

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



**Belfast
City Council**

12th September, 2023

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 19th September, 2023 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. **Notifications from Statutory Bodies, Abandonment, Extinguishment and Vesting Orders (Pages 1 - 16)**
3. **Provision of Accessible Parking Bay**
 - (a) Notification for 92 Disraeli Street (Pages 17 - 20)
 - (b) Notification for 9 Knock Link (Pages 21 - 24)
 - (c) Notification for 7 Adelaide Avenue (Pages 25 - 28)
4. **Appeals (Pages 29 - 30)**

5. **Planning Decisions Issued (Pages 31 - 50)**
6. **Miscellaneous Reports**
 - (a) Building Control Consultation Response (Pages 51 - 84)
7. **Local Development Plan Enforcement Strategy (Pages 85 - 112)**
8. **New Planning Applications**
 - (a) LA04/2020/1901/F and 1899/LBC - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first and second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description and drawings), Former Good Shepherd Centre at lands at Nos 511 and 511a Ormeau Road (REPORT TO FOLLOW)
 - (b) LA04/2022/1677/F and 1679LBC - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). Former Good Shepherd Centre at lands at Nos. 511 and 511a Ormeau Road, Belfast BT7 3GS. (REPORT TO FOLLOW)
 - (c) LA04/2021/1808/F - Proposed residential development comprising of 14 dwellings, access from Lagmore View Lane and Lagmore Glen, completion of remaining areas of open space (including hard and soft landscaping), provision of parking bays and speed cushions to improve road safety along Lagmore View Road, and all associated site works. Lands South and East of 148-163 Lagmore View Lane North and West of 37, 81, 82 and 112 Lagmore Glen and Lagmore View Road, Belfast (REPORT TO FOLLOW)
 - (d) LA04/2021/1447/F - 28 house development (social housing) including provision of new access, below ground pumping station, open space and landscape, Lands NE of 265 Whiterock Road (Pages 113 - 130)
 - (e) LA04/2021/2811/F and/ or LA04/2021/2488/F- Application under section 54 of the Planning Act (NI) in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary condition No.6 (seeking to remove requirement for archaeological works set out in the approved programme of works to be implemented prior to commencement of any site works or development). Corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road (Pages 131 - 136)
 - (f) LA04/2023/3787/LBC - Proposed demolition of lean-to external store. 2 Royal Avenue, Belfast, BT1 1DA (Pages 137 - 144)
9. **Restricted Items**
 - (a) Quarter 1 2023/24 Finance Report (Pages 145 - 152)
 - (b) LDP Update and Timetable (Pages 153 - 160)

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Subject:	Notifications from statutory bodies (Vesting Order & Extinguishment)
Date:	19 th September 2023
Reporting Officer:	Kate Bentley, Director of Planning & Building Control
Contact Officer:	Keith Sutherland, Planning Manager (Plans & Policy)

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	To bring to the attention of the Planning Committee two notifications that have been received from the Department for Communities (DfC) and the Northern Ireland Housing Executive (NIHE) (see Appendices 1-4).
2.0	Recommendation
2.1	The Committee is asked to note this report and the notification correspondence received as set out in the appendices.
3.0	Main Report
3.1	The Council has received two notifications from statutory bodies, one each from the DfC and the NIHE:
3.2	Notice of Intention to vest land at Woodbourne Crescent/Suffolk Road, Belfast Received on 6 th June 2023 this notification from the DfC concerns a notice of intention to make a Vesting Order under The Planning (NI) Order 1991 and the Local Government Act (NI) 1972 to acquire lands at Woodbourne Crescent/Suffolk Street (Appendix 1). The purpose of the Vesting Order is to facilitate the implementation of an Environmental Improvement Scheme which received planning approval from the Council in February 2020 (Application Ref. LA04/2019/1232/F) (Appendix 2).
3.3	Extinguishment of Public Right of Way – Pathway at Maureen Sheehan Centre Received on 18 th August 2023 this notification from the NIHE relates to the proposed extinguishment of a public right of way under Article 88D of Housing (NI) Order 1981 (Appendix 3) The extinguishment will apply to a 17m section of pathway adjacent to the Maureen Sheehan Centre which links Albert Street to Roumania Rise. The NIHE previously confirmed an extinguishment of public right of way over Roumania Rise on 25 th October 2022.
3.4	The purpose of this extinguishment is to facilitate the implementation of an Environmental Improvement Scheme which received planning approval from the Council in October 2018

	(Application Ref. LA04/2017/2517/F) (Appendix 4).
3.5	In considering both of these notifications consultation was carried out with other services within the Council – City & Neighbourhood Services, Physical Programmes and City Regeneration & Development. Whilst there were no objections in principle to either of the notifications a number of technical queries were raised regarding the Woodbourne Crescent scheme which will be forwarded to the Department for clarification.
3.6	<u>Financial & Resource Implications</u> There are no resource implications associated with this report.
3.7	<u>Equality implications or Good Relations implications / Rural needs assessment</u> None.
4.0	Appendices – Documents Attached
	<p>Appendix 1: Notice of Intention to vest land at Woodbourne Crescent/Suffolk Road, Belfast</p> <p>Appendix 2: Location of land proposed for vesting and approved Environmental Improvement Scheme (LA04/2019/1232/F)</p> <p>Appendix 3: Extinguishment of Public Right of Way – Pathway at Maureen Sheehan Centre Extinguishment Order</p> <p>Appendix 4: Approved Environmental Improvement Scheme (LA04/2017/2517/F)</p>



Department for
Communities

An Roinn
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Department for
Commonities

www.communities-ni.gov.uk

By post:

2 June 2023

Building Successful Communities
3rd Floor, Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG
Tel: 028 90515233
Contact: 
BSCWoodbournevesting@communities
-ni.gov.uk

Notice of Intention to vest land at Woodbourne Crescent/Suffolk Road Belfast

I enclose for your information and attention, as appropriate, a copy of the above-mentioned Notice of Intention to Vest together with a map which outlines the area of land which the Department proposes to acquire.

The Notice of Intention to make a Vesting Order in relation to the land at Woodbourne Crescent/Suffolk Road Belfast will be published in the three regional daily newspapers and in the Andersonstown News on 7 June and 14 June 23. The advertisement includes details of how an individual can contact the Department or seek further information regarding this matter.

Yours faithfully,

Sharon Donnelly
Regeneration Officer BSC

DEPARTMENT FOR COMMUNITIES

THE PLANNING (NORTHERN IRELAND) ORDER 1991

THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

NOTICE OF INTENTION TO MAKE A VESTING ORDER

WOODBOURNE CRESCENT/SUFFOLK ROAD BELFAST

TAKE NOTICE that the Department for Communities (“the Department”) in pursuance of the provisions of the above Act and Order intends to make an Order vesting the lands described in the schedule annexed hereto in the Department in accordance with and subject to the provisions of the above Act and Order; the Department desires to acquire the said lands otherwise than by agreement for the purpose of securing the treatment of the lands as a whole by development or redevelopment.

A copy of the Intention to make a Vesting Order and a map showing the lands proposed to be acquired may be inspected by appointment. E-mail your contact details to BSCWoodbournevesting@communities-ni.gov.uk and a department official will contact you to arrange an appointment.

Any objections to the proposed Order must be presented in writing setting out the grounds thereof to Department for Communities, Housing Investment Branch, Building Successful Communities, Causeway Exchange, 1-7 Bedford Street, Belfast BT2 7EG or *via email to* BSCWoodbournevesting@communities-ni.gov.uk, on or before 15 July 2023.

Information you provide in your response, including personal information, could be published or disclosed under the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR). For further details on confidentiality and FOIA please refer to www.ico.org.uk.

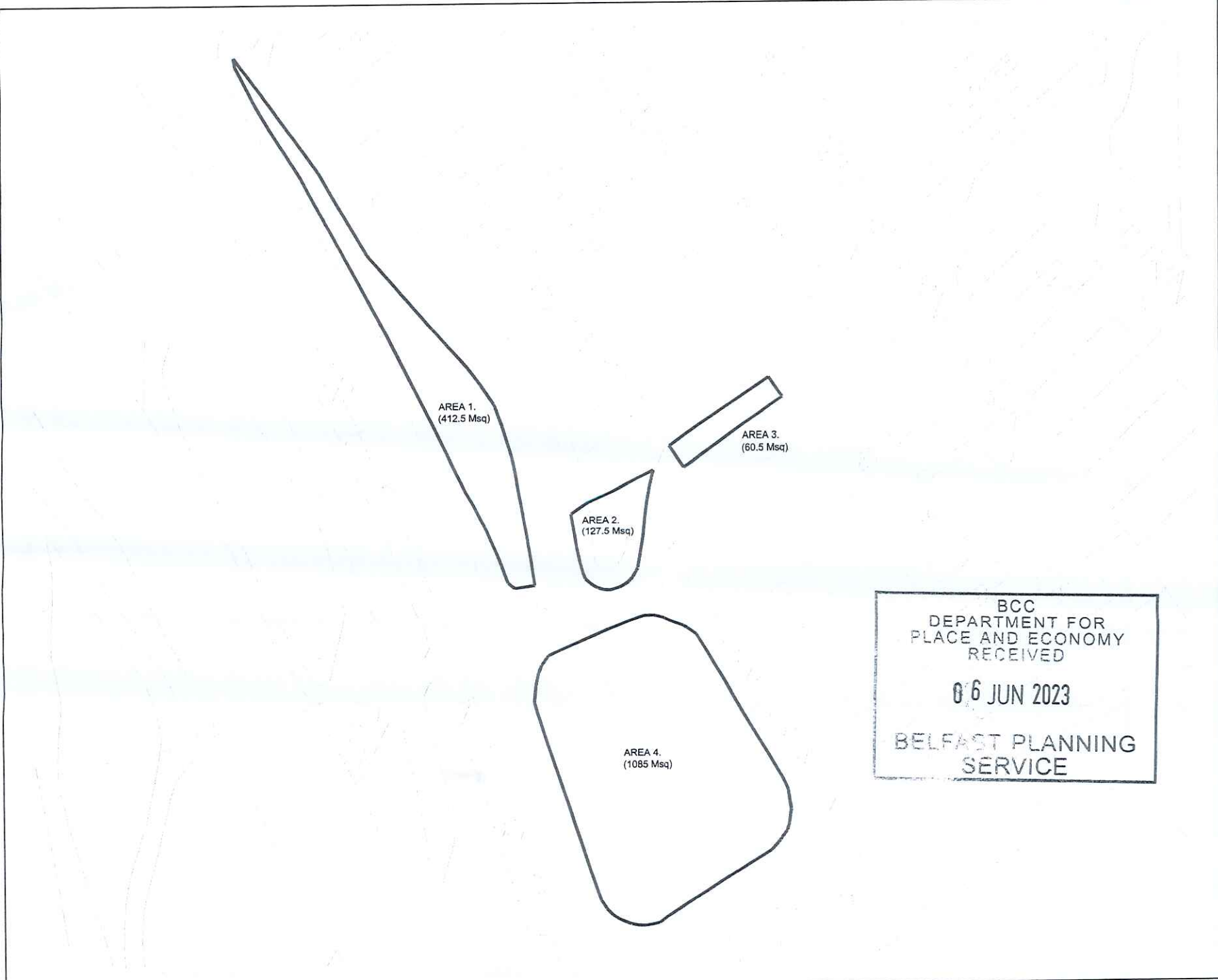
For information regarding the Departmental Privacy Notice following the introduction of GDPR please go to the Department website at www.communities-ni.gov.uk/dfc-privacy-notice or phone the Data Protection Officer on 02890829200.

Dated this 31 day of May 2023

Paul Price, Director

**A Senior Officer of
the Department for Communities**





BCC
DEPARTMENT FOR
PLACE AND ECONOMY
RECEIVED

06 JUN 2023

BELFAST PLANNING
SERVICE



PROJECT

WOODBOURNE
EI SCHEME

CLIENT

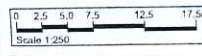
DEPARTMENT
FOR COMMUNITIES

CONSULTANT

AECOM
10th Floor, The Clarence West Building
2 Clarence Street West
+44 (0)28 9050 7200
www.aecom.com

NOTES

PRELIMINARY ISSUE



ISSUE/REVISION

NO	DATE	DESCRIPTION

NO	DATE	DESCRIPTION
01	SEPT 22	PRELIMINARY ISSUE

KEY PLAN

PROJECT NUMBER

60537094

SHEET TITLE

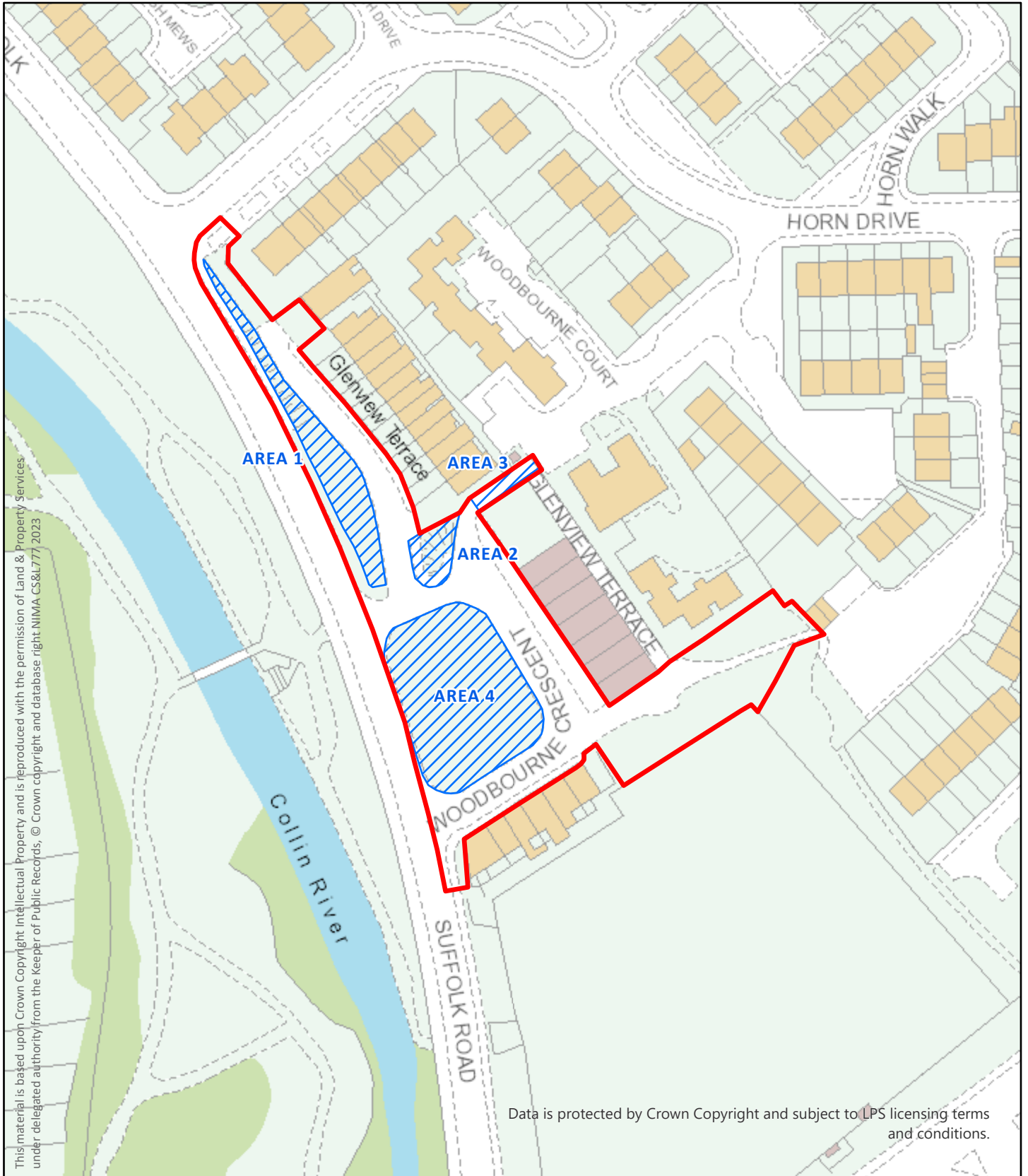
LAND ACQUISITION MAP

SHEET NUMBER



SHT-10-0000-L-0001

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DfC Notice of Intention to vest land at Woodbourne Crescent/Suffolk Road Belfast, June 2023

-  Land subject to Vesting Order
-  Planning approval LA04/2019/1232/F



KEY

HARDWORKS		STREET FURNITURE		SOFTWORKS	
	EXISTING KERBLINE TO BE REMOVED		CYCLE STAND		PROPOSED HEDGE PLANTING DOUBLE STAGGERED ROW. 60-80cm HEIGHT.
	NATURAL STONE KERB GRANITE - PHENO GREY 250x200x50mm		LITTER BIN		SHRUB PLANTING REFER TO PLANTING SCHEDULE FOR FURTHER INFORMATION
	NATURAL STONE SETTS DOUBLE ROW GRANITE - PHENO GREY 100x100x100mm ADJACENT TO KERBS		BOLLARD		PROPOSED GRASS
	PC CONCRETE PIN KERB 300x150x75mm		NEW ROAD SIGNAGE ONE WAY / NO ENTRY		PROPOSED TREE WITH GRILLE PYRUS CALLERYANA 'CHANTICLEER' 4.0 - 5.0M HEAVY STANDARD 2.0M CLEAR STEM HEIGHT, NB / SPRING RING
	ROLLED ASPHALT PAVEMENT PINK GRANITE CHIP		EXISTING LIGHTING COLUMN TO BE RETAINED		PROPOSED TREE PYRUS CALLERYANA 'CHANTICLEER' 4.0 - 5.0M HEAVY STANDARD 2.0M CLEAR STEM HEIGHT, NB / SPRING RING
	ASPHALT - VEHICULAR LOADING		UNDERGROUND DUCTING FOR BT CABLES		TREE TO BE REMOVED BLUE LINE DENOTE EXISTING TREE TO BE REMOVED FROM SITE
	ASPHALT - PEDESTRAIN LOADING				
	ROLLED ASPHALT WITH GOLDEN GRANITE CHIP				
	NATURAL STONE SETTS - VEHICULAR LOADING KILKENNY BLUE LIMESTONE 180mm DEPTH x 200mm x 100mm				



Page 8



DEPARTMENT FOR COMMUNITIES
 PLACE AND ECONOMY RECEIVED
 24 MAY 2019
 RELFAST PLANNING SERVICE
 EXISTING BOUNDARY FENCE RETAINED

<p>NOTES</p> <ol style="list-style-type: none"> THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION. DO NOT SCALE FROM THIS DRAWING. USE ONLY PRINTED DIMENSIONS. ALL DIMENSIONS IN MILLIMETRES. ALL CHANGINGS, LEVELS AND COORDINATES ARE IN METRES UNLESS STATED OTHERWISE. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE PROJECT HEALTH & SAFETY FILE FOR ANY IDENTIFIED POTENTIAL RISKS. 		<p>SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX</p> <p>IT IS ASSUMED THAT ALL WORKS ON THIS DRAWING WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WORKING, WHERE APPROPRIATE, TO AN APPROPRIATE METHOD STATEMENT.</p> <p>THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSE OF ISSUE THAT IT WAS ISSUED FOR AND IS SUBJECT TO AMENDMENT.</p> <p>Purpose of issue PLANNING</p>		<p>Client Department for Communities</p>	<p>Project Title Woodbourne EI Scheme</p>	<p>Drawing Title LANDSCAPE LAYOUT</p>	<table border="1"> <tr> <td>Designed JWN</td> <td>Drawn GK</td> <td>Checked JWN</td> <td>Approved PJT</td> <td>Date MAY 2019</td> </tr> <tr> <td>Internal Project No. 60537094</td> <td colspan="2">Subsidiary</td> <td colspan="2">Zone / Mileage</td> </tr> <tr> <td>Scale @ A1 1:200</td> <td colspan="4"> <p>THIS DOCUMENT HAS BEEN PREPARED PURSUANT TO AND SUBJECT TO THE TERMS OF AECOM'S APPOINTMENT BY ITS CLIENT. AECOM ACCEPTS NO LIABILITY FOR ANY USE OF THIS DOCUMENT OTHER THAN BY ITS ORIGINAL CLIENT OR FOLLOWING AECOM'S EXPRESS AGREEMENT TO SUCH USE, AND ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND PROVIDED.</p> </td> </tr> </table>	Designed JWN	Drawn GK	Checked JWN	Approved PJT	Date MAY 2019	Internal Project No. 60537094	Subsidiary		Zone / Mileage		Scale @ A1 1:200	<p>THIS DOCUMENT HAS BEEN PREPARED PURSUANT TO AND SUBJECT TO THE TERMS OF AECOM'S APPOINTMENT BY ITS CLIENT. AECOM ACCEPTS NO LIABILITY FOR ANY USE OF THIS DOCUMENT OTHER THAN BY ITS ORIGINAL CLIENT OR FOLLOWING AECOM'S EXPRESS AGREEMENT TO SUCH USE, AND ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND PROVIDED.</p>				<p>AECOM Infrastructure & Environment UK Limited The Clarence Street Buildings 2 Clarence Street West Belfast, BT2 7SP Tel: +44 (0)28 9500 7200 www.aecom.com</p> <p>Drawing Number SHT-10-0000-L-0003</p>	<p>Rev P0</p>
Designed JWN	Drawn GK	Checked JWN	Approved PJT	Date MAY 2019																				
Internal Project No. 60537094	Subsidiary		Zone / Mileage																					
Scale @ A1 1:200	<p>THIS DOCUMENT HAS BEEN PREPARED PURSUANT TO AND SUBJECT TO THE TERMS OF AECOM'S APPOINTMENT BY ITS CLIENT. AECOM ACCEPTS NO LIABILITY FOR ANY USE OF THIS DOCUMENT OTHER THAN BY ITS ORIGINAL CLIENT OR FOLLOWING AECOM'S EXPRESS AGREEMENT TO SUCH USE, AND ONLY FOR THE PURPOSES FOR WHICH IT WAS PREPARED AND PROVIDED.</p>																							

Belfast City Council
The Cecil Ward Building
4-10 Linenhall Street,
Belfast
BT2 8BP

Date: 15th August 2023

Our Ref: Pathway at Maureen Sheehan Centre Extinguishment

Dear Sirs,

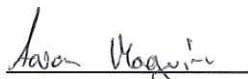
Re: Extinguishment of Public Right of Way – Pathway at Maureen Sheehan Centre Extinguishment order

The Northern Ireland Housing Executive made an Order No 2 on the 11th of June 2023 that certain Public Rights of Way is extinguished. Approval for the extinguishment is presently being sought from the NIHE Sponsor Team (Housing Division), Department for Communities, Housing Investment Branch, 1-7 Bedford Street, Belfast, BT2 7EG. The press notice regarding the making of this order is enclosed together with a map showing the area affected and a copy of the order.

If you wish to make comments, could you please let me have them by 12th of September 2023.

I shall write to you again when the result of the submission is known.

Yours faithfully,



Aaron Maguire
Place Shaping
Belfast Area



FORM OF NOTICE OF MAKING OF ORDER
THE HOUSING (NORTHERN IRELAND) ORDER 1981
EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY

Notice is hereby given that the Northern Ireland Housing Executive having its principal office at 2 Adelaide Street, Belfast, BT2 8PB in pursuance of its powers under Article 88D of the Housing (Northern Ireland) Order 1981 on the 11th of July 2023 made an order (“an extinguishment order”) which will be submitted to the Department for Communities for approval, to extinguish the public rights of way over land described in the schedule hereto.

A copy of the extinguishment order and associated map dated 11th of July 2023 referred to therein may be inspected at the West Belfast Local Office with offices at the Public Counter, The Housing Centre, 2 Adelaide Street, Belfast BT2 8PB.

The Housing (Northern Ireland) Order 1981 provides that an extinguishment order shall not have effect until approved by the Department and that an extinguishment order to which any objections is made and not withdrawn shall not be approved in circumstances where the Department exercises its discretion to cause a public local inquiry to be held to hear objections to the extinguishment order.

Objections to the extinguishment order must be made in writing stating the grounds for objection and addressed to NIHE Sponsor Team (The Housing Division), Department of Communities, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG on or before 12th of September 2023.

SCHEDULE

The pathway at Maureen Sheehan Centre, Belfast - Extinguishment of Public Rights of Way Order No1 2023.

The site is described as hard core bitmac alleyway located between 104 Albert Street (dwelling house) and 106 Albert Street (Maureen Sheehan Health Centre) leading to rear parking court at Roumania Rise. Rectangular in shape, approximately 17 metres in length and 3.5 metres in width; tapers at 45 degree angle as it connects to Albert Street.

Dated this – 15th August 2023

Grainia Long
Chief Executive





MAUREEN SHEEHAN CENTRE, BELFAST
Extinguishment of Public Right-of-Way
Order No. 1, 2023
Map Dated 10/7/2023

NORTHERN IRELAND HOUSING EXECUTIVE,
THE HOUSING CENTRE,
2 ADELAIDE STREET E, BELFAST, BT2 8PB

OSII Reference: IG 130 13SW2

Scale: 1:1250

Your Reference:

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EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY

FORM OF ENGROSSMENTS OF ORDER

THE HOUSING (NORTHERN IRELAND) ORDER 1981

Whereas the Northern Ireland Housing Executive whose principal office is at 2 Adelaide Street, Belfast, BT2 8PB (hereinafter called "the Housing Executive") having acquired certain lands in connection with the pathway at the Maureen Sheehan , Belfast has by a resolution passed on 10th of July 2023 made an order (an "extinguishment order") to extinguish the public rights of way hereinafter referred to over the said lands shown marked on the map at the pathway at Maureen Sheehan Centre, Belfast Order No.1 2023 and sealed with the common seal of the Northern Ireland Housing Executive and deposited at the West Belfast Local Offices at the Public counter, The Housing Centre, 2 Adelaide Street, Belfast BT2 8PB .

NOW THEREFORE the Housing Executive in pursuance of its powers under Article 88D of the Housing (Northern Ireland) Order 1981 and all other powers so enabling HEREBY orders as follows:

1. This extinguishment order may be cited as "Pathway at Maureen Sheehan Centre, Belfast Order No.1 2023."
2. The public rights of way described in the schedule and shown coloured red and outlined black on the said map shall cease and be extinguished as from the date of operation of the extinguishment order subject to the retention of all existing cables wires, mains pipes or other apparatus placed by an electricity undertaker along, across, over or under the lands hereby transferred shall be retained. All existing rights of the electricity undertaker as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

SCHEDULE

The pathway at Maureen Sheehan Centre Belfast- Extinguishment of Public Rights of Way Order No1 2023

The site is described as Hard core bitmac alleyway located between 104 Albert Street (dwelling house) and 106 Albert Street (Maureen Sheehan Health Centre) leading to rear parking court at Roumania Rise. Rectangular in shape, approximately 17 metres in length and 3.5 metres in width; tapers at 45 degree angle as it connects to Albert Street.





