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

5th November, 2025

PLANNING COMMITTEE – PRE-DETERMINATION HEARING

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 11th November, 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:

1. **Routine Matters**

   (a) Apologies

   (b) Declarations of Interest

2. **LA04/2024/0626**: Erection of 104no. social rented residential units (comprising a mix of General Social Housing and Category 1 over 55's accommodation) across two detached blocks [ranging between 3 and 5 storeys], landscaping, communal and private amenity space, ancillary cycle and car parking provision, and other associated site works **(Pages 1 - 66)**

Pre-Determination Hearing Report	
Committee Meeting Date: Tuesday 11th November 2025	
Application ID: LA04/2024/0626/F	
Proposal: Erection of 104no. social rented residential units (comprising a mix of General Social Housing and Category 1 over 55's accommodation) across two detached blocks [ranging between 3 and 5 storeys], landscaping, communal and private amenity space, ancillary cycle and car parking provision, and other associated site works.	**Location:** 1 Havelock House Havelock Place, Ormeau, Belfast, BT7 1EB
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Genova North West Limited The Factory 184 Newry Road Banbridge BT32 3NB	**Agent Name and Address:** TSA Planning Ltd 20 May Street Belfast BT1 4NL
Contact Officer: Ed Baker**,** Planning Manager (Development Management)	

Background:

This application for full planning permission was first considered by the Planning Committee at its 10th December 2024 meeting.

The Committee resolved to approve the application, subject to conditions and on the basis that all 104 residential units shall be provided as social rented housing (100%) which shall be secured by a Section 76 Planning Agreement. Delegated authority was given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other matters that arise, provided that they are not substantive.

Following receipt of a Pre-Action Protocol letter by solicitors acting on behalf of a local resident on 10th February 2025, and following advice from the Council's Legal Services, the application was brought back to the Committee for procedural reasons on 18th March 2025.

The application was again approved by the Committee at its 18th March 2025 meeting. The Committee resolved to affirm its decision of 10th December 2025: to approve the application subject to conditions and on the basis that all 104 residential units be provided as social rented housing (100%), secured by Section 76 Planning Agreement. Delegated authority was again given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other matters that arise, provided that they are not substantive.

Following a request from the Department for Infrastructure (DfI) on 20th March 2025 to clarify whether the Council intended to notify it of the application under the Planning (Notification of Applications) Direction 2017, the Council confirmed on 21st March 2025 that it did not consider that the application falls within any of the descriptions of development listed in the Schedule to the Direction and therefore it did not intend to notify the application to the Department.

DfI Holding Direction:

Notwithstanding the Council's reply, DfI formally notified the Council on 25th March 2025 that it was issuing a Holding Direction, which meant that the Council may not grant planning permission in relation to this application until further advised in writing by DfI.

The Council wrote to DfI to note its concerns about the rationale and basis upon which the Direction had been issued; and subsequently sought updates and indication of timescales for DfI's consideration of the matter on 28th March 2025, 15th April 2025 and 01st May 2025; however, there was no formal resolution.

On 20th May 2025, DfI requested additional information to assist its consideration of the application, which the Council provided on 23rd May 2025. The Council continued to periodically seek updates from DfI on the process.

DfI finally confirmed on 3rd October 2025 that it had concluded the application did not warrant the use of the Department's 'call-in' power under Section 29 of the Planning Act (Northern Ireland) 2011. The Holding Direction was released; the application would not be referred to it for determination, and the Council could continue to process the application accordingly. A copy of DfI's letter of 3rd October 2025 is provided at **Appendix 1**.

Requirement to hold a Pre-Determination Hearing:

Following return of the application to the Council for a decision, Regulation 7(1) of the Planning (Development Management) Regulations (Northern Ireland) 2015 requires the Council to hold a Pre-Determination Hearing to give the applicant and interested parties the opportunity to appear before and be heard by a committee of the Council.

A decision on the applications will not be made at the Pre-Determination Hearing. The application is instead scheduled to be formally reconsidered at the subsequent Planning Committee meeting on 11th November 2025.

Addendum Report 2 (for the 11th November 2025 Planning Committee meeting) is appended, alongside Addendum Report 1 (18th March 2025) and original Development Management report (10th December 2024). This report should be read in conjunction with those reports.

ADDENDUM REPORT 2	
Committee Date: Tuesday 11th November 2025	
Application ID: LA04/2024/0626/F	
Proposal: Erection of 104no. social rented residential units (comprising a mix of General Social Housing and Category 1 over 55's accommodation) across two detached blocks [ranging between 3 and 5 storeys], landscaping, communal and private amenity space, ancillary cycle and car parking provision, and other associated site works	**Location:** 1 Havelock House Havelock Place, Ormeau, Belfast, BT7 1EB
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Genova North West Limited The Factory 184 Newry Road Banbridge BT32 3NB	**Agent Name and Address:** TSA Planning Ltd 20 May Street Belfast BT1 4NL
Date Valid: 17th April 2024	
Target Date: 13th November 2024	
Contact Officer: Ed Baker**,** Planning Manager (Development Management)	

Background:

1. This report should be read in conjunction with Addendum Report 1 to the 18th March 2025 Committee meeting and the original report to the 10th December 2024 Committee meeting; both appended.

2. This application was first approved by the Committee at its 10th December 2024 meeting. The Committee resolved:

   '*That the application is approved on the basis that all 104 residential units be provided as social rented housing (100%) and that this shall be secured by the Section 76 planning agreement.*

   That the Committee grant planning permission, subject to conditions and a Section 76 planning agreement and delegates authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other matters that arise, provided that they are not substantive.'

3. Following receipt of a Pre-Action Protocol letter by solicitors acting on behalf of a local resident on 10th February 2025, and following advice from the council's Legal Services, the application was brought back to the Committee for procedural reasons on 18th March 2025. The reasons for this are detailed in full in Addendum Report 1 to 18th March 2025 Committee meeting, appended.

4. The application was again approved by the Committee at its 18th March 2025 meeting. The Committee resolved:

   '*The Committee affirmed its decision of 10th December 2024, to approve the application, subject to conditions and on the basis that all 104 residential units shall be provided as social rented housing (100%) and that this shall be secured by the Section 76 planning agreement.*

   The Committee delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other matters that might arise, provided that they were not substantive.'

5. Following a request from the Department for Infrastructure (DfI) on 20th March 2025 to clarify whether the Council intended to notify it of the application under the Planning (Notification of Applications) Direction 2017, the Council confirmed on 21st March 2025 that it did not consider that the application falls within any of the descriptions of development listed in the Schedule to the Direction. It therefore did not intend to notify the application to the Department.

DfI Holding Direction:

6. On 25th March 2025, DfI formally notified the council that notwithstanding the above, under the terms of Article 17 of The Planning (General Development Procedure) Order (Northern Ireland) 2015, it had issued a Holding Direction, which meant that the Council may not grant planning permission in relation to the application until further advised in writing by DfI. It confirmed that the reasons for issuing the Holding Direction were to allow it time to consider whether the proposal raises issues that warrant referral of the application to DfI for further consideration and determination.

7. The Council wrote to DfI to note its concerns about the rationale and basis upon which the Direction had been issued; and subsequently sought updates and indication of timescales for DfI's consideration of the matter on 28th March 2025, 15th April 2025 and 01st May 2025; however, there was no formal resolution.

8. On 20th May 2025, DfI requested additional information to assist its consideration of the application, which the Council provided on 23rd May 2025. The Council continued to periodically seek updates from DfI on the process.

9. DfI finally confirmed on 03rd October 2025 that it had concluded that the application did not warrant the use of the Department's 'call-in' power under Section 29 of the Planning Act (Northern Ireland) 2011. The Holding Direction was released; the application would not be referred to it for determination, and the Council could continue to process the application accordingly. A copy of DfI's letter of 3rd October 2025 is provided at **Appendix 1**.

Pre-determination Hearing:

10. Following return of the application to the Council for a decision, Regulation 7(1) of the Planning (Development Management) Regulations (Northern Ireland) 2015 requires the Council to hold a Pre-Determination Hearing to give the applicant and interested parties the opportunity to appear before and be heard by a committee of the Council. Formal invitations to the Pre-Determination Hearing have been sent to the applicant and consultees and third parties who have made representations on the application.

11. The Pre-Determination Hearing will be held prior to the main Committee meeting.

Further representations received:

12. Three letters of representation were received in response to the written invitations to the Pre-Determination Hearing, each noting that they still wish to record their opposition to the proposals, and that a representative from Donegall Pass Residents Association shall address the Pre-determination Hearing to articulate their views and opposition to the planning application.

13. All concerns and objections received through the application process have been considered and assessed in both Addendum Report 1 to the 18th March 2025 Committee meeting, and the original report to 10th December 2024 Committee meeting, both appended.

Other correspondence received:

14. A representative of Donegall Pass Residents Association contacted the council on 23rd September 2025, seeking clarity on any further developments regarding DfI's position, noting that solicitors had notified the council of their intention to issue a proposed claim for Judicial Review of the 18th of March 2025 Committee decision.

Further Pre-Action Protocol Letter:

15. On 09th April 2025, the Council received further Pre-Action Protocol correspondence from solicitors acting on behalf of a local resident. The correspondence set out concerns regarding the Council's application of Policies HOU5 and HOU7 of the Belfast Local Development Plan: Plan Strategy 2035. Officers are satisfied that the issues raised have been considered, including through the assessment contained in Addendum Report 1 and original Committee report, appended.

Recommendation:

16. Having regard to the Development Plan and relevant material considerations, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement, as set out in Addendum Report 1, appended.

17. 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 to deal with any other issues that arise, provided that they are not substantive.

ADDENDUM REPORT 1	
Committee Date: 18th March 2025	
Application ID: LA04/2024/0626/F	
Proposal: Erection of 104no. social rented residential units (comprising a mix of General Social Housing and Category 1 over 55's accommodation) across two detached blocks [ranging between 3 and 5 storeys], landscaping, communal and private amenity space, ancillary cycle and car parking provision, and other associated site works	**Location:** 1 Havelock House Havelock Place, Ormeau, Belfast, BT7 1EB
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Date Valid: 17th April 2024	
Target Date: 13th November 2024	
Contact Officer: Ed Baker**,** Planning Manager (Development Management)	

Background:

1. This application was approved by the Committee at its 10th December 2024 meeting. The Committee resolved:

   '*That the application is approved on the basis that all 104 residential units be provided as social rented housing (100%) and that this shall be secured by the Section 76 planning agreement.*

   That the Committee grant planning permission, subject to conditions and a Section 76 planning agreement and delegates authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other matters that arise, provided that they are not substantive.'

2. The Section 76 planning agreement is currently being prepared and has yet to be completed.

3. On 10th February 2025, a Pre-Action Protocol letter was issued to the Council by solicitors acting on behalf of a local resident. The letter sets out a range of concerns relating to the adequacy of consultation on the application, that local residents' objections were not adequately reported to the Committee, the Council's interpretation of planning policy and procedural matters relating to its handling of the application.

4. Following advice from Legal Services, the application is being reported back to the Committee for procedural reasons. Firstly, in view of Donegall Pass Residents Association's letter of 25th November 2024 in which it refers to its previous request for a meeting with the Planning Service and Planning Committee. Officers advise that the Residents Association should be afforded opportunity to appear before and be heard by the Committee. Secondly, whilst the original Committee report was published within the prescribed period, due to technical issues, it was published on a different part of the website and may not have been as easily accessible. Thirdly, due to the amended description which states that all 104 residential units are to be provided as social housing, in line with the Committee's resolution at its December meeting. In addition, NIHE has provided a further consultation response, dated 10th March 2025.

5. This addendum report should be read in conjunction with the original report to the 10th December 2024 Committee meeting, appended.

Further representations from NIHE

Representation received on 10th December 2024:

6. NIHE provided an additional representation on 10th December 2024, the day of the previous Committee and after the original Committee report had been published. It was verbally reported to the Committee as part of the officer presentation.

7. The representation is summarised below:

    - NIHE reaffirms full support for 84 units. Mixed tenure is essential to create sustainable/thriving communities and success of the *Belfast Agenda.*
    - It is committed to supporting the implementation and delivery of affordable housing policy and will continue to work with Clanmill Housing to consider alternative tenures for remaining units.
    - Social stock in area is higher than Belfast average (35% compared with 26.3%). Higher-than-average private rented sector (45.1% compared to 22.7%). Owner-occupation data shows 19.9% compared to a Belfast average of 51%.
    - Waiting list applicants have different circumstances, needs and levels of points. Principle of affordable housing policy is to deliver choice and wider range of homes to suit different households.
    - This scheme is programmed for Year 2 (2025/26), reviewed annually based on budget.
    - 'Shared Housing Scheme': this scheme will not be assessed for 'Housing for All' funding until funding position is confirmed for 2025/26.
    - NIHE has worked collaboratively and flexibly on mono-tenure legacy applications, however a consistent approach and clear communication is important to implement affordable housing policy post Plan Strategy adoption to realise ambitions of the recently published Housing Supply Strategy.

Representation received on 10th December 2024:

8. NIHE has provided a further representation, dated 10th March 2025, in response to the amended description of development. It states that its letter should be treated as a formal objection to the amendments to deliver a fully social housing scheme at this location.

9. The representation is summarised below:

   - NIHE reaffirms its position regarding the original proposal for 84 social housing homes with the remaining 20 homes to be occupied by another tenure. This position has been clear and consistent with the Planners, Applicant and Housing Association throughout the application process.
   - NIHE considers that approval of 100% social housing on a scheme of this size is contrary to Policy HOU5 of the Plan Strategy, Affordable Housing and Housing Mix Supplementary Planning Guidance (SPG) and paragraph 6.137 of the SPPS in that the proposal is a 100% social housing mono-tenure scheme that fails to provide affordable housing as an integral part of mixed tenure.
   - It is understood that the applicant purchased the site in 2023 and would have been aware of the relevant planning policy and SPG.
   - There are significant benefits in effectively delivering affordable homes in mixed tenure development in the city via Policies HOU5 and HOU6 in terms of meeting affordable housing need by opening access to land, reducing pressures on government funding and minimising issues associated with mono-tenure development.
   - Paragraph 5.26 of the Development Management Report notes that the SPG states that 'in all cases, whether or not a proposal for mono-tenure social housing is deemed to deliver sustainable and balanced communities will be assessed on a case-by-case basis using the following factors:

     1. The level of social housing need in the vicinity of the site and the availability of land to address such needs
     2. The wider tenure and characteristics of the area, in order to minimise large areas of single tenure social housing; and,
     3. Whether a scheme is proposed as 'shared housing'.

10. In applying these factors to this proposal, there is a strong need for all types of affordable housing and mixed tenure development are essential to support balanced and sustainable communities. Given the importance of the specific locational context, it should be noted with regard to points 1 and 2, NIHE research has shown that there is a higher than Belfast average of social housing stock in the area (35% compared with 26.3%). There is also a lower-than-average owner-occupier sector (19.1% compared to Belfast average of 51%). There is therefore a sound factual basis to include a broader tenure mix.

11. The Right to Buy Scheme for Housing Associations has been removed by legislation, meaning that Housing Association tenants can no longer purchase their homes from a Housing Association. This further reinforces concerns that NIHE has regarding a single tenure scheme at this location. It is essential that we support and enable a broad range of homes to suit the wide variety of housing needs.

12. With regard to point 3, the applicant has indicated their preference that the scheme would be shared. The area has been considered an interface and remains subject to anti-social behaviour. It is not currently included in the 'Housing for All' programme and it is not possible to confirm its inclusion at this time. NIHE would certainly support an inclusive approach to the creation of a shared waiting list.

