

Public Document Pack

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



**Belfast
City Council**

23rd June, 2023

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet both in the Lavery Room, City Hall and remotely, via Microsoft Teams, on Thursday, 29th June, 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. **Live Appeals - LA04/2022/1839/F 51 Glandore Avenue, Skegoniell, Belfast - Change of use to house in multiple occupancy. (Pages 1 - 8)**
3. **Local Applications being reported back following adoption of the Plan Strategy**
 - (a) PARTLY RESTRICTED ITEM: LA04/2019/2653/F - (Reconsidered item)
Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit and and 8 floors of Grade A office accommodation. Chancery House, 88 Victoria Street, Belfast (Pages 9 - 122)

- (b) RESTRICTED ITEM: LA04/2022/1503/F - (Reconsidered item) Proposed erection of a freestanding 6.8-metre high screen erected on steel structural supports (9 metres in total height) with associated site work. Lands within Musgrave Police Station 60 Victoria Street, Belfast (Pages 123 - 166)
- (c) LA04/2022/1499/F - (Reconsidered item) Construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility. The Lockhouse 13 River Terrace Belfast BT7 2EN (Pages 167 - 180)

4. **Previously Deferred Items**

- (a) **WITHDRAWN** - ~~LA04/2022/1861/F - (Reconsidered item) Replacement facade to active facade to facilitate the display of internally illuminated moving images (Temporary Permission for 5 years), 1-3 Arthur Street~~
- (b) LA04/2023/2891/F - Replacement of existing natural grass rugby pitch with new 3G surface and associated under pitch drainage and site works (Additional Information Received. Kingspan Stadium 134 Mount Merrion Avenue, Belfast, BT6 0DG (Pages 181 - 196)
- (c) LA04/2021/0691/F & LA04/2021/0915/DCA - (Reconsidered item) Demolition of dwelling and erection of new dwelling, 1D Malone Park, Belfast (Pages 197 - 220)

5. **Planning Applications**

- (a) LA04/2021/1317/F - Demolition of existing dwellings and erection of two new dwellings and associated site works, 450 and 448 Lisburn Road (Pages 221 - 236)
- (b) LA04/2022/0118/F - The proposed erection of 46No.apartment units over three story's, with associated car parking site and landscaping works and the alteration of an existing vehicular access. 146 Parkgate Avenue, Strandtown. (Pages 237 - 256)
- (c) LA04/2022/1924/F - Mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and coffee shop. 160-164 Kingsway,Dunmurry. (Pages 257 - 270)
- (d) LA04/2022/2059/F - Residential development comprising of 12no. 3p/2b semi-detached dwelling houses with incurtilage parking and associated site-works. Lands south of 56 Highcairn Drive. Site located at junction between Highcairn Drive and Dunboyne Park (Pages 271 - 286)
- (e) LA04/2023/2640/F - Front porch extension. Two storey extension to side and rear. Internal alterations and External alterations related to energy efficiency improvements - Air Source Heat Pump, Solar PV panels, triple glazing & external wall insulation with rendered finish, 30 Dorchester Park (Pages 287 - 298)

- (f) LA04/2022/0136/ F - Ballysillan Playing Fields, Environmental improvement works and upgrades to Ballysillan Playing Fields, comprising refurbishment of existing bowling pavilion; new intermediate floodlit 3G pitch; new childrens play facilities; new open-air community event space; new fenced dog exercise areas; new pump track; new and improved pathways; replacement floodlights at existing 3G pitch; works to expose parts of the existing culverted river to create a new channel and flood attenuation area; new street furniture including canopies, shelters, picnic tables, seats, lights, cycle stands, fences and bollards; improvements to existing allotment area including path and vehicle track resurfacing, new polytunnels and shed; landscape interventions including planting, woodland management, resurfacing and regrading; and all associated works (revised description and further information received). Ballysillan Road, Belfast. (Pages 299 - 324)
- (g) LA04/2023/2688/F - Application to vary condition 36, of the proposed hotel development, approved under LA04/2022/0293/F, to extend the maximum length of stay of occupants from 30 days to 180 days. Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road (Pages 325 - 366)
- (h) LA04/2023/3037/F - 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. Unit 7a, Connswater Retail Park, Belfast, BT5 4AF (Pages 367 - 376)
- (i) LA04/2023/2567/F&LA04/2023/2539/LBC- 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, Campbell College Belmont Road. (Pages 377 - 388)

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Evaluation of Live Appeal following adoption of the Plan Strategy

| Officer Assessment | |
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| Committee Meeting Date: 29 th June 2023 | |
| Application ID: LA04/2022/1839/F | Appeal Ref: 2022/A0197 |
| Proposal: Change of use to house in multiple occupancy. | Location: 51 Glandore Avenue Skegoniell Belfast BT15 3FD |
| Referral Route: Paragraph 3.8.7 of the Scheme of Delegation – referred at the discretion of the Director for Planning and Building Control. | |
| Applicant Name and Address: Mr Seamus Goodwin 26 Fintona Road Dromore BT78 3EF | Agent Name and Address: Raymond Goodwin 18 Fintona Road Dromore BT78 3EF |
| <p>Executive Summary:</p> <p>This appealed application was submitted on 29th September 2022, seeking full planning permission for a change of use to a house in multiple occupancy (HMO). Two Councillors requested that the application is referred to Planning Committee but agreed for it to be delegated if it was to be recommended for refusal by officers.</p> <p>At the time of the assessment, the primary policy consideration was the HMO Subject Plan, which employed a methodology which relied (in part) on a data source derived from data developed by NIHE in 2004 (which now no longer applies). The previous methodology showed the number of HMOs in Glandore Avenue to already be exceeded, therefore, the proposal was contrary to Policy HMO 5 of the HMO Subject Plan. The Council refused the application under delegated authority on 10th February 2023 for the following refusal reason:</p> <ol style="list-style-type: none"> 1. 'The proposed development is contrary to HMO 5 of the Houses in Multiple Occupancy (HMOs) Subject Plan for Belfast City Council Area 2015 in that the number of HMO dwelling units exceed 10% of dwellings within Glandore Avenue.' <p>Since this decision, the Belfast Local Development Plan: Plan Strategy has been adopted (02 May 2023). This provides a new policy framework for decision-making. Section 6(4) of the Planning Act (Northern Ireland) 2011 requires planning applications and appeals to be determined in accordance with the Plan Strategy unless material considerations indicate otherwise.</p> <p>The Planning Appeals Commission has sought the Council's comments on live appeals following adoption of the Plan Strategy.</p> <p>There is now a new policy (Policy HOU10) for HMO development and whilst the threshold remains the same as 10% outside Housing Management Areas (HMA's), the methodology to calculate this figure has now changed. The justification and amplification text to Policy HOU10 confirms at paragraph 7.1.66 that the level of HMOs outside a HMA will be measured by adding together:</p> | |


1. The number of HMOs recorded under the HMO Licensing scheme; and
2. The number of planning approvals for HMOs not yet licensed.

with the total then divided by the total number of dwelling units within the street. If a street is longer than 600m, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street.

The assessment under Policy HOU10 finds that there is capacity for HMOs on Glandore Avenue and therefore it is the opinion of officer's that the previous refusal reason could no longer be sustained under the new policy approach. The full consideration of this issue is set out below and the assessment reconsidered having regard to the adopted Plan Strategy.

Whilst the original decision to refuse planning permission was delegated, it is considered prudent to refer this matter to the Committee on the basis that the original application may have been referred if the recommendation had been to grant planning permission.

Delegated authority is sought for the Director of Planning and Building Control to provide comments to the Planning Appeals Commission in relation to the live appeal against the refusal of application LA04/2022/1839/F, following adoption of the Plan Strategy.

| Main Assessment | |
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| 1.0 | Site Location Plan |
| 1.1 |  |
| 2.0 | Characteristics of the Site and Area |
| 2.1 | The appeal site is located at 51 Glandore Avenue, a corner plot that adjoins Ashdene Drive. The building is two storey dwelling finished in red brick. There is a small amount of paved amenity space to the front, side and rear of the site. |
| 2.2 | The site does not fall within any land-use zoned designations. |
| 3.0 | Description of Proposal |
| 3.1 | The appeal is against the Council's decision to refuse planning permission for a change of use to house in multiple occupancy (HMO). |
| 4.0 | Planning Policy and Other Material Considerations |
| 4.1 | Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 – Policy HOU10 (Housing Management Areas) |
| 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) |

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| 4.4 | Relevant Planning History Non-Relevant |
| 5.0 | Consultations and Representations |
| 5.1 | Statutory Consultations DfI Roads – No objections |
| 5.2 | Non-Statutory Consultations Planning Service, Plans and Policy Unit Pre-May 23: Objection as the proposal exceeds the 10% threshold in the HMO Subject Plan Post May 23: No objections as there is capacity for HMOs on Glandore Avenue and therefore the previous refusal reason could no longer be sustained under the new policy approach. Representations |
| 5.3 | The original application was advertised and neighbour notified. There were 32 objections submitted, summarised as follows: <ul style="list-style-type: none"> Over intensification of site / cramming with loss of quality family sized accommodation – converting 4-bedroom dwelling to a 6 bed HMO. In recent times there have been a number of conversions in the area (apartments) and some refusals (references provided) <u>Original Case Officer Response: The thresholds set out in the HMO Subject Plan (HMO 5) are in place to protect amenity; in exceeding these thresholds the development may have an impact on the residential area. The thresholds are in place to ensure an area does not become over-concentrated. The area is oversaturated (set out in the assessment below) therefore would negatively impact on amenity of area.</u> <u>Any other applications in the area are subject to their own assessment.</u> Update: The threshold is no longer exceeded ensuring no adverse impact on residential amenity. The Plan Strategy (par. 7.1.63) advises that HMO's make an important contribution to the private rented sector, providing choice and assisting with meeting a range of community needs and are carefully managed with these thresholds. <ul style="list-style-type: none"> Impact on Area of Townscape Character <u>Case Officer Response: This site is not within an ATC draft or adopted. It sits adjacent to the boundary of the draft Glandore ATC. PPS 6 relates to adopted ATCs only.</u> Update: The site is not within an ATC draft or adopted. It sits adjacent to the boundary of the draft Glandore ATC. Policy BH3 is not applicable. <ul style="list-style-type: none"> Traffic Concerns / Parking – Busy Area <u>Case Officer Response: DFI Roads had no objections to the proposal.</u> Update: No objections from DFI Roads, no re-consultation required. <ul style="list-style-type: none"> Contrary to policy – PPS6 / PPS7 (addendum) i.e., LC1 / LC 2 Local Development Plan |

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| | <p><u>Case Officer Response: The application is assessed under the relevant policy as set out in the policy framework above. Policy LC1/ 2 are not applicable – relates to redevelopment of sites for housing.</u></p> <p>Update: The application has been re-assessed under the new relevant policy.</p> <ul style="list-style-type: none"> • Anti-social behaviour / noise / nuisance with site located in an 'Interface Area'. <u>Case Officer Response: There is no evidence that the change of use would lead to antisocial behaviour in this situation. This would be a policing matter. The proposal would remain a residential use – there is no reason this would result in any unacceptable noise or nuisance impact.</u> <p>Update: This remains as previous.</p> <ul style="list-style-type: none"> • Loss of Amenity Space i.e. living, kitchen, garden space etc. and additional pressures i.e. sewage, water, bin storage etc <u>Case Officer Response: There is no increase in services provided internally i.e. kitchen and bathrooms. There would be sufficient space externally for bin storage.</u> <p>Update: This remains as previous.</p> <ul style="list-style-type: none"> • Query of Neighbour Notification Procedure <u>Case Officer Response: Two neighbours were neighbour notified – the neighbour attached and to the rear, satisfying the legal requirements.</u> <p>Update: This remains as previous.</p> <ul style="list-style-type: none"> • Loss of privacy <u>Case Officer Response: There would be no more of an impact on privacy that the existing use – there are no external changes proposed.</u> <p>Update: This remains as previous.</p> <ul style="list-style-type: none"> • Comments regarding the potential tenants / transient style of tenancy / impact on sense of community and maintenance of home. <u>Case Officer Response: The proposed tenants and maintenance are not a planning consideration.</u> <p>Update: This remains as previous.</p> |
| 6.0 | UPDATED PLANNING ASSESSMENT |
| | Development Plan Context |
| 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. |
| 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. |

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| 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. |
| 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. |
| 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 advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. <u>Principle of an HMO in this location</u> |
| 6.6 | Under the transitional arrangements, relevant provisions of existing development plans will remain in effect until the Council adopts the Local Policies Plan (LPP). Consequently, in advance of Housing Management Areas (HMAs) and Intensive Housing Nodes (IHNs) being designated in the Local Policies Plan, Policies HOU10 and HOU11 of the Plan Strategy will be applied to the existing designations outlined in the HMO Subject Plan. Policy HOU10 will also be applied to areas outside of designations |
| 6.7 | Glandore Avenue does not fall within an existing HMO Policy Area or HMO Development Node as designated in the HMO Subject Plan. In respect of areas outside of designations, Policy HOU10 states that: <i>‘...planning permission will only be granted for HMOs where the number of HMOs would not as a result exceed 10% of all dwelling units on that road or street. Where such a street is in excess of 600 metres in length, the 10% threshold will be calculated on the basis of existing residential units within 300 metres of either side of the proposal on that street.’</i> |
| 6.8 | The justification and amplification text to Policy HOU10 confirms at paragraph 7.1.66 that the level of HMOs outside a HMA will be measured by adding together: 1. The number of HMOs recorded under the HMO Licensing scheme; and 2. The number of planning approvals for HMOs not yet licensed, with the total then divided by the total number of dwelling units within the street. If a street is longer than 600, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street. |
| 6.9 | As Glandore Avenue is less than 600m in length it will be considered in its entirety. According to the LPS Pointer Address database there are 80 domestic properties on Glandore Avenue. The HMO Licence Register and planning history records show there are no HMOs on the street. Taking account of the number of dwelling units within Glandore Avenue, eight HMOs would be permitted before the 10% threshold would be exceeded therefore complying with Policy HOU10. |

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| 6.10 | The previous assessment under the HMO Subject Plan employed a methodology which relied (in part) on a data source derived from data developed by NIHE in 2004, which now no longer applies under Policy HOU10. Owing to the change in methodology there is a change in relation to the capacity for HMOs on Glandore Avenue. |
| 7.0 | Recommendation |
| 7.1 | Owing to the change in methodology under Policy HOU10 of the Plan Strategy, there is a change in relation to the capacity for HMOs on Glandore Avenue. The assessment under Policy HOU10 finds that there is capacity for HMOs on Glandore Avenue and therefore it is officer's opinion that the previous refusal reason can no longer be sustained under the new policy approach. |
| 7.2 | Delegated authority is sought for the Director of Planning and Building Control to provide comments to the Planning Appeals Commission to this effect in relation to the live appeal against the refusal of application LA04/2022/1839/F. |

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ADDENDUM REPORT 4 (JUNE 2023)

Development Management Officer

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| Application ID: LA04/2019/2653/F | Committee Date: 29 June 2023 |
| Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of Grade A office accommodation. (Amended plans and updated technical information) | Location: Chancery House 88 Victoria Street Belfast BT1 3GN |
| Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF | Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast |
| Referral Route: Recommendation to approve contrary to advice from a statutory consultee (DfC HED). Application previously considered by the Committee in June 2021 and March 2023. | |
| Recommendation: Approve with conditions subject to a Section 76 planning agreement | |

Background

This application was considered at the March 2023 meeting of the Planning Committee. The Committee resolved to grant planning permission, subject to conditions and a Section 76 planning agreement. The Committee gave delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and planning agreement.

A revised draft of the Section 76 planning agreement was recently sent to the applicant for consideration.

This addendum report should be read in conjunction with the previous reports to the Planning Committee, appended.

Updated Policy Context

Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the

Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).

Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

Relevant Planning Policies

Plan Strategy

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

Policy SP1A – managing growth and supporting infrastructure delivery

Policy SP2 – sustainable development

Policy SP3 – improving health and wellbeing

Policy SP5 – positive placemaking

Policy SP6 – environmental resilience

Policy SP7 – connectivity

Policy SD1 – Settlement hierarchy

Policy SD2 – Settlement Areas

Policy SD3 – City Centre

Policy DES1 – Principles of urban design

Policy DES3 – Tall buildings

Policies BH1 – Listed Buildings

Policy BH3 – Areas of Townscape Character

Policy BH5 – Archaeology

Policy HC1 – Promoting healthy communities

Policy EC1 – Delivery inclusive economic growth

Policy EC6 – Office development

Policy RT1 – Establishing a centre hierarchy

Policy TRAN1 – Active travel (cycling and walking)

Policy TRAN2 – Creating an accessible environment

Policy TRAN4 – Travel Plans

Policy TRAN6 – Access to public roads

Policy TRAN8 – Car parking and service arrangements

Policy TRAN9 – Parking standards within areas of parking restraint

Policy ENV1 – Environmental quality

Policy ENV2 – Mitigating environmental change
 Policy ENV3 – Adapting to environmental change
 Policy ENV4 – Flood risk
 Policy ENV5 – Sustainable Urban Drainage Systems

Policy OS3 – Ancillary open space

Supplementary Planning Guidance

Placemaking and Urban Design

Tall Buildings

Updated Assessment

The adoption of the Plan Strategy requires the following updated assessment. This should be read in conjunction with the original Committee reports, appended.

Additional Information

Officers requested that the applicant provides 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 and considers that the proposal complies with the policy tests in the adopted Plan Strategy.

Consultation responses

No additional consultations have been considered necessary following adoption of the Plan Strategy.

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

Principle of development

The application site is located within the City Centre. The proposal is for ground floor retail with offices on the upper floors. Policies EC6 and RT1 of the Plan Strategy direct office and retail development to the City Centre. There is extant planning permission for a 7-storey office building on the site. The principle of development remains acceptable.

Impact on the character and appearance of the area

Policies DES1 and DES3 of the Plan Strategy apply. In terms of Policy DES1, for the reasons set out in the previous Committee reports, the proposal is considered to respond positively to local context and character through architecture and urban form that addresses matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape, materials, compliant with criterion a) of Policy DES1. Impacts on heritage are considered below. The proposal would integrate well with existing public realm. Active frontages would be provided with ground floor retail and main foyer to the upper office floors. The site is a sustainable location, accessible by walking, cycling and public transport. The proposal would make effective use of land. The building would be constructed to BREEAM Excellent rating in terms of energy efficiency, which is welcomed. There

would be no undue impact on neighbour amenity for the reasons set out in the previous Committee reports. The proposal is considered acceptable having regard to Policy DES1.

Regarding Policy DES3 (tall buildings), for the reasons set out in the previous Committee reports, the proposed building would be of height and scale sensitive to its context and surroundings and proportionate to its location. Impacts on heritage are discussed in the next section of the report. Key views and vistas would be respected, again for the reasons previously reported. The proposal would contribute to an interesting skyline when considered in the context of other tall buildings in the immediate locality. The site is located on a major traffic node (Victoria Street) and adjacent the civic space and public realm on Lower Chichester Street. The proposal would integrate with the existing public realm and provide active frontage. There would be no harmful overshadowing and overlooking of adjacent properties, having regard to the extant permission and requirement to obscure glaze the upper floors. There would be no conflict with civil aviation requirements. Whilst a specific Tall Buildings Statement has not been provided, it is considered that the height and scale of the proposed building is acceptable for the reasons stated.

Impact on heritage

The proposal would respect the setting of the Listed Building for the reasons set out in the previous Committee reports. The criteria in Policy BH1 of the Plan Strategy are considered to be satisfied.

The site is located within a draft Area of Townscape Character (ATC). For the reasons set out in the previous Committee reports, it is considered that the ATC's overall character would be maintained and that the built form is respected by way of height, scale, form, materials and detailing. There would be no detrimental impact on the setting of the area and there is no significant loss of key views within, into and out of the ATC.

There is no evidence of harm to archaeological interest, having regard to Policy BH5.

Climate Change

Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals (including changes of use) will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction and operation. The applicant confirms that the building would be constructed to BREEAM Excellent rating, which is welcomed. This should be secured by means of planning condition.

Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates. The proposal would be resilient to flood risk and is considered acceptable having regard to Policy ENV4. Regard is had to the extant permission, which does not include specific measures to adapt to environmental change. The proposal is considered acceptable having regard to Policy ENV3.

Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere. The footprint of the proposed building takes up the site and there are no realistic options to provide SuDS. Regard is also had to the extant permission, which does not provide SuDS measures. The proposal is considered acceptable having regard to Policy ENV5.

Demolition

Policy ENV2 of the Plan Strategy states that development proposals should, where feasible, seek to avoid demolition and should consider how existing buildings or their main structures could be reused. Development proposals that include the demolition of existing buildings should demonstrate that reuse is not appropriate or feasible. Where demolition is proposed, measures should be included to minimise any waste through the reuse of as much building material as possible. The original building on the site was lawfully demolished under the terms of the extant planning permission (as explained in the previous Committee reports).

Promoting healthy communities

Policy HC1 of the Plan Strategy states that the council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. The site is a sustainable location for offices, providing opportunities for active travel including walking and cycling. The proposal is considered acceptable having regard to Policy HC1.

Transport

The proposal is a sustainable location, accessible by foot, bicycle and public transport. There are ample car parks available within the City Centre and it is unnecessary to provide dedicated parking for the proposed building. A Travel Plan has been provided to further encourage sustainable travel. The proposal is considered compliant with Policies TRAN2, TRAN4, TRAN6, TRAN8 and TRAN9 of the Plan Strategy.

Other considerations

Other aspects of the proposal are considered to remain acceptable, having regard to the policies in the Plan Strategy.

Conclusion and Recommendation

Having regard to the assessment in this addendum report and the previous reports to the Committee, it is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement. An additional condition is recommended to ensure that the building is constructed to BREEAM Excellent level.

ADDENDUM REPORT 3 (MARCH 2023)**Development Management Officer**

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| Application ID: LA04/2019/2653/F | Committee Date: 14 th March 2023 |
| Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of Grade A office accommodation. (Amended plans and updated technical information) | Location: Chancery House 88 Victoria Street Belfast BT1 3GN |
| Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF | Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast |
| Referral Route: Recommendation to approve contrary to advice from a statutory consultee. Application previously considered by the Committee in June 2021. | |
| Recommendation: Approve with conditions and a Section 76 planning agreement | |

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| | Background |
| 1.1 | This application was previously considered by the Planning Committee on 24 June 2021. Prior to that, the application had been deferred at the April 2021 Committee and withdrawn from the agenda from the May 2021 Committee. |
| 1.2 | At the June 2021 Planning Committee, the Committee recommended that the Chief Executive be minded to approve the application, subject to the following: <ul style="list-style-type: none"> 1. that formal consultation be undertaken with objectors in relation to the restricted matters; 2. that the proposed Section 76 Planning Agreement be drafted in consultation with those who spoke in relation to the restricted report; and 3. that the application would be brought back to the Members of the Planning Committee for final agreement, to include the outcome of the formal consultation referenced above and presentation of the draft Section 76 Planning Agreement before a final decision is taken. |
| 1.3 | The Chief Executive subsequently resolved that she was minded to approve the application in line with the Committee's recommendation. |
| 1.4 | The restricted matters referenced above are subject to a separate restricted report. |
| 1.5 | This Addendum Report 3 should be read in conjunction with Addendum Reports 1 and 2 and the report to the April 2021 Planning Committee, appended. |
| | Belfast Local Development Plan Draft Plan Strategy |
| 1.6 | The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals |

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| | Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs. |
| 1.7 | Notwithstanding the limited weight that can be given to the Draft Plan Strategy at this time, the proposal is considered to accord with Policies EC6 (office development), BH1 (setting of Listed Buildings), BH3 (Areas of Townscape Character), Policy TRAN 1 (active travel), TRAN 2 (creating an accessible environment) and TRAN 8 (car parking). Conclusion |
| 1.8 | There have been no changes to the design and layout of the proposed office building since the June 2021 Committee and the proposal is considered to remain acceptable in relation to the issues set out in this and the appended reports. |
| 1.9 | It is considered that the proposal accords with the Industrial and Commercial Strategy, Conservation Strategy, Policies C3 and C4 of the BUAP, draft BMAP, relevant provisions of the draft Plan Strategy, Policy AMP 7 of PPS 3, Policies PED 1 and PED 9 of PPS 4 Policy BH 11 of PPS 6, Policy ATC 2 of the PPS 6 Addendum and relevant provisions of the SPPS. |
| 2.0 | Recommendation |
| 2.1 | For the reasons set out in this and the appended reports, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement. |
| 2.2 | Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement. |

| ADDENDUM REPORT 2 (JUNE 2021) | |
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| Development Management Officer | |
| Committee Meeting Date: 24 June 2021 | Item Number: |
| Application ID: LA04/2019/2653/F | |
| Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information) | Location: Chancery House 88 Victoria Street Belfast BT1 3GN |
| Referral Route: Recommendation to approve contrary to advice from a statutory consultee | |
| Recommendation: | |
| Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF | Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast |

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| 1.0 | Background |
| 1.1 | This application was due to be considered by the Planning Committee in April 2021. However, the Committee deferred the application because Members had been unable to access all the relevant documents through the Planning Portal. The application was then scheduled to be considered by the Committee in May 2021, however, it was withdrawn from the agenda in the light of further information from the applicant. |
| 1.2 | This Addendum Report 2 should be read in conjunction with Addendum Report 1 to the May Planning Committee and the report to the April Planning Committee, appended. |
| 2.0 | Recommendation |
| 2.1 | It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to resolve that she is minded to grant planning permission. |

| ADDENDUM REPORT 1 (MAY 2021) | |
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| Development Management Officer | |
| Committee Meeting Date: 20 May 2021 | Item Number: |
| Application ID: LA04/2019/2653/F | |
| Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information) | Location: Chancery House 88 Victoria Street Belfast BT1 3GN |
| Referral Route: Recommendation to approve contrary to advice from a statutory consultee | |
| Recommendation: | |
| Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF | Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast |

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| 1.0 | Background |
| 1.1 | This application was due to be considered by the Planning Committee in April 2021. However, the Committee deferred the application because Members had been unable to access all the relevant documents through the Planning Portal. |
| 1.2 | This addendum report should be read in conjunction with the report to the April Planning Committee, attached. |
| 2.0 | Recommendation |
| 2.1 | It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to grant conditional planning permission and to finalise the wording of conditions. |

Development Management Officer Report (April 2021) Committee Application

| Summary | |
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| Committee Meeting Date: 20 April 2021 | Item Number: |
| Application ID: LA04/2019/2653/F | |
| Proposal: Demolition of existing property and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas: and 8 floors of grade A office accommodation. (amended plans & updated technical information) | Location: Chancery House 88 Victoria Street Belfast BT1 3GN |
| Referral Route: Recommendation to approve contrary to advice from a statutory consultee | |
| Recommendation: | |
| Applicant Name and Address: Chancery House Investments Limited 14 Coolshinney Road Magherafelt BT45 5JF | Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast |
| <p>Executive Summary:</p> <p><u>Background</u></p> <p>The application seeks full planning permission for the demolition of the existing building and construction of new 9 storey (37m tall) building comprising of ground floor retail and 8 floors of office space. The existing building has since been demolished under the terms of a previous planning permission. The application follows Pre-Application Discussions with officers.</p> <p>The application was received in November 2019. Amended plans and further supporting documentation were submitted in January and March 2020. A technical note on servicing arrangements was submitted in March 2020.</p> <p><u>Assessment</u></p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> The principle of office and retail uses in this location Demolition of the existing building Impact on the character and appearance of the area and ATC Impact upon the setting of nearby listed buildings Impact on amenity Water infrastructure and flood risk Access and parking <p>There are also additional confidential issues to consider which are set out in the Appendix to this report. The site is located within the development limits for the city as designated within the BUAP, dBMAP 2004 and 2015 and is within the proposed (i.e. draft) Victoria & Oxford Street Area of Townscape Character (ATC).</p> | |

The site already benefits from an extant planning permission for the erection of a seven storey office building (Z/2011/0380/F) with retail use on ground floor and offices above. The principle of retail and office development has already been established and is in any event acceptable within this city centre location. The proposal would support jobs and contribute to the economy.

The demolition of the existing building has been assessed having regard to Policy ATC 1 of addendum to PPS 6. It is considered that the original building makes no material contribution to the distinctive character and appearance of the ATC. In any event it has since been demolished under the terms of a previous planning permission

In terms of relationship with neighbouring buildings, it is considered that the impacts on outlook and natural light would not be significantly greater than those arising from the extant permission.

DfC Historic Environment Division (HED) has advised that the scale and design of the proposal has the potential to adversely impact on the setting of listed buildings in proximity to site. However, officers consider that the scale and design of the building to be appropriate to its context, which includes several substantial buildings in the area, and that the setting of listed buildings would not be harmed.

The proposed development has been assessed against the following policies: Strategic Planning Policy for Northern Ireland; Planning Policy Statement 3: Access, Movement and Parking; Planning Policy Statement 4: Planning and Economic Development; Planning Policy Statement 6: Planning, Archaeology and the Built Heritage and Addendum, Areas of Townscape Character; Planning Policy Statement 15 Planning and Flood Risk.

The Council has received objections to the application from third parties. Concerns include excessive scale of the building, adverse impact on surrounding buildings and site access. The issues raised are set out and addressed in the main report.

Having regard to the development plan, relevant planning policies and other material considerations, it is considered that the proposal should be approved subject to conditions.

It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

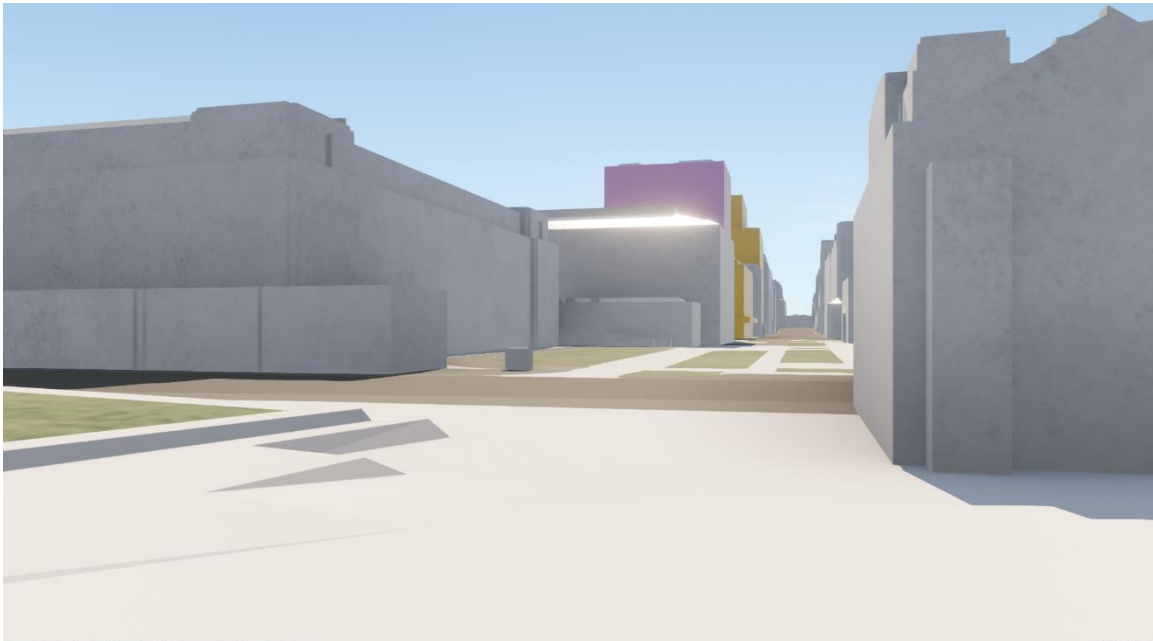
Site Location Plan



VU.CITY IMAGES AND CGI'S



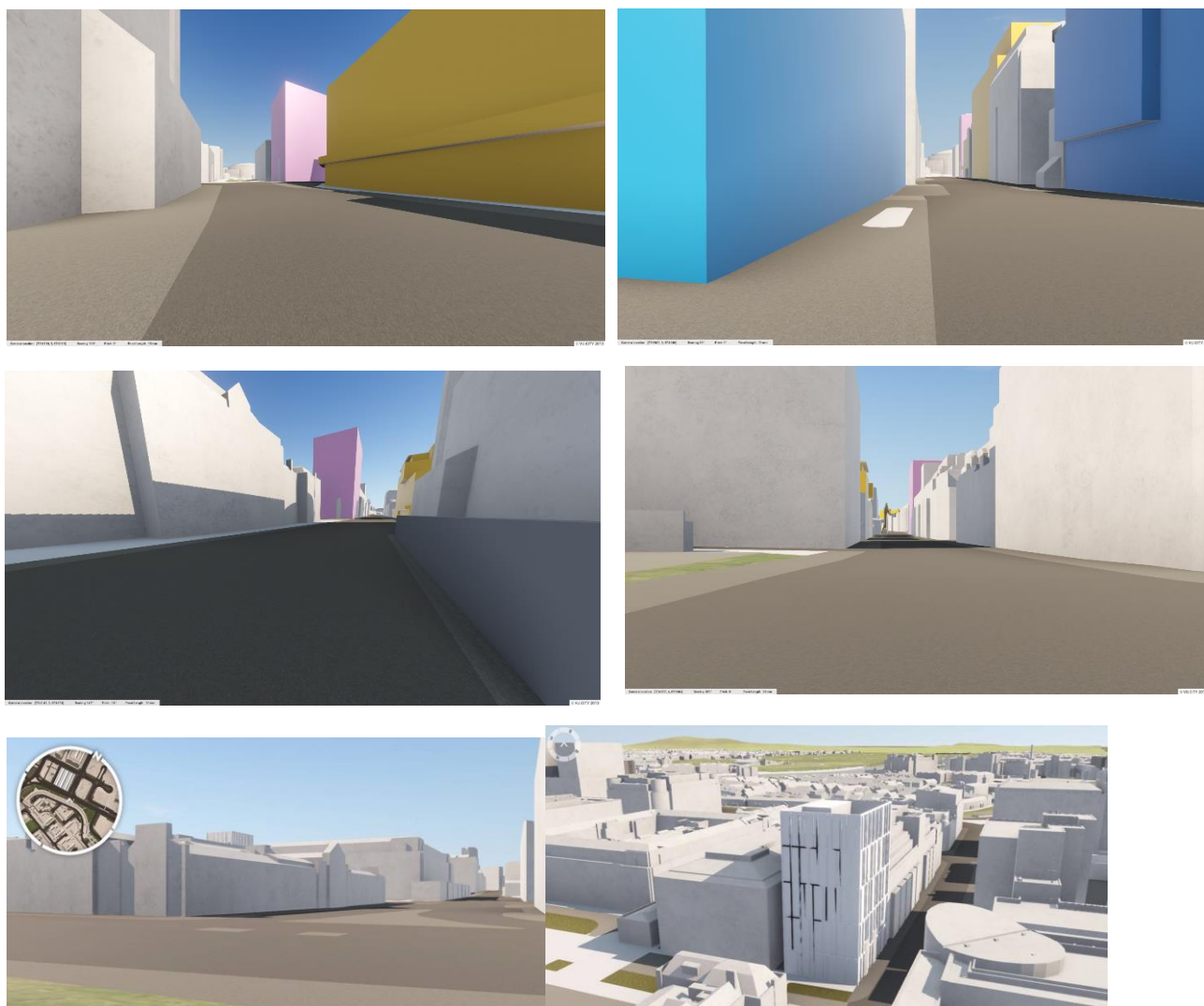
Above: View southwards on Victoria Street



Above: View from Oxford Street

Below: View from Victoria Street





Views along Victoria Street both ways: proposal purple / approved yellow / under construction blue

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| 1.0 | Description of Proposed Development |
| 1.1 | The proposal is for the demolition of the original building and erection of a 9 storey building (overall height 37m) comprising a ground floor retail unit together with cycle parking and plant areas, and 8 floors of Grade A office accommodation. The existing building has subsequently been demolished under the terms of a previous planning permission. |
| 1.2 | The application follows Pre-Application Discussions with officers. |
| 2.0 | Description of Site. |
| 2.1 | The site occupies a corner plot at the junction of Victoria Street and Chichester Street and previously contained a non-descriptive three storey office building of late 20 th Century origin finished in red facing brick and designed with peak parapet walls. |
| 2.2 | The adjacent building, to the east, is the Bar Library. Beyond this is the Crown Solicitors building and Royal Courts of Justice (RCJ). The Law Society is located to the south. Opposite the site, to the west and other side of Victoria Street, is Centre House, a large retail and office building and in close proximity is Victoria Centre retail and leisure complex. To the north of the site is the Old Town Hall building which is separated from the site by a mainly pedestrian precinct. To the south is the Law Society building. |

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| 2.3 | The surrounding character is defined by commercial office and retail uses. The Victoria Street / Chichester Street road junction is a dominating feature of the area. Lower Chichester is pedestrianised with limited vehicular access. |
| 2.2 | <p>The following Listed Buildings are close or in proximity to the site:</p> <ul style="list-style-type: none"> • Old Town Hall (Grade B1) • Royal Courts of Justice (Grade A) • Nos. 161 – 163 Victoria Street and No. 2 Gloucester Street (Grade B1) • Former Northern Bank 108 – 110 Victoria Street (Grade B2) • Albert Clock Queen's Square (Grade A) |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | <p>Planning History</p> <p>Z/2011/0380/F – Demolition of existing building and construction of new building: ground floor retail and 1st-6th floor office permission, granted 14th August 2015. The original building was demolished prior to 13th August 2020, which means that development has commenced and the permission is extant in perpetuity.</p> |
| 4.0 | Policy Framework |
| 4.1 | <p>Belfast Urban Area Plan (BUAP) 2001</p> <p>Draft Belfast Metropolitan Plan 2015 (published 2004) (dBMAP 2004)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (published 2014) (dBMAP 2015)</p> <p>Developer Contribution Framework (2020)</p> |
| 4.2 | <p>Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking</p> <p>Planning Policy Statement 4 (PPS 4) - Planning and Economic Development</p> <p>Planning Policy Statement 6 (PPS 6) – Planning Archaeology & the Built Heritage</p> <p>Addendum to PPS 6 Areas of Townscape Character (PPS 6 Addendum)</p> |
| 5.0 | Statutory Consultee Responses |
| | <p>DfI Roads (DfI) – no objection</p> <p>NI Water (NIW) – no objection</p> <p>Historic Environment Division (HED) – objection (see assessment below)</p> <p>Rivers Agency – no objection</p> <p>NI Environment Agency (NIEA) – no objection</p> |
| 6.0 | Non Statutory Consultees Responses |
| | <p>BCC Environmental Health Service (EHS) – no objection</p> <p>BCC Urban Design Officer (UDO) – no objection</p> <p>BCC Conservation Area Officer (CAO) – objection (see assessment below)</p> |
| 7.0 | Representations |
| 7.1 | <p><u>The Bar Library Services</u></p> <p>Objects to the scale/height of proposal and the potential impacts on neighbouring buildings, both listed and non-listed buildings. Concern with respect to loss of light/privacy and proposed glazing on party boundary wall</p> |
| 7.2 | <p><u>The Law Society of Northern Ireland</u></p> <p>Objects on heritage grounds. A report has been provided by Stelfox Conservation Consultants on behalf of the Law Society. The objection indicates that the proposal is in breach of planning policies for ATCs, concerns regarding excessive size and height and</p> |

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| | that the proposal would have an adverse impact on surrounding buildings. The report sets out the background to the historic context to the surrounding area. It refers to relevant planning policies set out in PPS 6 and that the proposal fails to satisfy policy. The report also refers to the draft designation of the Victoria Street/Oxford Street ATC and adverse impact of the proposal on the ATC. It also assesses the potential impacts the proposal will have on the surrounding area and neighbouring listed buildings. The Law Society also has concerns about the impact of construction traffic and service deliveries on objectors' properties. Impact of construction works on surrounding buildings. |
| 7.3 | <p><u>Northern Ireland Courts & Tribunal Service</u></p> <p>Concerned that the proposal is in breach of planning policies for ATCs; excessive size and height and will have an adverse impact on surrounding buildings. Impact of construction works on the structural stability of the Old Town Hall. NI Courts reiterates objections to the previous application for the 7 storey building (Z/2011/0380/F) in that the proposal breaches planning policy relating to impacts on listed buildings, that the proposal is excessive in size and will have an adverse impact on surrounding buildings.</p> |
| 7.4 | <p><u>Belfast Civic Trust</u></p> <p>Objects to the height of building and choice of construction materials. They believe the proposal is too high and wanted red brick to be used within the construction.</p> |
| 7.5 | Further consideration of these issues is examined in detail in the Assessment below. |
| 8.0 | Assessment |
| 8.1 | <p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> • The principle of office and retail uses in this location • Demolition of the existing building • Impact on the character and appearance of the area and ATC • Impact upon the setting of nearby listed buildings • Impact on amenity • Access and parking • Water infrastructure and flood risk |
| 8.2 | <p>Background</p> <p>The application was received in November 2019. Amended plans and further supporting documentation were submitted in January and March 2020. A technical note on servicing arrangements was submitted in March 2020.</p> |
| 8.3 | The application follows Pre Application Discussions with officers. |
| 8.4 | <p>The principle of office and retail uses in this location</p> <p>The site is located within the City Centre where retail and office uses are acceptable in principle. Moreover, the site already benefits from an extant permission for an office building with ground floor retail. The principle of development is therefore already established.</p> |
| 8.5 | The proposal will support economic activity and employment and add to the vitality of this part of Victoria Street, consistent with the aims of the SPPS and PPS 4. The activation of the ground floor with retail use is welcomed. |
| 8.6 | <p>Demolition of the existing building</p> <p>The site falls within the proposed (i.e. draft) Victoria Street and Oxford Street ATC. The Planning Appeals Commission (PAC) considered objections to the proposed ATC</p> |

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| | designations in its report on the BMAP public inquiry. The Commission recommended no change to the Plan. It is therefore considered likely that the proposed ATC designation would remain, if BMAP were to be adopted. The proposed ATC designation is therefore a material consideration. |
| 8.7 | It is considered that the original building makes no material contribution to the distinctive character and appearance of the ATC. In any event, the existing building has since been demolished under the terms of a previous planning permission. |
| | Impact on the character and appearance of the area and Area of Townscape Character |
| 8.8 | The proposal is for the erection of a 9 storey commercial building at a total height of 37m to the roof parapet. The site already benefits from extant planning permission for the erection of a 7 storey building including setback of the upper two floors. The maximum height of the extant permission is 31.5m (with plant/overrun), the top of the seventh floor is 28.7m and a shoulder height of 20.7m. |
| 8.9 | The site is located within the proposed Victoria/Oxford Street Area of Townscape Character and the impact of the proposal on the character of the ATC is a material consideration. The Conservation Officer is content that the original building is demolished subject to a suitable replacement scheme and considers that the proposed stone finish is acceptable given that it is sympathetic to its neighbouring buildings and does not interfere/compete with the finishes of those listed buildings nearby. However, the Conservation Officer objects to the proposal on the basis that they consider the proposed building would undermine the character of the area and surrounding historic buildings in terms of its scale, massing and form, including insufficient solid to void ratio. The Conservation Officer is of the opinion that the scale and massing of the proposed building could result in an over-elaborate corner marker feature, which would be harmful to legibility with respect to the hierarchical status of the node. |
| 8.10 | Officers have considered the consultation response from the Conservation Officer and are satisfied that the impact of the proposed development on the character of the area is acceptable for the detailed reasons set out in this report. The area contains numerous civic and commercial buildings of differing architectural styles and varying degrees of height. Moreover, it is considered that that the objection from the Conservation Area should be given less weight given that the site is situated within a draft ATC, which has less status than an adopted ATC and less importance than a Conservation Area. It is considered, on balance, when taking into account key viewpoints that the scale, massing and form of the proposed development would be appropriate. |
| 8.11 | A key material consideration is the extant planning approval, Z/2011/0380/F, for the erection of a 7 storey building comprising retail ground floor and offices above. This represents a fall-back position for the applicant should permission not be granted. |
| 8.12 | The site is located within character area CC 008 as designated within the 2004 dBMAP (CC011 in dBMAP 2014) which sets out urban design criteria and states that part of any development that fronts onto Victoria Street shall have a minimum building height of 6 storeys to the shoulder height and maximum of 7 storeys. |
| 8.13 | The proposal fails to match the design criteria set out within dBMAP. However, the proposed building has been modelled within VU.CITY to assess potential impacts of the proposal on the streetscape and the interaction with existing neighbouring and extant approvals. The modelling indicates that a building height of 37m would interact positively with the neighbouring buildings and would not be over-dominant from key views. The building would be seen in the context of Victoria Centre at this point having a ridge height |

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| | of approximately 29m and the new extension to Centre House having a ridge height 33m. The visual reading of the buildings allows an appreciation of a logical step in height in relation to surrounding buildings when read from a distance. |
| 8.14 | <p>The policy designation requires a shoulder height of six storeys and a set back above this height to a maximum of seven storeys. It is noted that the previous planning permission related to a building comprising five storeys with a further two additional storeys setback above. That scheme incorporated a shoulder height of 20.7m with the two additional setback floors and plant area above resulting in an upper building height of 31.5m. Therefore in terms of overall height, this proposal will extend a total of 5.5m above the upper height of the previously approved scheme. However, it is considered that the proposed building would have a stronger and more appropriate visual presence at this important corner plot location and in this regard is an improvement over the extant permission. It is also considered that the rationale for a setback at upper floors is lost on a building that occupies a prominent corner site and that a building of this height is appropriate within its context at the intersection of two city centre arterial routes and a highly trafficked pedestrianised route, reflecting the hierarchy of its nodal location.</p> |
| 8.15 | <p>The architectural design of the building is considered restrained but of high quality. In this regard it would not appear strident or over-dominant. Good use would be made of stone facing panels of an off-white colour which would complement the Bar Library and Law Society buildings either side of it. It is recommended that a condition is imposed that requires samples of materials to be agreed by the Council prior to construction. In summary, it is considered that this is an appropriately designed building for this site and its built context. The design has been subject to detailed Pre Application Discussions with officers and the Urban Design Officer offers no objection. The character and appearance of the area would be preserved.</p> |
| 8.16 | <p>Impact upon the setting of nearby listed buildings</p> <p>HED have been consulted as the site is in proximity to a number of Listed Buildings as described previously. The proposal has been assessed against paragraph 6.12 of the SPPS and Policy BH 11 of PPS 6. Paragraph 6.12 advises that Listed Buildings are key elements of our built heritage and are important for their intrinsic value and the contribution to the character of their location.</p> |
| 8.17 | <p>The proposal is located at the junction of Victoria Street and mainly pedestrian section of Chichester Street. Both streets contain Listed Buildings, the closest of which are the Old Town Hall Building, directly opposite the site across Chichester Street and the Royal Courts of Justice which are separated from the site by the Bar Library and Crown Solicitors. A number of other Listed Buildings are located at a greater distance from the site: Nos. 161-163 Victoria Street and the former Northern Bank at Nos. 108-110 Victoria Street.</p> |
| 8.18 | <p>HED, whilst accepting the principle of redevelopment of the site, have advised that the proposal has the potential to adversely impact on the listed buildings and surrounding built environment. They consider that the height and design of the building do not employ a consistent shoulder height that respects the scale, height and massing of the listed buildings.</p> |
| 8.19 | <p>HED advises that the proposal would have a major impact on the Old Town Hall due to its 'overbearing monolithic form', which it believes represents a comprehensive change to the setting. Also the proposal would have a moderate impact on the Royal Courts of Justice, the setting of which considered to be significantly modified and; and a minor impact on the setting of the Albert Clock.</p> |

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| 8.20 | As mentioned, the proposal has been modelled using VU.CITY. CGIs have also been provided and assist the Council in assessing the impacts of the proposal on the setting of the Listed Buildings. It is contended that the proposed building's contrasting lighter colour materials, together with its modern but simple design, mean that when viewed from medium to long distances north along Victoria Street it will allow the Old Town Hall building to be better framed than the existing red brick building. When viewed from the south the model indicates the Old Town Hall building is already obscured from certain viewpoints – this would not be improved by a building of less height. When viewed from the west on Chichester Street, much of the Old Town Hall is obscured from view by the Victoria Centre. The impact of the proposed building on the Listed Building would be mitigated by its restrained design and the separation distance between the buildings. |
| 8.21 | The impact of the proposal on the Royal Courts of Justice is considered to be acceptable. The neighbouring Bar Library acts as a buffer between the proposal and the Courts. The proposal is at a height that allows views of the upper floor and roof level above the Bar Library when viewed from Oxford Street and will be read in context of other large buildings in the area, including the new Centre House. Officers consider that the substantial presence of the Courts building viewed from Oxford Street will not be diminished by the proposal given the separation distance and the intervention of the Bar Library. The skyline created by the various forms of roof silhouettes are a common feature within a city centre location and therefore not considered to be a detraction. |
| 8.22 | HED have not raised any concerns about the impact of construction on the structural integrity of the Listed Old Town Hall and do not believe it is a relevant consideration. Officers advise that this is a civil issue. |
| 8.23 | It is considered on balance the proposal would not be harmful to the setting of listed building and is acceptable having regard to the SPPS and Policy BH11 of PPS6. |
| 8.24 | Impact on amenity The proposal has been assessed against paragraphs 4.11 and 4.12 of the SPPS. The Environmental Health Officer has offered no objection to the proposal and have recommended conditions in relation to the control of noise, air quality, dust control and advice relating to the control of plant and equipment. |
| 8.25 | The upper floors of the Bar Library contains a number of offices and a meeting room that currently enjoy an outlook from gable windows onto and over the site. The previous building had an increased separation distance with the Bar Library than what has been approved and proposed, which retain a circa 1.2m service alleyway between, this approved separation distance is replicated in the current proposal. However, the increased height over the above permission has the potential to reduce the outlook and natural light entering the offices and meeting room and increase the potential for overlooking. |
| 8.26 | Officers consider that the proposal will not have a significantly greater impact on the Bar Library and Law Society Building in terms of loss of outlook and natural light than approval Z/2011/0380/F. The footprint of the extant permission and the proposal are generally similar in size and occupying the same plot. The massing of the extant building has a shoulder height of five storeys with an additional two storeys set back. The shoulder height of the extant permission lines up with the eaves level of the Bar Library. Given that the east facing gable of the extant permission (adjacent Bar Library) is to eaves level of the Library and therefore above the window levels and is plotted at a similar separation distance to that proposed the impacts on outlook and reduction to natural light will be similar, any further loss of light or outlook is unlikely to be significant. |

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| 8.27 | <p>Regard must be had to the fact that the use of the Bar Library is less sensitive than residential accommodation. The proposal would also make effective use of land and provide good quality office accommodation, which have to be balanced against the impacts on adjacent premises. In terms of impacts on privacy, it is proposed that windows to the fourth and fifth floors of the proposal will be fitted with obscure glazing to eliminate any overlooking issue – this will be controlled by condition. On balance, it is considered that the impacts of the development on the amenity of adjacent premises are acceptable.</p> |
| 8.28 | <p>Access and parking</p> <p>The proposal has been assessed against Policies AMP 7 & 8 of PPS3. DfI Road's initial consultation response raised concerns regarding parking and cycle provision – additional information and amendments were submitted and DfI re-consulted. In reply DfI Roads offered no objection to the proposal subject to planning conditions. Officers note that the site is a sustainable location with good access to public transport and car parks. It is considered unnecessary to provide on-site parking. Further mitigation to off-set parking requirements can be provided by the green travel plan, implementation of which should be secured by condition.</p> |
| 8.29 | <p>Concerns about the servicing of the new building have been raised by objectors. A parking/back of house area exists along the rear of the existing unit and this will be partially retained as a back of house area. The retail unit has access onto Victoria Street and the pedestrianised Chichester Street, whilst the offices are accessed from the pedestrianised Chichester Street. The applicant has submitted information which advises that vehicles servicing the site will park on a lay-by on Chichester Street to the front of Centre House and as such the proposed servicing arrangements should not have any impact on adjoining buildings. DfI Roads have considered the Service Management Plan (contained within the Travel Plan) and associated Technical Note – Servicing and have no objection subject to a condition that the development operate in accordance with the details therein. The extant permission, which represents a fall-back position, does not condition a service management plan and this proposal provides an opportunity for the servicing of the site to be controlled by condition. This will be of benefit to the nearby properties and should go some way to offsetting their concerns in this regard.</p> |
| 8.30 | <p>Concerns have also been raised with respect to impact during construction. The applicant has submitted a "Framework Construction Environmental Management Plan" (CEMP) which states that full engagement will be carried out with all stakeholders and neighbours in advance of any construction in an effort to ensure minimum impact over the construction period. Conditions are recommended with respect to a Construction Management Plan, Construction Noise and Dust Management Plans – these will have to be agreed with the Council in advance of any construction. Whilst temporary disruption during any construction project is inevitable, the developer says that they recognise the sensitivities of the application site and the conditions will allow the Council to ensure the process is adequately managed. Moreover, there is an extant permission which could be implemented which would likely have similar impacts during the construction period. The extant permission is not subject to a CEMP and the current proposal will therefore allow additional controls to be put in place in this regard.</p> |
| 8.31 | <p>A refuse store for bins is located off the service access/escape route onto Chichester Street. A condition is recommended to ensure adequate waste storage facilities are available prior to operation and retained thereafter in accordance with the details as shown on the submitted plans.</p> |
| 8.32 | <p>Water infrastructure and flood risk</p> <p>NIW have confirmed there is a public water supply, foul sewer and available capacity at the WWTWs. The developer is required to consult NIW with regard to surface water sewer</p> |

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| 8.33 | and advised to submit a Pre Development Enquiry. DAERA Regulation Unit Land and Groundwater Team have no objection subject to conditions on contamination. Rivers Agency were consulted on the Flood Risk Assessment and offered no objection. It is considered the proposal complies with the SPPS and PPS 15. |
| 10.0 | Summary of Recommendation: |
| 10.1 | Having regard to the development plan, relevant planning policies and other material considerations, it is considered that the proposal should be approved subject to conditions. |
| 10.2 | It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions. |
| 11.0 | Conditions and Informatives |
| | <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Article 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Notwithstanding the submitted details, no development shall take place until a sample panel, samples and details of the materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved, in writing, by the Council. The development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interest of visual amenity and to allow the Council to control the external appearance.</p> <p>3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), the windows in the east elevation, as identified on approved plan 10b bearing the Council's date stamp 20th February 2020, shall at all times be glazed with fixed and obscured glass to at least Pilkington Level 3 (or equivalent</p> <p>Reason: To protect the privacy of the Bar Library.</p> <p>4. The development hereby permitted shall operate in accordance with the Travel Plan uploaded to the Planning Portal 4th February 2020.</p> <p>Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</p> <p>5. The development hereby permitted shall operate in accordance with the Service Management Plan (contained within the Travel Plan) uploaded to the Planning Portal 4th February 2020 and associated Technical Note - Servicing uploaded to the Planning Portal 9th April 2020.</p> <p>Reason: In the interests of road safety and the convenience of road users.</p> <p>6. The development hereby permitted shall not become operational until cycle parking facilities have been provided in accordance with drawing No.1800-ZZ-00-200-001 Rev.03 (Planning Authority Drawing No.04B) uploaded to the Planning Portal 16th March 2020. The cycling parking shall be retained in accordance with these details at all times.</p> |

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| | <p>Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</p> <p>7. Prior to occupation of the building hereby approved, the waste storage area, as detailed within approved plan 04a bearing the Council's date stamp 21 January 2020, shall be operational and shall permanently be retained thereafter.</p> <p>Reason: to ensure the provision of adequate waste storage facilities</p> <p>8. Prior to operation of the development, the combustion plant shall be installed in accordance with the technical specification detailed within Chapter 4 and Appendix B of the submitted AONA Environmental report: <i>Air Dispersion Modelling and Air Quality Impact Assessment Report for the Proposed Boiler Heating System in the Chancery House Development</i>, dated October 2019. The combustion plant shall be retained in accordance with these details thereafter.</p> <p>Combustion plant emissions shall be released from a flue terminating 1m above roof level in accordance with Section 4.1 of Chapter 4 of the AONA Environmental report: <i>Air Dispersion Modelling and Air Quality Impact Assessment Report for the Proposed Boiler Heating System in the Chancery House Development</i>, dated October 2019.</p> <p>Reason: The protection of human health and amenity</p> <p>9. Notwithstanding the submitted details, the development hereby permitted shall not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Management Plan shall provide for (but not be limited to):</p> <ul style="list-style-type: none"> i) the access routes and parking of vehicles of site operatives and visitors; ii) loading and unloading of plant and materials; iii) storage of plant and materials used in constructing the development; <p>The Management Plan shall be implemented as approved and maintained for the duration of the construction works unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: In the interests of public safety and amenity.</p> <p>10. Prior to commencement of the demolition/construction phase of the development, the applicant shall submit to Belfast City Council, for written approval, a Dust Management Plan prepared in accordance with the <i>Guidance on the Assessment of Dust from Demolition and Construction (Institute of Air Quality Management, 2014)</i>. No demolition or construction shall take place unless in accordance with the approved Dust Management Plan.</p> <p>Reason: The protection of human health and amenity</p> <p>11. Prior to commencement of the demolition and construction phases of the development, the applicant shall submit to Belfast City Council, a Construction Noise Management Plan (CNMP) for written approval. The plan shall consider the management of noise and vibration impacts as a result of demolition, excavation and construction works at the development site. It must outline the methods to be employed to minimise any noise and vibration impacts associated with the demolition and construction operations demonstrating the use of 'best practicable means'. Regard shall be paid to BS: 5228-1:2009+A1:2014 – <i>Code of practice for noise and vibration control on construction and</i></p> |
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| | <p><i>open sites</i>. No demolition or construction shall take place unless in accordance with the approved CNMP.</p> <p>Reason: In the interests of amenity</p> <p>12. If during the development works, new contamination or risks are encountered which have 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 Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>13. After completing the remediation works under Condition 12; and prior to occupation of the development, a verification report must be submitted to and approved in writing by the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable.</p> <p>The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
| <p>Signature (s)</p> <p>Date:</p> | |

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| Development Management Report Addendum Report | |
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| Application ID: LA04/2022/1499/F | Date of Committee: 29 th June 2023 |
| Proposal: Construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility. | Location: The Lockhouse 13 River Terrace Belfast BT7 2EN. |
| Referral Route: Objection from statutory consultee (NI Water) and BCC funding. | |
| Recommendation: | Approval with conditions |
| Applicant Name and Address: Lower Ormeau Residents Action Group 97 Balfour Avenue Belfast BT7 2EW | Agent Name and Address: Taggarts 23 Bedford Street Belfast BT2 7EJ |
| <p>Background</p> <p>This application was previously listed for Planning Committee on 18th April 2023. The application was approved with conditions to be agreed with Director of Planning and Building Control.</p> <p>Since the previous Committee meeting, the Belfast Local Development Plan: Plan Strategy has been adopted (02 May 2023). This provides a new policy framework for decision-making.</p> <p>This report should be read in conjunction with the report to the April Committee, appended.</p> <p>Updated Policy Context</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>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>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>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect, irrespective of whether planning</p> | |

applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).

Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

Relevant Planning Policies

Plan Strategy

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

Policy SP1A – managing growth and supporting infrastructure delivery

Policy SP2 – sustainable development

Policy SP6 – environmental resilience

Policy SP7 – connectivity

Policy SD2 – Settlement Areas

Policy DES1 – Principles of Urban Design

CI1 – Community Infrastructure

Policy ENV1 – Environmental quality

Policy ENV2 – Mitigating environmental change

Policy ENV3 – Adapting to environmental change

Policy ENV4 – Flood Risk

Policy ENV5 - Sustainable drainage systems (SuDS)

Policy TRAN 1 Active Travel – walking and cycling

Policy TRAN 2 – Creating an accessible environment

Policy TRAN 8 – Car parking and servicing arrangements

Policy TRE1- Trees

Policy NH1 – Protection of Natural Heritage resources

Supplementary Planning Guidance

Placemaking and Urban Design

Sustainable Urban Drainage Systems

Transportation

Trees and Development

Updated Assessment

Plan Strategy

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

Additional Information

Officers requested that the applicant provides 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 sets out the policies in the Plan Strategy which they believe apply to this proposal. In summary, the applicant considers that the proposal complies with the relevant policies and that the development remains acceptable in relation to the Plan Strategy and other material considerations.

Consultation responses

No letters of objection or representations has been received.

No additional consultations have been considered necessary following adoption of the Plan Strategy and receipt of the Plan Strategy Statement.

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

Principle of development

Policy DES 1 of the Plan Strategy states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking where it accords with a range of criteria. Officers consider that the proposed extension satisfies the policy in that the proposed building will respond positively to the local context and character. The scale, massing, materials, roofscape and building line compliments the surrounding area, that contains a community recreation facility, Club rooms and school building. The design incorporates materials and design features that will reduce the dominance of a large building. The proposal will encourage a diversity of use and promote vibrancy throughout the day due to the variety of activities within. The cafes and garden area and men shed will promote sense of place for the community. The provision of active spaces will promote healthy environment. The proposal will not impact on the amenity of neighbouring land uses due to the separation distances with neighbouring properties. Parking provision for the development will be on-street parking, a parking survey has demonstrated that there is sufficient space to serve the development DfL Roads Service is content with the provision. Also, as the proposal is, in the main, to serve the needs of the local community the site is served with an extensive network of public pathways.

Community Infrastructure

Policy C11 of the Plan Strategy states that the Council will seek to protect and provide development opportunities based on local need for community, health, leisure, nurseries and educational facilities based on local need. Planning permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area. All proposals shall ensure that there are no unacceptable impacts on residential amenity. Officers consider that the proposal satisfies the policy, the proposal will provide additional community infrastructure which has demonstrated a need through securing appropriate public funding for the project. The proposal although within a residential area is located on a site that is separated from residential housing by gardens and a public road. The separation distance ensures dominance is not a significant issue and assessments has indicated that it will not create an overshadowing issue. The site is served by a network of public footpaths and can be reach by public transport ensuring there is no over reliance on the private car.

Open Space

Policy OS1 states that the Council will support the retention of open space with a general presumption in favour retaining all such lands and uses. The proposal will not result in the loss of open space, it will enhance the space already in location with additional planted beds and seating. An area will be used for polytunnels and a men shed, Officers consider that the polytunnels and

men shed will offer a significant benefit to the local community providing a facility for community use and which will offer many physical and mental health benefits.

Environmental Quality

Policy ENV1 [Environmental Quality] states that planning permission will be granted for development that will maintain and where possible enhance environmental quality and protects communities from materially harmful development. Policy ENV 1 further states that development must not result in an unacceptable adverse impact on the environment and take account of ground contamination, air quality, water quality, noise and light pollution. The application has been supported by a number of appropriate assessments including an, Noise Impact Assessment, Preliminary Risk Assessment, and an Outline Construction Environmental Management Plan. Environmental Health does not raise any objection regarding contamination and recommends a number of conditions. Further details have been submitted on the odour assessment and we are awaiting a final condition from Environmental Health on this. Delegated authority has been sought to allow conditions to be finalised.

Trees

Policy TRE1 of the Plan Strategy states that the Council will seek to protect existing trees from new development particularly those that are of a visual, biodiversity or amenity quality. The proposal will not result in the loss of trees within the site, the submitted layout plan shows trees of various sizes retained on site and incorporated into the overall design. A detailed landscape plan will be conditioned to be submitted prior to commencement of development and should incorporate detail on tree species, size and type, as well as proposed SUDs measured to comply with ENV 3 and 5 below.

Climate Change

Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates. The introduction of a garden and additional vegetation, in association with the proposed built development offers the opportunity to incorporate additional appropriate SUDs measurer and can be secured by condition to ensure compliance with policy.

Sustainable Urban Drainage Systems (SuDS)

Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere. The proposed garden area will provide a permeable grass area. No additional SuDS measures have been identified by the applicant; however, this will be secured by means of a planning condition.

Promoting healthy communities

Policy HC1 of the Plan Strategy states that the council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. The scheme would provide a small pocket park to provide amenity and recreation space for residents. The site is along the towpath adjacent to the river lagan. It is within walking distance of shops and services and its location would promote healthy and active lifestyles. The proposal is considered acceptable having regard to Policy HC1 of the Plan Strategy.

Access & Parking

Policy TRAN 1 [Active travel – walking and cycling] requires that proposals including leisure and community uses take account of the needs of walkers and cyclists, secure cycle parking and make provision for safe and convenient walking and cycle areas and links to existing or proposed networks and public transport. Policy TRAN 2 seeks to ensure that development proposals are open to the public. In terms of access to the site the proposal seeks no incutillage vehicular parking access into the site is pedestrian only, given the location of the site on the towpath and the provision of secure cycle parking within the proposal TRAN 1 and 2 are considered to be complied with. Policy TRAN8 requires that development proposals will be required to provide adequate provision of car parking and servicing however the emphasis will be on reducing the reliance on the private car. As stated, the proposal provides no onsite parking the proposal will rely solely on on-street parking. A parking survey was submitted as part of the application for DfI Roads Service consideration. The opinion of DfI was that there was sufficient parking demonstrated within the survey to serve the development. The proposal is considered to comply with relevant TRAN policies.

Natural Heritage

Policy NH1 of the Plan Strategy states that the council will adopt the precautionary principle when considering the impacts of a proposed development on local, national or international natural heritage resources, including designated sites, protected species and the other important interests of biodiversity and geodiversity. A Biodiversity checklist was completed on the site given location adjacent to river and potential for Bat Roost. A Bat survey was undertaken and concluded that there were no indications of Bats within the building although Bats were identified commuting over the site and foraging. The report recommended no additional survey required although a precaution approach should be taken when contractors commence works on site and report any findings indicating Bats within the site.

Other considerations

Other aspects of the proposal are considered to remain acceptable, having regard to the policies in the Plan Strategy.

Regard is also had to the previous decisions of the Planning Committee which was to grant planning permission subject to conditions.

Conclusion and Recommendation

Having regard to the assessment in this addendum report and the previous report to the Planning Committee, in the planning balance, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions.

Committee Application

| Development Management Officer Report | |
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| Application ID: LA04/2022/1499/F | Committee Date: 18 April 2023 |
| Proposal: Construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility. | Location: The Lockhouse 13 River Terrace Belfast BT7 2EN. |
| Reason for Referral to Committee: | Objection from statutory consultee (NI Water) and BCC funding. |
| Recommendation: | Approval with conditions |
| Applicant Name and Address: Lower Ormeau Residents Action Group 97 Balfour Avenue Belfast BT7 2EW | Agent Name and Address: Taggarts 23 Bedford Street Belfast BT2 7EJ |
| Executive Summary: <p>This application seeks full planning permission for the construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility. T</p> <p>The main issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • The principle of development • Impact on the character and appearance of the area • Impact on the setting of Listed monument • Impact on amenity • Access and parking • Environmental Considerations - Drainage, Waste-water infrastructure and Ecology <p>DfI Roads, DfC HED, and Environmental Health offer no objection. NI Water object to the application on grounds of lack of waste-water capacity; this issue is dealt with in the main report and found to be acceptable. DAERA and SES were consulted in this regard and a condition was recommended to restrict development until a suitable wastewater disposal system can be agreed.</p> <p>No representations have been received from third parties.</p> <p>The site is within the development limit of Belfast and the principle of development is considered acceptable.</p> <p>The design of the proposed extension and the proposed use to the existing building is acceptable. The changes to the existing open space are considered a betterment creating features of interest and additional seating. The man-shed and poly-tunnels will offer space and activities for the local</p> | |

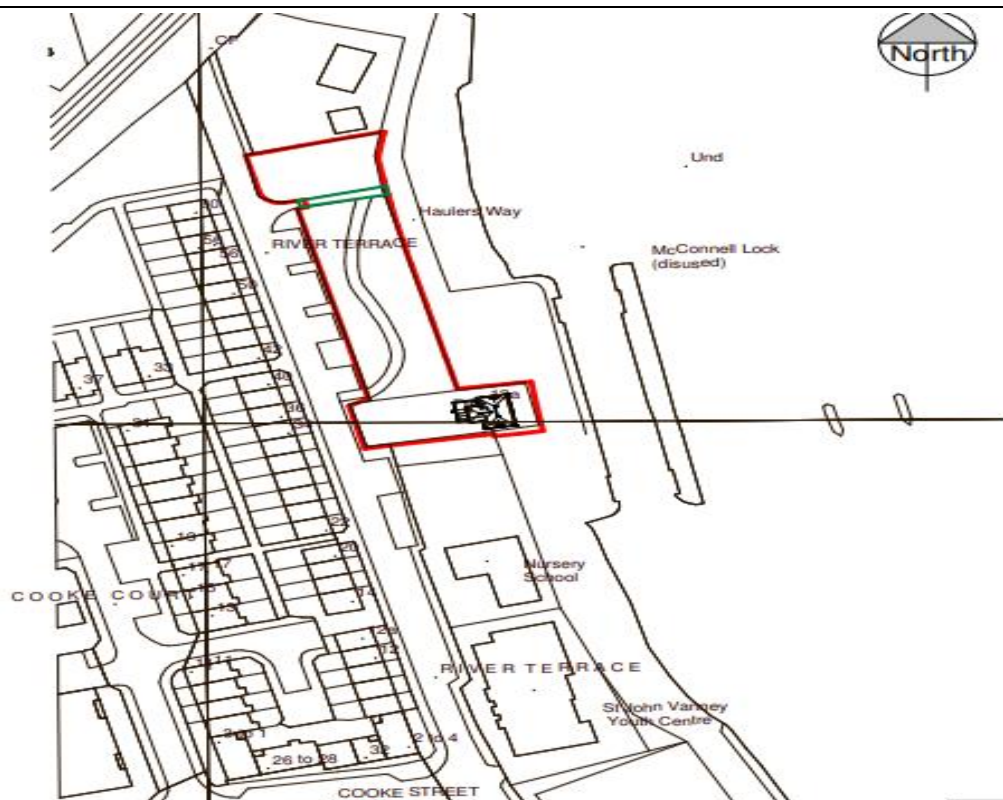
community. HED offers no objection there would be no harmful impact on the setting of Listed Monument. The parking survey shows sufficient parking to serve the development there will be no adverse transportation impacts.

Recommendation:

It is considered that the proposal is acceptable having regard to the Development Plan and relevant material considerations. It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan:





CGIs

| Characteristics of the Site and Area | |
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| 1.0 | Description of Proposed Development |
| 1.1 | This application seeks full planning permission for the construction of new community wellbeing centre and cafe incorporating refurbishment and change of use of existing house, with a new adjacent community garden and men's shed facility. |
| 2.0 | Description of the Site and Area |
| 2.1 | The site is made-up of two distinct plots one is a two-storey detached dwelling finished in a painted render, the building sits within its plot with well defined boundaries of fencing and mature hedging. The second plot is an area of open space currently laid out in grass and public pathways forming part of the lagan walkway. The surrounding character is mix with the east side of the road having community buildings of recreation centre, youth club and nursery school. Whereas the west side of the road is in residential use dominated by two-storey red brick terrace housing. |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | Site History |
| 3.1 | None relevant |

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| 4.0 | Policy Framework Section 6(4) of the Planning Act (Northern Ireland) 2011 requires planning decisions to be made in accordance with the Development Plan, unless material considerations indicate otherwise. |
| 4.1 | Belfast Urban Area Plan 2001 (BUAP) |
| 4.2 | Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) (dBMAP) Following the Court of Appeal decision on dBMAP (2014), the extant development plan is the BUAP. DBMAP (both v2004 and v2014 versions) are material considerations. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given its advanced stage in the Development Plan process, it is considered that dBMAP (v2014) carries significant weight. |
| 4.3 | Belfast Local Development Plan Draft Plan Strategy The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered adopted. Paragraph 1.10 of the SPPS states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS. |
| 4.4 | Strategic Planning Policy Statement for Northern Ireland (SPPS) |
| 4.5 | Planning Policy Statement 2 Natural Heritage |
| 4.6 | Planning Policy Statement 3 Access, Movement and Parking |
| 4.7 | Planning Policy Statement 6 Archaeology & Built Heritage |
| 4.8 | Planning Policy Statement 8 Open Space, Sport & Outdoor Recreation |
| 4.9 | Planning Policy Statement 15 Planning and Flood Risk |
| 5.0 | Statutory Consultees Responses DfI Roads Service – no objection subject to conditions Historic Environment Division – no objection NI Water – objection on grounds of insufficient waste-water infrastructure capacity DAERA – awaited |
| 6.0 | Non Statutory Consultees Responses BCC Environmental Health – no objection subject to informatives and condition |
| 7.0 | Representations |
| 7.1. | The application has been advertised in the press and neighbours have been notified. No third-party representations of objection have been received. One letter of support was received from local public representatives. |

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| 9.0 | Key Issues |
| 9.1 | <p>The main issues relevant to consideration of the application are:</p> <ul style="list-style-type: none"> • The principle of development • Impact on the character and appearance of the area • Impact on the setting of Listed Monument • Impact on Open Space • Impact on amenity • Access and parking • Flooding • Waste-water infrastructure • Ecology |
| 9.2 | <p>Principle of Development</p> <p>The site is located within the existing settlement limits for Belfast and within the BUAP and the dBMAP, the presumption is therefore in favour of development. The BUAP has no land use designations for the site the dBMAP shows the north section of the site, outside the confines of the existing building plot to be open space.</p> |
| 9.3 | <p>The SPPS advises that planning permission is ought to be granted or sustainable development that accords with the area plan and causes no harm to areas of acknowledged importance. Officers accept that the proposal accords with the area plan and set below no areas of acknowledged importance is significantly harmed by the proposal</p> |
| 9.4 | <p>Impact on the character and appearance of the area</p> <p>River Terrace and Balfour Avenue runs in parallel to the west bank of the river Lagan. There is a clear distinction in land uses along the road frontage, to the west side of the road it is residential with two-storey dwellings being dominant. Within the residential use there are clear period differences Balfour Avenue being of old traditional styled Belfast housing, red brick terrace with no front amenity space. The housing between Shaftesbury Avenue and Cooke Steet, has the rear of the housing projects onto the road frontage and from Cooke Street onwards the housing is more modern dating circa 1970's/80s fronting onto the road with front amenity space.</p> |
| 9.5 | <p>To the east side of the road the main land uses are community buildings and open space amenity. This side of the road, same for site location, contains Shaftesbury Recreation Centre, a large leisure complex with outdoor play facilities. Proceeding on towards the site the next building is single storey St. John Youth Centre followed by another single storey building St. Malachy's Nursery School followed by the site, currently a two-storey dwelling and open space.</p> |
| 9.6 | <p>The site building is positioned at a greater distance from the road than the other community buildings, these buildings are positioned at various distances from the road edge ensuring no uniformity of building-line. The proposed extension will bring the building closer to the road edge which will make a significant change to the existing character when looking south, the proposed building obscuring the existing single storey neighbouring buildings with the creation of a large block extension. However, within the wider context the proposal can be seen as book ending the community developments</p> |

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| | along this section of road with Shaftesbury Recreation Centre to one end and the proposal at the other and the single storey building between. |
| 9.7 | The retention of the existing building retains the rendered finish; however, the proposed extension is designed with grey brick interlaced with brick panel work design of the same-coloured brick. The design includes a flat roof which will be a green roof. Although the materials are not common to the area, which is mostly red/brown brick and slate the materials proposed will offer a contrast to the wider and will not be too dissimilar to Shaftesbury Recreation Centre which is finished in a grey steel cladding. Officers are content that the proposal will not significantly detract from the surrounding character having regards to the community buildings already located along this section of road frontage and the materials offering an acceptable contrast. |
| 9.8 | The current open space provides access to the Lagan walkway; the proposal is designed to retain this public access to pathways. Officers are content that the proposal will not impinge on the current level of public access ensuring the open character is maintained. |
| 9.9 | <p>Impact on the setting of Listed Monument</p> <p>The site is adjacent Mc Connell's lock a listed monument, Historic Environment Division of DfI (HED) was consulted and indicated that the proposed balcony, which projected beyond the front façade of the building, within the original design, had an impact on the monument. Amended plans were submitted with the balcony projection removed which was found to be acceptable HED indicating that the proposal no longer impacted the monument. Officers concur with the opinion of HED that the proposal will not detract from the setting of the historic monument the relationship between the front façade of the building and the monument remaining unaltered.</p> |
| 9.10 | <p>Impact on Open Space</p> <p>The proposal will result in the loss of an area of open space due to the erection of the man shed and poly tunnels. It is however acceptable within policy OS 1 of PPS 8 for open space to be lost to development that will bring substantial community benefit. The proposal, when read in the round, would be accepted as offering community benefits. The existing open space is an area of open grassland with connecting pathways crossing it. The proposal will see the additional planting, raised beds and seating within the current open space creating a place of interest and usable for the general community, this area remains open to the public with only the area for the man-shed and poly tunnels fenced. Officers accept that the section of land dedicated to the man-shed and poly tunnels will be lost to the public for recreational use it will nevertheless create facilities for community use and creates an opportunity for greater community cohesion by providing space for various community activities.</p> |
| 9.11 | <p>Impact on amenity</p> <p>The adjacent nurse school is located to the south of the site and has a play and garden areas between the school building and site. Having regards to separation distance between the school building and proposed site and also direction of sun travel Officers are content there will be no impact on the school. Those properties immediately fronting onto the site no. 30 to 36 River Terrace will have a change to outlook with the extended building being closer to the front of these properties. The height of the building is quoted at 7.2m from road level to top of parapet the separation distance is 11.2m between the</p> |

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| | <p>rear of the extension and the front of the properties. Having regards to the 45 degrees rule the proposal will not cast a significant shadow over these properties. Any shadow casted towards the dwelling will be morning time only as the site is to the east of the dwellings. The rear elevation of the proposed building has several features that will help to reduce the appearance of dominance these include a step within the wall design, windows, doors, and brick panelling breaking up the massing of the gable and a proposed area for the erection of artwork. Officers are content, on balance, that the proposal will not significantly impact on the amenity of residential dwelling of River Terrace.</p> |
| 9.12 | <p>Access and Parking</p> <p>DfI Roads Service was consulted and advised that additional information was required in the form of a parking survey to demonstrate sufficient on street parking for 7 vehicles. A parking survey was submitted and DfI re-consulted. The information within the survey showed an average of 24 spaces available the minimum being 13 spaces and the maximum being 30 spaces.</p> |
| 9.13 | <p>Environmental Health issues</p> <p>Planning Service is awaiting the final response from BCC Environmental Health, concerns were raised within first reply regarding information within the Preliminary Risk Assessment (PRA) for potential ground contamination and odour abatement from proposed café. Additional information for the PRA was submitted together with Odour abatement report for further EHS consideration.</p> |
| 9.14 | <p>Flooding</p> <p>DfI Rivers Agency was consulted and having regards to the submitted flood risk assessment has indicated that there is no objection to the proposal with standard informatives.</p> |
| 9.15 | <p>Waste-water Infrastructure</p> <p>NI Water has objected to the proposal on grounds of insufficient waste-water capacity. NI Water has advised that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no supporting data or information to evidence NIW's concern has been provided particular to this application. Clearly the objection is a material consideration. It is however a matter for the decision maker to determine the weight to be attached to it and all other material considerations.</p> <p>It is also noted that NI Water has a duty to connect significant committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all.</p> <p>For these reasons' officers are of the view that it would be unreasonable to give determining weight to the NI Water objection.</p> |

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| 9.16 | <p>Ecology</p> <p>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). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p> <p>Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NI Water to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a “significant effect” on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p> <p>Following response from NIEA and SES a condition will be imposed on the approval to restrict commencement of the development until an agreed wastewater disposal method is reached.</p> <p>A Biodiversity checklist was completed on the site given location adjacent to river and potential for Bat Roost. The survey indicated that no signs were visible of otter or badger activity at the site however there were signs of bats droppings and gaps within the building fabric that had potential for Bat roosts. A Bat survey was undertaken and concluded that there were no indications of Bats within the building although Bats were identified commuting over the site and foraging. The report recommended no additional survey required although a precaution approach should be taken when contractors commence works on site and report any findings indicating Bats within the site.</p> |
| <p>10.0</p> <p>10.1</p> <p>10.2</p> | <p>Summary of Recommendation:</p> <p>Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.</p> <p>It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions.</p> |
| 11.0 | <p>DRAFT CONDITIONS:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <ol style="list-style-type: none"> 2. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless |

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| | <p>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.</p> <p>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.</p> <p>3. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for enduse.</p> <p>Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.</p> <p>4. After completing the remediation works under Condition 3; 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 available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p> |
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| Addendum Development Management Report | |
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| Committee Meeting Date: Thursday 29 th June 2023 | |
| Application ID: LA04/2023/2891/F | |
| Proposal: Replacement of existing natural grass rugby pitch with new 3G surface and associated under pitch drainage + site works | Location: Kingspan Stadium, 134 Mount Merrion Avenue, Belfast, BT6 0DG |
| Referral Route: Referral to the Planning Committee under Section 3.8.5 (a) Those made by elected members of the Council | |
| Recommendation: Approval | |
| Applicant Name and Address: Ulster Rugby Kingspan Stadium 134 Mount Merrion Avenue Belfast BT6 0DG | Agent Name and Address: Hamilton Architects 3 Joy Street Belfast BT2 8LE |
| <p><u>ADDENDUM REPORT</u></p> <p>1.0 The full planning application was previously listed for Planning Committee on Tuesday 20th June 2023 with a recommendation of approval. At that meeting, the Committee agreed to defer consideration of the application to receive an outstanding re-consultation response from the Northern Ireland Environment Agency and undertake a site visit to view the existing natural grass pitch at the Kingspan Stadium. Members should take account of this Addendum Report in conjunction with the original full planning report attached.</p> <p>1.1 The Planning Committee site visit is scheduled at the Kingspan Rugby grounds for 2pm on Wednesday 28th June 2023.</p> <p>1.2 The Council also received a late objection from 'Friends of the Earth' on 20th June regarding material considerations relevant to the proposal.</p> <p>1.3 Planning consideration and rebuttal of Friends of the Earth objection letter received and outlined below.</p> <p>a) Authenticity and Leadership: <i>Removal of natural grass surface to be replaced with plastic artificial surface is deemed contrary to the legacy of the game. Stating that Ulster Rugby should be a voice of sustainability.</i></p> <p>BCC: Ulster Rugby maintain the development proposal will improve playing conditions at the stadium, reduce ongoing maintenance, and allow the club to continue to meet their match obligations and functions. Highlighting that The Kingspan is not only the home of Ulster Rugby, but also the home of rugby in Ulster, and to that end, it's a huge asset in inspiring participation in our sport and helping us develop a pathway of homegrown talent.</p> <p>b) Planning Process Issues:</p> <p><i>1. No biodiversity checklist included as this is deemed as a requirement of the planning process.</i></p> | |

The Belfast City Council Application Checklist Appendix 3, states that a Biodiversity Checklist should be used for all applications “*where another biodiversity or Ecological survey has not already been completed*”. It also states that in establishing whether a biodiversity survey is needed, the applicant or agent is advised to seek independent advice from an ecologist or suitably qualified person. Completion of a biodiversity checklist is not a legislative requirement, rather it’s purpose is to ‘screen’ proposal to identify if ecological information is required to inform the assessment of proposals.

In this instance, the applicant has provided: drainage assessment, maintenance guidelines for the pitch, DFI Rivers approval letter to discharge, Outline Construction Environmental Management Plan (OCEMP), granulate management report and chemical discharge / usage report from an engineer. SES and DAERA / NIEA have been formally consulted have not, as part of their assessment, requested submission of a checklist to assist in their consideration of the proposals. The submitted information is sufficient to identify and mitigate possible environmental impacts of the proposal.

II. *No EIA statement on the planning portal, the proposal is deemed as a major development.*

EIA screening has been completed in accordance with legislative requirements and is uploaded to the portal for public review. The screening confirms that the impacts will not be significant, and a statement is not therefore required in this case.

III. *No pitch measurements on the site plan.*

The site area is included within the red line as stated in the site area on the application form and scale drawings are provided for assessment. The site plan is dimensioned at scale 1:500 from which measurements can be ascertained.

IV. *No SES response received, and the application should be deferred until this has been formally received.*

NIEA/DEARA and SES are considering further information submitted in relation to the maintenance and chemical usage as discussed in the report and remains the only issue under consideration by these consultees. These responses remain outstanding at the time of writing. The information demonstrates that the maintenance and chemical usage for the proposal will use similar substances albeit in much reduced quantities for the proposal. Officers consider that it is reasonable to conclude that the proposal would therefore result in a nett benefit to the aquatic environment and associated habitats, and that maintenance operations associated with the current pitch are not subject to regulatory provisions within the planning legislation. On this basis, it is considered unlikely that DEARA and SES are unlikely to raise objections to the proposed arrangements. Notwithstanding this, delegated authority to the Director of Planning and Building control is requested to resolve this issue and any matters that may arise in the consultation responses.

- c) **Microplastics Restrictions** – *September 2022 European Commission recommended ban on ‘intentionally added microplastics’ onto European market, including rubber infill for 3G pitches and NI still follows EU Reach requirements. April 2023 EU voted to restrict microplastics due to risks to the environment. Maintenance of 3G pitches is a concern as erosion, migration of rubber infill crumb and microplastics can enter soils and river networks which pose risks to wildlife. Kingspan is in proximity and connected to the Loop River which is further linked to Belfast Lough which will result in a negative impact.*

BCC: An update has been sought from BCC Legal Services on the proposed amendment to legislation and their comments are set out below:

- I. The amendment does not give rise to an outright ban on actual 3G pitches. Upon considering the matter it appears that the amendment relates to the rubber granules and mulches that are used as infill material in synthetic pitches – not just 3G – also found in playgrounds, nature trails and golf courses. This amendment seeks to reduce the supply of these granules to the general public and specifies the concentrations they can be supplied at. Existing pitches need “topped up” by infill material and owners need to be sure that they are using the legal limit concentration. There is no suggestion that retro fitting is required.
- II. The EU are also well advanced in legislative process that would result in the restriction of microplastics that are intentionally added to products, including those used in artificial turf pitches by way of a further amendment to the REACH regs. (It also relates to other microplastics like the microbeads in exfoliators)
- III. A proposal to ban intentionally added microplastics was approved by EU countries on the REACH Committee in April of this year. It is not yet law and is still on its legislative journey. Before the restriction can be adopted, it is to be scrutinised by the European Parliament and the Council and it is understood that this will take at least three months. There is currently a draft Commission Regulation available on the matter.
- IV. Draft legislation cannot be considered as material consideration as applicants should be able to operate within the knowledge and certainty of extant legislation. Moreover, 3G pitches are already covered by the existing REACH legislative regime.
- V. The future viability of the 3G pitch would not be a material consideration, as this would be within the context of the commercial viability of the application. The objector refers to the transition period and indeed one of the reasons cited by ECHA for this length of transition is to allow for the development of alternative degradable polymers to replace these microplastics. Therefore, it is entirely foreseeable that the microplastic infill will be replaced with new substances in due course, negating this argument.
- VI. The applicant has provided details as outlined above and within the report to counter the associated negative impacts regarding Loop River and Belfast Lough.

d) Climate Emergency:

- I. *Loss of natural grass lands is a loss of carbon storage and mitigation to flood risk.*

It is not accepted that the current pitch constitutes a natural ‘grass land’. Rather it is an intensively managed sports surface and there is no likely significant habitat impact, taking account of the previous positive response from DEARA. Mitigation measures are included with the proposal to minimise flood risk and are acceptable taking account of the positive consultation response from Rivers Agency.

- II. *BCC going against their ‘net-zero’ emissions economy. Friends of the Earth request refusal of proposal.*

The LDP sets out the policy considerations for all development proposals within the City. Taking account of consultation responses and applicable policies, it is considered that impacts on the environment will be mitigated to a satisfactory degree. The proposal complies with the LDP and therefore approval is recommended.

1.4 Response from the Applicant:

Details of the objection from Friends of the Earth were provided to the applicant for comment. A summary of their response is set out below and can be read in full on the planning portal:

- I. There are time pressures to carry out the site works within the close season to be ready for the upcoming 23/24 season. This is a short window of opportunity which is shortening with each delay. The client's reasoning to change to an artificial surface is outlined in the supporting statement submitted with the application, these revolve around reduced maintenance pressures and costs, improved playability and ability to play across all weather fronts as the existing surface has in the past been adversely affected by poor weather resulting in fixture not being able to go ahead. A number of competing professional clubs have also opted to switch to 3G from natural grass.
- II. No biodiversity checklist has been requested either by BCC or DAERA, in any respect, the subsequent granulate mitigation and chemical treatment mitigation reports address any enviro/ecological issues.
- III. The project does not fall within any of the EIA developments listed in planning policy.
- IV. It's important to recognise that high specification in the design of the pitch along with a meticulous maintenance minimise any potential for the migration of crumb infill away from the surface, and ensure it does not find its way into the neighbouring watercourses via the drainage system. Unlike many other community led third generation pitches, the equipment which will be used to maintain the pitch will remain permanently onsite, and is stored approx. 40m from the access to the pitch.
- V. We are aware of the European Commission/EU REACH potential ban, however the outcome of this study is yet to be published and therefore no legislation currently prohibits the use of 3G. There are obviously a number of existing and recently approved 3G pitches in the BCC area which should be taken account of when robustly responding to such an objection. As has already been noted, various risk management measures will be implemented within our project, and we continue to engage with local and national governing bodies whilst research and development is ongoing to establish alternative, more suitable and sustainable artificial grass pitch infill options.

BCC: The details of the response are noted and the issues are considered under the Friends of the Earth comments above.

Recommendation: The recommendation remains to approve for the reasons set out in the previous planning assessment report. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from Shared Environmental Services and NIEA / DAERA in the event this is not received prior to Committee.

Development Management Report Committee Application

| Summary | |
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| Committee Meeting Date: Tuesday 20 th June 2023 | |
| Application ID: LA04/2023/2891/F | |
| Proposal: Replacement of existing natural grass rugby pitch with new 3G surface and associated under pitch drainage + site works | Location: Kingspan Stadium, 134 Mount Merrion Avenue, Belfast, BT6 0DG |
| Referral Route: Referral to the Planning Committee under Section 3.8.5 (a) Those made by elected members of the Council | |
| Recommendation: Approval | |
| Applicant Name and Address: Ulster Rugby Kingspan Stadium 134 Mount Merrion Avenue Belfast BT6 0DG | Agent Name and Address: Hamilton Architects 3 Joy Street Belfast BT2 8LE |
| Executive Summary: <p>This application seeks full planning permission to replace the existing natural grass playing surface with a new 3G surface and associated under pitch drainage. The works proposed include operational works on and under land, with the earthworks to remove the grass pitch, the installation of a subbase layer and a new surface on the land amounting to operational development.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> The principle of the development at this location Visual impact of the proposal Impact on amenity / character of the area Impact on the natural environment Impact on transport and other infrastructure Drainage Noise, odour, and other environmental impacts Ecological impacts Flood Risk <p>The proposal would not adversely impact on amenity, traffic related concerns would be temporary in nature in association with the construction process and therefore have a limited impact. The proposed scale, form, massing, design, and materials proposed are considered acceptable and will not adversely impact on local character.</p> <p>The scale and character of the proposed works would be reasonably expected at a sports facility of this nature. The associated impacts on drainage and the wider environmental impacts have been considered and as the council are still awaiting final response from Shared Environmental Services and NIEA / DAERA regarding additional information received. Delegated authority is sought to the</p> | |

Director of Planning and Building Control to resolve any technical matters arising from this response.

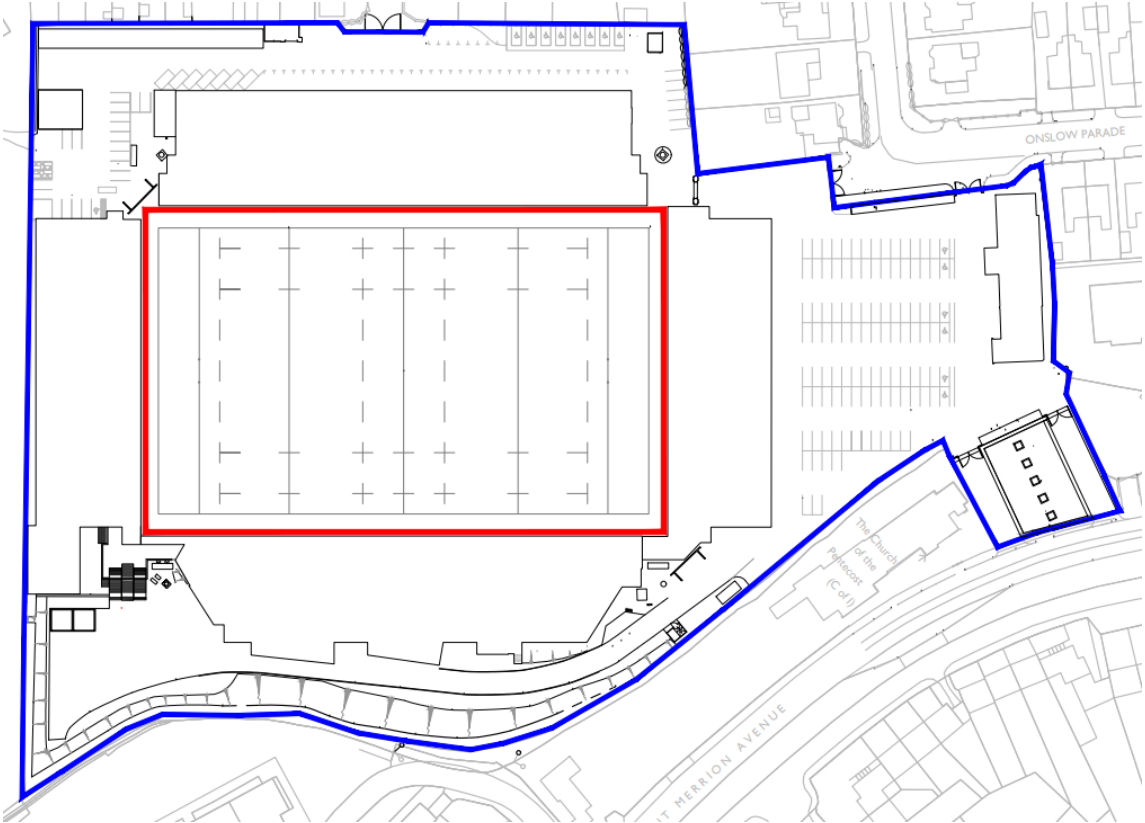
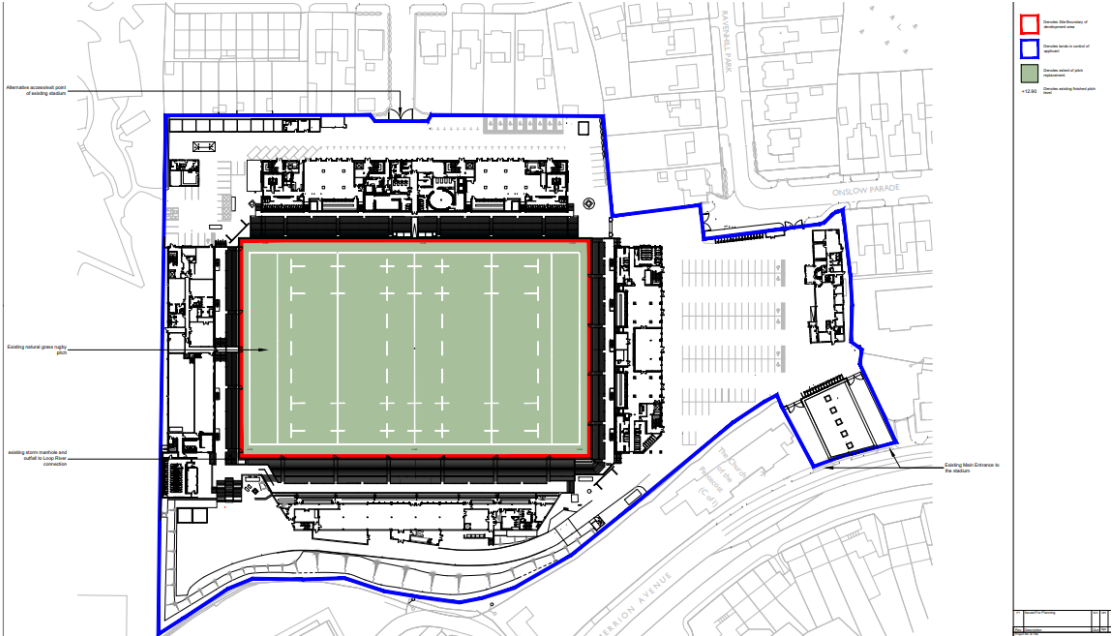
Notwithstanding the outstanding consultations, based on the submitted information, along with all other consultee responses and material considerations, adequate measures have been outlined to minimise risks and impacts to environmental assets including protected habitats and species.

DFI Roads, Historic Environment Division, NI Water, Rivers Agency, Environmental Health have no objections to the proposal. NIEA / DAERA and SES are still outstanding after re-consultation.

Conditions are necessary to mitigate impacts of the development, 46 objections have been received and have been considered. There has been 1 letter of support for the proposal.

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 also sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.

| Planning Report | |
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| 1.0 | Drawings |
| 1.1 | Site Location Map |
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| Existing Site Plan | |
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| Proposed Site Plan | |

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| 2.0 | Characteristics of the Site and Area |
| 2.1 | <p>The site is located at 134 Mount Merrion Avenue, Belfast comprising the IRFU Ulster Branch Rugby Stadium, an existing sports facility. The site consists of an existing grass rugby pitch and is surrounded on all sides by four spectator stands, admin building and associated parking. The site is accessed for vehicles and pedestrians via Mount Merrion Avenue, Ravenhill Park Gardens and Onslow Parade. The area is within the Development Limits of Belfast as stated in the Belfast Area Plan 2001 and Belfast Metropolitan Area Plan 2015. The area is characterised by residential uses adjacent to the North, Northwest, South and South-east of the site.</p> <p>Adjacent to the east there is a church and to the southwest a secondary school. The north-eastern boundary of the site lies adjacent to Ravenhill Park Proposed Area of Townscape Character and to the east lies Cregagh Proposed Area of Townscape Character as designated in the BMAP 2015.</p> |
| 3.0 | Description of Proposal |
| 3.1 | Replacement of existing natural grass rugby pitch with new 3G surface and associated under pitch drainage and site works |
| 4.0 | Planning Policy and Other Material Considerations |
| 4.1 | <p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p> |
| 4.2 | <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> |
| 4.3 | <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> |

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| 4.4 | <p>Other Relevant Policies Belfast Agenda</p> <p>Relevant Planning History</p> |
| 4.5 | <p>There are several planning histories linked to the site known as Ulster Rugby grounds dating back to 1979. The most recent / relevant histories have been added below for ease of reference.</p> <p>Z/2015/0145/F - Retention of car parking in non-compliance with condition 2 of planning permission Z/2010/1319/F "hard surfaced areas shall be constructed and permanently marked in accordance with drawing No P:30 to provide adequate facilities for parking within the site. no part of these hard surface areas shall be used for any purpose at any time other than for the parking and movement of vehicles" – Permission Granted – 02/02/2016.</p> <p>Z/2010/1319/F - Construction of three stands with associated safety and accessibility improvement works. The proposed works comprise of: demolition of existing main stand; construction of three stands (i.e. erection of new stand at the Aquinas end of the ground, and amendments to the previously approved stands on the northern and eastern sides of the ground) with hospitality, media, player, spectator and ancillary facilities; upgrading of existing entrances; relocation and renovation of existing War Memorial Arch and; construction of new WC block, electronic screens and ground maintenance storage facilities. – Permission Granted – 29/02/2012</p> <p>Z/2008/2284/F - Construction of 1 no. changing block, switch room and NIE transformer at Ravenhill Rugby Grounds. – Permission Granted – 12/02/2009.</p> |
| 5.0 | Consultations and Representations |
| 5.1 | <p>Statutory Consultations</p> <p>DfI Roads – No objections DfC Historic Environment Division (HED) – No objections DfI Rivers – No objections NI Water – No objections DAERA NIEA – Initial response, no objections. Re-consultation response: currently outstanding.</p> |
| 5.2 | <p>Non-Statutory Consultations BCC Environmental Health – No objections Shared Environmental Services (SES) – Initial response: Additional information required. Re-consultation response: currently outstanding.</p> <p>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.</p> <p>Representations</p> |
| 5.3 | <p>The application has been advertised and neighbours notified. The Council has received the following representations in support and objection.</p> <p>Support: 1 Objections: 46</p> |

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| 5.4 | <p>Having reviewed all representations and considered the information associated, the key points are summarised below:</p> <ul style="list-style-type: none"> • HGV traffic impacting residential streets, safety to school children walking. • HGV will impact old foundations in residential area. • Trees / hedges impacted by traffic / works. • Wildlife impacted by works. • Issues with transport assessment not being completed correctly. • Lack of notification given to residents. • Lack of clarity / transparency from applicant. • Lack of information / understanding from applicant regarding local eco-system. • Misinformation allegedly provided by the council to applicant. • Potential intensification of use subject to completion of pitch. • Traffic management not clear. • Microplastics impact to natural environment / wildlife. • Rubber infill impacts on eco-system, wildlife, and health. • Use of hazardous materials. • No biodiversity checklist submitted. <p>Case officer response: NIEA have been consulted and had no objections initially regarding biodiversity and as such a biodiversity checklist was not deemed a requirement for this proposal.</p> <ul style="list-style-type: none"> • Impact of wash-off / chemicals used on pitch. • Loop river impact. • Precedent refusal adjacent the application site. • Loss of confidence regarding consultee responses. <p>These concerns are addressed in the planning assessment of the report.</p> |
| 6.0 | PLANNING ASSESSMENT |
| 6.1 | Development Plan Context |
| 6.2 | Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. |
| 6.3 | Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations. |
| 6.4 | The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted. |
| 6.5 | Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report. |
| 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 |

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| | <p>Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p> |
| 6.7 | <p>Relevant Planning Policies</p> <p>Policies in the Plan Strategy relevant to the application include the following:</p> <p>Policy CI1 – Community Infrastructure Policy TRAN 2 – Creating an Accessible Environment Policy TRAN 3 – Transport Assessment Policy ENV1 – Environmental Quality Policy ENV2 – Mitigating Environmental Change Policy ENV3 – Adopting to Environmental Change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable Drainage Systems (SuDS) Policy SP2 – Sustainable Development Policy SP3 – Improving Health and Wellbeing Policy SP5 – Positive Placemaking Policy GB1 – Green and Blue Infrastructure Network Policy OS1 – Protection of Open Space Policy OS5 – Intensive Sports Facilities Policy NH1 – Protection of Natural Heritage Resources</p> |
| 6.8 | <p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • The principle of the development at this location • Visual Impact of the Proposal / Character of the Area • Impact on amenity • Impact on transport and other infrastructure • Drainage & Flood Risk • Ecological impacts <p>The Principle of the Development at this Location</p> |
| 6.9 | <p>The proposal seeks to remove the existing natural grass playing surface and replace with a new 3G surface and associated drainage at the Kingspan Stadium. The construction stages would comprise vegetation clearance and topsoil stripping of existing pitch, earthworks consisting of underground drainage works to the pitch area, and finally the formation of the new 3G surface including subbase layers.</p> |
| 6.10 | <p>The application site is zoned as whiteland within dBMAP, there are no special designations linked to the specific site location. As detailed above in the report,</p> |
| 6.11 | <p>The surrounding area can be characterised as residential with educational uses such as Aquinas Grammar School located directly to the west. The site has continuously been in use as the home grounds for Ulster Rugby and is still in active use. The main pitch at closest points would be located approximately 20m from the curtilage of dwellings at Ravenhill Park and Onslow Parade to the North-East, approximately 50m North to</p> |

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| | <p>Ravenhill Park Gardens and approximately 80m South to dwellings at Mount Merrion Avenue. The proposal is acceptable regarding Policy OS1 of the Plan Strategy 2035 in that, the sports facility is within the settlement limits and the retention and enhancement of the facility is of a small section of the overall facility. It is deemed to have no adverse impact on the sporting potential of the facility. There is no loss of open space, rather an alteration / enhancement of its existing playing surface.</p> <p>Visual Impact of the Proposal / Character of the Area</p> |
| 6.12 | <p>This proposal seeks to replace the existing natural grass playing surface of the Kingspan Stadium with 3G artificial grass. The site is enclosed on 4 sides by the adjacent large spectator stands which screens a majority of the grass surface from public views. The proposed artificial surface seeks to replicate natural grass.</p> <p>The north-eastern boundary of the site lies adjacent to Ravenhill Park Proposed Area of Townscape Character and to the east lies Cregagh Proposed Area of Townscape Character as designated in the dBMAP 2015. The proposed works are set fully within the confines of the enclosed stadium and will not therefore be subject to public views from outside of the stadium. Accordingly, the replacement surface will not impact upon the character and appearance of the area and ATC's in close proximity to the site.</p> <p>Impact on Amenity</p> |
| 6.13 | <p>The proposal is to change the surface of the playing field from natural grass to artificial grass. The use as a playing surface will not be therefore altered. The applicant indicates that pitch use will remain at current usage levels and therefore there will be no intensification. The supporting OCEMP indicates that the construction period is estimated as 3 – 4 months in duration. Objections have been received regarding noise, disturbance, and general nuisance.</p> |
| 6.14 | <p>Belfast City Council Environmental Health Services have been consulted and considered the proposal and supporting information, including the Outline Construction Environmental Management Plan (OCEMP), in terms of noise, air pollution, general amenity, ambient air quality, contaminated land. Environmental Health have no objections to the proposal. Taking this into account, it is therefore considered that there will be no adverse impact on amenity. Impacts from associated construction traffic will be for a limited period and accordingly it would not result in significant impacts on amenity.</p> <p>Impact on Transport and Other Infrastructure</p> |
| 6.15 | <p>Objections have been received in relation to transport related issues. The Department for Infrastructure Roads Service have been consulted on this application and have responded with no objections. The nature of the proposal will not have any impact on transport, access, and parking considerations as there is no additional parking or alterations to transport required.</p> |
| 6.16 | <p>The proposal has been assessed against Policy TRAN 2, which conforms with the criteria outlined. Policy TRAN 3 states that; a transport assessment will be required to evaluate the transport implications of the development proposal, where it is likely to have "significant travel generating uses". The principle of the proposal will not increase the intensification of the use outside of what currently exists. A transport assessment form has been submitted and as the proposal does not comprise residential development, no creation of additional floor space created, and no further intensification of the use related to a new surface, this element is deemed acceptable.</p> |

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| 6.17 | <p>Transport related construction requirements have been detailed in the Outline Construction Environmental Management Plan (OCEMP) at Section 7.7. This outlines that a 'Traffic Management Plan' detailing procedure to follow prescribed routes when working on the site. The TMP shall incorporate any restrictions imposed considering any planning approval granted. The TMP will include specific routeing for construction traffic to the site via existing establish site entrances and restrictions on construction hours. The TMP shall be circulated to all parties who are employed or have a legitimate interest in the works. The Principal Contractor shall ensure that Construction Traffic Routeing Signs are erected prior to any works commencing, and that these are maintained in good and clean condition throughout the duration of the works. These details would be further expanded in the final CEMP before any development can commence on site via an appropriate negative condition, subject to any granting of planning approval. The final CEMP would assist in mitigating construction related impacts for the construction period.</p> |
| 6.18 | <p>DFI Roads have also no objections to the proposal including the OCEMP details. On the basis of this response the proposal is considered acceptable in relation to impacts on Transport infrastructure.</p> <p>Drainage and Flood Risk</p> |
| 6.19 | <p>A drainage assessment and associated information was submitted for consideration. The drainage flow is proposed at 10 litres per second which is a greenfield discharge rate. The impact therefore being no greater than existing. DFI Rivers and NI Water have been consulted. These consultees have referred to the previous policy considerations (Planning Policy Statement 15), in their consultation responses. The equivalent policies in the Plan Strategy i.e., ENV4 and ENV5 essentially repeat the PPS15 requirements as per the SPPS. Objections have been received with concerns surrounding drainage.</p> <p>Rivers Agency and NIW are satisfied with the mitigation measures proposed and it is therefore considered that the proposal complies with policy and no adverse impact on drainage and flood risk will occur.</p> <p>Ecological Impacts</p> |
| 6.20 | <p>The potential for ecological impacts associated with this proposal is a policy consideration within several section of the LDP and objections have been received by the Council on related issues. These include the lack of information / understanding from the applicant regarding local eco-system, microplastics impacting the natural environment / wildlife, rubber infill impacts on eco-system, and health, use of hazardous materials, impact of wash-off / chemicals used on pitch and overall Loop River impact.</p> |
| 6.21 | <p>The applicant has submitted a Granulate Management Report, formal letter regarding chemical usage, maintenance guidelines for the pitch and details within the OCEMP DEARA and SES have been consulted on the proposed details. DEARA have responded with no objections, however SES requested further information relating to chemical usage. This information indicates mitigation measures for controlling granulate discharge from the site and that chemicals for cleaning and maintenance will be reduced compared to current arrangements. The Council have re-consulted Shared Environmental Services and NIEA / DAERA for their consideration. These consultations are currently outstanding at the time of writing.</p> |
| 6.22 | <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from Shared Environmental Services and NIEA / DAERA in the event this is not received prior to Committee.</p> |

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| 7.0 | Recommendation |
| 7.1 | 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. |
| 7.2 | 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>DRAFT CONDITIONS: (Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions):</p> <ol style="list-style-type: none"> 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. No development activity, including ground preparation or vegetation clearance, shall take place until a Final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The CEMP must incorporate a construction traffic management plan. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. Reason – To protect the aquatic environment of Belfast Lough SPA, Ramsar & open water 3. No part of the development hereby permitted shall become operational until all drainage mitigation measures have been installed in accordance with the submitted drainage assessment and a report verifying that these measures have been installed has been submitted to and approved in writing by the Council. These measures shall be permanently retained and maintained thereafter in accordance with the approved arrangements and shall not be altered or removed without the prior consent of the Council in writing. Reason: To ensure adequate drainage arrangements are provided for the development and in the interests of public amenity and safety. 4. 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 the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. Reason: Protection of environmental receptors to ensure the site is suitable for use. 5. After completing the remediation works under Condition 1 and prior to operation 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 the risks and achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use. | |

| ANNEX | |
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| Date Valid | 15/03/2023 |
| Date First Advertised | 28/04/2023 |
| Date Last Advertised | 02/06/2023 |
| Dates of Neighbour Notification 18/04/2023 and 05/06/2023 | |
| 1 HUGHES COURT 10 RAVENHILL PARK GARDENS 11 HUGHES COURT 114 MOUNT MERRION AVENUE 116 MOUNT MERRION AVENUE 118 MOUNT MERRION AVENUE 120 MOUNT MERRION AVENUE 122 MOUNT MERRION AVENUE 13 HUGHES COURT 15 HUGHES COURT 17 HUGHES COURT 19 HUGHES COURT 21 HUGHES COURT 22 RAVENHILL PARK GARDENS 23 HUGHES COURT 24 RAVENHILL PARK GARDENS 28 RAVENHILL PARK GARDENS 3 HUGHES COURT 30 RAVENHILL PARK GARDENS 32 RAVENHILL PARK GARDENS 34 RAVENHILL PARK GARDENS 36 RAVENHILL PARK GARDENS 5 HUGHES COURT | |

79 RAVENHILL PARK
81 RAVENHILL PARK
83 RAVENHILL PARK

85 RAVENHILL PARK
85A RAVENHILL PARK
9 HUGHES COURT

AQUINAS GRAMMAR SCHOOL
CHURCH OF THE PENTECOST, CHURCH OF IRELAND, MOUNT MERRION AVENUE

| ADDENDUM REPORT | |
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| Application ID: LA04/2021/0691/F & LA04/2021/0915/DCA | Date of Committee: 29 June 2023 |
| Proposal: Demolition of existing dwelling and erection of a new detached dwelling and associated siteworks | Location: 1d Malone Park Belfast BT9 6NH |
| Referral Route: Par. 3.8.2 (i) of the Scheme of Delegation – full demolition of existing dwelling in the Conservation Area | |
| Recommendation: | Approval |
| Applicant Name and Address: Andrea McGarrity 1d Malone Park Belfast BT9 6NH | Agent Name and Address: RPP Architects Ltd 155-157 Donegall Pass Belfast BT1 1DT |

Background

This application was previously listed for Planning Committee on 18 April 2023. The application was deferred for a Committee Site Visit.