MAUREEN SHEEHAN CENTRE, BELFAST
 Extinguishment of Public Right-of-Way
 Order No. 1, 2023
 Map Dated 11/7/2023

23821

NORTHERN IRELAND HOUSING EXECUTIVE,
 THE HOUSING CENTRE,
 2 ADELAIDE STREET 1, BELFAST, BT2 8PB

OSII Reference 1G 130 13SW2

Scale 1:1250


Your Reference

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Kelly Anderson
Sven Briggs



GIVEN UNDER THE COMMON SEAL OF THE
NORTHERN IRELAND HOUSING EXECUTIVE
THIS – 11th July 2023



Authorised Officer *Miss Jones*

Kelly Arderton

Alice McQueen

**Officers of the Northern
Ireland Housing Executive**

225211





LEGEND:

HARDSCAPE

- PAVING TYPE 1. NATURAL IRISH LIMESTONE PAVING & SETTS THRESHOLDS 215 m²
- PAVING TYPE 2. RESIN BONDED GRAVEL 230 m²
- PAVING TYPE 3. ASPHALT WITH GREY GRANITE CHIPS FOOTPATHS 1,000 m²
- PAVING TYPE 5. ASPHALT ROAD/CAR PARK 900 m²
- PROPOSED TACTILE PAVING
- NEW 2.4M HIGH BRICK WALLS TO SECURE CLOSED OFF ALLEYWAY. SECURED DOOR ACCESS TO BE PROVIDED TO AGREE KEYHOLDERS
- EXISTING WALL BUILT UP TO 2.4M HIGH TO MATCH HEIGHT OF PROPOSED NEW WALLS.
- NEW SECURE PALADIN TYPE FENCING 2.7M HIGH WITH ANTI-CLIMB ROLLER TOPS (ERECTED ON RETAINING WALL AT NORTHERN AND WESTERN SIDE OF CAR PARK)
- EXISTING FENCING TO GARDEN / LAWN AREAS (STEEL RAILINGS) REPAIRED, EXTENDED AND REPAINTED
- NEW 2.4M HIGH DECORATIVE STEEL VERTICAL BAR RAILINGS & GATES TO BUILDING FRONTAGE
- NEW RETAINING WALL (SEE ENGINEER'S DRAWINGS FOR DETAILS)
- NEW BOLLARDS
- Cycles SUGGESTED LOCATIONS FOR CYCLE SHELTER

SOFTSCAPE

- NEW TREE PLANTING 8 No. Tilia Cordata 'Greenspire'
- NEW TREE PLANTING IN HARD SURFACING 3 No. Corylus Columna
- NEW TREE PLANTING IN PLANTERS NEW SHRUB AND GROUND COVER PLANTING 100m² eg. Lonicera spida, Colowester cashm.nensis, Hypericum mossanicum
- NEW GRASS SEEDING 300m²

BCC EXECUTIVE'S DEPARTMENT in conjunction with all other Planning Applications
 Refer to Drawing E1899-210 for Fire Escape Proposals at MSC
 Refer to Drawing C8759-E(63)-1000 for Street Lighting & Car Park Lighting Proposals

MCGILWAIN
 LANDSCAPE ARCHITECTS

Rev	Date	Description	Drn	Clk	App
D	25.09.18	Tactile Paving removed	CR	KOS	KOS
C	14.08.18	Changes made to car park boundary & on street parking & speed hump removed	CR	KOS	KOS
B	30.04.12	Access arrangements revised and Ross Road works removed	CR	KOS	KOS
A	04.12.17	Car Park & Boundary Walls revised	KOS	KOS	KOS

Client: Department for Communities
 Building Successful Communities

Project: Maureen Sheehan Centre
 Environmental Improvement Scheme

Drawing: Proposed Site Layout
 Planning Application

Scale: 1:250 @ A1; 1:500 @ A3

McADAM DESIGN

McAdam Design Ltd
 1c Montgomery House
 47B Castlereagh Road
 Belfast, BT5 6EQ
 T 028 9040 2000
 F 028 9079 4144
 admin@mcadamdesign.co.uk
 www.mcadamdesign.co.uk

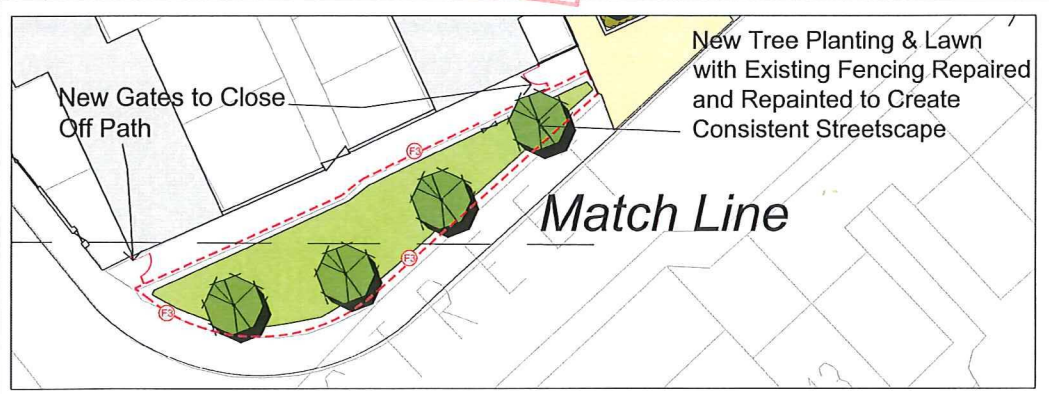
Drawn	Date	Checked	Date	Approved	Date
C Rice	20/10/17	K O'Sullivan	20/10/17	K O'Sullivan	20/10/17

Project No: E1899
 Drawing No: 202
 Revision: D

All dimensions are in millimetres. Figured dimensions to be taken in preference to scaled dimensions. Dimensions to be checked on site. © 2018 McAdam Design Ltd

Drawing Number 030

Belfast City Council



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Department for

Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Network Traffic, Street Lighting and
Transportation

Eastern Division

Mr John Walsh
Chief Executive
Belfast City Council
City Hall
BELFAST
BT1 5GS

Annexe 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

Email: traffic.eastern@infrastructure-ni.gov.uk

Being Dealt With By: Mr Alfie O'Hare

Direct Line: 02890526241

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 140413-22

Date: 29 August 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 92 DISRAELI STREET, BELFAST

I am writing to advise you that we propose to provide an accessible/disabled parking bay at the above location. (see attached plan)

We would welcome your comments on this proposal.

Yours sincerely

PP Alfie O'Hare

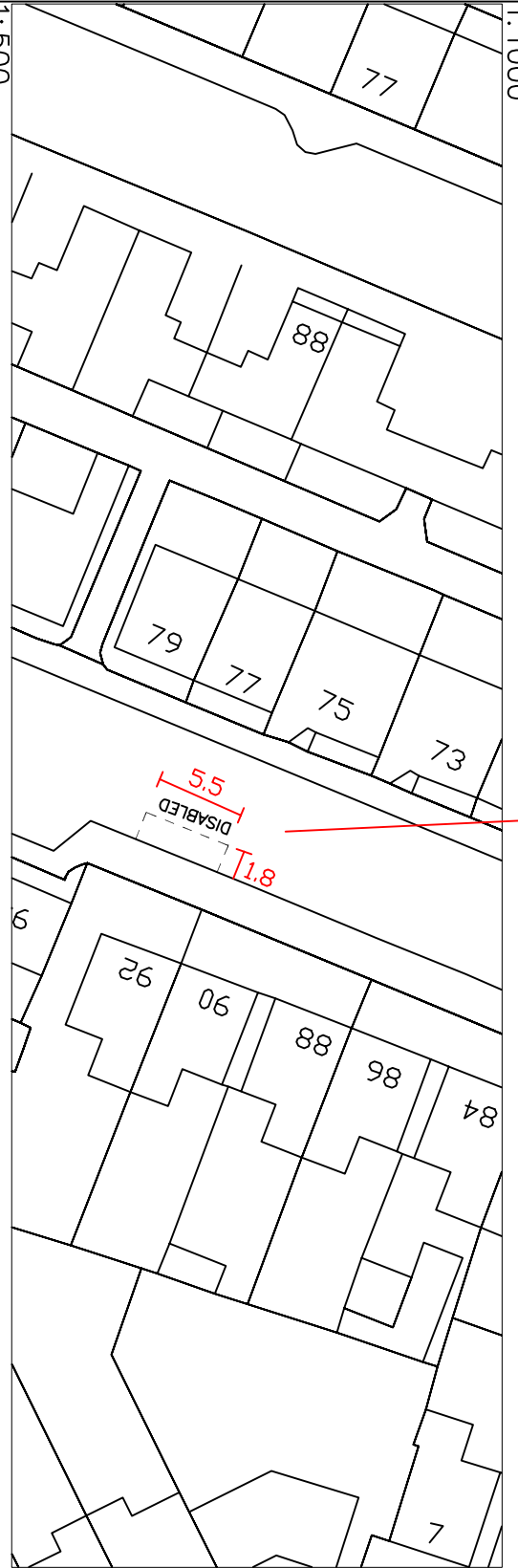
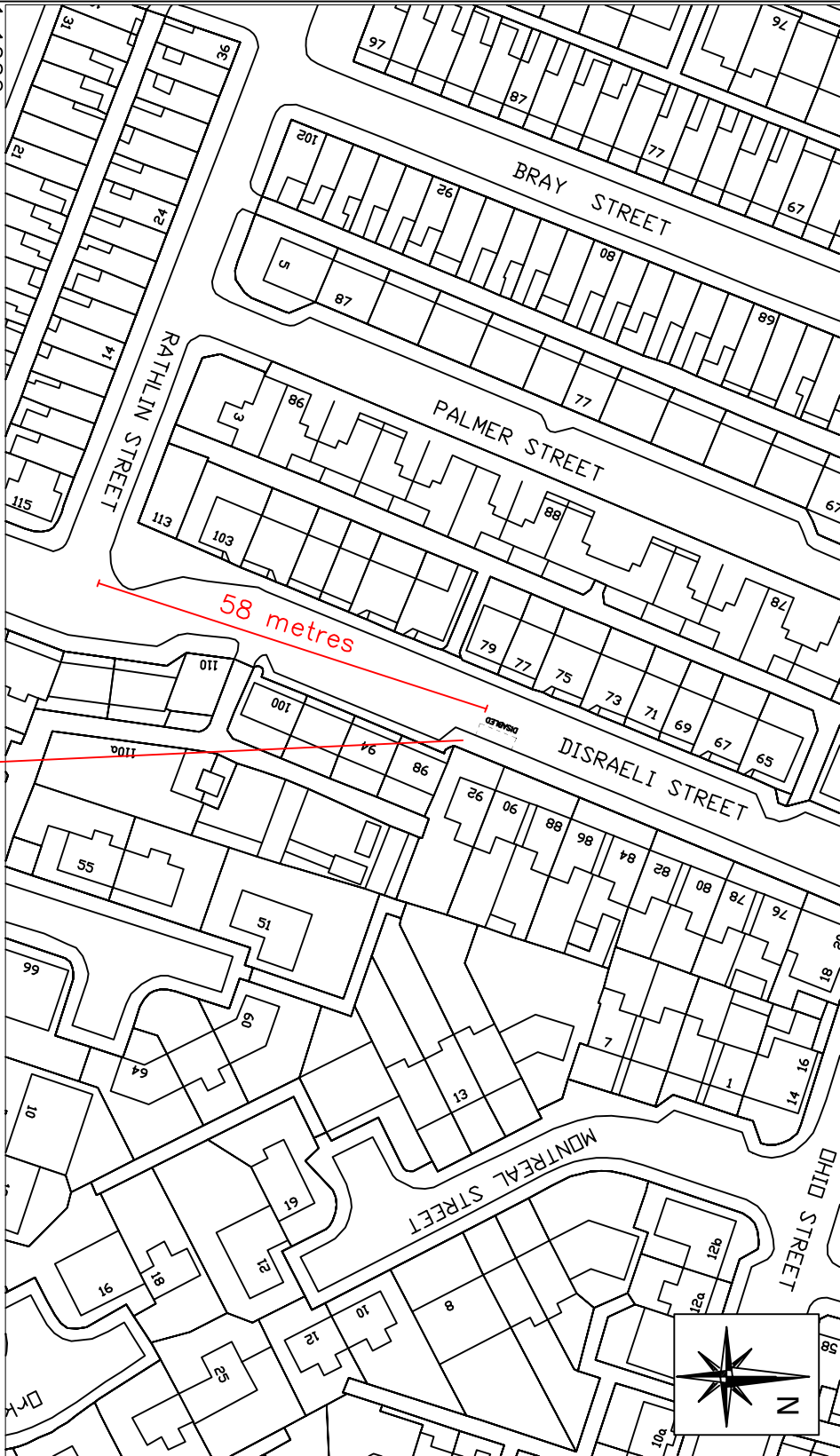
Noel Grimes

Traffic Management

ENC

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Disraeli Street, Belfast (south-east side) - from a point 58 metres north-east of its junction with Rathlin Street, for distance of 5.5 metres in a north-easterly direction.



NO.	REVISION	DATE

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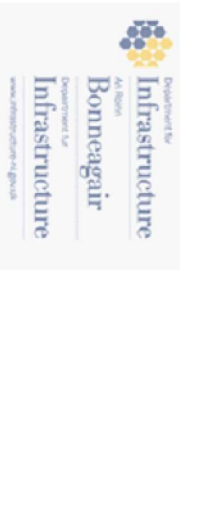
Project
**ACCESSIBLE/DISABLED
 PARKING BAY**

Title
**92 DISRAELI STREET
 BELFAST**

FILE NO.	DESIGNED	AO'H	date
DRAWN	CHECKED		date
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Dwg. No.	Revision		

Dwg. No. **TM2/BEL/AUG/23/38/A**
 Scales **1:1000 & 1:500**

Eastern Division
 Annex 7
 Castle Buildings
 Stormont Estate
 Belfast
 BT4 3SQ
 Telephone: 0300 200 7893
 Textphone: 028 90540022



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Network Traffic, Street Lighting and
Transportation

Eastern Division

Mr. John Walsh
Chief Executive
Belfast City Council
City Hall
BELFAST
BT1 5GS

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

Email: traffic.eastern@infrastructure-ni.gov.uk

Being dealt with by: Mr. Ling Gillespie
Direct Line: 02890522272

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 158966-23

Date: 31 August 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 9 KNOCK LINK, BELFAST

I am writing to advise you that we propose to provide an accessible/disabled parking bay at the above location. (See attached plan)

We would welcome your comments on this proposal.

Yours sincerely

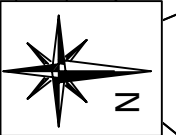
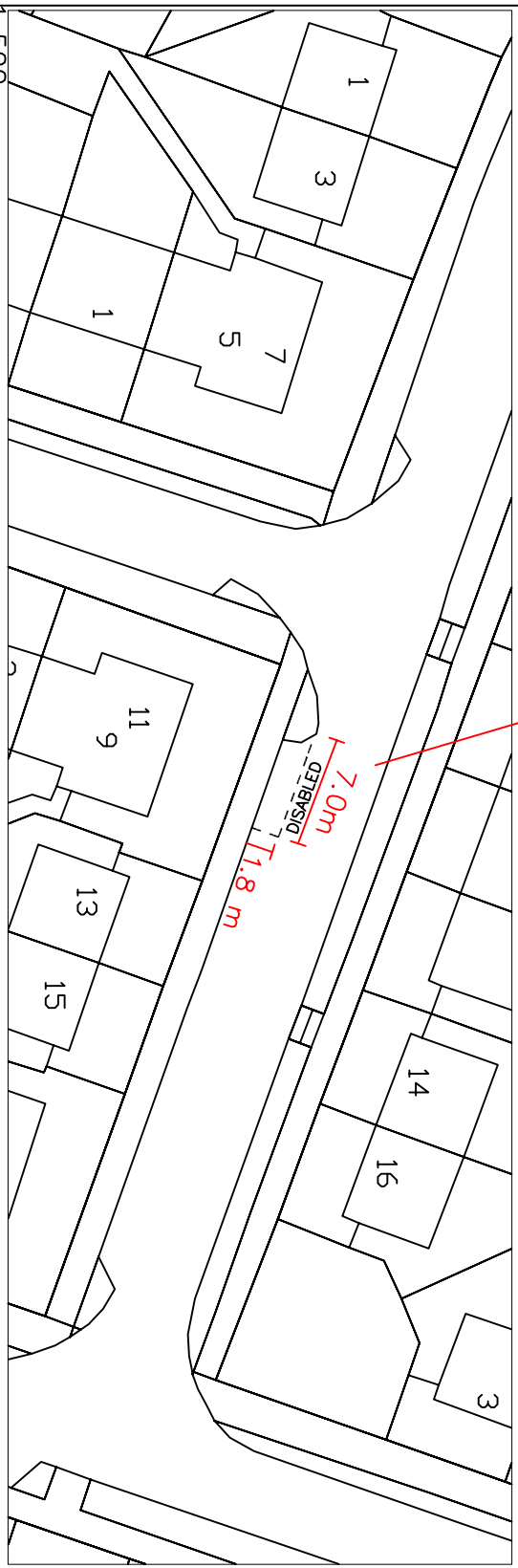
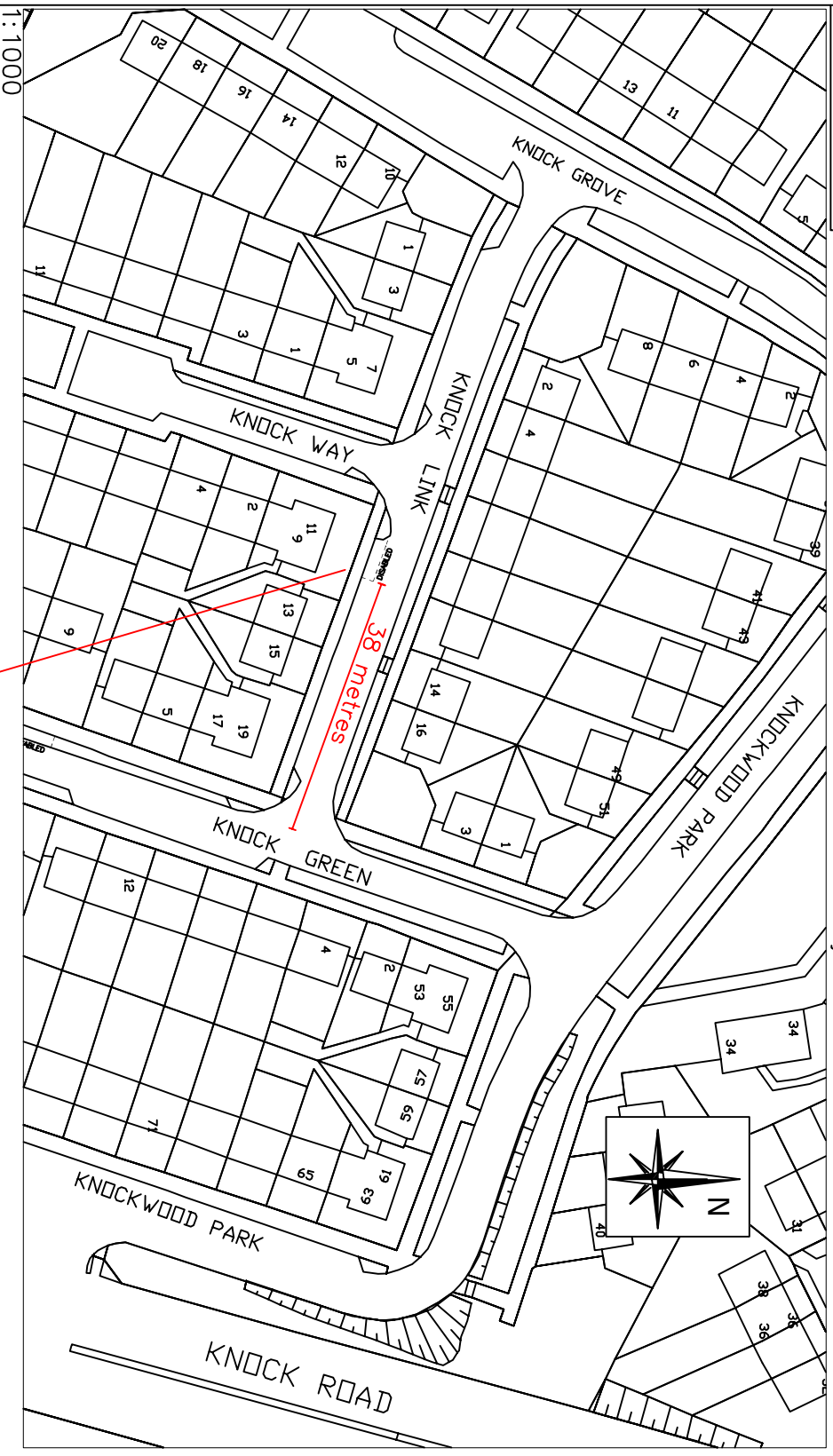
PP Ling Gillespie

Graham Campbell
Traffic Manager

ENC

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Knock Link, Belfast (south-west side) – from a point 38 metres north-west side of its junction with Knock Green, for a distance of 7 metres in easterly direction.



No.	REVISION	DATE

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Project: PROPOSED ACCESSIBLE/
 DISABLED PARKING BAY

Title: 9 KNOCK LINK
 BELFAST

FILE NO.	DESIGNED	AOH	date
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Eastern Division
 Annex 7
 Castle Buildings
 Stormont Estate
 Belfast
 BT4 3SQ

Telephone: 0300 200 7893
 Telephone: 028 90540022



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BELFAST
BT1 5GS

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

Email: traffic.eastern@infrastructure-ni.gov.uk

Being dealt with by: Mr. Ling Gillespie
Direct Line: 02890522272

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 158962-23

Date: 31 August 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 7 ADELAIDE AVENUE, BELFAST

I am writing to advise you that we propose to provide an accessible/disabled parking bay at the above location. (See attached plan)

We would welcome your comments on this proposal.

Yours sincerely

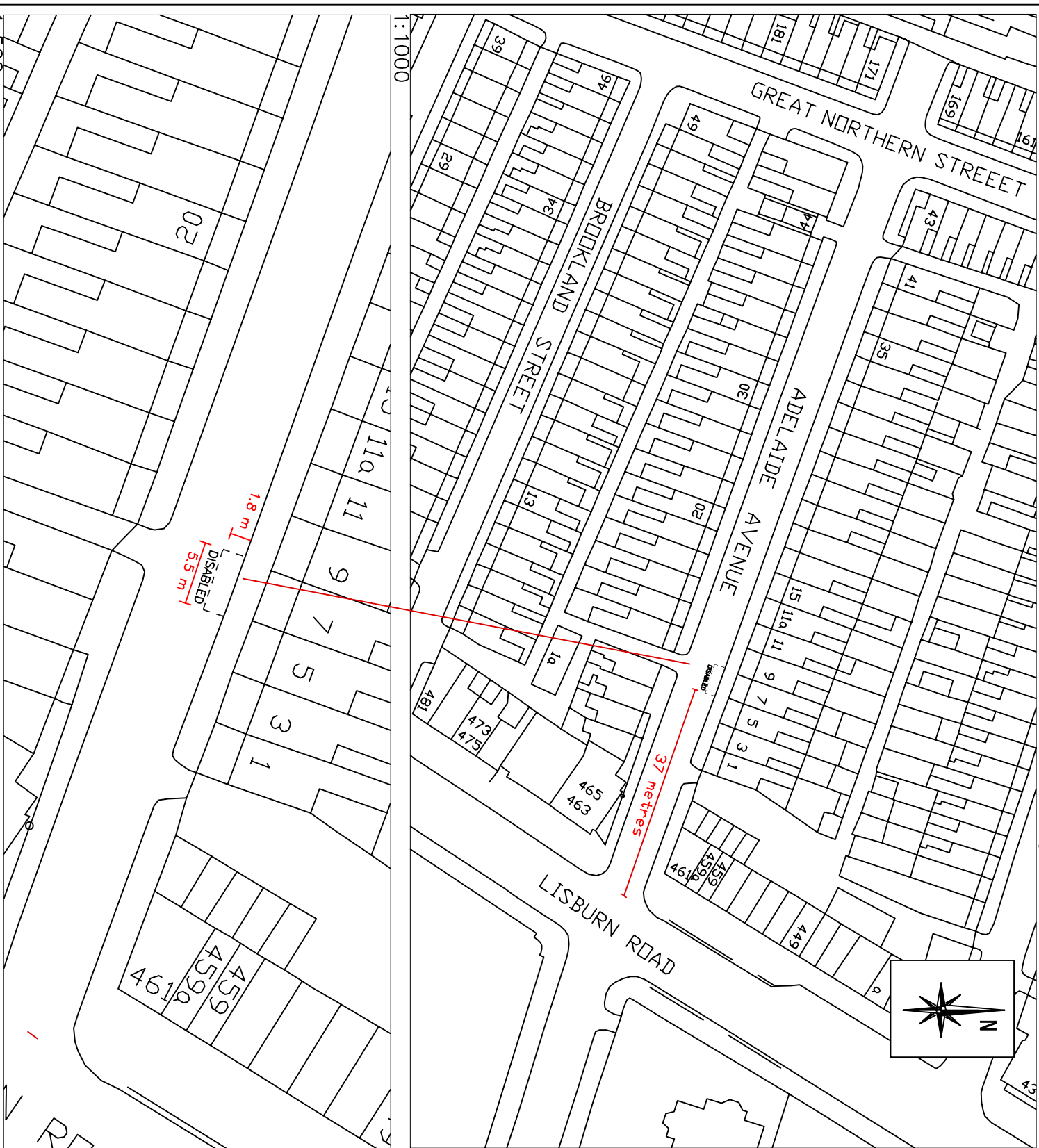
PP Ling Gillespie

Graham Campbell
Traffic Manager

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Adelaide Avenue, Belfast (north-east side) – from a point 37 metres north-west of its junction with Lisburn Road, for a distance of 5.5 metres in a north-westerly direction



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Project
PROPOSED ACCESSIBLE / DISABLED PARKING BAY

Title
7 ADELAIDE AVENUE BELFAST

FILE NO.	DESIGNED	AO'H	date
DRAWN	CHECKED		date
TRACED	APPROVED		date

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 Belfast
 BT4 3SQ

Telephone: 0300 200 7893
 Textphone: 028 90540022



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Agenda Item 4

PLANNING COMMITTEE – 19 SEPTEMBER 2023

APPEALS NOTIFIED

COUNCIL: BELFAST

ITEM NO 1 PAC REF: 2023/A0043

PLANNING REF: LA04/2022/2064/F

APPLICANT: David Leatham

LOCATION: 151 and 153 Belmont Church Road, Belfast, BT4 2DA

PROPOSAL: Erection of hoarding and access gate

PROCEDURE:

ITEM NO 2 PAC REF: 2023/A0049

PLANNING REF: LA04/2022/1059/F

APPLICANT: Cornerstone

LOCATION: 140m west of 35 Old Holywood Road, beside Belmont Park, Belfast, BT4 2HJ

PROPOSAL: Proposed based station installation including the installation of a 20m high monopole with 3 No antennas, cabinets and all other ancillary development

PROCEDURE:

APPEAL DECISIONS NOTIFIED

19 SEPTEMBER 2023

ITEM NO 1 PAC REF: 2022/A0021

PLANNING REF: LA04/2021/2825/A

RESULT OF APPEAL: DISMISSED

APPLICANT: Bel Tel LLP

LOCATION: Former Belfast Telegraph Printworks, 124-132 Royal Avenue, Belfast, BT1 1DN

PROPOSAL: Retention of mesh banner signage (19.1m by 9.84m) for a temporary period of 24 months

