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p> <p><u>Representations</u></p>
4.4	<p>The application has been advertised in the newspaper and neighbours notified.</p>
4.5	<p>Fifteen third party objections have been received including one from Councillor Brian Smyth and two objections from Paula Bradshaw MLA; these are addressed within the report.</p> <ul style="list-style-type: none"> <li>• Demolition of existing building will impact on the Victorian character and would be a great historical and cultural loss; reuse will set a sustainable precedent for the area.</li> <li>• Proposal will damage character of the area.</li> <li>• Impact on surrounding Listed Buildings.</li> <li>• Impact on Residential Amenity by way of loss of light and overlooking.</li> <li>• Proposed Design: Overbearing, there is a lack of architectural detail, the building line is moved closer to the road, visually imposing.</li> <li>• Impact on Waste Water Infrastructure.</li> <li>• Traffic and Parking- <ul style="list-style-type: none"> <li>○ Insufficient parking provision;</li> <li>○ No disabled spaces provided;</li> <li>○ Access road too narrow and when car park is full delivery vans will not be able to respond;</li> <li>○ Increased traffic flow;</li> <li>○ Traffic caused by construction.</li> </ul> </li> <li>• Impact on mature trees, hedgerows and shrubs.</li> <li>• Tree Survey is inaccurate.</li> <li>• Objection to removal of cherry tree.</li> <li>• Removal of the garden to the rear will damage biodiversity.</li> </ul>
4.6	<p>The issues summarised above will be considered within the main assessment of the report, save for the matters considered below:</p> <ul style="list-style-type: none"> <li>• Application contravenes BUAP. <i>Case Officer's Response: No details have been given as to how the proposal contravenes the BUAP, the proposal has been assessed against the BUAP (Departmental Development Plan).</i></li> <li>• Residents' view will be obscured. <i>Case Officer's Response: In planning terms there is no right to a view. Impact on amenity is considered in the main assessment.</i></li> <li>• Neighbour notification period was insufficient. <i>Case Officer's Response: Neighbour notification was carried out in accordance with Section 41 of the 2011 Act and Articles 8 (1) (b) and 8 (2) of the Planning (General Development Procedure) Order Northern Ireland (2015) which detailed a date representations must be made by which was not earlier than 14 days</i></li> </ul>

	<p><i>after the notice was sent. Any representations received following this date have been considered.</i></p> <ul style="list-style-type: none"> <li>• Neighbour notification was only issued by letterbox with no attempt to contact owners and landlords.</li> </ul> <p>Case Officer's Response: as above, Neighbour notification was carried out in accordance with legislative requirements. There is no requirement for the owners of the land to be notified nor for letters to be hand delivered.</p> <ul style="list-style-type: none"> <li>• Reduction to value of properties.</li> </ul> <p><i>Case Officer's Response: This is not a material consideration.</i></p>
<b>5.0</b>	<p><b>PLANNING ASSESSMENT</b></p> <p><b>Main Issues</b></p> <p>5.1 The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> <li>• Principle of housing in this location</li> <li>• Affordable housing</li> <li>• Demolition of Existing Building</li> <li>• Design and placemaking</li> <li>• Housing density</li> <li>• Housing mix</li> <li>• Adaptable and accessible accommodation</li> <li>• Impact on the surrounding Listed Buildings</li> <li>• Climate change</li> <li>• Residential quality and impact on amenity</li> <li>• Open space</li> <li>• Access and transport</li> <li>• Environmental protection</li> <li>• Flood risk and drainage</li> <li>• Waste-water infrastructure</li> <li>• Natural heritage</li> <li>• Section 76 planning agreement</li> </ul> <p><b>Development Plan Context</b></p> <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.</p> <p>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.</p> <p>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</p>

	<p>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.</p> <p><u>Operational Policies</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These have been listed at paragraph 3.1.</p> <p><u>Proposals Maps</u></p>
5.6	<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 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.</p> <p><b>Belfast Urban Area Plan 2001</b> – the site is un-zoned “white land”.</p> <p><b>Belfast Metropolitan Area Plan 2015 (2004)</b> – the site is un-zoned “white land.”</p> <p><b>Belfast Metropolitan Area Plan 2015 (v2014)</b> – the site is un-zoned “white land.”</p> <p><u>Principle of housing in this location</u></p>
5.7	<p>The application site is within Annadale Avenue. The surrounding area comprises mainly residential uses with a mix of low density detached dwellings on large plots and higher density housing comprised of apartments and townhouses. The surrounding area also contains some community facilities such as a Bowling Club and a church.</p>
5.8	<p>Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below.</p> <ul style="list-style-type: none"> <li>• <b>The site is suitable for housing</b> – the site is a sustainable location within an established residential area and considered suitable for housing.</li> <li>• <b>The location is accessible and convenient to public transport and walking cycle infrastructure</b> – the site is accessible being on a bus route and within close proximity to the Ormeau Road being a city corridor.</li> <li>• <b>Provision is made for any additional infrastructure required as a result of the development</b> – suitable infrastructure is in place to support the proposed development.</li> </ul>
5.9	<p>The proposal is considered compliant with Policies HOU1 and HOU2 and the principle of housing in location is considered acceptable.</p>