13. NIHE does not agree that there is a factual basis on which to premise the statement at paragraph 5.26 of the Development Management Report that 'having regard to these factors, and on balance, 100% social housing scheme would be considered acceptable in this case' and therefore disputes the accuracy and validity of this assertion. The evidence clearly does not support this statement.

14. In terms of funding, the scheme has always been considered for inclusion in year 2 (2025/26) of the Social Housing Development Programme to deliver 84 social homes. The scheme has never been considered for a start in 2024/25. There is no funding provision for a start this year. There are no guarantees at this time as to the level of funding that will be allocated to new build social housing for 2025/26.

15. The applicant's representative commented at the December Planning Committee meeting that the scheme would not be viable unless it was 100% social housing. However, NIHE has not seen any evidence of viability testing as part of this application.

16. It is for NIHE as Housing Authority to confirm that the scheme meets identified need and is a housing mix suitable for the profile of households on the waiting list. NIHE therefore objects to the proposed wording of the Section 76 planning agreement which stipulates that 49 of the social housing units shall be general social housing and 35 as Category 1 over 55s accommodation, unless otherwise agreed in writing. The allocation of social homes is through the Housing Selection Scheme and the wording of the Section 76 planning agreement should be amended accordingly.

17. NIHE states its commitment to work collaboratively with partners to deliver much needed homes across Belfast, facilitating and enabling a wide variety of homes to meet the wide variety of needs. It fully supports the Belfast Agenda commitment to "working in partnership to ensure that all residents have access to the high-quality, sustainable homes they deserve". NIHE would be happy to attend the Planning Committee to discuss any matters raised and would also welcome a session with Members, at a future date, on matters relating to the delivery of housing.

Updated Assessment

18. NIHE maintains its position that the scheme should provide no more than 80% of the residential units as social housing, to avoid mono-tenure development and promote sustainable and balanced communities.

19. As stated in the original Committee report, paragraph 4.4.12 of the SPG states that: '*In all cases, whether or not a proposal for mono-tenure social housing is deemed to deliver sustainable and balanced communities will be assessed on a case-by-case basis using the following factors:*

- *The level of social housing need in the vicinity of the site and the availability of land to address such needs;*
- *The wider tenure characteristics of an area, in order to minimise large areas of single tenure social housing; and*
- *Whether a scheme is proposed as 'shared housing*'.

20. The level of social housing need in the vicinity of the site is significant and undisputed. There is a marked level of social housing stock in the area, which is higher than the Belfast average. There is also less than average owner-occupation. NIHE states that the scheme is not currently included in the 'Housing for All' programme and it is not possible to confirm its inclusion at this time. Therefore, less weight can be given to the proposal coming forward as shared housing.

21. NIHE is the Housing Authority for NI and its advice on housing policy matters should be given due weight. It is clear that it is unsupportive of a 100% social housing scheme. It is also the case that the applicant has not provided evidence to date that a mixed tenure scheme would not be viable. As it stands, the Council's stipulation that all 104 residential units are provided as social housing could result in a deliverability issue and the provision of up to 80% social housing, which still far and away exceeds the minimum 20% requirement set by Policy HOU5, would afford greater flexibility. In view of these factors, it is recommended that the social housing requirement for this scheme should be set out a maximum of 84 residential units (80%), but with potential allowance for up to 100% social housing, should these issues be satisfactory addressed at a future point and subject to approval by the Council in consultation with NIHE. This proposal would be secured through the Section 76 planning agreement.

22. Regarding NIHE's concerns about the balance of general social housing units and Category 1 over 55s accommodation, the current draft Section 76 planning agreement already includes a revised approach whereby the final mix must be agreed in consultation with NIHE prior to commencement of development. Ensuring a suitable mix of these units is considered important in view of the mono-tenure considerations.

23. The Pre-Action Protocol letter also raised concerns about the Council's interpretation of planning policy; namely Policy HOU5 (affordable housing), Policy HOU6 (housing mix) and Policy HOU7 (adaptable and accessible accommodation).

24. The issues concerning affordable housing and mono-tenure are dealt with in this updated assessment. The Pre-Action Protocol letter does not detail the concerns in respect of Policies HOU6 and HOU7. The issue of housing mix (Policy HOU6) – including the type and size of units, as well as the balance of Category 1 over 55s and general needs accommodation – is dealt with in the original report and this updated assessment. With regard to Policy HOU7, the original report confirms that the proposal does not fully comply with this policy in that it falls short by one wheelchair unit. However, the report goes onto advise that this is acceptable in the planning balance given the flexible design of all the units and the provision of a significant level of affordable housing to help meet local housing need. For the avoidance of doubt, the proposal meets the requirements of criteria a. to f. of Policy HOU7.

Recommendation

25. Having regard to the Development Plan and material considerations, it is still recommended that planning permission is granted subject to conditions and a Section 76 planning agreement. It is recommended that the social housing requirement for this scheme should be set at a maximum of 84 residential units (80%), but with potential allowance for up to 100% social housing, should the issues be satisfactory addressed and subject to approval from the Council in consultation with NIHE.

26. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.

Development Management Report

Summary	
Committee Date: 10th December 2024	
Application ID: LA04/2024/0626/F	
Proposal: Erection of 104no. residential units across two detached blocks [ranging between 3 and 5 storeys] including 84 no. Social Rented Housing Units (comprising a mix of General Social Housing and Category 1 over 55's accommodation), landscaping, communal and private amenity space, ancillary cycle and car parking provision, and other associated site works.	**Location:** 1 Havelock House Havelock Place, Ormeau, Belfast, BT7 1EB
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Genova North West Limited The Factory 184 Newry Road Banbridge BT32 3NB	**Agent Name and Address:** TSA Planning Ltd 20 May Street Belfast BT1 4NL
Date Valid: 17th April 2024	
Target Date: 13th November 2024	
Contact Officer: Ed Baker**,** Planning Manager (Development Management)	

Executive Summary:

The application proposes the construction of 104no. residential units, including 84no. social rented units (approximately 80%) comprising a mix of General Social Housing and Category 1 over 55s accommodation.

The development would comprise two detached blocks, ranging in height from 5 storeys along the Ormeau Road elevation, stepping down to 3 storeys to the rear. The scheme also includes internal courtyard gardens, communal amenity provision and landscaping, 29 car parking spaces within the site (to the rear) accessed via Ormeau Street, cycle parking and associated works.

The key issues for consideration of the application are set out below.

- Principle of housing in this location
- Housing density
- Affordable housing
- Housing mix
- Adaptable and accessible accommodation
- Design and placemaking
- Impact on heritage assets

- Residential quality and impact on amenity
- Community cohesion and good relations
- Security and design
- Open space
- Space Standards
- Access and transport
- Health impacts
- Environmental protection and climate change
- Flood risk and drainage
- Waste-water infrastructure
- Waste management
- Natural heritage
- Employability and Skills
- Section 76 planning agreement
- Pre-application Community Consultation
- Matters raised in representations

In the Belfast Urban Area Plan 2001 (BUAP 2001), the site is located within the city centre and is not zoned for any use.

In the draft Belfast Metropolitan Area Plan 2015 (dBMAP) (versions 2004 and 2014), the site is located within the city centre and within Shaftsbury Square Character Area and is not zoned for any specific use.

The site is a suitable and highly sustainable location for housing; the proposal would make effective use of previously developed land and would support City Centre Living.

Following negotiations and amendments, the design of the scheme is considered to be of good quality and appropriate to its context. There would be no harmful impacts on neighbour amenity.

The proposed access and parking arrangements would be suitable.

The provision of 84no. social housing units that respond to local housing need is welcomed.

NIHE is supportive of the on-site social housing proposals. No objections have been received from any statutory consultations, subject to conditions, informatives and Section 76 legal agreement.

There are no objections from non-statutory consultees, including amongst others, the Urban Design Officer, Environmental Health and Translink.

A total of 52 representations have been received. This includes 1no. petition objecting to the proposal with 462no. signatories, 49no. letters of objection, 1no. letter of mixed response, and 1no. letter objecting to the petition.

All concerns are addressed in the report.

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.

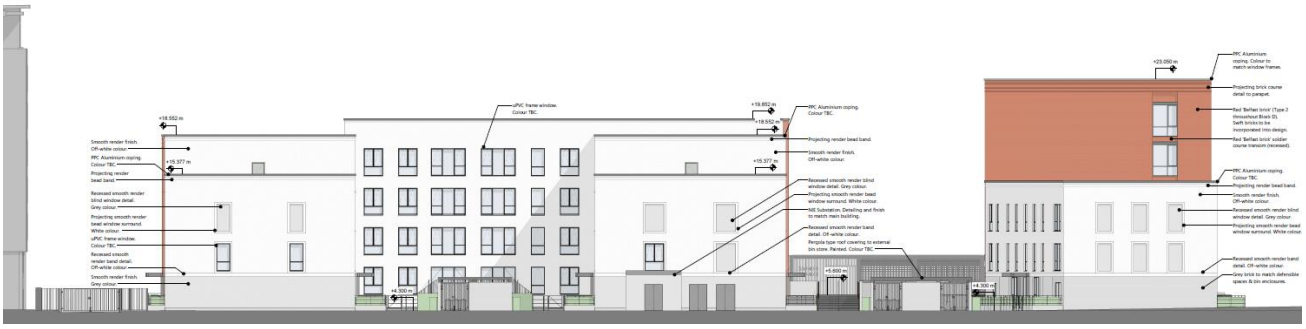
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement.

DRAWINGS AND IMAGERY

Site Location Plan:

Proposed Front Elevation (east):

Proposed Rear Elevation (west):



Proposed Side Elevations (north):

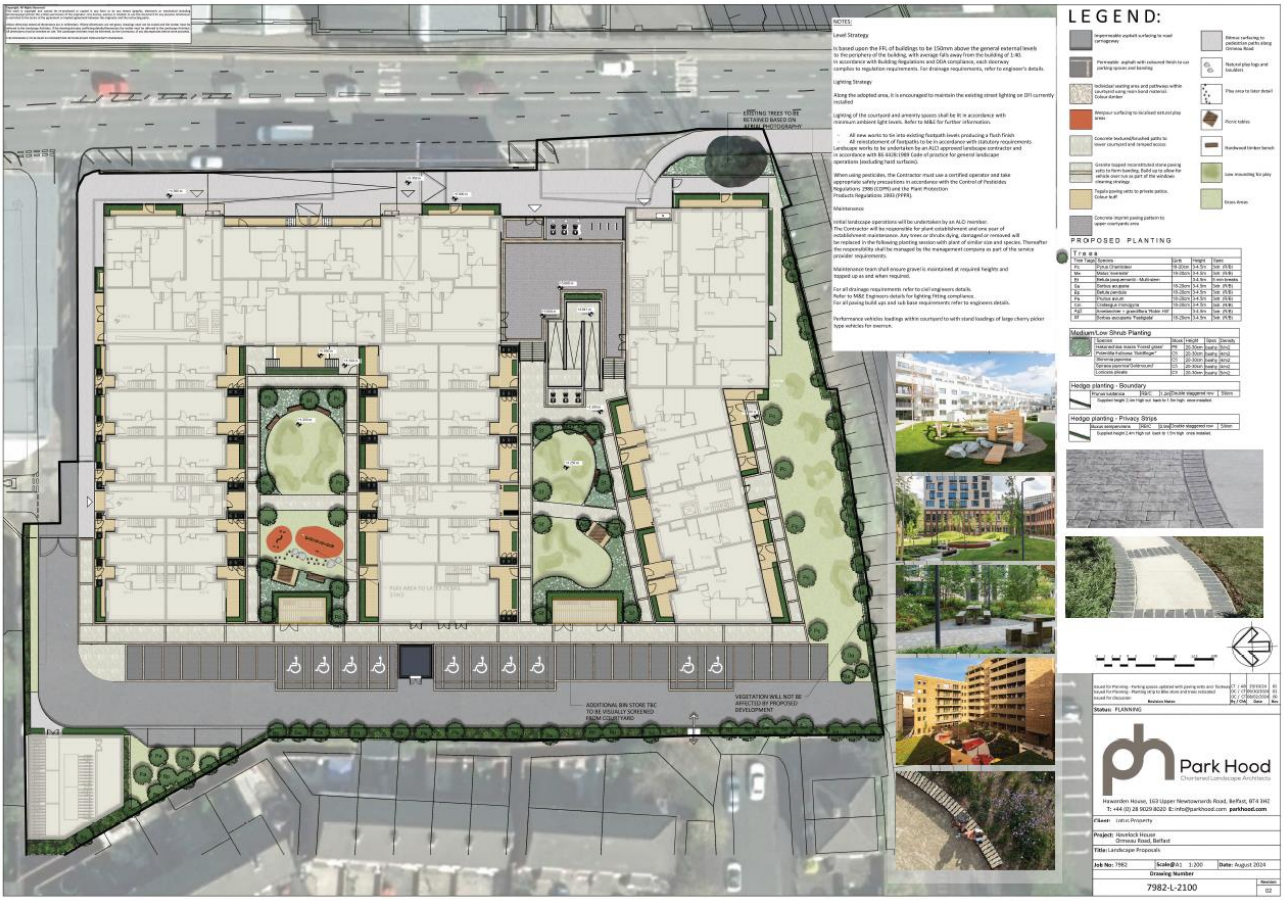
Proposed Side Elevations (south):

Proposed Side Elevations – Inner courtyard (south):

Proposed Side Elevations – Inner courtyard (north):

Contextual Front Elevation (east):

Landscaping proposals:



CGI: Front elevation, looking northwards on Ormeau Road:

CGI: Front elevation, looking southwards on Ormeau Road:

CGI: Side elevation, looking northwards from McClure Street:

CGI: Rear elevation, looking eastwards from Vernon Street:

CGI: Key view looking west from Cromac Avenue, Gasworks:

CGI: Key view looking west from Lagan:

1.0	**Characteristics of the Site and Area**
1.1	The site fronts onto Ormeau Road and is currently a vacant site, measuring approximately 0.73 hectares (1.81 acres). It was previously the site of a 3-storey building known as Havelock House, formerly the home of UTV, which has since been demolished. The southern boundary of the site is bounded by the railway line and is defined by a sloping embankment. The western boundary is defined by a mixture of brick wall and paladin fence. An existing layby is located along the Ormeau Road frontage of the site which accommodates approximately 7 parking spaces. The Ormeau Road rises on an incline along the site frontage before falling towards the city centre. The site itself falls from the Ormeau Road to the west. <u>Existing site condition:</u>
1.2	The surrounding area is comprised of a mix of uses including residential, office, commercial and educational. Terraced and semi-detached dwellings are located to the immediate west/northwest of the site on Walnut Street/Vernon Street and Walnut Court. The site is bounded to the north by Coyle's Place, where the 8-storey residential block (Portland 88) sits, also fronting onto Ormeau Road.
1.3	The site sits immediately opposite the listed Klondyke Building and its adjoining contemporary extension (Gasworks site). Number 7 Walnut Court (Rose Cottage) is also a listed building and abuts part of the northern boundary of the site.
	Description of Proposed Development
1.4	The application seeks full planning permission for the erection of 104no. residential units. This would include 84no. social rented units (approximately 80%) comprising a mix of General Social Housing and Category 1 over 55s accommodation. The remaining 20no. units (approximately 20%) would be other tenures.
1.5	The scheme also includes internal courtyard gardens, communal amenity provision and landscaping, 29 car parking spaces to the rear of the site, accessed via Ormeau Street, cycle parking and associated works.
1.6	The application follows Pre-Application Discussions with officers.