Decisions issued between 1 August and 31 August 2023 - No. 142

<u>Application number</u>	<u>Categ</u>	<u>Location</u>	<u>Proposal</u>	<u>Decision</u>	<u>Issue date</u>
LA04/2021/0650/F	LOC	683 Antrim Road Belfast Antrim BT15 4EG.	Retrospective Change of Use from educational facility to Community Enterprise start up business facility comprising a mixture of business uses including a takeaway coffee shop (Sui Generis) (Amended Description)	Permission Granted	01 Aug 2023
LA04/2023/2912/F	LOC	5 Prince Edward Gardens, Belfast, BT9 5GD	Proposed removal of the existing hipped and rear dormer and construction of new rear facing dormer to include the removal of the existing hipped roof to the main dwelling and replacing same with gable.	Permission Granted	01 Aug 2023
LA04/2023/2885/F	LOC	14 GLENBANK DRIVE POLEGLASS DUNMURRY ANTRIM BT17 0SQ	Proposed roofspace conversion with rear dormer window to provide additional ensuite bedroom.	Permission Granted	01 Aug 2023
LA04/2023/2909/LBC	LOC	MATER HOSPITAL 45-51 CRUMLIN ROAD TOWN PARKS BELFAST ANTRIM BT14 6AB	Restoration of existing listed perimeter wall, railings, gates and piers. All brickwork to be repointed, with bricks replaced as necessary, sandstone details to be repaired and repointed, railings and gates to be sanded and repainted.	Consent Granted	01 Aug 2023
LA04/2023/2953/F	LOC	12 NORTH CIRCULAR ROAD BALLYAGHAGAN BELFAST ANTRIM BT15 5HB	Alterations of existing fence, to a height of 0.9m, on top of a wall at rear boundary with Slievemoyne Park. Alterations to pedestrian access.	Permission Granted	01 Aug 2023

LA04/2023/3408/DC	LOC	Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park Galwally	Discharge condition 22 LA04/2019/0775/F Construction Method Statement	Condition Partially Discharged	01 Aug 2023
LA04/2023/3722/WPT	LOC	1A Notting Hill, Belfast, BT9 5NS	Works to 8 trees	Works to Trees in CA	01 Aug 2023
LA04/2022/0742/F	LOC	Paisley Park Sportsplex West Circular Road Belfast BT13.	Proposed new two storey/split level community hub building (including changing rooms) and a single storey modular changing room building with associated car parking; paths and landscape site-works.	Permission Granted	02 Aug 2023
LA04/2022/2035/DC	LOC	Bankmore Square 14 Dublin Road Belfast BT2 7HN.	Discharge of condition 8 LA04/2021/1703/F. (Noise Verification Statement)	Condition Discharged	02 Aug 2023
LA04/2023/2810/F	LOC	62 NORWOOD AVENUE BALLYMISERT BELFAST DOWN BT4 2EF	Proposed refurbishment of existing dwelling incorporating: 2 storey extension to side & rear, removal of existing garage.	Permission Granted	02 Aug 2023
LA04/2023/3399/F	LOC	7 Matilda Drive, Belfast, BT12 5NN	Single storey rear extension	Permission Granted	02 Aug 2023
LA04/2023/3347/F	LOC	11 Gilnahirk Rise Belfast BT5 7DT	Single storey extension to rear with raised patio.	Permission Granted	02 Aug 2023
LA04/2023/3448/A	LOC	98 Sunnyside Street Belfast BT7 3EG	One Illuminated shop signage	Consent Granted	02 Aug 2023
LA04/2023/3504/WPT	LOC	19 Derryvolgie Avenue, Belfast, BT9 6FN	As per attached detail	Works to Trees in CA Agreed	02 Aug 2023
LA04/2023/3529/WPT	LOC	26A Marlborough Park South, Belfast, BT9 6HR	Works to 2 trees	Works to Trees in CA Agreed	02 Aug 2023

LA04/2022/2251/F	LOC	ELMGROVE PRIMARY SCHOOL & NURSERY UNIT AVONIEL ROAD BELFAST BT5 4SF	1st floor Special Educational Needs Unit extension to Block 3 of existing school and all associated works	Permission Granted	03 Aug 2023
LA04/2022/2321/LBC	LOC	Elmgrove Primary School and Nursery Unit Avoniel Road Belfast BT5 4SF	1st floor Special Educational Needs Unit extension to Block 3 of existing school and all associated works.	Consent Granted	03 Aug 2023
LA04/2023/2816/F	LOC	9 LAKESIDE DRIVE BALLYFINAGHY BELFAST ANTRIM BT10 0NU	New single storey rear extension, alterations to existing house including new windows to front & side elevations and relocated driveway	Permission Granted	03 Aug 2023
LA04/2023/2884/F	LOC	51 Lisburn Road, Belfast, BT9 7AB	Proposed Water Sprinkler Storage Tank, Water Sprinkler Pump Room, Installation of Fencing, Security Gates, Realignment of Ramps and all Associated Site Works	Permission Granted	03 Aug 2023
LA04/2022/1958/A	LOC	Unit 2 - Hillview Retail Park Belfast BT14 6AA	1no. fascia banner sign with associated external lighting, 6no. seasonal offer posters and associated door vinyl sticker graphics.	Permission Granted	04 Aug 2023
LA04/2022/1999/F	LOC	Unit 2 - Hillview Retail Park Belfast BT14 6AA.	Proposed change of use from Retail (Class A1) to Storage & Distribution (Class B4) with associated trade counter/sales area and minor external alterations.	Permission Granted	04 Aug 2023
LA04/2023/2474/F	LOC	ROYAL VICTORIA HOSPITAL GROSVENOR ROAD TOWN PARKS BELFAST ANTRIM BT12 6BA	Internal and external restoration works, including new façade installation, to the Old Victorian Corridor and end structure within the Royal Victoria Hospital site.	Permission Granted	04 Aug 2023

LA04/2023/2489/DC	LOC	131-133 KINGSWAY DUNMURRY DUNMURRY ANTRIM BT17 9RY	Discharge of condition 2 - LA04/2021/1853/F	Condition Discharged	04 Aug 2023
LA04/2023/2984/F	LOC	76 Knockbreda Park, Belfast, BT6 0HG	Single storey side and rear extension. Detached greenhouse and site works.	Permission Granted	04 Aug 2023

LA04/2023/3188/CLOPU D	LOC	21 Eastleigh Drive, Belfast, BT4 3DX	<ul style="list-style-type: none"> - covering the existing white painted, rendered walls with 150mm thick external wall insulation (EWI) with a white smooth silicone rendered finish. - replacing existing PVC windows with new PVC windows to improve energy efficiency. - replacing timber framed windows and pitched glazed roofs to the rear with new PVC frames to accommodate the EWI and improve energy efficiency. - injecting cavity wall insulation to existing cavity walls to the rear and side elevations. - replacing painted concrete sills with sandstone finish insulated sills. - replacing rainwater goods for new white PVC. - reducing the height and width of the small window to the downstairs W.C. and building up the wall above in brickwork to match existing. - replacing the existing glazed roof to the downstairs W.C. with a flat, solid, insulated roof, married in with existing. - removing the North elevation chimney due to it being beyond repair, and re-pointing and fitting new leadwork to the South elevation chimney. 	Permitted Development	04 Aug 2023
LA04/2023/3322/NMC	LOC	40 Torrens Crescent, Belfast, BT14 6HS	Non-Material change to planning approval LA04/2021/2770/F by reducing the size of the extension	Non Material Change Granted	04 Aug 2023

LA04/2023/3357/A	LOC	38 Botanic Avenue, Belfast, BT7 1JQ	Replacement signage for existing ATM: 1 Digital, 1 Projecting sign, 1 Other Sign	Consent Granted	04 Aug 2023
LA04/2023/3543/CLEUD	LOC	49 Carmel Street, Belfast, BT7 1QE	Existing use: Existing House of multiple occupation (HMO)	Permitted Development	04 Aug 2023
LA04/2023/2475/LBC	LOC	ROYAL VICTORIA HOSPITAL GROSVENOR ROAD BELFAST ANTRIM BT12 6BA	Internal and external restoration works, including new façade installation, to the Old Victorian Corridor and end structure within the Royal Victoria Hospital site.	Consent Granted	07 Aug 2023
LA04/2023/2584/F	LOC	45 HORN DRIVE BALLYMONEY BELFAST ANTRIM BT11 9GS	SINGLE STOREY SIDE EXTENSION TO UPGRADE PROPERTY TO INCLUDE A W.C.	Permission Granted	07 Aug 2023
LA04/2023/3136/F	LOC	1 Weavershill Mews, Ligoniel, Belfast, BT14 8QN	Erection of two storey dwelling to provide a 2-bedroom house attached to the north-west of no.1 Weavershill Mews	Permission Refused	07 Aug 2023
LA04/2023/3228/DC	LOC	St Finnian's Parish Church Cregagh Park Belfast BT6 9LR	Discharge of conditions 6 and 7 of LA04/2016/1841/F.	Condition Partially Discharged	07 Aug 2023
LA04/2023/3234/F	LOC	37 Windsor Avenue, Belfast, BT9 6EJ	Erection of an inflatable dome covering 5 tennis courts	Permission Granted	07 Aug 2023
LA04/2023/3256/CLOPUD	LOC	3A MILNER STREET MALONE LOWER BELFAST ANTRIM BT12 6GE	Lawful to erect block e granted permission under Z/2014/1053/F.	Permitted Development	07 Aug 2023
LA04/2023/3449/F	LOC	10 Mount Eden Park, Belfast, BT9 6RA	Alterations and two storey rear extension containing ground floor kitchen/living/dining and first floor bedroom and ensuite to rear of existing property.	Permission Granted	07 Aug 2023

LA04/2023/3466/F	LOC	37a Lagmore Glen, Belfast, BT17 0UZ	Rear extension to dwelling	Permission Granted	07 Aug 2023
LA04/2023/3489/DC	MAJ	Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast.	Verification letters regarding window schedule and alternative means of ventilation Discharge of condition no.5 - LA04/2022/1856/F	Condition Discharged	07 Aug 2023
LA04/2023/3527/DC	MAJ	57-59 DUBLIN ROAD MALONE LOWER BELFAST ANTRIM BT2 7HE	GQRA Remediation Strategy Discharge of Condition no.15 - LA04/2020/0761/F	Condition Discharged	07 Aug 2023
LA04/2023/2841/F	LOC	3 Springhill Avenue, Belfast, BT12 7QE	2 storey and single storey rear extension	Permission Granted	08 Aug 2023
LA04/2023/3015/LBC	LOC	Ulster Museum Botanic Gardens, Belfast, BT9 5AB	Retention of signage (1No. panel sign and 2No. vinyl graphic signs) - previous temporary approval under ref. LA04/2020/0816/LBC (Amended Description)	Consent Granted	08 Aug 2023
LA04/2023/3094/A	LOC	ULSTER MUSEUM BOTANIC GARDENS MALONE LOWER BELFAST ANTRIM BT9 5AB	1 panel sign and 2 contravision vinyl panels	Consent Granted	08 Aug 2023
LA04/2023/3145/DC	LOC	370-372 Ormeau Road, Belfast, BT7 3HW	Discharge Conditions 9 (material samples) & 15 (boundary treatments) of planning approval LA04/2017/2631/F.	Condition Partially Discharged	08 Aug 2023
LA04/2023/2823/F	LOC	1 Malone Court Mews, Belfast, BT9 6PQ	First floor dormer conversion to existing dwelling house with new front boundary wall.	Permission Granted	09 Aug 2023

LA04/2023/3089/DC	LOC	Adjacent to 14 College Square North and south of 62-67 Hamill Street Belfast College Square North, Belfast, BT1 6AS	Discharge Condition 17 LA04/2018/1719/F Gas boiler verification	Condition Discharged	09 Aug 2023
LA04/2023/3482/CLEUD	LOC	67 Damascus Street, Belfast, BT7 1QR	Retention of House of Multiple Occupation	Permitted Development	09 Aug 2023
LA04/2023/3479/CLOPUD	LOC	139 Circular Road, Belfast, BT4 2GF	Minor interior work to and reduction in existing Garage Store building to create Patio and new lawn with associated external works.	Permitted Development	09 Aug 2023
LA04/2023/3664/WPT	LOC	44 Denorrton Park, Belfast, BT4 1SF	Works to 1 tree	Works to TPO Granted	09 Aug 2023
LA04/2023/2567/F	MAJ	Campbell College Belmont Road, Belfast, BT4 2ND	Proposed refurbishment of the existing sports buildings located North of main school building. All retained buildings will be re-clad with replacement roof finishes and introduction of PV panels on the roofs. Works include landscaping and courtyard development.	Permission Granted	10 Aug 2023
LA04/2023/2586/CLEUD	LOC	10 ARDENLEE PLACE BALLYNAFOY BELFAST DOWN BT6 8QS	House in multiple occupancy (HM0)	Permitted Development	10 Aug 2023
LA04/2023/2978/CLOPUD	LOC	5 Wingrove Gardens, Belfast, BT5 5NA	Change of glazed roof structure to slated roof with velux windows to rear elevation of private house. Relocation of side gable window to utility room area.	Permitted Development	10 Aug 2023
LA04/2023/3412/NMC	LOC	Land between No 43-45 Old Glencairn Road, Blackmountain, Belfast, BT13 3PU	Changes to exterior finish to include alterations to front bay roof, use of timber cladding, window configuration change, and change of material finish on plinth.	Non Material Change Granted	10 Aug 2023

LA04/2023/3604/CLOPUD	LOC	4 Marlborough Heights, Belfast, BT6 9QR	Installation of 2 no. Dormer Windows to upper floor rear elevation.	Permitted Development	10 Aug 2023
LA04/2023/3655/CLEUD	LOC	8 Stranmillis Gardens, Belfast, Antrim, BT9 5AS	House of Multiple Occupation	Permitted Development	10 Aug 2023
LA04/2022/1049/DC	LOC	St Matthews Presbytery Bryson Street Belfast BT5 4ES	Discharge of Condition 8 - LA04/2018/1821/F relating to landscaping details	Condition Partially Discharged	11 Aug 2023
LA04/2022/2171/NMC	LOC	THE BELVOIR PARK HOSPITAL 3 HOSPITAL ROAD BALLYDOLLAGHAN BELFAST DOWN BT8 8JR	Non-material change LA04/2018/1219/F	Non Material Change Granted	11 Aug 2023
LA04/2023/2453/NMC	LOC	11 Ormiston Park, Belfast, BT4 3JT	Clerestory section of rear extension approved under REF: LA04/2020/0293/F removed in favour of lower continuous flat roof.	Non Material Change Refused	11 Aug 2023
LA04/2023/2429/LBC	LOC	1 HOSPITAL ROAD BALLYDOLLAGHAN BELFAST DOWN BT8 8JP	This application is for LBC for alteration to an extant approval ref: LA04/2018/1056/LBC. This proposal is for alterations to the West House building which are: 1. Relocation of Bin Store & subsequent amends to parking provision. 2. Inclusion of Study & relocation of Utility room in Apartment 7. 3. Inclusion of Communal Entrance Hall and provision of Apt. stores at Basement level. 4. Removal of proposed bridge walkway linking Apt. 2 to inner courtyard.	Consent Granted	11 Aug 2023

LA04/2022/0816/DCA	LOC	10 Windsor Avenue North Belfast BT9 6EL.	Demolition of two storey rear return and garage.	Consent Granted	14 Aug 2023
LA04/2022/1009/DCA	LOC	27-31 Malone Road Belfast BT9 6RU	Partial demolition of back returns to the two existing buildings	Consent Granted	24 Aug 2023
LA04/2022/0075/F	LOC	7-11 Botanic Avenue Belfast BT7 1JQ	Change of use from offices and conversion of existing first and second floors to 4no. 1 bed apartments and amendments to existing rear fire escape.	Permission Granted	31 Aug 2023
LA04/2022/0727/F	LOC	KAR Auto Repairs Salisbury Bowling Club 41-49 Salisbury Avenue Belfast BT15 5DZ	Erection of vehicle repair workshop (Retrospective)	Permission Granted	14 Aug 2023
LA04/2022/0815/F	LOC	10 Windsor Avenue North Belfast BT9 6EL.	Conversion of existing building from 2 apartments to a single dwelling and two story rear extension to facilitate ancillary residential accommodation, demolition and replacement of existing garage. Replacement of ground floor double doors and 1st floor window. (Amended Description)	Permission Granted	14 Aug 2023
LA04/2022/1011/F	LOC	27-31 Malone Road Belfast BT9 6RU	Three storey rear extension to facilitate Change of Use from a club and offices to licensed restaurant and public house, including terrace to front (Amended Description).	Permission Granted	24 Aug 2023

LA04/2022/1507/F	LOC	Site adjacent to 1 Pirrie Lane Belfast BT4 3NP.	Erection of 2 detached dwellings. Driveway access from Pirrie Road and Pirrie Lane. (Renewal of LA04/2017/1887/F)	Permission Granted	23 Aug 2023
LA04/2022/2277/A	LOC	7- 9 Donegall Place (Amended site address) Belfast BT1 5AA	Two individual lettering signage and projecting sign (Amended site description)	Consent Granted	15 Aug 2023
LA04/2023/2394/F	LOC	92-96 LISBURN ROAD MALONE LOWER BELFAST ANTRIM BT9 6AG	Change of use for ground and first floor from former restaurant to university clubs and societies accommodation.	Permission Granted	31 Aug 2023
LA04/2022/2283/F	LOC	43 LARCH GROVE KILMAKEE DUNMURRY ANTRIM BT17 9QG	Single storey rear extension to provide bedroom bathroom and ramp	Permission Granted	14 Aug 2023
LA04/2022/2330/F	LOC	163 ORMEAU ROAD MALONE LOWER BELFAST ANTRIM BT7 1SL	Proposed change in use from previous planning approval ref: LA04/2019/2203/F from 1no. 1P1B apartment (referenced as apartment no.01 within the ground floor plan of the previous approval) to 1no.residents communal space.	Permission Granted	17 Aug 2023
LA04/2022/2383/F	LOC	26 INNISFAYLE ROAD LOW-WOOD BELFAST ANTRIM BT15 4ES	First floor rear extension	Permission Granted	11 Aug 2023
LA04/2023/2432/F	LOC	95 MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 6SP	Rear first floor extension, front ground floor extension and alterations (Amended Site Description)	Permission Granted	30 Aug 2023

LA04/2023/2434/DCA	LOC	95 MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 6SP	Partial roof demolition to accommodate rear first floor extension and minor demolition works to accommodate alterations to the front door and ground floor extension (Amended Site Description)	Consent Granted	30 Aug 2023
LA04/2023/2518/CLEUD	LOC	390a Belmont Road, Belfast, BT4 2NH	Existing use: Conversion of existing outbuilding to one house with garages	Permitted Development	31 Aug 2023
LA04/2023/2643/F	LOC	1A AIRPORT ROAD BALLYMACARRET INTAKE BELFAST DOWN BT3 9DY	Emergency response storage facility to include 8no storage containers and 1no office accommodation container including floodlighting and all associated works.	Permission Granted	29 Aug 2023
LA04/2023/2630/F	LOC	20 ANDERSONSTOWN PARK SOUTH BALLYMURPHY BELFAST ANTRIM BT11 8FR	Single storey extension to rear of dwelling and new ramp in front of dwelling.	Permission Granted	11 Aug 2023

LA04/2023/2659/F	LOC	Harland and Wolff Queens Island, Belfast, BT3 9DU	Extension to the existing fabrication workshop. Works include: Demolition of the existing 1970's two storey amenities block. Fabrication Workshop extension will be single storey duo pitched roof, and small prefabricated office/canteen. Fabrication workshop extension contains 4.no overhead cranes, concrete ground floor, and wall and roof cladding to match existing buildings. Site access via existing gate on Sydenham Road.	Permission Granted	22 Aug 2023
LA04/2023/2688/F	MAJ	Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road, Belfast	Application to vary Condition 36 of approval LA04/2022/0293/F, which grants planning permission for a hotel, to extend the maximum length of stay of occupants from 30 days to 90 days.	Permission Granted	18 Aug 2023
LA04/2023/2714/F	LOC	27 Stranmillis Gardens, Belfast, BT9 5AS	Single storey rear extension to HMO (Site Description Amended)	Permission Granted	15 Aug 2023
LA04/2023/2697/F	LOC	12 CLONELLY AVENUE BALLYDOWNFINE BELFAST ANTRIM BT11 8LG	Demolition of rear external stores, formation of rear single storey extension	Permission Granted	16 Aug 2023
LA04/2023/2738/F	LOC	5 Adelaide Avenue, Malone Lower, Belfast, BT9 7FY	Extension and improvements to Dwelling incorporating single story extension at ground level, conversion of attic to living accommodation with flat roof extension to roof at second floor level	Permission Granted	23 Aug 2023

LA04/2023/2767/F	LOC	17 BALMORAL ROAD MALONE LOWER BELFAST ANTRIM BT12 6QA	Retrospective change of use from Autoparts shop to fitness studio. Provision of additional entrance door in existing shopfront.	Permission Granted	29 Aug 2023
LA04/2023/2786/F	LOC	76 Osborne Drive, Belfast, BT9 6LJ	The extension of the existing dwelling over two storeys. The extension provides a ground floor bedroom and bathroom suite and extended kitchen, living and dining area and an enlarged master bedroom suite at first floor.	Permission Granted	14 Aug 2023
LA04/2023/2783/DCA	LOC	76 Osborne Drive, Belfast, BT9 6LJ	Associated demolition works to rear to facilitate a two storey and single storey extension. (Amended Site Description)	Consent Granted	14 Aug 2023
LA04/2023/2774/F	LOC	9 WANDSWORTH PARADE STRANDTOWN BELFAST DOWN BT4 3FT	Single storey rear extension. Patio area to rear and new 1.8m boundary wall. (amended plans and description)	Permission Granted	31 Aug 2023
LA04/2023/2842/F	LOC	28 Ardenlee Parade, Belfast, BT6 0AL	Proposed double storey rear and single storey side extension to form kitchen/family room and first floor bedroom.	Permission Granted	15 Aug 2023
LA04/2023/2943/F	LOC	170 Lagmore Dale, Dunmurry, Belfast, BT17 0TQ	Proposed Conversion and Roof Alteration of Existing Integral Garage & Erection of a Single Storey Rear Extension to Form Annex/Additional Living Accommodation for Family Members & Open Plan Kitchen Living Area	Permission Granted	16 Aug 2023

LA04/2023/2985/F	LOC	42 DIVISMORE CRESCENT BALLYMURPHY BELFAST ANTRIM BT12 7LE	FIRST FLOOR REAR EXTENSION OVER EXISTING GROUND FLOOR EXTENSION	Permission Granted	11 Aug 2023
LA04/2023/2997/A	LOC	27 Charles Hurst Boucher Road, Belfast, BT12 6QU	Installation of 6 No. new fascia signs to the building, 2 No. parking signs, 1 No. entrance sign, 1 No. portico sign and 1 No. 6m pylon sign.	Consent Granted	11 Aug 2023
LA04/2023/2955/F	LOC	220-230 Holywood Road, Belfast, BT4 1PD	Alterations to facade signage and entrance doors at existing retail unit.	Permission Granted	11 Aug 2023
LA04/2023/3022/F	LOC	15 Antrim Road, Newtownabbey, BT36 7PP	PROPOSED DEMOLITION OF EXISTING COACH HOUSE AND CONSTRUCTION OF ADDITIONAL ACCOMMODATION (Duplex Apartment) TO BE ANCILLARY TO THE RESIDENTIAL USE OF THE EXISTING DWELLING	Permission Granted	15 Aug 2023
LA04/2023/3037/F	MAJ	Unit 7a, Connswater Retail Park, Belfast, BT5 4AF	Section 54 application to vary condition 5 of reference Z/1996/0102 to allow for the sale of optometry and audiology products and equipment including spectacles, contact lenses and hearing aids.	Permission Granted	11 Aug 2023
LA04/2023/3026/F	LOC	13 AILESBUURY DRIVE BALLYNAFOY BELFAST DOWN BT7 3FB	PROPOSED TWO STOREY EXTENSION TO REAR AND SIDE OF EXISTING DWELLING	Permission Granted	17 Aug 2023
LA04/2023/3046/F	LOC	4 Church Wynd, Gilnahirk, Belfast, BT5 7RZ	Dormer window to rear and external changes.	Permission Granted	14 Aug 2023

LA04/2023/3075/F	LOC	190 Belmont Road Belfast BT4 2AT	Demolition of existing single-storey rear extension and outbuildings. Erection of single-storey rear and side extension and external changes.	Permission Granted	16 Aug 2023
LA04/2023/3077/F	LOC	4 Rinnalea Gardens Belfast BT11 9DQ	Two storey extension to rear of dwelling.	Permission Granted	16 Aug 2023
LA04/2023/3084/F	LOC	20 Hawthornden Drive, Belfast, BT4 2HG	Demolition of existing monopitch garage, replaced with new pitched roof garage & adjoined home office	Permission Granted	25 Aug 2023
LA04/2023/3092/F	LOC	6 Strathmore Park South, Low-Wood, Belfast, BT15 5HL	Demolition of existing rear return and addition of a two storey extension to the rear & alterations to dwelling.	Permission Granted	17 Aug 2023
LA04/2022/3083/F	LOC	Lands at Instonians Cricket Club, Shaws Bridge Sports Association - approximately 110m north of 123 Miltown Road, Belfast, BT8 4XP	Proposed replacement of existing changing pavilion and spectator area with two storey pavilion building comprising of viewing area, changing and welfare facilities, kitchen, and meeting room; existing access and adjacent car parking facilities to remain in place.	Permission Granted	25 Aug 2023
LA04/2023/3110/F	LOC	7 - 9 Donegall Place, Belfast, BT1 5AA (Amended Site address)	Merging of two retail units into one two storey retail store with external changes for new store front (Amended site description)	Permission Granted	22 Aug 2023
LA04/2023/3111/LBC	LOC	7 - 9 Donegall Place, Belfast, BT1 5AA (Amended site address)	Works to ground and first floor to combine two existing retail units into one retail unit with associated external changes and signage. (Amended site description).	Consent Granted	22 Aug 2023
LA04/2023/3109/F	LOC	91 Connsbrook Avenue, Belfast, BT4 1JW	Extension to single storey kitchen, internal alterations and change of use to HMO. Dormer to rear.	Permission Granted	31 Aug 2023

LA04/2023/3167/F	LOC	6a Ashley Park, Dunmurry, Belfast, BT17 9EH	Proposed Demolition of Existing attached Garage and Erection of 2 Storey side Extension. Proposed Single Storey Extension to Rear.	Permission Granted	29 Aug 2023
LA04/2023/3184/F	LOC	424 Ravenhill Road, Belfast, BT6 0BU	Proposed single storey extension to side and rear of existing dwelling	Permission Granted	16 Aug 2023
LA04/2023/3153/LBC	LOC	7 - 9 Donegall Place, Belfast, BT1 5AA (Amended Site address)	Works to ground and first floors to combine two existing retail units into one retail unit (Amended Description)	Consent Granted	15 Aug 2023
La04/2023/3172/CLOPUD	LOC	14 Renfrew Walk, Belfast, BT12 5EA	Proposed internal WC room, internal alterations and new window on front elevation.	Permitted Development	15 Aug 2023
LA04/2023/3240/F	LOC	22 Brentwood Park, Belfast, BT5 7LR	Two storey side extension with shelter below. Single storey rear extension + additional site works.	Permission Granted	25 Aug 2023
LA04/2023/3178/F	LOC	120 Hazelwood Avenue, Belfast, BT17 0SZ	Single storey side extension.	Permission Granted	23 Aug 2023
LA04/2023/3294/F	LOC	10 Rosetta Road East, Belfast, BT6 0LP	Proposed increase in height of the existing boundary wall and retrospective application for the garden shed.	Permission Granted	25 Aug 2023
LA04/2023/3206/DC	LOC	41-49 Tates Avenue, Belfast, BT9 7BY	Discharge of Condition No. 15 of Planning Approval LA04/2021/2544/F - Dust Management Plan	Condition Discharged	17 Aug 2023
LA04/2023/3210/NMC	LOC	776-778 Shore Road & 4-6 Greys Lane, Greencastle, Belfast, BT15 4HT	Change to corner detailing of proposed retaining wall at rear of dwelling nr.7.	Non Material Change Granted	31 Aug 2023
LA04/2023/3190/F	LOC	26 Prince Edward Park, Belfast, BT9 5FZ	Single storey rear extension, elevational changes including rooflights and raised patio with privacy screen.	Permission Granted	15 Aug 2023