	<b><u>Affordable housing</u></b>
5.10	Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing.
	<b>Process:</b>
5.11	No affordable housing is proposed as part of the development as the applicant states that this would make the scheme financially unviable. The applicant submitted a Plan Strategy Statement and associated Cost Plan in June 2023, following adoption of the Plan Strategy in May 2023. The Planning Service's Plans and Policy Team was consulted and outlined concerns about the submitted viability information, requesting clarification of some of the assumptions used. In response, the applicant submitted amended information in October 2023. However, the Plans and Policy Team maintained concerns about the assumptions used within the viability information and that some aspects did not reflect the Council's Development Viability SPG. The conclusion was that the development was unviable even as a private housing scheme and it was not the affordable housing aspect rendering the scheme unviable.
5.12	The applicant submitted a full Viability Assessment in April 2024. This was subject to independent appraisal by Naylor Devlin (ND) acting on behalf of the Council. ND issued its independent report in December 2024. The applicant challenged some of the conclusions in the independent report and met with officers and ND to discuss further. This led to the applicant submitting further viability information in January 2025. ND reviewed the information and issued an addendum report on 7 <sup>th</sup> February 2025. The independent report advises that an affordable housing contribution would render the scheme unviable, a conclusion supported by the Plans and Policy Team.
	<b>Assessment:</b>
5.13	Policy HOU5 requires the scheme to provide 3 affordable housing units as part of the proposed development.
5.14	Policy HOU5 states that: <i>'Where it can be demonstrated that it is not sustainable or viable for a proposed development to meet the requirements of this policy in full, the council will consider suitable alternatives on a case-by-case basis.'</i>
5.15	The amplification text of Policy HOU5 at paragraph 7.1.36 further clarifies that: <i>'It is recognised that there may be occasions where a particular housing site in Belfast might not be able to meet the affordable housing demands in full, so flexibility has been built into the policy to ensure that viability can be taken into account on a case-by-case basis. Where a developer is able to demonstrate, through evidence provided in accordance with agreed assessment approaches to viability testing, that the development is unviable if affordable housing obligations are met in full, alternative approaches will be considered. This could include varying the mix of affordable housing units, the provision of affordable housing on a suitable alternative site within the local area or, in exceptional circumstances, a reduction in the proportion of affordable housing in lieu of a financial contribution to an affordable housing development elsewhere in the district.'</i>
5.16	The applicant's Viability Assessment of March 2024 assesses the viability of the proposal as a fully Policy HOU5 compliant scheme with 3 affordable housing units and also as a fully private scheme.

5.17	The applicant's Viability Assessment indicates that the developer's profit as a fully private scheme would be 5.53% (gross), which would be well below the normal expectation of 10-15% as set out in the Development Viability SPG. The Viability Assessment indicates that the inclusion of 20% affordable Housing would yield a gross profit of only 0.41%.
5.18	As stated, the applicant's Viability Assessment was subject to independent appraisal by ND on behalf of the Council. ND produced four independent reports assessing the scheme as fully private and also with 1, 2 and 3 social units included. ND's reports concluded that a scheme with 1 or 2 social units remained viable. However, following further evidence of costs submitted by the applicant, ND reappraised the scheme and concluded that 1 or 2 social units was also not viable.
5.19	Having considered ND's independent appraisal, officers accept that a scheme with social housing is unviable. Furthermore, ND's independent appraisal concludes that a fully private scheme is also unviable.
5.20	<p>The Affordable Housing and Housing Mix SPG provides further guidance on alternatives to a fully compliant scheme and these are considered below:</p> <ol style="list-style-type: none"> <li>1. A deference in the timing of affordable housing requirements pertaining to the site (i.e. a phasing option);</li> <li>2. A variation in the required mix of tenure, size or type of affordable units on the site, in accordance with the hierarchy of products outlined above;</li> <li>3. A reduction in affordable units on the site;</li> <li>4. Provision of the affordable housing units on an alternative site within the same local housing area; or</li> <li>5. Commuted sum, equivalent to cost of constructing affordable unit(s) on site.</li> <li>6. The maximum viable financial contribution in lieu of affordable provision.</li> </ol> <p><i>Deferred Timing/Phasing:</i></p>
5.21	<p>The proposed scheme is not designed to be delivered in phases and so this is not a reasonable option.</p> <p><i>A variation in the required mix of tenure, size or type of affordable units:</i></p>
5.22	<p>The potential for the scheme to deliver intermediate housing was considered. However, the higher sales value in this area ruled out this option. A reduction in the number of affordable units was considered but was also deemed not to be viable for the reasons previously stated. Furthermore, the applicant submitted albeit limited evidence from two Housing Associations that they would be unlikely to be interested in managing two units or less within the development. A change in the size of units would also unlikely have any positive impact on the viability of the development.</p> <p><i>A reduction in affordable units on the site:</i></p>
5.23	As stated, this has been considered as part of the independent appraisal and the provision of 1 or 2 units is deemed to be unviable.