2.0	**PLANNING HISTORY**
2.1	*The following were undertaken in advance of this application being submitted*: • **LA04/2023/4400/PAD** ***Decision**: PAD concluded 14/03/2024* • **LA04/2023/4409/PAN** ***Decision**: PAN acceptable 28/11/2023* • **LA04/2022/0896/PAN** ***Decision**: PAN acceptable 23/05/2022*
2.2	*Previous planning history on this site:* • **Planning Appeal PAC Reference 2020/A0107 (appeal against refusal of LA04/2020/0067/F)** Demolition of existing buildings and erection of 270 no. apartment building comprising 8, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 no. car parking spaces, cycle parking, substation and associated works. (Further information and amended plans received). ***Decision**: Appeal dismissed 05/10/2021* • **LA04/2020/0067/F** Demolition of existing buildings and erection of 270 no. apartment building comprising 8, 5 and 3 storey elements, provision of hard and soft landscaping including communal courtyard gardens, public realm, provision of 40 no. car parking spaces, cycle parking, substation and associated works. ***Decision**: Planning permission refused 18/11/2020* • **LA04/2018/2562/PAD** Demolition of existing building and erection of a 13 storey build to rent development with associated residents' amenity space, access, parking and landscaping. ***Decision**: PAD concluded 05/12/2022* • **LA04/2018/1982/PAN** Demolition of existing properties and erection of new purpose-built, multi-unit residential development for rental, C/W shared amenity spaces, all necessary ancillary/support accommodation, car parking and landscaping. ***Decision**: PAN Acceptable 16/08/2018*
2.3	*Relevant planning history adjacent to the application site*: • **LA04/2016/0967/F** Proposed erection of an eight storey residential development comprising 88 apartments with car parking, amenity space and associated site works, 55-71 Ormeau Road, Belfast, BT7 1EB. ***Decision**: Planning permission approved 10/03/2017* • **LA04/2017/1998/NMC** Non Material Change to LA04/2016/0967/F. ***Decision**: Non-material change approved 11/10/2017*

3.0	**PLANNING POLICY**
3.1	**Development Plan – local development plan** <u>Belfast Local Development Plan, Plan Strategy 2035</u> *Strategic Policies:* • Policy SP1: Growth Strategy • Policy SP1A: Managing growth and supporting infrastructure delivery • Policy SP2: Sustainable development • Policy SP3: Improving health and wellbeing • Policy SP4: Community cohesion and good relations • Policy SP5: Positive placemaking • Policy SP6: Environmental resilience • Policy SP7: Connectivity • Policy SD2: Settlement Areas *Operational Policies:* • 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 • Policy DES1: Principles of urban design • Policy DES2: Masterplanning approach for major development • Policy RD1: New residential developments • Policy CGR1: Community cohesion and good relations • Policy BH1: Listed Buildings • Policy BH4: Works to grounds affecting built heritage assets • Policy BH5: Archaeology • Policy TRAN1: Active travel – walking and cycling • Policy TRAN 2: Creating an accessible environment • Policy TRAN4: Travel plan • 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 HC1: Promoting healthy communities • Policy OS3: Ancillary open space • Policy TRE1: Trees • Policy NH1: Protection of natural heritage resources

	<u>Supplementary Planning Guidance</u> • Affordable Housing & Housing Mix • Residential Design • Placemaking & Urban Design • Masterplanning Approach for Major Developments • Sustainable Urban Drainage Systems • Transportation
3.2	**Development Plan – zoning, designations and proposals maps** • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015 (v2004) • Draft Belfast Metropolitan Area Plan 2015 (v2014)
3.3	**Regional Planning Policy** • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS)
3.4	**Other Material Considerations** • Developer Contribution Framework (2020) • Belfast Agenda (Community Plan)
4.0	**CONSULTATIONS AND REPRESENTATIONS**
4.1	<u>Statutory Consultees</u> Responses from statutory consultees are summarised below. Further detail concerning their feedback is provided in the main assessment section of the report, where appropriate. • ***DfI Roads***: *No objection subject to conditions & Section 76 Planning Agreement* • ***DfC HED***: *No objection subject to informatives* • ***DfI Rivers***: *No objection subject to informatives* • ***DAERA (NIEA)***: *No objection subject to conditions & informatives* • ***NI Water***: *No objection subject to conditions* • ***NIHE***: *No objection subject to Section 76 Planning Agreement*
4.2	<u>Non-statutory Consultees</u> Responses from non-statutory consultees are summarised below. Full details are provided in the main assessment section of the report, where appropriate. • ***BCC Urban Design***: *No objection* • ***BCC Trees***: *No objection subject to conditions* • ***BCC Environmental Health***: *No objection subject to conditions & informatives* • ***BCC Landscape Planning & Management Team***: *No objection* • ***BCC Waste Management***: *No objection* • ***Translink***: *No objection subject to conditions & informatives* • ***Shared Environmental Services***: *No objection*

	<u>Representations</u>
4.3	The application has been advertised in the newspaper and neighbours notified.
4.4	A total of 52no. representations have been received and are summarised as follows: • *1 x petition of objection (462 x signatories)* • *49 x objections* • *1 x mixed response* • *1 x objecting to the petition*
4.5	The key material issues identified in the objections are: • *Wrong form of development* • *Wrong form of social housing* • *Not social regeneration* • *High density* • *Lack of retail use* • *Height* • *Dominance* • *Inappropriate design* • *High-rise residential development unsuccessful* • *Privacy impact* • *Loss of light* • *Overshadowing* • *Lack of amenity space* • *Security, anti-social issues, crime, nuisance* • *Noise impact* • *Pollution* • *Impact from construction & demolition* • *Impact on services / infrastructure* • *Parking* • *Traffic increase, noise & pollution* • *Community impact* • *Community not engaged / heard* • *Mental health impact* • *Human rights* • *Distribution of homes to NIHE priority list*
4.6	Two representations registered objections without giving specific reasons.
4.7	One representation of mixed support was received which noted support for the proposed social housing and density but registered objection to the lack of retail use and active frontage at ground floor level.

4.8	One further representation noted that they objected to the submitted petition.
4.9	All concerns noted in representations are fully considered within the assessment of the proposal below.
5.0	**PLANNING ASSESSMENT**
	Main Issues
5.1	The main issues relevant to consideration of the application are summarised in the executive summary above and set out in detail below.
	Development Plan Context
5.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
5.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
5.4	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
	<u>Operational Polices</u>
5.5	The Plan Strategy contains a range of operational policies relevant to consideration of the application. These have been listed at paragraph 3.1.
	<u>Proposals Maps</u>
5.6	Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, 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. • **Belfast Urban Area Plan 2001**: the site is un-zoned land within Belfast City Centre. • **Belfast Metropolitan Area Plan 2015 (2004**): the site is un-zoned land within Belfast City Centre and falls with the Shaftesbury Square Character Area. • **Belfast Metropolitan Area Plan 2015 (v2014)**: the site is un-zoned land within Belfast City Centre and falls with the Shaftesbury Square Character Area.

	Background
5.7	This application represents the outcome of a number of previous PANs, PADs and a full application for the site. Where the previous refused scheme proposed 270no. units with a maximum height of 8 storeys, and included the demolition of Havelock House, the proposal as now submitted has now been reduced significantly to 104no. units with a maximum height of 5 storeys. As Havelock House has since been demolished, this is no longer a relevant consideration in the assessment of this application nor required to be included in the application description.
5.8	As before, this proposal was the subject of a PAN, and the council is satisfied that the pre-application community undertaken fulfilled the legislative requirements regarding engagement with the local community.
5.9	PAD discussions with the agent/applicant were undertaken over a period of 4 months prior to submission of this planning application, which included input from statutory consultees and BCC's Urban Design Officer.
5.10	Following submission of the application, concerns were raised by NIHE through the consultation process regarding the proposed tenure, which was initially 100% social housing. The scheme has since been amended to propose 84.no social housing units (approximately 80%), with a mixed split of General Social and Category 1 over 55s. The remaining 20 units are to be another tenure.
	Site context
5.11	The proposed site is located within Belfast City Centre along the key arterial transport route of the Ormeau Road, directly opposite the Listed Buildings associated with the Gasworks site to the south of the city centre.
5.12	Given its location, the site has excellent connectivity to wider parts of the city and further, within walking distance (approximately 950m) of the new Belfast Grand Central transport hub. The site is also 800m walking distance from Botanic Train station and is located on the new anticipated North/South Glider Bus Route.
5.13	The surrounding area is characterised by a mix of uses at this location including residential, employment/offices, commercial and educational uses.
5.14	The site does not fall within a Conservation Area or an Area of Townscape Character (ATC), and as noted above while it was previously developed, it is now a vacant site.
	Principle of housing in this location
5.15	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 the three criteria below. *a. The site is suitable for housing,* *b. The location is accessible and convenient to public transport and walking cycle infrastructure; and* *c. Provision is made for any additional infrastructure required as a result of the development.*

5.16	In respect of each of the above, the site is considered a suitable location within the city centre and suitable in principle for housing. It is located in an area that is accessible to shops, services, amenities and public transport. Suitable infrastructure is in place and no additional measures would be required.
5.17	The proposal for 104no. units will provide a form of quality residential housing that will add to the variety of housing stock in the city, delivering a new and sustainable mixed tenure scheme in a city centre location. It is within walking distance of the city core and can take advantage of the proximate waterside location for amenity value, providing the opportunity to mix residential development with other economic uses already established along the Waterfront and further strengthen a key city corridor. It will promote city centre living and given its proximity will support the city centre including shops, bars, restaurants, leisure and other amenities.
5.18	Due to the accessible location of the site within the City Centre, the proposal will also contribute to the creation of a high quality and healthy environment for people to work, live and stay connected. The subject site sits adjacent to the Donegall Pass and Lower Ormeau Communities which was a focus of the pre-application community engagement.
5.19	For these reasons, the principle of housing in this location complies with Policies HOU1 and HOU2 and is considered acceptable. For the same reasons it is also compliant with Strategic Policies SP1, SP1A, SP2 and SP4, and the relevant objectives of the RDS and SPPS.
	<u>Housing density</u>
5.20	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
5.21	With a site area of approximately 0.73 hectares, the proposed density equates to 142 dwellings per hectare (dph). This falls marginally below the policy bracket of 150-350dph for the city centre, roughly 6no. units short of what would be required to meet 150dph. In this instance however it is noted that through the design discussions it was agreed that the building height should be restricted to 5 storeys to the front and 3 storeys to the rear in order to suitably respect the built heritage and streetscape on Ormeau Road and residential properties to the rear of the site respectively. Furthermore, the number of 1-bed units was purposely reduced from an initial 40% to approximately 25% in response to community consultation feedback at the PAN stage.
5.22	For these reasons, and whilst the density is slightly below the recommended minimum, the shortfall is considered minor and enables subsequent, wider benefits to be achieved, resulting in overall planning gain. As such it is considered that the proposal does not conflict with the overall objectives of Policy HOU4.
	<u>Affordable housing</u>
5.23	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. Provision should be an integral part of mixed tenure development, integrated with general needs housing, and should include an appropriate mix in terms of size, type and tenure. In this case, in response to concerns raised by NIHE about a mono-tenure scheme, the application as revised proposes 80% social housing, which exceeds the minimum 20% policy requirement. This would be integral to the development and would be made up of 49no. General Social Housing units and 35no. Category 1 Over 55s accommodation. Given the high percentage of affordable units being proposed, this mix is considered

acceptable and is welcomed. The actual breakdown of these units is set out in the table below.

Unit size	General Needs Apartment	General Needs Maisonette	General Needs Accessible	Category1 Over 55s	Category1 Over 55s Accessible	Total
1B2P	5		1	12	2	20
2B3P	13	16	4	19	2	54
2B4P	2					2
3B5P	4	2	1			7
3B6P	1					1
Total	25	18	6	31	4	84

5.24 NIHE has confirmed it is supportive of the proposed 80% social provision and that a mixed tenure proposal on the site is in line with Policy HOU5 and the SPPS. In an earlier consultation response, NIHE confirmed the level of housing need. It advised that in March 2024 there were 5,252 total applicants and 4,130 stress applicants on the South and East Belfast Waiting List. There was a total of 622 allocations. NIHE recognises that a variety of house types, sizes and tenures is fundamental to the successful delivery of the Local Development Plan with housing that can meet the full range of housing needs. The provision of affordable housing will be secured by way of a Section 76 Planning Agreement.

Tenure mix

5.25 It is noted that the initial application proposed a 100% social housing scheme, which has been reduced to 80% on the basis that this would represent a better tenure mix having regard to Policy HOU5 and the 'Affordable Housing and Housing Mix Supplementary Planning Guidance', and that agreement has not yet been reached with NIHE on a 100% social housing scheme. The applicant has confirmed that discussions are continuing on this and there is potential for agreement to be reached with NIHE in the future about a 100% social housing scheme.

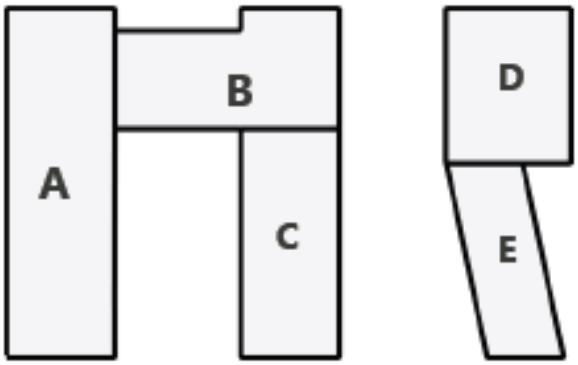
5.26 The council's 'Affordable Housing and Housing Mix' Supplementary Planning Guidance (SPG) states that: '*In all cases, whether or not a proposal for mono-tenure social housing is deemed to deliver sustainable and balanced communities will be assessed on a case-by-case basis using the following factors*:

- *'The level of social housing need in the vicinity of the site and the availability of land to address such needs,*
- *The wider tenure and characteristics of an area, in order to minimise large areas of single tenure social housing; and*
- *Whether a scheme is proposed as 'shared housing'*

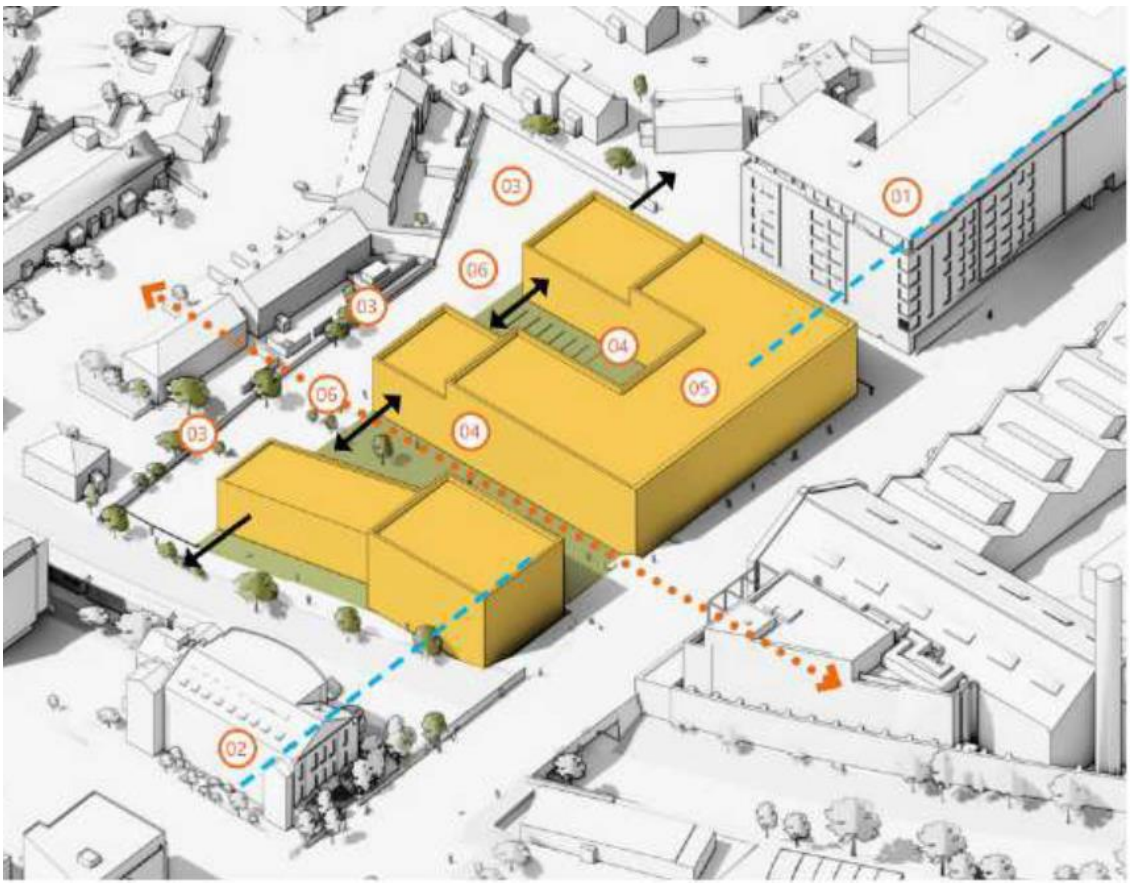
5.27 In respect of the first factor, NIHE has confirmed that there is a significant level of social housing need in the area. In relation to the second factor, there is a high level of social housing in the locality. Regarding the third factor, the applicant has indicated that the proposal is for shared housing.