LA04/2023/3202/F	LOC	25-29 Royal Avenue, Belfast, BT1 1FB	Replacement ATM and associated CCTV Camera. (Amended Site Description)	Permission Granted	16 Aug 2023
LA04/2023/3236/A	LOC	25-29 Royal Avenue, Belfast, BT1 1FB	Replacement signage in association with planning application LA04/2023/3202/F. (Amended site description)	Consent Granted	16 Aug 2023
LA04/2023/3214/F	LOC	25 York Street, Belfast, BT15 1ED	Upgrade of Existing Bus Shelter	Permission Granted	23 Aug 2023
LA04/2023/3211/A	LOC	25 York Street, Belfast, BT15 1ED	Installation of two illuminated advertisements on End of Insignia Plus Bus Shelter	Consent Granted	23 Aug 2023
LA04/2023/3225/F	LOC	5 Castlehill Park West Belfast BT4 3GT	Single storey rear and side extension. Front and rear dormers. Extension of existing dormer on the side elevation. Elevational changes.	Permission Granted	22 Aug 2023
LA04/2023/3284/CLOPU D	LOC	68 Wellington Park, Belfast, BT9 6DP	Provision of vehicle access.	Permitted Development	30 Aug 2023
LA04/2023/3295/F	LOC	21 Middle Braniel Road, Belfast, BT5 7TU	Ground mounted photovoltaic solar array to serve existing dwelling.	Permission Granted	23 Aug 2023
LA04/2023/3343/A	LOC	122 Lisburn Road, Malone Lower, Belfast, BT9 6AH	1 Shop fascia sign	Consent Granted	25 Aug 2023
LA04/2023/3300/F	LOC	191-193 Holywood Road, Belfast, BT4 2DG	Creation of new vehicular access to the front of dwellings.	Permission Granted	25 Aug 2023
LA04/2023/3324/A	LOC	38 Dublin Road, Belfast, BT2 7HN	Replacement signage - 1 Fascia, 1 Projecting sign for existing ATM	Consent Granted	24 Aug 2023
LA04/2023/3359/A	LOC	160 Cliftonville Road, Belfast, BT14 6LA	Replacement signage - 1 fascia, 1 Projecting sign for existing ATM.	Consent Granted	22 Aug 2023
LA04/2023/3361/F	LOC	13 St Johns Avenue, Ballynafoy, Belfast, BT7 3JE	Proposed Extension, Alterations and Adaptation Works to dwelling.	Permission Granted	17 Aug 2023
LA04/2023/3407/NMC	LOC	27 Balmoral Avenue, Belfast, BT9 6NW	Change to approved brick specification in relation to previous application LA04/2022/1803/F	Non Material Change Granted	18 Aug 2023

LA04/2023/3381/NMC	LOC	450 Castlereagh Road, Belfast, BT5 6BH	Non-material Change to LA04/2022/1626/F - The addition of a flat roof lantern and the relocation of the entrance door to the utility room	Non Material Change Granted	11 Aug 2023
LA04/2023/3389/F	LOC	46 Ashleigh Manor, Belfast, BT9 6JY	Single Storey Side Extension (Amended)	Permission Granted	23 Aug 2023
LA04/2023/3423/F	LOC	29 Galwally Avenue, Belfast, BT8 7AJ	Proposed single storey extension to rear to provide kitchen, dining living area.	Permission Granted	25 Aug 2023
LA04/2023/3445/F	LOC	7 Mount Eagles Mews, Belfast, BT17 0GR	Proposed rear single storey kitchen extension including new dormer to main rear roof	Permission Granted	22 Aug 2023
LA04/2023/3513/F	LOC	1 Pavilion Park Demesne, Belfast (Lands adjacent to Queens University Playing Fields, Dub Lane)	Proposed electric operated sliding gate with pillars (house approved under LA04/2022/1323/F)	Permission Granted	23 Aug 2023
LA04/2023/3557/CLOPUD	LOC	1-5 GAFFIKIN STREET, BELFAST, BT12 5FH	Lawful commencement of application LA04/2018/0021/RM	Permitted Development	31 Aug 2023
LA04/2023/3570/DC	LOC	62 Boucher Road, Belfast, BT12 6HR	Discharge of condition 12 LA04/2021/1023/F Proposed Foul Sewerage Layout	Condition Partially Discharged	11 Aug 2023
LA04/2023/3579/F	LOC	37 Stirling Avenue, Belfast, BT6 9LQ	Proposed single storey rear Kitchen and dining room extension.	Permission Granted	31 Aug 2023
LA04/2023/3613/LBC	LOC	166 - 174 North Street, Belfast, BT11QS	Partial demolition of the rear of the fire damaged 'Barewood building' located at Nos. 166-174 North Street.	Consent Granted	14 Aug 2023
LA04/2023/3666/CLEUD	LOC	6 Collingwood Avenue, Belfast, Co. Antrim, BT7 1QT	House of Multiple Occupation	Permitted Development	25 Aug 2023
LA04/2023/3703/DC	LOC	Stranmillis University College Campus Stranmillis Road, Belfast, BT9 5DY	Discharge Condition 16 LA04/2019/1614/F Invasive Species Management Plan	Condition Partially Discharged	11 Aug 2023

LA04/2023/3714/F	LOC	7-9 Donegall Place, Belfast, BT1 5AA	Amalgamation of two existing ground floor and first floor retail units to single retail unit with associated plant.	Permission Granted	22 Aug 2023
LA04/2023/3718/F	LOC	1 Windsor Court, Belfast, BT9 6JE	Change of use from short term holiday let to dwelling	Permission Granted	31 Aug 2023
LA04/2023/3731/CLEUD	LOC	82 Willowbank Gardens, Belfast, BT15 5AJ	Existing use: Existing use of HMO which has been in operation for 5 years	Permitted Development	31 Aug 2023
LA04/2023/3775/CLEUD	LOC	87 Maryville Street, Belfast, BT7 1AE	Short term holiday let accommodation	Permitted Development	16 Aug 2023
LA04/2023/3776/CLEUD	LOC	16 Salisbury Court, Belfast, BT7 1DD	Short term holiday let accommodation	Permitted Development	16 Aug 2023
LA04/2023/3752/WPT	LOC	73-75 Somerton Road, Belfast, BT15 4DE	Works to 1 trees	Works to Trees in CA Agreed	16 Aug 2023
LA04/2023/3771/A	LOC	340 Shankill Road, Belfast, BT13 3AB	Replacement of existing mural with a PVC Vinyl Mural	Consent Granted	22 Aug 2023
				Total Decisions	



Subject:	The Building (Amendment) Regulations (NI) 2023 - Draft consultation response
Date:	19 th September 2023
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Ian Harper, Building Control Manager, Ext. 2430 Alan Mayrs, Principal Building Control Surveyor, Ext 2428

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	To consider a draft response to a consultation on proposed amendments to Parts A (Interpretation and general) and E (Fire Safety) and subsequent guidance changes to Technical Booklet E of the Building Regulations (Northern Ireland) 2012. These amendments will be titled The Building (Amendment) Regulations (NI) 2023
2.0	Decision(s) required and recommendations
2.1	To consider the draft response to the Department of Finance consultation and agree, subject to any amendments, a response on behalf of the Council.
2.2	The closing date for responses to this consultation is 25 th September 2023. If agreed, the response will be submitted, but subject to ratification by full Council in October.

3.0	Main report
	<p data-bbox="252 224 408 255"><u>Key issues</u></p> <p data-bbox="165 291 1465 389">3.1 The Buildings Standards Branch of the Department of Finance (Department) is seeking the views of the Council on their proposals to amend the Building Regulations (Northern Ireland) 2012 (as amended).</p> <p data-bbox="165 425 1465 555">3.2 Building regulations apply to most building work and are made principally to ensure the health, safety, welfare and convenience of people in and around buildings, the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development.</p> <p data-bbox="165 591 1465 721">3.3 The Building Regulations set mainly functional requirements (i.e. they identify a reasonable standard that should be attained) and are supported by Technical Booklets giving guidance, including performance standards and design provisions, relating to compliance with specific aspects of the Building Regulations for the more common building situations.</p>
	<p data-bbox="252 797 584 828"><u>Proposals and Purpose</u></p> <p data-bbox="165 864 1465 963">3.4 The Department is committed to considering the recommendations of the Grenfell Tower Inquiry and some of the changes proposed as part of this package focus on those recommendations where the Inquiry called for changes.</p> <p data-bbox="165 999 1465 1330">3.5 The proposals in the main relate to fire safety changes in buildings containing flats to provide assurance and additional safety measures to residents. Other measures are aimed specifically at assisting the Fire and Rescue Service to ensure they can provide an effective operational response. Where appropriate, the opportunity has been taken to extend some of the new requirements further beyond just buildings containing flats. For example, requiring automatic fire suppression in care homes, nursing homes, children’s homes and student accommodation, where the evidence is clear they offer a substantial benefit to life safety in comparison to the costs involved. Through these proposals, the Department is seeking to implement some of the Inquiry’s recommendations and meet its objectives in the most practical, proportionate and effective way.</p>
	<p data-bbox="252 1393 450 1424"><u>Main changes</u></p> <p data-bbox="165 1496 1465 1626">3.6 Sprinklers – The Introduction of a new mandatory requirement to install a sprinkler system in all new built flats and purpose-built student accommodation over 11m in height and to all new residential care premises irrespective of height. The requirement will also apply where these premises are created by a material change of use.</p> <p data-bbox="165 1662 1465 1760">3.7 Smoke Alarms – A proposal to update guidance in Building Regulations to require smoke alarms in all habitable rooms within a new build dwelling house or flat. Current guidance calls for alarms in the hallway, principle habitable room and kitchen only.</p> <p data-bbox="165 1796 1465 1926">3.8 Fire Safety Information – The introduction of a new mandatory requirement to provide as-built fire safety information to the person managing fire safety for buildings in occupation. This requirement will apply to most non- domestic premises of any height and to flats more than 11m in height when constructed as new or created by a material change of use.</p> <p data-bbox="165 1962 1465 2029">3.9 Smoke Ventilation Standards in Flats – Proposed changes to outdated guidance in relation to smoke ventilation in the common area of new flats. This also includes stipulation of the</p>

product standards for smoke vents and updates to the operating protocols for smoke vents in smoke shafts.

3.10 **Facilities and Access for the Fire and Rescue Services** - A change in building regulations guidance is being proposed to require the following additional facilities.

- A requirement to provide wayfinding signage in buildings containing flats over 11m in height to assist fire fighters identify floor level in a fire situation.
- Amendments to the guidance with respect to the design of firefighting shafts to reduce hose laying lengths in a fire situation and to increase the requirement in assembly and recreation buildings.
- Reduce the height at which a wet fire main should be installed.
- A new requirement for the installation of an emergency evacuation alert system in new blocks of flats with a storey more than 11m above ground level to assist the Fire and Rescue Service implement a full evacuation if required.
- Introduction of new guidance to require the provision of a secure information box in buildings containing flats with a storey more than 11m above ground level. The purpose of which is to store information which may assist with the firefighting and rescue operation in a fire situation.

Belfast City Council Response

3.11 The Building Control Service have reviewed the consultation proposals in detail and the proposed response on behalf of Belfast City Council is included in Appendix 1. The new and amended requirements have been broadly welcomed, particularly the mandatory requirement for sprinkler protection in residential buildings and the increased standards for smoke detection in new dwellings. These measures will help to protect and keep the citizens of Belfast living in new flats, purposes-built student accommodation, residential care premises and in dwellings safe during a fire situation.

An opportunity has also been taken to provide some feedback on the proposals where the new guidance is unclear or could be improved.

The full package of consultation documents can be found on the Department's website: - <https://www.finance-ni.gov.uk/consultations/consultation-fire-safety-changes-local-building-regulations>

Financial & Resource Implications

3.12 The Department of Finance have carried out a Regulatory Impact Assessment to establish the financial impact of these changes to Industry.

The changes will affect all those dealing with relevant building work, typically the erection, extension or alteration of a building and buildings created as a result of a material change of use. This may include Architects, Surveyors, Engineers, Developers, Builders, Contractors, District Council Building Control Departments, Property owners/occupiers, Insurers etc.

The economic costs to business of these changes have been estimated by the Department at £4.855m per annum with an initial familiarisation cost to industry of £173,627 (Year1) and

	<p>cost to Building Control Departments of £18,800 (Year 1) for training. Training and familiarisation will be carried out in house within Belfast at no additional cost to BCC.</p> <p>The total monetised benefits established by the Department are associated with the lives saved and injuries prevented (social benefits) per annum and the potential averted property damage. Savings due to reductions in deaths and injuries has been estimated at £420,710 per annum based on 3 lives saved and 136 injuries prevented in a 25-year period. Reductions in property damage are estimated at £1.44m per annum. There will be other social benefits associated with reducing the severity and incidence of fires, such as reducing the distress and disruption caused by fire including the upset at the loss of a person's home and belongings. In the case of very large fires the negative impact on the local community/business could be significant however it was not possible for the Department to put a value on the other social, economic and environmental benefits of the changes especially those relating to sprinkler protection and the increased standards of smoke detection.</p> <p>The impact of not implementing these changes would mean that resident safety would remain at the current level and would leave this region exposed in lagging behind fire safety standards already implemented in other regions of the UK and ROI.</p> <p>Given the majority of the changes relate to dwellings and to residential buildings the cost impact of these changes to Belfast City Councils building programmes would be minimal.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.13	The proposed amendments have been screened out by DoF in relation to the need to carry out an equality impact assessment. The equality impact screening assessment is published separately on the Departmental Website.
4.0	Appendices
4.1	Appendix 1: – Draft BCC Consultation Response

Building (Amendment) Regulations (Northern Ireland) 2023

Consultation Response Form

July 2023

(closing date for receipt of responses is Monday 25 September 2023)

Building (Amendment) Regulations (Northern Ireland) 2023 - Consultation

Overview

Fire safety measures in buildings established through the local Building Regulations contribute significantly to maintaining life safety standards for occupants/residents and firefighters alike, not to mention the contribution they make in terms of property protection.

The proposed consultation contains amendments to uplift fire safety protection measures in a range of buildings. They are mainly focused on residential buildings and in particular domestic multi-residential buildings, to provide assurance and additional safety measures to residents. Some amendments are aimed at assisting the Fire and Rescue Service to ensure they can provide an effective operational response. The intended effect of the proposals is to reduce the consequences of fire through saving lives and preventing injuries.

Why your views matter

The Grenfell tragedy and subsequent Phase 1 report to the Public Inquiry highlighted the potential benefits of some of the items proposed in this consultation - sprinkler usage, wayfinding signage, evacuation alert sounder systems, smoke ventilation systems and secure information boxes to improve resident safety. Sprinklers in particular have been proven to be very effective fire protective measures for saving lives in residential type buildings.

The Department is seeking your views on these matters and the other amendments as proposed to the local Building Regulations through this consultation. Your views will help to inform the development of final policy proposals.

It is not compulsory to answer all of the questions, so you can take part in the consultation even if you do not have views on all of the above issues. The answers you give will inform the development of final policy proposals and legislation, so we would encourage you to take this opportunity to have your say.

Privacy Notice

The Data Protection Act 2018 states that, as a government department, DoF may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. In addition to the statutory requirement in the Building Order to consult on building regulations matters there is an expectation of appropriate public consultation on substantive changes to the Building Regulations.

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

Your data will be kept for two years, after which all data will be deleted. To find out how we handle your personal data, please see our [privacy policy](#). When submitting this response you agree to our privacy policy.

All the information you provide will be treated in strict confidence and will not be used to identify you personally. The analysis will be carried out on an anonymous basis under the guidelines of the GDPR.

Where consent has been provided consultation responses will be published on the Department of Finance website, no personal data will be published.

Information will not be passed on to anyone else and will only be used for the purposes of this consultation/survey or if necessary to fulfil legal or regulatory requirements.

Completion of the Response Form

The Department will consider all responses to this consultation received on or before the closing date for receipt of responses which is **25 September 2023**.

Submissions made after this date will not be considered.

We would strongly encourage you to respond to the consultation by completing the survey on the Citizen Space platform, which can be accessed [here](#).

If using this form to respond to the consultation please send it by email to:

info.bru@finance-ni.gov.uk or it may be posted to:

Karen McKernon
Consultation Co-ordinator
Department of Finance
Building Standards Branch
Floor 6
Goodwood House
44-58 May Street
BELFAST BT1 4NN

Please refer to the package of Consultation Documents which outline fully the proposed amendments at –

<https://www.finance-ni.gov.uk/consultations>

For ease of use, questions relating to each aspect of the consultation are referenced by a letter relating to the Part of the Building Regulations that the aspect is considering, for example A1 and A2 are questions on Part A: Interpretation and general; E1, E2 etc. are questions on Part E: Fire safety and TBE1, TBE2 etc. are questions on Technical Booklet E: Fire safety.

Click on the box (or insert an “x”) beside “Yes”, “No” or “No view” as appropriate. It is not essential to give an answer to every question. The last question is completely open to enable consultees to make suggestions or observations on relevant issues that are not addressed by answering the preceding questions.

Please make any comments you might have in the box provided. If you disagree with any of the proposals the Department would be interested to know why you disagree.

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Technical Booklet E	Fire safety Questions TBE1 – TBE12	17
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General Comments	Question G1	28
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Respondent Details

In order for your response to be considered valid, you must provide the following information:

Name	Stephen Hewitt
Organisation (if any)	Belfast City Council
Email	hewitts@belfastcity.gov.uk

Are you responding as an individual?

Or are you representing the views of an organisation?

Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published.

If you ask for your response to be confidential, we will still take account of your views in our analysis but we will not publish your response, quote anything that you have said or list your name. If you ask for your response to be regarded as confidential and not to be published, you will be asked to explain to us why you regard the information you have provided as confidential.

To find out how we handle your personal data, please see your privacy policy ([Department of Finance Privacy Notice | Department of Finance \(finance-ni.gov.uk\)](#)). When submitting this response you agree to our privacy policy.

The Department of Finance would like your permission to publish your consultation response. Please indicate if you wish your response to be treated as confidential.

Yes No

If you wish your response to be treated as confidential, please provide your justification for doing so.

We may wish to contact you again in the future, but we require your permission to do so. Are you content for the Department of Finance to contact you again in relation to this consultation exercise?

Yes No

PART A, INTERPRETATION AND GENERAL: QUESTIONS

Part A of the Building Regulations (Northern Ireland) 2012 (as amended) (the Building Regulations) defines certain terms used in the regulations and establishes processes which relate to the application of the regulations.

(Refer to Section 4 of the Consultation proposals document)

It is proposed to amend Part A of the Building Regulations and in particular regulation 8 (Application to material change of use) so that when a building becomes a 'relevant premises' (as defined under the Fire and Rescue Services (NI) Order 2006) after a material change of use, that building will be subject to the new requirement of regulation 37A. The same requirement will apply to a building containing one or more flats with a storey more than 11m above ground level that is created as a result of a change of use.

Similarly it is proposed to amend Part A of the Building Regulations and in particular regulation 8 (Application to material change of use) so that when a building on the prescribed list i.e. becomes a building containing flats or a building for purpose built student accommodation with a storey more than 11m above ground level or a residential care home, nursing home, children's home, family resident centre due to a material change of use, then that building will be subject to the new requirement of regulation 37B.

The amended Table to Regulation 8 (Application to material change of use) will demonstrate for the existing Cases where the new requirements in regulations 37A and 37B will apply.

A1. *Do you agree with the proposal to require a building which becomes a 'relevant premises' (as defined in the Fire and Rescue Services (NI) Order 2006) or a building containing one or more flats with a storey more than 11m above ground level, due to a material change of use, to be subject to the requirements of new regulation 37A?*

Yes No No view

Comments (if any):

Belfast City Council (BCC) welcomes this new regulation which will ensure the person with responsibilities for fire safety is provided with information on the active and passive fire safety measures incorporated in a building during design and construction.

Case II flats in Table 8 are indicated as not being subject to regulation 37a however regulation 37a will create a mandatory standard for flats in buildings over 11m. No reference is made to this or to the term 'relevant premises' in the notes within Part A which may cause confusion with the application of regulation 37a in a change of use

situation. This requirement will also be applicable for case IV and XII if a 'relevant' premises which is not indicated in the notes or table.

A2. *Do you agree with the proposal to require a building which becomes a building on the prescribed list of buildings in regulation 37B due to a material change of use, to be subject to the requirement of new regulation 37B?*

Yes No No view

Comments (if any):

BCC welcomes this requirement which will protect the citizens of Belfast living in these new residencies. The mandatory requirement for automatic suppression in apartment buildings, purpose-built student accommodation (PBSA) over 11m in height and in care homes will improve the safety and the perception of safety for all occupants in these buildings.

Over the longer-term increased requirements for automatic suppression will help to save lives and reduce injury. As an associated benefit it will also protect property and the impact of fire on the environment.

We would point out that reference to the application of regulation 37b is not referenced in Part A Table 8 and specifically the notes associated with this table. We understand this table should be read in conjunction with the regulations which bring in the requirement however this should be made clear in Table 8 to avoid confusion. Table 8 is the go-to location that designers will use to identify the requirements applying to a change of use. This requirement may not be picked up by designers prior to RIBA stage 4. It is imperative that requirements such as this are considered as early as possible.

PART E, FIRE SAFETY: QUESTIONS

Part E of the Building Regulations sets out requirements in buildings for ensuring adequate means of escape, adequate limitation for internal fire spread to linings and internal structure, adequate limitation on external fire spread and adequate facilities and access for the Fire and Rescue Service.

(Refer to Section 5 of the Consultation Proposals document).

It is proposed to introduce a new Regulation 37A ‘Provision of fire safety information’ to require that adequate ‘as built’ fire safety information is made available to the person responsible for fire safety duties in a building after completion of a project when a building is handed over for ownership/occupation.

The information will be of benefit to the owner/occupier in operating and maintaining the building for fire safety purposes and is seen as a necessary link between fire safety measures installed as part of the design and as-built phase and the occupied phase in the lifecycle of a building.

With this information, owners/occupiers should be able to understand and implement the fire safety strategy of the building; maintain any fire safety system provided and carry out an effective fire risk assessment of the building.

E1. *Do you agree that as built ‘fire safety information’ should be required to be given under Building Regulations to those responsible for fire safety duties in a building not later than the date of completion of the work, or the date of occupation of the building or extension whichever is the earlier?*

Yes No No view

Comments (if any):

The provision of accurate fire safety information would be relevant to those with responsibilities for managing fire safety of a building in occupation. Whilst not prevented by regulation buildings should not be occupied until all work associated with fire safety is complete. There have been calls in the past to require that buildings should not be occupied until Building Regulations completion i.e. all works associated with building regulations compliance are complete.

We consider the best time to provide this information would be between building regulations completion and occupation. In this regard there is an opportunity to include accurate as built information on active and passive fire safety measures and also any cause and effect associated with active systems. The commissioning of active systems and the complete position with regard to cause and effects and the location of all passive fire protection measures may not be fully understood until after completion. We consider that time is required post completion prior to occupation to produce this information to ensure it is accurate and represents ‘as built’ construction and does not simply become a tick box exercise.

It is proposed to apply the new regulation to ‘relevant premises’ as defined under the Fire and Rescue Services NI Order 2006 (FRSNIO) and to buildings containing one or more flats with a storey more than 11m above ground level. ‘Relevant premises’ under the FRSNIO are predominantly all non-domestic buildings.

This requirement was introduced to Building Regulations in England and Wales in 2006 and a similar requirement for fire safety design summaries was introduced in Scotland in 2013. Introducing here will bring NI into line with the existing requirement in other regions.

E2. *Do you agree with the scope of buildings (‘relevant premises’ as defined under the FRSNIO and buildings containing one or more flats with a storey more than 11m above ground level) for the new regulation to apply to?*

Yes No No view

Comments (if any):

BCC would agree with the scope of this regulation however we do consider a list of these premises should be provided in Technical Booklet E. This could be incorporated as an Appendix to assist designers and other relevant persons involved in design and construction having full information on when this regulation applies.

In relation to the wording of regulation 37A (1) i.e. “*This regulation only applies when building work or a relevant change of use creates..*” infers the regulation only applies when the work or change of use ‘creates’ an in scope premises.

Whilst the term ‘building work’ within building regulations is defined to include extensions, alterations etc relating it to applying only in the situation of creating the building is confusing and incorrect. We understand the intent is to apply this to building work which also extends or alters a building not just in the situation of where it is created. A re-wording of this should be considered.

The regulation is worded in a similar way as equivalent regulation 38 for England and Wales which was introduced there in 2006. Responsibility for compliance with this new requirement will fall upon ‘the person carrying out the work’.

E3. *Do you agree with the use of the term ‘person carrying out the work’ in the regulation or do you think a more specific individual should be cited in the regulation and hence responsible for providing this information?*

Yes No No view

Comments (if any):

The person carrying out the works is a term associated with a definition provided in regulation 12 for ‘builder’.

Whilst the builder may have some of the information and knowledge to help formulate a package of relevant information a duty needs to be placed on a person with responsibilities. This feeds into the wider review of fire safety across the UK which has exposed the lack of clear responsibility for fire safety during the design and construction phase.

BCC would recommend that the responsibility to provide this information is clearly laid upon the person fulfilling duties associated with a role carrying overall responsibility for the design/construction phase. It should be the responsibility of this person to organise preparation of this information through the relevant actors involved in the design and construction phase.

It is acknowledged there is a wider piece of work required to define and associate responsibilities to roles for fire safety in NI during design and construction to allow this to happen.

It is proposed to introduce a new prescriptive regulation 37B which will require the provision of suitable automatic fire suppression systems (e.g. sprinklers) in certain types of buildings.

Sprinkler systems installed in residential type buildings can reduce the risk to life and significantly reduce the degree of property damage caused by fire. Evidence has shown that automatic fire sprinklers protect residents from fire, they limit fire spread protecting means of escape for residents, and also protect Firefighters who attend such fires.

E4. *Do you agree that a new prescriptive regulation requiring the provision of suitable automatic fire suppression systems in certain types of buildings should be introduced under regulation 37B?*

Yes No No view
Comments (if any)

BCC welcomes this requirement for automatic suppression systems in apartment buildings, in PBSA over 11m in height and in care homes. The mandatory nature of this requirement ensures these systems must be incorporated in these buildings and cannot be designed out.

Prescriptive requirements bring clarity to all involved as to how compliance must be achieved and BCC are fully supportive of this approach. We would also ask that consideration be given to preventing any application for dispensation or relaxation of this regulation.

BCC would encourage the Department to consider the use of more prescriptive requirements for critical life safety systems and construction details across fire safety regulations which bring more assurance to fire safety.

The new regulation will apply to a prescriptive list of buildings only, including buildings containing one or more flats with a storey more than 11m above ground level; purpose-built student accommodation type buildings with a storey more than 11m above ground level; all residential care homes, nursing homes, children's homes and family resident centres irrespective of storey height.