	<i>Provision of the affordable housing units on an alternative site within the same local housing area;</i>
5.24	Given the scale of the proposal which only requires 3 affordable units and that the application was submitted prior to the adoption of the Belfast Plan Strategy, it would be unreasonable to request the applicant to investigate the potential to acquire an alternative site to provide only three units.
	<i>Commuted sum, equivalent to cost of constructing affordable unit(s) on site:</i>
5.25	A commuted sum was then explored following the then further independent appraisal that a fully private would be viable. However, as stated, the applicant submitted further costs information and upon reviewing the independent appraisal concluded through an addendum report that the private scheme is unviable, resulting in negative headroom when taking into account the normal expectation of profit. It is therefore not reasonable to seek a commuted sum.
	<i>The maximum viable financial contribution in lieu of affordable provision:</i>
5.26	As stated above, the scheme is unviable and therefore a financial contribution is not viable in this case.
5.27	<p>The Development Viability SPG provides further guidance where the Council accepts that a development proposal will be unviable if full policy compliance and/or planning obligations/contributions are sought. Thee following options will be considered in order:</p> <ol style="list-style-type: none"> <li>1. <b>Deferred timing or phasing:</b> A delay in the timing or phasing the delivery of a particular requirement may enable a proposed development to remain viable.</li> <li>2. <b>Reduced level of obligations and/or contributions:</b> Where the above option is not sufficient to secure the viability of a proposed development, then a reduction in the level of requirement may be considered. There may be potential to do this for some policy requirements that have flexibility. Any reduction would be limited to the minimum necessary for the scheme to remain viable. The Council may consider building in a review mechanism as part of a Section 76 Agreement to reassess the viability of the scheme at a set point in the future (see Section 6.4 below). Further detail on potential alternative solutions to policy requirements is outlined in the relevant SPG.</li> <li>3. <b>Waiving of requirements:</b> Only in exceptional circumstances will the removal of requirements and/or obligations be considered, as a very last resort. The nature of the proposed development may also be taken into account, where the Council take into account the other social, community, economic or environmental benefits that would be realised in granting permission for the scheme, i.e. the planning gain arising.</li> </ol>
5.28	As stated, deferring the timing of the affordable housing contribution would not result in the scheme being viable. The scheme is not designed to be phased. A reduced obligations scheme would also not make the proposal viable.
5.29	In terms of waiving of requirements, regard is had to the longevity of the application process which commenced before the adoption of the Belfast Plan Strategy in May 2023. The PAD was submitted in 2021 and application in May 2022. The application provides a high-quality residential scheme that would make effective use of land in a sustainable location complying with Policy HOU2. The applicant has demonstrated

	through their viability information that an affordable housing contribution would not be viable. Having due regard to these factors the waiving of requirements is deemed acceptable in the planning balance.
5.30	<p>While Policy HOU5 is not met, the applicant has demonstrated the inclusion of affordable housing is not viable. The applicant has agreed to a Viability Review mechanism through a Section 76 planning agreement, whereby the applicant will be required to undertake a fresh Viability Assessment prior to commencement of development to establish whether the economic conditions have sufficiently changed to enable affordable housing provision or contribution to be made.</p> <p><b><u>Demolition of Existing Building</u></b></p>
5.31	Policy ENV2 states that development proposals should, where feasible, seek to avoid demolition and should consider how existing buildings or their main structures could be reused.
5.32	<p>The applicant submitted a Demolition Justification Statement following the adoption of the Plan Strategy. The applicant states that the reuse, renovation and/or retrofit of the existing building was not possible with redevelopment the only viable option. It states that a number of options were explored to retain the building such as a single family dwelling, apartments, and other uses such as short term let accommodation and office uses but all were deemed unviable. The following issues were put forward within the Demolition Justification Statement to support this case:</p> <ul style="list-style-type: none"> <li>• The existing structure and gardens were deemed too large to be viable as a single family dwelling and would not be in keeping with the residential density of the surrounding context.</li> <li>• Subdividing the existing layout would lead to disjointed layouts of apartments with split levels and an unbalanced plan arrangement.</li> <li>• The existing access to the third storey has insufficient head room to be developed in line with Building Regulations. The structural alterations required to correct this would not be financially viable.</li> <li>• The location of the existing building is problematic for vehicular access to the rear of the site.</li> <li>• To achieve a reasonable density and layout extensive demolition was unavoidable, front façade retention was considered and not deemed feasible.</li> </ul>
5.33	While the applicant states demolition is unavoidable, it is proposed that the redevelopment will incorporate reclaimed building materials into the new building while the demolition waste will be recycled where possible and rubble will form aggregates for use during construction.
5.34	The Plans and Policy Team were consulted in regards to the proposed demolition and consideration of the climate change policies. The response concludes that the justification of the demolition is generally accepted given the nature and quantum of the proposed development and refers to the number of options explored by the applicant. The commitment to reuse and recycle is noted and should be conditioned.
5.35	The demolition of the existing building also has to be balanced against the benefits of the proposal which would result in high density housing that would make effective use of land in a sustainable location.