The Site Visit is scheduled to take place on 28 June 2023.

Since the previous Committee meeting, the Belfast Local Development Plan: Plan Strategy has been adopted (02 May 2023). This provides a new policy framework for decision-making.

The Council is concurrently considering an application for two replacement dwellings on the adjacent site at Nos. 448 and 450 Lisburn Road (LA04/2021/1317/F). It is the same applicant for both applications. That application is on the same Committee agenda.

This report should be read in conjunction with the report to the April Committee, appended.

Updated Policy Context

Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).

Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

Relevant Planning Policies

Plan Strategy

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

Policy SP1A – managing growth and supporting infrastructure delivery

Policy SP2 – sustainable development

Policy SP5 – positive placemaking

Policy SP6 – environmental resilience

Policy SP7 – connectivity

Policy SD2 – Settlement Areas

Policy HOU1 – Accommodating new homes

Policy HOU2 – Windfall housing

Policy HOU4 – Density of residential development

Policy HOU7 – Adaptable and accessible accommodation

Policy DES1 – Principles of Urban Design

Policy RD1 – New Residential Design

Policy BH1 – Listed Buildings

Policy BH2 – Conservation Areas

Policy ENV1 – Environmental quality

Policy ENV2 – Mitigating environmental change

Policy ENV3 – Adapting to environmental change

Policy ENV4 – Flood Risk

Policy ENV5 - Sustainable drainage systems (SuDS)

Policy TRAN 2 – Creating an accessible environment

Policy TRAN6 – Access to public roads

Policy TRAN8 – Car parking and servicing arrangements

Policy TRE1, Trees

Supplementary Planning Guidance

Residential Design

Placemaking and Urban Design

Sustainable Urban Drainage Systems

Transportation
Trees and Development

Updated Assessment

Plan Strategy

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

Additional Information

Officers requested that the applicant provides 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 sets out the policies in the Plan Strategy which they believe apply to this proposal. In summary, the applicant considers that the proposal complies with the relevant policies and that the development remains acceptable in relation to the Plan Strategy and other material considerations.

Consultation responses

No further letters of objection or representations been received.

No additional consultations have been considered necessary following adoption of the Plan Strategy and receipt of the Plan Strategy Statement.

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

Principle of development

Policy HOU2 of the Plan Strategy requires all new housing development to be delivered on previously developed land. The site is previously developed land within an urban setting offering associated conveniences. The proposal, a replacement dwelling, is situated primarily on the footprint of the existing dwelling and is suitable for housing development. The proposed site is accessible and convenient to public transport, walking and cycling infrastructure.

Policy HOU4 seeks to achieve appropriate housing densities. For Outer Belfast, a density of 25 to 125 units per hectare is recommended. The site is 0.07ha in size and the proposed density is 14 dwellings per ha. Whilst this is lower than the recommended band, regard is had to the scheme being a replacement dwelling and the importance of maintaining the character and appearance of the Conservation Area, which means that increasing the density would be inappropriate.

Affordable housing

Whilst the application site is 0.07 ha and in isolation is below the threshold for consideration of affordable housing (which is required for sites of greater than 0.1ha), the site is in the same ownership as the adjacent site at 448 and 450 Lisburn Road for two replacement dwellings (LA04/2021/1317/F). The adjacent site is 0.13 ha, which means that the combined sites have a total area of 0.2ha.

The Affordable Housing and Housing Mix Supplementary Planning Guidance requires the Council to consider adjacent sites in the same ownership for the purposes of Policy HOU5. Policy HOU5 requires schemes of 5 units or more or sites of 0.1ha or greater to provide a minimum of 20% of the units as affordable housing.

In accordance with the SPG, schemes of less than 5 units are not required to deliver affordable housing. The SPG seeks to ensure that appropriate densities are achieved on smaller sites and that proposals are not artificially kept below 5 units. In this case, the combined proposals seek permission for three replacement dwellings with a zero net increase in units. The overall density of both schemes would be 15 units/ha, which is below the target band of 25 to 125 units/ha for Outer Belfast. However, the sites are subject to various constraints which it is considered make it inappropriate to increase the densities to even the minimum level of 25 units/ha (which would deliver 5 units on the site, but only a net gain of two units). These constraints include the sensitive location of the sites within the Malone Park Conservation Area and setting of a Listed Building. Also, the difficulties achieving suitable access and parking for a higher number of units, whilst maintaining appropriate levels of amenity and garden space. Regard is also had to the longevity of the applications which were submitted in 2021 and the reasonableness of requiring significant changes to both applications now.

Taking these considerations into account, it is not considered appropriate nor reasonable to increase the density of the schemes and require affordable housing.

Adaptable and accessible housing

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.

The proposed dwelling is of a large scale, 179sq m of floor space. The quantity of internal space will allow, if never needed, sufficient space for the dwelling to be altered/adapted to meet the needs of occupants with a disability. Parking would have a firm and flat surface. Whilst the main entrance does not have a shelter, nor do many of the historic properties in Malone Park and this is a characteristic of the area. There is dining and living room space on the same ground floor level. There is a ground floor W/C and bathroom facilities on all levels. An accessible bathroom can be accommodated. There would be outlook from the windows when seated in the main living area. The proposal is considered acceptable having regard to Policy HOU7 of the Plan Strategy.

Residential Design

Policy DES1 of the Plan Strategy states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking where it accords with a range of criteria. For the reasons set out in the original Committee report, it is considered that the design is appropriate and would respond positively to the local context and character. The scale, massing, materials, roofscape and building line compliment the surrounding Conservation Area. The design reflects the period neighbouring buildings of distinctive character that contributes to the overall conservation area character.

Policy RD1 of the Plan Strategy states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal meets defined criteria. Officers consider that the proposal is acceptable having regard to Policy RD1 for the reasons set out in these reports. This includes provision of acceptable external amenity space, the dwelling occupying around 23% of the site. The design allows each internal living space to benefit from a natural light source.

Climate Change

Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals (including changes of use) will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction and operation.

Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates.

Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere. As mentioned previously, a range of options are being considered by the applicant but there are no detailed proposals. Again, it is considered appropriate that suitable SuDS measures can be required by condition.

The applicant states that the dwelling will exceed Building Regulations standards in terms of thermal insulation and air tightness but does not indicate how. Consideration is being given to an air source heat pump. Photovoltaic panels are also being considered, but this will be subject to further discussion with the Planning Service due to the sensitivity of the site within the Conservation Area. In terms of SuDS, the applicant states that they are considering rain garden planter boxes. New paving will be permeable with porous sub-base. Having regard to the length of the time that the Council has been considering the application, submitted in 2021, specific proposals to mitigate environmental change and resilience can be secured by condition.

Demolition

Policy ENV2 of the Plan Strategy states that development proposals should, where feasible, seek to avoid demolition and should consider how existing buildings or their main structures could be reused. Development proposals that include the demolition of existing buildings should demonstrate that reuse is not appropriate or feasible. Where demolition is proposed, measures should be included to minimise any waste through the reuse of as much building material as possible. In this case, it is considered that demolition of the existing building is desirable because it is an anomaly out of character with the Conservation Area. A scheme for recycling and re-using existing materials can be secured by condition.

Impact on the character and appearance of the Conservation Area

Policy BH2 of the Plan Strategy sets out five criteria for new or replacement buildings within a Conservation Area. For the reasons set out in the original Committee report, it is considered that proposal is appropriate to the Conservation Area and that its character and appearance would be enhanced. The proposal would respect the build form of the area. Key views would not be negatively impacted. Trees, archaeological and landscape features would be protected and integrated. Regard has been had to the Malone Park Conservation Design Guide.

The existing building does not make a material contribution to the character and appearance of the Conservation Area and the replacement dwelling would enhance it.

Impact on the setting of Listed Buildings

Policy BH1 sets out five criteria for considering the impact of new development on the setting of Listed Buildings. The impact of the proposal on the setting of the Listed No. 1a Malone Park is set out in the original Committee report.

It is considered that the proposal is sympathetic to the Listed Building. It would not result in the loss of key views of the Listed Building. The character of the setting of the Listed Building would be respected and the setting would be maintained. DfC HED offers no objection to the proposal.

Transport

The proposal is considered to comply with Policy TRAN2 given the accessibility of the site. The means of access is considered safe and suitable, having regard to the advice of DfI Roads. Policy TRAN8 requires adequate parking within the site for car parking. The proposal includes two in-curtilage space and satisfied the relevant Parking Standards.

Other considerations

Other aspects of the proposal are considered acceptable, having regard to the policies in the Plan Strategy.

Regard is also had to the length of time that the Council has been considering the application, which was submitted in March 2021.

Recommendation

It is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions. Additional conditions will be required in relation to environmental mitigation and resilience (including SuDS) and the recycling and re-use of existing materials.

The Conservation Area Consent application (LA04/2021/0915/DCA) will have to be notified to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011 before the decisions can be issued.

Committee Application

| Development Management Report | |
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| Application ID: LA04/2021/0691/F and LA04/2021/0915/DCA | Date of Committee: 18 April 2023 |
| Proposal: Demolition of existing dwelling and erection of a new detached dwelling and associated siteworks | Location: 1d Malone Park Belfast BT9 6NH |
| Referral Route: Par. 3.8.2 (i) of the Scheme of Delegation – full demolition of existing dwelling in the Conservation Area | |
| Recommendation: | Approval |
| Applicant Name and Address: Andrea McGarrity 1d Malone Park Belfast BT9 6NH | Agent Name and Address: RPP Architects Ltd 155-157 Donegall Pass Belfast BT1 1DT |
| <p>Executive Summary: This application relates to No. 1D Malone Park. The application seeks full planning permission for the demolition of the existing dwelling and the erection of a new detached dwelling with associated siteworks. An associated application for Conservation Area Consent for the demolition has been submitted and is also being considered by the Committee (LA04/2021/0915/DCA).</p> <p>The main issues to be considered in this case are:</p> <ul style="list-style-type: none"> Principle of development Impact on the character and appearance of the Malone Park Conservation Area Impact on the setting of Listed Buildings Trees and Landscaping Impact on residential amenity Access, Movement and Parking Other environmental considerations <p>In the Belfast Urban Area Plan 2001, Draft Belfast Metropolitan Area Plan 2015 (v2004 and V2014), the site is un-zoned white-land within the development limits. The site is located within Malone Park Conservation Area.</p> <p>4 letters of objection have been received including a representation on behalf of Malone Park Residents Association. 3 letters of support have also been received. The objections are summarised below.</p> <ul style="list-style-type: none"> Impact on Listed gate lodge 1a Malone Park Overbearing on plot 1 Malone Park Overlooking from first floor balconies Loss of light to 1b & 1c Malone Park | |

- No landscaping plan
- Inappropriate scale
- Cramming – inappropriate footprint for site
- Car parking to front of dwelling

These matters are addressed in detail in the main report.

The supporting comments are summarised below.

- Proposal makes a positive contribution to Conservation Area
- Proposal improves the surrounding character

DFI Roads, DfC HED, NI Water, BCC Environmental Health, BCC Tree Officer and BCC Conservation Team were all consulted and have offered no objection to the proposal. Having regard to the policy context and other material considerations including third party representations and previous appeal decision, the proposal is considered to be acceptable and approval is recommended for the reasons set out.

Recommendation

It is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

The Conservation Area Consent application (LA04/2021/0915/DCA) will have to be notified to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011 before the decisions can be issued.

Proposed Drawings

Site location plan



Floor Plans



| Characteristics of the Site and Area | |
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| 1.0 | Description of Proposed Development |
| 1.1 | This application seeks full permission for the demolition of the existing dwelling and the erection of a new detached dwelling and associated siteworks. There is a related application for Conservation Area Consent application (LA04/2021/0915/DCA) that the Committee is also considering. |
| 1.2 | The proposal has been amended over the course of the application to include removal of the rear balconies, additional landscaping plan, building line and contextual plans. |
| 2.0 | Description of Site and Area |
| 2.1 | The application site is a common rectangular plot containing a single dwelling which is designed with a single storey element to the front and a two-storey element behind and detached garage. The dwelling has the appearance of dating from the 1960s being finished in a red/brown brick at ground floor level and slate cladding above. It is not follow the traditional vernacular design of the vast majority of houses in Malone Park Conservation Area. The plot is uncommon when compared to neighbouring sites being significantly narrower and the styling of the dwelling is significantly different from the neighbouring properties, these being large detached villas situated within substantial plots and mostly finished in red facing brick although there are several finished in painted render. The dwelling on site is a rather plain and modest construction when compared to the neighbouring dwellings which employ many architectural features that gives them a significant presence. The boundary to the site is a mix of brick walls and vegetation, the wall appears to date from before the house and the vegetation is mature. |
| 2.2 | The site is situation on Malone Park, which is a private road, and near a small detached bungalow. Its location at the gateway to the park would indicate that it was probably built for a gatekeeper. Adjacent to the site is two large vacant dwellings, fronting the Lisburn Road, which are in a rundown state of repair, these properties are within the ownership if the applicant. The site is situated within the Malone Park Conservation Area. |
| 2.3 | The character of the surrounding area is dominated by residential use. Malone Park is characterised by large detached houses set within large plots. The adjacent Lisburn Road is a mix of commercial and residential uses. |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | Site History Application Site: LA04/2021/0915/DCA - Demolition of existing dwelling – to be considered by the Planning Committee at the same meeting. Z/1987/1354 - 448 Lisburn Road/1B Malone Park - Alterations and extension with change of use of existing coach house to dwelling unit and conversion of existing dwelling to 2 dwelling units and provision of domestic garage. Planning permission granted. |

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| 4.0 | Policy Framework |
| 4.1 | Belfast Urban Area Plan 2001 (BUAP) – Housing Strategy, Policy H3, Conservation Strategy, Policies C2 and C4 |
| 4.2 | Draft Belfast Metropolitan Area Plan (dBMAP) 2015 (v2004 and v2014) Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. BMAP reverted to a draft plan and both versions of dBMAP (v2004 and v2014) are material considerations. The weight to be afforded to dBMAP is a matter of judgement for the decision maker. Given the advanced stage in the Development Plan process, dBMAP (v2014) is considered to carry significant weight, save for retail policies relating to Sprucefield, which remain contentious. |
| | Draft BMAP 2015 (v2004) |
| 4.2.1 | Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits |
| 4.2.2 | Designation BT001 Metropolitan Development Limit |
| | Draft BMAP 2015 (v2014) |
| 4.2.3 | Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits. |
| 4.3 | Regional Development Strategy 2035 |
| 4.4 | Strategic Planning Policy Statement 2015 |
| 4.5 | Planning Policy Statement 3: Access, Movement and Parking Planning Policy Statement 6: Planning, Archaeology and the Built Heritage Planning Policy Statement 7 (PPS7) Quality Residential Environments Planning Policy Statement 7 (PPS7) Addendum: Safeguarding the Character of Established Residential Areas Planning Policy Statement 12 (PPS12) Housing in Settlements |
| 4.6 | Section 91 of the Planning Act (Northern Ireland) 2011 “In considering whether to grant planning permission for development which affects a listed building or its setting, a Council 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”. |
| 4.7 | Section 104 of the Planning Act (Northern Ireland) 2011 “Special regard must be had to the desirability of: (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise. |
| 5.0 | Statutory Consultees Responses |
| 5.1 | DFI Roads – No objection |
| 5.2 | NI Water – No objection |
| 5.3 | DFC Historic Environment Division (HED) – No objection subject to conditions |
| 6.0 | Non-Statutory Consultees Responses |
| 6.1 | BCC Environmental Health – No objection |
| 6.2 | BCC Tree and landscape Officer – No objection subject to recommended conditions |
| 6.3 | BCC Conservation Officer – No objection |

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| 7.0 | Representations |
| 7.1 | The application was neighbour notified on the 22 nd April 2021. It was advertised in the local press on the 2 nd April 2021. |
| 7.2 | Following receipt of additional information and amended plans, the application was re-neighbour notified on the 13 th September 2021, and re-advertised 17 th September 2021 |
| 7.3 | <p>4 letters of objection have been including a representation on behalf of Malone Park Residents Association. Issues raised include:</p> <ul style="list-style-type: none"> • Impact on listed gate lodge 1a Malone Park • Overbearing on plot 1 Malone Park • Overlooking from first floor balconies – case officer: balconies removed • Loss of light to 1b & 1c Malone Park • No landscaping plans – case officer: additional plans and information received • Inappropriate scale • Cramming – inappropriate footprint for site • Car parking to front of dwelling – case officer: the existing house has parking to the front/side. The proposed dwelling would have parking at the front. The Conservation Guide states that ‘Where proposed, car parking must be accompanied by a detailed landscaping scheme which provides for adequate screening from the road and adjacent properties.’ The proposed landscaping scheme includes a hedgerow at the front which would screen the parking. Overall, it is considered that the proposal would be an enhancement of the character and appearance of the Conservation Area. |
| 7.4 | These matters are addressed in the main report. |
| 8.0 | Other Material Considerations |
| 8.1 | <p>Belfast Agenda Malone Park / Adelaide Park Design Guide Creating Place Living Places DCAN 15 Vehicular Access Standards Parking Standards</p> |
| 9.0 | Assessment |
| 9.1 | <p>The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the Malone Park Conservation Area • Impact on the setting of Listed Buildings • Trees and Landscaping • Impact on residential amenity • Access, Movement and Parking |

| | |
|-----|---|
| | <ul style="list-style-type: none"> • Other environmental considerations |
| 9.2 | <p><u>Principle of development</u></p> <p>In the BUAP and dBMAP (v2004 and v2014), the site is unzoned whiteland within the settlement limits where the principle of a proposed replacement dwelling is considered acceptable. The principle of use is already established through the existing dwelling on the site. This is a sustainable location for a replacement dwelling with good access to shops, services, jobs and public transport. The principle of development is acceptable.</p> |
| 9.3 | <p><u>Impact on the Malone Park Conservation Area</u></p> <p>There is a statutory requirement under Section 104 of the Planning (NI) Act 2011 with respect to development within a conservation area, to have special regard to the desirability of: (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.</p> |
| 9.4 | <p>Demolition</p> <p>The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) in paragraph 6.18 contains a policy direction reflecting Section 104 of the 2011 Act. It states that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is outweighed by other material considerations grounded in the public interest. A similar approach is taken in Policies BH12 and BH14 of PPS6.</p> |
| 9.5 | <p>Policy BH14 of PPS6 advises that permission will normally only be granted for the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character and appearance of the area. It also advises that in assessing such proposals for demolition, regard will be had to the same broad criteria outlined for the demolition of listed buildings including the merits of the existing building, the building's condition, the adequacy of efforts to retain the building in use and the merits of alternative proposals.</p> |
| 9.6 | <p><i>Merits of the existing building:</i></p> <p>The Council's Conservation Officer has advised that the existing building makes no material contribution to the architectural and historic interest/character and appearance of the conservation area which mainly comprises dwellings 2 to 2.5 storeys with examples of prestigious Victorian and Edwardian architecture; it is those properties that form the primary character of the area. The existing dwelling on site is a of modern construction and employs materials contrary to the surroundings, it is also of an incohesive form that is not in keeping with the prevailing surrounding character. For these reasons it is considered that the existing dwelling makes no positive contribution to the conservation area and demolition therefore is acceptable in principle, provided that the proposed replacement dwelling is appropriate to the Conservation Area in terms of scale, design and materials.</p> |

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| | Suitability of the replacement dwelling |
| 9.7 | Policy BH12 of PPS6 sets out several criteria that new development is required to meet in the interests of preserving or enhancing the character and appearance of the conservation area. This is also cross referenced in paragraph 6.19 of the SPPS. |
| 9.8 | Criterion (a) requires the proposal to preserve or enhance the character and appearance of the Conservation Area. The proposal is considered to satisfy this requirement for the reasons set out below and in this report. |
| 9.9 | Criterion (b) requires the proposal to be sympathetic with the characteristic built form of the area. The proposal is considered to satisfy this requirement for the reasons set out below and in this report. |
| 9.1 | Criterion (c) requires the scale, form, materials and detailing of the development to respect the characteristics of adjoining buildings in the area. The form and design of the proposed replacement dwelling is like many of the Victorian/Edwardian dwelling of the Park in terms of scale and massing, being 2.5 storeys in height, and follows the more traditional vernacular. The materials to be employed in the construction are common to buildings of this period and is sympathetic to the surroundings: the walls will be constructed in red facing brick, natural slate to be used to the roof and the windows will be timber sliding sash. Officers are content that the scale, form, materials, detailing and design of the proposed replacement dwelling would be in keeping with the overall character of the conservation area. The proposed replacement dwelling is designed to maintain the building line for this section of the Park, although it will be forward of the existing location. |
| 9.11 | Criterion (d) requires that the proposal does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area. The proposal, by reason of its use and design would not give rise to such impacts. |
| 9.12 | Criterion (e) requires important views within the conservation area to be protected. The proposed dwelling, although taller than the existing, will be comparable with neighbouring dwellings and would not detrimentally impact on the existing views into the conservation area. An increased separation distance to the side boundaries over the existing would allow views through the site and an appreciation of the gable depth. Views up and down Malone Park would be unaffected. The proposal is considered to comply with criterion (e). |
| 9.13 | Criterion (f) requires trees and other landscape features which contribute to the character and appearance of the area to be protected. The Tree Officer was consulted on the proposal. The submitted landscaping plan shows retention of existing trees and other vegetation on site which will be complimented with the planting of an additional 13 trees and shrubbery. The Tree Officer has stated that the proposed planting scheme is acceptable, with the inclusion of conditions to protect the existing trees on site. It is considered that this criterion is satisfied. |
| 9.14 | Criterion (g) requires the development to conform with the guidance set out in the conservation documents. The conservation guide is the Malone Park/ Adelaide Park Conservation Guide published in 2003. It was produced subsequent to the area |

| | being designated as a conservation area by the former Department of Environment in accordance with the statutory procedure set out in Article 50 of the Planning (Northern Ireland) Order 1991. The conservation guide is an important material consideration. | | | | | | | | | | |
|-------------------------------|---|--|-------------------|--------------------------|-------------------|-------------------------------|-----|--------------------------|-------------------|---------------------------|----------------------------------|
| 9.15 | The Conservation Guide states that: <i>'Malone and Adelaide represent the best of what remains of the leafy middle-class suburbs which developed around the turn of the century in South Belfast. Individually designed residences combine with generous plots, mature landscapes and tree lined avenues to produce a distinctive townscape character.'</i> | | | | | | | | | | |
| 9.16 | The guide contains several development guidelines. The guide encourages the retention of existing buildings and emphasis will be placed on the protection and restoration of the individual architectural character of each building. In this case, it is considered that the form and design of the existing dwelling is inappropriate as explained in the demolition section of the report, above. It is not considered to display strong architectural characteristics and is generally out of keeping with the more traditional design of dwellings on Malone Park. Therefore, its retention and adaption would not be desirable. The guide also requires heights, building line and coverage to reflect those of the original dwelling on site and the design of new development to complement the existing architecture and townscape character. It also states that to allow landscape to remain dominant, the established relationship between building mass and gardens should be respected and retained where possible. In no circumstances should building coverage be more than one and a half times that of the original dwelling. | | | | | | | | | | |
| 9.17 | As discussed above, the proposed building height, building lines and design are considered respectful of the general form in the Conservation Area and are acceptable. In terms of building coverage and landscape relationship this is addressed in detail below. | | | | | | | | | | |
| 9.18 | The guide states that in no circumstances should building coverage be more than one and a half times that of the original dwelling. The rationale is to allow landscaping to remain a dominant feature. Officers advise that the 'original' dwelling is that present or existing from the beginning, when first constructed. | | | | | | | | | | |
| 9.19 | To establish the original and proposed site coverage calculation, officers have referred to historic OSNI mapping. The table below shows the calculations. | | | | | | | | | | |
| | <table border="1"> <thead> <tr> <th></th><th>Floorspace</th></tr> </thead> <tbody> <tr> <td>Original dwelling</td><td>163m²</td></tr> <tr> <td>Existing site coverage</td><td>21%</td></tr> <tr> <td>Proposed dwelling</td><td>179m²</td></tr> <tr> <td>Footprint Increase</td><td>1.09 times the original dwelling</td></tr> </tbody> </table> | | Floorspace | Original dwelling | 163m ² | Existing site coverage | 21% | Proposed dwelling | 179m ² | Footprint Increase | 1.09 times the original dwelling |
| | Floorspace | | | | | | | | | | |
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| Existing site coverage | 21% | | | | | | | | | | |
| Proposed dwelling | 179m ² | | | | | | | | | | |
| Footprint Increase | 1.09 times the original dwelling | | | | | | | | | | |

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| | Proposed Site coverage | 23% |
| 9.20 | As indicated in the table above, the proposed replacement dwelling complies with the Malone Park Conservation Guide as the proposed building coverage would be 1.09 times that of the original dwelling and is within the 1.5 limit. Whilst the proposed dwelling would take up much of the plot and landscaping would not be dominant, this is similarly true of the existing dwelling on the site. Overall, it is considered that the proposal would enhance the character and appearance of the Conservation Area. | |
| 9.21 | It is considered that an appropriate quality landscaping scheme has been submitted which includes retention of the existing landscape features. The Council's Tree and Landscaping Officer has reviewed the proposal and is content. It is considered that the landscaping scheme presented will ensure that landscaping will remain a dominant feature and will enhance the character and appearance of Malone Park Conservation Area. | |
| | Conclusion | |
| 9.22 | The existing dwelling is considered to make no material contribution to the conservation area; its the scale and design is out of character with the surrounding properties that gives the Malone Park its distinct character. Its retention would not be desirable. The proposed dwelling is of a scale, form, design and materials that are more appropriate to the Conservation Area. The conservation officer is content that the proposal is an enhancement over the existing building. | |
| 9.23 | Having regard to these considerations, it is considered that the demolition of the existing dwelling and its replacement are acceptable. The character and appearance of the Conservation Area would be enhanced. A condition will be required that prevents demolition of the existing dwelling until a contract has been let to redevelop the site in accordance with this planning permission. The proposal accords with the relevant provisions of the BUAP, dBMAP, SPPS and PPS 6. | |
| | <u>Impact on the setting of Listed Buildings</u> | |
| 9.24 | Within proximity to the site is a listed building and structure No.1a Malone Park (Grade B2), the original Gate-lodge and gateway pillars. The proposed application site falls within the setting of these listed structures. DfC HED has considered the effects of the proposal on this listed building and pillars and has advised that the proposal satisfies the policy tests of para 6.12 of the SPPS, Policy BH11 of PPS6 subject to conditions to ensure the use of high quality materials, landscaping and the implementation of the planting scheme. The proposal is considered not to adversely affect the setting of the listed building/structures and is in accordance with Section 91 of the Planning Act. It also complies with the relevant provisions of the BUAP, SPPS and PPS 6. | |
| | <u>Impact on existing trees and landscaping</u> | |
| 9.25 | A mix of soft and hard landscaping is proposed, all existing trees on site will be retained and protected where necessary. It is also proposed that additional planting of 13 trees of various species as well as additional screen and shrub planting will help integrate the proposal and contribute to the existing character. | |

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| 9.26 | The hard landscaping to the site includes the driveway and parking space to the front of dwelling. Concerns were expressed in objections regarding this parking arrangement, however, the Council's conservation officer considered this point in their response and concluded that many dwellings within the Malone Park have parking to the front of the building line as does the existing dwelling. The response went on to state that it would therefore be difficult to conclude that the parking would be contrary to the existing site layout or character of neighbouring plots. |
| 9.27 | It is noted that the Malone Park guidance does not preclude parking within the original front garden area but requires adequate screening from the road and adjacent properties. Adequate screening will be achieved with the retention of the existing boundary treatment and the supplemental planting of trees and shrubbery between the parking area and front boundary. |
| 9.28 | The Council's Tree and Landscaping Officer has reviewed the information and offers no objection to the proposal. They advise that the proposed landscaping scheme would assist in the enhancement of the amenity value of the site and the character and appearance of Malone Park Conservation Area. |
| | <u>Impact on residential amenity</u> |
| | <i>Dominance / Overshadowing:</i> |
| 9.29 | The separation distance between proposal and No. 1 Malone Park is around 20m, which would ensure no significant harmful overshadowing of this dwelling. The additional scale and massing of the proposal and closeness to boundary (2.0m) will have an increase dominance on side garden area of No.1, however, the 20m separation distance between properties prevents domination of the dwelling or amenity. |
| 9.30 | However, the proposal will be in close proximity to two neighbouring dwellings at 448 and 450 Lisburn Road, (aka 1b & 1c Malone Park) each of these properties are in the ownership of the applicant, a planning application has been received to demolished and replace these dwellings with two new dwellings. It appears from historic maps that the application site was at one point the rear garden area to these two properties accounting for the closeness of the properties to the site and explains the narrowness of the site in comparison with neighbouring properties. |
| 9.31 | The properties of 448 and 450 are located generally to the north west of the site meaning that the proposal will have a potential to affect sunlight. It is noted that the proposed dwelling will not extend to the boundary with No. 450 therefore will have less impact in terms loss of sunlight to this property. The property at No. 448 has lost the rear return creating a new open space area between this property and the site. This new space creates an increase separation in distance between both properties. It is likely that the proposed dwelling will impact on this new open space area at early morning, but this will reduce due to sun travel direction and will have little impact from mid-morning onwards. On balance, the relationship is considered acceptable. |

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| <p>9.32</p> <p>9.33</p> <p>9.34</p> <p>9.35</p> <p>9.36</p> | <p><i>Overlooking/ Privacy:</i></p> <p>The proposal will not result in any unacceptable overlooking issues from windows, the main rooms will look onto the street frontage and over the rear garden, a normal domestic configuration. The proposal also contains windows to the side gables, these windows are to serve non-habitable rooms such as bathroom, en-suites, and landing; an appropriate condition can be imposed to ensure that these upper floor windows on both side gables are obscured. The proposal was originally designed with a first-floor terrace, which was an issue of concern raised in objections, with potential views to properties to either side. Following discussions, the balcony was removed from the proposal. The proposal conforms to Policy QD 1 criterion (h) in that it will not result in conflict on any neighbouring land uses.</p> <p><i>Internal living space:</i></p> <p>The proposal will provide circa 379sqm of floor space for the five bedrooms and associated lounges and bathrooms as well as the main reception rooms. The space standards are silent on five-bedroom accommodation but indicates that for a four-bedroom dwelling over three floors 115/120sqm is required. The proposal will therefore provide significant living space for the future occupants.</p> <p><i>External amenity provision:</i></p> <p>The level of private open amenity space is exceeding the 70sqm as recommended by Creating Places. The proposal will have an amenity space, set behind the dwelling, of circa 260sqm. Criterion (c) of QD1 is satisfied given the level of amenity space provided.</p> <p><u>Access, Movement and Parking</u></p> <p>The proposed replacement dwelling is to utilise the existing vehicular access. Adequate space is shown within the site to provide for on-site parking in accordance with the Parking Standards. The proposal would not generate significant additional traffic over the existing situation. DFI Roads have no objection. Accordingly, the proposal is considered to accord with PPS3 and PPS7 in this regard.</p> <p><u>Other Environmental Considerations</u></p> <p>There is no evidence that the proposal would give rise to significant or unacceptable harm to the other environmental considerations including ecology, land contamination, noise, drainage or pollution of the groundwater environment.</p> |
| <p>10.0</p> <p>10.1</p> <p>10.2</p> | <p>Summary of Recommendation:</p> <p>It is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.</p> <p>The Conservation Area Consent application (LA04/2021/0915/DCA) will have to be notified to the Department for Infrastructure under Section 29 of the Planning Act (Northern Ireland) 2011 before the decisions can be issued.</p> |
| <p>11.0</p> | <p>DRAFT CONDITIONS:</p> <p>Planning permission (LA04/2021/0691/F)</p> |

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

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

2. The proposal, including materials and finishes shall be carried out in accordance with drawing numbers 6A, 9B, 10A, 12B and 14B published to the Planning Portal NI 10th Sept 2021 and 24th Sept. 2021. The materials shall be:

Roof – Natural Slate

Walls – Red brick (to be agreed in writing with Council)

Windows/ Doors – Painted timber traditional sash

Rainwater goods – cast aluminium.

Reason: In the interests of Malone Park Conservation Area and the character and setting of the listed building.

3. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), the first and second floor windows on both side gables (north west and south east) shall at all times be glazed with obscure glass to at least Privacy Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties.

4. The dwelling shall not be occupied unless parking has been provided in accordance with the approved plans. The parking areas shall be retained as such at all times.

Reason: To ensure appropriate parking provision for the replacement dwelling.

5. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawing 09b published to the Planning Portal NI 24th September 2021 which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity

6. All soft landscaping works shall be carried out in accordance with the approved details on Landscaping Plan, Drawing Number 09b, published to the Planning Portal 24th September 2021. The works shall be carried out within six months of occupation. 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 appearance of the area.

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

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

8. If roots are accidentally damaged the tree council must be notified immediately in writing and given the opportunity to inspect the damage before it is covered over.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.

9. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires shall take place within the Root Protection Area of trees within the site during the construction period.

Reason: To avoid compaction within the RPA.

Conservation Area Consent (LA04/2021/0915/DCA)

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.

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.

2. No demolition shall commence on site unless a contract has been let for the redevelopment of the site in accordance with planning permission LA04/2021/0691/F and evidence of that contract has been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with planning permission LA04/2021/0691/F.

Reason: As required by Sections 91(6) and 105 of the Planning Act (Northern Ireland) 2011, to preserve or enhance the character or appearance of the Conservation Area. Approval is required upfront because if redevelopment of the site does not take place it could leave the vacant site unsightly and harmful to the Conservation Area.

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Notification to Department (if relevant): Yes – referral of DCA application

Representations from Elected members: None

Details of Neighbour Notification (all addresses)

The Owner/Occupier,
1 Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
1a Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
2 Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
3,Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
6 ,Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
6 Malone Park,Belfast,Antrim,BT9 6NJ
The Owner/Occupier,
452 Lisburn Road,Belfast,Antrim,BT9 6GT
Donaldson Planning
50a High Street,Holywood,BT18 9AE
Pragma,
7 Scottish Provident Building, Donegall Square West, Belfast, Antrim, BT1 6JH

Committee Application

Development Management Report

| | |
|---|---|
| Application ID: LA04/2021/1317/F & LA04/2021/1318/DCA | Date of Committee: 29 June 2023 |
| Proposal: Demolition of existing dwellings and erection of two new dwellings and associated site works | Location: 450 and 448 Lisburn Road Belfast BT9 7GX |
| Referral Route: Par. 3.8.2 (i) of the Scheme of Delegation – full demolition of existing dwelling in the Conservation Area | |
| Recommendation: Refusal | |
| Applicant Name and Address: Kevin McGarrity 1D Malone Park Belfast BT9 6NH | Agent Name and Address: RPP Architects Ltd 155-157 Donegall Pass Belfast BT1 1DT |

Executive Summary:

These applications seek full planning permission and Conservation Area Consent for the demolition of the existing dwellings and erection of two new replacement dwellings and associated site works

The main issues to be considered in this case are:

- Principle of development
- Affordable housing and housing mix
- Adaptable and accessible housing
- Climate change including SuDS
- Demolition
- Impact on the character and appearance of the Malone Park Conservation Area
- Design
- Impact on Listed Buildings
- Impact on neighbouring amenity
- Transport
- Waste water infrastructure
- Other environmental considerations

The application site is within the Malone Park Conservation Area.

The proposal would result in the unacceptable demolition of two semi-detached dwellings that make a material contribution to the character and appearance of the area. It is considered that the proposed replacement dwellings would have a harmful impact on the Conservation Area by reason of their excessive plot coverage, scale, height and alignment. The proposed dwellings would harm the setting of the adjacent Listed Building, No. 1a Malone Park.

DfC Historic Environment Division, NI Water and the Conservation Officer object to the proposal.

The Council has received three letters of objection and 18 letters of support. These are set out in more detail in the main report.

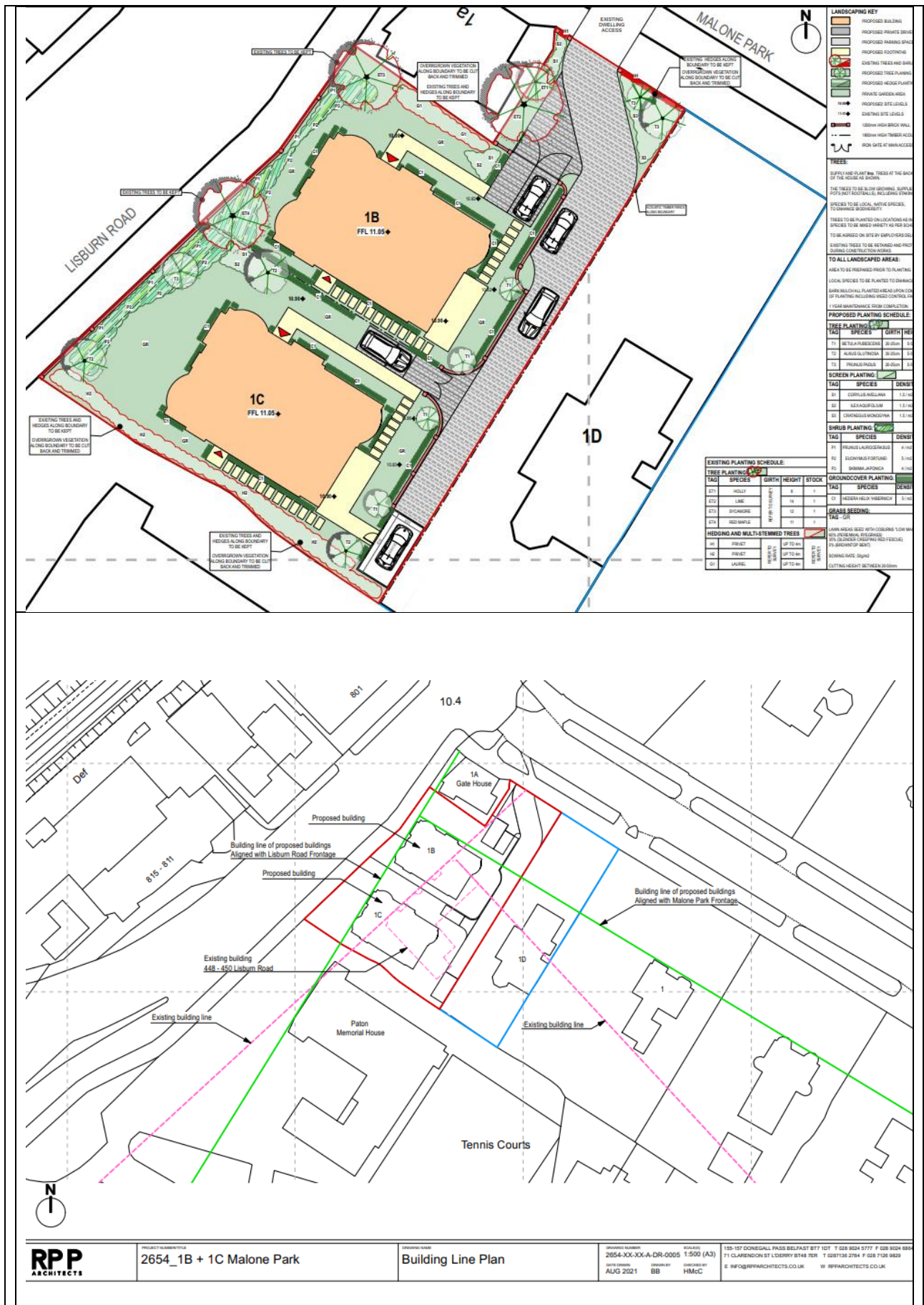
Recommendation

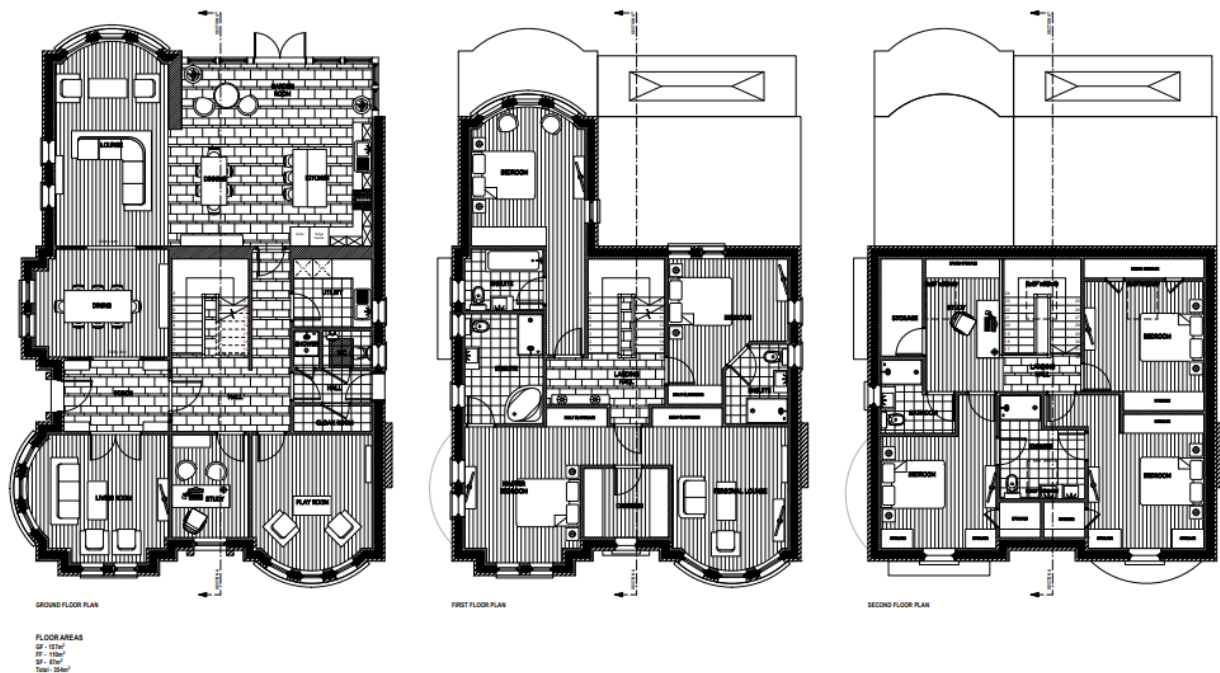
It is recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the reasons for refusal.

Case Officer Report

Site Location and other Plans







A 24/08/2021 Dormers replaced with roof window

RPP
ARCHITECTS

PROJECT NAME/FILE
2654_1B + 1C Malone Park

DRAWING NAME
Floor Plans

DRAWING NUMBER
2654-XX-ZZ-A-DR-1000 1:100 (A3)
DATE DRAWN
APR 2021
DRAWN BY
BB
CHECKED BY
HMcC

155-157 DONEGALL PASS BELFAST BT7 1DT T 028 9024 5777 F 028 9024 5884
71 CLARENDON ST LERRY BT48 7ER T 0287136 2794 F 028 7136 9829
E: INFO@RPPARCHITECTS.CO.UK W: RPPARCHITECTS.CO.UK



FINISHES SCHEDULE

- ① RED BRICKWORK
- ② RED BRICK GLAZED TIMBER SHUT WINDOWS
- ③ RED BRICK GLAZED TIMBER SHUT WINDOWS AND NEW DOORS
- ④ RED BRICK GLAZED TIMBER SHUT WINDOWS - CIRCULAR
- ⑤ BRICK STONE CILLS
- ⑥ NATURAL SLATE ROOF TILES
- ⑦ NATURAL HAZEL HANDICRAFT DOORS
- ⑧ ROOF WINDOWS
- ⑨ CAST ALUMINIUM RAILINGS & SCORPION
- ⑩ BRICK PAVING TO GARDEN FRONT



A 24/08/2021 Dormers replaced with roof window

RPP
ARCHITECTS

PROJECT NAME/FILE
2654_1B + 1C Malone Park

DRAWING NAME
Elevations

DRAWING NUMBER
2654-XX-ZZ-A-DR-1000 1:100 (A3)
DATE DRAWN
APR 2021
DRAWN BY
BB
CHECKED BY
HMcC

155-157 DONEGALL PASS BELFAST BT7 1DT T 028 9024 5777 F 028 9024 5884
71 CLARENDON ST LERRY BT48 7ER T 0287136 2794 F 028 7136 9829
E: INFO@RPPARCHITECTS.CO.UK W: RPPARCHITECTS.CO.UK



PROPOSED REPLACEMENT HOMES – ARTIST'S IMPRESSIONS- CONTEXTURAL AERIAL VIEW – CONTEXT CONSISTENT SCALE, BULK & MASSING

Description of the Proposal and Area

1.0 Description of Proposed Development

1.1 Full planning permission is sought for the demolition of two existing dwellings and erection of two new dwellings with associated site works (LA04/2021/1317/F).

1.2 Associated Conservation Area Consent is sought for the demolition (LA04/2021/1318/DCA).

2.0 Description of Site

2.1 The application relates to Nos. 448 and 450 Lisburn Road. It comprises a pair of vacant semi-detached dwellings; currently the properties are boarded up and showing signs of deterioration. The existing dwellings are traditionally designed and two storeys in height, finished in red brick with sandstone lintels and sills. Each of the properties have a centralised doorway with a two-storey canted bay to either side. One property has retained the rear return (No.450) whereas the other dwelling's return has been removed. Fronting the dwellings is an area of hard standing that utilises much of the ground, there is an area of soft landscaping to the side of the dwellings which extends to the rear of 1a Malone Park. Boundary treatment consists of a mix of mature vegetation and brick wall. The brick wall to the front of the site is circa 1/8m high with entrance gates to either end for access.

2.2 Although the site fronts onto the Lisburn Road, it falls within the Malone Park Conservation Area. The site backs onto another dwelling that is owned by the applicant which is currently subject to an application for a replacement dwelling (LA04/2021/0691/F, listed on the same 29 June Planning Committee agenda).