5.28 The applicant has indicated their ultimate objective of a 100% social housing scheme. The application therefore needs to be assessed on this basis, notwithstanding the applicant's agreement to limit the scheme to 80% social housing. Whilst there is a high level of social housing already in the locality, regard is had to the significant social housing need; the applicant's commitment to both general and Category 1 social

	housing which would of itself provide a mix of accommodation type; as well as the applicant's proposal to provide the scheme as shared housing.
5.29	Having regard to these factors, and on balance, a 100% social housing scheme would be considered to be acceptable in this particular case.
	Housing mix
5.30	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. The requirement for a mix of house types will not apply to single apartment developments such as the proposal, and in such cases, the housing mix will be considered acceptable through greater variety in the size of units. The SPG also suggests that 3 and 4-bedroom apartments should be encouraged to promote choice and facilitate the creation of sustainable and balance neighbourhoods.
5.31	The scheme proposes a good range of house types consisting of 1 bed, 2 bed and 3 bed units, including family maisonettes, and 10no. wheelchair accessible units. Whilst it does not include any 4 bed units, the proposed mix of 1B2P to 3B6P is considered to provide a satisfactory range of size and type. Taking these considerations into account, on balance, the proposed housing mix is acceptable under Policy HOU6.
	Adaptable & accessible accommodation
5.32	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. With the scheme proposing 104no. units, 10% would equate to 11 accessible units (rounded up).
5.33	In this regard, the proposal includes 10no. wheelchair accessible units, which falls one unit short of the requirement. It is noted however that the Housing Mix Statement and Affordable Housing Proposal Form which were submitted in support of the application clarify that in addition to the 10no. wheelchair accessible units, all the new apartments have been designed with flexibility in mind for various stages of life. This includes the over 55's units as well as 1, 2 and 3 bed apartments for various family sizes, which will ensure that occupants can adapt and remain within the proposed development even as their needs change. Whilst the proposal falls short by one wheelchair accessible unit, this should be balanced against the fact that all the units within the whole development will be flexibly designed and the significant level of provision of much needed social housing. Therefore, the approach is considered acceptable in the planning balance, having regard to Policy HOU7 of the Plan Strategy.
	Design & placemaking
5.34	The proposal has been assessed against the SPPS, Creating Places and Policies SP5, DES1, DES2 and RD1 of the Plan Strategy.
5.35	Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy 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.).
5.36	Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent development. Planning permission will be granted for major development where it accords with the principles (a.) to (j.). Policy RD1 requires new residential development to be in accordance with general urban design policies and other relevant policy requirements such as land use, neighbouring amenity, space standards, access, standard of living etc.
5.37	In respect of the above, the proposed scheme has evolved through close discussions with the Planning Service and its urban design team through both the PAD and application stage to ensure that each policy and relevant criteria have been met.
	Scale, height & massing
5.38	As now proposed, the scheme consists of five individual blocks, connected and contained within two larger separate blocks. These have been designed to take advantage of the site layout and surrounding context, in particular the relationship to the front of the site with the adjoining Portland 88 building to the north and Former Methodist Church to the south. To the rear a key design principle was to ensure an appropriate step-down in both form and mass towards the 2-storey residential housing.
	
5.39	Looking specifically to the east of the site and fronting onto Ormeau Road, the higher 5 and 4 storey blocks will respond to the topography of the site, the shoulder height of Portland 88 and the roofline of the Former Methodist Church. Contextually, the height of the blocks to the front are considered sympathetic to their wider context and would provide an appropriate addition to the streetscape.
5.40	Moving westwards towards the rear of the site the blocks will step down to 3 storeys in height across three separate linear east/west blocks. These have been specifically designed to reference the historic street plan and will improve privacy to and reduce potential impact on neighbouring residential properties.
5.41	The council's SPG 'Residential Design' states that suitable separation is required between properties to ensure all residents benefit from adequate daylight and sunlight, and to achieve sufficient outlook and privacy. It recommends that a minimum of 20m should be maintained between facing windows of habitable rooms and 10m between blank gable walls or non-habitable rooms. In this instance, at its nearest point the elevation closest to the rear boundary will achieve a minimum separation distance of 20.7m from the closest neighbouring property to the west. The remaining distances from rear elevations will range from 22.4m to increasing to 24.6m at their furthest point.

5.42	Each of these rear elevations would be blank gables, with the internal layout specifically designed to provide inward facing apartments to further minimise overlooking issues to neighbouring dwellings. These distances are therefore considered sufficient to prevent impact on neighbours and are in line with the guidance.
5.43	Inner courtyards to the rear will provide high quality south-west facing amenity spaces, providing light and useable amenity space for residents and an opportunity to create visual links through entrances to the Ormeau Road.
5.44	The extract below from the DAS shows how each of these elements have been specifically designed to take cognisance of the surrounding context.



01 Relationship with neighbouring Portland 88 building
02 Relationship with former Methodist Church
03 Step-down in form and mass towards the 2-storey residential housing to the rear
04 Building form creates internal courtyards providing light, amenity space & visual links
05 Linear east/west blocks to rear of main front blocks referencing historic street plan
06 Inward facing apartments to minimise overlooking to the rear

<u>Shaftesbury Square Character Area Urban Design Criteria</u>

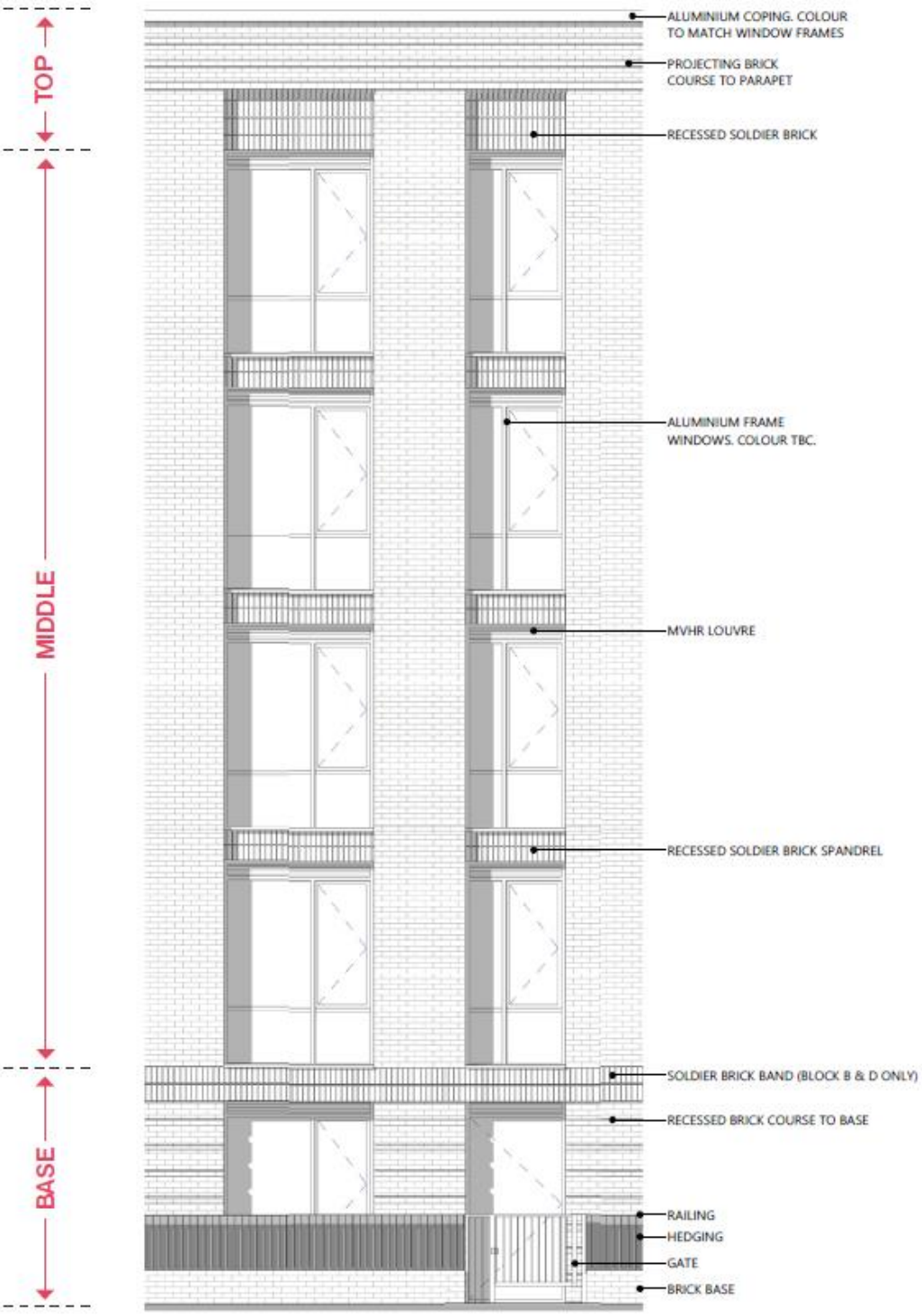
5.45 The site falls within Shaftesbury Square Character Area and Draft BMAP 2015 sets out the following design criteria to be applied within the area:

1. *Development proposals shall take account of the height of adjoining buildings Street Frontages*

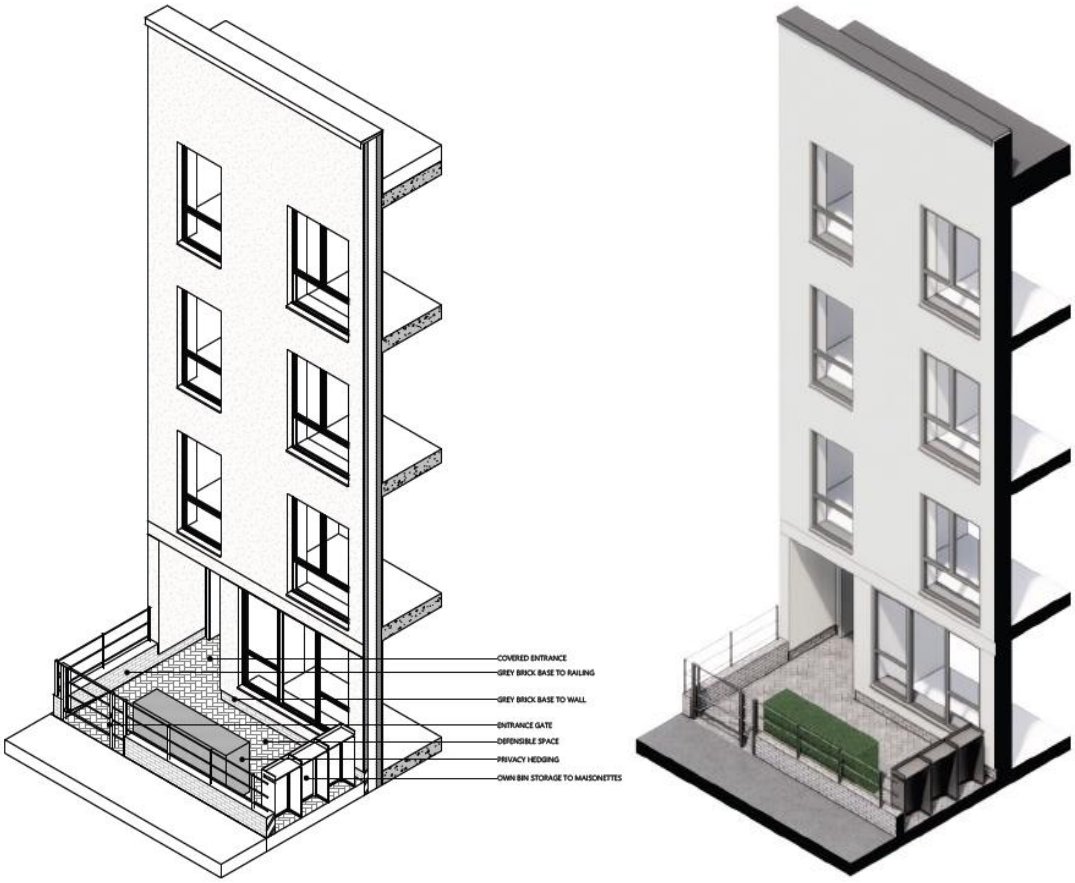
	2. *That part of any development which fronts Dublin Road or Bradbury Place shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys,* 3. *Shopfronts shall be of high quality materials consistent with Conservation Area policy (where applicable),* 4. *New development shall respect the established building line,* 5. *Building heights shall be a minimum of 2 storeys and a maximum of 3 storeys; and* 6. *Development shall be fine grain in nature and aim to reflect traditional plot widths. The façade of larger development proposals shall be broken up visually to reflect the scale of traditional units.*
5.46	The proposal takes account of the height of surrounding buildings and meets the first criterion above. The second and third criteria do not apply given the location and nature of the proposal.
5.47	Whilst the fourth criterion states that building heights shall be a minimum of 2 storeys and a maximum of 3 storeys the first criterion is also relevant. Building heights within the area vary from 2 storeys to 8 storeys. The height of the proposed development varies from 3 storeys to 5 storeys which accurately reflects and respects existing building heights in the area. The adjacent Portland 88, at 8 storeys high, exceeds the maximum height set out in the urban design criteria above and must be given material weight in this assessment.
5.48	Given the variety of building heights adjacent and in the immediate area, it is concluded on balance that the proposal does not conflict the Character Area design guidance. <u>*Articulation & materiality*</u>
5.49	With regards to façade articulation and materials, it is considered that the proposed composition achieves a subtle and tonal distinction through red brick to the main blocks to the front. Various options were explored through the PAD and application process for these blocks, and officers are satisfied that the final composition would be the most contextually appropriate.
5.50	Facing Ormeau Road, the main blocks would be clad in brick in order to harmonise with the surrounding streetscape and Gasworks site and include simple yet intricate detailing. Variation between blocks across the main frontage would be achieved through slight tonal differences in the brick colour and changes in detailing between blocks, including spandrel detailing and base band, as shown on the next page. All windows and doors within the brick portion of the building are to be PPC aluminium.