In relation to adding to this list, there may be a wider piece of work in future to consider a broader range of buildings with a sleeping risk for automatic fire suppression provision e.g. hotels. There may also be some higher risk Purpose Group 5 buildings (Assembly and recreation) which may merit consideration on the list.

E5. *Do you agree with the scope of buildings as proposed for now under new regulation 37B?*

Yes No No view

Comments (if any):

BCC agrees with the scope of buildings currently proposed however we would request that this matter is reviewed further to consider how the scope of this regulation should be widened to create maximum benefit. Additional buildings within purpose group 1 and 2 which contain a sleeping risk would be obvious areas to focus on initially.

BCC would welcome the further piece of work the Department are considering in this area.

A threshold storey height of 11m has been chosen to align with the same requirement in England for buildings containing one or more flats. This height is also consistent with the joint call in March 2019 from the Royal Institute of Chartered Surveyors (RICS), Royal Institute of British Architects (RIBA) and the Chartered Institute of Building (CIOB) on government to require the installation of sprinklers in all new and converted residential buildings, student accommodation and care home buildings more than 11m in height.

Lower trigger heights apply elsewhere in Scotland and Wales and also capture a wider number of building types.

E6. *Do you agree with the height threshold of 11m for buildings containing one or more flats and purpose-built student accommodation as proposed under new regulation 37B?*

Yes No No view

If you disagree, state the height threshold you think it should be and your reasons why.

Comments (if any):

Statistics highlight that between 1 Jan 2017 to 31 Dec 2022 there were 6 fire related fatalities in apartments out of a total of 39 and none of these fatalities occurred above the second floor. 33 of the fatalities occurred in lower rise residential occupancies and at lower levels. However, these statistics do not take into consideration the impact a fire may have and the potential for a high fire fatality loss in buildings at height.

It is acknowledged that height is the UK wide trigger for application of requirements relating to automatic suppression and in this regard we have neither information to back up the chosen trigger height or to refute it.

We would encourage however a further review in relation to extending the scope of this regulation to other buildings containing a sleeping risk taking into consideration fires fatality and casualty statistics. Any increase in scope should be targeting those more at risk.

Our Building Control Service have previously provided information to the Finance Committee through Building Control Northern Ireland in a letter dated 22nd February 2021 which outlines areas for improvement. One of those areas was in relation to sprinkler provision in timber externally and internally framed buildings of any height. We understand this letter has been passed to the Department.

It is proposed to apply new requirement 37B to all (irrespective of height) care homes, nursing homes, children’s homes and family resident centres as defined by the ‘Health & Personal Social Services (Quality, Improvement & Regulation) (Northern Ireland) Order 2003’. These terms will be grouped under the definition for ‘residential care premises’.

E7. *Do you agree with the definition of residential care premises being adopted in building regulations for the application of new regulation 37B?*

Yes No No view

Comments (if any):

Given the level of vulnerability and the difficulties in undertaking an evacuation in a fire situation within these facilities BCC welcomes the introduction of a mandatory requirement for the installation of automatic suppression in all these premises.

There have been several incidents across the UK over the last decade in care homes which have resulted in multiple fire fatalities and non-fatal fire casualties in low rise buildings. Many of the facilities constructed in NI would be low rise (three storeys or less) and therefore it would be appropriate not to attach a higher height threshold as a trigger in these buildings.

BCC has no issue with the definition being proposed for residential care premises and would agree with the scope.

Introducing a prescriptive requirement for the installation of automatic fire suppression systems (e.g. sprinklers) in certain types of buildings here for the first time is likely to require a period of time of adjustment for the industry. It is proposed to have a transitional period of 6 months between the requirement being made and it coming into operation.

E8. *Do you agree with a transitional period of 6 months?*

Yes No No view

If you disagree, state how long the transitional period should be and your reasons why.

Comments (if any):

BCC agrees with the transitional period of six months to allow industry adjustment.

TECHNICAL BOOKLET E, FIRE SAFETY (TBE); QUESTIONS

Part E of the Building Regulations sets out fire safety requirements in relation to buildings.

(Refer to Section 6 of the Consultation Proposals document and consultation version Technical Booklet E).

Alongside the technical requirement changes to Part E legislation, a number of changes to Technical Booklet E (TBE) are proposed. The Department is issuing a consultation version of a TBE indicating the proposed changes as part of this consultation (see paragraph 3.3 of document C2 'Consultation proposals'). The amended TBE will provide guidance on demonstrating compliance with the new Part E requirements 37A and 37B. It will also contain revisions to Section 2 to amend provisions for fire alarms in dwellings and smoke ventilation from the common escape routes of medium/high-rise buildings containing flats. Revisions to Section 6 will include amended and new provisions for firefighter safety for Facilities and Access for the Fire and Rescue Service.

The new guidance to regulation 37A in Part E will be placed in a new Section 7 'Fire safety information' of TBE.

The guidance gives 'essential information' for simple buildings and more detailed 'Additional information for complex buildings'. The amount and degree of information required will depend on the individual circumstances of the building concerned.

TBE1. *Do you agree with the proposed guidance in Section 7 of the consultation version TBE for 'fire safety information'?*

Yes No No view

Comments (if any):

BCC considers that section 7 provides clear guidance on the detail required for inclusion within any report or documentation to be provided to the person with fire safety duties to meet the requirements of regulation 37 A (2).

The new guidance to regulation 37B in Part E will be placed in a new Section 8 'Sprinklers' of TBE. It is aimed at providing guidance for sprinklers as one way to satisfy the automatic fire suppression system requirement of regulation 37B.

The guidance gives general information on sprinklers; makes reference to design standard BS 9251 "*Fire sprinkler systems for domestic and residential occupancies. Code of practice*" for residential buildings and BS EN 12845 '*Fixed firefighting systems. Automatic sprinkler systems. Design, installation and maintenance*' for non-residential buildings.

Guidance for water supplies and pumps for non-residential sprinkler systems designed and installed to BS EN 12845 is also provided.

TBE2. *Do you agree with the proposed guidance regarding sprinklers given in Section 8 of the consultation version of TBE?*

Yes No No view

Comments (if any):

BCC agrees with the proposed guidance and the reference to the relevant standards for detailed design and installation requirements. We would point out however in relation to the references that sprinklers should be extended to common areas only where they are not deemed sterile, BS EN 12845 and BS 9251 both call for sprinklers to be provided in all parts of the premises, so applying the exemption in TBE makes those sprinkler systems non-compliant with these standards.

In addition, it would be helpful if more guidance could be provided on the acceptability of the alternative established fire suppression systems referred to in paragraph 8.4.

The Department intends to revise the contents of Section 2 of TBE as a whole, as part of the next phase of changes to Part E and TBE. However, as part of this package of changes now, it is proposed to uplift the current requirement in TBE for fire alarm provision in dwellings.

Currently TBE requires a fire alarm system of Grade D Category LD2 to BS 5839-6 with smoke alarm or alarms in the principal habitable room and a heat alarm in each kitchen. This is currently more onerous than ADB1 in England and Wales, in line with the Technical Handbook in Scotland but less onerous than the standard set in Technical Guidance Document B in Republic of Ireland.

It is proposed to require smoke alarms in every habitable room in a new build dwelling or a dwelling created as a result of a material change of use. (Smoke alarms in circulation routes and heat alarms in kitchens will also still be required).

The proposal should benefit all occupants but particularly those who may be elderly/vulnerable/asleep and tend to react slower. Where available time for evacuation is critical, earlier warning and increased audibility levels of the alarm throughout the dwelling should enhance occupant safety.

Habitable room will be defined in TBE as *“any room in a dwelling other than a kitchen, utility room, bathroom, shower room, dressing room or WC”*.

TBE3. *Do you agree with the revised provisions for installation of smoke alarms in all habitable rooms as part of automatic fire detection in new dwellings?*

Yes No No view

Please provide any evidence in support to your answer.

Comments (if any):

BCC welcomes the extension of smoke alarm coverage in new dwellings to all habitable rooms and consider the potential benefits in terms of reduced fire fatalities and non-fatal fire casualties will vastly outweigh any theoretical disadvantages.

The dramatic fall in fire related fatalities in the late 1970s across the UK was largely attributed to the widespread use of smoke alarms around that time. Following the introduction of requirements within Building Regulations in the 1990s there has been limited change to the coverage required whilst the cost has continued to fall and the benefits have continued to be evidenced in terms of fire fatality rates.

With increased use of portable charging devices, an aging population and changes to statistics around risks associated with room of fire origin this would be a timely introduction with limited cost implications to industry.

In relation to the level of fire alarm system required in an existing dwelling when it is subject to an extension and/or alteration, with the exception of a roofspace conversion to habitable accommodation in a dwellinghouse, TBE does not specify the level of provision.

The coverage of fire alarm system required when an extension and/or alteration occurs will depend on the starting fire alarm provision in the dwelling prior to the extension and/or alteration. Under existing provisions in TBE, it is unlikely for instance that an existing system would have the appropriate level of detection to alarm a new habitable roofspace storey. However, an existing system may be adequate to provide appropriate level of detection to an extension and/or alteration which creates a new habitable room on the same storey. This will of course change if the proposal to alarm all habitable rooms in a dwelling is adopted.

The intention of the new guidance in TBE is to bring clarification to the issue of fire alarm provision when a dwelling is extended and/or altered.

TBE4. *Do you agree with the new guidance in relation to fire alarm provision in dwellings subject to an extension and/or alteration work?*

Yes No No view

Comments (if any):

BCC has two issues with the proposal. Firstly, we consider that detection should be required to warn the occupant of fire in a room with a final exit created by an extension. An occupant of that room may be unaware of a fire in the adjoining part of the dwelling and therefore will not receive any alert to evacuate the dwelling in a fire situation. If this room is a bedroom and the occupant is sleeping, they may be overcome by toxic gases before being able to make their escape.

Secondly the standard being stipulated requires full house coverage which would seem onerous in the case of an extension where it is the extension and its impact on the existing house that is being considered. This same standard would also be applicable to roofspace conversions.

We would also point out that no guidance is provided regarding the standards required for alterations which is included in the heading. An interpretation of this could be that this is a standard for the situation where a new room is created by alterations however no standard is provided otherwise for alterations or for the situation of retrofit which currently causes much confusion.

In paragraph 2.24B reference is made to smoke alarms being installed in accordance with paragraph 2.23. Consider replacing with 'automatic fire detection' as per the requirements of 2.23 which includes smoke and heat alarms.

In paragraph 2.24A (a) spelling mistake 'proivided'

Also proposed as part of this package of changes to Section 2 of TBE is to clarify the smoke ventilation requirements in the common escape routes (lobbies/corridors/stairways) of buildings containing flats.

The new provisions will provide for external wall smoke vents or smoke shafts as a means to achieve natural smoke ventilation from common escape routes in blocks of flats and make reference to BS EN 12101-6 '*Smoke and heat control systems – Part 6. Specification for pressure differential systems*' as the document to use for the designing of mechanical smoke control systems that use pressure differentials.

BS EN 12101-2 :2017 '*Smoke and heat control systems. Natural smoke and heat exhaust ventilators*' will also be cited as the standard for natural smoke ventilators.

TBE5. *Do you agree with the amended guidance regarding smoke ventilation from the common escape routes in buildings containing one or more flats as inserted in TBE?*

Yes No No view

Comments (if any):

BCC welcomes a review and update of the smoke ventilation requirements for apartments specifically the clarifications regarding the standard for smoke vents, the operational protocols for AOV's and the design recommendations for smoke shafts. Since the last revision of BS5588 Part 1 this is an area where there has been significant change in design codes, and these design standards are continuing to evolve. We would however have some comments with regard to the detail of the recommendations to help ensure they are fully understood by designers and Building Control Departments and that no ambiguity exists.

Small buildings with no storey more than 11m above ground level and with a single stair

Proposed paragraph 2.34D provides a standard for stairwell vents in a common lobby approach situation which includes an alternative to landing vents at 2.34D (ii). This paragraph states the alternative is to provide an openable vent at the top of the staircase. This is similar wording to BS9991 which is typically interpreted by many fire engineers and designers as at the 'top landing'. The wording within BS5588 Part 1 'over the stair' reflects the difference in vent efficiency between wall mounted vents at each landing which are impacted by wind direction and a single vent over the stair which is impacted less. We consider this to be a poor choice of words 'at the top of the staircase' and should be replaced with over the stair. In addition, no mention is made of the ability in a common lobby situation for buildings under 11m to extend travel distance in the common lobby to 7.5m from 4.5m with the introduction of an AOV. In this regard it should be clearly stated which recommendations of BS5588 Part 1 each additional recommendation is replacing.

In paragraph 2.34D (b) for the situation of a single stair building with no common lobby there is a note to say the maximum travel distance in the communal areas should be 4.5m. This same note is provided in BS9991 and currently causes much confusion as there is no clarity as to where this common area travel distance restriction needs to be applied or indeed the reasons. In this regard a diagram would be essential to explain this requirement.

Also, in paragraph 2.34D(b) the reference to 'at the top of the stair' should be replaced with 'over the stair' to avoid the confusion discussed above.

No detailed information is provided on the operation of manual vents recommended in 2.34D (b) as is the case in BS5588 Part 1.

The last paragraph of 2.34D states 'The smoke control strategy given in (a) should not be used with an open plan flat layout design'. It is not clear what strategy can or should be used and this should be clarified.

Buildings with a storey more than 11m above ground level and served by a single stair

In paragraph 2.34 (G) (b) (iii) reference is made to vents being fitted with a fire and smoke damper with further reference to paragraph 4.44 which is related to general ventilation ductwork. It is not clear how this relates to vents into a smoke shaft for smoke control.

In relation to the recommendations regarding the operation of vents into a smoke shaft at 2.34 (G) (b) (iv) there is no indication if manual override should be provided or is not permitted. This is currently an area of confusion.

2.34H recommends that a smoke vent should be provided to the top storey of the stair. This should be 'over the stair' to ensure this is not interpreted as vertical vent at the top landing which may be more susceptible to wind direction. It is not clear if this is a recommendation for both situations of lobby venting (shaft or wall mounted vents).

The operating procedure discussed at 2.34J is not related by reference to either of the options for lobby ventilation (shaft or wall mounted vents). The operating protocol is at variance with the operating protocol for the shaft scenario which requires three vents to open and this is dealt with in detail at 2.34 (G) (b). It is therefore assumed this is related to the lobby venting arrangement associated with 2.34 (G) (a). To avoid confusion this should be clarified. If a general point is to be made regarding AOV's being activated by smoke detectors this could be separated out.

Multiple stair buildings

The smoke ventilation for multiple stair buildings is indicated at 2.34 K as being the same as single stair buildings with the exception that vents to the exterior may be activated manually. Both BS5588 Part 1 and BS9991 have arrangements where external vents are required as AOV's. In BS5588 Part 1 this would be within lobbies or corridors where a dead end exists and in BS9991 this would be in all situations

within lobbies or corridors. It is not clear why this is replacing the ventilation arrangements in BS5588 Part 1.

Smoke control of common escape routes by mechanical ventilation

Whilst BS5588 Part 1 does provide guidance and recommendations on the situations where pressurization can be used and how this impacts design there is no mention in guidance regarding the use of mechanical smoke extraction. More commentary about the use of smoke extraction would be helpful if there is to be reference to the standards for this.

General

- It is difficult to fully understand the recommendations without diagrams.
- It would avoid confusion by referencing these recommendations for smoke ventilation in TBE against BS 55588 Part 1 diagrams for clarity and also make clear which recommendations in BS5588 Part 1 these new paragraphs in TBE are replacing. It will not be clear to designers or Building Control how much of the smoke control recommendations in BS5588 Part 1 still apply or should be applied.
- There are no recommendations regarding balcony or deck approach and therefore an assumption is made that the arrangements in BS5588 Part 1 is still relevant.
- We would draw the Departments attention to a smoke control association guidance document – ‘Guidance on smoke control to common escape routes in apartment buildings’. This document provides a critical analysis of recommendations contained in both ADB and BS9991 which some of the recommendations proposed for TBE are based.
- There is no reference to BS EN 12101 Part 2 in Appendix C to establish the benchmark for this requirement.

A series of changes are proposed for Section 6 ‘Facilities and Access for the Fire and Rescue Service’ of TBE. The changes and new provisions are aimed at assisting firefighters in their daily operations of firefighting and search and rescue.

It is proposed to require Purpose Group 5 (PG5) buildings (Assembly and Recreation) which have a storey 900m² or more in area at a height of 7.5m or more above fire and rescue service access level to have a firefighting shaft. All buildings irrespective of Purpose Group with a storey more than 18m above fire and rescue service access level require a firefighting shaft. PG 4, 6 and 7a buildings with a storey 900m² or more in area at a height of 7.5m or more above fire and rescue service access level already require a firefighting shaft.

A firefighting shaft is a protected enclosure containing a firefighting stair and firefighting lobby. If a lift is provided, this may or may not be a firefighting lift. These features are provided to assist attending firefighters in their operational duties.

TBE6. *Do you agree with the proposed change in guidance to require all Purpose Group 5 buildings which have a storey 900m² or more in area at a height of 7.5m or more above fire and rescue service access level to have firefighting shaft provision?*

Yes No No view

Comments (if any):

BCC support this change and do not have any further comment to make.

To address safe penetration distances for firefighters, it is proposed to amend the design provisions for locating firefighting shafts and protected stairways. The amended guidance will require every part of each storey in a building more than 18m above fire and rescue service vehicle access level (or 7.5m where applicable), to be no more than 60m from a fire main in a firefighting shaft. In addition the guidance will require where sprinklers are not provided, the distance from any part of a storey should be no more than 45m from a fire main in a protected stair/shaft.

Distances are to be measured suitable for laying a fire hose.

TBE7. *Do you agree with the amended guidance so that the maximum distance from any point on a storey to a fire main in a firefighting shaft is 60m and in addition, where sprinklers are not fitted, the distance should be a maximum of 45m to a fire main outlet in a protected shaft (not necessarily a firefighting shaft)?*

Yes No No view

Comments (if any):

Paragraph 6.3A deals with hose distances to firefighting shafts (FFS) for storeys over 18m and 7.5m. This covers FFS's required under paragraphs 6.3 (a) and (b) but with deletions there does not appear to be any requirement in relation to maximum hose distances for basements which require a FFS by paragraph 6.3 (c) and (d).

6.3 A also states that protected stairways should be located within hose laying distances. No explanation or rationale has been provided as to why protected stairways have been included in addition to FFS's.

It would appear from the changes that additional FFS's are not required beyond 2000m² as per the current TBE. No commentary is provided on this within the consultation document however the new guidance on FFS provision will see the number dictated by hose laying distances alone. In relation to this, paragraph 6.3B (b) recommends a limit to hose lengths to 45m where no sprinklers are installed. In the text this hose length limitation is related to protected shafts with a fire main. The proposed document also states this does not imply that the protected shaft needs to be a firefighting shaft. Given that a protected shaft does not typically contain a fire main nor is it provided with the same level of protection or facilities as a FFS (passive fire resistance, firefighting lobbies, ventilation etc) it is not clear how relating hose laying distance to a protected shaft with a fire main installed for buildings that are not sprinklered is achieving an increased level of safety to fire fighters.

In general terms it is difficult to fully understand the requirements without diagrams. These would help to clarify the requirements regarding the use of protected shafts in lieu of FFS's to achieve compliance for access for fire and rescue service. In addition some clarification is needed on the FFS provision in basements as discussed above.

From research into required flow of water through a dry fire main, it is proposed to amend the design provisions in TBE to restrict the use of a dry fire main to a storey height of 50m above fire service vehicle access.

The proposed change in guidance from the existing 60m storey height to 50m will ensure a building with a storey over 50m above fire service vehicle access level should be provided with a wet fire main. All other buildings where fire mains are provided can fit a wet or dry fire mains.

TBE8. *Do you agree with the amended guidance to set a storey height limit of 50m above fire service vehicle access level for provision of a dry fire mains?*

Yes No No view

Comments (if any):

BCC support this change and do not have any further comment to make.

From research into buildings not fitted with a fire main, it is proposed to amend the design provisions in TBE in order that the effective hose penetration distance from the fire and rescue service vehicle (pump appliance) is 45m to reach all points within each individual dwelling (for blocks of flats) and dwellinghouses. This will replace the existing guidance of 45m to reach the individual dwelling entrance door.

TBE9. *Do you agree with the amended guidance so that a pump appliance can gain access, so that the effective hose penetration distance can reach to within 45m of all points within a dwellinghouse/flat? (for buildings not fitted with a fire main)*

Yes No No view

Comments (if any):

BCC support this change and do not have any further comment to make.

Although rare, there may be occasions when the Fire and Rescue Service require to evacuate the fire floor and in extreme cases, other floors or the entire building during an incident in a building containing flats. Currently under such circumstances, the Incident Commander instructs firefighters to knock on the doors of the flats and advise the occupants to vacate the building when it is safe to do so.

The proposal is to require an emergency evacuation alert system for buildings containing flats (Purpose Group 1a buildings) with a storey more than 18m above ground level. The system will have a sounder in each of the flats but will not be linked to the smoke and heat detection/alarm system within the individual flat. The system should provide the fire and rescue service with an option to initiate a change in evacuation strategy via an alarm.

A new Standard for such a system has been published by BSI – BS 8629: 2019 ‘Code of Practice for the design, installation, commissioning and maintenance of evacuation alert systems for use by Fire and Rescue Services in buildings containing flats’ which is proposed to be referenced in the guidance.

TBE10. *Do you agree with requiring an emergency evacuation alert system to be installed in buildings containing flats with a storey more than 18m above ground level?*

Yes No No view

Please advise if you think this threshold is not appropriate and why.

Comments (if any):

BCC support this change and believe this facility will allow the Fire Service or those with responsibilities in relation to the management of an evacuation, alert residents of the need to do so. Whilst we understand the operational decisions and the procedures around this are complex this facility will provide a quick and efficient way to allow this decision to evacuate to be communicated to all occupants.

Consideration should be given to the provision of such a facility in buildings below 18m.

There have been instances where firefighters have faced problems identifying floors and individual dwellings during an incident where the wayfinding signage perhaps could have been clearer.

It is proposed to implement a recommendation from the Grenfell Public Inquiry that wayfinding signage be present in all high-rise residential buildings. This proposal will go further than the Inquiry’s recommendation and introduce a requirement for it in all Purpose Group 1a multi-occupied residential buildings with a storey more than 11 m above ground level.

Wayfinding signage is relatively straightforward and inexpensive to introduce and will support Fire and Rescue Service operations and make an important contribution to building safety.

TBE11. *Do you agree with the new requirement for wayfinding signage in buildings containing flats with a storey more than 11m above ground level?*

Yes No No view

Please advise if you think this threshold is not appropriate and why?

Comments (if any):

BCC support this proposal to provide wayfinding for fire and rescue personnel in taller buildings.

In relation to the trigger height for the scope of this regulation we consider that any selection of building height will be arbitrary. Given the purpose of this requirement is to help firefighters quickly establish what floor they are on in smoke filled situations this is likely to be more of an issue in taller buildings. The height of 11m will typically include building over 4 storeys which would seem generally appropriate.

Secure Information Boxes (or Premises Information Boxes) are a recognised method through which building owners / managers and occupiers can provide information to the attending Fire and Rescue Service. Currently, there is no statutory requirement to have them installed in multi-occupied domestic residential premises, their use is voluntary.

When they are installed, there are benefits for the Fire and Rescue Service in terms of their response to incidents as the boxes provide fire-fighters with readily accessible information about the building. The information may include floor plans with the location of key firefighting equipment; a single page building plan with the location of key firefighting equipment and contact details for the person in charge of the building.

TBE12. *Do you agree with the new requirement for a secure information box in buildings containing flats with a storey more than 11m above ground level?*

Yes No No view

Please advise if you think this threshold is not appropriate and why?

Comments (if any):

BCC support this change and do not have any further comment to make.

IMPACT ASSESSMENT

The Department has published a Consultation Regulatory Impact Assessment (RIA) as part of the consultation documents and welcomes further evidence to inform a final stage RIA.

(Refer to Consultation Regulatory Impact Assessment – Document C4)

IA1. *Do you agree with the assumptions, costs and impacts set out in the consultation stage RIA?*

Yes No No view

Comments (if any):

Belfast City Council has no evidence to verify the cost assumptions but agree that the social, economic and environmental benefits of the changes especially those relating to sprinkler protection in residential buildings and the increased coverage for smoke detection in dwellings are difficult to fully establish.

We also agree that to follow Option 1 which would involve no changes will leave our fire safety standards lagging well behind other parts of the UK and ROI. In this regard we would concur with the Option 2 proposal to implement the changes to Part E and TBE to ensure resident safety and keep Northern Ireland in line with other parts of the UK and ROI.

GENERAL COMMENTS

The Department encourages consultees to respond on any aspects of the proposals, therefore the last question is completely open to enable consultees to make suggestions or observations on relevant issues that are not addressed by answering the preceding questions.

G1. *Please set out any additional comments you have below.*

Comments (if any):

NEXT STEPS

The consultation will close on 25 September 2023. Responses to this consultation will be analysed and the Department response will follow.



Subject:	Publication of Enforcement Strategy
Date:	19 th September 2023
Reporting Officer:	Kate Bentley
Contact Officer:	Dermot O’Kane, Principal Planning Officer

Is this report restricted?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

1.0	Purpose of Report or Summary of Main Issues
1.1	The Council has prepared a new Enforcement Strategy that explains the Council’s policy and procedure for dealing with reports of alleged breaches of planning control and handling planning enforcement issues. (see Appendix 1).
2.0	Recommendation
2.1	The Committee is asked to consider and note the new Belfast Enforcement Strategy (BES) Appendix 1 .
3.0	Main Report
	Background
3.1	Belfast City Council places great importance on protecting and enhancing the environment and recognises that the integrity of the development management process depends upon the Council’s ability to take effective action against unauthorised development. This Planning Enforcement Strategy sets out how the Council will deal with complaints relating to breaches of planning control.
3.2	The Enforcement Strategy identifies local priorities for enforcement action so that the Council’s enforcement resources are put to the most effective use in dealing with breaches of planning control. The BES will therefore ensure that officers, members and the general public will be aware of the approach to planning enforcement and provides greater certainty for all parties engaged in the development process.
3.3	The purpose of the Strategy is to: <ul style="list-style-type: none"> • Explain the Council’s key objectives for the enforcement of planning control; • Outline how breaches of planning control will be investigated; • Set out the Council’s priorities for investigating breaches of planning control.
3.4	It will replace the Council’s Enforcement Customer Charter and sets out our statutory responsibilities and approach. The updated BES has been developed following an internal review, including audit recommendations to review enforcement service standards, breach

	priority levels, approach to planning enforcement and guidance on the Planning Enforcement Process
3.5	The overarching principle for Council planning enforcement is the protection of our communities, natural habitats and built heritage from unauthorised development that causes harm or shows a disregard for the planning system.
3.6	The Council's key objectives for planning enforcement are, to: <ul style="list-style-type: none"> • bring unauthorised activity under control; • remedy the undesirable effects of unauthorised development including, where necessary, the removal of unacceptable building works and the cessation of unacceptable uses; and • take legal action, where necessary, against those who ignore or flout planning legislation.
3.7	The Council is committed to securing these objectives in order to ensure that the credibility of the Council as the planning authority and the integrity of the planning system are not undermined.
	Belfast Enforcement Strategy
3.8	The Strategy broadly covers the general approach to planning enforcement as set out in the relevant legislation. The Planning Act (Northern Ireland) 2011 provides the statutory basis for most planning enforcement matters, including trees. Tree enforcement is also governed by the Planning (Trees) Regulations (Northern Ireland) 2015. The statutory powers for Listed Building enforcement are provided principally by the Planning (Listed Buildings) Regulations (Northern Ireland) 2015.
3.9	The Strategy also set out our key objectives and the principles of good enforcement which have been influenced by evolving best practice over the years. The integrity of the planning system and the service for Belfast depends on the Council's readiness to take enforcement action when it is appropriate to do so. Planning laws and policies are designed to manage the development and use of land and buildings in the public interest. They are not meant to protect the private interests of one person against the activities of another.
3.10	The BES sets out what a breach of planning control is and is not and explains the concepts of discretion, harm and expediency alongside the types of scenarios where they can be applied. The Strategy also outlines how the council will respond to a breach and explains how we weigh up different factors in deciding whether formal enforcement action is appropriate. There are a variety of statutory instruments available to the Council and the Strategy provides information on when they might be utilised.
3.11	The BES identifies our local priorities for enforcement action that ensures the available resources are put to the most effective use in dealing with breaches of planning control. The priorities are determined by the guiding principle that any action in response to a breach of planning control should be proportionate to the harm it causes. The categorisation of cases reflects this principle ranging from 1 to 4 based on the assessment of the potential harm caused to sensitive receptors or assets of acknowledged importance. Works with the potential to result in public danger or development which may result in permanent damage to the environment would fall into the most severe Category 1 cases whilst issues associated with advertisements would tend to mean they fall into category 4.
3.12	The Strategy sets out the approach to communication in relation to live cases and advises that the Council will not provide a routine commentary on progress in dealing with cases to comply with Data and Information Regulations and in order to prevent an enforcement investigation being prejudiced.