2.3 The character of the surrounding area is mix of residential and commercial. Malone Park and the southern side of the Lisburn Road is mainly residential with neighbouring church buildings. To the northern side of the Lisburn Road there is a marked contrast with a more commercial feel to the buildings which are associated with a private hospital. The Lisburn Road is a main arterial route into and out of the city and therefore has a significant number of traffic movements.

| Planning Policy and other Material Considerations | |
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| 3.0 | Site History |
| 3.1 | <p>Z/1982/1674 conversion to 3 no flats PP granted.</p> <p>Z/1987/1354 Alterations and extension with change of use of existing coach house to dwelling unit and conversion of existing dwelling to 2 dwelling units and provision of domestic garage PP granted.</p> <p>Z/1988/0884 Conversion of ground floor to medical consulting rooms and office with dwelling accommodation above PP granted.</p> <p>Z/1989/0505 Conversion of dwellings into guest house PP granted</p> <p>Z/2000/0955/F Demolition of existing 18 bedroom guesthouse with 20 parking spaces and adjacent private dwelling. Construction of 18 apartments and associated parking. Withdrawn</p> <p>Z/2000/1966/F Demolition of existing guesthouse with 20 parking spaces and adjacent private dwelling. Construction of 17 apartments and associated parking. PP refused.</p> <p>Z/2000/2024/D Complete demolition of buildings, Private dwelling at 1b Malone Park and Guesthouse at 448-450 Lisburn Road Belfast. PP refused</p> |
| 4.0 | Policy Framework |
| 4.1 | 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. |
| 4.2 | 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. |
| 4.3 | 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. |
| 4.4 | Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies currently provided by the Departmental Planning Policy Statements (PPSs). Those policies will no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement). |
| 4.5 | 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 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. |

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| 4.3 | <p>Belfast Local Development Plan: Plan Strategy</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p>Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity Policy SD2 – Settlement Areas</p> <p>Policy HOU1 – Accommodating new homes Policy HOU2 – Windfall housing Policy HOU4 – Density of residential development Policy HOU5 – Affordable housing Policy HOU6 – Housing Mix Policy HOU7 – Adaptable and accessible accommodation</p> <p>Policy DES1 – Principles of Urban Design Policy RD1 – New Residential Design</p> <p>Policy BH1 – Listed Buildings Policy BH2 – Conservation Areas</p> <p>Policy ENV1 – Environmental quality Policy ENV2 – Mitigating environmental change Policy ENV3 – Adapting to environmental change Policy ENV4 – Flood Risk Policy ENV5 - Sustainable drainage systems (SuDS)</p> <p>Policy TRAN 2 – Creating an accessible environment Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements</p> <p>Policy TRE1, Trees</p> <p><u>Supplementary Planning Guidance (SPG)</u> Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development Malone Park Conservation Area Design Guide</p> |
| 4.4 | <p>Regional Planning Policy</p> <p>Regional Development Strategy 2035 Strategic Planning Policy Statement (2012) Creating Places (guidance)</p> |
| 5.0 | <p>Statutory Consultees Responses</p> |
| 5.1 | DfC Historic Environment Division (HED) – objection |
| 5.2 | DfI Roads Service (DfI) – no objection |

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| 5.3 | NI Water (NIW) – objection |
| 6.0 | Non Statutory Consultees Responses |
| 6.1 | BCC Environmental Health (EHO) – no objection subject to conditions |
| 6.2 | BCC Conservation Officer (CO) – objection |
| 6.3 | BCC Trees Officer (TO) – no objection |
| 7.0 | Representations |
| 7.1 | <p>The application was advertised in the local press and fifteen neighbouring properties notified. To date, the Council has received three letters of objection: 2 letters from a planning consulting representing neighbours and residents' association; and an objection from the owner of No. 4 Malone Park. A total of 18 letters of support was received from 10 individuals, the occupants of 1A, 2, 5, 16, 21, 38, 41, 43 and 49 Malone Park. 7 letters were submitted on behalf of Kings Bridge Hospital and one letter from 1A Malone Park Central. Seven of the supporting letters come from the one person, representing the private hospital fronting the site, each of the letters give a different address of the buildings fronting the site.</p> <p><u>Objections</u></p> |
| 7.2 | <p>The objections raise the following concerns.</p> <ul style="list-style-type: none"> • Impact of on listed building and conservation area • Scale, height and massing • Dominance • Lack of amenity • Consideration of refurbishment <p><u>Support</u></p> |
| 7.3 | <p>The representations in support raise the following issues.</p> <ul style="list-style-type: none"> • Proposal is complimentary to Malone Park • Current buildings an “eyesore” proposal adds to appearance of surroundings • Betterment and beneficial to area |
| 7.4 | The issues raised are addressed in the report. |
| 8.0 | ASSESSMENT |
| 8.1 | <p>The key issues are set out below.</p> <ul style="list-style-type: none"> • Principle of development • Affordable housing and housing mix • Adaptable and accessible housing • Climate change including SuDS • Demolition • Impact on the character and appearance of the Conservation Area • Impact on Listed Building • Impact on neighbouring amenity • Transport • Waste water infrastructure • Other environmental considerations |

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| | <u>Background</u> |
| 8.2 | The application as submitted in May 2021 under the previous planning policy framework. The Belfast Local Development Plan: Plan Strategy was adopted in May 2023. Officers requested that the applicant provides 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. |
| 8.3 | The applicant has subsequently provided a Plan Strategy Statement, which sets out the policies in the Plan Strategy which they believe apply to this proposal. In summary, the applicant considers that the proposal complies with the relevant policies and that the development remains acceptable in relation to the Plan Strategy and other material considerations. |
| 8.4 | No additional consultations have been considered necessary following adoption of the Plan Strategy and receipt of the Plan Strategy Statement. |
| 8.5 | Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy. |
| 8.6 | <u>Principle of development</u> Policy HOU2 of the Plan Strategy requires all new housing development to be delivered on previously developed land. The site is previously developed land within an urban setting offering associated conveniences. The proposed site is accessible and convenient to public transport, walking and cycling infrastructure. |
| 8.7 | Policy HOU4 seeks to achieve appropriate housing densities. For Outer Belfast, a density of 25 to 125 units per hectare is targeted. The site is 0.13 ha in size and the proposed density is 15 dwellings per ha. Whilst this is lower than the recommended band, regard is had to the proposal being for replacement dwellings and the importance of maintaining the character and appearance of the Conservation Area. |
| 8.8 | <u>Affordable housing and Housing Mix</u> Policy HOU5 of the Plan Strategy applies as the site is 0.13ha, exceeding the policy threshold 0.1ha. Moreover, the site is in the same ownership as the adjacent site at No. 1D Malone Park for a replacement dwelling (LA04/2021/0691/F). The adjacent site is 0.07ha, which means that the combined sites have a total area of 0.2ha. |
| 8.9 | The Affordable Housing and Housing Mix Supplementary Planning Guidance requires the Council to consider adjacent sites in the same ownership for the purposes of Policy HOU5. Policy HOU5 requires schemes of 5 units or more or sites of 0.1ha or greater to provide a minimum of 20% of the units as affordable housing. |
| 8.10 | In accordance with the SPG, schemes of less than 5 units are not required to deliver affordable housing. The SPG seeks to ensure that appropriate densities are achieved on smaller sites and that proposals are not artificially kept below 5 units. In this case, the combined proposals seek permission for three replacement dwellings with a zero net increase in units. The overall density of both schemes would be 15 units/ha, which is below the target band of 25 to 125 units/ha for Outer Belfast. However, the sites are subject to various constraints which it is considered make it inappropriate to increase the densities with even the minimum density of 25 units/ha only delivering 5 units on |

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| | <p>the site and net increase of 3 units. These constraints include the sensitive location of the sites within the Malone Park Conservation Area and setting of a Listed Building. Also, the difficulties achieving suitable access and parking for a higher number of units, whilst maintaining appropriate levels of amenity and garden space. Regard is also had to the longevity of the applications which were submitted in 2021 and the reasonableness of requiring significant changes to both applications now.</p> |
| 8.11 | <p>Taking these considerations into account, it is not considered appropriate nor reasonable to increase the density of the schemes and require affordable housing.</p> |
| 8.12 | <p>Policy HOU6 relates to housing mix and also applies. The policy requires a suitable mix of house types and sizes to promote choice and assist in meeting community needs. The proposed dwellings are large six-bedroom units. However, the proposal is to replace two already large existing dwellings. The desirability of increased variety in the housing mix has to be balanced with appropriately designed dwellings in the Conservation Area. Taking these factors into account, and in the planning balance, the proposed housing mix is considered acceptable.</p> <p><u>Adaptable and accessible housing</u></p> |
| 8.13 | <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.</p> |
| 8.14 | <p>The parking would have a firm and flat surface. Whilst the main entrance does not have a shelter, nor do many of the historic properties in Malone Park and this is a characteristic of the area. There is dining and living room space on the same ground floor level. There is a ground floor W/C and bathroom facilities on all levels. An assessable bathroom can be accommodated. There would be outlook from the windows when seated in the main living area. The proposal is considered acceptable having regard to Policy HOU7 of the Plan Strategy.</p> <p><u>Climate change including SuDS</u></p> |
| 8.15 | <p>Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals (including changes of use) will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction and operation.</p> |
| 8.16 | <p>Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates.</p> |
| 8.17 | <p>Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere.</p> |

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| 8.18 | <p>The applicant states that the dwelling will exceed Building Regulations standards in terms of thermal insulation and air tightness although does not indicate how. Consideration is being given to an air source pump. Photovoltaic panels are also being considered, but this will be subject to further discussion with the Planning Service due to the sensitivity of the site within the Conservation Area. In terms of SuDS, the applicant states that they are considering rain garden planter boxes. New paving will be permeable with porous sub-base. Additional soft landscaping features such as lawn, trees and hedging are proposed that will offer a betterment to the local environment. Having regard to the length of the time that the Council has been considering the application, which was submitted in 2021, specific proposals to mitigate environmental change and resilience can be secured by condition.</p> |
| | <p><u>Demolition (climate change)</u></p> |
| 8.19 | <p>Policy ENV2 of the Plan Strategy states that development proposals should, where feasible, seek to avoid demolition and should consider how existing buildings or their main structures could be reused. Development proposals that include the demolition of existing buildings should demonstrate that reuse is not appropriate or feasible. Where demolition is proposed, measures should be included to minimise any waste through the reuse of as much building material as possible.</p> |
| 8.20 | <p>The applicant has submitted a structural visual inspection report by way of letter. However, this does not demonstrate that the dwellings are structural unsound and beyond repair. Although it does make reference to the commercial feasibility of maintaining the dwellings. The applicant had initially submitted costings for retention and refurbishment of the dwellings (with comparisons to the costings and viability of the proposed replacement scheme) but this was later withdrawn.</p> |
| 8.21 | <p>The application has not demonstrated that retention and re-use of the existing dwellings is inappropriate or unfeasible. Therefore, the proposal fails to accord with Policy ENV2. However, regard is had to the longevity of the application, which was submitted in 2021. In the planning balance, it is not considered appropriate to refuse the application on this new policy requirement.</p> |
| | <p><u>Impact on the character and appearance of the Malone Park Conservation Area</u></p> |
| | <p><i>Legislation</i></p> |
| 8.22 | <p>Section 104 of the Planning Act (Northern Ireland) 2011 states that 'Special regard must be had to the desirability of:</p> <ul style="list-style-type: none"> (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise. |
| | <p><i>Demolition</i></p> |
| 8.23 | <p>Paragraph 6.18 of the SPPS states that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is outweighed by other material considerations grounded in the public interest.</p> |
| 8.24 | <p>Policy BH 2 states there is a presumption of retaining non-listed buildings within a Conservation Area. Total or partial demolition will only be permitted where key criteria are met. These are that the building makes either a negative or no material</p> |

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| | contribution to the character and appearance of the Conservation Area; and that the design quality of the replacement buildings enhances its character. |
| 8.25 | HED advises that the existing dwellings are a pair of villas set back from the main road with large garden spaces to the front, reflective of larger plots intrinsic to the identity of this part of Lisburn Road and an early suburban development of Belfast. The existing dwellings are of a few remaining along this historic route which retain this theme. The Conservation Officer advice echoes that of HED and states that the existing dwellings make a significant contribution to the architectural and historic interest / character and appearance of the Conservation Area through, in part, ascribing its historical architectural evolution as a late Victorian / Edwardian / interwar period residential suburb. The existing dwellings are a historic asset which make a positive contribution to the character and appearance of the Conservation Area by way of age, features and legibility within the wider streetscape. |
| 8.26 | Having regard to the advice from HED and the Conservation Officer, it is considered that the existing dwellings make a material contribution to the character and appearance of the Conservation Area. |
| 8.27 | The applicant has submitted a structural visual inspection report by way of letter, which highlights a number of issues with the current buildings. However, this does not demonstrate that the dwellings are structural unsound and beyond repair. Although it does make reference to the commercial feasibility of maintaining the dwellings. The applicant had initially submitted costings for retention and refurbishment of the dwellings (with comparisons to the costings and viability of the proposed replacement scheme) but this was later withdrawn. |
| 8.28 | The existing dwellings make a material contribution to the character and appearance of the Conservation Area. The applicant has not provided a persuasive case for demolition of the existing dwellings. Furthermore, for the reasons set out in the next section of the report, the design of the proposed replacement dwellings is considered inappropriate and detrimental to the character and appearance of the Conservation Area. |
| 8.29 | In conclusion, the proposal is contrary to the SPPS and Policy BH2 of the Plan Strategy insofar as demolition. |
| | <i>Suitability of the replacement dwellings</i> |
| 8.30 | The proposed dwellings are of a traditional design, similar to those proposed on the adjacent site at No. 1D Malone Park and in character with existing properties in Malone Park. However, the Conservation Officer has a number of concerns about the proposal. These include that the proposal would have greater site coverage compared to the existing semi-detached properties. The height of the new dwellings would also be greater than the existing dwellings, contrary to the Malone Park Conservation Design Guide. There are also concerns about the proposal breaking the existing building line, with the proposed dwellings much closer Lisburn Road. The Design Guide requires the building line to reflect that of the original dwelling. |
| 8.31 | Having regard to these concerns, it is considered that the proposal would fail to preserve or enhance the character and appearance of the Conservation Area, contrary to criteria a. of Policy BH2 of the Plan Strategy. The proposal also conflicts with criterion b. in that the proposal does not respect the built form of the area by way of height, scale, form and legibility. Key views of the Conservation Area (including the Listed 1a Malone Park) would be negatively impacted, contrary to criterion c. The proposal is also contrary to the Design Guide, in contravention with criterion e. |

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| | <i>Malone Park Conservation Design Guide</i> |
| 8.32 | The Malone Park / Adelaide Park Conservation Guide was published in 2003 after the area being designated as a Conservation Area by the former Department of Environment. The Conservation Guide is an important material consideration. |
| 8.32 | The Conservation Guide states that: <i>'Malone and Adelaide represent the best of what remains of the leafy middle-class suburbs which developed around the turn of the century in South Belfast. Individually designed residences combine with generous plots, mature landscapes and tree lined avenues to produce a distinctive townscape character.'</i> |
| 8.33 | The guide contains several development guidelines. The guide encourages the retention of existing buildings and emphasis will be placed on the protection and restoration of the individual architectural character of each building. The proposal involves the demolition of the existing dwellings and is in conflict with the Design Guide. The guide also requires heights, building line and coverage to reflect those of the original dwelling on site and the design of new development to complement the existing architecture and townscape character. Again, the proposal is in conflict with this guidance. |
| 8.32 | The Design Guide also states that to allow landscape to remain dominant, the established relationship between building mass and gardens should be respected and retained where possible. In no circumstances should building coverage be more than one and a half times that of the original dwelling |
| 8.33 | The existing footprint of the dwellings (without the return to No. 248) is 205 sqm giving a plot coverage of 15%. The proposed dwellings would have a total footprint of 314sqm and plot coverage of 23%. |
| 8.34 | As stated, the Design Guide states that new build plot coverage should not be more than one and a half times the original. In this case, the coverage would be 1.53 times greater, just in excess of the maximum. This supports the case that the plot coverage of the proposed development is too great and detrimental to the character and appearance of the Malone Park Conservation Area. |
| | <u>Design</u> |
| 8.35 | Policy DES1 of the Plan Strategy states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking where it accords with a range of criteria. Officers consider that the proposed dwellings fails to satisfy the policy in that they will not respond positively to the local context and character for the reasons previously given. |
| 8.36 | Policy RD1 of the Plan Strategy states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal meets defined criteria. The proposal is compatible with adjacent uses. The proposed dwellings would not unduly affect neighbouring properties in terms of overlooking, shadowing and dominance. The site is accessible public transport. The dwellings would have appropriate open space, each would have external private amenity space, set behind the front building line, of circa 250sqm. The guidance set out within <i>Creating Places</i> indicates that new buildings require on average 70sqm of private amenity space per dwelling. The proposal would provide sufficient space to meet the needs of any future occupier. |

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| | <p><u>Impact on the setting of Listed Buildings</u></p> <p><i>Legislation</i></p> |
| 8.37 | <p>Section 91 of the Planning Act (NI) 2011 requires when considering whether to grant planning permission for development which affects a listed building or its setting, a Council 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.</p> |
| 8.38 | <p>No. 1a Malone Park is adjacent the site. It is a Grade B2 Listed Building and former gate lodge. Policy BH1 requires new development not to impact on the setting of listed buildings. HED <i>'considers the loss of the historic buildings (albeit in a state of disrepair) of most concern. The existing buildings contribute significantly to the setting of the Listed Buildings and are also important to the character and appearance of the Conservation Area. The existing dwellings proposed for demolition consist of a pair of villas which are set back from the main road with large garden spaces to the front. This is reflective of larger plots intrinsic to the identity of this part of Lisburn Road and an early suburban development of Belfast. The existing dwellings are one of a few remaining along this historic route which retain this theme'</i>.</p> |
| 8.39 | <p>HED further advises that the proposal would <i>'compete with the visual relationship between the gate lodge and the church as the established building line, the current proposal does not 'respect the listed building(s) in terms of alignment'</i>. Policy BH1 requires that there will be no significant loss to key views of the listed building to this regarded HED considers that any proposal should be aligned with the established building line therefore retaining the existing views of the listed building. The proposal would have a detrimental impact on the setting of the Listed Building by way of the proposed dwellings dominating the listed building by removing the current open view currently enjoyed.</p> |
| 8.40 | <p>The proposal would have an adverse impact on the setting of the Listed Building and is considered to fail to comply with Policy BH1 of the Plan Strategy.</p> <p><u>Impact on neighbour amenity</u></p> |
| 8.41 | <p>Policy DES1 and RD1 requires that proposals do not unduly affect the amenity of neighbouring land uses. The location of the of the proposed dwellings provides an outlook to the front over the Lisburn Road creating no issues of overlooking. The south elevation has two secondary bedroom windows that will look towards the neighbouring Church and there is no issue of overlooking from these windows. The north elevation has a total of six windows, four of which serves bathrooms/en-suites and two serving as secondary windows to a master bedroom. These windows look towards the listed gate lodge, however, overlooking can be prevented through imposition of planning conditions regarding obscured glazing.</p> |
| 8.42 | <p>The two dwelling will have windows looking towards each other on the north and south elevation, given that the windows serve bathrooms/en-suites and secondary windows to bedrooms obscured glazing can control any potential to overlook. The east elevations would look towards 1D Malone Park with the properties separated by garden area fencing and laneway. Whilst the proposed dwellings are closer to the rear boundary with 1D Malone Park than would normally be acceptable, they are actually further away than the existing dwellings and in this regard this is acceptable.</p> |

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| | <u>Transport</u> |
| 8.43 | The proposal is considered to comply with Policy TRAN2 given the accessibility of the site. The proposal would result in a new access onto Malone Park with the abandonment of the accesses onto the Lisburn Road. This alteration is considered an improvement, reducing the likelihood of vehicular and pedestrian conflict when accessing onto a main arterial route and directing access via a residential road. The proposed new access onto Malone Park complies with Policy TRAN6 in that it will not prejudice road safety or inconvenience road users. The means of access is considered safe and suitable. Policy TRAN8 requires adequate parking within the site for car parking. The proposal includes two in-curtilage space and satisfied the relevant Parking Standards for domestic dwellings. |
| 8.44 | DFI Roads offers no objection and in terms of transport the proposal is acceptable. |
| | <u>Drainage infrastructure</u> |
| 8.45 | NI Water has objected to the proposal on grounds of insufficient capacity at the local waste-water treatment plant. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, it is known that additional capacity will be achieved by August 2023. |
| 8.46 | NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all. |
| 8.47 | Crucially, the proposal is for two replacement dwellings and would not significant increase the pressure on waste water infrastructure over and above the existing situation. |
| 8.48 | For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy. |
| | <u>Other environmental considerations</u> |
| 8.49 | The proposal is considered acceptable in terms of impact on trees, landscaping proposals, drainage, flooding, ecology and noise impacts. |
| 9.0 | Summary of Recommendation: |
| 9.1 | It is recommended that planning permission and Conservation Area Consent are refused for the reasons set out in this report and below. |
| 9.2 | Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the reasons for refusal. |
| 10.0 | DRAFT REFUSAL REASONS |
| | <u>Refusal of full planning permission (LA04/2021/1317/F)</u> |
| | 1. The proposal would result in the demolition of two existing dwellings which make a material contribution to the character and appearance of the Conservation Area. Furthermore, the proposed replacement dwellings would be of an inappropriate footprint, scale, height and alignment. The proposal would fail to preserve the |

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| | <p>character and appearance of the Conservation Area, contrary to Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035, paragraph 6.12 of the Strategic Planning Policy Statement and Malone Park Conservation Design Guide.</p> <p>2. The proposal, by reason of its footprint, scale and alignment would harm to the setting of No. 1a Malone Park, a Grade B2 Listed Building. The proposal is contrary to Policy BH1 of the Belfast Local Development Plan: Plan Strategy 2035, Strategic Planning Policy Statement and Malone Park Conservation Design Guide.</p> <p><u>Conservation Area Consent (LA04/2021/1318/DCA)</u></p> <p>1. The proposal would result in the demolition of two existing dwellings which make a material contribution to the character and appearance of the Conservation Area. Furthermore, the proposed replacement dwellings would be of an inappropriate footprint, scale, height and alignment. The proposal would fail to preserve the character and appearance of the Conservation Area, contrary to Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035, paragraph 6.12 of the Strategic Planning Policy Statement and Malone Park Conservation Design Guide.</p> |
| <p>Representations from Elected members:</p> <p>None</p> | |

Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: 29 th June 2023 | |
| Application ID: LA04/2022/0118/F | |
| Proposal: The proposed erection of 46No.apartment units of traditional construction over three story's, with associated car parking site and landscaping works and the alteration of an existing vehicular access. | Location: 146 Parkgate Avenue, Strandtown, Belfast BT4 1JD. |
| Referral Route: Paragraph 3.8.2 (a) (i) of the Scheme of Delegation (scheme of more than 12 units with recommendation to refuse and representations in support having been received). | |
| Recommendation: | Refusal |
| Applicant Name and Address: Parkgate Property Developments Ltd 17 Mound Road Dromore BT25 1DL | Agent Name and Address: Rolston Architects 49 Lisleen Road Belfast BT5 7SU |
| <p>Executive Summary:</p> <p>This application seeks full planning permission for the erection of 46No.apartment units over three storeys, with associated car parking site and landscaping works and the alteration of an existing vehicular access.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Affordable housing and housing mix • Adaptable and accessible accommodation • Design, layout and impact on the character and appearance of the area • Scale, Height, Massing, Design and Layout • Access, Traffic and Parking • Environmental Health • Drainage and Flood Risk / Infrastructure Capacity • Impact on the natural environment • Ecological Impacts • Climate change <p>Recommendation</p> <p>Having regard to the Development Plan and all other relevant material considerations, the proposal is considered unacceptable in that the need for social housing does not outweigh the layout, design, amenity and policy issues as set out in the below assessment., and refusal is recommended for the reasons set out in the case officer report. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the refusal reasons and resolve outstanding consultations.</p> | |

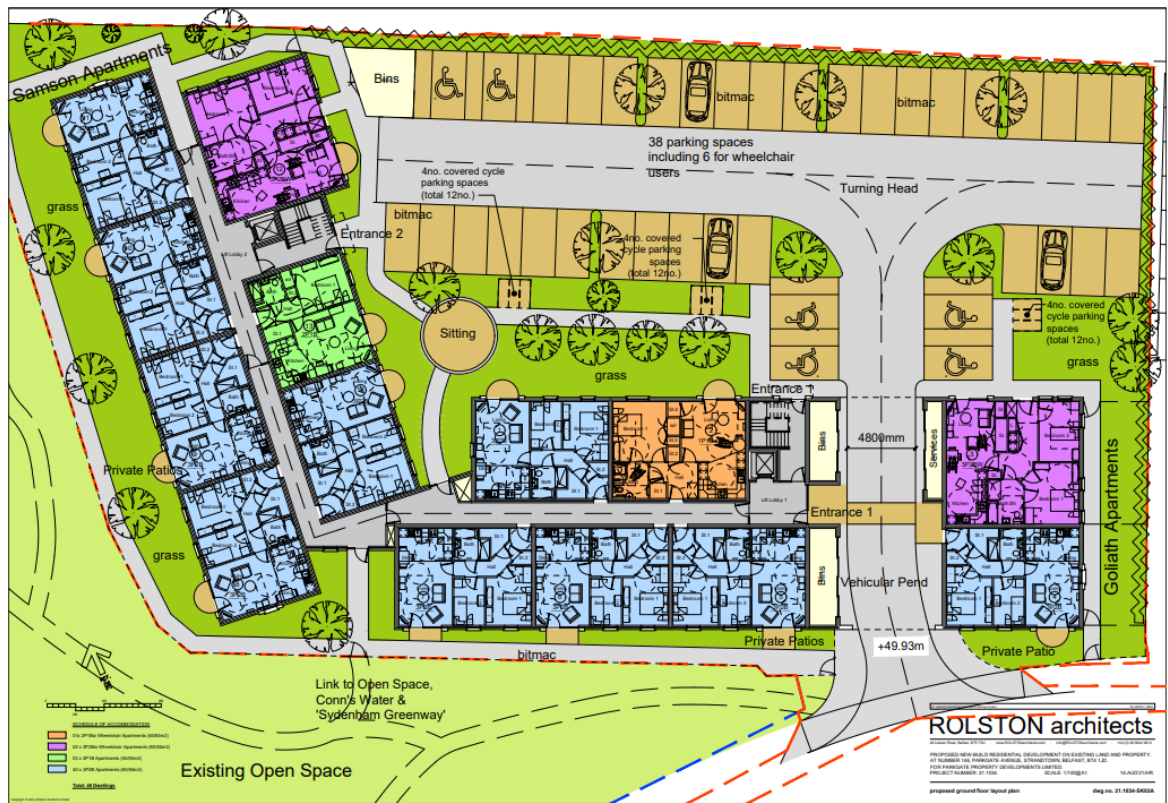
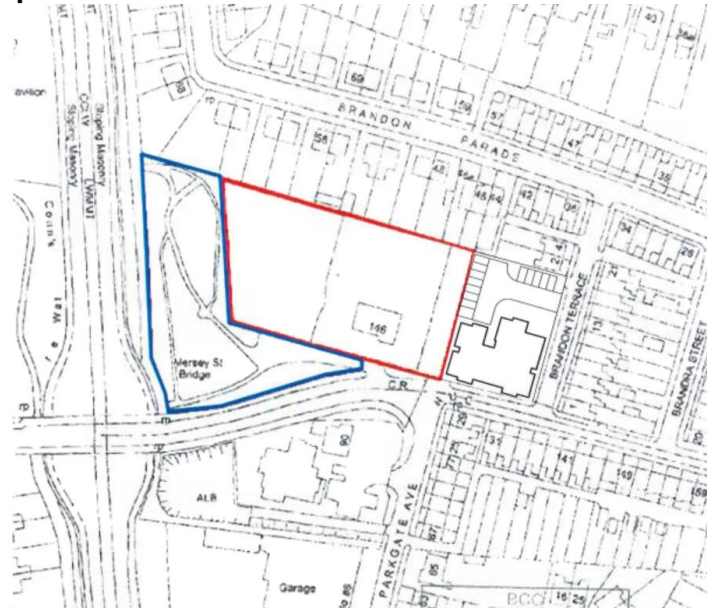
Planning Report

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Drawings

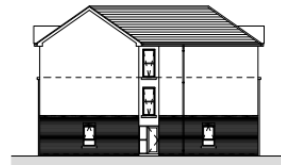
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Site Location Map:





North Elevation



South East Gable Elevation



Section AA



North West Gable Elevation

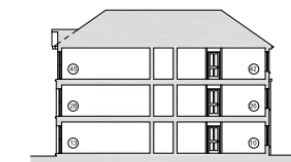


South Elevation (to Parkgate Avenue)

ROLSTON architects

PROPOSED NEW BUILD RESIDENTIAL DEVELOPMENT ON EXISTING LAND AND PROPER AT NUMBER 146, PARKGATE AVENUE, STRANDTOWN, BELFAST, BT4 1JD.
FOR PARKGATE PROPERTY DEVELOPMENTS LIMITED.

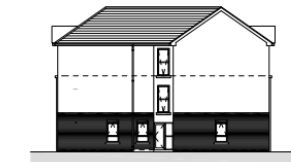
GOLIATH APARTMENTS



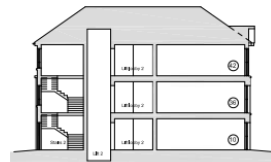
Section CC



East Elevation



North Gable Elevation



Section BB



South Gable Elevation



West Elevation (to Conn's Water)

ROLSTON architect

PROPOSED NEIGHBOURHOOD RESIDENTIAL DEVELOPMENT ON EXISTING LAND AND PROPER
AT NEARBY 140, PARKGATE AVENUE, STRANDBOY, BELFAST, BT4 1JL,
FOR FUTURE PROPERTY DEVELOPMENTS LIMITED.

SAMPSON APARTMENTS



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| 2.0 | Characteristics of the Site and Area |
| 2.1 | The occupies approximately 0.334 hectares of land located at 146 Parkgate Avenue, Belfast. The site is unoccupied and is covered in parts by hardstanding and scrub grass. The site has an existing access point onto Parkgate Avenue. the site is relatively flat and is bounded to the East by a 1.8m high vertical timber boarded fence, to the West by a green 2.1m high paladin fence and planting to Sydenham Greenway and the Connswater river, to the south in part by a railing and wall with piers. The boundary to the North is formed by a 2.4m high blockwork wall. There are a number of trees around the perimeter of the site. |
| 2.2 | The agent indicated that the site was previously occupied by a former residential building that had also been used commercial purposes. Any buildings which were present have been demolished and cleared from the site. The immediate area is primarily characterised by residential developments consisting of terraced and semi-detached dwellings. There are also two apartment developments adjacent and opposite the site. Building heights are predominately two storeys in height. The site is bounded to the East by a three-storey apartment building at 2a Brandon Terrace, to the West by Sydenham Greenway and the Connswater river, to the south by a three-storey apartment building across Parkgate Avenue. The boundary to the North is formed by the rear boundary of a row of houses along Brandon Parade. The site is accessed primarily from the south off Parkgate Avenue and from the West on foot from Sydenham Greenway. |
| 3.0 | Description of Proposal |
| 3.1 | The erection of 46No.apartment units of traditional construction over three stories, with associated car parking site and landscaping works and the alteration of an existing vehicular access. |
| 4.0 | Planning Policy and Other Material Considerations |
| 4.1 | Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) |
| 4.2 | Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 |
| 4.3 | 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) |
| 4.4 | Supplementary Planning Guidance Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development |
| 4.5 | Other Policies Belfast Agenda Creating Places (DfI) |

4.6

Relevant Planning HistoryApplication Site:

Ref ID: Z/2006/0087/F

Proposal: Proposed housing development of townhouses and apartments (24 no units)

Address: 146 Parkgate Avenue, Strandtown, Belfast, BT04 1JD

Decision: Permission Granted

Decision Date: 16.12.2008

Surrounding Land:

Ref ID: Z/2006/1556/F

Proposal: 18 no. apartments (elderly residential development)

Address: 148-150 Parkgate Avenue, Strandtown, Belfast, BT04 1JD

Decision: Permission Granted

Decision Date: 11.04.2007

Ref ID: Z/2008/0795/F

Proposal: Variation of conditions 5 and 6 of planning approval Z/2007/0350/F - Proposed Connswater community greenway (a linear park) following the course of the Connswater, Loop and Knock rivers. This includes walkways, pedestrian crossings and cycle ways; landscaping, and allotments; bio-remediation of the river including limited realignment, cross section re-profiling, riffles, cascades, attenuation pools and reed beds, several minor footbridges across the river and 3 No. landmark foot and cycle bridges; street furniture, lighting, cycle stands, interpretation boards and CCTV; fencing and gates; limited car parking to provide disabled access to greenway and rationalisation of car parking at Hollywood Arches and installation of weir infrastructure at entrance to Victoria Park- an extension to the time period for the preparation of baseline surveys and an ecological management plan for the connswater community greenway.

Address: Lands extending from Victoria Pk to Cregagh Glen inc. parts of Cregagh Rd, Castlereagh College, Loop River Pk, Castlereagh Rd, Beersbridge Rd, Newtownards Rd, Sydenham Bypass, & lands in between. Also inc. lands extending from Beersbridge Rd

Decision: Permission Granted

Decision Date: 28.10.2008

Ref ID: Z/2007/0350/F

Proposal: Proposed Connswater community greenway (a linear park) following the course of the Connswater, Loop and Knock rivers. This includes walkways, pedestrian crossings and cycle ways; landscaping, and allotments; bio-remediation of the river including limited realignment, cross section re-profiling, riffles, cascades, attenuation pools and reed beds, several minor footbridges across the river and 3 No. landmark foot and cycle bridges; street furniture, lighting, cycle stands, interpretation boards and CCTV; fencing and gates; limited car parking to provide disabled access to greenway and rationalisation of car parking at Hollywood Arches and installation of weir infrastructure at entrance to Victoria Park.

Address: Lands extending from Victoria Pk to Cregagh Glen inc. parts of Cregagh Rd, Castlereagh College, Loop River Pk, Castlereagh Rd, Beersbridge Rd, Newtownards Rd, Sydenham Bypass, & lands in between. Also inc. lands extending from Beersbridge Rd

Decision: Permission Granted

Decision Date: 26.07.2007

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| 5.0 | Consultations and Representations |
| 5.1 | Statutory Consultations DfI Roads- No objection NI Water- Refusal recommended – network capacity issues. DAERA NIEA- No objection in relation to contamination issues. Awaiting response from further consultation in relation to Natural Environment and Water Management following NIW response. Rivers- The agent has submitted correspondence uploaded on the 15-3-23 regarding a Consent to Discharge letter from DFI Rivers. Request to Rivers to verify and confirm that this is acceptable. Awaiting response. SES - response outstanding, DEARA response required prior to responding. NIHE- In support of the proposal |
| 5.2 | Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC Plan Team- Environment: given the scale and location of the proposal, further details of sustainable design features of the development should be sought to demonstrate full compliance with ENV2. There is no demonstration of full compliance with ENV3. The submission has not demonstrated adequate compliance with Policy ENV5. <i>Housing:</i> The proposal for 46 units cannot be considered small scale and therefore a greater mix of tenures is encouraged to satisfy the requirements of Policy HOU5. • To help aid choice, more 3 and 4 bed apartments should be encouraged in the proposed scheme. • Given that the total number of units proposed is 46, the Policy requirement under Policy HOU7 is that five units should be wheelchair accessible. |
| 5.3 | Whilst some consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require those consultees to re-evaluate the proposal in the context of the Plan Strategy. No further consultations have therefore been issued. |
| 5.4 | Representations The application has been advertised and neighbours notified. The Council has received three representations. The Council has received one representation objecting to the proposal. Concerns from the resident at 2a Brandon Terrace include the height of the apartment development, loss of light and the proliferation of Japanese knotweed. Two representations were submitted in support of the proposal. Connswater Homes Housing Association stated that they are in support of this application and can confirm that there is an urgent need for social housing. They comment that the proposed building has been designed in accordance with Department for Communities guidance, to meet specific requirements in terms of the mix of housing accommodation types, parking and open space provision. Matthew Spiers submitted a representation of support from Gavin Robinson's office (DUP) citing the need for social housing in the area. Matters raised in the representations will be assessed later in the report. |
| 6.0 | PLANNING ASSESSMENT |
| 6.1 | Development Plan Context Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the |

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| | determination must be made in accordance with the plan unless material considerations indicate otherwise. |
| 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. |
| 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. |
| 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. |
| 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 advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. |
| 6.6 | <p>Relevant Planning Policies</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p>Policy SP1A – Managing growth and supporting infrastructure delivery</p> <p>Policy SP2 – Sustainable development</p> <p>Policy SP3 – Improving health and wellbeing</p> <p>Policy SP5 – Positive placemaking</p> <p>Policy SP6 – Environmental resilience</p> <p>Policy SP7 – Connectivity</p> <p>Policy SD1 – Settlement hierarchy</p> <p>Policy SD2 – Settlement Areas</p> <p>Policy HOU1-Accommodating new homes</p> <p>Policy HOU 2- Windfall housing</p> <p>Policy HOU 4- Density of residential development</p> <p>Policy HOU 5-Affordable Housing</p> <p>Policy HOU6- Housing mix</p> <p>Policy HOU7-Adaptable and accessible accommodation</p> <p>Policy DES1- Principles of Urban Design</p> <p>Policy RD1- New residential developments</p> <p>Policy TRAN3- Transport Assessment</p> <p>Policy TRAN4- Travel Plan</p> <p>Policy TRAN 8- Car Parking and Servicing Arrangements</p> <p>Policy TRAN 9- Design of Car Parking</p> <p>Policy ENV1- Environmental quality</p> <p>Policy ENV 2- Mitigating Against Environmental Change</p> <p>Policy ENV 3- Adapting to Environmental Change</p> <p>Policy ENV5- Sustainable drainage systems (SuDS)</p> |

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| | <p>Policy GB1- Green and blue infrastructure network Policy OS3-Ancillary open space Policy NH1- Protection of natural heritage resources Policy TRE1 – Trees</p> |
| 6.7 | <p>Key Issues</p> <ul style="list-style-type: none"> • Principle of development • Affordable housing and housing mix • Adaptable and accessible accommodation • Design, layout and impact on the character and appearance of the area • Scale, Height, Massing, Design and Layout • Access, Traffic and Parking • Environmental Health • Drainage and Flood Risk / Infrastructure Capacity • Impact on the natural environment • Ecological Impacts • Climate change |
| 6.8 | <p><u>Additional Information</u></p> <p>Officers have requested that the applicant provides 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 submitted an adaptable and accessible accommodation statement, affordable housing form, climate change statement and a housing mix statement.</p> |
| 6.9 | <p><u>Principle of development</u></p> <p>Within the adopted BUAP, the site is located within the settlement development limit and is unzoned within ‘whiteland’. Under the provisions of both versions of BMAP (dBMAP v2004) and (dBMAP v2015), the site is located within ‘whiteland’ in the Settlement Development Limit and the site is adjacent to a community greenway and a LLPA (Local Landscape Policy Area). The site was subject to a residential approval for 24 units under Z/2006/0087/F which has expired.</p> |
| 6.10 | <p>The proposed principle of the use does not conflict with the development plan or planning policy context and is considered acceptable in principle. Further assessment of the proposal details is set out below.</p> |
| 6.11 | <p><u>Density</u></p> <p>Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas and states development proposals outside of these broad bands will be considered on their merits, subject to meeting all other policy requirements. BCC LDP team advise that the site is located within the inner city and therefore in terms of Policy HOU4 the assigned average density band of 75-150dph for Inner city Belfast Character Area applies. In this context and taking account of the site area it is expected that a proposed scheme should accommodate between 25 (75dph) and 50 (150dph) units. The current application indicates that the number of residential units to be accommodated within the proposed scheme totals 46. Given the site area, the proposed density equates to around 138dph which is near the top end of the average density band for Inner city Belfast Character Area. The proposed density is therefore considered appropriate in context but could also be reduced if required to enable an improved mix of unit sizes, whilst still remaining within the broad density requirements. HOU4 clearly states</p> |

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| | that density bands are to be used as a guide to inform proposed development, and is subject to meeting all other policy requirements with the LDP. |
| 6.12 | <p><u>Affordable housing</u></p> <p>Policy HOU 5 requires sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable housing. The application form does not refer to social housing. The affordable housing form states that the scheme is 100% social housing. The submission states that the 43 no. apartments are for 'general needs' and 3no. are 'wheelchair' apartments. The applicant is a private limited company and claims to have engaged with Connswater Housing on the development. A letter was received from Connswater Housing Association which stated that the proposal received support from NIHE. NIHE commented that they are in support of the proposal. Gavin Robinson MP stated that there is a clear need for social housing in the area and the Housing association is keen to progress. Q4 of the affordable housing application form asks for affordable housing requirement numbers/proportion. The agent has responded "N/A" (non-applicable). They have indicated that the scheme is 100% social housing. Policy HOU 5 requires that affordable housing should contain a mix of social rented housing and/or intermediate housing. There is no indication if the units are for rent or sale. BCC Planning Housing team advise that a greater mix of tenures is required to satisfy the requirements of Policy HOU5. All units are within the space standards applicable in Appendix C of the Plan Strategy.</p> |
| 6.13 | <p><u>Housing mix</u></p> <p>Policy HOU6 of the Plan relates to provision of appropriate housing mix on sites greater than 0.1ha and/or containing 5 or more dwelling units. The policy goes on to state that the requirement for a mix of house types will not apply to single apartment developments. In such cases the housing mix will be considered acceptable through greater variety in the size of units. The proposed accommodation schedule comprises 1 x 2Person 1Bed (wheelchair), 2 x 3Person 2Bed (wheelchair), 3 x 2Person 1Bed, and 40 x 3Person 2Bed units. The percentage breakdown of units is approximately 7% 2P1B and 93% 2P2B.</p> |
| 6.14 | <p>BCC LDP advise that more 3 and 4 bed apartments should be encouraged in the proposed scheme, to meet the requirement for increased size, whilst promoting choice and facilitating the creation of balanced neighbourhoods. In addition, greater clarity should be sought from NIHE in relation to the breakdown of the size and type of households on the housing waiting list for the relevant housing need area and how this could be transferred into a more varied mix of house types and sizes. NIHE advise that there is social housing new build need of 284 in Inner East for 2022- 2027. At December 2022 there were 713 households in Housing Stress. They have not provided guidance on housing mix in their response.</p> <p>Having regard to the response from the LDP team, the proposed housing mix is considered unacceptable and contrary to Policy HOU6 of the Plan.</p> |
| 6.15 | <p><u>Adaptable and accessible accommodation</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. For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible and provides an additional nine criteria (g. to o.) with which the wheelchair accessible units should accord. The applicant has provided evidence that 3 units will be dedicated as wheelchair accessible units. They state that the figure is based on need following discussions with NIHE and a housing association. The applicant states that the apartments will be built to Lifetime Homes standards and constructed to Housing Association Guide</p> |

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| | (HAG) standards. This will enable conversion to wheelchair apartments should the need arise in the area. |
| 6.16 | The breakdown of apartment units indicates that three wheelchair accessible units are proposed. BCC LDP team advise that given that the total number of units proposed is 46, this represents only 6.5%. The 10% requirement under Policy HOU7 is that five units should be wheelchair accessible. While it may be that NIHE have only confirmed a need for three bespoke wheelchair units with respect to the waiting list in the locality, whether or not there is a specific, bespoke wheelchair housing unit required within the social housing does not negate the requirement to conform with the Policy HOU7. Therefore, there is an under provision within the proposals and it is not considered to satisfy the accessibility requirements of Policy HOU7. |
| 6.17 | <p><u>Design, layout and impact on the character and appearance of the area</u></p> <p>Policy RD 1- New residential developments states that planning permission will only be granted where it is demonstrated that the proposal is in accordance with general urban design policies and where it is demonstrated that it promotes a quality residential development that creates a place which is attractive, locally distinctive and appropriate to the surroundings.</p> |
| 6.18 | The policy further states that in established residential areas housing development will not be permitted where they would result in unacceptable damage to the local character or residential amenity of these areas. The policy sets out 14 criteria which all residential developments are expected to meet. The proposal is assessed against each of the criteria below. It is noted that amended plans were received in January 2023 after officers indicated that the proposal was contrary to planning policy and would be recommend for refusal. The amendments do not overcome the issues raised by officers as set out in the assessment below. |
| 6.19 | <p><u>Scale, Height, Massing, Design and Layout</u></p> <p>The layout proposes to create two linked apartment buildings of 21 units (Samson) and 25 units ('Goliath') comprising a total of 46 units. The breakdown of the units consists of 1 No. 2 Person 1 Bedroom Wheelchair Apartments, 2 No. 3 Person 2 Bedroom Wheelchair Apartments, 3 No. 2 Person 1 Bedroom 'General Needs' Apartments and 40 No. 3 Person 2 Bedroom 'General Needs' Apartments.</p> |
| 6.20 | The accommodation is located to the south and west of the site and is arranged within two linear elements. The south facing facade of the building will address Parkgate Avenue. This facade is in line with the existing building line created by neighbouring 2a Brandon Terrace to the east and is parallel to the facade of 90 Parkgate avenue to the south. The west facing facade of the building is parallel to, and addresses, the Connswater River / Sydenham Greenway'. The linear arrangement of the accommodation visually screens proposed parking to the rear which is accessed via a pend/passageway through the building. |
| 6.21 | The proposed apartments are three storey buildings with a height of 11.1m. The Goliath building is 48m in length and 16.3m wide. The Samson building is 38.5m in length and extends to a maximum width of 17.9m. The design of the buildings in terms of their form, roof shape, materials and fenestration are similar though the Goliath building has a passageway through the off centre of the building at ground level to provide access to the rear of the development. |
| 6.22 | The immediate area is primarily characterised by residential developments consisting of typical two storey terraced and semi-detached dwellings with associated yard/garden areas |

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| | <p>to the rear. There are also two apartment developments adjacent and opposite the site. Building heights are predominately two storeys. The site is bounded to the East by a three-storey apartment building at 2a Brandon Terrace, to the West by Sydenham Greenway and the Connswater river, to the south by a three-storey apartment building across Parkgate Avenue. The apartment buildings are atypical of the surrounding context. The boundary to the North is formed by the rear boundary of a row of semi-detached houses along Brandon Parade.</p> |
| 6.23 | <p>The two buildings range between approximately 38m and 48m in length. This design approach would result in a monolithic type of massing which is out of character with the area and contextually inappropriate. The scale of the buildings, in combination with the proportions and massing, fails to respect the existing streetscape. The applicant has argued that the proposal fits comfortably within the context of the area and neighbouring buildings, however, it is considered that the length and massing is inappropriate to the scale of the street. Whilst the area contains several apartment developments they are not of a similar scale in terms of length and resulting massing. When read as an entity a proposal of this scale in the local context is an indicator of overdevelopment. The extensive length and massing of the proposal is considered to represent significant overdevelopment of the site. Whilst three storey building height is present in the area, these buildings have restricted plots resulting in limited visual impacts and do not therefore support the design approach of the proposal. Amenity provision space is substandard and will be assessed later in the report. The proposal is contrary to the SPPS, Policy DES1 (a), (j) and (k) and Policy RD1 (a), (b), (d), (g) of the LDP Plan Strategy 2035 in that the development does not respect the surrounding context and is inappropriate to the character of the locality in terms of layout, scale, proportions, massing and appearance of buildings and if permitted would result in overdevelopment of the site.</p> |
| 6.24 | <p><u>Impact on Amenity</u></p> <p>Whilst a 3 storey height forms part of the character of the area, the design and layout of the proposal in proximity to an existing apartment development at No. 2a Brandon Parade creates an unacceptable relationship and will have a detrimental impact on the residential amenity of existing residents. The 3-storey element and roof height create dominant bulk and massing due to its close proximity to the apartment development at No.2a Brandon Terrace. It would appear as a dominant and overbearing feature creating overshadowing due to its height in the street scene which is indicative of overdevelopment, and it would impact on the neighbouring residential amenity of neighbouring properties. However, the separation distance between the two buildings would be 6m, and the dominance created would be unacceptable.</p> |
| 6.25 | <p>The inter relationship of apartments between units Nos 1 and 14, 15 and 30, 31 and 46 would result in direct overlooking and intervisibility due to the orientation of the building, the positioning of windows and the limited separation distance. This is considered unacceptable and would compromise the amenity of prospective residents.</p> |
| 6.26 | <p>The protection of amenity of existing residents is a requirement under Policy RD1 of the LDP. The amended plans show the omission of gable windows to prevent overlooking to 2a Brandon Terrace, however the revisions do not go far enough to address the issue. Due to the layout, arrangement and height of the buildings, the proposal would result in overlooking, and the perception thereof, from access stairwells and habitable rooms of apartments at first and second floor, in particular nos 27, 28, 43, 44 of the 'Samson' block, and 15-18, 31-34 inclusive, to the rear garden/amenity areas of existing residents at Brandon Parade abutting the site. The separation distances of the proposed blocks to existing built form and associated boundary treatments are insufficient to adequately mitigate the impacts.</p> |

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| 6.27 | The impact on residential amenity for occupiers and neighbours is unacceptable and is an indicator that the proposal is overdevelopment in its current format. The proposal is likely to create residential amenity issues in the form of dominance, overlooking, overshadowing and poor outlook and as a result the proposal is contrary to the SPPS and Policy DES1 (a), (j) and (k) and Policy RD1 (a), (b), (d), (g) of the LDP Plan Strategy 2035. |
| 6.28 | <p><u>Outlook</u></p> <p>Six ground floor apartments, seven first floor apartments and seven second floor apartments are located wholly to the rear of the development without direct access to the public street. Outlook from these apartments would be unattractive, particularly for unit Nos 3, 12, 17, 18, 28, 33, 34 and 44 as they mainly front onto hard standing car parking and access areas and the bin storage area and as such would be contrary to Policy RD 1(g) of the LDP Plan Strategy 2035. The poor outlook is an indicator of overdevelopment of the site.</p> |
| 6.29 | <p><u>Space standards</u></p> <p>The proposed development includes a mix of 46 units. The units range from 50sqm to 85sqm which are in keeping with the space standards as per Policy RD1 (f).</p> |
| 6.30 | <p><u>Materials</u></p> <p>The proposal includes a varied materials palette which is reflective of other developments within the immediate locality. The proposal includes a mix of painted render facades along with clay facing brick projections and surroundings to openings. The apartment building features a clay facing brick 'plinth' to the full height of the ground floor level, with painted render facades to first and second floor levels. Two storey projected surroundings to openings are to be constructed in brick.</p> |
| 6.31 | <p><u>Landscaping</u></p> <p>The proposal has also been supported by a detailed boundary treatments plan which consist of metal railings and 1.8m high close boarded double sided timber fencing. The proposal features parcels of grass lawn, hedging and several trees. There are no details given to the detailing of any retained vegetation or proposed planting, though the planning statement stated that the apartments will feature hedge planting and low-level shrub planting to create attractive spaces with seasonal variation. If the proposal were to be approved, landscaping conditions would be required to secure necessary details and management arrangements.</p> |
| 6.32 | <p><u>Amenity Space</u></p> <p>It is considered that the scheme fails to provide quality amenity and landscaped space. The proposed is inadequate and inappropriate and is therefore contrary to the SPPS and Policy RD1 (d) and Policy OS3 Ancillary open space of the LDP Plan Strategy 2035 in that the development would, if permitted create undesirable living conditions for prospective residents due to inadequate provision of quality amenity space.</p> |
| 6.33 | <p>Creating Places provides guidance as to the level of <i>Private open space</i> provision and with respect to apartments on urban infill sites advises private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens with a minimum provision of 10sqm per unit. Policy OS 3 states that proposals will only be permitted for residential development of more than 25 units where <i>public open space</i> is provided as an integral part of the development. The normal expectation is at least 10% of the site area. This figure would equate to 342sqm as the site area is 3,342sqm and proposes 42 apartment units. The minimum space provision of 10sqm per unit would equate to 420sqm.</p> |

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The agent indicated on a site layout plan that 931sqm of communal open space has been provided within the site as illustrated in the first image below (Image 1). The agent later claimed that 1,993sqm of open space was being offered through the development (Image 2). This included car parking areas and is not considered to be an accurate reflection of the quantum of communal open space. A figure of approximately 931sqm of communal open space is considered to be accurate.

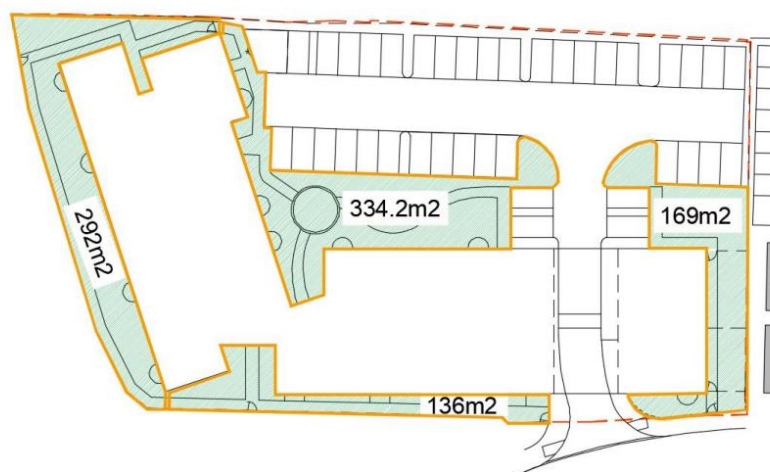
Image1:

Figure 1 – Breakdown of areas of communal open space around proposed apartment building with access by residents only.

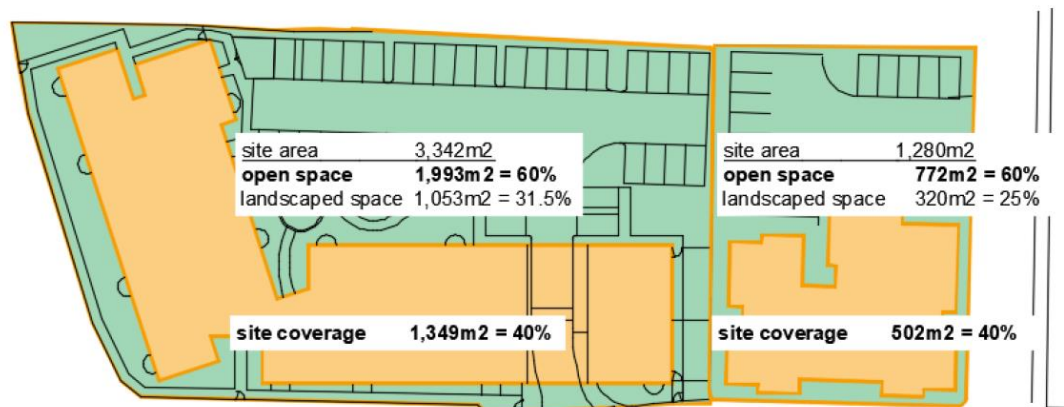
Image 2:

Fig.5 – site plan – open space comparison with neighbouring development.

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The primary open space area is located to the rear of the apartment buildings. There are several additional smaller pockets of amenity space to the front and sides of the buildings. However, when examining the quality of the provision it is evident that there are concerns with the quality and typology of amenity space. Pockets of amenity space are dotted across the site. Whilst they offer visual relief, other than two areas to the rear marked as 334sqm and 169sqm they are limited in quality and usability. In addition, the figures are inaccurate as they include pathways into and around the development and cycle parking areas. Amenity space is required to provide for passive recreational activity such as sitting out, for active recreational activity and should be adequate as play space for children. Amenity space should be of a shape and size which can practically accommodate the activities for which they are intended and should be practical and level where possible and designed in

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| | accordance with Creating Places Supplementary Planning Guidance. Amenity areas are either too small and narrow or located in areas which would be completely overshadowed such as the space located between the Goliath apartments and 2a Brandon Terrace. This area will be hemmed in by the two adjacent buildings which doesn't represent a quality design. |
| 6.36 | A significant number of areas identified as amenity act as landscape buffers softening the boundaries and parking areas as opposed to functioning as areas of communal private space. In essence the quantum and quality of space is poor and represents overdevelopment of the site. Private amenity space within the site is limited to a number of ground floor units and no dedicated provision is included for apartments at first and second floor. |
| 6.37 | The applicant commented that the scheme benefits from access to a generous area of landscaped public open space to the west. This area is accessed via pedestrian gates within the boundary railing that defines and encloses the apartment development. This area of land is not within the red line of this proposal and therefore cannot be considered as usable amenity space for the purposes of this application. It is acknowledged that the proposed site is adjacent to the Sydenham Greenway and is within 500 meters of Victoria Park and King George playing fields, however considering the Eia Street planning appeal decision 2018/A0070 it was considered that existing other public spaces were not an acceptable substitute for the deficit of private and communal space in quantitative and qualitative terms. |
| 6.38 | The overall amount and quality of amenity space is indicative of a poor design and overdevelopment of the site. It is considered that the proposal is contrary to Policy RD1 criterion (d) and Policy OS 3. |
| 6.39 | <p>Waste Management</p> <p>The applicant's service management strategy states that bins for both Samson and Goliath buildings will be brought by management staff from bin store enclosures to the main site entrance for collection. The layout illustrates three separate bin storage areas. Two are incorporated within the Goliath apartment building close to the entrance point. A third bin storage area is located within the north-western corner of the car parking area to the rear of the development. These will serve the residents within the Samson apartment building. This waste area is located directly opposite the front of apartment No12 on the ground floor which will result in poor outlook. The bin area is less than 2.8 meters from the windows of the apartment. This arrangement is unacceptable and contrary to Policy DES1 (k)</p> |
| 6.40 | <p>Access, Traffic and Parking</p> <p>Vehicular and pedestrian access is available from the south off Parkgate Avenue, with pedestrian access also available from the 'Sydenham Greenway'. The site has good public transport provision and is close to main arterial bus routes. The scheme includes for 38 no. car parking spaces for the apartment's residents, including 6no. wider disabled parking spaces. Parking areas are connected to apartment entrances via 2m wide footpaths. Cycle parking is located to the rear of the development. DFI Roads have offered no objections to the proposal. It is considered the proposals comply with the traffic, access and parking policy provisions within the SPPS and the LDP Pan Strategy 2035.</p> |
| 6.41 | <p>Environmental Health</p> <p>EHO provided comment in relation to the proposed development in terms of noise, air pollution, ambient air quality, contaminated land and other considerations. EHO have considered Contamination Assessments submitted in support of the application and</p> |

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| | recommended appropriate conditions. It is considered the proposals comply with Policy ENV1 Environmental Quality of the LDP Plan Strategy 2035 and the SPSS. |
| 6.42 | <p>Drainage and Flood Risk / Infrastructure Capacity</p> <p>Rivers Agency provided comments on the proposal. They highlighted that FLD 3 Development and Surface Water is applicable. A Drainage Assessment has been submitted with this application. DfI Rivers commented that in order to fully assess the drainage the Drainage Assessment that the applicant provides a Schedule 6 approval response from DfI Rivers area office consenting to the discharge of a total maximum of 5.8l/s of storm run-off into the proposed Conn's Water River. (As indicated in the DA). The applicant has submitted correspondence to support this, and the Council are awaiting a response from DFI Rivers. Should DFI Rivers confirm the proposed arrangements are acceptable, then the application would be compliant with relevant LDP considerations.</p> |
| 6.43 | <p>NI Water recommended refusal. They commented that while there is available capacity at the WWTW, due to issues with the surrounding network a wastewater impact assessment application is required to find a potential solution. This part of Belfast catchment is constrained by an External Flooding Overloaded Sewer and 2 downstream Unsatisfactory Intermittent Discharges (UID's) at (1) Sydenham Park Avenue TPS and (2) Inverary Drive CSO. (1 & 2) discharge to Belfast Harbour. NI Water is currently processing a Wastewater Impact Assessment (DS50888) in respect of this proposal. Planning Authority should issue a reconsultation as soon as recommended WWIA Report solution has been adopted and on-site checks confirm its feasibility. Subject to a successful outcome and re-consultation, NI may reconsider its recommendation. There are a significant number of extant and unimplemented planning permissions across the city for housing, commercial and other uses including over 20,000 new homes. Given NI Water's duty to connect to those developments and that it has not provided detailed evidence to support its objection to this application, it would be unreasonable for the Council to refuse planning permission on these grounds.</p> |
| 6.44 | <p>Impact on the natural environment</p> <p>NIEA were consulted on the proposal and requested further information relating to contamination and the water environment. NIEA Water Management Unit is concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to Kinnegar Wastewater Treatment Works (WWTW). Water Management Unit would therefore recommend that the Planning Case Officer consult with Northern Ireland Water Limited (NIW) to determine if both the WWTW and associated sewer network will be able to cope with the additional load or whether they would need to be upgraded. If NIW indicate that the WWTW and associated sewer network can accept the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then Water Management Unit would have no objection to this aspect of the proposal.</p> |
| 6.45 | <p>NIEA Regulation Unit requested a Generic Quantitative Risk Assessment (GQRA) informed by targeted intrusive site investigation including groundwater assessment. They offer no objections to the proposal.</p> |
| 6.46 | <p>NIEA offered no objections on natural heritage matters nor did they raise any concerns regarding Japanese Knotweed as per letter of objection from Brandon Terrace. The proposal offers landscaping including several trees are to be retained along the perimeter. Furthermore, the additional tree planting indicated represents a net gain of 13 additional trees, further ability for the proposal to mitigate and adapt to climate change and complying with Policy TRE1 within the LDP.</p> |

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| 6.47 | <p>Ecological impacts</p> <p>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). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p> |
| 6.48 | <p>Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p> |
| 6.49 | <p>In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, that the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to mitigation in the form of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water.</p> |
| 6.50 | <p>Shared Environmental Services, DAERA Environment, Marine and Fisheries Group & NIEA responses relating to comments received from NI Water. remain outstanding. Delegated authority to resolve any matters arising including finalising refusal reasons if appropriate.</p> |
| 6.51 | <p><u>Climate change</u></p> <p>Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation.</p> |
| 6.52 | <p>The applicant provided a Climate Change statement which refers to an address at 22-30 Hopefield Avenue, and is taken as a typographical error. The statement indicates that the proposed development embraces sustainable principles and aims to mitigate the impacts of climate change by prioritising energy efficiency, sustainable materials, water conservation, and waste management. It lists measures taken to reduce energy demand, measures to limit carbon through sustainable materials and construction practices and flood mitigation. The Council's LDP team provided commentary on the Plan Strategy Statement (PSS) stating that there is a general lack of detail and commitment to many of the measures listed and little on wider sustainable design measures. It is considered that, given the scale and location of the proposal, further details of sustainable design features of the development should be sought to demonstrate full compliance with ENV2.</p> |

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| 6.53 | The Planning Supporting Statement (PSS) provides limited commentary on ENV3 (adapting to environmental change), primarily relating water usage efficiency and current flood risk. It is noted from DfI Rivers Flood Maps that this is an area of surface water flood risk. Whilst the applicant's response is of some relevance to dealing with climate change, the submission does not adequately address the objectives of the policy, which primarily relate to future resilience of the development, including in relation to the built fabric and the comfort/safety of its occupiers. Therefore, there is no demonstration of full compliance with ENV3. |
| 6.54 | <p><u>Sustainable Urban Drainage Systems (SuDS)</u></p> <p>Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere. The PSS response mentions SuDS measures and relies on the open space landscaped areas to act as SuDS features. Given the scale and location of the proposal, this is not considered adequate, both in terms of scope of measures and detailed proposals. The applicant should further consider appropriate SuDS measures throughout the site – the SPG on SuDS provides a range of features that could be incorporated in this development. The submission has not demonstrated adequate compliance with Policy ENV5.</p> |
| 6.55 | <p><u>Representations</u></p> <p>The Council has received three representations. The Council has received one representation objecting to the proposal. Concerns from the resident at 2a Brandon Terrace include the height of the apartment development, loss of light and the proliferation of Japanese knotweed. These matters have been considered in the above assessment.</p> |
| 6.56 | <p>Two representations were submitted in support of the proposal. Connswater Homes Housing Association stated that they are in support of this application and can confirm that there is an urgent need for social housing. They comment that the proposed building has been designed in accordance with Department for Communities guidance, to meet specific requirements in terms of the mix of housing accommodation types, parking and open space provision. Matthew Spiers submitted a representation of support from Gavin Robinson's office (DUP) citing the need for social housing in the area.</p> <p>Notwithstanding the submissions of support, the need for social housing is not considered to outweigh the layout, design, amenity and policy issues as set out in the above assessment.</p> |
| 7.0 | Recommendation |
| 7.1 | Having regard to the development plan and other material considerations, the proposal is unacceptable for the reasons set out above and at 8.0 below. It is recommended that planning permission is refused. |
| 7.2 | Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons and resolve any matters arising from outstanding consultations. |
| 8.0 Reasons for Refusal: | |
| 1: The proposal is contrary to the SPPS, Policy DES1 (a), (j) and (k) and Policy RD1 (a), (b), (d), (g) of the LDP Plan Strategy 2035 in that the development does not respect the surrounding context and is inappropriate to the character of the locality in terms of layout, scale, proportions, massing and | |

appearance of buildings and poor outlook and if permitted would result in overdevelopment of the site.