5.51 In terms of articulation, significant time was again spent between officers and the applicant regarding the visual presentation of each elevation, in particular those fronting onto Ormeau Road and those to the side and rear of the site which may be visible from adjoining streets.

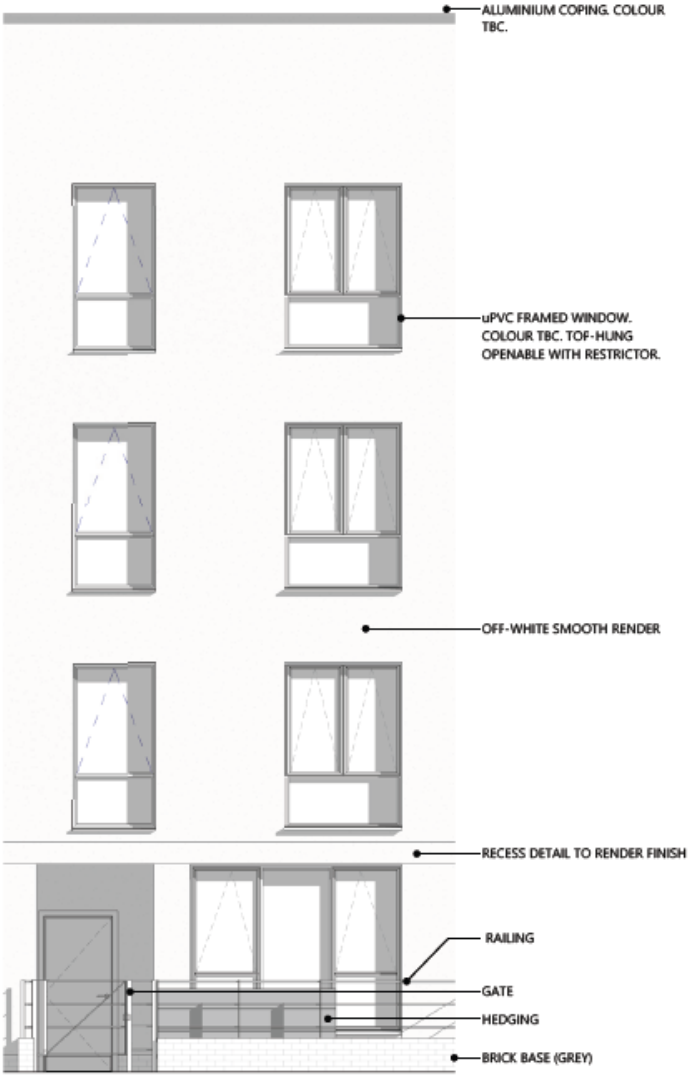
5.52 A key driver for all brick portions to the front sections was to provide a distinct top, middle and base, as shown in the next image. This has been achieved through the use of projecting brick coursing together with an elongated window head detail to denote the top section. The middle is identified by consistent soldier course detailing to the spandrel zones, whilst the base is established through recessed brick coursing in addition to a horizontal band in some locations to provide a degree of rustication. Due to the internal layouts of some units, blind window detail has had to be used in some instances however this is not dissimilar to the language of the coal shed buildings of the Gasworks site opposite the application site.



5.53 The rear sections, as shown in the following images, would be smooth render finish with additional articulation and tonal variety on those aspects that will be visible from adjoining streets and public vantage points, which again is considered acceptable. Given the less prominent nature of these elevations, the level of detailing and articulation is restrained in comparison to the brick portions.



5.54 As shown above and on the next page, recess detail would be provided at first floor to help visually articulate the base of the elevation which generally contains the maisonette living room windows, with three courses of grey brick at the base of the wall to improve longevity. The same brick is carried through to the defensible spaces for aesthetic continuity. All windows and doors in rendered portions of the building would be uPVC framed.



Public realm

5.55 The landscaping plan includes a variety of measures to provide an acceptable public realm within the site, with a number of quality materials proposed to external areas. Main external pathways will be granite topped reconstituted stone paving with paving sett banding, whilst paths to the lower courtyard and access ramps would be textured/brushed concrete. Individual seating areas and pathways within the courtyard areas will be amber resin bond, with concrete imprint paving pattern to the upper courtyard area, and wetpour surfacing to the localised natural play aeras. Picnic tables and benches will be hardwood timber, and private patio areas will be finished in feature buff tegula paving setts. The main driving areas will be permeable asphalt, with parking spaces and banding distinguished through a varying coloured finish. The external pedestrian paths on Ormeau Road would be bitmac surfacing to tie in with the existing. All of the above will be further complimented through a variety of natural landscaping including open grassed areas, tree planting, medium and low shrub planting and hedge planting to boundaries and privacy strips. Back of house uses such as car-parking, cycle parking and bin storage areas have been specifically located to maximise the amount of high quality landscaping and useable amenity space. Overall officers are satisfied that the proposed materials and features will provide a suitable and pleasant environment for users in accordance with Policies DES1, DES2 and RD1.

	Masterplanning
5.56	Policy DES2 requires a holistic approach to development to ensure it is appropriately located, designed and sensitive to surrounding uses and sites. As noted above, the proposal is considered to provide an appropriate development for the site and its context, providing a suitable addition to a vacant site that respects existing buildings within both the streetscape and surrounding area. It will provide a suitable density in a key city centre location, with suitable landscaping and public realm.
5.57	The DAS confirms that the proposal will adopt a fabric first approach, maximising insulation and airtightness to ensure a long-life building fabric that is environmentally sustainable. Indoor light and air quality have been carefully considered together with use of sustainable materials. The scheme has been designed to achieve an EPC rating of B which equates to SAP 81-91, through the use of both active and passive measures. The energy strategy is based on all-electric power supply, omitting the traditional use of oil or gas ensuring a level of futureproofing and promoting decarbonisation as the power network transitions to more renewable sources. Various sustainable measures have been incorporated, with a solar PV being provided for each associated unit and MVHR ventilation installed throughout the scheme. Window placement has been designed to provide optimal levels of thermal gain while preventing overheating. The overall orientation of the scheme's layout will improve access to light and natural ventilation. All relevant building elements will be insulated to meet Building Regulations performance requirements and achieve the targeted EPC rating, whilst the public realm and landscaping will supplement the overall SUDS strategy of permeable surfaces and stormwater attenuation.
5.58	Reduced parking provision together with suitable bicycle storage and inclusion of a green travel fund will promote green and active travel alternatives. Existing and planned (Glider) public transport links ensure a reliable and convenient connection to the City Centre further reducing the reliance on personal vehicle use.
5.59	The evolution of the scheme has also taken account of community feedback to ensure the protection of residential and neighbouring amenity through suitable scale, massing and separation distances. For these reasons it is considered that the proposal complies with the overall objectives of Policy DES2.
	Design summary
5.60	In light of the above, officers are satisfied that the scheme as now proposed will respond positively to local context and character through appropriate architecture and an urban form which addresses height, scale, massing, proportion, plot width, building lines, rhythm, roofscape and materials and any impact on built and natural heritage. For these reasons it complies with Policies SP5, DES1, DES2 and RD1 of the Plan Strategy, the Residential Design SPG and the SPPS. The final materials selection will be subject to a condition.
	Impact on built heritage assets
5.61	Policy BH1 seeks to safeguard the setting of Listed Buildings. Policies BH4 and BH5 seek to protect built heritage and archaeological assets respectively.
5.62	There are a number of Listed Buildings in the vicinity of the site which could be affected by the proposal, as described below:

- *Former Presbyterian Church, 159-161 Donegall Pass – Grade B2*
- *The Meter House, Belfast Gasworks – Grade B+*
- *The Klondyke Building, Cormac Avenue – Grade B1*
- *The Gas Office, 4-14 Cromac Quay – Grade A*
- *Rose Cottage, 7 Walnut Court – Grade B*

5.63 DfC Historic Environment Division (HED) and Historic Monuments have been consulted and confirmed that there are no objections to the proposal, subject to informatives. HED is satisfied that the scheme now presented will not create a significant negative impact, harm or adversely affect the setting of the above listed buildings, built heritage assets or archaeological assets, and is compliant with SPPS and Policies BH1, BH4 and BH5. Officers are satisfied that the proposed development would respect the setting of the nearby Listed Building and that it complies with the relevant policies in these regards.

Residential quality and impact on amenity

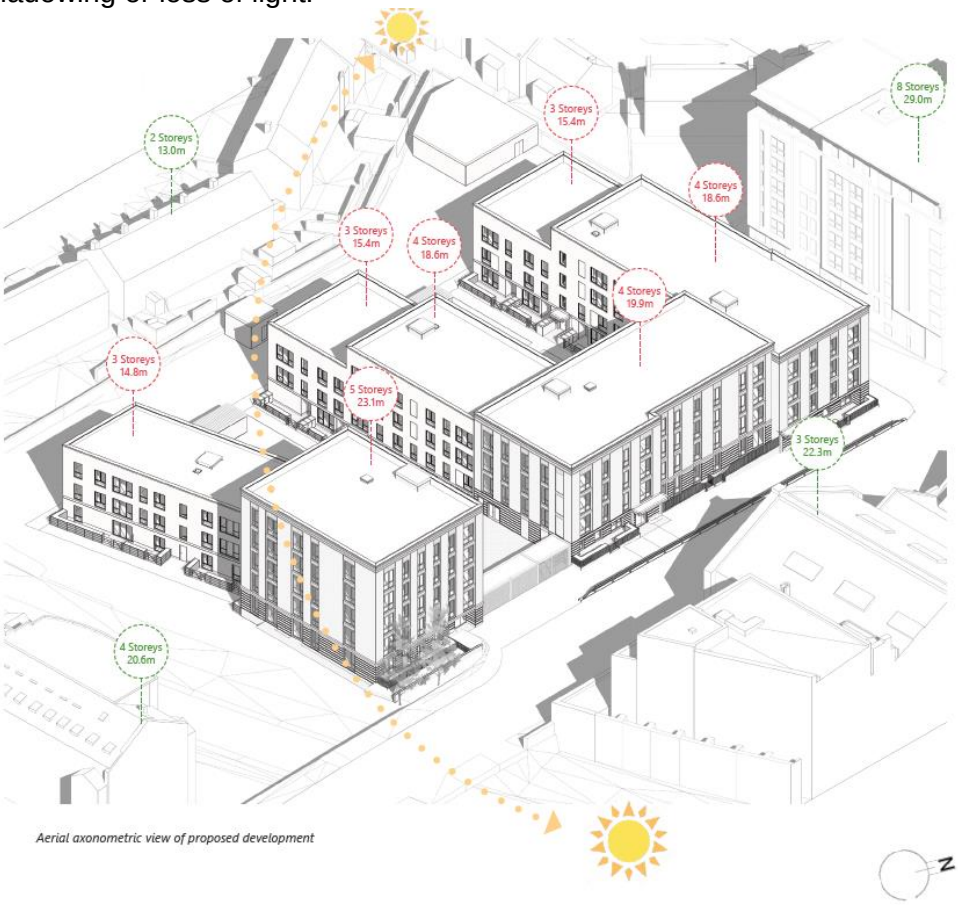
5.64 Policies DES1, DES2 and RD1 highlight the need to minimise the impact of new development, the protection of both new and existing residents and the promotion of quality residential environments.

Dominance

5.65 It is acknowledged that the overall scale and massing of the proposal is significantly greater than that found in the surrounding residential streets to the west (Walnut Street, Vernon Street, Walnut Court etc.) and a degree of dominance will result. In determining to what level this degree will impact neighbouring areas, there are a number of distinguishing factors which require to be taken into account.

5.66 Firstly, the impact on neighbouring properties has been carefully considered by providing a stepped down approach to minimise dominance. In terms of massing, studies provided in the DAS show that the relationship is actually an improvement on the previous situation residents would have experienced with Havelock House. The massing diagrams below help to demonstrate the comparative massing of what previously existed on site (green in first image) and what is now being proposed. The second image shows how the proposed scheme would step down from Ormeau Road to the 3 storey elements at the rear, highlighting that the new massing, combined with open space between, would be visually less dominant than the previous building when viewed from Walnut Court and the rear gardens of Walnut Street.

5.67	When viewed from the existing residential streets to the west, the 8 storey Portland 88 is significant in terms of its scale and height. The impact of the proposed development would be significantly less in terms of height, scale and massing. In this regard, the site depth is significantly deeper (c. 67 – 78.5m) compared to Portland 88 (c. 34-36m) which, while resulting in a larger footprint, has also allowed the building to incrementally step down to respond to the scale of the adjoining dwellings to the west.
5.68	It is also acknowledged that it would not be unusual in an urban context to have a hierarchical scale of development with taller elements fronting onto main/arterial routes and the scale, height and massing of such developments reducing towards a more domestic, subservient scale to the rear. In terms of separation distances between the existing dwellings to the rear and the proposed 3 storey blocks, these would be: • *c20m to the side of No. 71 Vernon Street,* • *c21 to 24m to the rear of Nos. 34 to 50 Walnut Street* • *c21m to the rear of No. 5 Walnut Court; and* • *c21m to the rear of the listed Rose Cottage, No. 7 Walnut Court*
5.69	Having regard for the separation distances between the rear elevations and the nearby dwellings, the proposed approach is considered an appropriate design response to development on the site. Whilst a degree of dominance will exist, the level to which it impacts neighbouring dwellings would be no greater than that which existed with Havelock House and would be significantly less than that of Portland 88. In these regards, there would be no harmful impact on neighbour amenity by way of dominance. <u>*Overlooking & loss of privacy*</u>
5.70	As noted in paragraph 5.43, the council's SPG 'Residential Design' requires suitable separation distances between buildings, with a recommended minimum of 20m between facing windows of habitable rooms and 10m between blank gable walls or non-habitable rooms. It also clarifies that in an urban context with higher density development, shorter distances may be deemed appropriate on a case-by-case basis and where there are material considerations that justify a reduction.
5.71	To ensure protection of adjoining residents' privacy, no windows or balconies are proposed to the rear elevations of the 3 storey blocks that extend westwards. The separation distance between these gables and the neighbouring properties ranges from 20.7m to the side gable of No. 71 Vernon Street and between 22.4m to 24.6m to the rear elevations of Nos. 34-50 Walnut Street. The main outlook for new residents has been intentionally orientated inwards towards the internal, communal courtyards, onto Ormeau Road at the front, or the railway embankment to the south side. The west facing windows on the inner central core of the main 4 storey block would be more than 50m from the nearest neighbouring property. For these reasons, officers are satisfied that there would be no adverse impact arising from direct overlooking or loss of privacy. The proposed distances are in line with the guidance and considered acceptable.
5.72	To the immediate north of the site is the existing 8 storey residential development of Portland 88. Apartments within this block have windows looking onto Coyle's Pace which separates the Portland 88 development from the site. It is considered that the proximity of the buildings, approximately 10.8m at its closest point, is not unusual in a city centre urban context where densities are higher than greenfield sites. There are many examples of similar developments with separation distances of less than 15m in the city, and the juxtaposition of the two schemes is on balance considered acceptable.