5.36	Objections have been received regarding the demolition of the building, citing its architectural merits and concerns that demolition of the building is not sustainable. However, officers advise that the building is not afforded any protection from demolition, either from being Listed or within a designated area such as a Conservation Area or Area of Townscape Character.
5.37	Notwithstanding this, officers recognise the architectural merits of the building. Advice was sought from DfC HED at the Pre-Application Discussion stage. HED did not indicate that the building was suitable for Listing. It stated: ' <i>...the existing building, Busy Bees, contributes significant character to Annadale Avenue and HED advises that it is a prime candidate for local listing.</i> ' However, there is currently no process within the Council to identify buildings identified as an important part of their heritage, due to its local architectural or historic significance and no policy provisions to protect such buildings outside of designated areas for their architectural interest.
5.38	Regard should also be had to the longevity of the application, which was submitted in May 2022 with a PAD submitted in February 2021, significantly pre-dating adoption of the Plan Strategy in May 2023.
5.39	Having regard to the above assessment, demolition of the existing building is considered acceptable, having regard to Policy ENV2.
	<b><u>Housing density</u></b>
5.40	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
5.41	The proposal is located in outer Belfast for which the average density should be between 25 and 125 dwellings per hectare (ha). The site area is 0.21 ha and so the proposal equates to a density of 66 dwellings per ha, compliant with Policy HOU6.
	<b><u>Housing mix</u></b>
5.42	The proposal is for 9 x two bedroom apartments and 5 x two bedroom dwellings. Policy HOU6 requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of: <ul style="list-style-type: none"> <li>• Up to date analysis of prevailing housing need in the area;</li> <li>• The location and size of the site;</li> <li>• Specific characteristics of the development; and</li> <li>• The creation of balanced and sustainable communities.</li> </ul>
5.43	The Plans and Policy Team were consulted regarding the proposed Housing Mix and state that there is no specific evidence available to consider how the mix relates to housing need in this location and the lack of variety in the size of units proposed. The response states that to help aid choice some smaller (1 bedroom) or larger units (3 bedroom) should be considered.
5.44	In response, the applicant refers to the NIHE Strategic Housing Market Analysis for the Belfast Metropolitan Area which states Belfast will continue to be shaped by demographic trends and an ageing population leading to the majority living in properties that are under-occupied. This suggests a need to downsize and the proposed development will address those needs. The applicant also states that the majority of



	apartment developments in the Annadale area are 2 and 3 bedrooms and that given the highly accessible location the area is attractive for young professionals and the older population alike and that demand is high and increasing for 2-bedroom apartments. Paragraph 7.1.43 emphasises a need for smaller household types and apartments and terraces being the most popular types
5.45	The original application proposed 3-bedroom dwellings, however, concerns were raised by officers regarding the space standards and garden sizes, and these were subsequently reduced to two bedrooms to address other policy requirements. Regard is also had to the longevity of the application which pre-dates the adoption of the Plan Strategy.
5.46	While the proposal does not comply with Policy HOU6, having regard to the above considerations, it is on balance considered acceptable.
	<b><u>Adaptable and Accessible Accommodation</u></b>
5.47	Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet.
5.48	The applicant has provided evidence to demonstrate that the proposal is in accordance with criteria a. to f. The proposal includes 14.2% wheelchair units by providing two wheelchair accessible units. The Plan and Policy Team were consulted and considered the proposal complied with Policy HOU7.
	<b><u>Design and Placemaking</u></b>
5.49	The proposal has been assessed against the SPPS, Creating Places and Policies SP5, DES1 and RD1 of the Plan Strategy. 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.
	<b><i>Design, Layout, Scale, Height and Massing:</i></b>
5.50	Policy DES1 states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking and goes onto list 11 criteria, a. to k.
5.51	The design of the proposed building is a modern take of the traditional design of the existing building and character of the surrounding area. The main building fronting Annadale Avenue and containing the apartments will have a pitched roof intersected with two projecting bays. The materials are to be red brick, similar to the existing. The height of the building is to be 12.9m which matches that of No. 16 Annadale Avenue next door. Whilst an increase in height when compared to the existing building, it is not considered out of character with the surrounding area given it will tie in with surrounding buildings. The rear return is set down to two stories and comprises of five terrace dwellings. It is considered subservient to the main block housing the apartments and is a common arrangement within the surrounding area such as seen at Nos. 16 and 20 Annadale Avenue.