2: The proposal is contrary to the SPPS and Policy RD1 (d) and Policy OS3 Ancillary open space of the LDP Plan Strategy 2035 in that the development would, if permitted create undesirable living conditions for prospective residents due to inadequate provision of quality amenity space.

3: The proposal is contrary to Policy RD1 (b) of the LDP Plan Strategy 2035 in that the development would, if permitted, adversely impact on the amenity of neighbouring properties in terms of overlooking, overshadowing, and overdominance due to its' inappropriate scale, form, massing and design.

4: The proposal is contrary to Policy ENV2, ENV3 and ENV 5 of the LDP Plan Strategy 2035 in that the development would, if permitted, not address matters associated with Climate Change, adapting to the environment and SuDS thus being harmful to the local environment.

5. The proposal is contrary to the SPPS, Policy RD1 (i) and (n) of the LDP Plan Strategy 2035 in that the development does not provide adequate management arrangements to ensure a positive and safe living environment for occupants and does not provide adequate communal facilities.

6. The proposal is contrary to Policy HOU 5 of the LDP Strategy 2035, in that the development fails to provide an appropriate mix of tenures.

7. The proposal is contrary to Policy HOU 6 of the LDP Strategy 2035, in that the development fails to provide an adequate range of apartment sizes in order to meet the requirements for increased size, promoting choice, and facilitating the creation of balanced neighbourhoods.

8. The proposal is contrary to Policy HOU 7 of the LDP Strategy 2035, in that the development fails to make sufficient provision for wheelchair accessible units.

| ANNEX | |
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| Date Valid | 13/01/22 |
| Date First Advertised | 28/01/22 |
| Date Last Advertised | 28/01/22 |
| Details of Neighbour Notification Flat 8, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB Apartment 7, 2a, Brandon Terrace, Belfast, Down, BT4 1JF 70 Brandon Parade, Belfast, Down, BT4 1JH Apartment 18, 2a, Brandon Terrace, Belfast, Down, BT4 1JF 62 Brandon Parade, Belfast, Down, BT4 1JH Apartment 1, 2a, Brandon Terrace, Belfast, Down, BT4 1JF Apartment 5, 2a, Brandon Terrace, Belfast, Down, BT4 1JF | |

Flat 10, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 Apartment 14, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 64 Brandon Parade, Belfast, Down, BT4 1JH
 46 Brandon Parade, Belfast, Down, BT4 1JH
 Flat 7, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 Flat 5, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 Apartment 15, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 2 Brandon Terrace, Belfast, Down, BT4 1JF
 Apartment 16, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 148 Parkgate Avenue, Belfast, Down, BT4 1JD
 Apartment 13, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 Garfield House, 146 Parkgate Avenue, Belfast, Down, BT4 1JD
 Garfield House, 146 Parkgate Avenue, Belfast, Down, BT4 1JD
 Flat 4, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 52 Brandon Parade, Belfast, Down, BT4 1JH
 46a, Brandon Parade, Belfast, Down, BT4 1JH
 Apartment 4, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 Flat 11, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 Apartment 9, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 Apartment 17, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 Apartment 2, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 Flat 12, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 Flat 9, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 48 Brandon Parade, Belfast, Down, BT4 1JH
 Apartment 3, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 4 Brandon Terrace, Belfast, Down, BT4 1JF
 68 Brandon Parade, Belfast, Down, BT4 1JH
 129 Parkgate Avenue, Belfast, Down, BT4 1JB
 44 Brandon Parade, Belfast, Down, BT4 1JH
 Apartment 12, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 60 Brandon Parade, Belfast, Down, BT4 1JH
 150 Parkgate Avenue, Belfast, Down, BT4 1JD
 50 Brandon Parade, Belfast, Down, BT4 1JH
 Apartment 8, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 Flat 3, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 Flat 6, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 56 Brandon Parade, Belfast, Down, BT4 1JH
 Flat 2, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 66 Brandon Parade, Belfast, Down, BT4 1JH
 58 Brandon Parade, Belfast, Down, BT4 1JH
 54 Brandon Parade, Belfast, Down, BT4 1JH
 Flat 1, Parkgate House, 90 Parkgate Avenue, Belfast, Down, BT4 1JB
 92 Parkgate Avenue, Belfast, Down, BT4 1JB
 Apartment 6, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 Apartment 11, 2a, Brandon Terrace, Belfast, Down, BT4 1JF
 Apartment 10, 2a, Brandon Terrace, Belfast, Down, BT4 1JF

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Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: 29 th June 2023 | |
| Application ID: LA04/2022/1924/F | |
| Proposal: Stepped four to one storey mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and ground floor coffee shop. | Location: 160-164 Kingsway Dunmurry BT17 9RZ. |
| 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: Glenoak Limited 44 Carnaree Road Templepatrick BT39 0BZ | Agent Name and Address: Place Lab Limited 18 Osborne Park Belfast BT9 6JN |
| <p>Executive Summary: This application seeks full planning permission for a stepped 4 to one storey mixed-use proposal comprising 13 apartments (with 13 car parking spaces) and coffee shop.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, Layout and impact upon the character and appearance of the area • Climate Change • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Access and Parking • Drainage • Access and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination <p>Recommendation Having regard to the development plan and other material considerations, including the extant planning permission, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement being entered into to secure affordable housing.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions, Section 76 planning agreement, and deal with any other matters which may arise.</p> | |

Officer Report

1.0

Drawings

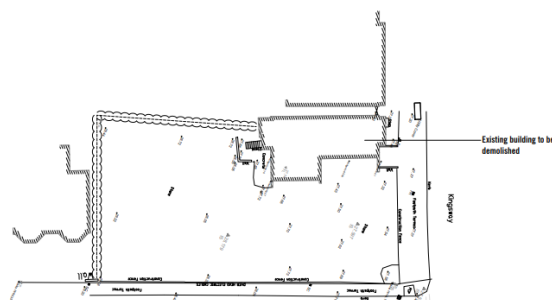
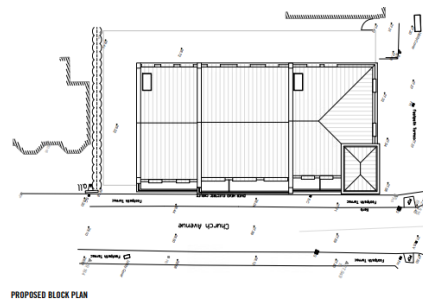
1.1

Fig 1. Site Location Plan



1.2

Fig.2 Proposed Site Layout



2.0

Characteristics of the Site and Area

2.1

The site is currently a brownfield plot of land that has been cleared of buildings and fenced off. The site occupies a corner position at the junction of Kingsway and Church Avenue, a residential road mainly occupied by Victorian/Edwardian detached villas. The eastern or Church Avenue boundary of the site is directly opposite to Dunmurry Park, a public green open space. The southern boundary is contingent with the garden of No.5 Church Avenue.

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| 2.2 | <p>The western boundary of the site backs onto rear service/parking areas belonging to commercial properties on Kingsway.</p> <p>There is a previous approval on the site for the erection of 2No. commercial units and 10 No. apartments and car parking (LA04/2018/0386/F).</p> |
| 3.0 | Description of Proposal |
| 3.1 | Mixed-use proposal comprising thirteen apartments (with 13 car parking spaces) and coffee shop. There are ten proposed 3-person 2 bed apartments, two 2 person 1 bed apartments and one, 4 person 2 bed apartment. |
| 3.2 | The proposed building will range in height from one storey to three storeys plus roof/attic level. A four-storey element will turn the corner at Kingsway and Church Avenue |
| 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 |
| 4.6 | <i>LA04/2018/0386/F</i> <i>160-164 Kingsway, Dunmurry, Belfast</i> <i>Erection of 20 No. Commercial units and 10 No. Apartments and car parking</i> <i>Permission Granted at Appeal</i> |
| 5.0 | Consultations and Representations |
| 5.1 | Statutory Consultations DfI Roads – Content subject to conditions DfI Rivers – Content NI Water – Approval DAERA NIEA – Content |
| 5.2 | Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice. |
| 5.3 | <p>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.</p> |

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| 5.4 | <p>Representations</p> <p>The application has been advertised and neighbours notified. The Council has received the following representations in support and objection.</p> <p>Objections: 1</p> <p>The objection raises issues regarding density, site parking provision, height, scale, and massing which are all addressed within the main report. Queries on the boundary lines with the development and the property at 5 Church Avenue have been resolved.</p> |
| 6.0 | PLANNING ASSESSMENT |
| | Development Plan Context |
| 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. |
| 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. |
| 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. |
| 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. |
| 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 advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. |
| 6.6 | <p>Relevant Planning Policies</p> <p>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 |

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| | <ul style="list-style-type: none"> • Policy RD1 – New residential developments • Policy BH3- Areas of townscape Character • Policy TRAN1 – Active Travel – Walking and Cycle • Policy TRAN6 – Access to public roads • Policy TRAN8 – Car parking and servicing arrangements • Policy TRAN10 – Design of car parking • Policy ENV1 – Environmental quality • Policy ENV2 – Mitigating environmental change • Policy ENV3 – Adapting to environmental change • Policy ENV5 – SuDS • Policy OS3 – Ancillary open space • Policy NH1 – Protection of natural heritage resources • Policy TRE1 – Trees |
| 6.7 | <p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Design, Layout and impact upon the character and appearance of the area • Climate Change • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Access and Parking • Drainage • Access and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination <p>The adoption of the Plan Strategy requires the following updated assessment.</p> |
| 6.8 | <p><u>Additional Information</u></p> <p>Officers requested that the applicant provides 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> <p>The Planning Service’s Plans and Policy team has been consulted on the applicant’s Plan Strategy. No further consultations have been considered necessary following adoption of the Plan Strategy.</p> |
| 6.9 | <p><u>Principle of development</u></p> <p>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. A previous approval on the site LA04/2018/0386/F has established that the principle of an apartment development is acceptable at this location.</p> |
| 6.10 | <p>The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in the Belfast City Council area. Policy HOU2, Windfall</p> |

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| | <p>Housing is also met as the proposal is situated on previously developed land and is currently white land within the BMAP 2004 and 2015 versions. The proposed scheme is considered to be a suitable site for an apartment scheme, it is accessible and convenient to public transport and walking and cycling infrastructure.</p> |
| 6.11 | <p><u>Design, layout and impact upon the character and appearance of the area</u></p> <p>Policy RD1 seeks to promote quality residential development that creates places that are attractive, locally distinctive, and appropriate to their surroundings. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:</p> |
| 6.12 | <p><i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i></p> <p>The site is located within an area which has a mix of residential and commercial units. The proposal is for a ground floor coffee shop with 13 apartments situated above. There is an existing apartment scheme opposite the proposed site which is part two-part three storey. The site is considered to represent a prominent plot on the approach from the city centre, however, views are filtered in part by the mature trees fronting the adjacent Park.</p> <p>The proposal breaches the established building line along the Church Avenue elevation; however, it is acknowledged that historically the building line here was breached by the building that previously occupied the site. There is no uniformity in the design of buildings, differing in size, sale, massing and finishes along Kingsway. The proposal along Church Avenue, comprises of a one storey (3.51m), rising to a two storey with a mansard roof, rising to three-storey with a mansard roof, culminating in a four storey (13.86m) element at the corner of the site with Kingsway. Along Kingsway, there is a one storey (3.84), rising to three storeys with mansard roof and culminating in a four-storey tower element (13.86) at the corner of the site with Church Avenue.</p> <p>The proposed recessed balconies are modest in scale in comparison to the prominence of numerous balconies and terraces on the two large developments opposite. They are considered to tie in with the existing character and appearance and will not unduly dominant in the streetscape. The proposed finish to the principal elevation is red brick with flush pointing. This finish will tie the new block in with the red brick finish of the existing No.5 Church Road and the terrace beginning with No.166 Kingsway. The proposal incorporates some glazed brick decorative features to the eaves level of the corner tower. The windows are proposed to be finished in black coloured ppc aluminium, and the roofing material is a dark grey standing seam system redolent of lead.</p> <p>The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area and draft ATC and therefore is compliant with Policy BH2.</p> |
| 6.13 | <p><i>b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:</i></p> <p>The layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties to ensure that dominance and overshadowing will not occur to an unacceptable degree. The property at No. 5 Church Avenue, is approximately 0.81m from the proposed rear boundary of the proposed building. Although this does not meet the 15m separation distance as outlined in paragraph 7.17 of Creating Places, paragraph 7.18 allows for greater flexibility in inner urban locations. The elevation closest to this property is only one storey reducing any sense of dominance from the proposal. There will be no</p> |

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| | <p>opportunity for overlooking into any other neighbouring properties due to the separation distances on both the elevations looking onto Kingsway and the outlook onto a Dunmurry public park on the Church Road elevation. It is considered that the design, layout and separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.</p> |
| 6.14 | <p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i> The development site located on a major arterial route linking Lisburn and Belfast, with regular bus services between the two centres. It is also within a convenient walking distance (300m) to/from Dunmurry rail halt, on the Belfast-Portadown/Portadown-Belfast Line.</p> |
| 6.15 | <p><i>d. Provides adequate open space:</i> There is approximately 118.13 sqm of private communal open space which equates to around 9sqm per unit. This is in the form of a first-floor external deck area. This is marginally below the guidance in Creating Places; however, this is counterbalanced through the provision of private amenity space per each apartment ranging from approximately 4.4sqm to 19.76sqm per unit. Creating Places also states that the appropriate level of provision should be determined by having regard to the context of the development. There is a park adjacent to the proposal also which is easily accessed. Therefore, on balance, it is considered that there an appropriate amount of private and private communal space to create a quality residential environment.</p> |
| 6.16 | <p><i>e. Keeps hard surfacing to a minimum</i> Car parking is considered to not dominate the residential development as parking is provided within the ground floor of the scheme.</p> |
| 6.17 | <p><i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i> There are ten proposed 3 person 2 bed apartments ranging from 68.4 sqm-81.4sqm , two 2 person apartments at 54.8sqm and one, 4 person 2 bed apartment at 83.4sqm. The proposed scheme is in keeping with the space standards as set out in appendix C.</p> |
| 6.18 | <p><i>g. 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 Church Avenue Street elevation allowing for safe access from the footpath. There is a sizable communal area as you enter the building, in line with para 7.3.13 of the Plan Strategy 2035, providing a sense of security and safety for residents and visitors, maximising opportunities for natural surveillance.</p> |
| 6.19 | <p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> In terms of prospective residents, each unit has adequate outlook to the public street, Dunmurry Park and external amenity areas.</p> |
| 6.20 | <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> |

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| 6.21 | <p><u>Climate change</u></p> <p>Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation. The applicant provided a Climate Change statement which outlines sustainable travel measures through the implementation of a travel plan and how the location is within walking distance of Train Halt and Bus Stops.</p> |
| 6.22 | <p>The applicant has updated their DAS setting out that the following features are incorporated into the design:</p> <ul style="list-style-type: none"> (i) Photovoltaic panels on the roof. These will be placed on the shallow slope of the mansard roof which faces south-west. The power generated from these will contribute a renewable element of the electricity required to run the building. (ii) Grey water storage installation will be incorporated to supply the site with water for the irrigation of the planting which is planned within the first floor courtyard spaces. (iii) Efficient heating system in common areas. The building will be fitted with high efficiency smart heaters within the landlord areas. These will react to rapid temperature changes and low occupancy, obviating the need for heaters to be kept at a constant temperature at all times. (iv) Heating installations. The apartments will be fitted with high efficiency gas-fired combination boilers which will have flue gas heat recovery to maximise energy efficiency. (v) Lighting. The building will be fitted with a high efficiency LED lighting installation. <p>The proposal is considered on balance to satisfy the requirements as set out in ENV2, ENV3 and ENV5 of the Plan Strategy. A pre commencement condition is proposed to ensure that soft landscaping within the site introduces SUDS measures to partially meet ENV3 and comply with ENV 5.</p> |
| 6.23 | <p><u>Density of Residential Development</u></p> <p>Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas and states development proposals outside of these broad bands will be considered on their merits, subject to meeting all other policy requirements.</p> |
| 6.24 | <p>The site is located within the Dunmurry Local Centre (ML 10) as designated in 2014 version of draft BMAP and therefore in terms of Policy HOU4 the assigned average density band of 75-150dph would apply. At approximately 0.08 ha, the provision of 13 units represents a density of over 160 units, which is marginally above the density threshold. However, given the location of the development, the extant approval on the site and the ability to meet other the design requirements, of policies DES1 and RD1, the density marginally above the broad band is considered acceptable in this instance.</p> |
| 6.25 | <p><u>Affordable housing and Housing Mix</u></p> <p>HOU5- Affordable Housing of the 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.</p> |
| 6.26 | <p>The applicant has provided two 3-person 2 bed apartments (accessible units), and one 2-person 1 bed apartment at a discount market rented price which meets the definition of</p> |

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| | affordable housing. The delivery and monitoring of the DMR units will require a Section 76 planning agreement and delegated authority is requested to allow officers to finalise this. |
| 6.27 | The application is considered to comply with HOU5 of the Plan Strategy subject to the S.76. |
| 6.28 | The proposed apartment block would comprise two one-bedroom apartments and eleven two bedroom apartments, which responds to this local analysis and the broader evidence of demographic changes across the housing market in Belfast, including an ageing population, showing a reduction in household size and a decline in the number of households with children. This emphasises the need for future accommodation which are 'suitable for smaller household types.' The mix of smaller apartments is therefore deemed appropriate in this particular location based on the evidence provided. The proposal is therefore compliant with Policy HOU6- Housing Mix in that the applicant has demonstrated a range of apartment types, sizes and proposed tenures. |
| 6.29 | <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. For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has provided two designated accessible residential units. They have addressed the following requirements of Policy HOU7:</p> <ul style="list-style-type: none"> - Criteria g: Wheelchair accessible environment- The two proposed units are wheelchair accessible but fall short of meeting the space standards for wheelchair housing as set out in appendix C by 5 sqm. - Criteria h- there are two designated disabled parking bays to accommodate disabled users in line with the parking standards. - Criteria i- The applicant has confirmed that all pathways have been designed to exceed the minimum width of 900mm to accommodate wheelchair users. The narrowest width of the pathway from the covered car park to the apartments lift is 1200mm at the proposed bins store. The area in front of the lift complies with the 1500 x 1500mm building regulation for wheelchair manoeuvrability. All entrance doors to the apartment's reception, to the apartment's lift/stair core and to each apartment entrance there will be generous 926mm door leafs. From the covered car park to the lift there is a change of level. This will have a gentle slope with a handrail to comply with Part R of the building regulations. The passenger lift serving the apartments will be an 8-person capacity designed to accommodate wheelchair users. - Criteria j- The two designated apartments shown on drawing 03C (our reference) have room for an unobstructed turning circle within the entrance hallway, kitchen, living, dining area, bathroom, and main bedroom. The bathroom turning circle is no however unobstructed. - Criteria k- Drawing 03C (our reference) shows that the two apartments have entrance, doorways and halls at an appropriate width and length for wheelchair access. - Criteria l- Drawing 03C (our reference) shows that the two apartments have space provided to enable storage of a second wheelchair. - Criteria n- The two designated accessible residential units are each 3-person 2 bed 67sqm. This generates a requirement for a minimum of 2sqm built-in storage shown in drawing 03C (our ref). - Criteria o- The private amenity space within the two designated accessible residential units are to be to be level/gently sloping. |

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| 6.30 | On balance having regard to the extant permission on the site and the measures taking to address the LDP policy requirements as a whole, the above living arrangements are considered to satisfy the accessibility requirements of Policy HOU7. |
| 6.31 | <p><u>Access, movement, and parking</u></p> <p>The proposal has been assessed against Policy TRAN 8- Car Parking and Servicing Arrangements. It is considered that adequate parking has been provided for the proposal. Policy TRAN 10 has been met in that the design of car parking meets the following criteria:</p> <ul style="list-style-type: none"> a. It respects the character of the local townscape/landscape b. It will not adversely affect visual and residential amenity c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site; and d. Provision has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility. |
| 6.32 | The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site. |
| 6.33 | DfI Roads were consulted and is satisfied that parking on-street is unlikely to have a significant impact on the local road network in terms of traffic and road safety. |
| 6.34 | A condition has been proposed to ensure sufficient secure cycle parking is provided to meet TRAN 1. |
| 6.35 | <p><u>Drainage</u></p> <p>DfI Rivers were consulted and offer no objections to the proposal.</p> <p>In addition to the measures outlined at 6.24(ii) above the updated DAS confirms that the overall design includes storm water attenuation complete with a hydrobrake to restrict flow to that of greenfield rate. A pre-commencement condition is proposed to secure these measures to assist in mitigating against environmental change and flood risk.</p> |
| 6.36 | <p><u>Waste-water infrastructure</u></p> <p>NI Water has offered no objection to the proposal; therefore, it is acceptable having regard to Policy SP1A of the Plan Strategy.</p> <p>DAERA has been consulted and the Water Management Unit and Regulation Unit, have no concerns with the proposal. In this regard, the proposal is considered compliant with Policy NH1 of the of the Belfast Local Development Plan, Plan Strategy 2035, and paragraphs 6.176 and 6.177 of the Strategic Planning Policy Statement; and taking account of all relevant material considerations.</p> |
| 6.37 | <p><u>Noise, odour and other environmental impacts including Contamination</u></p> <p>The proposed site has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. The ground floor part of the development, while the agent advises is intended to operate more as a 'coffee shop' by the prospective tenant, will still fall under sui generis use class (there is no separate class for a 'coffee shop' unless it falls under retail with only ancillary sit-in consumption of hot and cold food on the premises). Consequently, in view of the potential for a future operator to extend the type of cooking methods, it is necessary to restrict this potential to protect residential amenity conditions, given that it is not intended to install a commercial extraction and odour abatement system at the herby approved coffee shop. A condition relating to air quality will also be attached to any approved scheme.</p> |

| 7.0 | Recommendation |
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| 7.1 | Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a S.76 planning agreement to secure 20% affordable housing. |
| 7.2 | Delegated authority is sought for the Director of Planning and Building Control to finalise conditions and the S.76, and deal with any other matters which may arise. |

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. Prior to installation of window units within the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades and floors of the hereby permitted development. The window specification for habitable rooms shall be in accordance with the specification presented in Table 5, section 4.4 'Summary of Impact Mitigation Measures' of the Lester Acoustics report titled: 'Inward, Intra and Outward Sound Level Assessment' dated the 7th October 2022, referenced: MRL/1569/L01.
3. Prior to installation of any alternative means of ventilation to be incorporated within the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of the alternative means of ventilation to serve habitable rooms. The sound reduction specification for the alternative means of ventilation shall be in accordance with the specification presented in Table 5, section 4.4 'Summary of Impact Mitigation Measures' of the Lester Acoustics report titled: 'Inward, Intra and Outward Sound Level Assessment' dated the 7th October 2022, referenced: MRL/1569/L01.
4. Prior to occupation of the hereby permitted development, the window schedule and approved alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation Page 3 of 5 provided. The approved windows and alternative means of ventilation shall be retained thereafter.
5. Prior to occupation of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, the final details of the construction of the intervening floor between the ground floor coffee shop and the apartments above. The details shall include a statement from a competent acoustic consultant to confirm that the proposed construction will achieve the sound reduction recommended in section 5, paragraph 5.0.2 of the Lester Acoustics report titled: 'Inward, Intra and Outward Sound Level Assessment' dated the 7th October 2022, referenced: MRL/1569/L01
6. Prior to occupation of each phase or block hereby permitted, a report verifying that all construction elements including walls, roofs, the window schedule and alternative means of ventilation as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise the following lines of evidence:

- a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.
 - a review of the declarations and specifications by a competent acoustic consultant and a summary report verifying that all facades and habitable rooms have been successfully installed with the recommended glazing and alternative means of ventilation specifications.
7. The hereby approved ground floor coffee shop shall not operate outside the hours of 8am to 10pm daily.
 8. The outdoor seated area to the hereby approved coffee shop shall not be permitted for use outside the hours of 8am to 8pm Monday to Friday or outside the hours 10am to 9pm on a Saturday and between the hours of 10am to 8pm on a Sunday.
 9. If at any time cooking, other than the preparation of hot beverages or the cooking/reheating of food in a panini machine, toaster or microwave, is undertaken on the premises, details of a the kitchen extraction / odour abatement system shall be submitted to and approved in writing to the Local Planning Authority. The approved scheme shall be implemented in full prior to the first use with the additional cooking equipment and be maintained and retained thereafter.
 10. No service collections from or deliveries to the hereby approved development are permitted beyond the hours of 07:00hrs-23:00hrs Monday to Friday, 09:00hrs- 23:00hrs on Saturdays or beyond 13:00hrs-23:00hrs on a Sunday. 10.The rating level (dBLAr,T) from the operation of all combined plant and equipment shall not exceed 50dB and 36dB during the day and night respectively at the nearest window of a residential habitable room, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.

Reason for conditions 1-10: Protection of residential amenity against adverse noise and odour (condition 8) impact.

11. In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development.

Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health.

12. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.

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

13. The vehicular access, including visibility splays, shall be provided in accordance with the approved plan, 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.

14. The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site.

Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

15. The development hereby permitted shall operate in accordance with the approved Travel Plan.

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

16. The development hereby permitted shall operate in accordance with the approved Service Management Plan.

Reason: In the interests of road safety and convenience of road users.

17. Prior to the commencement of the development hereby approved a landscape management plan shall be submitted and agreed in writing with the council. The landscape management plan should detail all soft landscaping including species, size and type, and include details of appropriate SUDs measures to assist in minimising flood risk. All agreed landscaping and SUDs measures shall thereafter be retained and managed as agreed.

Reason: In the interests of mitigating against environmental change.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
Site location plan 01
Site Block Plan 02
Affordable Accessible floor plans 03C
Proposed Elevations 04A
Drainage Layout 05A
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

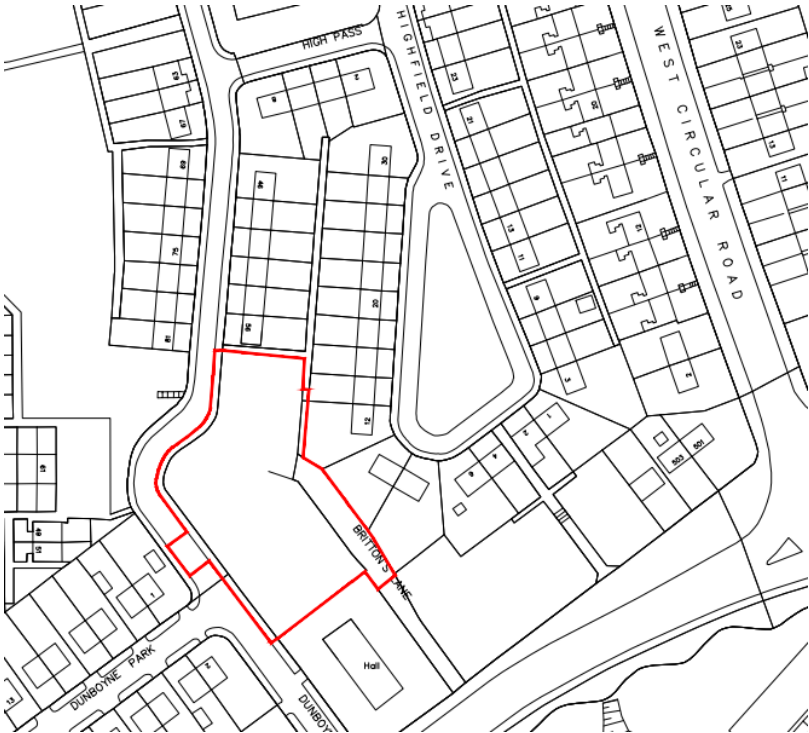

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| Date Valid | 12/10/2022 |
| Date First Advertised | 28/10/2022 |
| Date Last Advertised | 28/10/2022 |

Details of Neighbour Notification (all addresses)

5 Park View, Dunmurry, Antrim, BT17 9RD
 14 Park View, Dunmurry, Antrim, BT17 9RD
 151 Kingsway, Dunmurry, Antrim, BT17 9RY
 13 Park View, Dunmurry, Antrim, BT17 9RD
 6 Park View, Dunmurry, Antrim, BT17 9RD
 147-151, Kingsway, Dunmurry, Antrim, BT17 9RY
 149 Kingsway, Dunmurry, Antrim, BT17 9RY
 3 Park View, Dunmurry, Antrim, BT17 9RD
 147 Kingsway, Dunmurry, Antrim, BT17 9RY
 11 Park View, Dunmurry, Antrim, BT17 9RD
 8 Park View, Dunmurry, Antrim, BT17 9RD
 153 Kingsway, Dunmurry, Antrim, BT17 9RY
 145 Kingsway, Dunmurry, Antrim, BT17 9RY
 4 Park View, Dunmurry, Antrim, BT17 9RD
 145 Kingsway, Dunmurry, Antrim, BT17 9RY
 153 Kingsway, Dunmurry, Antrim, BT17 9RY
 10 Park View, Dunmurry, Belfast, Antrim, BT17 9RD
 7 Park View, Dunmurry, Antrim, BT17 9RD
 12 Park View, Dunmurry, Antrim, BT17 9RD
 9 Park View, Dunmurry, Antrim, BT17 9RD
 2 Park View, Dunmurry, Antrim, BT17 9RD
 1 Park View, Dunmurry, Antrim, BT17 9RD
 147a, Kingsway, Dunmurry, Antrim, BT17 9RY
 Select Vestry Of St Colmans Church, 143 Kingsway, Dunmurry, Antrim, BT17 9NS
 166-170, Kingsway, Dunmurry, Antrim, BT17 9AD
 168 Kingsway, Dunmurry, Antrim, BT17 9AD
 170 Kingsway, Dunmurry, Antrim, BT17 9AD
 170a, Kingsway, Dunmurry, Antrim, BT17 9AD
 9 Church Avenue, Dunmurry, Antrim, BT17 9RS
 7 Church Avenue, Dunmurry, Antrim, BT17 9RS
 5 Church Avenue, Dunmurry, Antrim, BT17 9RS

Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: 29 June 2023 | |
| Application ID: LA04/2022/2059/F | Target Date: |
| Proposal: Proposed Social Housing Development Comprising of 12 no. 3p/2b semi-detached dwelling houses with in curtilage parking and associated site works. (Amended description and site location plan) | Location: Lands south of 56 Highcairn Drive Belfast BT13 3RU, Site located at junction between Highcairn Drive and Dunboyne Park Belfast. |
| 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: Ross Mullan Consulting Ltd 12 Lyndhurst Parade Belfast BT13 3PB | Agent Name and Address: The Boyd Partnership LLP 15 Ravenhill Road Belfast BT6 8DN |
| Executive Summary: This application seeks full planning permission for a proposed social housing development comprising of 12no. 3p/2b semi-detached dwelling houses with in-curtilage parking and associated site works. The key issues are: <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 • Noise, odour, and other environmental impacts including contamination Delegated authority is requested for resolving any issues arising from outstanding consultation responses from DfI Roads and DfI Rivers. 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, that the proposed scheme can be considered an exception to the provisions of Policy OS1 of the Plan Strategy 2023, subject to Section 76 Agreement to secure the provision of social housing. 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 conditions and the Section 76 Planning Agreement. | |

| Officer Report | |
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| 1.0 | Drawings |
| 1.1 | Fig 1.Site Location Plan |
| 1.2 | <div><div><p>A site location plan showing the proposed site (highlighted in red) within its surrounding context. The site is bounded by Highfield Drive to the north, West Circular Road to the east, and Dumbourne Park to the south. A red line indicates the proposed access route from Highfield Drive. The plan also shows existing roads like High Pass and various residential plots.</p></div><div><p>Fig 2. Proposed site Layout</p><p>A detailed proposed site layout plan. The plan shows a large area divided into several colored zones: orange for residential plots (10, 20, 30, 40, 50, 60, 70, 80, 90, 100, 110, 120), green for landscaping and open space, and blue for parking areas. Key features include:<ul style="list-style-type: none">Two '2m timber gate access for maintenance' points.A 'Magenta line indicates new splayline to create min 2m footpath'.'FORWARD VISIBILITY SPLAY TO BE PROVIDED AS INDICATED.' with a note: 'The area within the forward visibility splay (dark green hatch) shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining road.'A note: 'Any pole, column or obstruction material affecting visibility must also be removed.'An 'Existing speed calming ramp relocated as indicated to suit new private drive accesses and to the satisfaction of DFI Roads.'</p></div></div> |

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| 2.0 | Characteristics of the Site and Area |
| 2.1 | The site is situated on Highcairn Drive, Belfast, approximately 3km to the West of Belfast City Centre. It is located off the Springfield Road and is bordered on the eastern, western and northern boundaries by residential areas and to the south by an orange hall. The site has a steep sloping topography falling 5m from the North-West to South-East. It is 0.2531 ha of currently vacant lands with 93.6m existing road frontage along Highcairn Road, which is how the site is accessed. The boundary is a 2m high railing to the North-East, North-West and the South. A portion of the southern part of the site currently has no physical boundary. |
| 2.2 | The area around Highcairn Drive is an area of established residential development, consisting of a mix of semi-detached and terraced housing. There are two retail parks within cross proximity on the Springfield Road. There are some neighbourhood services in the nearby areas. Other land uses within a 500m radius include retail, recreational and educational facilities. |
| 3.0 | Description of Proposal |
| 3.1 | Proposed Social Housing Development Comprising of 12 no. 3p/2b semi-detached dwelling houses with in-curtilage parking and associated site works. |
| 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 |
| 4.6 | No relevant planning history. |
| 5.0 | Consultations and Representations 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. |
| 5.1 | Statutory Consultations 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. DfI Roads – Outstanding DfI Rivers – Outstanding NI Water – Refusal DAERA NIEA – Content subject to conditions |

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| 5.2 | <p>Non-Statutory Consultations</p> <p>BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice provided Shared Environmental Services (SES) – Content subject to conditions NIHE – In support of the application</p> <p>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.</p> |
| 5.3 | <p>Representations</p> <p>The application has been advertised and neighbours notified. The Council has received the following representations in support and objection.</p> <p>Objections: 1 The objection received is in relation to a loss of privacy and loss of existing green areas. These matters will be addressed in the report below.</p> <p>Unless stated above, these representations are addressed in the main report.</p> |
| 6.0 | <p>PLANNING ASSESSMENT</p> |
| | <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 advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p> |

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| 6.6 | <p>Relevant Planning Policies</p> <p>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 TRAN6 – Access to public roads • Policy TRAN8 – Car parking and servicing arrangements • Policy TRAN10 – Design of car parking • Policy ENV1 – Environmental quality • Policy ENV2 – Mitigating environmental change • Policy ENV3 – Adapting to environmental change • Policy ENV5 – SuDS • Policy GB1 – Green and blue infrastructure network • Policy OS1 – Protection of Open Space • Policy OS3 – Ancillary open space • Policy NH1 – Protection of natural heritage resources • Policy TRE1 – Trees |
| 6.7 | <p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Additional information • 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 • Noise, odour and other environmental impacts including contamination <p>The adoption of the Plan Strategy requires the following updated assessment.</p> |
| 6.8 | <p><u>Additional Information</u></p> |
| 6.9 | <p>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> |

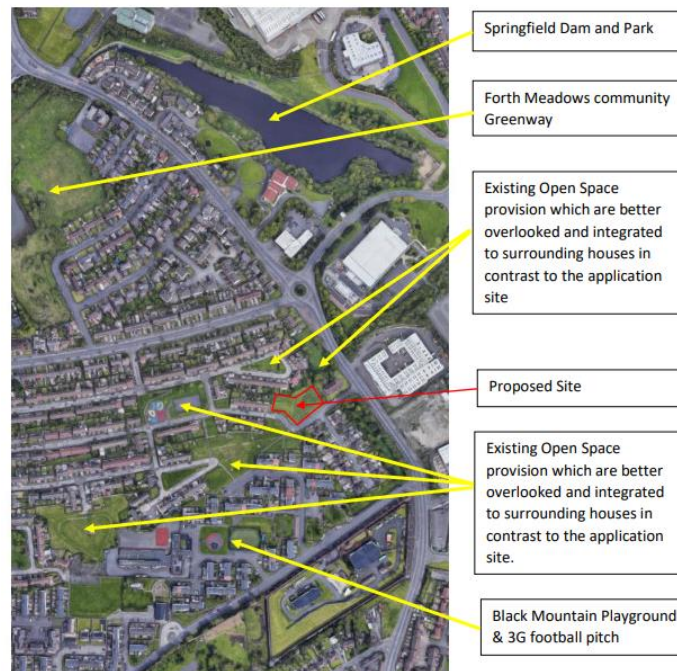
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| 6.10 | The Planning Service's Plans and Policy team has been consulted on the applicant's Plan Strategy and have provided advice. No further consultations have been considered necessary following adoption of the Plan Strategy. |
| 6.11 | <p><u>Principle of development</u></p> <p>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 also met as the proposal is situated on previously developed land and is currently white land within the BMAP 2004 and 2015 versions.</p> |
| 6.12 | Part of the site (NIHE lands) appears to form part of the amenity greenspace for the existing housing development. It has been maintained as amenity grassland and evidence shows previous environmental improvement through tree planting. Whilst the tree planting has been removed, the NIHE portion of the site is clearly open space. With regards to the other portion of the site (Orange Hall Lands), whilst not appearing to have been maintained, it is considered to be open space as defined in the Plan Strategy 2035 (PS 2035) , 'all open space and ancillary facilities of recreational, amenity or environmental value, including land and water bodies, irrespective of ownership or access. This includes a wide range of types of open space, such as amenity open space, natural and semi-natural spaces, ...etc. |
| 6.13 | The current protection of the site under Policy OS1 of the PS 2035 is a key consideration in the assessment of the principle of development. |
| 6.14 | <p><u>Loss of Open Space</u></p> <p>Within the LDP Plan Strategy 2035 the proposed site falls under the definition of open space as highlighted above.</p> |
| 6.15 | Policy OS1 of the Plan Strategy 2035 states that development resulting in a loss of open space will only be considered in exceptional circumstances where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of open space. |
| 6.16 | The applicant submitted justification for the loss of open space and has detailed the following information in support of the application. The application site has been registered by NB Housing and is included in the NIHE 2023-2024 social housing programme. This scheme is for 12 units which will help alleviate the existing shortfall in social housing provision in the local area. This has been backed up through consultation with NIHE who has confirmed there is a need for this type of housing and units within the Ballygomartin area. |
| 6.17 | Households in 'stress' are determined by a 'points-base' assessment and includes applicants with insecurity of tenure, who live in poor housing conditions, are subject overcrowding, have been or continue to be subject to intimidation or are affected by poor health and social well-being. The scheme will provide a substantial area-specific community benefit by providing housing for vulnerable applicants assessed to be living in housing stress in the local area. The housing mix and Number of units proposed in the scheme has been specifically designed to address the live housing need for this area. The Department for Communities requires NB Housing (Housing Association) to apply a social clause when awarding a contract for the construction phase of the project, this will in turn provide community benefits to local unemployed people as they will be given the opportunity of apprenticeship for the duration of the building works. |

6.18

The applicant has provided a map (fig 3) showing the existing pockets of open space within the area, within walking distance from the proposed site.

Fig 3.

Location of existing Open Spaces next to site



6.19

The above map clearly demonstrates that there is a high level of open space within the vicinity of the proposed development. The applicant states that there are further areas of open space as shown above, located immediately adjacent to the site which are better overlooked, and more usable than the application site. They have also stated that the construction of the site will enhance the character of the area by introducing additional life and activity in an established residential area. There will be an element of open space within the proposed development which equates to approximately 235.63 sqm. This falls short of the expected 10% of the total site area as set out in OS3. However, there is ample private amenity space and an area of large open space directly to the front of the proposed site. Having considered the above, the provision of open space is acceptable under policy OS3 of the Plan Strategy 2035

6.20

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, that the proposed scheme can be considered an exception to the provisions of Policy OS1 of the Plan Strategy 2023, subject to Section 76 Agreement to secure the provision of social housing.

Design, layout and impact on the character and appearance of the area

6.21

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:

- a. *Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:*

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 12 social housing units comprising of 3person/2bed accommodation. The dwellings are two storey and are in keeping with the surrounding housing units. The proposed finishes are to consist of grey/black coloured roofs with red facing brick and smooth render (colour white) indicated on elevation drawings, which is in keeping with the

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| | <p>surrounding area. The finishes reflect that of the surrounding area and offer a more modern and contemporary approach to the traditional built form. The proposed development will be enhanced by quality hard and soft landscaping around the buildings.</p> <p>The site has a steep sloping topography falling 5m from the North-West to South-East. There have been elements of infilling to ensure there is a gentler topography to create usable amenity space in the rear gardens. There is an existing retaining wall with the boundary at Highfield Drive, and the applicant has proposed tree planting to soften the landscape between both residential areas. 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> |
| 6.22 | <p><i>b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:</i></p> <p>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 14.06m from the rear gardens of the proposed houses to the north of the site and those dwellings situated in Highfield Drive. The separation distance increases where the proposed dwellings fall to the south-east of the site in relation to the dwellings in Highfield Drive. The separation distance is considered acceptable and in keeping with the guidance in Creating Places. There is also a similar separation distance between the existing properties located at Highcairn Drive and Highfield Drive. The separation distance will ensure that dominance and overshadowing will not occur to an acceptable degree. There will be no opportunity for overlooking into neighbouring properties.</p> |
| 6.23 | <p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i></p> <p>The development site is approximately 300m 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 service the development site 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> |
| 6.24 | <p><i>d. Provides adequate open space:</i></p> <p>The proposed units benefit from the provision of private rear amenity space bound by a 2m close boarded fence and an area of private amenity space to the front bound by a 1m metal railing. The rear gardens are between 40-67 sqm in size, this level of provision is in accordance with the standards set out in the Creating Places guidance document.</p> |
| 6.25 | <p><i>e. Keeps hard surfacing to a minimum</i></p> <p>Car parking is considered to not dominate the residential development as there is space for 1 vehicle per dwelling. This allows for an abundance of green open and private amenity space for future residents.</p> |
| 6.26 | <p><i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i></p> <p>The proposed scheme is in keeping with the space standards as set out in appendix C. The proposal consists of 3-person/ 2-bedroom two storey dwellings which are required to be 70sqm. The dwellings are between 70-75sqm in size.</p> |

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| 6.27 | <p><i>g. 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></p> <p>The entrances to the properties are from the main street and allow for natural surveillance of the street scene. Each property is safe and secured with a 1m tall metal railing to the front of the site to create more sense of a secure environment for future residents.</p> |
| 6.28 | <p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i></p> <p>All three of the house types provide ample light through to living rooms, bedrooms and kitchens.</p> <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> |
| 6.29 | <p><u>Climate change</u></p> <p>The proposal maximises opportunities to incorporate sustainable design features where feasible. The applicant submitted a Climate Change Compliance Statement outlining the following features:</p> <ul style="list-style-type: none"> • Energy Efficiency Standards- all dwelling houses in this scheme will be designed to meet the Energy Efficiency standards which promotes energy conservation/efficiency sustainability an ease of maintenance. All dwellings will include triple glazed windows, timber frame construction with energy efficient fabric insulation, PV Panels, air permeability of 3 or less, passive ventilation (PIV) to comply with relevant section of Building Regulations. • Site Layout- The layout and orientation of the proposed dwellings will optimise solar gains and energy efficiency (i.e. roof pitch fronting south and south-west aspect). • The proposed scheme will aim to use responsible sourced materials with accreditations to promote lower carbon footprint and sustainable manufacturing processes. • The proposed scheme design will incorporate rainwater attenuation systems designed to reduce and store surface water runoff from the site in accordance with NI Water approval. • There will be additional tree planting across the site which will help to promote biodiversity on the site and create a positive ecological enhancement in terms of health and well-being but equally in relation to Climate Change. |
| 6.30 | <p>The proposal is compliant to Policy ENV 2- Mitigating Environmental Change in that ENV 2 in that it demonstrates opportunities to incorporate sustainable design features where feasible such as orientating buildings to optimise solar gain and energy efficiency. It is considered that the proposal incorporates measures to adapt to environmental change including part d and h of Policy ENV3 of the Plan Strategy.</p> |
| 6.31 | <p>Furthermore, the additional tree planting represents a net gain of 26 additional trees, further ability for the proposal to mitigate and adapt to climate change and complying with Policy TRE1.</p> |
| 6.32 | <p><u>Affordable housing and Housing Mix</u></p> |
| 6.33 | <p>HOU5- Affordable Housing of the 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 12 of the proposed dwellings will be provided as affordable housing (100% provision). An</p> |

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| | email sent from the NIHE confirmed that there is social need for affordable housing within the Ballygomartin area. |
| 6.34 | <p>However, Policy HOU5 requires that affordable housing should contain a mix of social rented housing/ and or intermediate housing. A consultation response was received from the BCC Policy Team outlining that the Affordable and housing mix SPG recognises at section 3.2.1 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 balanced communities and paragraph 4.4.11 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 continues to state that whether a proposal for mono-tenure social housing is deemed to deliver sustainable and balanced communities will be assessed on a case-by case basis using the following factors:</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' |
| 6.35 | <p>NIHE have confirmed a need for 2 bed social housing in this location based on the waiting list as it December 2022 in an email dated 26 April 2023 and are generally supportive of the proposal. Although there does appear to be other land available in the general area, the surrounding area is not dominated by social housing. The scheme is not proposed as a 'sharing housing' scheme. Given this context, a relatively small single tenure development, on balance, is deemed acceptable in this location.</p> |
| 6.36 | <p>With regards to housing mix, the proposal comprises a total of 12 residential units, including 3 persons/ 2-bedroom semidetached dwellings, ranging from 70-75 sqm per dwelling. This meets 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. Support for the proposed housing mix has been confirmed by NIHE for social housing in both a letter from NB Housing and an email from NIHE stating that there is a need for two-bedroom houses in the area. Therefore, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.</p> |
| 6.37 | <p>Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas and states development proposals outside of these broad bands will be considered on their merits, subject to meeting all other policy requirements. Although not yet formally defined, the site is likely to fall within the Outer Belfast settlement, /character area, so the average density band (in dwellings per hectare) should be between 25-125. The development proposed 12 units on a site of 0.235ha, which gives a density of approximately 47dph, which falls within the relevant density parameters, therefore the proposal is compliant to Policy HOU4.</p> |
| 6.38 | <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. 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> |
| 6.39 | <p>However, the applicant has stated that the dwellings as designed will meet with the Lifetime Homes requirements and specific Housing Association Guidance. Lifetime Homes is a</p> |

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| | <p>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. The scheme does not include any dedicated wheelchair dwellings and demand was not confirmed by NIHE that there was a need for such housing provision in the area. However, 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. Based on the information provided and a consultation response from BCC LDP team, we are content, that on balance the scheme satisfies the accessibility requirements of Policy HOU7 and the current social housing need which is evident from NIHE for homes of this tenure. The applicant has clearly outlined potential, when necessary, to provide wheelchair accessible homes in the future through modifications.</p> |
| 6.40 | <p><u>Access, movement, and parking</u></p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from DfI Roads in the event this is not received prior to Committee.</p> <p>Parking standards – outstanding comments from DfI Roads but delegated authority is sought allow the resolution of any technical issues arising.</p> |
| 6.41 | <p><u>Drainage</u></p> <p>Delegated authority is also sought for the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from DfI Rivers in the event this is not received prior to Committee.</p> |
| 6.42 | <p><u>Waste-water infrastructure</u></p> <p>NI Water has objected to the proposal on grounds of insufficient capacity at the local war-water treatment plan. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all. For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy.</p> |
| 6.43 | <p><u>Ecological Impacts</u></p> <p>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). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.</p> <p>Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate</p> |

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| 6.44 | <p>Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.</p> <p>In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, that the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to mitigation in the form of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water.</p> <p>Shared Environmental Services, DAERA Environment, Marine and Fisheries Group & NIEA has advised they have no objection to the proposal. Having regard to this advice, it is considered necessary to impose a condition to require details of foul drainage to be agreed prior to commencement of development. Subject to this condition, the proposal is considered compliant with Policy NH1 Protection of natural heritage resources and Policy ENV1 Environmental quality and the relevant provisions of the Strategic Planning Policy Statement.</p> <p>Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, should adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, 21st February 2023. This found that the project would not have an adverse effect on the integrity of any European site subject to imposition of the foul drainage condition.</p> <p>The Natural Environment Division (NED) were consulted and are content that the proposal is unlikely to significantly impact NI Priority/protected species or habitats.</p> <p><u>Noise, odour and other environmental impacts including Contamination</u></p> <p>The proposed site for social housing has been assessed by Environmental Health. They have stated that the Preliminary Risk Assessment identified potential on-site sources of contamination. Through discussions with Environmental Health and the applicant, the service has requested that any sources of contamination are dealt with by way of negative conditions, meaning that no development shall commence on site until an updated PRA, QRA, further investigation, laboratory analysis and risk assessment would be undertaken and submitted for approval by the Council. Conditions relating to contamination will be attached to an approved scheme. With regards to noise, Environmental Health have conditioned the glazing systems and ventilation of habitable rooms to protect residential amenity. There were no concerns raised relating to general amenity and odour.</p> |
| 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, that the proposed scheme can be considered an exception to the provisions of Policy OS1 of the Plan Strategy 2023, subject to Section 76 Agreement to secure the provision of social housing. |
| 7.2 | It is recommended that planning permission is granted subject to conditions. |
| 7.3 | Delegated authority is sought for the Director of Planning and Building Control to finalise the condition, the section 76 planning agreement s and deal with any other matters which may arise. |

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. No development shall commence (other than site clearance, enabling works or works to fulfil this condition) until an updated Contaminated Land Risk Assessment has been submitted to and approved in writing by the Council. The assessment shall follow best practice and in the first instance contain the following information:

- A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019.
- A satisfactory assessment of the risks (including an updated Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under methodology outlined in BS8485:2015+A1:2019 and CIRIA C665.

Should the Quantitative Risk Assessment demonstrate that human health contaminant linkages exist on the site, then a Remediation Strategy shall be submitted. The Remediation Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.

The development shall not be carried out unless in accordance with the approved Remediation Strategy.

Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

3. In the event that a Remediation Strategy is required, prior to occupation or operation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report must be in accordance with the Environment Agency Guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and the site no longer poses a potential risk to human health.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health

4. If during the carrying out of the development, new contamination is encountered that has not been previously identified, all related works shall cease immediately, and the Council shall be notified immediately in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons 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: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

5. Prior to occupation of the hereby permitted residential units, the glazing systems and ventilation to habitable rooms as installed must achieve the sound reduction performance specifications (R_{tra}) as per Section 6 Mitigation Measures of the Alive Environmental Ltd, Noise Report, entitled: LA04/2022/2059/F Residential Development Comprising of 12no. 3p/2p Semi-

Detached Dwelling Houses at Lands South of 56 Highcain Drive, Belfast, BT13 3RU, Dated: March 2023 and shall be maintained thereafter;

Reason: Protection of Residential Amenity

6. 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: Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

DfI Roads & Rivers conditions to be added on receipt of consultation responses.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
Site location plan 01A
Site Block Plan 02C
Proposed Floor Plans 03
Proposed Floor Plans 04
Proposed Elevations 05
Boundary Treatments 06
Site Sections 07A
Site layout Topography 08B
Proposed Floor Plans 09
Proposed Floor Plans 10
Proposed Floor Plans 11
Proposed PSD Layout 13B
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 | |
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| Date Valid | 04/11/2022 |
| Date First Advertised | 18/11/2022 |
| Date Last Advertised | 16/06/2023 |
| Details of Neighbour Notification (all addresses) 10 Highfield Drive, Belfast, Antrim, BT13 3RL 4 Highfield Drive, Belfast, Antrim, BT13 3RL 6 Highfield Drive, Belfast, Antrim, BT13 3RL 8 Highfield Drive, Belfast, Antrim, BT13 3RL 50 Highfield Drive, Belfast, Antrim, BT13 3RL 56 Highfield Drive, Belfast, Antrim, BT13 3RL 16 Highfield Drive, Belfast, Antrim, BT13 3RL 24 Highfield Drive, Belfast, Antrim, BT13 3RL 22 Highfield Drive, Belfast, Antrim, BT13 3RL 12 Highfield Drive, Belfast, Antrim, BT13 3RL 18 Highfield Drive, Belfast, Antrim, BT13 3RL 54 Highfield Drive, Belfast, Antrim, BT13 3RL 14 Highfield Drive, Belfast, Antrim, BT13 3RL 52 Highfield Drive, Belfast, Antrim, BT13 3RL 20 Highfield Drive, Belfast, Antrim, BT13 3RL 75 Highfield Drive, Belfast, Antrim, BT13 3RL 79 Highfield Drive, Belfast, Antrim, BT13 3RL 77 Highfield Drive, Belfast, Antrim, BT13 3RL Whiterock Orange Hall, 525 Dunboyne Park, Antrim, B13 3PX 3 Dunboyne Park, Belfast, Antrim, BT13 3PX 4 Dunboyne Park, Belfast, Antrim, BT13 3PX 5 Dunboyne Park, Belfast, Antrim, BT13 3PX 6 Dunboyne Park, Belfast, Antrim, BT13 3PX 7 Dunboyne Park, Belfast, Antrim, BT13 3PX 1 Dunboyne Park, Belfast, Antrim, BT13 3PX 2 Dunboyne Park, Belfast, Antrim, BT13 3PX 8 Dunboyne Park, Belfast, Antrim, BT13 3PX 51 Black Mountain Parade, Belfast, Antrim, BT13 3PX 49 Black Mountain Parade, Belfast, Antrim, BT13 3PX 57 Black Mountain Parade, Belfast, Antrim, BT13 3PX 55 Black Mountain Parade, Belfast, Antrim, BT13 3PX | |

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Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: 29 th June 2023 | |
| Application ID: LA04/2023/2640/F | Target Date: |
| Proposal: Front porch extension. Two storey extension to side and rear. Internal alterations and External alterations including change in roof materials, and related to energy efficiency improvements - Air Source Heat Pump, Solar PV panels, triple glazing & external wall insulation with rendered finish (amended description) | Location: 30 Dorchester Park Malone Upper Belfast BT9 6RJ |
| Referral Route: Paragraph 3.8.1 of the Scheme of Delegation (request from an Elected Member) | |
| Recommendation: Approval | |
| Applicant Name and Address: Gary Colleary 30 Dorchester Park Malone Upper Belfast BT9 6RJ | Agent Name and Address: Olivia Laughlin 50.8 Architecture + Interiors Clockwise Offices 48-60 High Street Belfast BT1 2BE |
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| Officer Report | |
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| 1.0 | <div>Drawings</div> <div>Site Location Plan and Block Plan</div> <div><p>The image contains two architectural drawings. The top drawing is a 'Site Location Plan' showing a residential street grid with numbered plots (13-48). A red rectangle highlights a specific plot (30) located between Cambourne Park and Dorchester Park. The bottom drawing is a 'Block Plan' of the highlighted plot. It shows a large building with a terrace (timber decking) and a terrace (amenity grass). The plan includes various annotations: 'Existing hedge retained and trimmed', 'New herbaceous planting', 'Existing tree planting retained', 'Extended hardstanding area', 'Existing vehicular access widened to accommodate off-street parking', and 'Electric sliding gate'. Elevation points are marked with red text: +31.507, +29.526, +30.816, +22.980, +22.645, +22.911, +30.896, and +30.816. The 'Application Site Boundary' is indicated by a red dashed line.</p></div> |

Existing Elevations



Proposed Elevations



The image displays two architectural floor plans, labeled '30' and '31', showing the ground floor layout of a building. The plans include room labels, dimensions, and elevation markers.