5.73	Residential units fronting the Ormeau Road will have an aspect looking onto this arterial route which will not cause an adverse impact on neighbouring amenity and is considered acceptable.
5.74	Along the southern elevation residential units will look onto an area of public realm within the site and the railway embankment which runs along the southern boundary. In terms of amenity for proposed residents and in particular the distance from the railway, the 5 storey Block D would be c10m at is closest point and c14m at its furthest. The lower Block E would be c19.5m at its closest point and c20m at its furthest. It is noted that the site is elevated above the railway embankment which sits at a significantly lower level, and with private amenity space between the building and boundary with the railway line, combined with boundary screening to the embankment, officers are satisfied that the distance from the railway line would not have a detrimental impact on the quality of living or amenity of the southerly facing units. The impact of noise on residents arising from the railway is assessed separately later in this report. *<u>Impact on daylight & sunlight</u>*
5.75	Concerns have been raised that the proposal will detrimentally impact neighbouring amenity by way of overshadowing and sunlight/daylight disruption.
5.76	In this regard details provided in the DAS confirm firstly the proposed massing has been specifically designed to provide a step-down in scale from 4 and 5 storeys to a lower 3 storey scale to the rear. As shown below, when combined with the specific orientation of the 3 storey blocks, this will provide suitable external amenity space for proposed residents which maximises the site orientation, the path of the sun and subsequent light levels, while also minimising any impact on the residential units to the west by way of overshadowing or loss of light.  *Aerial axonometric view of proposed development*

5.77	The specific impact on surrounding residential amenity by way of shadowing and loss of light has also been assessed using 3D modelling software. This analysis demonstrates that there will be no adverse impact on neighbouring residential amenity by way of overshadowing from the proposed development and it is considered that the proposed development would not result in an unacceptable loss of sunlight/daylight to neighbouring properties.
5.78	The comparative images from the submitted Light & Shadow Impact Study below show the impact of the proposed scheme on surrounding areas for both the Equinox (March and September) and Solstice (June and December).

Spring Equinox (March 21)
Proposed Massing

Summer Solstice (June 21)
Proposed Massing

Morning - 9:00 AM

Morning - 9:00 AM

Midday -12:00 PM

Midday -12:00 PM

Afternoon - 3:00 PM

Afternoon - 3:00 PM

5.79 These images demonstrate that due to the orientation of the site, the proposed massing of the development and the arc of the sun, there will be no significant impact on neighbouring dwellings by way of overshadowing or loss of light to the residential properties to the west. The only impact would be to the side elevation of the Portland 88 side elevation, which would only occur for any sustained period during winter months.

Community cohesion and good relations

5.80 Policy SP4 seeks to ensure that new development maximises opportunities to build strong, cohesive communities, and that makes a positive contribution to good relations. This is further reinforced through Policy CGR1 which requires a number of key principles to be addressed.

5.81	The submitted Statement of Community Involvement and Good Relations Statement sets out the steps taken to engage with local communities from the outset and throughout the process. This included drop-in community consultation events and meetings with community groups and elected representatives. The statement confirms that concerns were raised from the local community regarding a number of issues such as the impact of the scheme through scale, massing, height and proximity to neighbouring dwellings, as well as interface issues including security and pedestrian access to the site, and in particular from Vernon Street & Walnut Street to the west. In direct response to the community consultation, feedback was taken on board which directly informed revisions to the layout, scale, massing, design and house types that were being considered.
5.82	Within the Belfast Agenda, the Council has committed to developing an Interfaces Programme which has yet to be delivered. Nonetheless Policies SP4 and CGR1 both require the Council to consider the impact that development will have on affected communities. In this instance, whilst access through this site was historically a through route/right of way, the application site is now private land and rights of way across the site were extinguished/abandoned in the 1980s/1990s. Following redevelopment of the area at that time, a number of streets including Lake Street and Outram Street were also extinguished / abandoned. Since this time the site has been occupied by Havelock House and its associated car park. An existing 2m high wall is being retained along the western boundary, which is in the ownership of NIHE, who did not raise any objection to its retention. Feedback from the community consultation further indicated that there was no desire to reopen the interface and therefore, whilst the council remains keen to promote active accessibility across all new development, in this instance it would not be considered appropriate to incorporate full and open pedestrian access through the site.
5.83	The Statement of Community Involvement and Good Relations Statement confirms that the scheme is being specifically proposed as a Shared Housing Programme through 'Together: Building a United Community' (T:BUC), which demonstrates the aim to improve housing choice and tackle barriers that prevent people living in shared and balanced communities. There is no evidence in this instance that the proposal would cause a negative contribution to existing community relations, and it does not raise unsatisfactory concerns regarding the deterrent of crime and personal safety. For these reasons it is considered to accord with Policies SP4 and CGR1. *Security and design*
5.84	The pedestrian access from Vernon Street, as noted previously, will be a secure access-controlled gated access which can only be utilised by residents and visitors to the proposed development. Officers are satisfied therefore that the existing established boundary with the adjacent residential area will be suitably retained. BCC Good Relations Unit were consulted on the previous application and did not raise any specific concerns on this matter. Given that the current application is of a similar nature, i.e. it does not include the provision of open public access through the rear of the site, it was not considered necessary to consult again as the circumstances remain unchanged.
5.85	Security throughout the site was also carefully considered through the community consultation process and the overall design stage, which included early engagement with a Secured by Design officer, to establish a series of varying but appropriate relationships to the surrounding area.
5.86	Facing Ormeau Road, private door access units are provided with defensible space. The central threshold structure provides access control to the inner site and short term bicycle and mobility scooter storage. The south boundary of the site faces the railway

	with no public access and a tall NI Railways security fence, whilst the combination of brick wall and metal fencing boundary between the site and the Donegall Pass residential area will be retained, ensuring that all rear elements of the boundary will be at least 1.8m tall.
5.87	All main entrances to individual Blocks will be access-controlled and all pedestrian and vehicular entrances will be both access-controlled and gated, establishing a clear boundary between the public and the semi-private realm. This includes the gated pedestrian access point on the western boundary linking to Vernon Street. A central Telecom system will link to all units, including the maisonettes, to provide residents with controlled remote visitor access both from Ormeau Road and Vernon Street.
5.88	CCTV cameras will provide surveillance to the main entrances, inner courtyards and the parking and bicycle storage area, whilst internal unit layouts have been designed to provide a degree of natural surveillance while minimising overlooking. Well-designed external lighting will provide discrete and effective lighting to the parking and landscaped garden areas. Furthermore, a central management and caretaker office will also be incorporated near the entrance to Block B, which will enable arrivals and departures from the building to be closely monitored.
	Residential quality and impact on amenity summary
5.89	Having considered all of the above, officers are satisfied that the proposal has been appropriately designed to take account of and avoid detrimental harm on residential quality and amenity in terms of dominance, overlooking, loss of privacy, separation distances, daylight, sunlight, accessibility, community relations and security. As such it is considered acceptable under policies DES1, DES2 and RD1.
	Open space
5.90	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 normal expectation will be at least 10% of the total site area and should include complementary and ancillary equipment and facilities for active or passive enjoyment of residents. *Creating Places* advocates external private amenity space of between 10 and 30sqm per residential unit. For residential development for this size, i.e. over 100 units, Policy OS3 also requires an integral, equipped children's play area. An exception to this requirement can be considered where a sufficient equipped children's play area exists within reasonable walking distance (generally, around 400m).
5.91	In this instance, residential amenity space would be provided in the form of both private defensible space at ground floor level, and communal shared space through external courtyards, roof terraces and an area of open space to the south of the building.
	Private defensible space
5.92	All ground floor apartments would benefit from a degree of private defensible space, which is welcomed, and equates cumulatively to an average of 19sqm per unit. This would be provided through a variety of type related to the individual unit components. Ground floor maisonettes facing onto the inner courtyard will have private defensible space with lockable bin stores, railing, gate and brick base. Other ground floor units (i.e. non-maisonette style) would have similar defensible space opening onto the inner courtyard albeit bin stores would not be provided as these units are served by the communal bin stores.

Ground floor maisonettes fronting onto Ormeau Street (North face of Block A) will have a similar provision as the courtyard facing units but with higher railings to increase security. For those units on the front elevations fronting onto Ormeau Road and abutting the public footpath, individual doors and windows would either be recessed away from the street or placed on a different level to promote privacy and strengthen the perceived separation from the street. A series of covered entrance canopies will identify the primary access-controlled entrances to the main blocks. Balconies have not been proposed for units above ground level, and therefore the assessment of communal shared space below will be key to ensure that all residents have the benefit of suitable amenity space.

Communal shared space

5.93 The proposal incorporates approximately 24% of the site area as shared open space, compliant with Policy OS3, which equates to approximately 17.5sqm per unit and exceeds the minimum policy requirements. This would be provided through two central courtyards and additional communal areas to the rear of the development to preserve amenity and environmental quality. The two courtyard areas will provide secure, shared outdoor amenity space for residents, which are south-west facing to maximise sun and light levels. A further area of secure, shared space would be provided between Blocks D & E and the southern boundary of the site. In addition to the outdoor amenity space, internal amenity space will also be provided on the first floor above the entrance lobbies of Blocks A and C. Furthermore, it is acknowledged that the application site is also located within reasonable walking distance of a number of areas of open space in the vicinity including McClure Street (160m, c3 minute walk), Lagan green walkway (250m, c5 minute walk), Ormeau Park (805m, 10 minute walk), City Hall, (966m, c. 13 minute walk) and Botanic Gardens, (1127m, c. 14 minute walk). The total open space provision is set out in the table below.

Provision type	Size (sqm)
Private defensible space	590
Shared outdoor amenity space Shared indoor amenity space	1770 55
Total shared amenity space	1825
Shared amenity space per unit	17.5

Equipped play area

5.94 A dedicated area for small children to encourage natural play has been located within the open space area adjacent to the General Needs Block. It is also noted that there are two council maintained Local Equipped Areas for Play (LEAPS) located within 400m (5-10 minute walk) at McClure Street and Balfour Avenue. McClure Street in particular is in very close proximity and the equipped children's play area was refurbished in March 2020.

5.95 The BCC Landscape Planning & Development Team have been consulted as part of the application process and confirmed there were no objections. The proposed layout is considered to provide good natural light levels to both private residential units and outdoor space. The submitted Landscape Management & Maintenance Plan is acceptable, and the combination of the proposed natural play area and proximity of the McClure Street LEAPS would meet the policy requirements for equipped play areas.

Open space summary

5.96 Having regard for all the considerations above, officers are satisfied that the development can be successfully absorbed into, and contribute to, the local area's character without resulting in significant adverse effects on the quality, character or features of interest in the receiving townscape. The proposed open space is of good quality and is compliant with Policy OS3 and Creating Places.

Space Standards

5.97 As noted above the proposal comprises a mix of accommodation. General Needs units would be located throughout Blocks A, B and C, of which 18no. would be maisonette units, with private individual access and defensible space. These include a range of 1, 2 and 3 bed apartments. 6no. of these would be wheelchair accessible. The 20no. additional units will also offer the same range of type. Category 1 over 55s accommodation units would be provided in Blocks D and E in the form of 1 and 2 bed apartments, of which 4no. units would be wheelchair accessible.

5.98 The space standards for each are set out below and are in accordance with the minimum requirements as set out in Appendix C of the Plan Strategy and the relevant policy criteria of Policies HOU7 and RD1.

General Needs Social

Accommodation type	No.	SS minimum sqm	Proposed sqm
1B2P apartment	5	50	54-59
1B2P wh. accessible	1	60	65
2B3P apartment	13	60	63-70
2B3P maisonette	16	70	77
2B3P wh. accessible	4	80	80-86
2B4P apartment	2	70	73-79
3B5P apartment	4	80	85-90
3B5P maisonette	2	90	97
3B5P wh. accessible	1	105	111
3B6P apartment	1	85	115

Category 1 over 55s accommodation

Accommodation type	No.	SS minimum sqm	Proposed sqm
1B2P	12	50	54-55
1B2P accessible	2	60	65
2B3P	19	60	63-67
2B3P accessible	2	80	83-85

Other tenure

Accommodation type	No.	SS minimum sqm	Proposed sqm
1B2P	5	50	54-59
2B3P	10	60	63-70
2B4P	2	70	73-79
3B5P	3	80	85-90

	Access & transport
5.99	Policy SP7 supports connectivity to and within the city by sustainable transport modes, such as public transport, walking and cycling. These principles are further reinforced through the provisions of Policy TRAN1.
5.100	The site has excellent connectivity to wider parts of the city centre and further. It is well served by sustainable modes of transport, such as walking, cycling, and public transport. It benefits from a high level of passing pedestrians along Ormeau Road and is within walking distance (approximately 1,000m) from the recently opened Belfast Grand Central Transport Hub. It is also 800m walking distance from Botanic Train Station and the Ormeau Road is confirmed as the preferred North/South Glider bus route. A Transport Assessment Form and Travel Plan have been submitted in support of the application. Due to the nature of the proposal being a mixed social housing scheme and its location within the city centre, the proposal includes a parking provision of around 0.28 spaces per unit. It would provide 29no. spaces in total, of which 10no. are allocated for disabled parking, which promotes more car-free sustainable environment. This will be complemented by on-site sheltered and secured bicycle storage provision (100no. spaces) and a dedicated Green Travel Fund to promote sustainable transport modes amongst residents. For these reasons the proposal accords with Policies SP7 and TRAN1.
5.101	Policy TRAN2 requires new developments to take account of the specific needs of people with disabilities and others whose mobility is impaired through appropriate external layout. In this regard the proposed layout that has been designed for convenient movement along pathways, with unhindered approach to buildings and ease of access to both car-parking and public transport facilities. The disabled car-parking will be clearly demarcated and of appropriate dimensions in line with guidance. As such the proposal complies with Policies SP7 and TRAN2.
5.102	In line with Policy TRAN 4, a Framework Travel Plan has been provided which will further promote active and sustainable travel. This formed part of the evidence base for the scheme and includes a package of measures. Given the sites accessible location, the implementation of the Travel Plan will encourage residents to travel using sustainable modes including walking, cycling and public transport. The proposal includes for a provision of 100no. bicycle spaces and a Green Travel Fund of £202,737.00 (index linked) to promote sustainable transport choices. The Green Travel Fund would fund initiatives for residents including opportunity to purchase travel cards, Belfast Bikes membership, bicycle vouchers and car club membership. This would be secured by Section 76 Planning Agreement. DfI Roads has confirmed that the Travel Plan and Green Travel Fund are appropriate.
5.103	Policy TRAN 8 seeks to ensure adequate car parking and appropriate servicing arrangements are provided. It aims to assist in reducing reliance on the private car in particular for commuting into the city, tackling congestion, and bringing about changes in travel behaviour. The precise amount of parking should be determined according to specific nature of the proposed development and its location, taking into account areas of parking restraint and published parking standards. DfI Roads have clarified that the current parking standards for this Belfast City Centre location requires 1 space per dwelling.
5.104	With 29no. on-site parking spaces, the proposal obviously falls short of the standards at 0.28 spaces per unit. That being said, there are a number of material considerations which must be taken into account. Firstly, the site is highly sustainable being located on Ormeau Road, an arterial route and key transport corridor with frequent bus services,