5.52	Given the quality of the existing building, it is important that the replacement is of high quality. Further detailing was requested from the applicant and a drawing showing the façade articulation has been provided. The front elevation shows high quality architectural details such as full brick windows reveals, decorative brick panels between windows, soldier course arches above the third storey windows, sandstone cills and brick coping detail vertical headers. This level of detail ensures the proposed building is of a high quality design and architectural quality to sit sympathetically within the surrounding street-scene.
5.53	Objections have been raised that the proposed design is overbearing, there is a lack of architectural detail and the building line is moved closer to the road resulting in the building appearing visually imposing. It is considered the scale and massing of the proposal is comparable to the surrounding apartment buildings and is not therefore overbearing or visually dominant. Following amendments, officers consider there is a high level of architectural detail to ensure the design is sympathetic to the character of the area and the replacement of the existing building is of high quality. In terms of the building line, any movement closer to the road is minor and will not be visually discernible or harmful to the street-scene.
5.54	The design, layout, scale, height and massing are considered to respond positively to the local context and character through architecture and urban form through addressing matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape and materials.
5.55	The proposal is considered to accord with Policies DES1 and RD1 and relevant provisions of the SPPS.
	<b><i>Landscaping and Trees</i></b>
5.56	The scheme includes a Landscape Plan accompanied by a Landscape Management and Maintenance Plan. The proposal includes replacing an area of hardstanding to the front with a landscaped amenity area as well as private gardens for dwellings and a high level of planting in terms of trees. The parking areas are proposed to be grasscrete to ensure there will not be large areas of hard standing.
5.57	Policy TRE1 seeks to protect existing trees from new development and there will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity.
5.58	<p>The application includes a Tree Survey Report as well as a Landscape Masterplan and Planting Schedule. The Tree Officer was consulted and welcomes the mixed species of planting proposed and the addition of the grasscrete. However, the Tree Officer also raises the following concerns:</p> <ul style="list-style-type: none"> <li>• The proposed end terrace dwelling would be sited too close to a Lime Tree on adjacent lands which result in an unacceptable level of overshadowing to the private amenity area.</li> <li>• The self-seeded Oak and Beech Trees along the front boundary should be retained.</li> <li>• Additional planting should be considered to rear gardens of dwellings which will act as a natural screen.</li> </ul>

5.59	The proposed end terrace has been amended to be moved away from the existing lime tree. This has resulted in a garden to the south and west of the building of 116sqm in size. Given the size of the garden and the dual orientation it is not considered the existing tree will result in unacceptable overshadowing. The amenity benefits of being within close proximity of an established tree must also be considered.
5.60	The trees within the front boundary are shown to be retained on the existing proposed block plan.
5.61	It is not considered necessary to request additional planting to the rear gardens of the proposed dwellings to achieve further screening given they face onto an area of hardstanding serving the neighbouring apartment development. The existing boundary hedge is considered sufficient to provide suitable screening.
5.62	Objections have been received with concerns about the impact on trees, shrubs and hedgerows. Objections also state that the tree survey is inaccurate and an objection was received to the removal of the Cherry Tree.
5.63	The proposal retains the majority of trees within the site and the proposed tree planting results in a net gain within the site. The Tree Officer did not raise concerns regarding the accuracy of the Tree Survey nor question the conclusion that the Cherry Tree has suspected internal decay and should be felled for site safety.
5.64	The proposal is considered to accord with Policy TRE1.
	<b><u>Impact on Heritage Assets</u></b>
6.65	In accordance with Section 91(2) of the Planning Act (Northern Ireland) 2011, the Council must have special regard to the desirability of preserving the Listed Building and its features of special architectural or historic interest.
5.66	There are a number of Listed Buildings in the vicinity of the site, including: <ul style="list-style-type: none"> <li>• HB26 01 038 Gordon House, 11 Annadale Avenue, Belfast Grade B1</li> <li>• HB26 01 040 A 25-25A Annadale Avenue, Belfast Grade B</li> <li>• HB26 01 040 B 27 Annadale Avenue, Belfast Grade B1</li> <li>• HB26 01 081 Church of Jesus Christ of Latter Day Saints Grade B2</li> </ul>
5.67	Policy BH1 of the Belfast Plan Strategy contains five criteria to be met when considering the impact of new development on the setting of Listed Buildings.
5.68	DfC Historic Environment Division (HED) was consulted and acknowledge that the closest listed building is Gordon House. HED acknowledges that Gordon House and its direct setting has been altered and that the building is set back within its own curtilage and relatively well screened by mature trees and planting along the Annadale Avenue boundary. HED concludes that the application will not significantly affect the understanding or experience of the listed building to harm its essential character, including setting.
5.69	Objections raise concerns that the proposal would impact on Listed Buildings, however, the proposed development is considered to be sympathetic to the essential characteristics of surrounding Listed buildings and their setting, and HED do not raised any concerns.