Plan 30 (Left):

- Rooms:** Garage, Living Room, Living, Dining, Kitchen, Gym, Terrace, Hallway, WC, Utility, and a small Porch.
- Dimensions:** Overall width is 4450. Garage width is 2200. Living Room width is 2400. Dining width is 2400. Kitchen width is 2400. Terrace width is 4444. Overall depth is 3700. Staircase width is 1800. Gym width is 3000.
- Elevations:** +22.986 FFL (multiple locations), +22.980 Ground, +22.221 FFL, +22.871 Terrace, +22.645 Ground.

Plan 31 (Right):

- Rooms:** Bedroom 2, Bedroom 4, Bedroom 3, Bedroom 1, Bathroom, Hallway, Ensuite, and a small WC.
- Dimensions:** Overall width is 4450. Bedroom 2 width is 2270. Bedroom 4 width is 2270. Bedroom 3 width is 2270. Bedroom 1 width is 2270. Overall depth is 3700. Staircase width is 1800. Gym width is 3000.
- Elevations:** +26.051 FFL (multiple locations), +25.686 FFL, +26.051 FFL.

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| 2.2 | The surrounding area is largely categorised by housing similar to the application site with a mix of finishes. A number of dwellings in the locality has previously been extended, most closely, No. 32 Dorchester Park, immediately next door. |
| 2.3 | The site is un-zoned in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The site falls within the Settlement Development Limits of Belfast. |
| 3.0 | Description of Proposal |
| 3.1 | The application seeks full planning permission for a front porch extension. Two storey extension to side and rear. Internal alterations and External alterations including change in roof materials from tiles to blue-black slate, rendering and related to energy efficiency improvements (Air Source Heat Pump, Solar PV panels, triple glazing & external wall insulation with rendered finish). |
| 3.2 | The application is referred to the Committee on the request of Councillor Maskey on grounds of impact on the character and appearance of the area and neighbour amenity. |
| 4.0 | Planning Policy and Other Material Considerations |
| 4.1 | Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 <ul style="list-style-type: none"> • DES 1 (Principles of urban design) • RD2 (Residential extensions and alterations) • ENV2 / ENV3, ENV5 (Environmental change) • GB1 (Green and blue infrastructure) • TRE1 (Trees) |
| 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 | Supplementary Planning Guidance Residential Extensions and Alterations Supplementary Planning Guidance |
| 4.4 | Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) |
| 4.5 | Planning History No relevant history |
| 5.0 | Consultations and Representations |
| 5.1 | Statutory Consultations None required |
| 5.2 | Non-Statutory Consultations None required |
| 5.3 | Representations The application has been advertised and neighbours notified. Two letters of objection were received, one from No. 32 Dorchester Park, and the other from Lauren Kendall – |

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| 5.4 | <p>Green Party Representative. The objection points raised are summarised below. The representations are available to view in full on the NI Planning Portal.</p> <ul style="list-style-type: none"> • The extension of the application site (red line) renders the application invalid. • The rainwater goods would overhang the site boundary and the foundations would cross the boundary • Adverse impact on neighbour amenity • Overlooking of adjacent residential properties; insufficient separation distances • Loss of light to neighbouring property. Loss of light to the kitchen window of No. 32 Dorchester Park. The 45 degrees test in the SPG has not been conducted • Dominance of neighbouring property • Change of roof materials from tiles to blue-black d and facing materials from brick to render, out of character with the area • The proposal is contrary to the Council's SPG as it would not be subservient (and is not set down 500mm from the roofline and there is no 1m separation to the boundary. It would more than double the size of the dwelling and is wider than the existing dwelling). • The proposal would fill the plot, devoid of gaps between the properties, again contrary to the SPG • Overdevelopment of the plot and scale out of keeping with the locality • The applicant relies on precedents rather than context for justifying the proposal • Amendments should be made to the scheme including: <ul style="list-style-type: none"> - Reduction of the overall height to 500mm below the current ridge - 1 metre separation distance between the extension and No. 32 - Redesign to make the proposal subordinate - Removal of the two storey charred wood clad elements to ensure no overlooking of No. 28 and no loss of light to No. 32 - Revisions to the remainder of the extension, either complementing the host building or contrasting with it • Concerns about maintenance of the extension given its position on the boundary <p>The points raised will be discussed in the report below.</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> |

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| 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. |
| 6.5 | <p>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.</p> <p><u>Impact on the character and appearance of the area</u></p> |
| 6.6 | The proposal includes a range of design changes to the existing house. The house will be rendered in place of the existing brick; most of the houses in the area are brick although some are rendered including elements of render on both adjacent houses. The dwelling would be re-roofed in slate in place of the existing roof tiles. Roof tiles are prevalent in the area, although there are examples of slate roofed properties. The proposed rendering of the house and change to the roof materials would, on balance, be in keeping with the locality. |
| 6.7 | Objectors have expressed concern about the proposed charred timber cladding of the extensions. It is recognised that the charred timber cladding would be a new addition to the area in terms of materials, however, it would be confined to the two-storey extension which is to be set back from the front of the site. On balance, it is considered to be acceptable and will provide a modern aesthetic to the property. |
| 6.8 | The garage will be repositioned further towards the front but will still be set 2.77m back from the principal elevation, with the two-storey element set back from the front of the house by 7.5m. Aside from the render and change to roof material, the design of the front elevation of the original house will remain the same with the addition of a slightly larger porch. Although the extension would be built up to the shared boundary, it would not have a harmful impact on the site or wider street scene given that the bulk of the extension would be set back into the site. It is noted there are large scale two-storey extensions along Dorchester Park, including at the neighbouring property No. 32 Dorchester Park. |
| 6.9 | Concerns have been raised about the proposed side extensions closing the visual gap between the properties, however, this is not considered to be significant given that the garage to the front would only be single storey, and the two-story element would be set back from the front of the house, set down from the existing roof form, and with a pitched roof, allowing it to be read as an addition rather than a continuation of the original house. |
| 6.10 | Whilst accepting that the proposal does not follow all the guidelines in the SPG, overall and on balance, it is considered that the design changes are appropriate to the existing house and surrounding area. The character and appearance of the area would be preserved. |
| | <u>Impact on amenity</u> |
| 6.11 | It is considered that the proposed extensions would not be harmful to the amenity of neighbouring residents. The proposed extensions would be built up to the shared boundary, however, amended drawings show that there would be no overhanging onto neighbouring land. The two-storey element would be built adjacent to the existing two- |

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| | storey extension at No.32 Dorchester Park, although would project 1.0m further back. The neighbouring extension is blank other than a first floor bathroom en-suite window which is not sensitive to loss of light. In terms of dominance, overshadowing and loss of light, it is considered that the impacts would not be so significant to warrant refusal of permission. Given the orientation of the site and built form there may be some overshadowing in the morning or early afternoon in the direction of No.32, however, some overshadowing is to be expected in close knit developments. It is noted that the proposals meet the angles test both horizontally and vertically and therefore is considered to be acceptable on balance, having regard to the SPG. |
| 6.11 | The bathroom en-suite windows to either side would be fitted with obscured glazing to prevent overlooking (this should be secured by means of a planning condition). It is considered there are sufficient separation distances and boundary treatments to avoid significantly harmful overlooking or loss of privacy. |
| 6.12 | Access to neighbouring land for construction or maintenance is not a planning consideration. |
| 6.13 | The proposal would not result in an unacceptable loss of existing on-site parking spaces. The area of hardstanding to the front of the site would be extended and there would be sufficient space for at least 2 vehicles to park within the site. A condition is required to secure porous materials. Suitable provision for bin storage would remain. |
| 6.14 | The proposal includes appropriate measures to enable people to stay within their own home and energy efficiency enhancements and in this regard is compliant with Policy RD2 of the Plan Strategy. The proposal is also compliant with Policy TRE1 in that the existing hedgerow, trees and planting will be retained within the site with the addition of new herbaceous planting to the front and rear of the site. |
| | <u>Response to representations</u> |
| 6.15 | The extension of the application site (red line) renders the application invalid. <i>The red line boundary remains as originally submitted.</i> |
| 6.16 | The rainwater goods would overhang the site boundary and the foundations would cross the boundary <i>From the plans submitted, the rainwater goods and foundations are shown to be within the application site, and do not cross over beyond the red line at any point.</i> |
| 6.17 | Adverse impact on neighbour amenity <i>The impact on residential amenity is discussed elsewhere, however it is not expected that the extension would be significantly harmful to residential amenity to warrant a refusal.</i> |
| 6.18 | Overlooking of adjacent residential properties; insufficient separation distances <i>It is noted that the proposal includes large corner windows to the rear however given the site context and existing mature vegetation, it would not exacerbate any current opportunities for overlooking. The separation distances are considered to be acceptable and are comparable with separation distances of neighbouring properties which have previously been extended.</i> |
| 6.19 | Loss of light to neighbouring property. Loss of light to the kitchen window of No. 32 Dorchester Park. The 45 degrees test in the SPG has not been conducted <i>There is one window serving the kitchen area of No.32 which would be adjacent to the proposed single storey garage extension at the side, although this room is also served by two large rear facing windows in open plan. It is not expected that the single storey</i> |

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| | <p>garage extension would result in significant loss of light. The 45 degrees angles test as detailed in SPG has been carried out – this is annotated on Drawing no.18A on the Public Planning Register. Given that the proposed extension at the point of the kitchen window of no.30, would be single storey, the proposal is acceptable having regard to the 45 degrees (vertical) angles tests.</p> |
| 6.20 | <p>Dominance of neighbouring property</p> <p>The extensions would be built up to the shared boundary, and the projection is approximately 1.0m further than the projection of the two-store extension at No.32. However, whilst the proposal is in contravention with the SPG, the additional projection of 1.0m is not expected to be so overly dominant to warrant refusal.</p> |
| 6.21 | <p>Change of roof materials from tiles to blue-black slate and facing materials from brick to render, out of character with the area</p> <p>The proposed materials of render and blue-black slate are not out of character of the area. The adjacent dwelling No.32 is finished in a cream-yellow colour render as well as other properties along Dorchester Park. Furthermore, blue-black slate can be seen on a number of roof forms within the streetscape of Dorchester Park. It is recognised that the charred timber cladding would represent a modern addition to the site and surrounding area, however it is noted that the use of this material is set back from the front of the site, on the two-storey side extension.</p> |
| 6.22 | <p>The proposal is contrary to the Council's SPG as it would not be subservient (and is not set down 500mm from the roofline and there is no 1m separation to the boundary. It would more than double the size of the dwelling and is wider than the existing dwelling).</p> <p>The SPG advises that 'the appropriate distance that an extension should be set back and set down will be decided on a case by case basis' and goes on to say that a minimum would be required of 500mm set back from the front of the house, 500mm down from the existing roofline and 1m separation from the boundary in the case of side extensions. The guidance also advises that 'the requirement for a minimum 500mm set down and set back will only be relaxed if it can be conclusively demonstrated that it is not feasible due to technical and/or site constraints, and only in instances where: the extension will not project above the existing ridge line and/or forward of the building line; and where there will not be a significant negative impact on the character and appearance of the existing property and the surrounding area'.</p> |
| 6.23 | <p>In this case, the proposed side garage and two-storey side extension is set back from the front of the house by 2.27m. Although this element would be built up to the shared boundary, it would be unfeasible to achieve a 1m separation here as it would render the internal space unusable. The two-storey side extension would be set down from the existing roofline by almost 1.2m. On the other side, the side extension is only single storey, and 1.0m wide, leaving approximately 2.1m to the boundary. It is noted the two-storey element to the rear would be the same height as the existing roofline on the dwelling, however, given that the most visible elements are complaint with the guidance, the proposals are considered to be acceptable on balance as the extension will not project above the existing ridge line and/or forward of the building line; and there will not be a significant negative impact on the character and appearance of the existing property and the surrounding area as a result of the scale or siting of the extensions.</p> |
| 6.24 | <p>The proposal would fill the plot, devoid of gaps between the properties, again contrary to the SPG</p> <p>The proposed extensions would not fill the plot as there would be sufficient space remaining within the curtilage of the house for parking, recreational and bin storage purposes. Furthermore, although there would be a two-storey side extension, it is</p> |

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| 6.25 | <p><i>considered that a visual gap would remain between the properties given that there would be a single storey side garage extension to the front of the two-storey extension – the roof of which would be approximately 1.2m lower than the roof of the original house. Furthermore, the roof profile of the side extensions also helps retain a visual gap between the dwellings.</i></p> <p>Overdevelopment of the plot and scale out of keeping with the locality <i>It is not considered that the proposals would result in overdevelopment of the site. It is noted that there are a number of properties within the immediate vicinity of the application site which have large rear extensions, most closely – No.32 Dorchester Park.</i></p> <p>Amendments should be made to the scheme including:</p> <ul style="list-style-type: none"> • Reduction of the overall height to 500mm below the current ridge • 1 metre separation distance between the extension and No. 32 • Redesign to make the proposal subordinate • Removal of the two storey charred wood cladded elements to ensure no overlooking of No. 28 and no loss of light to No. 32 • Revisions to the remainder of the extension, either complementing the host building or contrasting with it |
| 6.26 | <p><i>The Council is required to determine the application before it. The amendments set out above are not considered to be necessary.</i></p> |
| 6.27 | <p>Concerns about maintenance of the extension given its position on the boundary <i>Any access that is required for construction or maintenance would be a civil matter.</i></p> |
| 7.0 | Recommendation |
| 7.1 | <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> |
| 7.2 | <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.</p> |
| <p>DRAFT CONDITIONS:</p> <ol style="list-style-type: none"> 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. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), the first floor bathroom en-suite windows in the North West and South East side elevations shall at all times be glazed with obscure glass to at least Privacy Level 3 (or equivalent). Reason: To safeguard the privacy of adjacent properties The extended driveway shall be surfaced with porous materials. Reason: To promote sustainable drainage. | |

| ANNEX | |
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| Date Valid | 03 March 2023 |
| Date First Advertised | 12 June 2023 (NN) 13 March 2023 (Ad) |
| Date Last Advertised | N/A |
| Details of Neighbour Notification (all addresses) | |
| 19 CAMBOURNE PARK, MALONE UPPER, BELFAST, ANTRIM, BT9 6RL | |
| 21 CAMBOURNE PARK, MALONE UPPER, BELFAST, ANTRIM, BT9 6RL | |
| 28 DORCHESTER PARK, MALONE UPPER, BELFAST, ANTRIM, BT9 6RJ | |
| 32 DORCHESTER PARK, MALONE UPPER, BELFAST, ANTRIM, BT9 6RJ | |

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Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: 29 th June 2023 | |
| Application ID: LA04/2022/0136/F | Target Date: |
| Proposal: Environmental improvement works and upgrades to Ballysillan Playing Fields, comprising refurbishment of existing bowling pavilion; new intermediate floodlit 3G pitch; new children's play facilities; new open-air community event space; new fenced dog exercise areas; new pump track; new and improved pathways; works to expose parts of the existing culverted river to create a new channel and flood attenuation area; new street furniture including canopies, shelters, picnic tables, seats, lights, cycle stands, fences and bollards; improvements to existing allotment area including path and vehicle track resurfacing, new polytunnels and shed; landscape interventions including planting, woodland management, resurfacing and regrading; and all associated works. | Location: Ballysillan Playing Fields, Ballysillan Road, Belfast BT14 7QP. |
| Referral Route: Major Application | |
| Recommendation: | Approval subject to conditions |
| Applicant Name and Address: Belfast City Council 9 Adelaide Street Belfast BT2 8DJ | Agent Name and Address: AECOM 10th Floor Clarence West Building 2 Clarence Street West Belfast BT2 7GP |
| Executive Summary: This application seeks full planning permission for Environmental improvement works and upgrades to Ballysillan Playing Fields. The proposed development includes refurbishment of the existing bowling pavilion; a new intermediate floodlit 3G pitch; new children's play facilities; new open-air community event space; new fenced dog exercise areas; new pump track; new and improved pathways; works to expose parts of the existing culverted river to create a new channel and flood attenuation area; new street furniture including canopies, shelters, picnic tables, seats, lights, cycle stands, fences and bollards; improvements to existing allotment area including path and vehicle track resurfacing, new polytunnels and shed; landscape interventions including planting, woodland management, resurfacing and regrading; and all associated works. The key issues are: | |

- Principle of development
- Impact on the character and appearance of the area
- Compatibility with adjacent uses
- Climate change
- Access and parking
- Drainage
- Waste-water infrastructure
- Contamination
- Noise, odour and other environmental impacts
- Ecological impacts

The site is located on the Ballysillan Road and is an existing area of open space and important community asset. The proposal seeks to upgrade the existing facilities and includes the following elements which will benefit the local and wider community:-

- A new 3G pitch
- Flood attenuation area
- Bowling pavilion refurbishment
- Play areas
- Pump track
- Dog exercise area
- Events space
- Allotment improvements
- Pathways, lighting, landscaping and planting

One third party representation has been received which raises concerns regarding a proposed community hub proposed to replace the existing community centre on the main Ballysillan Road. This application does not include proposals for a community hub.

All consultees are content subject to conditions which are set out in the report.

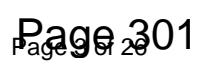
Recommendation

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.

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.

Signature(s):

Site Location Plan





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| 2.0 | Characteristics of the Site and Area |
| 2.1 | Ballysillan Park is situated in the north of the city and fronts onto the Ballysillan Road with access points from the surrounding road network including Ardoyne Road, Alliance Parade/Drive and Deerpark Road. The site is located in an area of mixed use area which includes commercial, community and residential developments. |
| 3.0 | Description of Proposal |
| 3.1 | The proposal includes environmental improvement works and upgrades to Ballysillan Playing Fields, comprising refurbishment of existing bowling pavilion; new intermediate floodlit 3G pitch; new children's play facilities; new open-air community event space; new fenced dog exercise areas; new pump track; new and improved pathways; works to expose parts of the existing culverted river to create a new channel and flood attenuation area; new street furniture including canopies, shelters, picnic tables, seats, lights, cycle stands, fences and bollards; improvements to existing allotment area including path and vehicle track resurfacing, new polytunnels and shed; landscape interventions including planting, woodland management, resurfacing and regrading; and all associated works. |
| 3.2 | The proposal was the subject of a PAD. |
| 4.0 | Planning Assessment of 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) |

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| | Draft Belfast Metropolitan Area Plan 2015 (v2014) |
| 4.3 | Regional Planning Policy <ul style="list-style-type: none"> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) |
| 4.4 | Other Policies <ul style="list-style-type: none"> Developer Contribution Framework Belfast Agenda |
| 4.5 | Relevant Planning History <p>LA04/2021/1015/PAN - Redevelopment of Ballysillan Playing Fields into a new public park. Proposed Environmental Improvement Works and new facilities include: 1no. new full intermediate floodlit 3G pitch; changing facilities within the refurbished bowling pavilion; children's natural play facilities; a hard surfaced pump track; fenced dog exercise areas; multi-purpose community event space; upgrade works to the allotments. The proposed works also include new and improved pathways; lighting; realignment of the existing grass pitches; extension of the existing car parking; a new entrance at Deerpark Gardens; street furniture and natural enhancement works including planting and exposing parts of the culverted river to create a new channel and areas of wetland habitat. Ballysillan Playing Fields, Ballysillan Road, Belfast, BT14 7QP. PAN Acceptable 11.05.2020.</p> <p>LA04/2019/2244/PAD - Environmental improvements works to Ballysillan Playing Fields. Proposed facilities include; 2no. new full intermediate 3G pitches, existing grass pitches realigned, trim trail, cycle track, natural play area, dog park, multi purpose community event space, hangout space, community garden and proposed car parking; including the introduction of lighting, planting, and improved pathways and entrances with creation of new 2no. accesses; natural enhancement works including exposing the river to create a new channel and wetland, Ballysillan Playing Fields, Ballysillan Road, Belfast, BT14 7QP.</p> |
| 5.0 | Consultations and Representations |
| 5.1 | Statutory Consultations <p>DFI Roads – No objection subject to conditions DFI Rivers Agency – No objection subject to condition. NI Water – No objection subject to conditions. DAERA, NIEA – No objection subject to conditions. HED – No objection</p> |
| 5.2 | Non-Statutory Consultations <p>BCC Environmental Health – Conditions recommended. BCC Plans and Policy Team – No objection. Shared Environmental Services – No objection. BCC Landscape Planning and Development Team – No objection. BCC Tree Officer – No objections subject to conditions. NIE – No objection</p> |
| 5.3 | Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the |

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| | context of the Plan Strategy. Additional consultation has been carried out with Plans and Policy Team following adoption of the Plan Strategy and receipt of the Plan Strategy Statement. |
| 5.4 | Representations |
| 5.5 | <p>The application has been advertised and neighbours notified. One third party representation has been received raising the following issues:-</p> <ul style="list-style-type: none"> Concerns regarding proposed community hub proposed to replace existing community centre on the main Ballysillan Road. <p><i>Officer response:-</i></p> |
| 5.6 | The proposed development does not include a Community Hub building. |
| 6.0 | Planning Assessment |
| 6.1 | Development Plan Context |
| 6.2 | Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. |
| 6.3 | Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations. |
| 6.4 | The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted. |
| 6.5 | Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report. |
| 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. |
| 6.7 | <p>dBMAP (v2004)</p> <p>In dBMAP (v2004) the site is within the Belfast Metropolitan/Settlement Development Limit. The majority of the site is identified as open space and falls with a Local Landscape Policy Area (LLPA Ref: BT 106 – Ballysillan). Part of the site which includes the Iceland supermarket is whiteland.</p> |

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| 6.8 | <p>dBMAP2015 (v2014) In dBMAP (v2014) the site is within the Belfast Metropolitan/Settlement Development Limit. The majority of the site is identified as open space and falls with a Local Landscape Policy Area (LLPA Ref: BT 088 – Ballysillan). Part of the site which includes the Iceland supermarket is whiteland.</p> |
| 6.9 | <p>BUAP Within the BUAP the site is identified as Land Reserved for Landscape, Amenity or Recreation Use within the development limit of Belfast.</p> |
| 7.0 | <p>Relevant Planning Policies</p> <p>Policy SP2 – Sustainable development Policy SP3 – Improving health and wellbeing Policy SP4 – Community cohesion and good relations Policy SP5 – Positive placemaking Policy SP6 – Environmental resilience Policy SP7 – Connectivity Policy SP8 – Green and blue infrastructure network</p> <p>Policy SD1 – Settlement hierarchy</p> <p>Policy GB 1 – Green and Blue Infrastructure Policy OS 1 – Protection of Open Space Policy OS7 – Floodlighting Policy CI1 – Community Infrastructure Policy ENV 1 – Environmental Quality Policy ENV 3 – Adapting to environmental change Policy ENV 4 – Flood Risk Policy ENV 5 – Sustainable drainage systems (SuDS) Policy TRE 1 - Trees Policy NH1 – Protection of natural heritage resources</p> <p>Policy TRAN8 – Car parking and servicing arrangements</p> <p>Policy LC1 - Landscape Policy LC1C – Local Landscape Policy Areas</p> |
| 8.0 | <p>Key Issues</p> |
| 8.1 | <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the area • Compatibility with adjacent uses • Climate change • Access and parking • Drainage • Waste-water infrastructure • Contamination • Noise, odour and other environmental impacts • Ecological impacts |

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| 8.2 | Additional Information |
| 8.3 | Officers have requested that the applicant provides 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. |
| 8.4 | The applicant has subsequently provided a Plan Strategy Statement, which assesses the proposal against the relevant Plan Strategy policies and concludes that the proposed scheme accords with the plan strategy. |
| 9.0 | Principle of Development |
| 9.1 | <p>Policy SP3 [Improving Health and wellbeing] of the new Belfast LDP Strategy states that the ‘<i>Council will support development that maximises opportunities to improve health and wellbeing</i>’. Improving health and wellbeing are core principles of the SPPS and a strategic policy set out in the new Belfast LDP Strategy. The Design and Access Statement (DAS) states that Ballysillan Park has potential to be a resource for local communities within greater Ballysillan and the wider North Belfast communities. The proposed development proposes a number of upgrades including: -</p> <ul style="list-style-type: none"> • A new 3G pitch • Flood alleviation measure • Bowling pavilion refurbishment • Play areas • Pump track • Dog exercise area • Events space • Allotment improvements • Pathways, lighting, landscaping and planting |
| 9.2 | <p>The DAS sets out the benefits of the scheme which include:-</p> <ul style="list-style-type: none"> • The proposed development will help bring major benefits to the local community by transforming an underutilised space into a modern and active public park • proposed development has been designed to meet the needs of the local area by providing an attractive space for everyone to enjoy • The proposed development works in harmony with the natural aspects of the park whilst also improving biodiversity and providing flood alleviation for the local area • The proposed development contains a number of interventions aimed at improving recreational facilities for all age groups • new play stations will provide equipment for children of all ages and abilities • The proposed flood alleviation area will include planting that will help to enhance its setting and create a wildlife area as well as providing flood alleviation for the surrounding residents • new path network and improved accesses which will help to improve accessibility to and within the application site. The proposed development will also enhance the |

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| | visual and environmental quality of the application site which in turn will benefit the appearance of the wider area |
| 9.3 | The DAS further states that <i>'The proposed works will create new leisure and recreational facilities where families, children, and people of all ages can get active and have fun in an attractive, safe, accessible and ecologically diverse parkland setting.'</i> |
| 9.4 | The proposed development seeks to improve the health and wellbeing of the local community through the provision of upgraded open space facilities. The principle of the development is considered acceptable and complies with Policy SP3. Detailed assessment of the proposal is set out below. |
| 10.0 | Impact on the Character and Appearance of the Area |
| 10.1 | The majority of the application site is identified in dBMAP 2015 (v2014) as existing open space and falls within a Local Landscape Policy Area (LLPA Ref: BT 088 – Ballysillan). In the BUAP the site is identified as Land Reserved for Landscape, Amenity or Recreation Use. Ballysillan Park is identified as a major park and open space area and falls within a primary green and blue infrastructure axis within the Council's Green and Blue Infrastructure Plan [GBIP]. |
| 10.2 | Policy OS 1 [Protection of open space] of the Plan Strategy states that the Council will support the retention and improvement of existing open space throughout the district area. The proposals comply with this requirement of Policy OS 1. |
| 10.3 | Policy GB1 [Green and blue infrastructure network] states that <i>'Planning permission will be granted for proposals that protect, augment, complement and/or improve the network and connectivity of green and blue infrastructure across the district.'</i> The Policy further states that <i>'The LDP will seek to secure improvements and expansion of the green and blue infrastructure network, including those identified in the LDP and/or the Council's GBIP and associated strategies/action plans'</i> and that <i>'The LDP will seek to safeguard designated and potential sites and corridors that form part of the network of green and blue infrastructure across the district and will only permit development either within or adjacent to such sites and corridors where it does not prejudice the retention, use, enhancement or further development of the network.'</i> |
| 10.4 | Policy LC1 [Landscape] of the Plan Strategy seeks to protect and, where appropriate, restore or improve the quality and amenity of the landscape subject to meeting a number of criteria which include the protection and enhancement of the landscape and visual character of the area; the protection of built, natural and cultural features, their views and settings; the sensitivity of the landscape and its capacity to accommodate development without adversely impacting on the landscape character. |
| 10.5 | Policy LC1C [Local Landscape Policy Areas (LLPAs)] of the Plan Strategy states that in addition to complying with criteria set out in Policy LC 1 development proposals that have a significant adverse impact on the amenity, character, environmental quality or natural, built & cultural heritage features. The site is designated as a LLPA within dBMAP (v2014). |
| 10.6 | The development proposes to upgrade facilities at the Ballysillan playing fields area of existing open space which will result in an enhancement of the landscape and visual character and appearance of the area. The proposed development will enhance the visual and environmental quality of the area through the creation of the flood alleviation/wetland area and additional planting which will in turn will benefit the appearance of the wider area. The Plans and Policy Team consider that having regard to the current uses, nature of the proposals and the features of the LLPA in this vicinity, the proposals are not |

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| | considered to conflict with the policy objectives. The proposal will not have a significant adverse impact on the LLPA. |
| 10.7 | The proposed development will serve to enhance and protect the existing area of open space the natural heritage assets within the site and will enhance and safeguard the existing open space asset which forms part of the green and blue infrastructure. The proposal is considered to comply with policies GB1, LC1 and LC1C of the Plan Strategy. |
| 11.0 | Compatibility with adjacent uses |
| 11.1 | The site sits adjacent to established residential areas which bound the northern, eastern and southern boundaries. Existing access points from the adjoining residential streets of Ardoyne Road, Alliance Road, Alliance Drive and Deerpark Road (as shown on Drawing No. 20 – Illustrative Layout), will be retained maintaining connectivity and permeability through the site and facilitating ease of access to amenities within the site for the community. Concerns were raised during the Pre-Application Community Consultation regarding the entrance from the adjoining Deerpark Gardens. As a result the proposal was amended prior to submission of the planning application to remove access from Deerpark Gardens. |
| 11.2 | Policy ENV1 [Environmental Quality] states that planning permission will be granted for development that will maintain and where possible enhance environmental quality and protects communities from materially harmful development. Policy ENV 1 further states that development must not result in an unacceptable adverse impact on the environment and take account of ground contamination, air quality, water quality, noise and light pollution. The application has been supported by a number of appropriate assessments including an Air Quality Impact Assessment, Noise Impact Assessment, Preliminary Risk Assessment, Lighting Assessment and an Outline Construction Environmental Management Plan. Environmental Health (EH) has considered the proposal taking account of noise, air quality, contamination and lighting. With regard to noise EH advises that the Noise Impact Assessment modelling could result in under prediction of noise levels due to uncertainties inherent in any such process and given that the noise from the new 3G pitch will alter the character of the noise environment at receptors closest to this particular area. EH therefore recommend a condition seeking that a noise verification report be submitted within 6 months of the use of the 3G pitch to finalise the operational times of the 3G pitch. Environmental Health does not raise any objection regarding lighting, contamination or air quality and recommends a number of conditions to control the proposed lighting. |
| 11.3 | With regard to the nature of the surface of the proposed MUGA i.e. 3G it is considered that the use of such a synthetic surface is acceptable and does not breach current EU regulations. Whilst draft legislation to ban microplastics (contained within such artificial surfaces and used to maintain/infill such surfaces) is in progress, officers advise that this draft legislation would not be considered as a material consideration. Furthermore, the future viability of the 3G pitch would not be a material consideration as this would be within the context of the commercial viability of the application. It is noted that there is an existing 3G pitch already operating on the site. In respect to water quality NIEA and Rivers Agency have raised no objection to the proposal subject to conditions. The proposal is considered to comply with Policy ENV 1. |
| 11.4 | Policy OS 7 [Floodlighting] states that the Council will only support the development of floodlighting associated with sports and outdoor recreational facilities where a number of criteria are met including that there is no unacceptable impact on the amenities of people living nearby, there is no adverse impact on the visual amenity or character of the locality or on natural and built heritage interests and public safety is not prejudiced. |

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| | <p>Environmental Health acknowledge that the provision of floodlighting and a 3G pitch are aimed at facilitating greater hours of use thus maximising the potential benefit to the community and having considered the updated lighting assessment are satisfied that it demonstrates that the proposed lighting to the new 3G pitch is acceptable subject to conditions controlling the direction and provision of an artificial lighting verification report. The proposal is considered to comply with Policy OS7.</p> |
| 11.5 | <p>The landscape plan proposes that the boundaries of the site shared with residential properties are enhanced with hedge planting to soften these boundaries and provide additional security to the residential properties from the park.</p> |
| 11.6 | <p>The proposed development will provide valuable facilities which will benefit the wider community and will not result in any adverse impact on neighbouring properties and adjoining uses. The proposed upgrades will enhance the visual appearance of the area providing significant benefits to the local and wider area.</p> |
| 11.7 | <p>Policy HC 1 states that the council will seek to ensure that all new developments maximise opportunities to promote healthy and active lifestyles and further states that planning permission will be granted for proposals that help to sustain and improve neighbourhoods in all parts of the city. The applicant considers that the development complies with this policy helping to bring major benefits to the local community by transforming an underutilised space into a modern and active public park and the proposed development will provide several interventions for families, children, and people of all ages to get active and have fun in an attractive, safe, accessible and ecologically diverse parkland setting.</p> |
| 11.8 | <p>Policy CI1 states that the council will seek to protect and provide development opportunities for the community, health, leisure, nurseries and educational facilities based on local need in line with projected population growth over the plan period and that planning permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area, subject to consideration of the nature and location of any proposals and where there is no unacceptable impact on residential amenity or natural/built heritage and satisfactory arrangements are provided for access for all. The proposed development does not conflict with Policy CI1.</p> |
| 11.9 | <p>The proposal will seek to promote healthy and active lifestyle upgrading open space and leisure facilities for the benefit of the local community. The proposal is considered to comply with Policies HC1 and CI1.</p> |
| 12.0 | <p>Climate change</p> |
| 12.1 | <p>Policy SP8 [Green and blue infrastructure network] of the Plan Strategy states that the <i>'Council will support the development of green and blue infrastructure network, designating and safeguarding sites and accesses required for the green and blue infrastructure network across the plan area.'</i> The proposed development will improve and safeguard the existing open space facilities at Ballysillan and will enhance pedestrian routes through the site linking to the wider area.</p> |
| 12.2 | <p>The creation of a flood alleviation/wetland area within the site will serve to act as a SuDS measure. The primary function of the proposed wetland habitat is for flood alleviation purposes enabling water to be diverted to the area during a flood event. DFI Rivers Agency has considered the proposed flood alleviation measures and raise no objection. A wildflower meadow is proposed adjacent to the wetland area and along with the planting of a standard tree mix and woodland planting in the area will enhance biodiversity within</p> |

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| | the site and create a wildlife habitat. DAERA, Natural Environment Division (NED), acknowledge the potential of the flood alleviation area to become an ecologically important feature for the area. NED welcomes the proposal to plant the area with appropriate flora and incorporate a low frequency mowing schedule to allow the habitat to establish itself. NED also welcomes the proposal to provide a 25 year maintenance schedule. |
| 12.3 | NED considers that the proposed development will likely result in significant biodiversity enhancement with the incorporation of dedicated native species wildflower meadows as well as supplementing/ enhancing the existing woodland with native trees and shrubs. This is welcomed particularly given that the Tree Survey indicates that biodiversity is remarkably low on the site currently. The proposal is considered to comply with Policy NH 1 of the Plan Strategy. |
| 12.4 | Policy TRE1 [Trees] seeks to protect existing trees from new development, particularly those that are of visual, biodiversity or amenity quality and significance, and sets out a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity. The policy also seeks a net gain in tree numbers as a result of built development in the interests of natural heritage, amenity, environmental quality and resilience. The proposal is accompanied by a Tree Survey and Landscape Plan. The Tree Survey advises that a population of 2771 trees have been included in the assessment comprising existing trees in tight groups around the site with the majority of trees being Alder and Ash. The tree survey also indicates that biodiversity is remarkably low on the site. The proposed works will result in the loss of 1300 trees spread across the site. |
| 12.5 | The Tree Survey concludes that, <i>'The new improvements proposed for Ballysillan park are extensive with numerous changes to water courses paths and topography. The tree population over the site is limited in terms of amenity, biodiversity and longevity with a significant part of the population being Alder. Going forward the removal of a significant population of trees to facilitate these works should be considered a reorganisation and improvement of the site with a far greater long term value. The design proposes new and extensive planting with a diverse biodiversity and species with improved life spans. Once these landscape measures mature the park will be much improved from an arboricultural perspective.'</i> |
| 12.6 | Replacement planting of approximately 6,945 trees is proposed across the site comprising of a wide mix of species as set out below. <ul style="list-style-type: none"> • 131 heavy standard flowering cherry blossom trees to the central avenue • 412 heavy standard trees throughout the park • 6,400 woodland mix species planted as whips and feathered stock. |
| 12.7 | In addition, a further 2,140 woodland understory shrubs will also be planted within the woodland areas. |
| 12.8 | The proposed planting includes a cherry blossom avenue which is welcomed by the Tree Officer in terms of species choice and the provision of a welcoming future feature for those who will avail of the park in terms of future amenity value and biodiversity aspects. The Tree Survey states that <i>'The design proposes new and extensive planting with a diverse biodiversity and species with improved life spans. Once these landscape measures mature the park will be much improved from an arboricultural perspective'</i> . The proposed planting will result in a significant net gain of trees across the site which is welcomed by the Tree officer. The proposal complies with Policy TRE1. |

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| 12.9 | <p>Policy ENV 2 [Mitigating environmental change] states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce green house gases by promoting sustainable patterns of development. The policy seeks to avoid demolition and consider the reuse of buildings, requires that new developments must be sustainable and reduce greenhouse gas emissions. If possible, existing buildings should be reused instead of demolished to minimise waste and new developments should include eco-friendly features like recycling water and maximising energy efficiency. The upgrade of the former bowling green building to serve as changing facilities for the new IFA Intermediate 3G pitch, will result in the sustainable reuse of the existing building, avoiding its demolition and enhancing the area and increasing vibrancy in that area of the Park. The Plans and Policy Team consider that more detail should be provided on how the development could make better use of green design measures, such as energy efficiency, water recycling, etc to fully meet the policy objectives. It is considered that appropriate details can be secured by condition.</p> |
| 13.0 | <p>Access and Parking</p> |
| 13.1 | <p>Policy TRAN 1 [Active travel – walking and cycling] requires that proposals for major developments including leisure and community uses take account of the needs of walkers and cyclists, secure cycle parking and make provision for safe and convenient walking and cycle areas and links to existing or proposed networks and public transport. Policy TRAN 2 seeks to ensure that development proposals are open to the public. Existing access arrangements will remain in place with three vehicular access points from Ballysillan Road, leading to existing car parking areas and one via Deerpark Road to the existing allotments. Existing pedestrian accesses from Ballysillan Road, Ardoyne Road, Alliance Road, Alliance Drive and Deerpark Road are retained with upgrades to the entrances (gates/fencing to match existing) proposed for Ballysillan Road, Alliance Avenue and Alliance Drive entrances</p> |
| 13.2 | <p>Policy TRAN 8 of the Plan Strategy states that development proposals will be required to provide adequate parking provision for car parking and servicing arrangements, however the emphasis will be to allow parking provision that will assist in reducing reliance on the private car in particular for commuting into the city, help tackle growing congestion and bring about a change in travel behaviour. The DAS states that there are currently ‘122 car parking spaces, including 12 accessible spaces. In addition to these spaces, there are 86 spaces located at the Iceland store. These Iceland spaces are technically shared spaces and can therefore be used by visitors to the wider park as well as Iceland customers...Whilst the Parking Standards Requirement for the proposed development is 124 space, no additional car parking is included within the proposal. The shortfall of 2 spaces is considered acceptable as most trips to the site are expected by foot. Additionally, the 86 Iceland spaces provide flexibility for the space requirement to be met.’</p> |
| 13.3 | <p>Furthermore, upgraded cycle parking facilities are proposed to allow for parking of 20 bicycles. There are no proposed changes to the access or parking arrangements. DFI Roads has considered the proposal and raise no objection subject to conditions. The proposal is considered to comply with Policies TRAN1, 2 and 8 of the plan strategy.</p> |
| 14.0 | <p>Drainage</p> |
| 14.1 | <p>Policy ENV4 [Flood risk] states that applications in flood risk areas must be accompanied by a Flood Risk Assessment and that a precautionary approach will be adopted by the Council in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental changes predictions. The application site is located with a fluvial flood plan and was accompanied by a Flood Risk Assessment (FRA) and Drainage Assessment (DA).</p> |

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| 14.2 | Policy ENV 5 [Sustainable drainage systems (SuDS)] seeks that all built development should, where appropriate, include SuDS measures to manage surface water effectively. Whilst there is limited built development as part of this application the proposal nevertheless includes SuDS Measures in the form of a new flood alleviation/wetland area as indicated above to alleviate flood risk. |
| 14.3 | Policy ENV 3 [Adapting to environmental change] states that planning permission will be for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. The proposal includes flood attenuation measure which the applicant considers will help to mitigate against future flooding by storing floodwater during peak flows and releasing it slowly back into the system, thus helping to protect local residential areas by reducing instances of flooding further downstream. DFI Rivers Agency has raised no objection to the flood attenuation measures. The proposal complies with Policy ENV3. |
| 14.4 | DFI Rivers has considered the FRA and DA which includes the proposed flood attenuation measures and raise no objection under the now defunct PPS 15 subject to conditions. The policies contained within the new LDP Strategy are sufficiently similar to not require DFI Rivers Agency to re-evaluate the proposal in the context of the Plan Strategy. The proposal is considered to comply with Policies ENV3, ENV 4 and ENV5. |
| 15.0 | Ecological impacts |
| 15.1 | Policy NH 1 [Protection of natural heritage resources] seeks to ensure the protection of the district's natural heritage and biodiversity and appropriate site surveys and assessments will be required to be considered prior to planning applications being determined. The application was accompanied by a number of surveys including a Tree Survey, Preliminary Ecological Survey and Otter Survey which indicated a remarkably low level of biodiversity on the site, negligible suitability for bats and no evidence of badgers or otters. |
| 15.2 | The applicant acknowledges that the proposal will result in the loss of a significant amount of existing trees however highlights that biodiversity on the site is remarkably low and that a wide tree planting species mix is proposed which will provide a substantial net gain in tree cover. The applicant considers that the proposed schemes complies with policy NH1. The Tree Officer and NIEA raise no objection to the proposal subject to conditions. The proposal is considered to comply with Policy NH1. |
| 15.3 | Officers consider that the proposed development will provide and enhance valuable wildlife corridors promoting biodiversity within the site and will serve to encourage an active lifestyle for the wider community which has the potential to have health benefits. The proposal is considered to comply with Policy SP8 [Green and Blue Infrastructure Network]. |
| 16.0 | Impact on Designated Sites/Natural Heritage Assets |
| 16.1 | In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that <i>'having considered the nature, scale, timing, duration and location of the project, it is concluded that it would not be likely to have a significant effect on any European site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not</i> |

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| | <i>required. In reaching this conclusion, no account was taken of measures intended to avoid or reduce potential harmful effects of the project on any European site.'</i> |
| 16.2 | The Council, in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, should adopt the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 20/04/2022. This found that the project would not have an adverse effect on the integrity of any European site. The proposal is considered compliant with Policy NH 1 of the Plan Strategy. |
| 17.0 | Pre- Application Community Consultation |
| 17.1 | In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 6 th May 2021 (LA04/2021/1015/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable. |
| 17.2 | The Pre-Application Community Consultation (PACC) events included an online project consultation website available from 10 th May 2021 until 1 st August 2021. |
| 17.3 | A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and an online consultation event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that information banners and exhibition boards were erected across the Ballysillan Playing Fields site and approximately 100 leaflets and 38 posters were distributed to 28 local venues including churches, shops and community centres. |
| 17.4 | A letter with details of the proposals, preliminary drawings and CGIs were hand delivered to all properties within a 200m radius of the centre of the site. The report confirms that community groups advised by the Council were also consulted. The report also states that representatives of the project team also discussed the proposal with community representatives and local political representatives and met local community representatives on a number of occasions. |
| 17.5 | The report indicates that a number of concerns were identified during this PACC process based around a number of issues including Park facilities, Deerpark Gardens Entrance, Alliance Drive/Parade entrances, allotments, pump track, accessibility, maintenance, anti-social behaviour, Pavillion, Ballysillan Leisure Centre, LIDL building, toilets, dogs, wetlands, natural environment, lights, signage, sustainability, community relations and the consultation process. |
| 17.6 | The report identifies amendments made to the proposals following the conclusion of the PACC. Amendments have been made in direct response to concerns raised by the public i.e. the significant concerns regarding the proposed Deerpark Gardens entrance, with respondents citing potential issues with increasing antisocial behaviour and congestion. Other amendments have been made following engagement with other stakeholders i.e. Iceland and individual BCC departments, prior to submission of the planning application. |
| 17.7 | The Pre-Community Consultation Report submitted is considered to satisfactorily demonstrate that the applicant has complied with the requirements of Sections 27 and 28 |

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| | of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable. |
| 18.0 | Recommendation |
| 18.1 | 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. |
| 18.2 | 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. |

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.

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.

2. 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.

3. All soft landscaping works shall be carried out in accordance with the approved details on Drawing Numbers 15A, 16A, 17A, 18A and 19A and the planting schedule as set out in drawing No. 24. 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.

4. If roots are accidentally damaged the Council must be notified and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an arborist or Council tree officers.

Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees.

5. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices service runs / cables or fires within the RPA 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.

6. Prior to commencement of development, a Climate Change Plan shall be submitted to and agreed in writing by the Council. The Climate Change Plan shall include details of how the development will use green design measures, such as energy efficiency, water recycling etc. The development shall not be carried out unless in accordance with the approved details.

Reason: To ensure that the development incorporates environmental mitigation and resilience, having regard Policies ENV2 of the Belfast Local Development Plan: Plan Strategy 2035.

7. Within 6months of the use of the hereby permitted 3G pitch, a noise verification report (NVR) shall be submitted to the Council, for review and approval in writing, to determine the final hours of use. The NVR shall include representative noise measurements, agreed in advance with the Environmental Health Service, recorded at 8:30-10:00pm during use of the 3G pitch at a pre-agreed noise monitoring location to the rear of houses on Oldpark Rd.

Reason: Protection of residential amenity.

9. The hereby permitted 3G pitch shall not be operational beyond the times in the approved Noise Verification Report.

Reason: Protection of residential amenity.

10. Prior to use of the hereby permitted 3G pitch, a report shall be submitted to confirm that the weldmesh fence has been installed in accordance with the specification presented in the AECOM report dated the 09.06.23 and to confirm that fence panels have been securely clamped together to supporting posts using resilient fixings to minimise noise and vibration transfer from ball impact.

Reason: Protection of residential amenity.

11. The artificial floodlighting scheme of the hereby permitted development shall not commence operating until an artificial lighting verification report is submitted to the Council for review and approval in writing. The report shall verify that the lighting scheme as specified in the Outdoor Lighting Report by Lighting Reality dated 1st June 2023, published on the portal on the 5th June 2023 project number: 60620901 has been installed. The report shall include verification measurements to demonstrate that the artificial floodlighting connected with the hereby approved 3G pitch is within the vertical illuminance (Lux) levels for Environmental Zone 3 at the windows of habitable rooms of the nearest residential properties as stipulated in table 2 of the Institute of Lighting Professionals (ILP) Guidance Notes for the Reduction of Obtrusive Light GN01:2021. The development shall not be carried out unless in accordance with the agreed details.

Reason: Protection of residential amenity.

12. All floodlighting should be optically controlled and directed in such a manner to minimise light pollution from glare and light spill.

Reason: Protection of residential amenity

13. Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.

Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

14. If during the development works, new contamination or risks to the water environment are encountered which have 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 and verified to its satisfaction.

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

15. After completing all remediation works under Condition 8 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the 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 the risks and achieving the remedial objectives.

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

16. No development activity, including ground preparation or vegetation clearance, shall take place until a (final) Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include (but not limited to) the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;
- d) Peat/Spoil Management Plan; including identification of peat/spoil storage areas, management and handling of peat/spoil and details of the reinstatement of excavated

peat/soil;

e) Water Quality Monitoring Plan;

f) Environmental Emergency Plan;

g) Details of the appointment of an Ecological Clerk of Works (ECoW) and their roles and responsibilities.

Reason: To protect Northern Ireland priority habitats and species, to ensure implementation of mitigation measures identified within the Environmental Statement and to prevent likely significant effects on the name of designated site.

17. No development activity shall commence on site until an Invasive Species Management Plan has been submitted to and approved in writing by the Planning Authority. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site.

18. Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event.

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.

19. Prior to the commencement of any of the approved development on site, the applicant must demonstrate that consent to undertake any culvert works at the site has been approved by DfI Rivers under Schedule 6 of the Drainage (NI) Order 1973 and must be submitted to the Planning Authority for its consideration and approval.

Reason: To safeguard against flood risk to the development and elsewhere.

20. No development shall be operational until weather protected cycle parking has been fully provided in accordance with the approved plans.

Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.

21. No development shall be operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained.

Reason: To ensure acceptable parking facilities on the site.

22. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of the Department for Infrastructure.

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

23. Pedestrian crossing points including tactile paving shall be provided at all road junctions in accordance with the DETR / Scottish Office publication "Guidance on the use of Tactile Paving Surfaces".

Reason: In the interests of pedestrian safety.

Draft Informatives:

1. This decision relates to the following approved drawing numbers: 01 - Site Location Plan, 02 - Existing Conditions General Layout, 03 - Existing Conditions General Layout 1 of 4, 04 - Existing Conditions General Layout 2 of 4, 05 - Existing Conditions General Layout 3 of 4, 06 - Existing Conditions General Layout 4 of 4, 07 - Existing Ground Floor, 08 - Existing & Proposed Roof Plans, 09 - Existing Elevations 1, 10 - Existing Elevations 2, 11 - Proposed Ground Floor Plan, 12 - Proposed Elevation 1, 13 - Proposed Elevation 2, 14 - Proposed Sections AA-BB, 15A - Proposed Layout Sheet 1 of 4, 16 - Proposed Layout Sheet 2 of 4, 17 - Proposed Layout Sheet 3 of 4, 18 - Proposed Layout Sheet 4 of 4, 19A - Proposed Layout General Layout, 20 - Illustrative Layout, 21 - Details Sheet 1, 22 - Details Sheet 2, 23 - Details Sheet 3, 24 - Details Sheet 4, 25 - Details Sheet 5, 26 - Details Sheet 6, 27 - Details Sheet 7, 28 - Details Sheet 8, 29 - Proposed Elevations – Entrance Points, 30 - Illustrative Section A, 31 - Illustrative Section B, 32 - Illustrative Section C, 33 - Illustrative Section D, 34 - Illustrative Section E, 35 - Illustrative Section F, 36 - Drainage Layout 1 of 4, 37 - Drainage Layout 2 of 4, 38 - Drainage Layout 3 of 4, 39 - Drainage Layout 4 of 4, 40 - Proposed Levels 1 of 4, 41 - Proposed Levels 2 of 4, 42 - Proposed Levels 3 of 4, 43 - Proposed Levels 4 of 4, 44 - Site Location – Sections, 45 - Storage Long Sections & Channel Diversion Sections, 46 - Storage Cross Sections, 47 - Tree Constraints General Layout, 48 - Tree Constraint Layout Sheet 1 of 4, 49 - Tree Constraint Layout Sheet 2 of 4, 50 - Tree Constraint Layout Sheet 3 of 4, 51 - Tree Constraint Layout Sheet 4 of 4, 52 – Ballysillan Play Fields Path Lighting Layout, 53 – Ballysillan Playing Fields 3G Lighting Layout.
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.