	<p><u>Financial & Resource Implications</u> There are no resource implications associated with this report.</p> <p><u>Equality implications or Good Relations implications / Rural needs assessment</u> None.</p>
4.0	Appendices – Documents Attached
	Appendix 1: Belfast Enforcement Strategy

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Belfast

Enforcement Strategy

September 2023

www.belfastcity.gov.uk/LDP



Belfast
City Council

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1 Introduction

- 1.1 The Belfast Enforcement Strategy (BES) relates to Belfast City Council's planning enforcement service and describes the purposes of the service and how it will be delivered.
- 1.2 Belfast City Council places great importance on protecting our communities, natural habitats and built heritage from unauthorised development that causes harm or shows a disregard for the planning system. To ensure that we can take action when it is right to do so, the Council provides a planning enforcement service which investigates complaints and provides expert advice on enforcement matters.
- 1.3 The Council's functions as the planning authority are set out in the Planning Act (Northern Ireland) 2011. The Council's Planning Section administers most of these planning functions including the discretionary power to take action against breaches of planning control.
- 1.4 Although planning enforcement is a discretionary function, it is recognised that the integrity of the development management process depends on the Council's commitment to take effective action against unauthorised development. This document sets out how the Council will deal with breaches of planning control.
- 1.5 The BES explains the Council's policy and procedure for dealing with reports of alleged breaches of planning control and handling planning enforcement issues. It identifies local priorities for enforcement action so that the Council's enforcement resources are put to the best use in dealing with breaches of planning control. The BES will therefore ensure that officers, councillors and the general public will be aware of the approach to planning enforcement and provides greater certainty for all parties engaged in the development process.

2 General approach to planning enforcement

- 2.1 The purpose of planning enforcement is to ensure that development is undertaken in accordance with regulations and planning permissions and, where it is undertaken without permission, to ensure that harmful development is dealt with effectively.
- 2.2 Development requiring planning permission includes:
 - Most types of building works.
 - Engineering works.
 - Material changes of use to land including buildings.

Planning Enforcement cannot take action if there is no breach of planning control, or the dispute concerns boundary disputes, covenants, deeds or civil issues.

- 2.3 Under the provisions of the Planning Act (Northern Ireland) 2011 the Council has discretionary powers to take enforcement action when it considers it expedient to do

so, having regard to the provisions of the local development plan and any other material considerations. The Council is committed to resolving all cases involving unauthorised development and using its formal enforcement powers in relevant cases.

- 2.4 In exercising discretion, the Council will be mindful of its duty to enforce planning legislation and to ensure that development is managed in a proactive and proportionate manner. In determining the most appropriate course of action in response to alleged breaches of planning control, the Council will take into account the extent of the breach and its potential impact on the environment. Any decision to proceed with enforcement action will also be informed by case law, precedents and appeal decisions.
- 2.5 The purpose of the Strategy is to:
- Explain the Council's key objectives for the enforcement of planning control;
 - Explain how breaches of planning control will be investigated;
 - Set out the Council's priorities for investigating breaches of planning control.

3 Key objectives for planning enforcement

- 3.1 The Council's key objectives for planning enforcement are:
- To bring unauthorised activity under control;
 - To remedy the undesirable effects of unauthorised development including, where necessary, the removal of unacceptable building works and the cessation of unacceptable uses; and
 - To take legal action, where necessary, against those who ignore or flout planning legislation.
- 3.2 The Council is committed to securing these objectives in order to ensure that the credibility of the Council as the planning authority and the integrity of the planning system are not undermined.

4 Legislation and Policy

- 4.1 The Planning Act (Northern Ireland) 2011 provides the statutory basis for most planning enforcement matters, including trees. Tree enforcement is also governed by the Planning (Trees) Regulations (Northern Ireland) 2015. The statutory powers for Listed Building enforcement are provided principally by the Planning (Listed Buildings) Regulations (Northern Ireland) 2015.

- 4.2 The Belfast Local Development Plan 2035 (LDP) was adopted by Belfast City Council on 2 May 2023. It sets out the City's vision and strategy for the sustainable growth of the city for the period up to 2035. It is the City's key statutory strategic planning document, guiding decisions on all development to 2035 and is therefore fundamental in guiding decisions relating to breaches of planning control.

5 Principles of Good Enforcement

- 5.1. The integrity of the planning system and the service for Belfast depends on the City Council's readiness to take enforcement action when it is appropriate to do so. Planning laws and policies are designed to control the development and use of land and buildings in the public interest; they are not meant to protect the private interests of one person against the activities of another.
- 5.2. The City Council is committed to providing an effective planning enforcement service. In order to undertake effective investigations, it is essential that there is cooperation between the City Council departments and other agencies, such as the Police, the Northern Ireland Environment Agency, the Department for Infrastructure (DfI) and the Health and Safety Executive.
- 5.3. The City Council will continue to develop these relationships in the future in order to make best use of all our available resources. The City Council will not condone wilful breaches of planning control and will exercise its discretion to take enforcement action if it is considered expedient to do so.
- 5.4. The City Council will investigate all reports about alleged breaches of planning control, except those reported anonymously, to determine whether a breach has as a matter of fact occurred, and if it has, will then determine the most appropriate course of action, mindful to the basic principles of enforcement:
- **Proportionality** - enforcement action will be proportionate to the risks and seriousness of any breach, including any actual or potential harm caused by the breach. Most unauthorised development is not illegal.
 - **Helpfulness** - where it should be possible for breaches of control to be quickly remedied, officers will give owners/developers a chance to quickly rectify matters. All correspondence will identify the officer dealing with the matter and give contact details. Officers will not tolerate abusive language or aggressive behaviour.
 - **Targeting of enforcement action** - focusing enforcement action on the most serious risks and recognise that it is not possible to prioritise all issues of non-compliance or to take action against breaches causing no significant harm.
 - **Consistency of enforcement approach** - consistency does not mean uniformity, however a similar approach will be taken in similar circumstances with the appropriate exercise of individual discretion and professional judgement.

- **Transparency of how enforcement operates and what can be expected** - where non-compliance has been identified, officers will explain to the contravener what must be done to remedy the breach, clearly explain the reasoning behind their decision, give reasonable timescales for compliance and provide clear instructions of what will happen if they do not comply.
- **Accountability for our actions** - members of the public and businesses through the BES will know what to expect when an officer visits and how to raise any complaints they may have.

6 What is a breach of planning control?

6.1. A breach of planning control occurs when building works or a material change of use of land or a building takes place without planning permission. In most cases, it is not an offence to undertake development without permission, but the Council has powers to require these breaches to be put right. We can do this by requiring the removal of unauthorised development, by requiring changes to be made to the development, or by giving the development approval if we think it is acceptable.

6.2. Examples of a breach of planning control include:

- Building works or the use of land without the required planning permission
- Not building in accordance with the approved plans that form part of a planning permission - In some cases this can result in the whole development being deemed as unauthorised.
- Failure to comply with conditions following a grant of planning permission. This can also result in the whole development being deemed unauthorised.
- The carrying out of building, mining, engineering or other operations in, on, or over land;
- Making any material change of use of any building or land. This could involve such matters as
 - the unauthorised extension or erection of a building for a different use; or
 - the material change of use of land or a building; or
 - the display of unauthorised advertisements;
- Works to a listed building or properties in a conservation area without the required consent. Most works to Listed Buildings require consent and it is a criminal offence to carry out works without such consent;
- Removing or lopping trees protected by a Tree Preservation Order or in a Conservation Area. It is an offence to carry out unauthorised work to trees protected by a Tree Preservation Order.
- Display of an advertisement without the benefit of advertisement consent.

7 What is not a breach of Planning Control?

7.1. Conversely, there have been complaints that the Council have received in respect of land which have not been breaches of planning control and therefore enforcement action could not be taken. These unenforceable complaints include:

- Where development is 'permitted development', i.e. does not require planning permission
- Advertisements that are not subject to deemed or express consent requirements under the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, or benefit from advertisement consent or immunity under the 10 year rule;
- Where development is certified as 'Lawful Development' by virtue of the period of time (5 years) it has been demonstrated to have been in place;
- Works that benefit from planning permission;
- Internal works to a building (with the exception of a listed building and most buildings in conservation areas and buildings with Areas of Townscape Character;
- Homeworking, such as childminding (numbers permitting) or the use of a room by the householder as an office, where the residential use remains the primary use and there is no adverse impact;
- Parking commercial vehicles on the highway;
- Blocking an access, public road or right of way;
- Works that are not considered to be development as defined under section 23 of the Planning Act 2011;
- Loss of an individual's view or trespass onto someone else's land;
- Boundary disputes/ overhanging/encroachment/ damage causes by adjacent development;
- Clearing land of overgrowth, bushes etc. (provided they are not protected);
- Breaches of deeds or covenants;
- Loss of value to a neighbouring property; and
- Competition to another business.

7.2 It may be possible to address issues such as these by way of civil action, although this is a matter for the individual to pursue and is not an area where the City Council would be involved.

8 Discretion and Harm

- 8.1 **Discretion** - Once a breach of planning control has been identified, the extent of the breach must be assessed to establish what, if any, action should be taken to remedy the breach and whether it is considered expedient to do so. It is at the City Council's discretion to use enforcement powers.
- 8.2 In accordance with the 2011 Act 'expediency' is assessed with reference to national and local planning policies and to any other material considerations (e.g. amenity, design).
- 8.3 If it is likely that the unauthorised development would have been approved, had planning permission been initially applied for, taking formal enforcement action would be unnecessary. Taking enforcement action must be in the public interest. Enforcement action will not be taken simply because a breach has occurred.
- 8.4 **Expediency** - In cases where it has been established that a breach of planning control has occurred at the initial stage, the Planning Enforcement Officer will undertake an assessment of expediency to determine the next course of action that should be taken.
- 8.5 An expediency test will usually involve the Planning Enforcement Officer assessing:
- Whether the breach is in accordance with the policies of the Local Plan.
 - The breach against any other material planning considerations.
 - Whether had a planning application been submitted before the development occurred, would permission likely to have been granted.
 - Whether the breach unacceptably affects public amenity.
 - Whether the breach unacceptably affects any existing land, use or buildings which merit protection in the public interest.
 - Whether action would be proportionate with the breach to which it relates.
 - Whether action would be in the public interest.
- 8.6 **Significant harm** that results from a breach of planning control could concern residential amenity or highway safety issues. Examples of significant harm could include noise nuisance, loss of daylight or privacy, or danger from increased traffic flows.
- 8.7 This means that the City Council may not take formal enforcement action in all cases where a breach of planning control has been identified. It is part of the normal duties/responsibilities of the investigating Enforcement Officers to ensure decisions not to pursue formal enforcement action can be properly justified having regard to

the Local Enforcement Plan and the LDP. There is no right to appeal the City Council decision not to take enforcement action. However, if someone is dissatisfied with the decision making, they can proceed to follow the City Council's Corporate Complaints Procedure, details of which are towards the end of the document.

- 8.8 Due to the complex nature of planning enforcement and to ensure that your complaint is adequately considered, the time period for a response is likely to be extended from the time period indicated in the corporate complaints procedure.

9 What happens if we are told about a breach of planning control?

- 9.1 If you believe that a breach of planning control has occurred, you should notify the Council's Planning Enforcement Team at [planning enforcement](#). You will need to:

- Provide your name, either postal or email address and contact number;
- Provide the address of the alleged breach;
- Detail exactly what has happened and when it first occurred;
- Provide the name and address of the landowner(s) and / or the person responsible for carrying out the works, if known.

- 9.2 Your personal details will remain confidential unless we need to use your evidence to support our case, for example, if the matter went to court, however, we would contact you beforehand.

10 How do we respond to the information we are given?

- 10.1 We will investigate all alleged breaches (unless considered vexatious or anonymous) of planning control reported to the City Council via the online complaints form. When a complaint is received, we will:-

- Register the complaint where possible within 3 working days and provide an acknowledgement and reference number with a named officer as the main point of contact;
- Always keep personal details confidential, unless required to disclose as part of court proceedings;
- Actively pursue the complaint where it is in the public interest to do so.

Belfast Enforcement Strategy

- Record the actions taken and the decisions made at the different stages of the investigation;
- Check the planning history of the site;
- Find out the details of the landowner;
- Establish the identity of the person(s) responsible for carrying out the breach (if not the landowner);
- Visit the site in a timely manner having regard to our priorities;
- Establish whether or not we believe there is a breach of planning control;
- In cases where there may be a technical breach of planning control, but the harm caused is not sufficient to warrant formal action before closing the case we will notify the complainant of the decision and reason for not taking formal action;
- Where appropriate, we will negotiate with those responsible for any breach of planning control, allowing them the opportunity to resolve the matters of concern before serving a formal notice unless the breach is so serious it warrants immediate action or where negotiations become protracted with no real likelihood of successful resolution;
- Issue a Planning Contravention Notice (a formal request for information) if necessary.

10.2 After investigation we may decide that there has not been a breach of planning control, and in such circumstances, we will close the case and notify the complainant of the basis for the decision. We will not re-open the case, however if there is a significant new piece of information or change on site, we may open a new case. Please note that there is no right of appeal to this decision. We may also decide that although there has been a breach of planning control, it is not causing sufficient harm to justify taking further action. We will take into account why the breach may have happened, how many people are affected, how they are affected and whether there is a cumulative effect that adds up to an unacceptable situation.

10.3 Not every report about a breach of planning control justifies further action. To help us deal with more pressing complaints we will following a case review close complaints where the alleged breach is acceptable without planning conditions or where the impact is minimal.

11 How do we seek to resolve a breach of planning control?

- 11.1 If we decide that there has been a breach of planning control that should be pursued further then in the first instance we will:
- Ask for things to be put back the way they should be; or
 - Without prejudice, invite an application for the unauthorised development if it is considered possible that planning permission might be granted, normally giving 28 days for its submission; or
 - Try to resolve the situation through negotiation, with the subject of the complaint, without allowing the matter to become protracted. This may mean agreeing a compromise or partial change that the Council is content address the issues identified. It is at the Council's discretion to decide whether this would be sufficient.
- 11.2 Where a retrospective planning application has been asked for, the Council will normally wait a reasonable period for it to be submitted and for its determination before taking further enforcement action. However, where it appears that the progress of the application is being deliberately held up by the applicant or there is no prospect of planning permission being granted, enforcement action may be initiated without delay.
- 11.3 If a breach of planning control is not resolved through negotiation, an invitation to submit an application is declined or a retrospective planning application is refused, our next steps will be:
- To consider the expediency of taking formal enforcement action;
 - To take into account the advice contained within the local development plan and other relevant policy publications
- 11.4 On occasion we will decide at this point not to try to remove or change everything about an unauthorised development. There may be certain elements of the development that can be brought under control without further delay, such as the hours of use or the position of a window. If these are the things that are really important we may agree to these changes and not pursue other less important matters.
- 11.5 If a breach of planning control occurs that requires formal action, the Council may issue an Enforcement Notice or other relevant notice as soon as practicable. The recipient of an Enforcement Notice has the right to lodge an appeal to the Planning Appeals Commission within 28 days following receipt of the notice. It may be a

matter of months before the appeal can be heard. If no appeal is lodged, the Notice takes effect no less than 28 days following its date of issue; the date will be clearly specified on the Notice.

- 11.6 Where an Enforcement Notice is issued it will include requirements for remedying the breach of planning control and a period for compliance. Failure to comply with the requirements of an Enforcement Notice within the specified compliance period is a criminal offence, liable to prosecution in the Magistrates Court (subject to a maximum fine of £100,000). In cases of severe harm the Council can apply for an Injunction in the High Court.

12 Types of Enforcement Notices we can serve

- 12.1 There are a variety of notices available to the Council under the provisions of the 2011 Act which relates to a number of specific contraventions. The list below identifies the types of notices which tend to be used most frequently in practice and for further information on other notices you may wish to visit the Department for Infrastructure's website [Enforcement Practice Note 2 Legislative Framework](#) .
- 12.2 **Temporary stop notice:**
Sections 135 and 136 of the 2011 Act deals with the issuing, serving and restrictions of a temporary stop notice, while section 137 sets out the offences a person or persons will commit if they contravene a temporary stop notice.
- 12.3 Section 135 of the 2011 Act enables a council to issue and serve a temporary stop notice to halt a breach of planning control when it is expedient that the activity is stopped immediately. A council has 28 days to decide whether further enforcement action is appropriate and what that action should be, without the breach intensifying by being allowed to continue. A temporary stop notice enables a council to prevent a continuing breach of planning control at an early stage without first having to issue an enforcement notice.
- 12.4 Under Section 135(1) of the 2011 Act temporary stop notices issued and served under section 135 do not prohibit a person from continuing to use any building, caravan or other structure situated on land to which the temporary stop notice relates as that person's permanent residence. A temporary stop notice does not prohibit other activities which the Department can specify in regulations. They cannot be issued for development or activities where the time limits for enforcement have passed (section 136(2)).

- 12.5 However, section 136 (2) does not prevent a temporary stop notice prohibiting activity consisting of or incidental to buildings, engineering, mining or other operations or the deposit of refuse or waste materials (section 136(3)) 3 . Only one notice can be issued for an activity unless some other enforcement action is taken. A copy of the Temporary Stop Notice must be displayed on the land.
- 12.6 Under section 137 of the 2011 Act it is an offence for any person to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on that person. A person convicted of an offence under section 137 will be liable on summary conviction to a fine not exceeding £100,000 or on conviction on indictment to a fine.
- 12.7 **Enforcement notice:**
Section 138 of the 2011 Act provides a council with the legislative authority to issue and serve an enforcement notice where it appears to it that there has been a breach of planning control and that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- 12.8 An enforcement notice must be served within defined time periods on the owner or occupier of the land to which the notice relates and on any other person with an estate in the land i.e. not more than 28 days after its date of issue and not less than 28 days before the date specified in it as the date on which it is to take effect. Under Section 147 it is an offence not to comply with the requirements of the enforcement notice within the period specified.
- 12.9 **Stop notice:**
Section 150 of the 2011 Act enables a council to serve a stop notice which can prohibit almost immediately any activity to which the related enforcement notice refers. A stop notice can only be served at the same time or after an enforcement notice is served and when the council considers it expedient that any relevant activity should be stopped before the expiry of the period to comply with an enforcement notice. It must refer to the enforcement notice to which it relates and must have a copy of that notice attached to it.
- 12.10 A stop notice cannot be served independently or where the enforcement notice has taken effect. A stop notice will not take effect until such date as it may specify. It is an offence to contravene a stop notice after it has been served and the maximum level of fine is £100,000 on summary conviction or a fine on conviction on indictment. The courts are required to take account of any financial benefits which has accrued, or which appear likely to accrue as a result of the offence. The Council can at any time withdraw a stop notice, without prejudicing its power to serve another.

12.11 **Breach of condition notice:**

Section 152 of the 2011 Act provides a council with the legislative authority to serve a breach of condition notice where a condition has been breached. Non-compliance with a breach of condition notice within the specified time period is an offence and the person responsible shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale which is currently £1000.

12.12 **Listed building enforcement notice:**

Section 157 of the 2011 Act provides a council with the legislative authority to issue and serve a listed building enforcement notice where it appears that unauthorised works have been or are being executed to a listed building, without listed building consent, and that it is considered expedient to issue such a notice having regard to the effect of the works on the character of the building as one of special architectural or historic interest. A listed building enforcement notice can be also issued and served if conditions associated with an LBC are not being adhered to. The enforcement notice must set out the steps to be taken to remedy the breach and the timeframe allowed.

12.13 **Conservation area enforcement notice:**

Section 157 of the 2011 Act as modified by Regulation 15 and Schedule 2 of the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015, provides a council with the legislative authority to issue and serve a conservation area enforcement notice where it appears that unauthorised works have been or are being executed to a building in a conservation area, without conservation area consent, and that it is considered expedient to issue such a notice having regard to the effect of the works on the character or appearance of the conservation area in which the building is situated. A conservation area enforcement notice can be also issued and served if conditions associated with the conservation area consent are not being adhered to. The enforcement notice must set out the steps to be taken to remedy the breach and the timeframe allowed.

12.14 **Protection of trees subject to a Tree Preservation Order:**

Section 164 of the 2011 Act allows a council to enforce the duty to replace trees subject to a Tree Preservation Order. A council may serve a notice if it appears that the provisions of Section 125 (i.e. the replacement of trees subject to a Tree Preservation Order) or any conditions of a consent given under a tree preservation order are not being complied with for any tree / trees in its district. Such a notice can only be served within 5 years from the date of the alleged failure to comply with the provisions of section 125 or the conditions of the consent. The notice must specify a period at the end of which it takes effect and this is to be no less than 28 days beginning with the date of the notice being served. Section 165 sets out specific grounds and methods of appeal against enforcement notices issued under section

164 in relation to trees. Any person who contravenes a tree preservation order shall be guilty of an offence and will be liable to a fine in accordance with Section 126.

12.15 Notice to replant a tree / trees in conservation areas:

Section 167 of the 2011 Act places a duty on an owner of land to replace trees that are removed in a conservation area. Section 164 allows a council to enforce the duty to replace trees in conservation areas. The Council may serve a notice if it appears that an owner has not replaced the trees removed in a conservation area, within 5 years from the date of the alleged removal of the tree / trees. The notice must specify a period at the end of which it takes effect and this is to be no less than 28 days beginning from the date of the notice being served. Any person who contravenes a notice to replant a tree / trees in a conservation area shall be guilty of an offence and will be liable to a fine in accordance with Section 126.

12.16 Advertisement control:

Section 175 of the 2011 Act allows a council to deal with enforcement of advertisement control. On conviction for display of an advertisement contravening regulations made under Section 130 (i.e. control of advertisements), a person is liable to a fine not exceeding level 4 of the standard scale (£2500). In the case of a continuing offence, the fine will not exceed one tenth of level 4 (£25) for each day during which the offence continues after conviction. The defendant may be a landowner / occupier or those whose advertisement is being displayed.

12.17 Planning contravention notice:

Section 133 of the 2011 Act empowers a council to request additional information about activities on land where it suspects a breach of planning control has occurred. This encourages dialogue with any persons thought to be in breach of planning control and to secure their co-operation in taking corrective action. Under Section 134, failure to comply with a planning contravention notice within 21 days, which may require the person on whom it is served to give the required information, is an offence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5000). To make a false or misleading statement (either intentionally or recklessly) in response to a planning contravention notice is also an offence with the same level of fine possible on conviction.

12.18 Submission notice:

Section 43 of the 2011 Act provides a council with the legislative authority to issue a submission notice requiring a retrospective planning application to be submitted within 28 days from the service of the notice, where it appears that a development has been carried out without planning permission. The notice must be served within 5 years of the date upon which the development was begun. It is an offence not to comply with the notice in the time specified in the notice. A person guilty of this offence, shall be liable on summary conviction to a fine not exceeding level 3 on the

standard scale (£1000). If following conviction an application is not made the person is guilty of a further offence and shall be liable on summary conviction to a fine not exceeding one tenth of level 3 on the standard rate (£100) for each day following the first conviction on which the offence continues.

12.19 **Information as to estates in land:**

Section 240 of the 2011 Act gives a council the authority to make an order or issue or serve a notice (or other document) in writing, requiring the submission of certain information regarding the ownership or the use of premises within 21 days of serving the notice or a longer period if specified on the notice. A person who fails to provide the information requested within the period specified shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000). The giving of false information knowingly is also an offence, and the person shall be liable on summary conviction to a fine not exceeding the statutory maximum; on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.

13 What happens when we take formal action?

- 13.1 A formal Enforcement Notice will be served on the owner of the property along with any other party with a legal interest in the land or building in question. The Enforcement Notice will specify what action is required to remedy the breach and will give a period for compliance.
- 13.2 The recipient of the Enforcement Notice has 28 days to appeal against the notice to the Planning Appeals Commission. Where an appeal is lodged, we can take no further action until the appeal has been decided. It is not unusual for the appeal process to take several months.
- 13.3 We will always vigorously defend any appeal but if it is allowed (i.e. if the appellant wins), we can take no further action. If it is dismissed however, the Enforcement Notice will take effect, although the Commissioner can amend its requirements, including the period for compliance.
- 13.4 It is a criminal offence not to comply with an Enforcement Notice once the compliance period has passed. If the notice is not complied with the Council will consider prosecution. However, such action does require evidence to prove the offence is being committed by a named individual or company 'beyond reasonable doubt'. Collecting this evidence can sometimes be a lengthy and time-consuming exercise and in some cases pre-trial delays may be unavoidable.

- 13.5 The City Council will comply with the provisions of the **Police and Criminal Evidence (Northern Ireland) Order 1989** when interviewing persons suspected of a criminal offence.

14 Planning Immunity

- 14.1. When considering enforcement action, the Council will bear in mind the statutory time limits for taking enforcement action as set out in Section 132 of the Act. Where there has been a breach of planning control consisting of the carrying out of building, engineering, mining or other operations in, on, over or under land, without planning permission, no enforcement action may be taken after the end of the period of 5 years beginning with the date on which the use commenced or operations the operations were substantially completed.
- 14.2. Under planning legislation, a breach of planning control that has been in existence for more than five years is immune from enforcement action, i.e. it is lawful. If, through discussions with the landowner and other interested parties, it appears that the alleged breach might be lawful, then an alleged offender may choose to submit an application for a Certificate of Lawfulness.
- 14.3. Such applications are considered on the facts of the case and the relevant test to be applied is 'the balance of probabilities'. While on occasion applications can be delayed due to difficulties in obtaining evidence, the Council will endeavour not to allow the matter to become protracted. Where a Certificate of Lawfulness is submitted, the enforcement case will usually remain open until it is demonstrated the development is lawful.

15 A breach of planning control that requires immediate action

- 15.1. When we consider there is a breach of planning control which is causing immediate harm then we may issue a Stop Notice or Temporary Stop Notice, which should bring about the immediate cessation of certain types of unauthorised works. Before taking such action, the Council will consider that any costs incurred by the developer by having to stop works are fully considered and weighed against the harm being caused. It is more likely that this will be used in cases where there is an immediate threat to assets of acknowledged environmental importance.