5.70	<p>The proposed development is considered to be sympathetic to the essential characteristics of the surrounding listed buildings. The height, scale, massing and design reflects the surrounding character and the residential use respects the character and setting of the listed buildings and surrounding area which is residential in nature. Given the separation distance from the listed buildings the proposal will not disrupt key views of the listed buildings or result in a detrimental impact. It is considered that the proposal accords with Policy BH1 and relevant provisions of the SPPS.</p> <p><b><u>Climate Change</u></b></p>
5.71	<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.</p>
5.72	<p>The applicant has provided satisfactory details of sustainable design features, including architectural salvage, orientation of the building to achieve solar gain, permeable paving, high insulation and cycle facilities.</p>
5.73	<p>Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The proposal includes soft landscaping to the front replacing an area of hardstanding while permeable grasscrete is proposed in the parking area. The landscaping and planting will aid to reduce flood risk and the application is supported by a Drainage Assessment.</p> <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 applicant has demonstrated the proposal will include SuDS measures such as permeable grasscrete parking areas, permeable paving and soft landscaping and tree planting.</p>
5.74	<p>The Plan and Policy Team were consulted and considered the proposal complies with Policies ENV2, ENV3 and ENV5.</p> <p><b><u>Residential Quality and Impact on Amenity</u></b></p>
5.75	<p>Policies DES1 and RD1 highlight the need to minimise the impact of overshadowing and loss of daylight on both new and existing residents and the promotion of quality residential environments. Policy OS3 required proposals make appropriate provision for open space.</p>
5.76	<p>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.</p>
5.77	<p><i>Creating Places</i> advocates external private amenity space of between 10 and 30 sqm per residential unit for apartments. The guidance states back garden provision should be calculated as an average space standard for the development as a whole and should be around 70sqm or greater, the guidance goes on to stipulate that smaller areas are more appropriate for houses with 1 or 2 bedrooms and for any individual house an area less than 40sqm will be unacceptable.</p>

5.78	The 5 proposed dwellings contain a minimum of 47sqm of private amenity space, given the dwellings are 2 bedrooms rather than typical family home this is considered appropriate.
5.79	Of the 9 proposed apartments, four have some form of private amenity space either in the form of a small garden space or a balcony. Two apartments in the ground floor contain 19sqm of a private garden while two apartments on the second floor contain 6sqm of balcony space.
5.80	To the front of the apartment building is an area of communal space which contains high quality landscaping and totals 169sqm. The range of amenity space therefore provided for the apartments ranges from 18.9sqm to 37.8sqm which adheres to the guidance provided in Creating Places.
5.81	In terms of Policy OS3, the proposal provides a total of 518sqm of private and communal open space which is 24% of the site area. The proposal includes ancillary equipment and facilities in the form of a communal garden with appropriate furniture and therefore complies with Policy OS3.
5.82	The proposal does not impact on the available amenity space to the apartments at No. 18A Annadale Avenue as the land to its rear did not form part of its original planning permission.
5.83	Objections referred to the impact on their amenity by way of loss of light and overlooking. The proposal is not considered to unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing or dominance. The scale and massing of the proposed building conforms to the character of the surrounding area and will not dominate existing buildings.
5.84	The proposal forms a similar relationship to the existing building on site and the neighbouring apartment developments. The scale and massing of the building is not considered to exacerbate any overshadowing over the existing building to an unacceptable degree. Due to the orientation of the building, apartment windows on the east gable of No. 20 Annadale Avenue may be in shadow for a longer period in the mornings due to the deeper three storey nature of the proposed building, but this is limited to the morning and will not impact the building for the remainder of the day.
5.85	The proposed separation distances along with obscure glazing mitigation measures are sufficient to ensure there is no harmful overlooking from either the apartments or the dwellings. The separation distance between the building within No. 18A Annadale Avenue and the proposed building is increased from a minimum of 4.9m to 6.4m and there would be a not dissimilar relationship between the properties.
5.86	While the separation distance between the proposed building and No. 20 Annadale Avenue is decreased from 13.9m to 9.4m, this is considered an acceptable relationship given that the proposed side facing windows would be fitted with obscure glazing.
5.87	The proposed dwellings have a separation distance of 19.1m from the dwellings at No. 20 Annadale Avenue while Plot 10 is the only dwelling unit which faces the gable of No. 18A and is set back further from the apartment block to form a minimum separation distance of 7.9m. Again, this is not dissimilar to the current separation of the wider buildings. Units 11 and 12 face the communal rear amenity space of No. 18A and have a separation distance from the boundary of 5.4m. The existing mature boundary hedge and vegetation will provide some screening of the amenity space and is considered