Notification to Department (if relevant)Date of Notification to Department: **Not Required**

Response of Department:

Representations from Elected Members: None**ANNEX**

| | |
|------------------------------|--------------------------------|
| Date Valid | 7th February 2022 |
| Date First Advertised | 11th March 2022 |
| Date Last Advertised | 16 th December 2022 |

Details of Neighbour Notification (all addresses)

The Owner/Occupier, 1 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 1 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 10 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 10 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 100 Alliance Road, Belfast
 The Owner/Occupier, 102 Alliance Road, Belfast
 The Owner/Occupier, 102 Ardoyne Road,Belfast,Antrim,BT14 7JY
 The Owner/Occupier, 104 Alliance Road, Belfast
 The Owner/Occupier, 106 Alliance Road, Belfast
 The Owner/Occupier, 108 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 11 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 11 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 112 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 114 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 116 Alliance Road, Belfast
 The Owner/Occupier, 12 Alliance Drive,Belfast,Antrim,BT14 7PN
 The Owner/Occupier, 12 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 12 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 120 Ballysillan Road,Belfast,Antrim,BT14 7QR
 The Owner/Occupier, 122 Ballysillan Road, Belfast
 The Owner/Occupier, 124 Ballysillan Road, Belfast
 The Owner/Occupier, 126 Ballysillan Road, Belfast
 The Owner/Occupier, 128 Ballysillan Road, Belfast
 The Owner/Occupier, 13 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 130 Ballysillan Road, Belfast
 The Owner/Occupier, 132 Ballysillan Road, Belfast
 The Owner/Occupier, 134 Ballysillan Road, Belfast
 The Owner/Occupier, 136 Ballysillan Road, Belfast
 The Owner/Occupier, 138 Ballysillan Road, Belfast
 The Owner/Occupier, 138 Deerpark Road,Belfast,Antrim,BT14 7PX
 The Owner/Occupier, 14 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 140 Ballysillan Road, Belfast
 The Owner/Occupier, 140 Deerpark Road,Belfast,Antrim,BT14 7PX

The Owner/Occupier, 142 Ballysillan Road, Belfast
 The Owner/Occupier, 142 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 144 Ballysillan Road, Belfast
 The Owner/Occupier, 144 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 146 Ballysillan Road, Belfast
 The Owner/Occupier, 146 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 148 Ballysillan Road, Belfast
 The Owner/Occupier, 148 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 15 Deerpark Gardens, Belfast, Antrim, BT14 7QA
 The Owner/Occupier, 150 Ballysillan Road, Belfast
 The Owner/Occupier, 150 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 152 Ballysillan Road, Belfast
 The Owner/Occupier, 152 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 154 Ballysillan Road, Belfast
 The Owner/Occupier, 154 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 156 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 156-158, Ballysillan Road, Belfast, Antrim, BT14 7QR
 The Owner/Occupier, 158 Deerpark Road, Belfast, Antrim, BT14 7PX
 The Owner/Occupier, 159 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 16 Deerpark Gardens, Belfast, Antrim, BT14 7QA
 The Owner/Occupier, 160 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 162 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 163 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 164 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 165 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 167 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 17 Deerpark Gardens, Belfast, Antrim, BT14 7QA
 The Owner/Occupier, 174 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 176 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 178 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 18 Deerpark Gardens, Belfast, Antrim, BT14 7QA
 The Owner/Occupier, 180 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 182 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 184 Ballysillan Road, Belfast, Antrim, BT14 7QR
 The Owner/Occupier, 184 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 186 Ballysillan Road, Belfast, Antrim, BT14 7QR
 The Owner/Occupier, 186 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 188 Ballysillan Road, Belfast, Antrim, BT14 7QR
 The Owner/Occupier, 188 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 19 Deerpark Gardens, Belfast, Antrim, BT14 7QA
 The Owner/Occupier, 190 Ballysillan Road, Belfast
 The Owner/Occupier, 190 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 192 Ballysillan Road, Belfast
 The Owner/Occupier, 192 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 194 Ballysillan Road, Belfast
 The Owner/Occupier, 194 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 196 Ballysillan Road, Belfast
 The Owner/Occupier, 196 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 198 Deerpark Road, Belfast, Antrim, BT14 7PY
 The Owner/Occupier, 2 Bilston Road, Belfast

The Owner/Occupier, 2 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 2 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 2 Wheatfield Drive, Belfast
 The Owner/Occupier, 20 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 20 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 200 Deerpark Road,Belfast,Antrim,BT14 7PY
 The Owner/Occupier, 202 Ballysillan Road,Belfast,Antrim,BT14 7QS
 The Owner/Occupier, 202 Deerpark Road,Belfast,Antrim,BT14 7PY
 The Owner/Occupier, 204 Deerpark Road,Belfast,Antrim,BT14 7PY
 The Owner/Occupier, 206 Deerpark Road,Belfast,Antrim,BT14 7PY
 The Owner/Occupier, 208 Ballysillan Road, Belfast
 The Owner/Occupier, 208 Deerpark Road,Belfast,Antrim,BT14 7PY
 The Owner/Occupier, 21 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 210 Ballysillan Road, Belfast
 The Owner/Occupier, 216 Ballysillan Road,Belfast,Antrim,BT14 7QS
 The Owner/Occupier, 225 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 227 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 229 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 23 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 231 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 233 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 235 Ballysillan Road,Belfast,Antrim,BT14 7QT
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 The Owner/Occupier, 241 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 243 Ballysillan Road,Belfast,Antrim,BT14 7QT
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 The Owner/Occupier, 247 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 249 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 251 Ballysillan Road, Belfast
 The Owner/Occupier, 251 Ballysillan Road, Belfast
 The Owner/Occupier, 251 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 253 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 255 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 257 Ballysillan Road,Belfast,Antrim,BT14 7QT
 The Owner/Occupier, 27 Alliance Parade,Belfast,Antrim,BT14 7PR
 The Owner/Occupier, 3 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 3 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 36 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 38 Alliance Road, Belfast
 The Owner/Occupier, 38 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 4 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 4 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 40 Alliance Parade, Belfast
 The Owner/Occupier, 40 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 42 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 44 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 46 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 48 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 5 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 5 Deerpark Parade,Belfast,Antrim,BT14 7QB

The Owner/Occupier, 50 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 52 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 54 Alliance Road, Belfast
 The Owner/Occupier, 56 Alliance Road, Belfast
 The Owner/Occupier, 58 Alliance Road, Belfast
 The Owner/Occupier, 592 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 594 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 596 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 598 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 6 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 6 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 60 Alliance Road, Belfast
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 The Owner/Occupier, 602 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 604 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 606 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 608 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 610 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 612 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 614 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 616 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 618 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 62 Alliance Road, Belfast
 The Owner/Occupier, 624 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 626 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 628 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 630 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 632 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 634 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 636 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 638 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 64 Alliance Road, Belfast
 The Owner/Occupier, 640 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 642 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 644 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 646 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 650 Oldpark Road,Belfast,Antrim,BT14 6QL
 The Owner/Occupier, 652 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 654 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 656 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 658 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 66 Alliance Road, Belfast
 The Owner/Occupier, 662 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 664 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 666 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 668 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 670 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 672 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 674 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 676 Oldpark Road,Belfast,Antrim,BT14 6QN

The Owner/Occupier, 678 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 68 Alliance Road, Belfast
 The Owner/Occupier, 680 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 684 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 686 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 688 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 690 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 692 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 694 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 696 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 698 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 7 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 7 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 70 Alliance Road, Belfast
 The Owner/Occupier, 700 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 702 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 704 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 706 Oldpark Road,Belfast,Antrim,BT14 6QN
 The Owner/Occupier, 708 Oldpark Road, Belfast
 The Owner/Occupier, 710 Oldpark Road, Belfast
 The Owner/Occupier, 72 Alliance Road, Belfast
 The Owner/Occupier, 74 Alliance Road, Belfast
 The Owner/Occupier, 74 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 76 Alliance Road, Belfast
 The Owner/Occupier, 78 Alliance Road,Belfast,Antrim,BT14 7JB
 The Owner/Occupier, 8 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 80 Alliance Road, Belfast
 The Owner/Occupier, 82 Alliance Road, Belfast
 The Owner/Occupier, 84 Alliance Road, Belfast
 The Owner/Occupier, 86 Alliance Road, Belfast
 The Owner/Occupier, 88 Alliance Road, Belfast
 The Owner/Occupier, 88 Ardoyne Road, Belfast
 The Owner/Occupier, 9 Deerpark Gardens,Belfast,Antrim,BT14 7QA
 The Owner/Occupier, 9 Deerpark Parade,Belfast,Antrim,BT14 7QB
 The Owner/Occupier, 90 Alliance Road, Belfast
 The Owner/Occupier, 90a ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90b ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90c ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90d ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90e ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90f ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90g ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 90h ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 92 Alliance Road, Belfast
 The Owner/Occupier, 92 Ardoyne Road, Belfast
 The Owner/Occupier, 94 Alliance Road, Belfast
 The Owner/Occupier, 94 Ardoyne Road, Belfast
 The Owner/Occupier, 94j ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 94k ,Ardoyne Road,Belfast,Antrim,BT14 7JX
 The Owner/Occupier, 96 Alliance Road, Belfast

The Owner/Occupier, 98 Alliance Road, Belfast

The Owner/Occupier, Carrs Glen Bowling Club, 239 Ballysillan Road, Belfast, Antrim, BT14 7QT

The Owner/Occupier, Changing Pavilion, 81 Ballysillan Road, Belfast, Antrim, BT14 7QQ

The Owner/Occupier, Our Lady Of Mercy Girls School, Bilston Road, Belfast, BT14 7QR

The Owner/Occupier, Unit 2, 225 Ballysillan Road, Belfast, Antrim, BT14 7QT

The Owner/Occupier, Unit 4, 225 Ballysillan Road, Belfast, Antrim, BT14 7QT

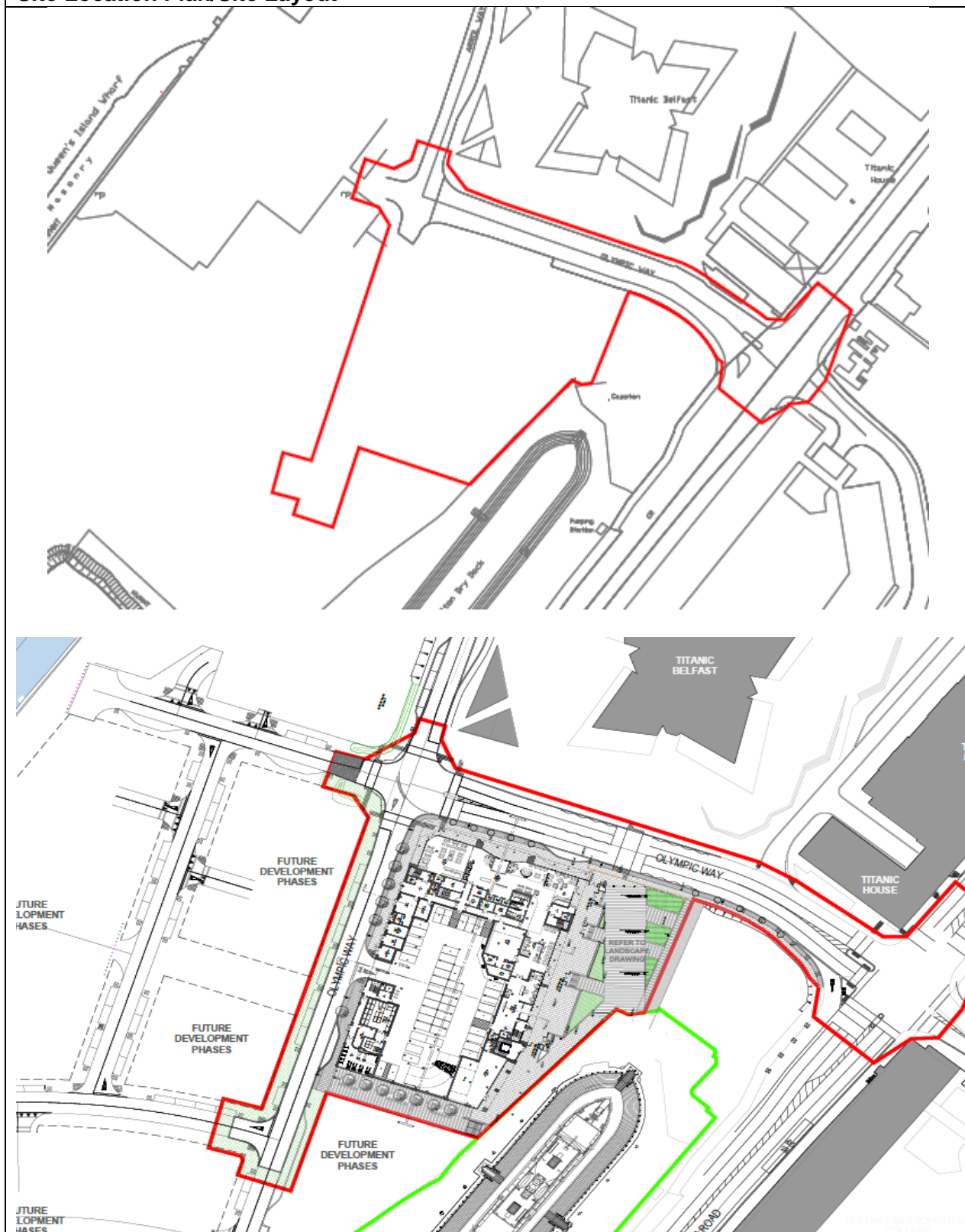
Development Management Officer Report Committee Application

| Summary | |
|---|---|
| Committee Meeting Date: Tuesday 29 th June 2023 | |
| Application ID: LA04/2023/2688/F | |
| Proposal: Application to vary condition 36, of the proposed hotel/aparthotel development, approved under LA04/2022/0293/F, to extend the maximum length of stay of occupants from 30 days to 90 days. (Aparthotel element only) | Location: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road, Belfast. |
| Referral Route: | Major development |
| Recommendation: | Approval |
| Applicant Name and Address: JMK Group c/o Turley | Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE |
| <p>Executive Summary:</p> <p>This application seeks to vary Condition 36 of planning permission LA04/2022/0293/F (full report provided in Appendix A) under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 36 relates to the maximum stay of occupants which is restricted to 30 days with no return within a further 30 days.</p> <p>Planning approval (LA04/2022/0293/F) was granted on 07.09.2022 for 'Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works.' This was an amended scheme to extant approval (LA04/2019/1636/F) also for hotel use which was approved by the Council on 27.02.2020.</p> <p>The proposed amended wording of Condition 36 by the applicant seeks to vary the maximum stay to 90 days within a 12-month period. The applicant's view is that 30 days (with no return within 30 days) is overly restrictive and that a longer period would help attract key customers such as those <i>'working in the construction sector, the burgeoning film industry and other key sectors including creative and digital, financial and professional services, technology and advanced engineering'</i> which are located within Titanic Quarter.</p> <p>The thrust of the original condition was to preclude permanent residential use within the proposed building as the application was not considered against residential use policies. The amended wording retains a suitable limit which prevents long-term residential use but permits flexibility for stays beyond 30 days. Extension of the maximum stay to 180 days was explored by the applicant with the Council, however, an unrestricted 180-day policy has the potential to materially change the hotel/ aparthotel use as approved to residential. To ensure compliance with Policies TLC3 and HOU13 of the LDP Plan Strategy and in line with custom and practice, a maximum of 90 days could be allowed for the aparthotel units with the hotel units retained as such. Beyond 90 days could trigger a change of use to residential which would undermine the original approval.</p> <p>No consultations were necessary, and one representation has been received objecting to the maximum stay extension.</p> | |

Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other matters which may arise.

Case Officer Report

Site Location Plan/Site Layout



CGI Views



Characteristics of the Site and Area

1.0 **Description of Proposed Development**

- 1.1 The description of the proposal is as follows:
'Application to vary condition 36 to extend maximum length of stay of LA04/2022/0293/F'.
- 1.2 The amended wording of Condition 36 seeks to vary the maximum stay to 90 days within a 12-month period. The appellant's view is that 30 days is overly restrictive and that a longer period would help attract key customers such as those 'working in the construction sector, the burgeoning film industry and other key sectors including creative and digital, financial and professional services, technology and advanced engineering' which are located locally in Titanic Quarter.

| | |
|--|---|
| 2.0 | <u>Description of Site and Area</u> |
| 2.1 | The site is a flat grassed site with an area of approximately 1.3 Ha and is located within a former industrial/ commercial area within the wider Titanic Quarter and forms part of the mixed-use Titanic Quarter zoning in dBMAP 2015. |
| 2.2 | The site is not located within any specific designations; however, it is located close to: <ul style="list-style-type: none"> - Victoria Park Area of Special Scientific Interest (ASSI); - Inner Belfast Lough ASSI; - Belfast Lough Special Protection Area (SPA); - Belfast Lough Open Water SPA; and - the proposed East Coast (Northern Ireland) Marine SPA. |
| 2.3 | Belfast Lough is hydrologically connected to the Outer Ards SPA and Ramsar Site; Larne Lough SPA and Ramsar Site; Copeland Island SPA; and Strangford Lough SPA, SAC and Ramsar Site. |
| 2.4 | The area is notable for its wide range of uses including the Odyssey Pavilion and Arena, Titanic Belfast, Titanic Hotel, Belfast Metropolitan College, ARC apartments and other offices and uses. |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | Planning History Full details are available at Annex A, those recent and specific to the site are detailed below: |
| 3.1 | Z/2006/2864/O - Residential led mixed use development including Titanic Experience Building, public realm areas and associated infrastructural works. Address: Titanic Quarter Phase II-Land bounded to the south by Abercorn Basin, to the east by Queen's Road, to the west & north by River Lagan and including the listed former Harland & Wolff HQ, Belfast. Decision: Approval Date: 25.06.2008 This outline planning permission for Phase 2 of Titanic Quarter included a number of documents including a Development Framework, Concept Masterplan and Design Principles. This permission had a lifespan of 12 years but has now expired. |
| 3.2 | Z/2009/1260/F - Erection of hotel comprising 244 bedrooms, ancillary restaurant and conference facilities, hotel offices, landscaped public realm, basement car park and associated site and road works. Address: Lands adjacent to the north of Hamilton Dock, north of Abercorn Crescent/Queen's Road, Queen's Island, Belfast. Decision: Approval Date: 01.07.2010 |
| 3.3 | LA04/2019/1636/F - Erection of hotel comprising 276 beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works. Address: Lands directly south of Titanic Belfast and North-West of Hamilton Dock located off Queens Road, Belfast. Decision: Permission Granted Decision Date: 27.02.2020 |

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| 3.4 | <p>LA04/2021/2280/F – Mixed-use, mixed tenure residential-led development of 778 apartments in three buildings with internal and external amenity space; flexible commercial/community floorspace (convenience store with hot food counter/A1/A2/D1 uses/cafe/bar/restaurant); public realm including public square and waterfront promenade; cycle and car parking and associated landscaping, access roads, plant and site works including to existing river revetment (further environmental information received)</p> <p>Address: Lands adjacent to and southeast of the river Lagan, west of Olympic Way of Queen's road, Queen's Island, Belfast, BT2 9EQ,</p> <p>Decision: Permission Granted</p> <p>Date: 11.08.2022</p> |
| 3.5 | <p>LA04/2016/0096/F - Amendment to permission Z/2014/1555/F for refurbishment, part restoration, change of use and extension to listed former Harland & Wolff Headquarters Building and to provide 36no. additional bedrooms (120No. in total) in a new annex, including service area, covered terrace, ancillary uses and associated access and site works.</p> <p>Address: Former Harland And Wolff Headquarters Building and Drawing Offices, Queens Road, Belfast.</p> <p>Decision: Permission Granted</p> <p>Date: 16.05.2017</p> |
| 3.6 | <p>LA04/2021/2318/PAN - Erection of Hotel/Aparthotel comprising Circa 260 beds conference facilities, restaurant/cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works (Amendment to previously approved hotel scheme)</p> <p>Address: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queen's Road, Belfast,</p> <p>Decision: PAN Acceptable</p> <p>Decision Date: 18.10.2021</p> |
| 3.7 | <p>LA04/2022/0293/F - Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works.</p> <p>Address: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queen's Road, Belfast,</p> <p>Decision: Permission Granted</p> <p>Decision Date: 07.09.2022</p> |
| 4.0 | Policy Framework |
| 4.1 | <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> |
| 4.2 | <p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Belfast Agenda</p> |
| 5.0 | <p><u>Statutory Consultees</u> None required.</p> |

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| 6.0 | <u>Non-Statutory Consultees</u> None required. |
| 7.0 | <u>Representations</u> |
| 7.1 | 1 objection was received which objected to raising the threshold from 30 to 180 days. The objector further commented that hundreds of hotel beds have been removed from the Belfast tourism offer, with hotels stopping taking tourist guests and that this hotel was a welcome increase in hotel beds available to tourists visiting Belfast. To raise the maximum stay would be to dramatically change the nature of this accommodation, making it more residential in nature, removing beds from the tourist offer. Short stay visitors and their associated spend should be encouraged. |
| 7.2 | In light of the adoption of the new Belfast LDP, the appellant agreed to reduce the maximum stay to 90 days for the 94 aparthotel rooms, with the 162 hotel bedrooms to remain as such. This is further considered in the assessment below. |
| 8.0 | <u>ASSESSMENT</u> |
| 8.1 | <u>Development Plan</u> |
| 8.1.1 | 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. |
| 8.1.2 | 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. |
| 8.1.3 | 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. |
| 8.1.4 | Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report. |
| 8.1.5 | 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. |
| 8.2 | <u>The principle of amending Condition 36:</u> |
| 8.2.1 | Condition 36 states: <i>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay</i> |

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| | <p><i>by an occupant shall be no more than consecutive 30 days with no return by the same occupant within a period of 30 days from the date of the last occupancy, in accordance with written records which shall be made available to the Council at all reasonable times.</i></p> <p><i>Reason: Residential use of the building would require further consideration by the Council having regard to the Local Development Plan and relevant material considerations.</i></p> |
| 8.2.2 | <p>The proposed amended wording by the agent is: <i>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay by the same occupant shall be no more than 90 days within any 12-month period, in accordance with written records which shall be made available to the Council at all reasonable times.</i></p> <p><i>Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.</i></p> |
| 8.2.3 | <p>The applicant's view is that 30 days is overly restrictive and that a longer period would help attract key customers such as those <i>'working in the construction sector, the burgeoning film industry and other key sectors including creative and digital, financial and professional services, technology and advanced engineering'</i> which are located locally in Titanic Quarter. And seeks to change the length of stay to <i>'ensure the commercial longevity of the scheme is sustained whilst providing much needed short-term accommodation for the sectors mentioned above'</i>.</p> |
| 8.2.4 | <p>The necessity for the original condition arose from precluding permanent residential use within the proposed building as the application was assessed as a hotel proposal and not considered against residential use policies.</p> |
| 8.2.5 | <p>Policy TLC3 of the Plan Strategy is now applicable in that the original application was granted for overnight tourist accommodation whilst Policy HOU13 of the Plan Strategy is applicable to the aparthotel element of the proposal.</p> <p>Aparthotels already fall within the definition set out within HOU 13 and there would be no demonstrable harm to amend the condition to allow this element of the proposal to have a maximum stay of up to 90 days as specified at para 7.1.89 of the Plan Strategy.</p> <p>The hotel/aparthotel was not assessed as permanent residential housing and the restriction to 90 days will allow the ethos of the original permission to be retained.</p> <p>On balance it is considered appropriate to amend the condition as follows;</p> <p><i>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. For the 94 aparthotel rooms as identified on Drawing No.s 10, 11, 12 and 13 of LA04/2022/0293/F, the maximum stay by the same occupant shall be no more than 90 days within any 12-month period, in accordance with written records which shall be made available to the Council at all reasonable times.</i></p> |

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| <p>8.3 8.3.1</p> <p>8.4 8.4.1</p> | <p><i>Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.</i></p> <p><u>Statutory Consultation</u> The scheme was advertised on 7th April 2023 and 9th June 2023 and neighbour notifications were issued on 6th April 2023.</p> <p><u>Conclusion</u> The proposed amendment to Condition 36 will permit more flexibility for visitors whilst ensuring that no permanent residential use can take place. The proposal is considered to be in accordance with the development plan, taking account of all other material consideration including the relevant planning policies and planning history.</p> |
| <p>9.0</p> <p>9.1</p> <p>9.2</p> | <p>Summary of Recommendation:</p> <p>The proposal to vary condition 36 to extend the maximum length of stay of occupants from 30 days to 90 days, for the 94 aparthotel rooms only, is considered to be on balance acceptable. It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the wording of conditions.</p> <p>The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission, subject to the variation granted by this decision.</p> |
| <p>11.0</p> <p>01</p> <p>02</p> <p>03</p> | <p>Proposed Conditions:</p> <p>As required by Section 61 of the Planning Act (Northern Ireland) 2011, the development hereby permitted shall be begun before 7th September 2027.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>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. The POW shall provide for:</p> <ul style="list-style-type: none"> - 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. <p>All construction thereafter must be in accordance with the approved POW.</p> <p>Reason: To ensure that archaeological remains within the application site are properly identified, protected and appropriately recorded.</p> <p>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 02. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.</p> |

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| | 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. |
| 04 | <p>No site works or development of any nature shall take place unless a Vibration Monitoring Method Statement for monitoring the structure of Hamilton Dock during construction works has been submitted to and approved in writing by the Council. This must set the acceptable threshold value at a peak component particle velocity (PCPV) between 2.5 and 5.0 mm/s.</p> <p>All construction thereafter must be in accordance with the approved Vibration Monitoring Method Statement.</p> |
| 05 | <p>Reason: To protect the structure of Hamilton Dock from unacceptable levels of vibration during construction.</p> <p>No development activity, including ground preparation or vegetation clearance, shall take place unless a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The CEMP shall include the following:</p> <ul style="list-style-type: none"> a. Construction methodology and timings of works, including the Continuous Flight Auger (CFA) piling design; b. Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site; c. Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures; d. Water Quality Monitoring Plan; e. Environmental Emergency Plan; f. Details of the appointment of an Ecological Clerk of Works (ECoW) and/or Marine Mammal Observer (MMO) and their roles and responsibilities during the piling phase of construction. <p>All construction thereafter must be in accordance with the approved CEMP unless otherwise agreed in writing by the Council</p> <p>Reason: To protect Northern Ireland priority species, to ensure implementation of mitigation measures identified within the shadow Habitat Regulations Assessment and to prevent likely significant effects on the Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Ramsar site and Belfast Lough Open Water SPA designated sites.</p> |
| 06 | <p>The development hereby permitted shall not be occupied unless the remediation measures and groundwater monitoring as described in the RPS Remedial Strategy report, Hamilton Dock Hotel Ref. IBR1144 dated February 2022 have been implemented to the satisfaction of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.</p> |
| 07 | <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease immediately and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed</p> |

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| | <p>with the Council in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use and for the protection of human health.</p> |
| 08 | <p>After completing the remediation works under Conditions 06 and 07; and prior to occupation of the development, a verification report must be submitted to and agreed in writing with the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks.</p> <p>The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
| 09 | <p>In the event that piling is required, no development or piling work shall commence on this site unless a Piling Risk Assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing with the Council. The methodology is available at: http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf.</p> <p>All construction thereafter must be in accordance with the approved Piling Risk Assessment unless otherwise agreed in writing by the Council.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
| 10 | <p>Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Council, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.</p> <p>All construction thereafter must be in accordance with the approved CEMP unless otherwise agreed in writing by the Council.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure the project will not have an adverse effect on the integrity of any European site.</p> |
| 11 | <p>Prior to the occupation or operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RPS Group Plc report entitled Hamilton Dock Hotel/Aparthotel, Remedial Strategy (dated February 2022 and referenced IBR1144) have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report</p> |

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| | <p>shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> - Gas protection measures commensurate with the Characteristic Situation 2 classification have been provided in the development in line with the requirements of BS 8485:2015+A1:2019. - Independent verification of the gas protection measures installed have been completed in accordance with CIRIA C735. <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p> |
| 12 | <p>Prior to the operation of the hotel food preparation areas, the odour abatement systems detailed within the RPS Group Odour Impact Assessment Report ref: NI2467 dated February 2022 shall be installed. The systems shall terminate at the kitchen extract vents, 1m above the roof top plant room, as detailed in Figure D 1 of the Odour Impact Assessment Report ref: NI2467 dated February 2022.</p> <p>The approved extraction and ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter.</p> <p>Reason: To protect residential amenity.</p> |
| 13 | <p>All demolition and construction activities shall be undertaken in line with best practice guidance. Demolition and construction activities shall pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites.</p> <p>Reason: To protect amenity and human health.</p> |
| 14 | <p>Prior to commencement of operation of the gym, the mechanical ventilation system shall be installed as per the recommendations contained within Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group.</p> <p>The mechanical ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p> |
| 15 | <p>No operation of the gym hereby permitted may occur unless the gym windows remain closed in accordance with the recommendations contained within the submitted report Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group, unless otherwise agreed in writing with the Council.</p> <p>Reason: In the interests of residential amenity</p> |
| 16 | <p>Prior to operation of the external terrace associated with the rooftop bar, a 1800mm barrier, with no gaps, shall be installed in accordance with the submitted report Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group.</p> <p>The barrier must be permanently maintained and retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p> |

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| 17 | <p>Access to and use of any external terrace associated with the rooftop bar shall not be permitted between the hours of 01:00hrs-08:00hrs.</p> <p>Reason: In the interests of residential amenity.</p> |
| 18 | <p>Patron occupancy of the external terrace associated with the rooftop bar shall be restricted to a maximum of 20 patrons at any one time.</p> <p>Reason: In the interests of residential amenity.</p> |
| 19 | <p>No entertainment or amplified music is permitted within the rooftop bar and the associated external terrace within the hereby permitted development, including any associated external areas, unless otherwise agreed in writing with the Council.</p> <p>Reason: In the interests of residential amenity.</p> |
| 20 | <p>The external areas associated with the café of the hereby permitted development, shall not be used outside the hours of 07:00 to 23:00hrs.</p> <p>Reason: In the interests of residential amenity.</p> |
| 21 | <p>Deliveries and collections to and from the hereby permitted development shall be limited to between the hours of 07:00 and 23:00hrs.</p> <p>Reason: In the interests of residential amenity.</p> |
| 22 | <p>The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than the Background LA90 both during the daytime and during night-time when measured or determined at the nearest noise sensitive premises. All measurements and calculations must be conducted in line with the methodology outlined in BS4142:2014 Methods for rating and assessing industrial and commercial sound.</p> <p>Reason: In the interests of residential amenity.</p> |
| 23 | <p>Combustion plant shall meet the technical specification (low NOx technology) as indicated within <i>chapter 5.1.4 Air Quality Impact Assessment (AQIA), Hamilton Dock Hotel/Aparthotel, RPS (February 2022)</i>. Moreover, the flue of any combustion plant must terminate 1m above roof level.</p> <p>Reason: Protection of human health.</p> |
| 24 | <p>Prior to commencement on site, a Dust Management Plan that includes the mitigation measures outlined within Appendix B of <i>Air Quality Impact Assessment (AQIA), Hamilton Dock Hotel/Aparthotel, RPS (February 2022)</i> shall be implemented during any demolition or construction works.</p> <p>Reason: Protection of human health.</p> |
| 25 | <p>The development hereby permitted shall not become operational unless the vehicular access providing visibility splays of x-distance of 4.5 m and y-distance of 70.0 m has been constructed. The area within the visibility splays shall be cleared to provide a level surface with no obstruction higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> |

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| | Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. |
| 26 | The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing Nos. 08 & 19 both published on the planning portal on 21 st February 2022 to provide adequate facilities for car parking (including for people with disabilities), cycle parking, servicing and circulating within the site. |
| | Reason: To ensure that adequate and accessible provision has been made for parking and servicing. |
| 27 | A minimum of 11 No. secure cycle parking spaces shall be provided and permanently retained within the ground floor of the building for use by hotel customers and staff and 6 No. cycle parking spaces shall be provided and be permanently retained close to the pedestrian accesses of the proposed development for use by visitors to the development. |
| | Reason: To encourage the use of alternative modes of transport for development users. |
| 28 | The development hereby permitted shall operate in accordance with the approved Travel Plan (and appended Service Management Plan) published on the planning portal on 8 th April 2022. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. |
| | Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and to ensure that adequate provision has been made for servicing in the interests of road safety and the convenience of road users. |
| 29 | All landscaping works shall be carried out in accordance with the approved details on drawing Nos 35, 36, 37, 38, 39, 40 and 41 uploaded 21 February 2021. 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 appearance of the area |
| 30 | All trees and planting within the site shall be retained unless shown on the approved drawings as being removed (they can be stored temporarily at a safe appropriate location and transplanted onto the site as part of proposed landscaping measures). 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. |
| 31 | Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be |

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| | <p>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. The Council shall be notified when the fencing is erected so that a site visit can be arranged to confirm that the fencing is installed in the correct locations.</p> <p>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.</p> |
| 32 | <p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p> |
| 33 | <p>Maintenance and management of the open space and landscaped areas as shown on Plan No. 36 uploaded on 24 March 2022, shall be carried out in accordance with the Paul Hogarth Company 'Landscape Management Plan'. Any variations to these management arrangements shall be submitted to and approved in writing by the Council.</p> <p>Reason: To ensure successful establishment and maintenance of the open space and amenity areas in the interests of visual and residential amenity.</p> |
| 34 | <p>The proposed public realm works, as shown on approved Plan Nos 35, 36, 37, 38, 39, 40 and 41 uploaded 21 February 2021, shall be carried out prior to the occupation/operation of any part of the development hereby approved.</p> <p>Reason: To ensure the provision of a high quality of landscaping and public realm.</p> |
| 35 | <p>Notwithstanding the submitted details, the following elements of the approved scheme shall not be constructed, installed, implemented or carried out unless in accordance with further details and samples which must be first submitted to and approved in writing by the Council:</p> <ol style="list-style-type: none"> 1. Brick 2. Cladding 3. Windows 4. Rainwater goods 5. Roofing materials <p>The works must be implemented and permanently retained in accordance with the details so approved. A sample of each material shall be retained on site until the project is complete.</p> <p>Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of nearby listed buildings.</p> |
| 36 | <p><i>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. For the 94 aparthotel rooms as identified on Drawing No.s 10, 11, 12 and 13 of LA04/2022/0293/F, the maximum stay by the same occupant shall be no more than 90 days within any 12-month period, in accordance with written records which shall be made available to the Council at all reasonable times.</i></p> |

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| | <i>Reason: Residential use of the building would require further consideration by the Planning Authority having regard to the Local Development Plan and relevant material considerations.</i> |
| 12.0 | Representations from Elected Representatives (if relevant) N/A |
| 13.0 | Referral to DfI (if relevant) N/A |

APPENDIX A

Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: Tuesday 16 th August 2022 | |
| Application ID: LA04/2022/0293/F | |
| Proposal: Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works. | Location: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road, Belfast. |
| Referral Route: | Major development |
| Recommendation: | Approval |
| Applicant Name and Address: JMK Group 29 Welbeck Street London W1G 8DA | Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE |
| Executive Summary: <p>The application seeks full planning permission for a hotel/aparthotel with 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works.</p> <p>The main issues to be considered in this case are;</p> <ul style="list-style-type: none"> • The principle of a hotel at this location; • Loss of Open Space • Scale, Massing and Design; • Impact on Built and Archaeological Heritage; • Traffic and Road Safety; • Flooding and Drainage; • Impact on amenity; • Human health; • The impact on natural heritage; • Pre-application Community Consultation; • The consideration of developer contributions. <p>The site is located within an established industrial/ commercial area within the wider Titanic Quarter. It forms part of the mixed-use Titanic Quarter zoning. The site previously benefitted from being part of the wider Phase 2 Concept Masterplan (outline planning permission Z/2010/2864/O) granted in June 2008, with a hotel approved on the site in 2010. Both the outline and 2010 hotel permissions have now lapsed however they remain a material consideration.</p> | |

A further planning application (LA04/2019/1636/F) for hotel use was approved by the Council on 27.02.2020 which further established the principle of development and a hotel use at this location. The 'Design Principles' document which accompanied the Concept Masterplan, included a range of parameters for this particular site (referred to in the masterplan as Block 8) relating to land area, gross floor space, storeys and height. The extant approval exceeds the height set out in the masterplan by approximately 2.2m but was considered appropriate given the quality of the proposal and design cues taken from the nearby listed H&W Drawing Offices. The current scheme is only 150mm higher than the extant approval. Historic Environment Division have considered the proposal and have no objections.

The amended scheme for a 256-bed hotel is very similar in terms of design, height, massing and layout to the extant approval for a 276-bed hotel (LA04/2019/1636/F). The application has been submitted to respond to market conditions and the applicant now seeks to develop a 256-bedroom hotel which will include 94 apart-hotel rooms and 162 conventional hotel rooms.

As the site is within the settlement development limit and taking into account the site context and history, the principle of hotel use at this site is acceptable subject to prevailing policy considerations.

Consultees including DfI Roads, NIEA, Shared Environmental Services, Historic Environment Division, NI Water, DfI Rivers, City Airport, NIE, the Council's Landscape Team, Environmental Health Department, Senior Urban Design Officer and Tree Officer have no objection to the proposal subject to conditions. Their consultations are detailed in the main body of the report.

The proposal will not adversely impact upon the nearby protected sites within and around Belfast Lough. Conditions will ensure that development is carried out in a sympathetic manner to ensure any potential disruption to these sites is appropriately mitigated.

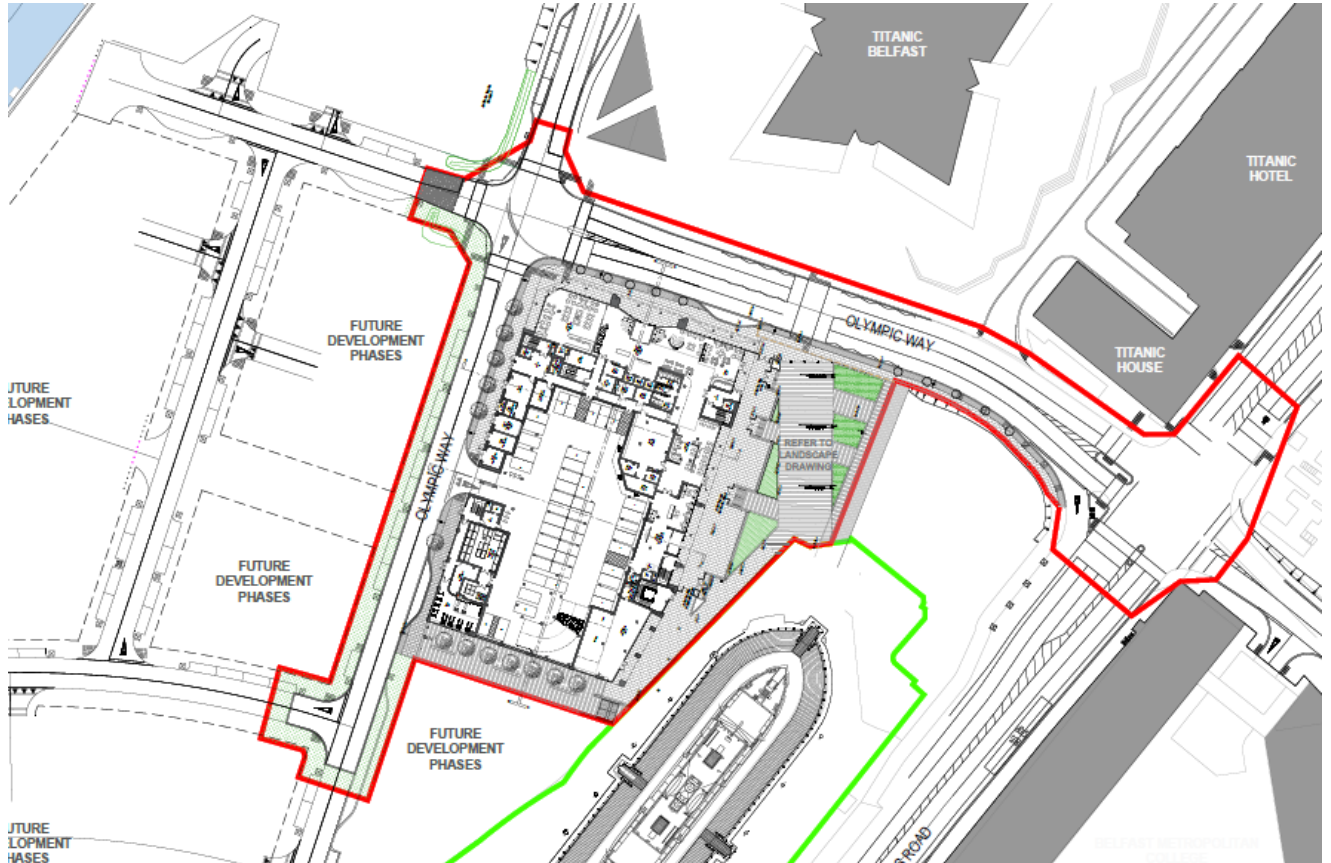
2 no objections were received and are detailed and considered in the report.

The proposal will have an estimated construction cost of about £36 million. Approximately 620 FTE construction jobs will be created. The operational phase will deliver approximately 70 FTE jobs.

Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan/Site Layout/Elevations





PROPOSED ELEVATION 01



PROPOSED ELEVATION 03

| PROJECT NOTES | | REVISIONS | | DATE |
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PROPOSED ELEVATION 02



CGI Views



| Characteristics of the Site and Area | | | | | | | | | | | | | |
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| 1.0 | <u>Description of Proposed Development</u> | | | | | | | | | | | | |
| 1.1 | The description of the proposal is as follows: <i>‘Erection of hotel/aparthotel comprising 162 hotel beds and 94 aparthotel beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), gym, landscaped public realm, car parking, cycle parking and associated site and road works.’</i> | | | | | | | | | | | | |
| 1.2 | The Design and Access Statement (DAS) states that <i>‘except for the inclusion of the aparthotel beds replacing some of the hotel beds, and some other minor changes which are described in Section 3, the proposed development is similar to the hotel scheme (reference: LA04/2019/1636/F) approved by Belfast City Council on 28 January 2020. The overall massing, design, siting and materiality does not deviate from the previously approved scheme.’</i> | | | | | | | | | | | | |
| 1.3 | <p>The proposed hotel is a 7-storey building including the mezzanine level. There is a small increase in height of 150mm to 23.85m compared to the extant scheme. And also a small increase in overall floorspace to 16,769 sq m from 16140sq m . See below comparison table from the Design and Access Statement (DAS):</p> <table><tr><td></td><td>Floor Space (GIA)</td><td>Height (HPL Level)</td><td>Ground Floor Datum</td></tr><tr><td>2020 Approved Scheme</td><td>16,140sqm</td><td>6 Storeys 23.7m</td><td>4.2m</td></tr><tr><td>Proposed Development</td><td>16.769sqm</td><td>6 Storeys 23.85m</td><td>4.2m</td></tr></table> | | Floor Space (GIA) | Height (HPL Level) | Ground Floor Datum | 2020 Approved Scheme | 16,140sqm | 6 Storeys 23.7m | 4.2m | Proposed Development | 16.769sqm | 6 Storeys 23.85m | 4.2m |
| | Floor Space (GIA) | Height (HPL Level) | Ground Floor Datum | | | | | | | | | | |
| 2020 Approved Scheme | 16,140sqm | 6 Storeys 23.7m | 4.2m | | | | | | | | | | |
| Proposed Development | 16.769sqm | 6 Storeys 23.85m | 4.2m | | | | | | | | | | |
| 1.4 | The building surrounds a central courtyard. A large section of which has been identified as conference spill out space with a diagonal route including a glass covered area linking to a hotel guest garden space on the northern side. This diagonal route is flanked by grassed areas and planting. | | | | | | | | | | | | |
| 1.5 | A total of 96 no car parking spaces including 4 no disabled spaces are provided located at ground and mezzanine level. 18 no cycle parking spaces are also included as well as showering and changing facilities. This is 4 no less than the extant approval. | | | | | | | | | | | | |
| 2.0 | <u>Description of Site and Area</u> | | | | | | | | | | | | |
| 2.1 | The site is a flat grassed site with an area of approximately 1.3 Ha and is located within a former industrial/ commercial area within the wider Titanic Quarter and forms part of the mixed-use Titanic Quarter zoning in dBMAP 2015. | | | | | | | | | | | | |
| 2.2 | <p>The site is not located within any specific designations; however, it is located close to:</p> <ul style="list-style-type: none">- Victoria Park Area of Special Scientific Interest (ASSI);- Inner Belfast Lough ASSI;- Belfast Lough Special Protection Area (SPA);- Belfast Lough Open Water SPA; and- the proposed East Coast (Northern Ireland) Marine SPA. | | | | | | | | | | | | |
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| 2.4 | <p>Belfast Lough is hydrologically connected to the Outer Ards SPA and Ramsar Site; Larne Lough SPA and Ramsar Site; Copeland Island SPA; and Strangford Lough SPA, SAC and Ramsar Site.</p> <p>The area is notable for its wide range of uses including the Odyssey Pavilion and Arena, Titanic Belfast, Titanic Hotel, Belfast Metropolitan College, ARC apartments and other offices and uses.</p> |
| Planning Assessment of Policy and other Material Considerations | |
| 3.0 | <p>Planning History Full details are available at Annex A, those recent and specific to the site are detailed below:</p> <p>3.1 Z/2006/2864/O - Residential led mixed use development including Titanic Experience Building, public realm areas and associated infrastructural works. Address: Titanic Quarter Phase II-Land bounded to the south by Abercorn Basin, to the east by Queen's Road, to the west & north by River Lagan and including the listed former Harland & Wolff HQ, Belfast. Decision: Approval Date: 25.06.2008</p> <p>This outline planning permission for Phase 2 of Titanic Quarter included a number of documents including a Development Framework, Concept Masterplan and Design Principles. This permission had a lifespan of 12 years but has now expired.</p> <p>3.2 Z/2009/1260/F - Erection of hotel comprising 244 bedrooms, ancillary restaurant and conference facilities, hotel offices, landscaped public realm, basement car park and associated site and road works. Address: Lands adjacent to the north of Hamilton Dock, north of Abercorn Crescent/Queen's Road, Queen's Island, Belfast. Decision: Approval Date: 01.07.2010</p> <p>3.3 LA04/2019/1636/F - Erection of hotel comprising 276 beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works. Address: Lands directly south of Titanic Belfast and North-West of Hamilton Dock located off Queens Road, Belfast. Decision: Permission Granted Decision Date: 27.02.2020</p> <p>3.4 LA04/2021/2280/F – Mixed-use, mixed tenure residential-led development of 778 apartments in three buildings with internal and external amenity space; flexible commercial/community floorspace (convenience store with hot food counter/A1/A2/D1 uses/cafe/bar/restaurant); public realm including public square and waterfront promenade; cycle and car parking and associated landscaping, access roads, plant and site works including to existing river revetment (further environmental information received) Address: Lands adjacent to and south east of the river Lagan, west of Olympic Way of Queen's road, Queen's Island, Belfast, BT2 9EQ, Decision: Under consideration</p> <p>3.5 LA04/2016/0096/F - Amendment to permission Z/2014/1555/F for refurbishment, part restoration, change of use and extension to listed former Harland & Wolff Headquarters Building and to provide 36no. additional bedrooms (120No. in total) in a new annex,</p> |

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| 3.6 | <p>including service area, covered terrace, ancillary uses and associated access and site works. Address: Former Harland And Wolff Headquarters Building and Drawing Offices, Queens Road, Belfast. Decision: Approval Date: 16.05.2017</p> <p>LA04/2021/2318/PAN - Erection of Hotel/Aparthotel comprising Circa 260 beds conference facilities, restaurant/cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works (Amendment to previously approved hotel scheme) Address: Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queen's Road, Belfast, Decision: PAN Acceptable Decision Date: 18.10.2021</p> |
| 4.0 | Policy Framework |
| 4.1 | <p>Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) Belfast Local Development Plan 2035 – Draft Plan Strategy</p> |
| 4.2 | <p>Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Planning Policy Statement 2 – Natural Heritage (PPS2) Planning Policy Statement 3 – Access, Movement and Parking (PPS3) Planning Policy Statement 4 – Planning and Economic Development (PPS4) Planning Policy Statement 6 – Planning, Archaeology and the Built Environment (PPS6) Planning Policy Statement 8 – Open Space, Sport and Recreation (PPS8) Planning Policy Statement 15 – Planning and Flood Risk (PPS15) Parking Standards (former Department of Environment) Developer Contributions Framework (adopted 2020)</p> |
| 5.0 | <p><u>Statutory Consultees</u> DfI Roads – no objections in principle, subject to conditions DfI Rivers – no objections NIEA Natural Heritage – no objections subject to condition NIEA Land, Soil, and Air – no objections subject to conditions Shared Environmental Services - no objections subject to conditions NIW – No objection Historic Environment Division – no objection City Airport – no objection</p> |
| 6.0 | <p><u>Non-Statutory Consultees</u> Environmental Health BCC – no objection subject to conditions Landscape BCC – no objection Tree Officer BCC – no objection subject to conditions</p> |
| 7.0 | <u>Representations</u> |
| 7.1 | 2 no representation were received from local residents. |
| 7.2 | <p>The issues raised can be summarised as follows:</p> <ol style="list-style-type: none"> Noise from rooftop bar |

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| 7.3 | <p>2. Hours of operation of rooftop bar 3. Licensing of rooftop bar 4. Noise mitigation</p> <p>These issues have been considered in the main body of the report. Noise, in particular, is considered below at para 8.11. Licensing is required for bar premises however this does not fall under the remit of the planning process.</p> |
| 8.0 | <u>ASSESSMENT</u> |
| 8.1 | <u>Development Plan</u> |
| 8.1.1 | <p>Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> |
| 8.1.2 | <p>Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). Both the draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) and Belfast Metropolitan Area Plan (dBMAP v2014) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. The Committee is advised that significant weight should be afforded to the latest version of dBMAP 2015 (v2014) given the advanced stage it reached in the adoption process and that the only outstanding areas of contention related to retail policies at Sprucefield, Lisburn.</p> |
| 8.1.3 | <p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p> |
| 8.2 | <u>The principle of a hotel at this location</u> |
| 8.2.1 | <p>The SPPS sets out five core planning principles for the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.</p> |
| 8.2.2 | <p>In the BUAP the site is located on unzoned land within the development limits of Belfast and within the Draft Belfast Metropolitan Area Plan (v2004 & v2014) within the Titanic Quarter zoning. The presumption is therefore in favour of development subject to relevant planning considerations.</p> |
| 8.2.3 | <p>The acceptability of a hotel use at this location has been established under:</p> <ul style="list-style-type: none"> - Z/2009/1260/F (Erection of hotel comprising 244 bedrooms, ancillary restaurant and conference facilities, hotel offices, landscaped public realm, basement car park and associated site and road works) approved on 01.07.2010. |

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| <p>8.2.4</p> | <ul style="list-style-type: none"> - LA04/2019/1636/F (Erection of hotel comprising 276 beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works) approved on 27.02.2020 and remains extant. - LA04/2016/0096/F (Amendment to permission Z/2014/1555/F for refurbishment, part restoration, change of use and extension to listed former Harland & Wolff Headquarters Building and to provide 36no. additional hotel bedrooms (120No. in total) in a new annex, including service area, covered terrace, ancillary uses and associated access and site works) approved on 16.05.2017. <p>A condition is recommended by officers to ensure that the apart hotel cannot be used as long-term residential accommodation as the proposal has not been assessed against the relevant policies for residential accommodation and may be inappropriate for such use. The condition would ensure that a maximum stay was 30 days with no return within a further 30 days by the same occupant.</p> |
| <p>8.3 8.3.1</p> | <p><u>Loss of Open Space</u></p> <p>Given that the site is located within a maintained grass area the proposal has been assessed against Policy OS1 of PPS8 'Protection of Open Space'. Although Policy OS1 has the presumption against the loss of existing open space, the planning history in this instance must be given substantial weight. The site is located within an area identified for redevelopment within an approved Masterplan, part of the 2008 Outline permission for Titanic Quarter, as detailed above in Section 3. The principle of development was reinforced through the granting of planning permissions for a hotel in 2010 and 2020 (the latter remains extant). These considerations outweigh PPS8 policy considerations. For these reasons the principle of redeveloping the site is deemed acceptable.</p> |
| <p>8.4 8.4.1 8.4.2 8.4.3 8.4.4 8.4.5</p> | <p><u>Scale, Massing and Design</u></p> <p>Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported.</p> <p>There are no significant design alterations to the extant approval as the current application is a result of largely internal alterations to respond to market demands.</p> <p>The scale, height and massing is virtually the same as considered acceptable under the extant permission was and is also considered acceptable in the context of the setting including the listed H&W Drawing Office (Titanic Hotel).</p> <p>The Urban Design Officer's response from the previous scheme remain applicable. His response reflects on the previous design alterations that were negotiated and states: <i>'The break-up of the massing and articulation of the building takes design cues from the neighbouring Harland and Wolff building, particularly in relation to how horizontal elements within the elevations of the building have been composed. Here horizontal banding above GF and 2F levels across the entire façade pick up on key horizontal features/detailing found within the listed Harland and Wolff drawing office'</i>. The fifth floor setback also <i>"visually sits comfortably at this level and reads as a lighter, subservient element which is again welcomed. This treatment also results in a strong shoulder height at 4F level which picks up on the upper roof height of the Harland and Wolff building"</i>.</p> <p>The Urban Design Officer had previously expressed reservations regarding the extent and location of roof plant however, officers were content that on balance this was acceptable</p> |

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| | given no objections from HED. The roof plant in this current application has been reduced and is considered acceptable. |
| 8.4.6 | In terms of the materiality the Urban Design Officer goes on to state <i>'the use of dark brick in the lower five floors alongside bronze/gold accents within window reveals, horizontal banding and corner detailing is undoubtedly bold, yet the overall composition is confident in its own right and provides an appropriate contrast to both the contemporary materials of Titanic Belfast and the more traditional rustic tones of the listed drawing offices'</i> . |
| 8.4.7 | A condition is recommended relating to materials which stipulates that samples are made available for inspection on site and are approved in writing in advance by the Council. |
| 8.5 | <u>Built Heritage</u> |
| 8.5.1 | The proposal is adjacent to HB26/07/009 - Administration and drawing office block (Harland & Wolff), a Grade B+ listed building of special architectural and historic interest, protected under Section 80 of the Planning Act (NI) 2011. |
| 8.5.2 | There were detailed negotiations under the previous approval in order to achieve an appropriate scheme. HED: Historic Buildings were consulted and responded to state that they note <i>"that this proposal, albeit slightly taller than the previous approval, is not significantly different in scale or mass to affect the understanding or experience of the listed building to harm its essential character, including setting"</i> . |
| 8.5.3 | The proposal is therefore considered compliant with Strategic Planning Policy Statement for Northern Ireland (SPPS) para(s) 6.12 and of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6) Policy BH11 (Development affecting the Setting of a Listed Building). |
| 8.6 | <u>Archaeological Heritage</u> |
| 8.6.1 | HED: Historic Monuments state in their response that: <i>'Hamilton Graving Dock was the first of five docks to be built on the Co. Down side of the River Lagan. Its service basin, the Abercorn Basin, opened in 1867, was created out of open water facing the Harland and Wolff shipbuilding berths known as Abercorn Shipyard. The dock is 450ft long and the basin covers over 12 acres of water. It was used to finish the fitting out of ships once they had left the shipways and is constructed with stepped sides down the floor. A wharf, now removed, extended into Abercorn basin to the south west of the dock and was used to tie up ships before and after their time in the dock. Together with Abercorn Basin, Titanic and Olympic Slipways and Harland and Wolff Drawing Office, this area of industrial heritage forms a key element of the renowned Harland and Wolff shipyard on Queen's Island and along with other docks and quays in the area is part of the story of the shipbuilding industry in Belfast. The site is now one of Northern Ireland's premier tourist attractions and forms part of a heritage trail in 'Titanic Quarter' on Queen's Island.'</i> |
| 8.6.2 | HED: Historic Monuments refer to their response under LA04/2019/1636/F and are content that the proposal satisfies Policy BH4 of PPS 6 subject to the grant of a Scheduled Monument Consent (SMC) and conditions for the agreement and implementation of a developer-funded programme of archaeological works. A Vibration Monitoring Method Statement is also required. |
| 8.7 | <u>Ecology and Natural Heritage</u> |
| 8.7.1 | The application site is in close proximity to the following national, European and international designated sites; |

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| | <ul style="list-style-type: none"> - Outer Belfast Lough ASSI which is declared under the Environment Order (Northern Ireland) 2002; - Belfast Lough SPA, Belfast Lough Open Water SPA and the East Coast Marine pSPA all of which are designated under the EC Birds Directive (72/409/EEC on the conservation of wild birds); - North Channel SAC and the Maidens SAC which are designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora); - Belfast Lough Ramsar Site which is designated under Ramsar Convention - Belfast Lough MCZ which is designated under the Marine Act (Northern Ireland) 2013 |
| 8.7.2 | NIEA, Natural Environment Division (NED) is ' <i>generally content that the implementation of mitigation measures outlined in the oCEMP should minimise any potential impacts on the watercourses and designated sites</i> ' and therefore on ' <i>the basis of the information provided, has no concerns subject to conditions</i> '. |
| 8.7.3 | This planning application was also considered in light of the assessment requirements of Regulation 43 (1) of the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) by Shared Environmental Service (SES) on behalf of Belfast City Council which is the competent authority responsible for authorising the project and any assessment of it required by the Regulations. |
| 8.7.4 | SES responded to state that subject to a condition for a final CEMP, that ' <i>the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects</i> '. |
| 8.8 | <u>Landscaping and boundary treatments</u> |
| 8.8.1 | The proposed landscaping does not deviate from the extant approval. |
| 8.8.2 | The Tree Officer was consulted and provided feedback which was addressed by the applicant. The Tree Officer is now content and has provided conditions. |
| 8.8.3 | The Council's Landscape, Planning and Development team were consulted and stated that they ' <i>fully support proposals to create a new public space that integrates with adjacent areas of high-quality public realm at Titanic Belfast and Hamilton Dock <and are> also satisfied that proposed landscape materials and street furniture are in line with design guidance set out in the Maritime Mile Toolkit</i> '. In addition they ' <i>welcome the inclusion of green space, street tree and shrub planting within public realm proposals and confirm planting mixes and details are acceptable</i> '. |
| 8.8.4 | A Landscape Management and Maintenance Plan has been provided and will be subject to condition. |
| 8.9 | <u>Traffic, Movement and Parking</u> |
| 8.9.1 | The principal of development was established under LA04/2019/1636/F which remains extant. DfI Roads were consulted on the current proposal and requested further information such as an amended Transport Assessment Form and Transport Assessment. Upon re-consultation, DfI Roads provided a final response of no objections subject to a number of conditions. |
| 8.10 | <u>Contaminated Land</u> |
| 8.10.1 | The application is supported by a Preliminary Risk Assessment. Generic Quantitative Risk Assessment, and Remedial Strategy report which have been considered by both NIEA and Environmental Health. Both have provided conditions and informatives accordingly. |