	and which will also be part of the future glider route. It is close to the city centre core, Grand Central Station transport hub, other services, shops and amenities. Furthermore, the proposal incorporates 100no. secure and sheltered cycle spaces, and a Belfast Bike docking station is located in close proximity at the Gasworks.
5.105	The applicant has also provided a parking survey of the surrounding area, which demonstrated that there is sufficient capacity based on the current car ownership census data. They also confirmed that parking on the site will not be allocated to individual units. Given the nature of the scheme, its accessibility and reduced numbers of car-parking, it would not be reasonable to allocate spaces as this would prejudice their availability to all residents and visitors and would discourage the promotion of alternative, sustainable transport means.
5.106	The scheme also includes proposals for future proofing car-parking for greater EV car usage by providing suitable infrastructure (underground wiring and ducting etc.) to allow future charging points to be installed at a later date under Permitted Development Rights. It is noted that such a reduction in parking is also in line with recent city centre developments approved by the Planning Committee and will have environmental benefits in terms of improving air quality. Finally, and as noted above, the proposal includes a Travel Plan Framework which will promote reduced levels of car ownership and encourage more sustainable modes of transport.
5.107	Officers also note that the previous application LA04/2020/0067/F, which was refused by council and the subsequent appeal (reference 2020/A0107) was dismissed by the PAC, was not refused on grounds of lack of parking. With a total of 270no. residential units and 40no. parking spaces, this equated to a ratio of 0.15 spaces per unit which, together with a Travel Fund, was considered acceptable by officers and DfI Roads. Given that this application now proposes a higher ratio of 0.28 spaces per unit and is supported by additional information such as the parking survey noted above, this represents an improvement over that which was previously accepted.
5.108	DfI Roads has confirmed it is satisfied with the reduced level of parking provision providing that the supporting green travel measures are secured by way of Section 76 Planning Agreement, and having assessed the parking survey and census data, there are no concerns regarding parking outwith the site. Enforcement of illegal parking on public roads would be a matter for the PSNI. Taking account of all of the above, the council is satisfied that on balance the proposal complies with Policy TRAN8.
	Access & transport summary
5.109	DfI Roads are satisfied with the access arrangements, the level of parking proposed for vehicles and bicycles and support the green travel measures proposed. As such and for the reasons outlined above, subject to securement through a Section 76 Planning Agreement, the proposal complies with Policies SP4, SP7, TRAN1, TRAN2, TRAN4 and TRAN8.
	Health impacts
5.110	Policy SP3 requires new development to maximise opportunities to improve health and wellbeing. Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public

	open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.
5.111	As noted previously, the site is highly accessible and provides excellent opportunities for active travel, including walking and cycling through good linkages with the city centre and the River Lagan.
5.112	Active travel will be further encouraged through the travel plan and green measures proposed as part of the application. The site is within short walking distance of a number of areas of open space as well as local amenities.
5.113	Good levels of open space and amenity space are proposed in the form of the outdoor courtyards, landscaping and suitable public realm.
5.114	In terms of place making, the proposed building is considered to be of a high-quality design which would provide a pleasant living environment for residents, as well as enhancing the character and appearance of the surrounding area.
5.115	As such the proposal is considered to satisfy the requirements of Policies SP3 and HC1.
	<u>Environmental protection & climate change</u>
5.116	Policy ENV1 requires new development to maintain and, where possible, enhance environmental quality. Existing communities and the environment should be protected from materially harmful development, including consideration of ground contamination, air quality, water quality, noise and light pollution. Policy SP6 states that the council will support development where it helps to reduce greenhouse gas emissions and is adaptable in a changing climate to build environmental resilience. Policy ENV2 further reinforces this by requiring new development to incorporate measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. 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.
5.117	In response to these the application has been accompanied by a suite of supporting information including: • *Air Quality Impact Assessment* • *Contamination Report* • *Climate Change Statement* • *Flood Risk & Drainage Assessment* • *Waste Management Plan* • *Noise Impact Assessment*
5.118	Each of the above demonstrate that the proposal has been designed to incorporate a number of sustainable features which are welcomed, incorporating open space, building materials and good construction practices which are considered to help meet the objectives of Policy ENV2 (and parts of ENV3). Hard and soft landscaping elements at ground floor level will assist an overall sustainable drainage solution, whilst site levels have been designed to alleviate the flood risk from the development and maintain the safety of residents and their homes in the future. This is supported by the Flood Risk &

	Drainage Assessment. The proposal will also include appropriate SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. In particular, the following sustainable design features will be incorporated: • *Ventilation – MVHR (Mechanical Ventilation and Heat Recovery) throughout,* • *Main Heating – Electric Heating (only) made up of a mixture of Storage and Panel Heaters,* • *Water Heating – Hot Water Cylinder with Immersion,* • *Renewables – 0.5kW PV Panels (1no. provided per unit),* • *Reduced Parking Provision – supported by Green Travel Fund,* • *Future provision for EV Vehicles – underground ducting and wiring to allow for simple above-ground charger installation in future; and* • *Sustainable Drainage – through open space areas and permeable material to the parking area*
5.119	As part of its assessment of the above, the council has consulted with Environmental Health, DAERA (NIEA) and the BCC Waste Management Team, all of which have confirmed that the details provided in the submitted documents demonstrate that, subject to conditions and informatives, the proposal will not result in detrimental impact in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. This includes both the impact of the proposal itself and the protection of new resident's amenity on account of the buildings' proximity to the adjoining railway line. The council is satisfied therefore that subject to such conditions and informatives, the proposal will comply with Policies ENV1, SP6, ENV2, ENV3 and ENV5.
	<u>Flood risk & drainage</u>
5.120	Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The council will have regard to guidance publications produced by other authorities and prospective developers/applicants are advised to liaise early in the formulation of their proposals with DfI Rivers to clarify flooding or flood plain issues that may affect particular sites. In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.
5.121	DfI Rivers has confirmed the details submitted are satisfactory. The site is not located within a flood plain, and there are no designated watercourses within the site. A portion of the sites' northern boundary does lie within an area of predicted pluvial flooding, however the submitted Drainage Assessment confirms that flood risk to and from a portion of the development will be managed by SuDS. DfI Rivers have no objection subject to informatives, however given that SuDS measures sit outside DfI Rivers directorate, a condition is attached to ensure that all sustainable measures are appropriately managed on the site. Subject to this, the proposal would accord with Policy ENV4.
	<u>Waste-water infrastructure</u>
5.122	Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water has confirmed there is sufficient capacity at the Belfast Wastewater Treatment Works. Subject to conditions, there is no conflict with Policy SP1a.

	Waste management
5.123	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 Waste Management Plan (WMP) which outlines the operational waste management measures, and the council has consulted with BCC's City & Neighbour Services Department, which has confirmed that on balance there are no objections. It is noted that the travel distance for bin stores 4 & 5 would slightly exceed the recommended 30m threshold for some units, with the majority measuring c35m or less and the furthest being 41.5m. This would be mitigated however by the fact that the stores are located on the way to the car park and therefore on a natural egress path from the building. Furthermore, it is noted that relocation of the bin stores to meet this threshold would prejudice the quality of soft landscaping and open space that would be delivered for residents, and in this instance a closer location would not outweigh the loss of such space. On balance therefore, it is considered that as proposed, the waste management plan and arrangements are acceptable, and in accordance with Policy RD1.
	Natural heritage
5.124	Policy NH1 relates to the protection of natural heritage resources. Policy TRE1 seeks to protect existing trees, particularly those that are of visual, biodiversity or amenity quality and significance. There will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity.
5.125	There are no significant landscape features of natural heritage importance nor is the site located within any form of protected designation. An Ecology Survey has been undertaken, and detailed landscaping proposals have been submitted in support of the application. These clarify that the hard and soft landscaping areas will include proposed trees, shrubbery, hedging, (box) low mounding and grass areas for social interaction and outdoor enjoyment. In addition, approximately 45no. boundary trees will be planted along the south and west of the site to help with future screening and act as a natural visual buffer as the trees establish over time. The Ecology Report recommended mitigation measures including bat and swift boxes and there is a recognised biodiversity gain by the planting of landscaped garden areas.
5.126	The council has consulted with the BCC Tree Officer who has confirmed that when the proposed landscaping is established it will help with mitigating any potential aspects of overlooking, and integration into the surrounding urban fabric. The proposed wide species mix will offer pleasant seasonal contrasts and promote biodiversity with opportunities for local wildlife to thrive. SES and DAERA have also been consulted and confirmed there were no objections. Subject to planting and protection conditions, the proposed landscaping complies with Policies NH1 and TRE1 and the relevant provisions of SPPS.
	Employability & skills
5.127	The Developer Contribution Framework requires proposals to make a contribution towards Employability and Skills where necessary.
5.128	The Economic Development Unit advises that given the scale of the construction employment required to implement the proposal, together with current skills shortages, employability and skills related Developer Contributions are required in relation to the construction phase. Officers advise that an Employability and Skills Plan is required to

	be submitted and implemented, and that this should be secured by way of a Section 76 planning agreement.
5.129	Typical interventions in the Employability and Skills Plan may include: • *Creating access to employment opportunities* • *Delivering training to upskill people* • *Creation and delivery of apprenticeship opportunities* • *Ring-fencing opportunities for under-represented groups* • *Delivery of employability interventions* • *Addressing barriers to employment and skills development* • *Delivery of youth interventions*
	<u>Section 76 Planning Agreement</u>
5.130	If the application is approved, it should be subject to the finalisation of a Section 76 planning agreement to secure the following planning obligations. These are considered necessary to make the proposed development acceptable. • **Social housing** – no less than 84 of the residential units constructed at the property shall be occupied as Social Housing Units. • **Housing mix** – unless otherwise agreed in writing by the council, 49no. of the Social Housing Units shall not be occupied unless as General Social Housing. 35no. of the Social Housing Units shall not be occupied unless as Category 1 over 55's accommodation. • **Green travel measure** – secure implementation of Travel Plan, Green Travel Measures fund (£202,737.00, index linked), and suitable redistribution of the Travel Fund if necessary. • **Employability and Skills** – requirement for the submission and implementation of a Construction Employability and Skills Plan. A draft Section 76 planning agreement has been provided with the application and will need to be finalised before planning permission is granted.
	<u>Pre-application Community Consultation</u>
5.131	The application was preceded by a Proposal of Application Notice (PAN) which set out the applicant's proposals for pre-application community consultation. The application is accompanied by a mandatory Pre-application Community Consultation Report (PACC). The PACC report describes the comprehensive pre-application consultation undertaken by the applicant. The applicant actively sought the views of the public and stakeholders with regards to this development by utilising the following methods of engagement: • **Elected Representative & Community Group engagement**: all elected representatives and community groups who received PAN notifications were invited to meet with the design team to discuss the proposal – November - December 2023 • **Local community engagement**: distribution of an informative letter to all homes and businesses within a 200m radius of the site re demolition of Havelock House – December 2023 & January 2024

	• **Advertising**: newspaper adverts containing details of the in-person consultation events, how to access the community consultation exhibition website and basic project information, and contact details for Community Consultation Manager – January 2024 • **Neighbour notification**: 400no. information packs hand delivered to residents and businesses identified within a 200m radius of the edge of the proposed development site, containing information leaflets, comment cards and information on both the in-person and online Pre-Application Community Consultation (PACC) process, the proposals and point of contact details for the Technical Team – January 2024 • **Local Stakeholder Audit**: carried out of all local businesses and organisations located within the immediate area of the site • **Press coverage**: press statement issued detailing the proposal, covered by local newspapers • **Community Exhibition event**: two in-person Pre-Application Community Consultation Events were held in The Gasworks Hotel and Donegall Pass Community Centre. The design team in both included the applicant, Clanmill Housing Association, planning consultants, communications consultants and architects. Comment cards were provided for feedback – January 2024 • **Digital exhibition**: virtual consultation website hosted specifically to all visitors to submit feedback, browse and download plans – January - February 2024
5.132	In addition to the statutory consultation period, additional meetings with elected representatives, community groups and local residents were also held between January and March 2024.
5.133	All feedback was reviewed, and the matters were considered within the PACC report, detailing how the feedback was gathered, analysed, assessed and considered.
5.134	The main areas of concern noted following community engagement were the height of the building, the number of one-bedroom units, the need for more family units and more Category 1 over 55s accommodation, lack of amenity space and anti-social issues. The applicant states that the feedback received through this process directly informed the evolution of the scheme's design.
5.135	Specifically, this has informed the scale, height and massing to ensure they are sufficient to avoid impact on neighbouring amenity by way of dominance, overlooking, overshadowing and loss of privacy, daylight and sunlight. These aspects have been fully considered in this report.
5.136	It also resulted in a significant reduction in the number one-bedroom units from 40no. to 25no., in addition to a more adequate distribution to avoid clustering and with the split of one-bedroom units being almost even across the two different needs group blocks. As a result, a more suitable mix of General Needs and Category 1 accommodation could subsequently be incorporated.
5.137	The applicant states that concerns regarding community relations and security were also taken fully on board, which have been considered previously in this report. The Statement of Community Involvement and Good Relations report further clarifies that

	the scheme will have access to a full time Housing Officer, Scheme Coordinator, Caretaker (approx. 20 hrs per week), call out security and potentially an on-site property warden as and when required. It will also include full access control systems for each block, with 24hr internal and external CCTV systems.
5.138	Concerns were raised regarding the level of information provided at the pre-application consultation stage, however the information contained in the Pre-Community Consultation Report demonstrates that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 to consult the community in advance of submitting an application, and has adhered to council recommendations during the PAN process. The PACC report is considered acceptable.
	<u>Matters raised in representation</u>
5.139	All matters raised in representation have been fully considered throughout this assessment. For the purposes of clarity, these are summarised below and grouped by theme: • ***Wrong form of development, inappropriate social housing, not social regeneration, high density, lack of retail use*** The principle of housing in this location is considered acceptable under the relevant strategic and housing policies, the SPPS and RDS. It would provide appropriate regeneration of a vacant site in a sustainable location through delivery of adaptable and accessible homes, with a housing density and mix that comply with policy requirements and provide an effective use for its location. Both officers and NIHE consider the proposed density, tenure and mix of affordable housing acceptable under policy and guidance, subject to Section 76 Planning Agreement. Provision of retail use is not a policy requirement, and as above the principle of housing in this location is considered acceptable. The application is located within close proximity of a variety of uses and is highly accessible. A lack of retail use would not justify refusal of an acceptable proposal that is otherwise policy compliant. • ***Height, dominance, inappropriate design, high-rise development has been unsuccessful elsewhere*** The scale, mass and design of the proposal have been fully assessed under the relevant strategic, design and placemaking policies and SPG. With a maximum of 5 storeys fronting to Ormeau Road, the massing steps down to 3 storeys as one moves westward across the site, which is considered a suitable transition to ensure a respectful relationship to the adjacent residential context. Having regard for its massing and the separation distances between buildings, officers are satisfied that the proposal would not cause harm by way of dominance and would have less of an impact than that experienced from the previous Havelock House building. The design and external materials are considered sufficient to provide a high quality urban development that will respect its context and sit well within the streetscape.