	<p>acceptable in view of the communal nature of the space and character of the broader area, including relationship with No. 16 Annadale Avenue.</p> <p><b><i>Space Standards:</i></b></p>
5.88	<p>The proposal comprises of two-bedroom apartments and dwellings. The proposed units are in accordance with the minimum space standards as set out in Appendix C of the Plan Strategy.</p> <p><b><u>Access and transport</u></b></p>
5.89	<p>The site is an accessible location within close proximity to the Ormeau Road which is a designated city corridor and provides access to the city centre. It is within cycling distance of the city centre and its shops, services, leisure and employment opportunities. The site is on the national cycling network. Provision is made for sheltered and secure cycle parking. The proposal accords with Policy TRAN1.</p>
5.90	<p>The proposal includes 18 in curtilage parking spaces including 2 disabled parking spaces. The application is accompanied by a Travel Plan which includes a number of measures to encourage residents to travel by public transport such as appointing a travel co-ordinator and a Residential Travel Card Scheme. The Travel Plan will be secured by condition.</p>
5.91	<p>In considering the sustainable location within close proximity to a city corridor, the parking provision is considered acceptable. DFI Roads were consulted and no objections with conditions.</p>
5.92	<p>Objections were received regarding access and transport with the following issues raised:</p> <ul style="list-style-type: none"> <li>• Insufficient parking provision</li> <li>• No disabled spaces provided.</li> <li>• Access road too narrow and when car park is full delivery vans will not be able to turn.</li> <li>• Increased traffic flow</li> <li>• Traffic caused by construction</li> </ul>
5.93	<p>As mentioned, the proposed parking provision is considered acceptable having regard to the sustainable location and measures included within the Travel Plan. Two disabled spaces have been provided within the proposal. A tracking plan has been provided which demonstrates there is sufficient room for vehicles to turn. It would not be considered that the proposal would increase traffic flow on Annadale Avenue to an unacceptable degree; the traffic flow may decrease given the previous use as a nursery. Traffic caused by construction will be temporary and is not a material consideration.</p>
5.94	<p>The proposal is considered acceptable having regard to Policies TRAN1, TRAN4, TRAN6, TRAN 8 and TRAN 9.</p>

	<b><u>Environmental protection</u></b>
5.95	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 noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations.  <b><u>Contaminated land</u></b>
5.96	Environmental Health (EH) records do not indicate potential land contamination associated with past land use or in close proximity to the development. The proposal is therefore considered to accord with Policy ENV1.  <b><u>Air quality</u></b>
5.97	EH states that the proposed development does not lie in or is adjacent to an Air Quality Management Area. It is noted that no information regarding heating and hot water provision has been provided and consequently a condition for an Air Quality Impact Assessment to be submitted in the event that any centralised combustion sources are proposed. The proposal is therefore considered to accord with Policy ENV1.  <b><u>Noise and vibration</u></b>
5.98	Having considered the applicant's noise impact assessment, EH is content that the proposal is acceptable subject to conditions. The proposal is therefore considered to accord with Policy ENV1.  <b><u>Flood risk and Drainage</u></b>
5.99	A Drainage Assessment has been submitted in accordance with paragraph 6.114 of the SPPS. DFI Rivers were consulted and referred to the NI Water response which states there is no commitment that the proposed works will take place and no storm sewer is available to serve the proposal. DFI Rivers objected to the proposal on the basis that a safe point of discharge is currently not available.
5.100	Since this response, the applicant has received a conditional approval for a storm requisition to serve the proposal. The Drainage Assessment is currently being updated to reflect this and delegated authority is requested to deal with the re-consultation with DFI Rivers.  <b><u>Waste-water Infrastructure</u></b>
5.101	Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water state a solution is yet to be agreed between the developer and NI Water. The submitted Pre-Development Enquiry (PDE) states that the sewer network is at capacity. NIW's response was received in August 2022 and an updated position has been requested.
5.102	Notwithstanding, 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 considered acceptable having regard to Policy SP1A of the Plan Strategy.
5.103	It has recommended a condition to require details of foul and surface water drainage to be agreed prior to commencement of development.
	<b><u>Natural Heritage</u></b>
5.104	Policy NH1 relates to the protection of natural heritage resources.
5.105	DAERA were consulted and Natural Environment Division (NED) requested a Bat Survey on the basis that the existing building was identified as having a moderate bat roosting potential. Following submission of a Bat Survey, NED advised that it has no concerns subject to conditions regarding bat roosts.
5.106	Objections were raised that the removal of the existing garden would decrease biodiversity and potential ecological impacts, namely badgers. While the existing garden is being replaced by a car park the use of grasscrete will soften this impact, there are also large areas of hardstanding within the site that will be replaced by garden and amenity areas. There is a net gain in soft landscaping when compared to the existing site. In terms of ecological impacts and impacts on badgers, DAERA were consulted and did not raise concerns of any impacts on badger setts within the site or other ecological impacts.
5.107	The proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the Strategic Planning Policy Statement.
	<b><u>Waste Management</u></b>
5.108	In accordance with Policy RD1, new residential development should be provided with adequate space for daily segregation of recyclable materials and waste before it is moved to the communal waste storage area. The application is supported by a Refuse Storage Plan which outlines the operational waste management measures. A communal waste storage area is proposed for the development at the southern end of the site adjacent to the parking area and meets the size and design requirements.
5.109	The proposed waste management plan and arrangements are considered acceptable.
	<b><u>Section 76 Planning Agreement</u></b>
5.110	A Section 76 planning agreement is recommended to secure a Viability Review prior to commencement of development. This will ascertain whether the economic conditions have sufficiently changed to allow an affordable housing Developer Contribution to be provided. Legal Services has confirmed that the planning agreement has been agreed in principle with the applicant.