16 The Council’s planning enforcement priorities

- 16.1. The Council will investigate all alleged breaches of planning control. However, when determining what, if any, action is to be taken, priority will be given to those breaches where, in the Council’s opinion, the greatest harm is likely to be caused.
- 16.2. The priority given is determined by the guiding principle that any action in response to a breach of planning control should be proportionate to the harm it causes. The priorities which reflect this principle are as follows:-

Priority 1 – works resulting in public danger or development which may result in permanent damage to the environment. For example: demolition of or works to a listed building, removal of, damage to or works to trees protected by a Tree Preservation Order, demolition of a building in a conservation area, and commencement of building operations without permission.

Priority 2 – Unauthorised operational development, change of use, non-compliance with conditions of a planning approval (unless they relate to serious amenity issues in which case it may fall into Priority 1).

Priority 3 – Minor breaches that can be regularised for example domestic sheds, fences, extensions.

Priority 4 – Advertisements

Aim	Priority			
	1	2	3	4
Register and allocate to Case officer	Immediate background/ history check	90% Within 3 working days	90% Within 3 working day	90% Within 3 working day
Site visit (date following registration)	90% Within 3 working day	90% Within 15 working days	90% Within 15 working days	90% Within 20 working days
Discuss and agree a course of action	90% Within 5 working days of the site visit	90% Within 30 working days	90% Within 40 working days	90% Within 40 working days
Commence legal action or resolve	As soon as possible if irreversible	70% Within 39 weeks	70% Within 39 weeks	70% Within 39 weeks

- 16.3. The above list is not exhaustive and is for guidance only. It is ultimately the responsibility of the Council’s Planning Enforcement Team to prioritise cases taking

account of the nature of the breach and the harm being caused or likely to be caused.

- 16.4. The priority given is reflected in the timescales against which performance is measured i.e. high priority cases have shorter timescales.
- 16.5. It is important to note that the vast majority of breaches of planning control are resolved informally through negotiation with the owner/occupier or through the submission and consideration of a retrospective planning application.
- 16.6. The speed at which a breach of planning control can be resolved will vary depending on the complexity of the individual case and general workloads. Some complex cases can however take a significant period of time due to the nature of the investigative process.

17 Appeals

- 17.1. Under the provisions of the Planning Act (Northern Ireland) 2011, an appeal may be lodged with the Planning Appeals Commission (PAC) against an Enforcement Notice, a Listed Building Enforcement Notice, and a Section 164 Notice (replacement of trees). There is no right of appeal against a Stop Notice, Temporary Stop Notice or Breach of Condition Notice. The timescale for hearing an appeal and issuing a determination is a matter for the Planning Appeals Commission. Additional information on the Planning Appeals Process can be obtained from the PAC website www.pacni.gov.uk.
- 17.2. When an appeal is pending, enforcement action is put on hold as the enforcement notices referred to above shall have no effect pending the final determination or the withdrawal of an appeal.

18 Legal Action

18.1. **Summons**

Any person who contravenes or causes or permits the contravention of the provisions of an Enforcement Notice after it has been served on them or a Site Notice displayed is guilty of an offence. Anyone guilty of contravening a Notice is liable to a fine upon summary conviction. Whether or not to proceed with a summons action will depend on the merits of the case and degree of harm caused by the development.

18.2. Injunctions

Section 156 of the 2011 Act gives a council the power to apply to the courts for an injunction to restrain any actual or apprehended breach of planning control when the Council considers it necessary or expedient. The power to apply to the courts for an injunction to restrain any acknowledged or apprehended contravention also applies in relation to unauthorised demolition or works to a listed building or failing to comply with any condition attached to a listed building consent, contravention of a tree preservation order and certain acts in respect of trees in a conservation area; or Section 76(6) allows a council to seek an injunction regarding a restriction or requirement imposed under a planning agreement.

18.3. Statutory Charges

This Registry provides purchasers of land with a method of checking whether a property is affected by certain statutory restrictions which could not easily be discovered otherwise. These restrictions, which for the most part are created by or in favour of government departments or local authorities, include for example, matters relating to planning permission or tree preservation orders.

An Enforcement Notice will result in a charge on your land which will have implications for conveyancing, sales and mortgages.

19 Communication

19.1. The Enforcement Team will not provide a routine commentary on progress in dealing with cases as this would require resources that are best used pursuing investigations.

19.2. The Council does not enter into correspondence with a complainant other than to confirm that a case has been opened and then at the conclusion of the case to inform the complainant of the outcome of the investigation. We do not provide updates of investigations. This practice is not to be unhelpful but is due to the restrictions imposed on us by the Data Protection Act 2018 (NI) and the Environmental Information Regulations 2004. The Council is limited to the information that can be released in order to prevent an enforcement investigation being prejudiced and to safeguard the rights of individuals.

19.3. Any queries on specific cases should be directed to the Planning Enforcement Team Officers, who can be contacted as follows:

By telephone on: 028 90500510

By email at: planning@belfastcity.gov.uk

Or in writing at: Cecil Ward Building, 4-10 Linenhall Street, Belfast, BT1 5GS

DRAFT

Belfast Planning Service

Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
Belfast BT2 8BP

 www.belfastcity.gov.uk/LDP

 planning@belfastcity.gov.uk

 028 9050 0510

 @belfastcc

 @belfastcitycouncil

 Belfast City Council



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 19 September 2023	
Application ID: LA04/2021/1447/F	Target Date:
Proposal: 28 house development (social housing) including provision of new access, below ground pumping station, open space and landscape (Amended drawings / Additional information)	Location: Lands to NE of 265 Whiterock Road Ballymurphy Belfast BT12 7FZ
Referral Route: Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
Recommendation: Approval	
Applicant Name and Address: Radius Housing Association 3-7 Redburn Square Holywood BT18 9HZ	Agent Name and Address: Hall Black Douglas Architects 152 Albertbridge Road Belfast BT5 4GS
<p>Executive Summary: This application seeks full planning permission for a proposed social housing development comprising of 28 units including provision of new access, below ground pumping station, open space and landscape (Amended drawings / Additional information)</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Affordable housing and Housing Mix • Accessible and adaptable accommodation • Design, layout and impact on the character and appearance of the area • Climate change • Access and parking • Drainage • Waste-water infrastructure • Ecological Impacts • Archaeology & built heritage • Noise, odour, and other environmental impacts including contamination. <p>117 letters of objection received with the main issues being the loss to the community of a valued outdoor environmental amenity area as well as concern related to traffic safety and congestion and demand upon infrastructure such as foul sewage disposal.</p> <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. Having considered all the matters as set out in the report below, there is a clear and pressing unmet social need in the local area, therefore, it is considered, on balance, to be acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise conditions.</p>	

Officer Report

1.0

Drawings

Fig 1. Site Location Plan



Fig 2. Proposed site Layout



2.0	Characteristics of the Site and Area
2.1	The site is situated on lands to NE of 265 Whiterock Road in West Belfast, approximately 5km to the West of Belfast City Centre. It is located approximately 400 metres north west of the Springfield Road and is bordered on the south-eastern boundary by residential development at New Barnsley Crescent and a childcare facility to the south-west. A watercourse runs along the northern and eastern boundaries of the site. The site has a sloping topography falling in a south-easterly direction. The site measures approximately 1.51 Ha.
2.2	The locality to the south and east of the application site is an area of established residential development, consisting of a mix of semi-detached and terraced housing. There are some neighbourhood services in the nearby areas. Other land uses within a 500m radius include retail, recreational and educational facilities. The land to the north and west of the application site lies outside the development limits of Belfast, and is generally undeveloped, agricultural land with exception of some single dwellings.
3.0	Description of Proposal
3.1	28 house development (social housing) including provision of new access, below ground pumping station, open space and landscape (Amended drawings / Additional information).
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – Operational policies Belfast Local Development Plan, Plan Strategy 2035
4.2	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)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	Relevant Planning History No relevant planning history.
5.0	Consultations and Representations
5.1	Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.
5.2	Statutory Consultations DfI Roads – No objections, subject to conditions DfI Rivers – No objections, subject to conditions NI Water – No objections, subject to conditions DAERA NIEA – No objections, subject to conditions HED – No objections
5.2	Non-Statutory Consultations BCC Environmental Health (EHO) – Content subject to conditions

5.3	<p>BCC Plans & Policy team – Advice BCC Tree and Landscape Team – No objections Shared Environmental Services (SES) – Content subject to conditions NIE – No objection NIHE – In support of the application Defence Infrastructure – No objections Belfast Hills Partnership - Advice</p> <p>Representations</p> <p>The application has been advertised and neighbours notified. Following the submission of amended plans / further information, the application was re-neighbour notified a further 4 times. The Council has received 117 letters of objections. The issues raised are as follows:</p> <ul style="list-style-type: none"> Proposed will destroy a crucial natural recreational amenity space, an area of outstanding natural beauty / high scenic value with significant environmental and heritage regeneration potential. Proposal will destroy a number of historic and archaeological interest i.e., ‘Mill Race’ and two ancient raths or ringfort sites. Should be utilised and developed as an outdoor environmental and heritage amenity for local people - Belfast City Council should ‘re zone’ this site for community usage as we struggle with Covid / climate change. <p><i>Case Officer Response: The site is zoned as housing and as such the principle of development and social housing at this site is considered to be acceptable. The proposal falls outside the Area of High Scenic Value. Re-zoning queries / suggestions should be directed to the Development Plan and Policy team within Council. Consultations with HED and NED, no objections received.</i></p> <ul style="list-style-type: none"> The ‘Whiterock 2’ electoral ward is currently ranked number 1 most deprived under the domain of health and wellbeing - Importance of access to green spaces / Belfast Hills. <p><i>Case Officer Response: Council acknowledges the importance of green open space with the proposal providing adequate amenity space in the centre of the site. The site is also located on the edge of the city with Belfast Hills accessible.</i></p> <ul style="list-style-type: none"> Long-term impact on the wildlife and biodiversity that currently exists on the site, including the recent discovery by local conservationists of the endangered Pine Marten. <p><i>Case Officer Response: The Natural Environment Division (NED) within DEARA were consulted and content with the proposal, further assessed within the report.</i></p> <ul style="list-style-type: none"> Significant hazards for residents and the childcare facility at Newhill First Steps specifically the entry point (not fit for purpose) Traffic congestion, parking and disruption, exacerbating long term issues further. Enquiry if a transport assessment has been undertaken. Additional stress to the local infrastructure such as sewage and drainage systems which are already over capacity and struggling to cope. <p><i>Case Officer Response: The application underwent multiple consultations with DFI Roads, DFI Rivers, NI Water, NIEA, Environmental Health with no objections, ensuring the proposal will have no unacceptable impact to local infrastructure.</i></p>
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	<ul style="list-style-type: none"> • Belfast City Council (BCC) should commit to engage and work creatively with local residents and community organisations. <p><i>Case Officer Response: BCC offered to meet one or two representatives of the residents / group – however, no formal response was received.</i></p> <ul style="list-style-type: none"> • Noise pollution / construction concerns • Will cause vermin to descend on to neighbouring homes. <p><i>Case Officer Response: The proposed site for social housing has been assessed by EHO, in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations. The agent submitted ‘Noise and Odour Assessment’ and ‘Outline Construction Environmental Management Plan’. EHO were re-consulted and raised no objections, subject to conditions.</i></p> <ul style="list-style-type: none"> • Overlooking <p><i>Case Officer Response: The layout/aspect of all buildings within the site is such that there will be no significant overlooking into neighbour properties. There is a separation distance of approximately 23.5m from the rear building line of the proposed houses to the rear building line of the dwelling located in New Barnsley Crescent, with a soft landscaped buffer area with planted trees between the sites of approx.8m.</i></p> <p>Unless stated above, these representations are further addressed in the main report.</p>
6.0	PLANNING ASSESSMENT
	<p>Development Plan Context</p> <p>6.1 Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>6.2 Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> <p>6.3 The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p>6.4 Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p> <p>6.5 Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals 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</p>

6.6	<p>advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p> <p>Relevant Planning Policies The following policies in the Plan Strategy are relevant to consideration of the application.</p> <ul style="list-style-type: none"> • Policy SD2 – Settlement Areas • 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 RD1 – New residential developments • Policy BH5 – Archaeology • Policy TRAN4 – Travel Plan • Policy TRAN6 – Access to public roads • 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 – SuDS • Policy GB1 – Green and blue infrastructure network • Policy OS3 – Ancillary open space • Policy NH1 – Protection of natural heritage resources • Policy TRE1 – Trees • Policy DC1 – All Countryside development – general policy principles <p>Key Issues The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Affordable housing and Housing Mix • Design, layout and impact on the character and appearance of the area • Climate change • Accessible and adaptable accommodation • Access and parking • Drainage • Waste-water infrastructure • Ecological Impacts • Archaeology & built heritage • Noise, odour and other environmental impacts including contamination <p><u>Additional Information</u> Officers requested that the applicant provided a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal. The applicant has subsequently provided a Plan Strategy Statement, which seeks to demonstrate compliance with the relevant policies.</p>
6.9	

	<p>The Planning Service's Plans and Policy team has been consulted on the applicant's Plan Strategy and have provided advice. No further consultations have been considered necessary following adoption of the Plan Strategy.</p>
6.10	<p><u>Principle of development</u> The majority of the site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below. The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in Belfast City. Policy HOU2, Windfall Housing is not relevant as the site is zoned for housing as advised below.</p>
6.11	<p>The site is zoned for housing in BUAP. The site was also zoned for housing in Draft BMAP 2004, at that time, an objection was received from New Barnsley Crescent requesting that the housing zoning is deleted and the land rezoned for open space / recreation. In the Adoption Statement, the Department did not accept this recommendation as Belfast City Council had no open space / recreation proposals for the site. In Draft BMAP 2015 the site is zoned for Social Housing WB 04/14 – Land to the west of New Barnsley Crescent, Whiterock Road.</p>
6.12	<p>Whilst many of the objections received raised issues with the use as housing, favouring the use as open space / heritage amenity, the site is zoned as housing and as such the principle of development and social housing at this site is considered to be acceptable.</p>
6.13	<p><u>Design, layout and impact on the character and appearance of the area</u> The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:</p>
6.14	<p>a. <i>Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i> The site is in a primarily residential area and the proposed layout will not conflict with the established uses in the surrounding area. There is a total of 28 social housing units, 14 detached and 14 semi-detached. The dwellings are two storey and are in keeping with the surrounding housing units. The proposed finishes are to consist of grey coloured roof tiles with buff facing brick indicated on elevation drawings, in keeping with the surrounding area which consists of a mix of brick and render. The proposed development will be enhanced by quality hard and soft landscaping around the buildings.</p>
6.15	<p>The site has a sloping topography falling from the north west of the site in a south easterly direction. Consequently, the proposed development sits higher than the neighbouring development at New Barnsley Crescent. The applicant has proposed tree planting to soften the landscape between both residential areas, creating a landscape buffer. It is considered that the overall design, scale and massing will not create conflict with adjacent land uses. The proposal will create a quality residential environment that creates an attractive, locally distinctive and appropriate design in relation to the surrounding area.</p>
6.16	<p>b. <i>Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:</i> The layout / aspect of all buildings within the site is such that there will be no significant overlooking into neighbour properties. There is a separation distance of approximately 23.5m from the rear building line of the proposed houses to the rear building line of</p>

	<p> dwellings located in New Barnsley Crescent, with a soft landscaped buffer area between the sites of approx. 8 metres.</p>
6.17	<p>The separation distance increases where the proposed dwellings fall to the south-west of the site. The separation distance is considered acceptable and in keeping with the guidance in Creating Places. There is also similar or less separation distances between the existing properties in the area e.g., there is approx 18.5m separation distance from rear building lines between No. 13 and No 31 New Barnsley Crescent. The separation distance will ensure that dominance and overshadowing will not occur to an unacceptable degree.</p>
6.18	<p>Additionally, EHO requested odour and noise impact information due to the proposed pumping station within the site. The proposed pumping station is located in the south eastern corner of the site, with proposed dwelling located to the north west and existing dwellings located to the south. EHO advise that the odour impact assessment concludes that levels are predicted to be below the threshold which is considered to have a negligible effect for a 'moderately offensive' odour. Based on the predicted levels, EHO states that they have no further comment to make. In relation to noise, the submitted Noise Impact Assessment (NIA) predicts the noise impact at nearby receptors (both existing and proposed) will be minimal. EHO note their assessment is based upon a specific make and model of pump being used, however pending communication with NI Water, the specific pump may need to be reviewed to meet requirements. Consequently, EHO have recommended conditions in the event of approval.</p>
6.19	<p>c. <i>Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i> The development site is approximately 400m from Metro Bus Links that are situated on the Springfield Road in either direction. The bus links form connections to all areas beyond the city centre. Translink Metro Route 10 serves the Springfield Road in either direction and there is also easy access to Black Taxis and Private Hire Taxis. The surrounding area does not provide adequate cycling infrastructure, however there is accessibility to bus lanes to cycle to destinations within the city.</p>
6.20	<p>d. <i>Provides adequate open space:</i> The proposed units benefit from the provision of private rear amenity space bound by a 1.9m high paladin fence and an area of private amenity space to the front, predominantly bound by low-level beech hedging. The rear gardens are between 50-140 sqm in size, this level of provision is in accordance with the standards set out in the Creating Places guidance document.</p>
6.21	<p>e. <i>Keeps hard surfacing to a minimum</i> Car parking is not considered to dominate the residential development. This allows for an abundance of green open and private amenity space for future residents.</p>
6.22	<p>f. <i>Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i> The proposed scheme is in keeping with the space standards as set out in appendix C. The proposal consists of a mix of two storey dwellings. The 2 bedroom/ 3person require a minimum of 70sqm with these dwellings ranging between 76-77 sqm. The 3 bedroom/ 5 person require 90sqm, with these dwellings ranging between 93-95 sqm.</p>
6.23	<p>g. <i>Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street; and</i> The entrances to the properties are from the main street and allow for natural surveillance of the street scene.</p>

6.24	<p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> All of the house types provide ample light through to living rooms, bedrooms and kitchens.</p>
6.25	<p>Further to policy RD1, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.</p>
6.26	<p><u>Climate change</u> The proposal maximises opportunities to incorporate sustainable design features where feasible. The Plan Strategy Statement (PSS) outlines the following features:</p>
6.27	<ul style="list-style-type: none"> • The PSS references that the quality development proposed will enhance the existing site, for example, through the removal of spoil and additional tree planting. The planning application was supported by a Contaminated Land Risk Assessment, Noise and Odour Assessments, outline Construction Environmental Management Plan, Flood Risk and Drainage Assessment and a Noise Impact Assessment. It is considered that the planning application complies with Policy ENV 1.
6.28	<ul style="list-style-type: none"> • The house types are designed to EPC Rating A; each house will have a PV panel array; and the specification of products considered ensures that optimised energy performance can be achieved and to reduce the whole life cycle impact of the houses. It states that the energy performance of the house types has been optimised to reduce emissions of greenhouse gases and PV panels will reduce reliance upon greenhouse gases. In addition, it states that the significant tree planting proposed will contribute to the absorption of greenhouse gases. The proposal appears to comply with the provisions set out within the policy ENV 2.
6.29	<ul style="list-style-type: none"> • The PSS mentions that the proposal minimises hard surfacing and incorporates extensive tree planting and landscaping. It is also noted that a Drainage Assessment was undertaken and submitted as part of the planning application package, and it has been determined through the statutory consultation process to be acceptable. The proposal incorporates not only significant areas of open and landscaped space but significant amounts of planting in those spaces, notably the extensive buffer planting around three sides of the site, all providing attenuation. The proposal also includes over 400 sq m of SuDs permeable paving at the pumping station and communal open space. Owing to the longevity of the application process and provision of SuDs measures, it is considered that the proposal complies with Policies ENV 3 & 5.
6.30	<p><u>Affordable housing</u> Policy HOU 5 of the Plan Strategy 2035 states that planning permission will be granted for residential development on sites greater than 0.1 hectares and or more dwelling units where a minimum of 20% of units are provided as affordable housing. All 28 of the proposed dwellings will be provided as affordable housing (100% provision). NIHE confirmed that there is an unmet social housing need of 1090 social housing units for Inner West Belfast (2022-2027) and at March 2023, there were 984 households in housing stress. NIHE has supported the applicant to progress this scheme for social housing.</p>
6.31	<p>However, Policy HOU5 requires that affordable housing should be provided as an integral part of mixed tenure development. A consultation response was received from the BCC Policy Team outlining that the Affordable and housing mix SPG recognises that a small-scale development involving 100% social housing may be deemed to meet the requirements of Policy HOU5 where an identified need is addressed and the proposal is able to contribute towards sustainable and balanced communities. The SPG also notes that 'proposals for single tenure social housing consisting of 12 units or more, will only be permitted in exceptional circumstances'. Section 4.4.14 of the SPG also states that whether a proposal for mono-tenure social housing is deemed to deliver sustainable and</p>

	<p>balanced communities will be assessed on a case-by case basis using the following factors:</p> <ul style="list-style-type: none"> • 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 and are, in order to minimise large areas of single tenure social housing; and • Whether a scheme is proposed as 'sharing housing'
6.32	<p>NIHE have advised that there is a significant unmet social housing need within the area and confirmed that they are supportive of the proposal. Given this context, on balance, it is considered the proposal complies with Policy HOU5.</p>
6.33	<p><u>Housing Mix</u></p> <p>With regards to housing mix, the proposal comprises a total of 28 residential units, including 3 persons / 2 bedroom semi-detached dwellings, ranging from 70-75 sqm per dwelling, 5 persons / 3 bedrooms semi-detached at approx. 93 sqm and 5 persons / 3 bedroom detached dwelling at approx. 95 sqm. All house types meet the space standards as set out in Appendix C of the Plan Strategy. The proposed housing mix has been informed by an analysis of the prevailing housing need in the area. Whilst it is acknowledged that greater variation in house types would facilitate the creation of balanced communities, support for the proposed housing mix has been confirmed by NIHE. On balance, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.</p>
6.34	<p>Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas. Although not yet formally defined, the site is likely to fall within the Outer Belfast area, so the average density band (in dwellings per hectare) should be between 25-125. The development proposed 28 units on a site of 1.51ha, which gives a density of approximately 18dph, which falls below the relevant density parameters. The policy states that the density bands are to be used as a guide to inform proposed development and proposal outside of these broad bands will be considered on their own merits. It is considered that the proposed development broadly complies with the other operational policies of the Plan Strategy. On balance, owing to the longevity of the application and the agreed housing numbers throughout the process, the proposal is considered acceptable having regard to policy HOU4.</p>
6.35	<p><u>Adaptable and Accessible Housing</u></p> <p>Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. It is considered that the proposal includes adequate standards in relation to parking, entrance, entrance level living / dining space / WC, accessible bathroom on same floor as main bedroom and glazing in the principal living space enables outlook. Although surface material of the parking bays has not been illustrated on the site layout, it is considered this could be conditioned in the event of approval.</p>
6.36	<p>For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has not provided evidence that the scheme will provide sufficient wheelchair accessible units.</p>
6.37	<p>The agent has advised that the applicant and NIHE have engaged extensively from initial site feasibility to ensure that the proposal meets the identified housing need specific to the area. This engagement continues throughout the planning process to ensure the housing mix reflects the ongoing need in the area. The agent has advised that NIHE have been continually supportive of the housing mix and clarified that specific wheelchair accessible housing was not part of the mix. The agent has stated that requesting 10% of dwellings to</p>

	be made wheelchair accessible this late in the process is concerning and could ultimately result in the scheme no longer being financially viable.
6.38	Notwithstanding this, the agent advises that the proposed dwellings will meet with the Lifetime Homes requirements. Lifetime Homes is a standard which requires all new homes to be designed in a flexible way to ensure housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. Through the Lifetime Home Standards there is flexibility and adaptability to allow for future wheelchair provision to be accommodated within the envelope of the dwelling. The proposed dwellings comply with some of the criteria laid out in respect of wheelchair accessible housing, however fail the tests in relation to space standards, driveway width, space for second wheelchair storage and lack of turning circle in the hall way.
6.39	Based on the information provided and the consultation response from BCC LDP team, it is considered that the proposal does not comply with HOU7 in respect of wheelchair accessible dwellings. However, this is balanced against a number of factors, including the longevity of the application, the design to lifetime home standards and the significant housing need in the area. Balancing all of the considerations, it is considered that the proposal is acceptable.
	<u>Access, movement, and parking</u>
6.40	The proposed development is accessed directly from the Whiterock Road. DfI Roads had previously requested that pedestrian footpaths should extend the length of the visibility splays, with a streetlight to provide visibility. Consequently, the footpath located to the north of the site access extends beyond the development limit by approximately 25 metres. Given the existence of the childcare facility to the south of the site (within the zoned housing land), the proposed access is the only feasible access to zoned housing land. Consequently, it is considered that the provision of the footpath and streetlight is acceptable, given the road safety improvements. It is also noted that proposal will cluster with existing built development, as per Policy DC1.
6.41	The means of access to the development is considered to be safe. There is sufficient parking available having regard to the location and sustainability of the site.
6.42	DfI Roads were consulted and offer no objections to the proposal, subject to conditions. It is considered the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.
	<u>Drainage</u>
6.43	A Flood Risk and Drainage Assessment was undertaken and submitted. DfI Rivers were consulted and offer no objections to the proposal, subject to a condition for a final drainage assessment, prior to commencement. It is therefore considered that the proposal complies with Policy ENV4.
	<u>Waste-water infrastructure</u>
6.44	As noted above, the proposal includes a pumping station in the south eastern corner of the site. NI Water (NIW) and DAERA Water Management Unit (WMU) have offered no objection to the proposal. In this regard, the proposal is considered compliant with Policy NH1 and paragraphs 6.176 and 6.177 of the Strategic Planning Policy Statement.
	<u>Ecological Impacts</u>
6.45	Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). SES have advised the Council that the project would not have

	an adverse impact on the integrity of any European site either alone or in combination with other plans / projects.
6.46	DAERA NIEA Natural Environment Division (NED) were consulted on the proposal and advised that a 10 m buffer would be required between the location of all construction works and the watercourse that runs along the northern and eastern boundaries. NED acknowledges that Japanese knotweed (<i>Fallopia japonica</i>) has been identified on site. NED acknowledges that no other protected species or habitats have been recorded on site and are content that the proposal is unlikely to significantly impact NI Priority / protected species or habitats. NED have no objections, subject to conditions.
6.47	The proposal is considered compliant with Policy NH1 and ENV1.
6.48	<u>Archaeology & Built heritage</u> The application site is immediately adjacent to a rath (ANT 060:035), a site of regional interest. DFC Historic Environment - Historic Monuments (HED) considered the impacts of the proposal and is content with the proposal, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ. HED also requested the erection of a fence around the monument during the construction phase. This should be located on the 5m buffer line shown in the Landscaping Plan.
6.49	It is therefore considered that the proposal is compliant with Policy BH5.
6.50	<u>Contamination</u> A Contaminated Land Risk Assessment has been submitted in support of the application. No unacceptable risks to environmental receptors have been identified. NIEA Land and Regulation Unit and EHO commented on the information, advising of no objections subject to conditions. As previously noted, EHO were content with the submitted noise information. Consequently, it is considered that the proposal complies with Policy ENV1.
6.51	<u>Other issues</u> Belfast Hills Partnership (BHP) were consulted on the proposed development. They outlined a number of concerns in relation to the proposal: <ul style="list-style-type: none"> • The proposed scheme will either remove or result in a number of places of historic and archaeological interest being isolated out of context, i.e. the Mill race and Rath. • Loss of pedestrian access route from Black Mountain shared space development. BHP are aware of a number of proposals to develop the access, recreation and tourism potential of this area, most of which will be stymied by this development unless a pedestrian access route was kept. • Loss of a green open space which is well used by the local community. • Issues with proposed landscaping. • Impact on priority habitats and species • Concerns regarding additional traffic on Whiterock Road.
6.52	It is considered that the issues raised by BHP have been appropriately dealt with during the application process and have been covered within this report.
7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. Having considered all the matters as set out above there is a clear and pressing unmet social need in the local area, therefore, it is considered, on balance, acceptable.