	With a maximum height of 5 storeys to the front of the site, the proposal is not considered a tall building or high-rise development. Crucially it has fully considered and taken clear design cues from the height of surrounding buildings. It would provide an appropriate addition to the streetscape whilst avoiding detrimental impact on neighbouring residential properties. All aspects of form, height and design comply with the relevant policy requirements, and there are no material considerations in this instance that would outweigh this policy position or justify refusal of the application on these grounds. • ***Privacy impact, loss of light, overshadowing*** The supporting information provided has demonstrated that by way of its specific design and orientation, there would be no loss of privacy, sunlight or daylight, and no impact from overshadowing. Neighbouring properties are located a sufficient distance from the rear elevations of the proposed scheme, and with no windows to the rear gables combined with the retained and proposed boundary screening, there would be no overlooking of residential properties or private gardens. For the same reasons and having regard for the orientation of the site and the arc of the sun, there would be no direct loss of sunlight or daylight, and no overshadowing of neighbouring dwellings. All of the above have been demonstrated through supporting information, and officers are satisfied that they comply with policy. There has been no evidence presented that would contradict this position or prove that the proposal would cause demonstrable harm to residential amenity. • ***Lack of amenity space*** The proposed amenity space will provide a combination of high quality materials, hard and soft landscaping, which will provide an appropriate and pleasant residential environment. The amount of space provided is in line with policy requirements and therefore considered appropriate. Subject to conditions that will require the landscaping and public realm to be implemented as per the landscaping plan, it is considered acceptable and fully compliant with all recommended standards set out in policy and guidance. • ***Security, anti-social issues, crime, nuisance*** Security has been carefully considered through the design stage and there is no evidence that the scheme would give rise to unsatisfactory concerns regarding the deterrent of crime and personal safety. Full regard has been given to the site location and its relationship with surrounding areas and communities, and officers are satisfied that the proposed scheme is in line with policy and incorporates suitable secured by design principles, including a number of measures to enhance security and mitigate the potential for anti-social activity, crime or nuisance.

	• ***Noise impact, pollution, impact from construction & demolition*** The application was supported by a number of technical reports and assessments including a Noise Impact Assessment, Air Quality Impact Assessment, Demolition Justification Statement, Contamination Report, Climate Change Statement, Flood Risk and Drainage Assessment and Waste Management Plan. BCC's Environmental Health Service has fully considered the proposed development in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations. In terms of air quality, suitable mitigation measures have been identified to ensure no impact through the development's construction phase. No ambient air quality concerns are identified regarding the operational phase. In terms of noise and ventilation, a Verification Report shall be submitted to the council for approval, prior to occupation, which will ensure that all required rating levels are achieved and maintained thereafter. In the event of contamination being encountered during works, a Remediation Strategy and Verification Report must be submitted for approval and implementation. A further condition requires submission and approval of a Construction Noise and Vibration Management Plan, prior to the construction phase, to ensure that residential amenity is protected against any adverse impacts arising during construction in respect of noise, vibration and other environmental impacts. The previous demolition of Havelock House is not relevant to this determination. In conclusion, a number of specific conditions are attached to require the implementation of appropriate mitigation measures on site before, during and after construction to ensure that the amenity of the area will be suitably protected in all the aspects noted above. Subject to these, the proposal would comply with all policy requirements and technical guidelines, and there is no evidence to justify refusal on these grounds. • ***Impact on services, infrastructure, parking, traffic increase, noise & pollution*** As above, a number of supporting technical documents have been provided for consideration which have allowed these issues to be fully assessed by officers and through the consultation process with direct input from both statutory and non-statutory consultees. In terms of existing services and infrastructure, DfI Roads, DfI Rivers, NI Water and Translink have all confirmed that subject to conditions and Section 76 Planning Agreement, the proposal can be successfully accommodated in this location without detrimental impact to servicing or requirement for additional infrastructure. DfI Roads are also satisfied that the combination of reduced parking levels, promotion of green travel measures and utilisation of an appropriate travel fund

will ensure that traffic use within the site will not result in a detrimental impact by way of noise, pollution or air quality.

BCC's Environmental Health Service have also assessed the proposal in terms of noise, air pollution, general amenity and ambient air quality, and confirmed that subject to conditions, the proposed specifications are in line with recommended guidelines and levels to mitigate any negative impact on residential amenity in the surrounding area.

Subject to conditions and Planning Agreement, the proposal is found to accord with all relevant transport, infrastructure and environmental policies and guidance.

- ***Community impact, community not engaged or heard***

  The direct impact of the development on the wider community has been fully assessed. The Pre-application Community Consultation report clarifies the level of engagement that was undertaken with the community and how this has informed the overall design process.

  In terms of legislative requirements, the applicant has met their duty under Section 27 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 to consult the community in advance of submitting an application and adhered to council recommendations during the PAN process. This included the required opportunities for the local community to register opinions and feedback on the scheme through various means of communication and engagement.

  The scheme has evolved throughout the design process to specifically take account of the feedback received during the consultation process with a number of welcomed revisions as a result. Officers are satisfied that each area of concern has been fully considered and satisfactorily addressed, as assessed in this report.

- ***Mental health impact, human rights, distribution of homes via NIHE***

  It is acknowledged that any new development can have an impact on neighbouring communities by way of construction noise, disturbance and pollution which in turn can impact mental health. That being said, as noted above officers are satisfied that all impacts of both the construction and operational phases of the scheme have been fully considered and suitable mitigation measures will be implemented to minimise any negative impact.

  Whilst an element of disruption may be inevitable as a result of construction, this would be short-term and would be typical of delivering any new major development. Crucially, the long-term impacts have been assessed and are considered to be within appropriate levels and in line with all relevant policy and guidelines, and the applicant has met their legislative duty in all relevant aspects. On that basis there is no evidence that the human rights of any individual would be affected.

  The distribution of homes through the NIHE waiting list or priority list is not a material planning consideration. The concerns are noted; however, they can have no influence on the determination of this application, which has been

	assessed under the Belfast Local Development Plan and all material considerations. • **Other considerations** As noted previously in this report, 2no. representations registered objections to the proposal without clarifying which areas they were opposed to. Nonetheless, all aspects of the proposal have been fully considered, including all concerns noted in other objections, and the proposal is found to comply with all relevant policy and guidance, subject to conditions and Section 76 Planning Agreement. The support of social housing and density noted in representation is welcomed.
6.0	**Recommendation**
6.1	The proposal will result in the regeneration of a brownfield site and a significant number of affordable homes in a highly sustainable location which would support city centre living, in line with the Belfast Agenda and the LDP Plan Strategy.
6.2	It would make very effective use of land, a finite resource within the city centre, whilst the provision of social housing responds to the significant unmet need for social housing in Belfast. The scale, height, massing and design of the building are considered appropriate to the site's context, and the approach to green travel is acceptable. The proposal would not have a harmful impact in respect of other land-use planning considerations. All statutory and non-statutory consultees have confirmed their support for the proposal, with all previous concerns being suitably addressed by the applicant through appropriate revisions, mitigation measures, Section 76 Planning Agreement and attached conditions.
6.3	The proposal has been fully assessed against the Belfast Local Development Plan, Plan Strategy policies SP1, SP1a, SP2 SP3, SP4, SP5, SP6, SP7, SD2, HOU1, HOU2, HOU4, HOU5, HOU6, HOU7, DES1, DES2, RD1, CGR1, BH1, BH4, BH5, HC1, TRAN1, TRAN2, TRAN4, TRAN8, ENV1, ENV2, ENV3, ENV4, ENV5, OS3, NH1, TRE1, all relevant Supplementary Planning Guidance, Creating Places and the relevant provisions of the SPPS and RDS. Taking account of these and all relevant material considerations, the proposal is considered on balance to be acceptable, subject to conditions and Section 76 Planning Agreement.
6.4	Full consideration has been given to all matters raised in representation, and officers are satisfied that these have been suitably addressed by way of the revisions made to the proposal, and subject to Section 76 Planning Agreement and appropriate conditions. Due regard has been given to all concerns received, however in this instance they would neither outweigh the above policy position nor justify refusal of the application.
6.5	It is recommended that planning permission is granted subject to conditions and a Section 76 Planning Agreement to secure the details noted previously. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Planning Agreement, and deal with any other matters that may arise, provided that they are not substantive.

7.0	**DRAFT CONDITIONS** **Time implementation** 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 **Waste** 2. 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 **Climate change** 3. The development hereby permitted shall not be occupied until the sustainability measures set out in the Flood Risk Assessment and Drainage Strategy, dated March 2024, have been constructed and installed and independent written verification of such as been submitted to and approved in writing by the Council. Reason: To ensure that the proposal incorporates appropriate measures to mitigate and adapt to climate change. **External finishes** 4. 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 area. **Trees & landscaping** 5. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which 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. Reason: In the interests of visual amenity. 6. 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.

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

7. Prior to any work commencing all protective barriers (fencing) and ground protection shall be erected and installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site and must be in place before any materials or machinery are brought onto site for demolition, development, or soil stripping. Protective fencing must remain in place until all work is completed, and all associated materials and equipment are removed from site.

   Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.

8. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Area of trees within the site and adjacent lands during the construction period.

   Reason: To safeguard trees of amenity and biodiversity value.

Roads

9. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawing, to provide for parking and traffic circulation within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development. The parking shall be made freely available without charge to residents of this development.

   Reason: To ensure adequate provision has been made for parking and traffic circulation within the site.

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.

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

11. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated in accordance with the approved plans.

    Reason: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.

	12. The development hereby permitted shall not be occupied until a give way triangle and give way lines have been permanently marked on Coyle's Place in accordance with the approved drawing numbered by Planning Service 04A on 18/11/24. Reason: In the interests of road safety. 13. The development shall operate in accordance with the Service Management Plan. Reason: In the interests of road safety and the convenience of road users. 14. The development hereby permitted shall not be occupied until the secure cycle storage area has been provided in accordance with the approved plans and shall be permanently retained as such at all times. Reason: To ensure acceptable cycle parking facilities on the site and promote active travel and to mitigate the absence of dedicated parking within the development. **Environmental Health** 15. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related development works shall cease, and the Council shall be notified immediately in writing. No further related development works shall proceed until this new contamination has been fully investigated in accordance with current Environment Agency and CIRIA guidance and British Standards. In the event of unacceptable human health risks being identified, a Remediation Strategy shall be submitted to and agreed in writing by the Council. The Remediation Strategy shall be implemented and subsequently a Verification Report shall be submitted to and agreed in writing by the Council prior to the development being occupied or operated. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British standards. Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health. 16. Prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by the Council, which demonstrates that the Rating Level (dB LAr) of sound from all combined plant and equipment associated with the development does not exceed the background sound level (for both daytime and night time hours) at sound sensitive residential premises when determined in accordance with the assessment methodology outlined in BS4142:2014+A1:2019 - Methods for rating and assessing industrial and commercial sound. The approved Rating Level (dB LAr) shall be maintained at that level, or below, thereafter. Reason: Protection of residential amenity. 17. Prior to occupation of the development, the noise mitigation measures and alternative means of acoustically attenuated ventilation (in addition to that

provided by open windows) as specified within the submitted RPS Memo, Havelock House, Belfast, dated 28/11/2024 (Tables 10 and 11) shall be installed within habitable rooms of the development and retained at all times.

Reason: To safeguard the amenity of occupants of the building hereby approved.

18. Prior to commencement of the construction phase of the development, a Construction Noise and Vibration Management Plan (CNVMP) shall be submitted to and approved in writing by the Council. The CNVMP shall specify measures to control and minimise noise and vibration impacts during the construction phase. The CNVMP shall include rationale for and details of the chosen piling methodology and must pay regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites and demonstrate the use of 'best practicable means'. The CNVMP must be implemented as agreed on commencement and during the construction phase and the associated records shall be made available to the Council at any time upon request.

    Reason: Protection of residential amenity against adverse construction impacts.

NI Water

19. 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.

DAERA Regulation Unit

20. No piling shall be undertaken unless a piling risk assessment, carried out in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and approved in writing by the Council. The methodology is available at: https://webarchive.nationalarchives.gov.uk/ukgwa/20140329082415/http:/cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf.
    No piling shall take place unless in accordance with the approved piling risk assessment.

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

21. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease, and the Council should be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management

(LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be submitted to and approved in writing by the Council, and subsequently implemented. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks.

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

22. After completing any required remediation works required by condition 21, and prior to occupation of the development, a Verification Report shall be submitted to and approved in writing by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the development wastes and risks and achieving the remedial objectives.

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

Informatives

Section 76 planning agreement

1. 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 the following planning obligations:

    - **Social housing** – no less than 84 of the residential units constructed at the property shall be occupied as Social Housing Units.

    - **Housing mix** – unless otherwise agreed in writing by the council, 49no. of the Social Housing Units shall not be occupied unless as General Social Housing. 35no. of the Social Housing Units shall not be occupied unless as Category 1 over 55's accommodation.

    - **Green travel measure** – secure implementation of Travel Plan, Green Travel Measures fund (£202,737.00, index linked), and suitable redistribution of the Travel Fund if necessary.

    - **Employability and Skills** – requirement for the submission and implementation of a Construction Employability and Skills Plan.

Compliance with planning permission

2. 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.

Discharge of condition(s)

3. 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.

Non-planning requirements

4. 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.

Protected Species

5. 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:
   a) Deliberately capture, injure or kill a wild animal including a European protected species, which includes all species of bat;
   b) Deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
   c) Deliberately disturb such an animal in such a way as to be likely to:
      (i) affect the local distribution or abundance of the species to which it belongs;
      (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or
      (iii) Impair its ability to hibernate or migrate;
   d) Deliberately obstruct access to a breeding site or resting place of such an animal; or
   e) To damage or destroy a breeding site or resting place of such an animal.

   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.

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Regional Planning Governance & Legislation

Department for
Infrastructure
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Mr Ed Baker
Belfast Planning Service
Belfast City Council
4-10 Linenhall Street
BELFAST
BT2 8BP
BakerE@BelfastCity.gov.uk

Your Ref: LA04/2024/0626/F
Our Ref: DfIPG 059/25

03 October 2025

Dear Mr Baker

PLANNING ACT (NORTHERN IRELAND) 2011
THE PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER (NORTHERN IRELAND) 2015

PLANNING APPLICATION LA04/2024/0626/F:- ERECTION OF 104NO. SOCIAL RENTED RESIDENTIAL UNITS (COMPRISING A MIX OF GENERAL SOCIAL HOUSING AND CATEGORY 1 OVER 55'S ACCOMMODATION) ACROSS TWO DETACHED BLOCKS [RANGING BETWEEN 3 AND 5 STOREYS], LANDSCAPING, COMMUNAL AND PRIVATE AMENITY SPACE, ANCILLARY CYCLE AND CAR PARKING PROVISION, AND OTHER ASSOCIATED SITE WORKS AT 1 HAVELOCK HOUSE HAVELOCK PLACE, ORMEAU, BELFAST, BT7 1EB

I refer to the Article 17 Direction issued by the Department, on 25 March 2025, in relation to the above planning application, preventing your council from granting permission until further advised.

After careful consideration, it has been concluded that the above application does not raise issues of such importance that their impact is considered to extend to a sub-regional or regional level, and the circumstances of this case are not exceptional such as to warrant the use of the Department's 'call in' power under section 29 of the Planning

Act (Northern Ireland) 2011. The Minister has therefore decided that application LA04/2024/0626/F will not be referred to the Department for determination and Belfast City Council can continue to process the application accordingly.

Whilst planning application LA04/2024/0626/F does not warrant referral, I wish to emphasise that the future delivery of social housing remains an important matter. Furthermore, given the council's own evidence that several mono-tenure social housing applications have been approved since the adoption of its Plan Strategy, it is recommended that the council perhaps reviews the implementation, to date, of Policy HOU5, at the next available opportunity. Such a review would help ensure that your council's housing policy is being applied effectively within the plan-led system. Additionally, it is advised that Belfast City Council engages closely with the Northern Ireland Housing Executive on the issue of housing need and on promoting mixed tenure developments, which are key to supporting sustainable development.

ROSEMARY DALY
Chief Planner & Director