<p>6.1</p> <p>6.2</p>	<p><b>Recommendation</b></p> <p>Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with the further consultation with DFI Rivers and any other issues that may arise, provided that they are not substantive.</p>
<p><b>7.0</b></p>	<p><b>DRAFT CONDITIONS</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</li> <li>2. No external facing panels or materials shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.  The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.  The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials. Reason: In the interests of the character and appearance of the development.</li> <li>3. The depth and detailing of the window recesses and reveals shall be as shown on the approved drawings. Reason: In the interests of the character and appearance of the development.</li> <li>4. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that order), the [TO BE SPECIFIED] windows shall be obscure glazed to at least Privacy Level 3 (or equivalent) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves: Reason: To safeguard the privacy of adjacent properties.</li> <li>5. The development hereby approved shall not be occupied until the communal open space and private gardens have been provided in accordance with the approved plans. The open space shall be retained as such at all times. Reason: To ensure that appropriate provision is made for open space.</li> <li>6. The proposed open space and landscaping shall be managed and maintained in accordance with the approved management plan at all times. Reason: To ensure that the open space and play equipment are properly managed and maintained.</li> </ol>

	<p>7. The development hereby approved shall not be occupied unless the sustainable development measures have been implemented in accordance with the Plan Strategy Statement uploaded to the Planning Portal on 23<sup>rd</sup> June 2023. The climate change measures shall be retained in accordance with the approved details at all times.</p> <p>Reason: To mitigate and/or adapt to climate change.</p> <p>8. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with the approved plans.</p> <p>Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p> <p>9. No dwelling shall be occupied until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. The parking areas shall be permanently retained.</p> <p>Reason: To ensure acceptable parking facilities on the site.</p> <p>10. The access gradient shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> <p>11. The development shall not be occupied unless in accordance with the approved Travel Plan.</p> <p>Reason: To encourage alternative modes of transport to the private car.</p> <p>12. No windows shall be installed unless a final window schedule detailing the sound reduction specification has been submitted to and approved in writing by the Council. The windows shall be designed in line with the recommendations in the Noise Impact Assessment uploaded to the Planning Portal on the 13<sup>th</sup> January 2023. The windows shall not be installed unless in accordance with the details so approved.</p> <p>Reason: In the interests of residential amenity.</p> <p>13. Prior to occupation of the development hereby permitted, a Verification Report that demonstrates that the windows have been installed as required by condition 12 shall be submitted in writing to the Council. The Verification Report shall include a written declaration from the suppliers and installers of the windows confirming that the alternative means of ventilation have been installed as approved.</p> <p>Reason: In the interests of residential amenity.</p>
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	<p>14. Prior to installation of any alternative means of ventilation, the sound reduction specification of the alternative means of ventilation shall be submitted to and approved in writing by the Council. The specification shall demonstrate that internal noise levels in habitable rooms will be achieved in line with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. The means of ventilation shall be installed in accordance with the approved details and retained as such at all times.</p> <p>Reason: In the interests of residential amenity.</p> <p>15. Prior to occupation of the development hereby permitted, a Verification Report that verifies that demonstrates that the alternative means of ventilation has been installed in line with details approved pursuant to condition 14 shall be submitted in writing to the Council. The Verification Report shall include a written declaration from the suppliers and installers of the alternative means of ventilation confirming that the alternative means of ventilation have been installed as approved.</p> <p>Reason: In the interests of residential amenity.</p> <p>16. Prior to occupation of the development hereby permitted, a Verification Report that verifies that an acoustic fence has been constructed in line with the recommendations in the Noise Impact Assessment uploaded to the Planning Portal on the 13<sup>th</sup> January 2023 shall be submitted to and approved in writing by the Council. The acoustic fence shall be permanently retained in accordance with the approved details at all times.</p> <p>Reason: In the interests of residential amenity.</p> <p>17. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>18. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of visual amenity.</p>
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19. The development hereby permitted shall not be occupied until the waste storage areas have been provided in accordance with the approved plans and shall be permanently retained as such at all times.

Reason: To ensure that appropriate provision is made for storage and disposal of waste.

20. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

## **INFORMATIVES**

### **NOT04          Section 76 planning agreement**

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement, which secures a Viability Review mechanism.

### **NOT02          Compliance with planning permission**

Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at [planning@belfastcity.gov.uk](mailto:planning@belfastcity.gov.uk).

### **NOT03          Discharge of condition(s)**

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

### **NOT05          Non-planning requirements**

The grant of planning permission does not dispense with the need to obtain licenses, authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer. consents or permissions under other legislation or protocols.

	<p><b>NOT06      Protected Species</b></p> <p>The applicant or developer's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence to:</p> <ul style="list-style-type: none"> <li>a) Deliberately capture, injure or kill a wild animal including a European protected species, which includes all species of bat;</li> <li>b) Deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;</li> <li>c) Deliberately disturb such an animal in such a way as to be likely to: <ul style="list-style-type: none"> <li>(i) affect the local distribution or abundance of the species to which it belongs;</li> <li>(ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or</li> <li>(iii) Impair its ability to hibernate or migrate;</li> </ul> </li> <li>d) Deliberately obstruct access to a breeding site or resting place of such an animal; or</li> <li>e) To damage or destroy a breeding site or resting place of such an animal.</li> </ul> <p>If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 9056 9605.</p>
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