7.2	<p>It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the condition.</p>
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DRAFT CONDITIONS:

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.

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 1474-HAH-ZZ-00-DR-C-0003-P07, prior to the commencement of any other works or other development hereby permitted.

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

3. No dwelling shall be occupied until its driveway has been constructed in accordance with the approved Drawing No. 1474-HAH-ZZ-00-DR-C-0003-P07 to provide adequate facilities for parking. These spaces shall be permanently retained.

REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.

4. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter.

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

5. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m 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.

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:1474-HAH-ZZ-00-DR-C-0003-P07 bearing the Department for Infrastructure determination date stamp 30/8/23.

REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

7. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined

blue on Drawing No:1474-HAH-ZZ-00-DR-C-0003-P07 bearing the date stamp 30/8/23. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out.

8. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of each phase.

REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

9. The development shall operate in accordance with the Residential Travel Plan – Radius Housing, Whiterock Road, Belfast – December 2022 - Revision D.

REASON: To encourage alternative modes of transport to the private car.

10. Any existing street furniture within the visibility splays shall be relocated to the rear of footway as directed by the DfI Private Streets Officer.

REASON: In the interests of pedestrian convenience.

11. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with the Strategic Planning Policy Statement, Policy ENV4 (Flood Risk) of the Belfast Local Development Plan: Plan Strategy 2035 and Sewers for Adoption Northern Ireland 1st Edition, and containing a detailed drainage network design including a demonstration of how out of sewer flooding will be safely managed must be submitted to the Council for its consideration and approval.

Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

12. 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.

13. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction.

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

14. After completing any remediation works required by condition 14, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. 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 waste materials and risks and in achieving the remedial objectives.

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

15. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;
- Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;
- Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and
- Preparation of the digital, documentary and material archive for deposition.

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

16. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 15.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

17. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition 16. These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Belfast City Council.

Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.

18. No site works of any nature or development shall take place until a fence has been erected around the area specified, along the 5m line as shown in Drawing No. 19D. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

19. Prior to installation, the applicant shall submit to the Council, for review and approval in writing, confirmation of the specification of the submersible motor pump to serve the pumping station. Should the noise specification differ from that presented at planning consultation stage, an updated statement of noise impact shall be submitted for review and approval.

Reason: Protection of residential amenity from noise impact.

20. The submersible motor pump, as approved, shall be installed prior to occupation of the proposed development.

Reason: Protection of residential amenity from noise impact.

21. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

22. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

23. Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within the landscape plan and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees 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.

24. All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 19D. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme 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.

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

25. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices service runs / cables or fires within the Root Protection Areas (RPAs) of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction and root severance within the RPA of existing trees to be retained.

26. Prior to the commencement of any works, a clearly defined buffer of at least 10 metres must be maintained between the locations of all construction, refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourses within and adjacent to the red line boundary of the site.

Reason: To protect the hydrologically connected features of European Sites in Belfast Lough from adverse effects.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
 - 01B Site Location Plan
 - 05 House Type B1 Plans and Elevations
 - 06 House Type B1 Elevations
 - 07 House Type B2 Plans and Elevations
 - 08 House Type B2 Elevations
 - 09 House Type B3 Plans and Elevations
 - 10 House Type B3 Elevations
 - 11 House Type C1 Plans and Elevations
 - 12 House Type C2 Plans and Elevations
 - 13E Site Layout Plan
 - 14B Extended Site Sections
 - 16B - Site Sections 01
 - 17B - Site Sections 02
 - 18F - DFI Roads - Approved PSD
 - 19D Soft Landscape Proposals
 - 22B - DFI Roads - Approved Roads Long Sections
 - 26B - Boundary Elevations
 - 27A - Proposed Site Boundary Sections
 - 28 House Type C4 Proposed Floor Plans
 - 29 House Type C4 - Proposed Elevations
 - 30 House Type C4 - Proposed Sections
 - 31 House Type C3 - Proposed Floor Plans and Elevations
 - 32 House Type C3 Sections
 - 33 House Type B4 Floor Plans
 - 34 House Type B4 Elevations
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.
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.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

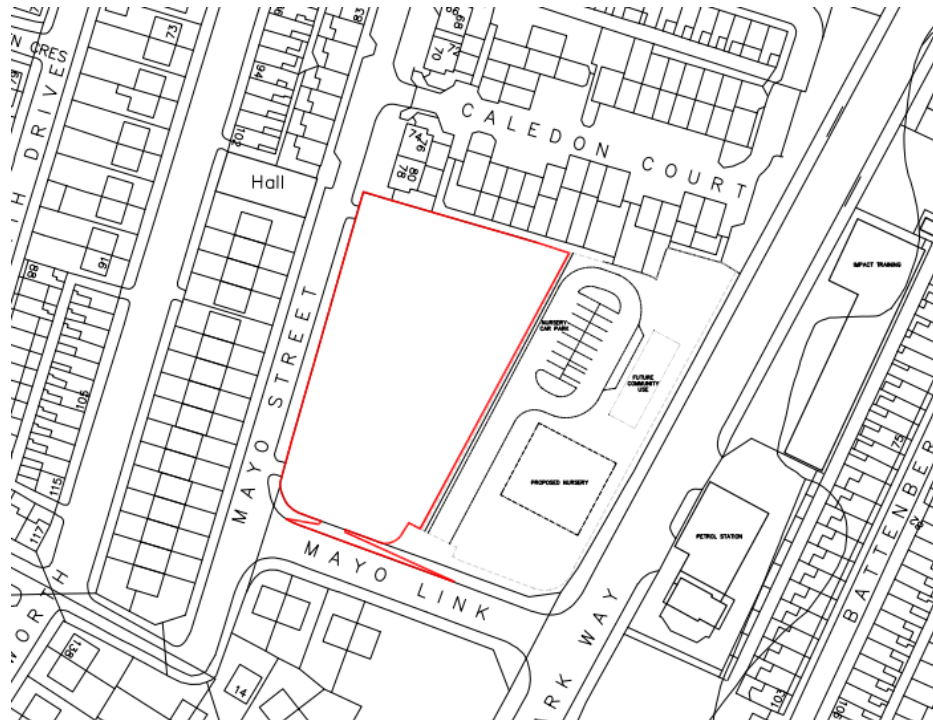
ANNEX	
Date Valid	02/06/21
Date First Advertised	25/06/21
Date Last Advertised	07/04/23
Details of Neighbour Notification (all addresses)	
<p>38 New Barnsley Crescent, 52 New Barnsley Crescent, 44 New Barnsley Crescent, 34 New Barnsley Crescent, 62 New Barnsley Crescent, 36 New Barnsley Crescent, 54 New Barnsley Crescent, 60 New Barnsley Crescent, 48 New Barnsley Crescent, 50 New Barnsley Crescent, 46 New Barnsley Crescent, 56 New Barnsley Crescent, 261 Whiterock Road, 265 Whiterock Road, 58 New Barnsley Crescent, 40 New Barnsley Crescent, 42 New Barnsley Crescent, 24 Dermott Hill Parade, 52 Whiterock Road, 22 Dermott Hill Parade, 20 Dermott Hill Parade, 50 Whiterock Road</p>	

Development Management Officer Report

Summary	
Committee Meeting Date: 19 th September 2023	
Application ID: LA04/2021/2488/F	
Proposal: Application under Section 54 of the Planning Act (NI) 2011 in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary Condition No. 11 (seeking to amend timing for approval of the scheme for the discharge of surface water from the site prior to operation of the development).	Location: Corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road, Belfast
Referral Route: Major development (the proposal seeks to vary a condition on a previous permission for Major development and would, if approved, create a new standalone approval)	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Shankill Women’s Centre	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary: This application seeks to vary condition 11 of planning permission LA04/2016/1276/F, which grants planning permission for a Community centre and associated site works. The proposal is to amend the trigger point for the timing of the submission of details for the discharge of surface water drainage for the site. The original condition requires the information to be provided and approved prior to commencement of development, whereas the proposal is to change this to prior to occupation. This recognises that development has already commenced on site with the building nearing completion. Statutory Consultees have offered no objections subject to conditions. No representations have been received. It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate. Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.	

1.0 Drawings

Site Location Plan



Aerial image



<p>2.0</p> <p>2.1</p> <p>2.2</p> <p>3.0</p> <p>3.1</p> <p>3.2</p> <p>3.3</p> <p>3.4</p>	<p>Characteristics of the Site and Area</p> <p>The application site comprises of a flat portion of land on the corner of Mayo Link and Mayo Street. Construction of the approved community centre is well under way.</p> <p>To the north, west and south there are residential land uses. Immediately to the East is a Nursery School.</p> <p>Description of Proposed Development</p> <p>In January 2017, full planning permission was granted under application LA04/2016/1276/F for a Community centre and associated site works at the corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road.</p> <p>In October 2021, the current application was submitted seeking to vary condition 11 of planning approval LA04/2016/1276/F.</p> <p>Condition 11 as approved states:</p> <p><i>“No development shall commence until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. This must include storm sewer requisition approval. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.</i></p> <p><i>Reason: To ensure that the development can be adequately drained.”</i></p> <p>It is proposed to vary the wording of the condition to:</p> <p><i>“The development shall not become operational until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.’</i></p> <p><i>Reason: To ensure that the development shall be adequately drained.”</i></p>
<p>4.0</p> <p>4.1</p> <p>4.2</p> <p>4.3</p> <p>4.4</p>	<p>Planning Assessment of Policy and Other Material Considerations</p> <p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p> <p>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)</p> <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other Policies Belfast Agenda</p>

<p>4.5</p>	<p>Relevant planning history The most relevant planning history is summarised below.</p> <p>LA04/2023/3515/DC - Discharge of Conditions 6 and 9 of LA04/2016/1276/F – current</p> <p>LA04/2022/0689/LDP – Completion of works associated with LA04/2016/1276/F to regularise failure to comply with Conditions 6 and 11 of LA04/2016/1276/F – current</p> <p>LA04/2021/2811/F - Application under section 54 of the Planning Act (NI) in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary condition No.6 (seeking to remove requirement for archaeological works set out in the approved programme of works to be implemented prior to commencement of any site works or development) – approved May 2022</p> <p>LA04/2021/2346/DC – Discharge of Condition 11 of LA04/2016/1276/F - Withdrawn</p> <p>LA04/2021/2446/NMC - NMC to Planning Approval LA04/2016/1276/F – Approved</p> <p>LA04/2021/0534/DC – Discharge of Condition 6 of LA04/2016/1276/F – Partially discharged</p> <p>LA04/2016/1276/F – Planning permission for a Community centre and associated site works at the corner site between Mayo Street and Mayo Lin off Lanark Way, Shankill Road – approved January 2017.</p>
<p>5.0</p>	<p>Consultations and Representations</p>
<p>5.1</p>	<p>Statutory Consultees NI Water – No objection DfI Rivers Agency – No objection</p>
<p>5.2</p>	<p>Non Statutory Consultees N/A</p>
<p>5.3</p>	<p>Representations The application has been neighbour notified and advertised in the local press. No written representations have been received.</p>
<p>6.0</p>	<p>PLANNING ASSESSMENT</p>
<p>6.1</p>	<p>Development Plan Context</p>
<p>6.2</p>	<p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
<p>6.3</p>	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
<p>6.4</p>	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will</p>

	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.
6.5	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. The main policies for consideration in this case are Policies ENV4 (Flood Risk) and ENV5 (SuDS).
6.6	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals 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. The relevant zonings/designations are set out below. The site is within the development limits of Belfast in the BUAP, and both versions of draft BMAP 2015. The site is within a ‘Housing Action Area’ in the BUAP. In dBMAP (v2004), the site is within the Belfast Metropolitan/Settlement Development Limit. It is within a Major area of existing Employment/Industry (BT 11/35).
7.0	Key issues
7.1	The principle of development has already been established through the planning approval LA04/2016/1276/F to which this proposal relates. The key issues to be considered in the assessment of the current application are drainage and waste-water infrastructure
8.0	Drainage and Waste-Water Infrastructure
8.1	The proposal is to amend the trigger point for the timing of the submission of details for the discharge of surface water from the site. The original condition requires the information to be provided and approved prior to commencement of development, whereas the proposal is prior to occupation. This recognises that development has already commenced with the building expected to be completed in December 2023 with occupation in January 2024.
8.2	The original condition 11 reads: <p style="padding-left: 40px;">‘No development shall commence until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. This must include storm water requisition approval. The development shall not be brought into use until surface water drainage has been constructed in accordance with the approved scheme.</p> <p style="padding-left: 40px;"><i>Reason: To ensure that the development can be adequately drained.’</i></p>
8.2	During assessment of the original planning application, LA04/2016/1276/F, it was confirmed there are no designated watercourses under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The Flood Hazard Map (NI) also indicated that the site does not lie within the 1 in 100 year fluvial flood plain. However, a final surface water drainage scheme was required to be submitted by condition.
8.3	Work commenced on implementing the planning permission without condition 11 having been discharged. This application has been submitted to defer the timing of submission and approval of the information required by condition 11 to prior to occupation rather than prior to commencement of development.

<p>8.4</p> <p>8.5</p> <p>8.6</p> <p>8.6</p>	<p>Initially, the proposal was for a revised drainage strategy for which DfI Rivers advised that further information was required, including a drainage assessment. Officers were concerned that this would have meant additional information being provided beyond the five year duration of the original planning permission, which ran until January 2022.</p> <p>In February 2022, the applicant therefore submitted an application for a Certificate of lawful development (proposed) (LA04/2022/0689/LDP), seeking to demonstrate that the necessary pre-commencement conditions had either been fully addressed or were currently being regularised by way of a Section 54 application. It also sought to demonstrate that substantive works had been undertaken in relation to the construction of the approved development within the required time period. This CLOPUD application remains undetermined at this time.</p> <p>However, in August 2022, the applicant confirmed that the original proposals for the discharge of surface water from the site, necessitating a sewer requisition, are proposed to be implemented after all. Correspondence from NI Water confirming this sewer requisition as acceptable was also submitted. DfI Rivers and NI Water have both subsequently responded to confirm the variation of condition 11 is acceptable.</p> <p>Having regard to the advice from these statutory consultees, it is considered that the proposed variation of condition 11 for the deferral of the timing of the submission and approval of the surface water scheme is acceptable. The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision.</p>
<p>10.0</p> <p>10.1</p>	<p>Recommendation:</p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.</p>
<p>11.0</p> <p>11.1</p>	<p>Draft Conditions:</p> <p>It should be noted that the other original conditions will be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2016/1276/F have been discharged and final wording will make reference to this.</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall have begun by 03 January 2022. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011 and for the avoidance of doubt as to the duration of the permission.</p> <ol style="list-style-type: none"> 2. The development shall not become operational until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme. <p>Reason: To ensure that the development shall be adequately drained.</p>

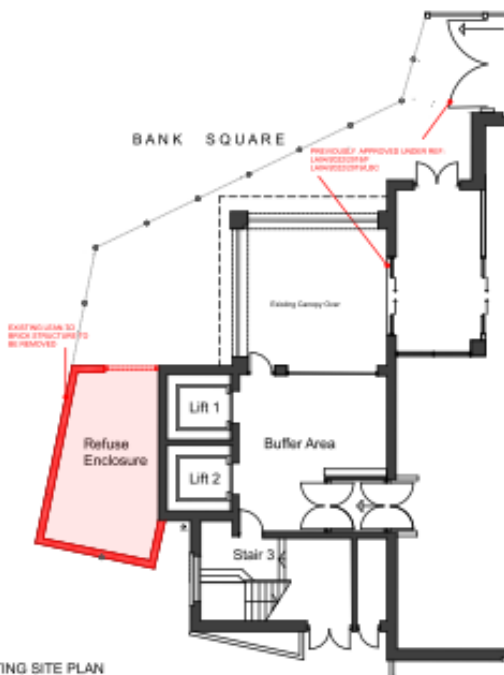
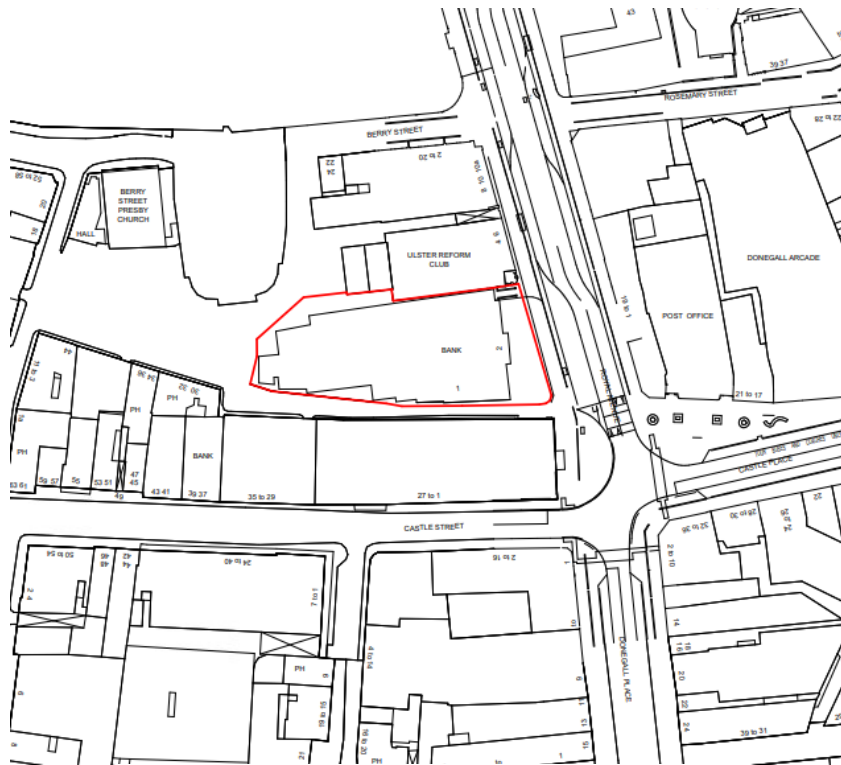
Committee Report

Development Management Report	
Application ID: LA04/2023/3787/LBC	Date of Committee: Tuesday 19 th September 2023
Proposal: Proposed demolition of lean-to external store	Location: 2 Royal Avenue Belfast BT1 1DA.
Referral Route: Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation	
Recommendation: Approval	
Applicant Name and Address: Belfast City Council City Hall Belfast BT1 5GS	Agent Name and Address: 152 Albertbridge Road Belfast BT5 4GS
<p>Executive Summary: The application is for the proposed demolition of a lean-to external store at the rear of a listed building including provision of new raised planters, bench seating and a gas main enclosure. The building is a two-storey, high Victorian sandstone, B+ graded listed building (HB26/50/106). The building occupies a prominent position adjacent to the Primark building, facing onto Royal Avenue and has been extensively extended to the rear of the site facing onto Bank Street.</p> <p>Area Plan The site is located within the City Centre in BUAP and within the Retail Core, City Centre Conservation Area and Primary Retail Frontage within both versions of dBMAP. The application site is currently used as a community, recreational and cultural space to facilitate multi-disciplinary uses as approved on a temporary basis under the application LA04/2021/2580. A recent application for new structural openings, boundary treatments and minor internal renovations was approved under LA04/2022/2018/F. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings.</p> <p>The proposal is considered to comply with the SPPS, Policies BH1 and BH2 of the Belfast Local Development Plan Strategy 2035 and Section 91(2) of the Planning Act (Northern Ireland) 2011. The lean-to store is of a later fabric to the Listed Building and its removal will open up the rear of the building. The planters and bench seating will enhance the setting of the listed building as well as the conservation area.</p> <p>HED were consulted and are content subject to a condition requesting details of the landscaping works prior to installation.</p> <p>Internal BCC Conservation Advice was sought and no objection was raised to the proposal.</p> <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Due to a clerical error, the application was not advertised on 25th of August 2023 as scheduled. The application will now be advertised on 15th of September 2023. As the site is for community use and there are DfC funding deadlines, the application is being brought to Committee for</p>	

consideration ahead of the expiration of the advertisement and delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.

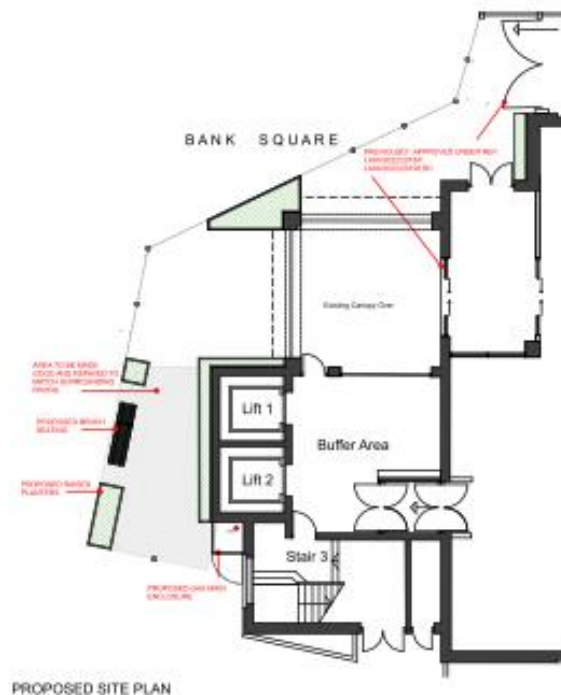
Case Officer Report

Site Location Plan and Existing Site Plan



EXISTING SITE PLAN
AS PREVIOUSLY APPROVED UNDER REF:
LA04/2022/2018/F, LA04/2022/2019/LBC

Proposed Site Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development
Proposed demolition of lean-to external store.

2.0 Description of Site
The site is located at 2 Royal Avenue. The building is a two-storey, high Victorian sandstone, B+ graded listed building (HB26/50/106). The building is in a prominent position facing onto Royal Avenue and has been extensively extended to the rear of the site facing onto Bank Street.

The application site is currently used as a community, recreational and cultural space to facilitate multi-disciplinary uses as approved on a temporary basis under application LA04/2021/2580. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings. The site is located within the City Centre in BUAP and within the Retail Core, City Centre Conservation Area and Primary Retail Frontage within both versions of dBMAP.

Planning Assessment of Policy and other Material Considerations

3.0 Site History

Application Number: LA04/2022/2018/F Decision: Permission Granted
Proposal: Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.
Decision Date: 08 March 2023

	<p>Application Number: LA04/2022/2019/LBC Decision: Consent Granted Proposal: Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations. Decision Date: 08 March 2023</p> <p>Application Number: LA04/2021/2580/F Decision: Permission Granted Proposal: Temporary (2 years) change of use of the ground floor at the former Tesco Metro store on Royal Avenue Belfast from use class A1 to a community, recreational and cultural space to facilitate multi-disciplinary uses under use classes D1 (community and cultural uses) and D2 (assembly and leisure). Decision Date: 04 January 2022</p>
4.0	Policy Framework
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035. Policies BH1 and BH2
4.2	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) Belfast Local Development Plan, Plan Strategy 2035
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	Statutory Consultees Responses HED were consulted and recommended a condition requesting details of the landscaping works prior to installation.
6.0	Non-Statutory Consultees Responses BCC Conservation and Heritage were consulted and had no objection to the proposal.
7.0	Publicity and Representations The application is due to be advertised on the 15 th September 2023. No representations have been received thus far and delegated authority is sought to deal with any issues arising from any representations that may be received during the statutory advertisement period.
8.0	Other Material Considerations None
8.1	Any other supplementary guidance None
9.0	Assessment
9.1	The proposal is considered to be in compliance with the Belfast Local Development Plan, Plan Strategy 2035.
9.2	Development Plan Context
9.2.1	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.
9.2.2	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.
9.2.3	The Development Plan is the Belfast Local Development Plan, which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The Belfast LDP is in two parts: Part 1 is the Plan Strategy, which was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals map for Belfast and has yet to be published.
9.2.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
9.2.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals 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.
9.3	Key Issues
9.3.1	Impact on Listed Building Section 91 (2) of the Planning Act (Northern Ireland) 2011 applies which states ‘the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’ Policy BH1 of the Plan Strategy provides policy for the extension or alteration of a listed building and four criteria to be met which are: f. The works preserve, restore and complement the building’s features of special architectural or historical importance to ensure the existing building remains intact and unimpaired; g. The design respects the essential character of the existing building and/or setting; h. The proposal makes use of quality materials and appropriate detailing sympathetic with the existing building and/or setting; and i. In the case of extensions, they shall be subservient to the existing building with regard to height, scale, massing, form and alignment;
9.3.2	The proposal is deemed to comply with the SPPS and Policy BH1 of the Plan Strategy. The proposed works are to the rear lean-to of the building which was constructed during the 1990s. The essential character of the building will be retained. The proposal will open up the rear of the building by removing this lean to refuse area, this will improve the setting of the listed building. HED were consulted and considered the proposal shall not have any additional adverse impact on the listed building. HED recommended landscaping conditions (attached).

<p>9.3.3</p> <p>9.3.4</p> <p>9.5</p>	<p>Impact on Conservation Area</p> <p>Policy BH2 of the Plan Strategy states total or partial demolition of a building will only be permitted where:</p> <p>j. It makes either a negative or no material contribution to the character and appearance of the area; and</p> <p>k. The design quality of the proposed building is considered to enhance the overall character of the conservation area paying due regard to viability of retention or restoration of the existing building.</p> <p>The proposal is deemed to comply with the SPPS and Policy BH2 of the Plan Strategy. The proposed works are to the rear lean to of the building which was constructed during the 1990s. The essential character of the building will be retained. The proposal will open up the rear of the building by removing this lean to refuse area, this will improve the setting of the listed building. HED were consulted and considered the proposal shall not have any additional adverse impact on the listed building. HED recommended landscaping conditions (attached).</p> <p>The lean-to is later fabric and makes a negative contribution to the character and appearance of the area. Its removal will enhance the setting of the existing building and the functionality of the square.</p>
<p>9.6</p> <p>9.7</p>	<p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise including representations which may occur during the statutory advertisement period.</p>
<p>10.0</p>	<p>Summary of Recommendation: Approval</p>
<p>11.0</p>	<p>Draft Conditions</p> <ol style="list-style-type: none"> 1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted. <p>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</p> 2. Notwithstanding the submitted details, the following features shall not be installed, implemented, or carried out unless in accordance with further details which shall have been submitted to and approved in writing by the Council. <ol style="list-style-type: none"> a. Bench seating – material & colour b. Raised planters –material & colour c. Gas main enclosure - material & colour <p>The landscaping works shall not be carried out unless in accordance with the details so approved.</p>

	<p>Reason: In the interests of the special architectural and historic qualities of the Listed Building.</p> <p>Informatives</p> <p>1. This decision relates to the following approved drawing numbers: 01, 03</p>
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ANNEX	
Date Valid	22 nd August 2023
Date First Advertised	15 th September 2023
Date Last Advertised	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01 1022-HBD-SL1 Site Location Map 03 1022-HBD_LBC01 Refuse Store Removal	

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