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| 8.11 8.11.1 | <p><u>Noise</u> Environmental Health has reviewed the Noise Impact Assessment and advised that it meets the relevant requirements.</p> |
| 8.11.2 | <p>The proposal includes a rooftop bar with an external terrace. The bar will be open until 1am. Environmental Health have provided conditions regarding the following in order to protect nearby residents from loss of amenity:</p> <ul style="list-style-type: none"> - Patron occupancy of the external terrace associated with the rooftop bar to be restricted to a maximum of 20 patrons at any one time - Access to and use of any external terrace associated with the rooftop bar shall not be permitted between the hours of 01:00hrs-08:00hrs - Prior to operation of the external terrace associated with the rooftop bar, a 1800mm barrier, with no gaps, to be installed - No entertainment or amplified music to be provided within the rooftop bar and the associated external terrace within the hereby permitted development, including any associated external areas - Hours of use for external areas, associated with the café of the hereby permitted development, to be restricted to between the hours of 07:00 to 23:00hrs - Deliveries and collections to and from the hereby permitted development to be limited to between the hours of 07:00 and 23:00hrs - The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than the Background LA90 both during the daytime and during night-time - During operation of the gym, the gym windows are to remain closed |
| 8.12 8.12.1 | <p><u>Air Quality</u> Environmental Health has reviewed the Air Quality Assessment and advised that it meets the relevant requirements. Conditions have been provided.</p> |
| 8.13 8.13.1 | <p><u>Odour</u> Environmental Health has reviewed the Odour Impact Assessment and advised that it meets the relevant requirements. Conditions have been provided.</p> |
| 8.14 8.14.1 | <p><u>Site Drainage/Flood Assessment</u> DfI Rivers Flood Maps (NI) indicates that the site is affected by the 1 in 200 year coastal plain. The proposal has therefore been assessed against Policy FLD1 of Revised Planning Policy Statement 15. No development is permitted within the 1 in 200-year coastal flood unless it is deemed to meet one of the exceptions listed within FLD 1. It is the remit of the planning authority to grant such an exception. It is considered that the proposal is an exception under part (b) of FLD1 in that the land is raised above the floodplain, it is not dependant on new coastal flood defences, it is not within an area likely to be at risk from coastal erosion and the elevation of development above the flood plain will not unduly disrupt the provision and ongoing delivery of essential services.</p> |
| 8.14.2 | <p>DfI Rivers has reviewed the Flood Risk & Drainage Assessment by RPS Consulting dated February 2022 and subject to the Council's confirmation of an exception under FLD1, would not object.</p> |
| 8.14.3 | <p>With regards to Policy FLD 3, the Drainage Assessment provides evidence that the surface water is to be discharged the existing 900mm storm pipe and then to the sea. Back flooding</p> |

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| 8.14.4 | <p>is negated by existing tide flex valves on the existing Harbour Commissions drainage infrastructure. a Schedule 6 consent (to discharge into a watercourse) has been provided. Rivers Agency have no objection.</p> <p>NIW were consulted and confirm that there is available capacity at the Waste Water Treatment Works and therefore they have no objections.</p> |
| 8.15 8.15.1 | <p><u>Economic Considerations.</u></p> <p>The proposal will have an estimated construction cost of c£36 million. Approximately 620 FTE construction jobs will be created. The operational phase will deliver approximately 70 FTE jobs.</p> |
| 8.15.2 | <p>Policy PED9 states that a proposal for economic development use, in addition to the other policy provisions of this Statement, will be required to meet all the following criteria:</p> |
| 8.15.3 | <p>It is compatible with surrounding land uses;</p> <p>The proposal is within an established industrial/ commercial area within the Titanic Quarter. Historic Environment Division (HED) have raised no objections in terms of the setting of the adjacent H&W drawing offices and the proposed building is considered acceptable. HED (Historic Monuments) have raised no objections subject to conditions.</p> |
| 8.15.4 | <p>It does not harm the amenities of nearby residents; It does not create a noise nuisance;</p> <p>The closest residential properties are located approximately 130m south of the site and Environmental Health has no objections subject to conditions with regards to noise, odour and air quality and these are detailed later in the report.</p> |
| 8.15.5 | <p>It does not adversely affect features of the natural or built heritage;</p> <p>HED has not objected in terms of the impact on the setting of the nearby H&W Drawing Offices. The site is not located within any National, European or Internationally designated sites, but is located within close proximity to a number of protected sites. DAERA and Shared Environmental Services have no objections in relation to potential impact on protected sites.</p> |
| 8.15.6 | <p>It is not located in an area at flood risk and will not cause or exacerbate flooding;</p> <p>The area is not within a designated flood plain or an area that has been identified as being prone to flooding.</p> |
| 8.15.7 | <p>It is capable of dealing satisfactorily with any emission or effluent;</p> <p>No emissions would be associated with the proposed use. NI Water have not objected.</p> |
| 8.15.8 | <p>The existing road network can safely handle any extra vehicular traffic the proposal will generate or suitable developer led improvements are proposed to overcome any road problems identified; Adequate access arrangements, parking and manoeuvring areas are provided;</p> <p>DfI Roads have no objections. Adequate access arrangements, parking and manoeuvring areas are provided. The site is also located off the Glider Route. It is considered that the level of parking is acceptable given the accessibility of the site and its proximity to the city centre.</p> |
| 8.15.9 | <p>A movement pattern is provided that, insofar as possible, supports walking and cycling, meets the needs of people whose mobility is impaired, respects existing public rights of way and provides adequate and convenient access to public transport;</p> |

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| 8.15.10 | <p>The proposed access road and parking tie in with the existing road infrastructure and new road layout which serves this section of Titanic Quarter.</p> <p>The site layout, building design, associated infrastructure and landscaping arrangements are of high quality and assist the promotion of sustainability and biodiversity;</p> |
| | <p>The proposed hotel will not be detrimental to visual amenity. The overall composition provides an appropriate contrast to both the contemporary materials of Titanic Belfast and the more traditional rustic tones of the listed drawing offices.</p> |
| 8.15.11 | <p>Appropriate boundary treatment and means of enclosure are provided and any areas of outside storage proposed are adequately screened from public view;</p> <p>The proposal has been accompanied by a comprehensive planting scheme which will enhance and tie into the existing public realm in the Titanic Quarter. As the proposed hotel has elevations on all four sides of the block, it was acknowledged from an early stage that particular stretches would inevitably be impacted by the non-active uses, normally associated with 'back of house' service requirements and car parking provision. It is noted that the consultant team has worked hard to restrict non-active sections and where possible to break them up.</p> |
| 8.15.12 | <p>Is designed to deter crime and promote personal safety;</p> <p>The active ground floor frontage will promote surveillance and help discourage anti-social behaviour within an illuminated area of public realm.</p> |
| 8.16 | <p><u>Pre-Community Consultation</u></p> |
| 8.16.1 | <p>For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application. Also relevant are the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 which removed the requirement for in-person events due to the pandemic for a temporary period.</p> |
| 8.16.2 | <p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2021/2318/PAN) was submitted to the Council on 08 October 2021 and was deemed acceptable on 18 October 2021.</p> |
| 8.16.3 | <p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which details a project website, social media campaign, leaflets, hotline number and the public advertisement.</p> |
| 8.16.4 | <p>According to the PACC report, there were:</p> <ul style="list-style-type: none"> - 754 page views of the website - 56 downloads of the project information pack - 21,337 people reached by social media - 4 attendees at the project webinar - 4 feedback forms received |
| 8.16.5 | <p>Of the 4 feedback forms received, 75% did not support the planning application but did support the principal of enhancing Belfast's status as a tourist destination and investment/job creation for Titanic Quarter.</p> |

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| 8.16.6 | <p>It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p> <p><u>Statutory Consultation</u> The scheme was advertised on 25th February 2022. Neighbour notifications were issued on 16th March 2022.</p> |
| 8.17 8.17.1 | <p><u>Developer Contributions</u> Para 5.69 of the SPPS states that “Planning authorities can require developers to bear the costs of work required to facilitate their development proposals”. Relevant further guidance is provided by the Council’s Developer Contributions Framework, adopted in 2020.</p> |
| 8.18 8.18.1 | <p>The Economic Development Team recommended that developer contributions under Section 76 relating to employability and skills during the construction and operational phases should be applied. As there is an extant approval which was approved shortly before the publication of the Developer Contributions Framework, and there is public realm included in the proposal, it is considered that it would be unreasonable to request a Section 76 for employability and skills given the fallback position.</p> |
| 8.18.2 | <p>New public realm works are provided as part of the proposal and this will be secured via condition.</p> |
| 8.18.3 | <p><u>Conclusion</u> The proposal will have a positive impact on the character and appearance of the area. The proposal is considered to be in accordance with the development plan, taking account of all other material consideration including the relevant planning policies and planning history.</p> |
| 8.19 8.19.1 | |
| 10.0 | Summary of Recommendation: |
| 10.1 | <p>It is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise the wording of conditions.</p> |
| 11.0 | Proposed Conditions: |
| 11.1 | <p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> |
| 11.2 | <p>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. The POW shall provide for:</p> <ul style="list-style-type: none"> • 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. |

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| | <p>All construction thereafter must be in accordance with the approved POW.</p> <p>Reason: To ensure that archaeological remains within the application site are properly identified, protected and appropriately recorded.</p> |
| 11.3 | <p>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 11.2. These measures shall be implemented and a final archaeological report shall be submitted to the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.</p> <p>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.</p> |
| 11.4 | <p>No site works or development of any nature shall take place unless a Vibration Monitoring Method Statement for monitoring the structure of Hamilton Dock during construction works has been submitted to and approved in writing by the Council. This must set the acceptable threshold value at a peak component particle velocity (PCPV) between 2.5 and 5.0 mm/s.</p> <p>All construction thereafter must be in accordance with the approved Vibration Monitoring Method Statement.</p> <p>Reason: To protect the structure of Hamilton Dock from unacceptable levels of vibration during construction.</p> |
| 11.5 | <p>No development activity, including ground preparation or vegetation clearance, shall take place unless a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The CEMP shall include the following:</p> <ol style="list-style-type: none"> Construction methodology and timings of works, including the Continuous Flight Auger (CFA) piling design; Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site; Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures; Water Quality Monitoring Plan; Environmental Emergency Plan; Details of the appointment of an Ecological Clerk of Works (ECoW) and/or Marine Mammal Observer (MMO) and their roles and responsibilities during the piling phase of construction. <p>All construction thereafter must be in accordance with the approved CEMP unless otherwise agreed in writing by the Council</p> <p>Reason: To protect Northern Ireland priority species, to ensure implementation of mitigation measures identified within the shadow Habitat Regulations Assessment and to prevent likely significant effects on the Inner Belfast Lough ASSI, Belfast Lough SPA, Belfast Lough Ramsar site and Belfast Lough Open Water SPA designated sites.</p> |
| 11.6 | <p>The development hereby permitted shall not be occupied unless the remediation measures and groundwater monitoring as described in the RPS Remedial Strategy report, Hamilton Dock Hotel Ref. IBR1144 dated February 2022 have been implemented to the satisfaction</p> |

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| | <p>of the Council. The Council must be given 2 weeks written notification prior to the commencement of remediation work.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
| 11.7 | <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease immediately and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use and for the protection of human health.</p> |
| 11.8 | <p>After completing the remediation works under Conditions 11.5 and 11.6; and prior to occupation of the development, a verification report must be submitted to and agreed in writing with the Council. This report must be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks. The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
| 11.9 | <p>In the event that piling is required, no development or piling work shall commence on this site unless a Piling Risk Assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted to and agreed in writing with the Council. The methodology is available at: http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf.</p> |
| 11.10 | <p>All construction thereafter must be in accordance with the approved Piling Risk Assessment unless otherwise agreed in writing by the Council.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
| 11.11 | <p>Once a contractor has been appointed, a final Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the Council, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment.</p> <p>All construction thereafter must be in accordance with the approved CEMP unless otherwise agreed in writing by the Council.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment and to ensure the project will not have an adverse effect on the integrity of any European site.</p> |

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| 11.12 | <p>Prior to the occupation or operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RPS Group Plc report entitled Hamilton Dock Hotel/Aparthotel, Remedial Strategy (dated February 2022 and referenced IBR1144) have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> - Gas protection measures commensurate with the Characteristic Situation 2 classification have been provided in the development in line with the requirements of BS 8485:2015+A1:2019. - Independent verification of the gas protection measures installed have been completed in accordance with CIRIA C735. <p>Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.</p> |
| 11.13 | <p>Prior to the operation of the hotel food preparation areas, the odour abatement systems detailed within the RPS Group Odour Impact Assessment Report ref: NI2467 dated February 2022 shall be installed. The systems shall terminate at the kitchen extract vents, 1m above the roof top plant room, as detailed in Figure D 1 of the Odour Impact Assessment Report ref: NI2467 dated February 2022.</p> <p>The approved extraction and ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter.</p> <p>Reason: To protect residential amenity.</p> |
| 11.14 | <p>All demolition and construction activities shall be undertaken in line with best practice guidance. Demolition and construction activities shall pay due regard to the current standards; BS 5228-1:2009+A1:2014 and BS 5228-2:2009+A1:2014 A2: Noise and Vibration Control on Construction and Open Sites.</p> <p>Reason: To protect amenity and human health.</p> |
| 11.15 | <p>Prior to commencement of operation of the gym, the mechanical ventilation system shall be installed as per the recommendations contained within Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group.</p> <p>The mechanical ventilation system must be cleaned and maintained in accordance with Manufacturers' instructions and be retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p> |
| 11.16 | <p>No operation of the gym hereby permitted may occur unless the gym windows remain closed in accordance with the recommendations contained within the submitted report Hamilton Dock Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group.</p> <p>Reason: In the interests of residential amenity.</p> |
| 11.17 | <p>Prior to operation of the external terrace associated with the rooftop bar, a 1800mm barrier, with no gaps, shall be installed in accordance with the submitted report Hamilton Dock</p> |

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| | <p>Hotel/Aparthotel, Titanic Quarter, Noise Impact Assessment, ref: NI2467 dated 1st February 2022 prepared by RPS group.</p> <p>The barrier must be permanently maintained and retained thereafter.</p> <p>Reason: In the interests of residential amenity.</p> |
| 11.18 | <p>Access to and use of any external terrace associated with the rooftop bar shall not be permitted between the hours of 01:00hrs-08:00hrs.</p> <p>Reason: In the interests of residential amenity.</p> |
| 11.19 | <p>Patron occupancy of the external terrace associated with the rooftop bar shall be restricted to a maximum of 20 patrons at any one time.</p> <p>Reason: In the interests of residential amenity.</p> |
| 11.20 | <p>No entertainment or amplified music is permitted within the rooftop bar and the associated external terrace within the hereby permitted development, including any associated external areas, unless otherwise agreed in writing with the Council.</p> <p>Reason: In the interests of residential amenity.</p> |
| 11.21 | <p>The external areas associated with the café of the hereby permitted development, shall not be used outside the hours of 07:00 to 23:00hrs.</p> <p>Reason: In the interests of residential amenity.</p> |
| 11.22 | <p>Deliveries and collections to and from the hereby permitted development shall be limited to between the hours of 07:00 and 23:00hrs.</p> <p>Reason: In the interests of residential amenity.</p> |
| 11.23 | <p>The plant and equipment associated with the development hereby permitted, shall be selected and designed so as to achieve a rating level (LAr) no greater than the Background LA90 both during the daytime and during night-time when measured or determined at the nearest noise sensitive premises. All measurements and calculations must be conducted in line with the methodology outlined in BS4142:2014 Methods for rating and assessing industrial and commercial sound.</p> <p>Reason: In the interests of residential amenity.</p> |
| 11.24 | <p>Combustion plant shall meet the technical specification (low NOx technology) as indicated within <i>chapter 5.1.4 Air Quality Impact Assessment (AQIA), Hamilton Dock Hotel/Aparthotel, RPS (February 2022)</i>. Moreover, the flue of any combustion plant must terminate 1m above roof level.</p> <p>Reason: Protection of human health.</p> |
| 11.25 | <p>Prior to commencement on site, a Dust Management Plan that includes the mitigation measures outlined within Appendix B of <i>Air Quality Impact Assessment (AQIA), Hamilton Dock Hotel/Aparthotel, RPS (February 2022)</i> shall be implemented during any demolition or construction works.</p> <p>Reason: Protection of human health.</p> |

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| 11.26 | <p>The development hereby permitted shall not become operational unless the vehicular access providing visibility splays of x-distance of 4.5 m and y-distance of 70.0 m has been constructed. The area within the visibility splays shall be cleared to provide a level surface with no obstruction higher than 250 mm above the level of the adjoining carriageway and such splays shall be retained and kept clear thereafter.</p> <p>Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p> |
| 11.27 | <p>The development hereby permitted shall not become operational until hard surfaced areas have been constructed in accordance with the approved layout Drawing Nos. 08 & 19 both published on the planning portal on 21st February 2022 to provide adequate facilities for car parking (including for people with disabilities), cycle parking, servicing and circulating within the site.</p> <p>Reason: To ensure that adequate and accessible provision has been made for parking and servicing.</p> |
| 11.28 | <p>A minimum of 11 No. secure cycle parking spaces shall be provided and permanently retained within the ground floor of the building for use by hotel customers and staff and 6 No. cycle parking spaces shall be provided and be permanently retained close to the pedestrian accesses of the proposed development for use by visitors to the development.</p> <p>Reason: To encourage the use of alternative modes of transport for development users.</p> |
| 11.29 | <p>The development hereby permitted shall operate in accordance with the approved Travel Plan (and appended Service Management Plan) published on the planning portal on 8th April 2022. This shall include provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads.</p> <p>Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles and to ensure that adequate provision has been made for servicing in the interests of road safety and the convenience of road users.</p> |
| 11.30 | <p>All landscaping works shall be carried out in accordance with the approved details on drawing Nos 35, 36, 37, 38, 39, 40 and 41 uploaded 21 February 2021. 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.</p> <p>Reason: In the interests of the character and appearance of the area</p> |
| 11.31 | <p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed (they can be stored temporarily at a safe appropriate location and transplanted onto the site as part of proposed landscaping measures). 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.</p> <p>Reason: In the interests of visual amenity.</p> |

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| 11.32 | <p>Prior to any work commencing all tree protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified 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. The Council shall be notified when the fencing is erected so that a site visit can be arranged to confirm that the fencing is installed in the correct locations.</p> <p>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.</p> |
| 11.33 | <p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p> |
| 11.34 | <p>Maintenance and management of the open space and landscaped areas as shown on Plan No. 36 uploaded on 24 March 2022, shall be carried out in accordance with the Paul Hogarth Company 'Landscape Management Plan'. Any variations to these management arrangements shall be submitted to and approved in writing by the Council.</p> <p>Reason: To ensure successful establishment and maintenance of the open space and amenity areas in the interests of visual and residential amenity.</p> |
| 11.35 | <p>The proposed public realm works, as shown on approved Plan Nos 35, 36, 37, 38, 39, 40 and 41 uploaded 21 February 2021, shall be carried out prior to the occupation/ operation of any part of the development hereby approved.</p> <p>Reason: To ensure the provision of a high quality of landscaping and public realm.</p> |
| 11.36 | <p>Notwithstanding the submitted details, the following elements of the approved scheme shall not be constructed, installed, implemented or carried out unless in accordance with further details and samples which must be first submitted to and approved in writing by the Council:</p> <ol style="list-style-type: none"> 1. Brick 2. Cladding 3. Windows 4. Rainwater goods 5. Roofing materials <p>The works must be implemented and permanently retained in accordance with the details so approved. A sample of each material shall be retained on site until the project is complete.</p> <p>Reason: To ensure the material finish and detailing is sympathetic to the Conservation Area and the setting of nearby listed buildings.</p> |
| 11.37 | <p>Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than as hotel accommodation. The maximum stay by an occupant shall be no more than consecutive 30 days with no return by the same occupant within a period of 30 days from the date of the last occupancy, in accordance with written records which shall be made available to the Council at all reasonable times.</p> |

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| | Reason: Residential use of the building would require further consideration by the Council having regard to the Local Development Plan and relevant material considerations. |
| 12.0 | Representations from Elected Representatives (if relevant) N/A |
| 13.0 | Referral to DfI (if relevant) N/A |

| ANNEX A | |
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| Date Valid | 11th February 2022 |
| Date First Advertised | 25th February 2022 |
| Date Last Advertised | N/A |
| Date of Neighbour Notification(s) | 16 th March 2022 |
| Number of Neighbour Notifications | 551 letters issued – full details available on planning portal. |
| Date of EIA Determination | 19th May 2022 |
| ES Requested | No |
| Planning History <p>Ref ID: LA04/2021/2280/F Proposal: Mixed use, mixed tenure residential-led development of 778 apartments in three buildings with internal and external amenity space; flexible commercial/community floorspace (convenience store with hot food counter/A1/A2/D1 uses/cafe/bar/restaurant); public realm including public square and waterfront promenade; cycle and car parking and associated landscaping, access roads, plant and site works including to existing river revetment (further environmental information received) Address: Lands adjacent to and south east of the river Lagan, west of Olympic Way of Queen's road, Queen's Island, Belfast, BT2 9EQ, Decision: Under consideration.</p> <p>Ref ID: LA04/2020/0010/F Proposal: Proposed aquarium, car parking and associated infrastructure. Address: Lands to the South East of Titanic Hotel, North East of Bell's Theorem Crescent and South West of Hamilton Road, Belfast, Decision: Permission Granted Decision Date: 24.09.2020</p> <p>Ref ID: LA04/2019/1636/F Proposal: Erection of hotel comprising 276 beds, conference facilities, restaurant /cafe/bar uses (including roof top bar), landscaped public realm, car parking and associated site and road works. Address: Lands directly south of Titanic Belfast and North-West of Hamilton Dock located off Queens Road, Belfast., Decision: Permission Granted Decision Date: 27.02.2020</p> <p>Ref ID: LA04/2017/0717/F Proposal: Extension, integration and alteration of titanic pavilions (no.3 and no.4) including change of use from retail, to provide additional conferencing facilities for the adjacent titanic Belfast, proposed works include a new entrance and external events area.</p> | |

Address: Pavilions 3 & 4 adjacent to, Titanic Belfast Building, Titanic Quarter, Queens Road, Belfast, BT3 9EP.,

Decision: PG

Decision Date: 30.10.2017

Ref ID: LA04/2016/1482/F

Proposal: Temporary inflatable exhibition structure with associated surface car parking.

Address: Site adjacent to, 7 Queens Road, Belfast BT3 9DT (Opposite 2 Queens Road Belfast),

Decision: Permission Granted

Decision Date: 20.06.2017

Ref ID: Z/2014/0419/F

Proposal: Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 14 attached to planning permission Z/2009/0135/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Land adjacent to listed former Harland & Wolff headquarters and drawing offices and west of Queens Road Queens Island Belfast,

Decision: Permission Granted

Decision Date: 18.07.2014

Ref ID: Z/2014/0414/F

Proposal: Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 21 attached to planning permission Z/2009/0530/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Land east of Victoria Channel and 120m west of the former Harland and Wolff Drawing offices, Queen's Road, Queen's Island, Belfast,

Decision: Permission Granted

Decision Date: 18.07.2014

Ref ID: Z/2014/0421/F

Proposal: Application under Article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 26 attached to planning permission Z/2009/1091/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Former Harland & Wolff Drawing Headquarters Building, Queen's Road, Queen's Island, Belfast, BT3 9DU,

Decision: Permission Granted

Decision Date: 18.07.2014

Ref ID: Z/2014/1580/LBC

Proposal: Conversion, refurbishment, restoration, extension and minor demolition of the former Harland and Wolff headquarters building and drawing offices for use as 84 bedroom boutique hotel with heritage related tourist/event facilities including the retention and repair of historic decorative features, upgrade of windows, external structural works and cleaning, removal of internal partitioning, installation of new heritage roof lights, external and internal works including the re-use of materials and installation of use of new materials (Brickwork, cladding, roof, coverings, joinery works)

Address: Former Harland And Wolff Headquarters Building and drawing Offices, Queens Road, Belfast, BT3 9DU,

Decision: Consent Granted

Decision Date: 23.07.2015

Ref ID: Z/2014/0423/F

Proposal: Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 18 attached to planning permission Z/2009/0115/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Lands adjacent to and south east of the River Lagan, north of Abercorn Crescent/Queen's Road, Queen's Island, Belfast,
 Decision: Permission Granted
 Decision Date: 18.07.2014

Ref ID: Z/2014/0415/F

Proposal: Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary planning condition 11 attached to planning permission Z/2009/1260/F to ensure consistency with the updated Transport Master Plan addendum for Titanic Quarter Phase 2.

Address: Lands adjacent to the north of Hamilton Dock, north of Abercorn Crescent/Queens Road, Queens Island, Belfast.,
 Decision: Permission Granted
 Decision Date: 18.07.2014

Ref ID: Z/2014/1555/F

Proposal: Conversion refurbishment, restoration, extension and minor demolition of the former Harland And Wolf Headquarters building and drawing offices for use as 84 bedroom boutique hotel with heritage related tourist/event facilities, and other ancillary accommodation including plant and storage areas, communal areas together with associated access and site works. Tourist facilities to include guided tours.

Address: Former Harland and Wolf Headquarters Building and Drawing Offices, Queens Road, Queens Island, Belfast, BT3 9DU,
 Decision: Permission Granted
 Decision Date: 08.07.2015

Ref ID: Z/2011/0435/F

Proposal: Restoration of former graving dock, display of former caisson gate and SS Nomadic ship in permanently dry dock. Ship to include interpretation education space, cafe & entertainments licence. Proposals to dock side to include repair to existing surfaces and new surface materials, new lighting, boundary railings and dock edge railings as well as restoration and extension of existing pump house and installation of bridge and gangways

Address: Hamilton Graving Dock, Queens Road, Queens Island, Belfast,
 Decision: Permission Granted
 Decision Date: 25.01.2012

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Development Management Officer Report Committee Application

| Summary | |
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| Committee Meeting Date: Thursday 29 th June 2023 | |
| Application ID: LA04/2023/3037/F | |
| Proposal: 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. | Location: Unit 7a, Connswater Retail Park Belfast, BT5 4AF |
| Referral Route: Major development (Section 54 application to vary a permission for Major development) | |
| Recommendation: Approval | |
| Applicant Name and Address: Paddy Brennan Connswater RP Unlimited | Agent Name and Address: Thomas Ellison TSA Planning 20 May Street Belfast |
| <p>Executive Summary:</p> <p>Planning approval Z/1996/0102/F was granted in August 1996 for '<i>Erection of retail warehousing, leisure building, bank, shop, fast food restaurant and office with associated car parking</i>'.</p> <p>This application seeks to vary Condition 5 of planning permission Z/1996/0102/F under Section 54 of the Planning Act (Northern Ireland) 2011. Condition 5 currently restricts sales from the retail warehousing to a) DIY materials, products and equipment, b) Garden materials, plant and equipment, c) Furniture and soft furnishing, carpets and floor coverings and electrical goods and d) Such other items as may be determined in writing by the Planning Service as generally falling within the category of 'bulky goods'.</p> <p>The varying of Condition 5 seeks to amend the type of goods that are permitted to be sold from Unit 7a to include optometry and audiology products and equipment. This to facilitate the relocation of Specsavers from the shopping centre to unit 7a due to their lease expiring in January 2025. The varying of the condition to include optometry and audiology products and equipment would relate only to unit 7a ensuring that only businesses of an opticians and audiology use would be permitted into these premises, with all other units remaining as approved.</p> <p>The subject site is already within Class A1 Retail Use, subject to a 'bulky goods' restriction. The varying of the condition would allow the subject site to continue to be a Class A1 use subject to controls over the type of goods sold.</p> <p>The Planning Service's Plans and Policy Unit have been consulted on the application; it notes that the applicant has not fully considered the sequential test as two centres have been left out. The agent has been made aware of this and is in the process of gathering the information. No representations were received.</p> <p>Regard is had to the public service that the proposal would provide, particularly the audiology element. Having regard to the Development Plan and other material considerations, and in the planning balance, the proposed development is considered acceptable.</p> | |

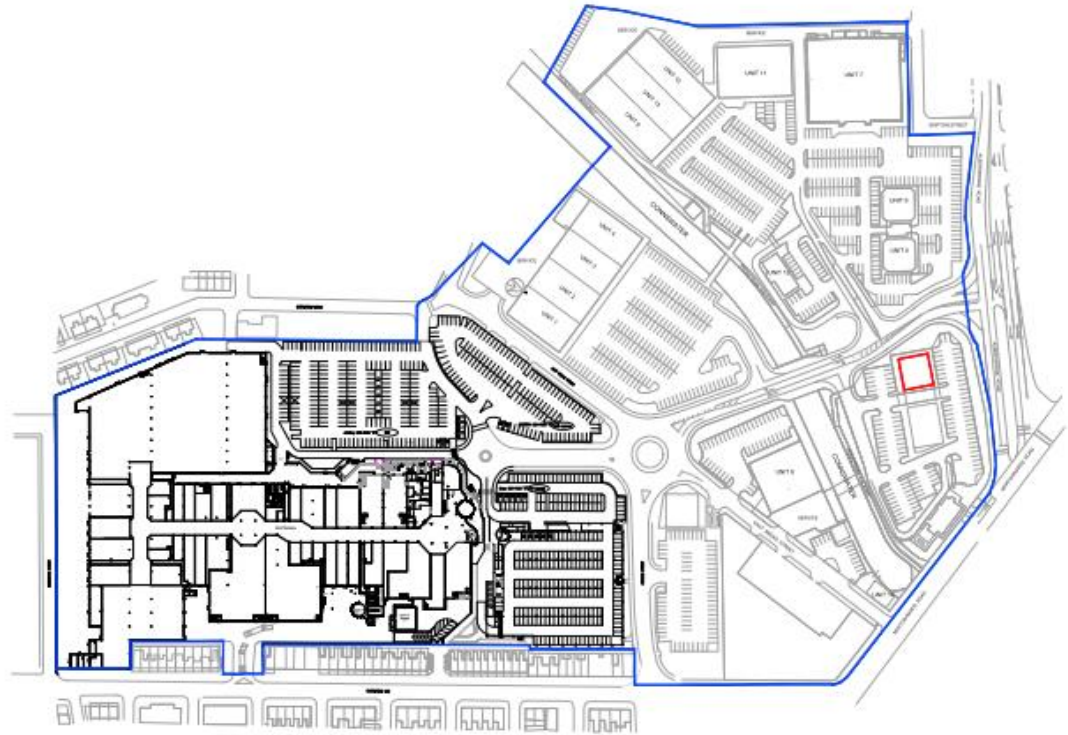
It is recommended that planning permission is granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other matters which may arise.

Officer Report

1.0

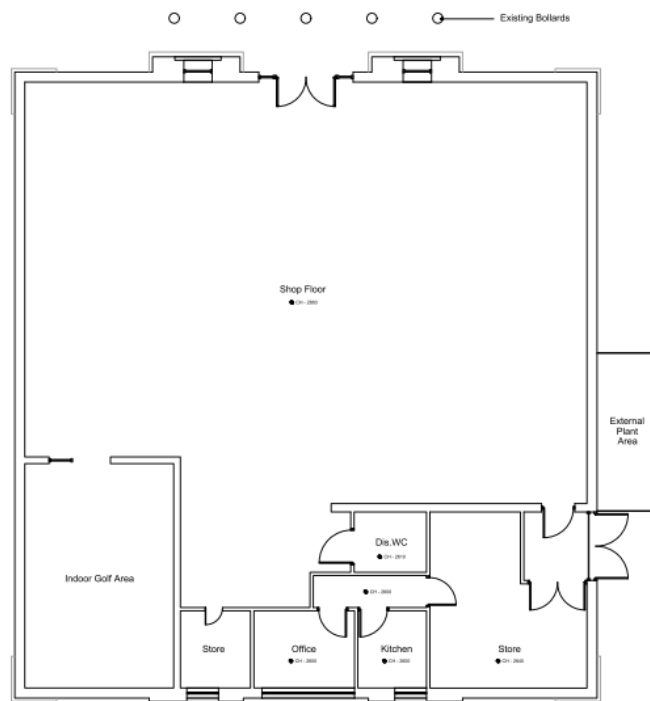
Drawings

Site Location Plan / Site Layout

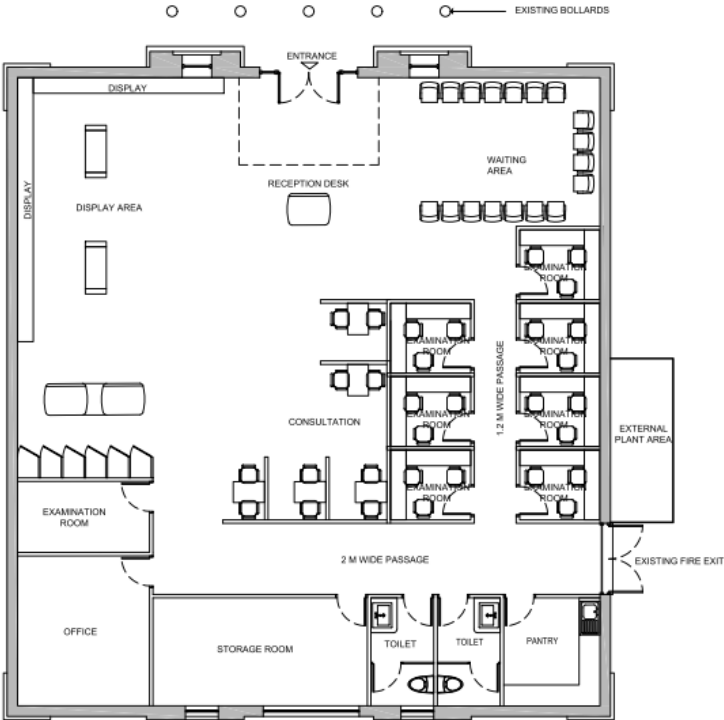




Existing Ground Floor Plan



Existing Ground Floor Plan

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| | <p>Proposed Ground Floor Plan</p>  <p>Proposed Ground Floor Plan</p> |
| 2.0 | Characteristics of the Site and Area |
| 2.1 | <p>The site is located at Connswater Shopping Centre and the wider Retail Park, and relates to unit 7a of the latter. The subject site, unit 7a, is located to the north-west of Connswater Retail Park, directly south of Albertbridge Road Arterial Route. The building is single storey, detached and finished in red brick. A golf centre within unit 7a ceased its use in 2018 and the unit has been vacant since. Ulster bank is located east of the subject site and existing car parking on site is shared with the bank.</p> |
| 2.2 | <p>The site is adjacent to, but outside of the district centre of Connswater with a community greenway to the south outside the site.</p> |
| 3.0 | Description of Proposal |
| 3.1 | <p>The proposal is a 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.</p> |
| 3.2 | <p>Condition 5 currently restricts sales from the retail warehousing to a) DIY materials, products and equipment, b) Garden materials, plant and equipment, c) Furniture and soft furnishing, carpets and floor coverings and electrical goods and d) Such other items as may be determined in writing by the Planning Service as generally falling within the category of 'bulky goods'.</p> |
| 3.3 | <p>The proposed variation of condition 5 is to facilitate the relocation of Specsavers from the shopping centre to unit 7a due to their lease expiring in January 2025. The variation of the condition to include optometry and audiology products and equipment would relate</p> |

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| | only to unit 7a ensuring that only businesses of an opticians and audiology use would be permitted into these premises, with all other units remaining as approved. |
| 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) Belfast Agenda |
| 4.4 | Relevant Planning History Application Site: East Bread Street / Albertbridge Road Reference: Z/1996/0102 Proposal: Erection of retail warehousing, leisure building, bank, shop, fast food restaurant and office with associated car parking (Outline Permission) Decision: Permission Granted (August 1996) |
| 4.5 | Application Site: Land bounded by Connswater River, New Link Road, Albertbridge Road and Newtownards Road, Belfast BT5 Reference: Z/1996/0102T Proposal: Erection of single storey golf shop Decision: Permission Granted (December 1996) |
| 4.6 | Application Site: Unit 7a Connswater Retail Park Reference: LA04/2019/2007/F Proposal: Change of use from A1 (Bulky Goods) retail to Café/Restaurant use including alterations to elevations. Decision: Permission Granted (December 2019) |
| 5.0 | Consultations and Representations |
| 5.1 | Statutory Consultations None Required. |
| 5.2 | Non-Statutory Consultations BCC Plans & Policy team – requested further information |
| 5.3 | Representations The application was advertised on 12 th May 2023 and neighbour notified on the 5 th May 2023. No representations have been received. |
| 6.0 | PLANNING ASSESSMENT |
| | <u>Development Plan Context</u> |
| 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 |

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| | determination must be made in accordance with the plan unless material considerations indicate otherwise. |
| 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. |
| 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 |
| 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. |
| 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 advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. |
| 6.6 | <u>Retail impact</u> |
| 6.7 | <p>Condition 5 of permission Z/1996/0102 states:</p> <p><i>“The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed below and for no other purpose, including any other purpose in Class 1 of the Schedule of the Planning (Use Classes) Order (NI) 1989.</i></p> <p><i>(a) DIY materials, products and equipment.</i></p> <p><i>(b) Garden materials, products and equipment.</i></p> <p><i>(c) Furniture and soft furnishings, carpets and floor coverings and electrical goods.</i></p> <p><i>(d) Such other items as may be determined in writing by The Planning Service as generally falling within the category of “bulky goods.”</i></p> <p><i>Reason: To control the nature, range and scale of the commercial activity to be carried out at this location.”</i></p> |
| 6.8 | <p>The proposed amended wording of condition 5 is:</p> <p><i>“The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed below and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015.</i></p> <p><i>a) DIY materials, products and equipment.</i></p> <p><i>b) Garden materials, plant and equipment.</i></p> <p><i>c) Furniture and soft furnishing, carpets and floor coverings and electrical goods.</i></p> <p><i>d) Optometry and audiology products and equipment including spectacles, contact lenses and hearing aids. (Retail Warehouse Unit 7a only)</i></p> <p><i>e) Such other items as may be determined in writing by the Planning Service as generally</i></p> |

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| | <i>falling within the category of “bulky goods”</i> |
| 6.9 | The variation of condition 5 is to amend the type of goods that are permitted to be sold from unit 7a to include optometry and audiology products and equipment. This to facilitate the relocation of Specsavers from the shopping centre to unit 7a due to their lease expiring in January 2025. The variation of the condition to include optometry and audiology products and equipment would relate only to unit 7a ensuring that only businesses of an opticians and audiology use would be permitted into these premises, with all other units remaining as approved. |
| 6.10 | It is noted that the bulky goods restriction has already been removed at Unit 7a on previous approval LA04/2019/2007/F for a change of use from A1 (bulky goods) retail to a café/restaurant. This permission has not been enacted and the unit is currently vacant. |
| 6.11 | The proposal would support the relocation of Specsavers from Connswater Shopping Centre (District Centre) to the adjacent Retail Park (outside District Centre). Policies RET1 (Establishing a centre hierarchy) and RET2 (Out of centre Development) of the Plan Strategy apply. Policy RET 2 states that the sequential approach directs development to the town centre before considering an edge of centre site and that preference will be given to edge of centre land before considering an out of centre site. |
| 6.12 | <p>A sequential test and supporting information have been provided by the agent and the information is summarised below:</p> <ul style="list-style-type: none"> • The existing lease for Specsavers ends in 2025 • Trading hours restricted in Shopping Centre not allowing customers to make appointments after 6pm • The existing store serves more than 30,000 customers in surrounding postcodes which represents a third of the relevant population • The offer includes an audiology service which has limited obtainability from other providers in the area. • The new unit will allow the business and jobs to be retained within the local area • The proposal involves substantial investment • Retail sales accounts for just half floorspace and the relocation is not considered detrimental to the vitality and visibility of Connswater District Centre. • Three independent opticians have been shown within the vicinity on a map, however, none offer audiology unlike Specsavers. • Audiology is required to meet the needs of the local population with the demographic in the locality aging. • A preference would be to remain within the existing District Centre, however, there are no suitable available units which are available and a suitable size. |
| 6.12 | The Planning Service’s Plans and Policy Unit has been consulted on the application; they note that the applicant has not fully considered the sequential test as Holywood town centre and Kings Square local centre have been left out. The agent has been made aware of this and is in the process of gathering the information – officers will provide a verbal update on this issue at the Committee meeting. |
| 6.13 | Notwithstanding, Kings Square is approximately 2.2 miles from Connswater District Centre and Holywood is over 4 miles. The applicant states that the identified premises of Unit 7a will provide a specialised audiology service which is lacking within the area. It appears to officers that there are three audiologists in the area with the closest being the Hearing Partnership which is approximately 0.4 miles from the site and Hidden Hearing, which is 1.1 miles away. In the planning balance, given that the proposal would provide a |

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| | public service to the more localised area, that the proposal is not for general retail sales and that the retail use would be restricted as such, the unit is considered an appropriate and acceptable site which will support the needs of the local community. A condition will be required which ensures that an appropriate element of the floorspace is dedicated to the audiology services provision, given that this is part of the reasoning for departure from policy. |
| 6.14 | There are no proposed external design changes, any signage proposals should be subject to a separate advertisement consent application. |
| 6.15 | It is considered that sufficient car parking is provided within the existing parking to the front and rear of the site. The variation of condition 5 does not conflict with car parking provisions within Parking Standards. |
| 7.0 | Recommendation |
| 7.1 | 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 wording of conditions. |
| 7.2 | The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission. |
| DRAFT CONDITIONS: <ol style="list-style-type: none"> The floorspace comprised in the retail warehousing shall be used only for the retail sale and ancillary storage of the items listed below and for no other purpose, including any other purpose in Class A1 of the Schedule to the Planning (Use Classes) Order (NI) 2015. <ol style="list-style-type: none"> DIY materials, products and equipment. Garden materials, plant and equipment. Furniture and soft furnishing, carpets and floor coverings and electrical goods. Optometry and audiology products and equipment including spectacles, contact lenses and hearing aids. (Retail Warehouse Unit 7a only) Such other items as may be determined in writing by the Planning Service as generally falling within the category of "bulky goods" <p>Reason: To control the nature, range and scale of the commercial activity to be carried out at this location</p> [Condition to be finalised in relation to ensuring an appropriate element of the floor space is used for audiologist purposes]. <p>Reason: The retail unit is outside the District Centre and non-bulky goods retail sales has only been allowed because the proposal includes audiology services to the public.</p> INFORMATIVES: <ul style="list-style-type: none"> This decision relates to the following approved drawing numbers: 01, 02, 04 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. | |

| ANNEX | |
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| Date Valid | 05/04/2023 |
| Date First Advertised | 12/05/2023 |
| Date Last Advertised | N/A |
| Details of Neighbour Notification (all addresses) 1 CONNSWATER LINK, BALLYMACARRET, BELFAST BT5 4AF 328-338 ALBERTBRIDGE ROAD, BALLYMACARRET, BELFAST, BT5 4GX 356 ALBERTBRIDGE ROAD, BALLYMACARRET, BELFAST, BT5 4GX 367 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, BT4 1AJ 369 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, BT4 1AJ 310 ALBERTBRIDGE ROAD, BALLYMACARRET, BELFAST, BT5 4GX CONNSWATER RETAIL PARK, 1 CONNSWATER LINK, BALLYMACARRET, BELFAST CONNSWATER RETAIL PARK, 2 CONNSWATER LINK, BALLYMACARRET, BELFAST CONNSWATER RETAIL PARK, 4 CONNSWATER LINK, BALLYHACKAMORE, BELFAST CONNSWATER RETAIL PARK, UNIT 14 EAST BREAD STREET, BALLYHACKAMORE BELFAST | |

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Development Management Officer Report Committee Application

Summary

Committee Decision Date: 29 June 2023

Application ID: LA04/2023/2567/F & LA04/2023/2539/LBC

Proposal:

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.

Location:

Campbell College Belmont Road, Belfast BT4 2ND

Referral Route:

Major Application

Recommendation:

Approval subject to conditions

Applicant Name and Address:

Mr K Wilson
Campbell College
Belmont Road
Belfast BT4 2ND

Agent Name and Address:

Mr B Moore
TODD Architects
2nd Floor Titanic House
6 Queens Road
Belfast

Executive Summary:

This application seeks full permission for the proposed refurbishment of the existing sports buildings located North of the main school building. All retained buildings are to be re-clad with replacement roof finishes and the introduction of PV panels on the roofs. Works to include landscaping and courtyard development.

The key issues are:

- Principle of development
- Demolition
- Design
- Built heritage
- Climate change
- Access and parking
- Drainage and Waste-Water Infrastructure
- Noise, odour and other environmental impacts
- Trees and landscaping
- Ecological issues

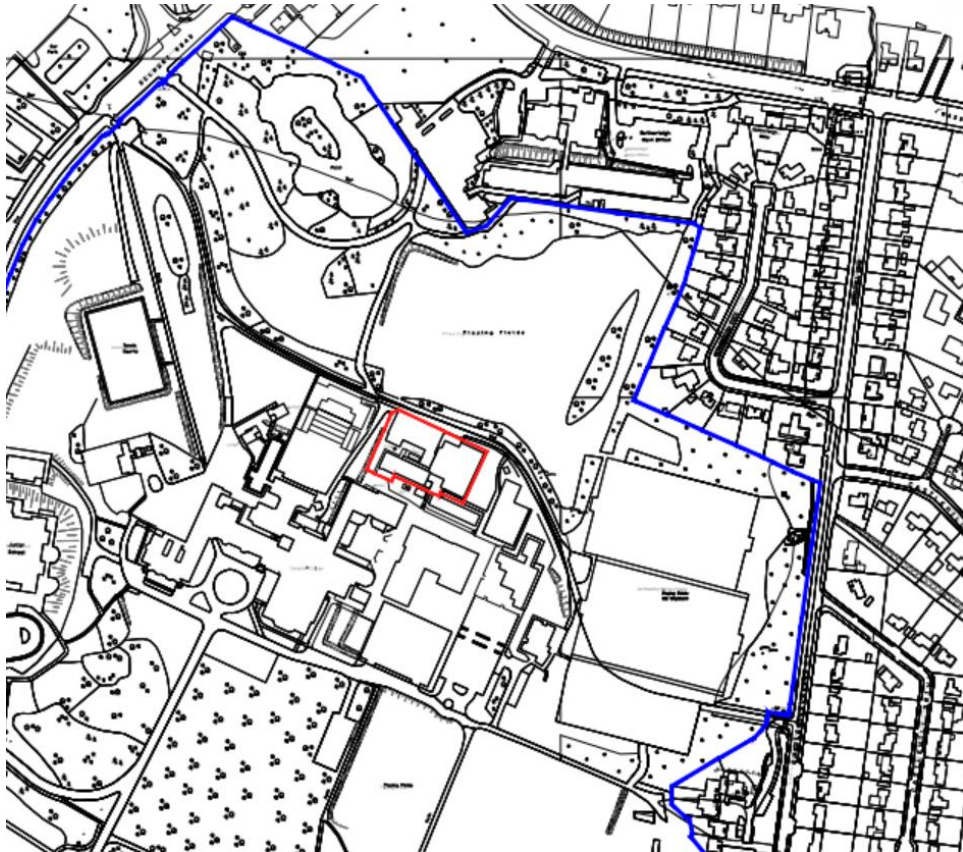
Statutory Consultees offered no objections subject to conditions and no representations have been received.

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.

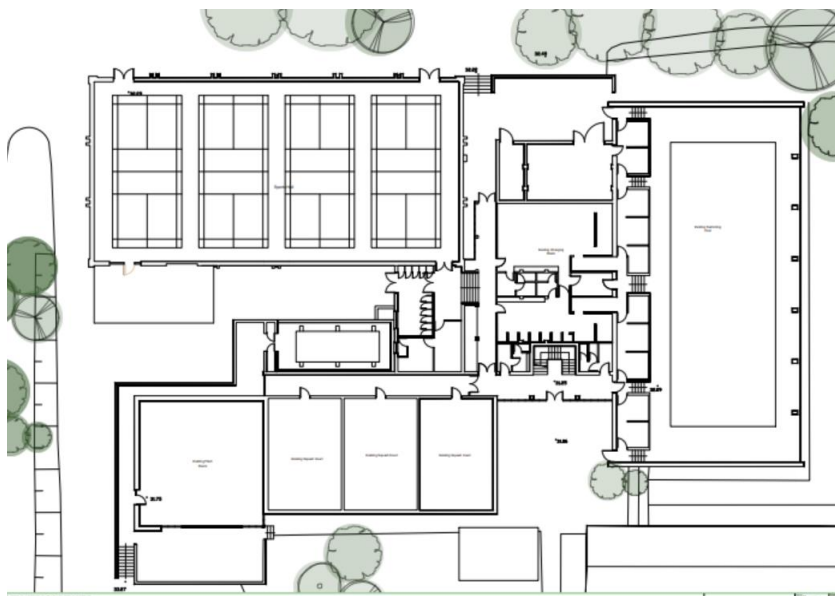
Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.

1.0 Drawings

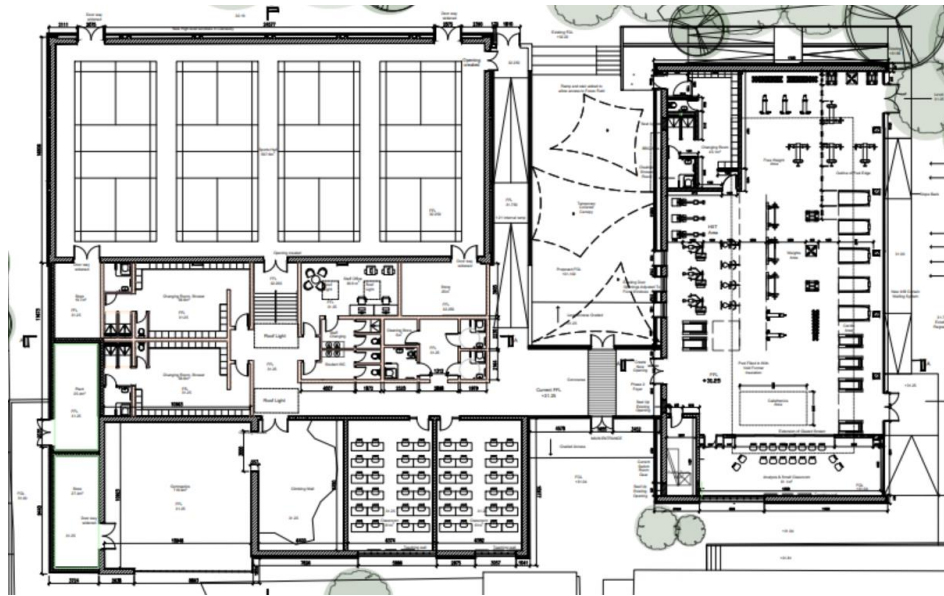
Site Location Plan



Existing floor plan



Proposed floor plan



Aerial image



2.0 Characteristics of the Site and Area

- 2.1 The application site measures approximately 0.38ha and is located north of the main school building at Campbell College, Belfast, adjacent to the existing rugby pitch. The existing Sports Building, to which this application refers, was built in 1971 and is a large red brick building with courtyard area to the side entrance, sports hall, swimming pool, gym, teaching rooms and associated plant. The main school building at Campbell College is a Grade B1 Listed Building, as well as the Gate House.
- 2.2 The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP. The site is unzoned whiteland within BUAP; unzoned whiteland but also within the 'Campbell / Ormiston Local Landscape Policy Area' (BT 096) and just outside 'Campbell College & Ormiston Site of Local Nature Conservation Importance' (BT084/11) in Draft

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| | Belfast Metropolitan Area Plan 2015 (BMAP) |
| 3.0 | Description of Proposed Development |
| 3.1 | Full planning permission and Listed Building Consent are sought for the “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.” |
| 3.2 | The existing sports buildings are divided into three elements with a swimming pool building; squash courts and sports hall. Changing facilities and circulation space connect all three. The existing swimming pool building initially will be redeveloped into a fitness suite with demolition works involved. The second phase will cover the redevelopment of the old squash courts, boiler room and demolition of the existing central accommodation. This will create a new gymnastics space, climbing wall and changing facilities. The third phase will be the refit of the existing sports hall with new finishes, storage space and high level windows for natural daylighting. |
| 4.0 | Planning Assessment of 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 Belfast Agenda |
| 4.5 | 4.5 Relevant planning history There is no recent relevant planning history on the site. Since this proposal falls under the category of Major Development, Pre Application Community Consultation was carried out under the planning reference LA04/2022/1747/PAN. The PACC report states that a number of school staff attended the public event as well as one member of the public. Feedback given was positive. |
| 5.0 | Consultations and Representations |
| 5.1 | Statutory Consultees DFI Roads Service – No objection NI Water – No objection DfC Historic Environment Division (HED) Historic Monuments – No objection DfI Rivers Agency – No objection DAERA Water Management Unit – No objection subject to conditions DAERA Natural Environment Division – No objection DAERA Regulation Unit – No objection subject to conditions |

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| 5.2 | Non Statutory Consultees BCC Landscape and Development - No objection BCC LDP Environment – Issues raised BCC Trees and Landscape – No objection subject to conditions BCC Environmental Health – No objection |
| 5.3 | Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy. Additional consultation has been carried out with Plans and Policy Team following adoption of the Plan Strategy and receipt of the Plan Strategy Statement. |
| 5.4 | Representations The application has been neighbour notified and advertised in the local press. No written representations have been received. |
| 6.0 | Planning Assessment |
| 6.1 | Development Plan Context |
| 6.2 | Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. |
| 6.3 | Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations. |
| 6.4 | The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted. |
| 6.5 | Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report. |
| 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. |
| 6.7 | dBMAP (v2004) In dBMAP (v2004) the site is within the Belfast Metropolitan/Settlement Development Limit. The site falls with a Local Landscape Policy Area (BT 114 Campbell/Ormiston) and Site of Local Nature Conservation Importance’ (BT102/11 Campbell College and Ormiston). |

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| <p>6.8</p> | <p>dBMAP2015 (v2014) In dBMAP (v2014) the site is within the Belfast Metropolitan/Settlement Development Limit. It is unzoned whiteland but within the 'Campbell / Ormiston Local Landscape Policy Area' (BT 096) and just outside 'Campbell College & Ormiston Site of Local Nature Conservation Importance' (BT084/11).</p> |
| <p>6.9</p> | <p>BUAP Within the BUAP and the site is unzoned whiteland.</p> |
| <p>7.0</p> | <p>Relevant Planning Policies Policy SP2 – Sustainable development Policy SP3 – Improving health and wellbeing Policy SP4 – Community cohesion and good relations Policy SP5 – Positive placemaking Policy SP6 – Environmental resilience Policy SP7 – Connectivity Policy SP8 – Green and blue infrastructure network Policy SD1 – Settlement hierarchy Policy DES2 - Masterplanning approach for major development Policy BH1 - Listed buildings Policy CI1- Community Infrastructure Policy GB1 – Green and Blue Infrastructure Policy ENV1 – Environmental Quality Policy ENV2 - Mitigating environmental change Policy ENV3 – Adapting to environmental change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable drainage systems (SuDS) Policy TRE1 - Trees Policy NH1 – Protection of natural heritage resources Policy TRAN8 – Car parking and servicing arrangements Policy LC1 - Landscape Policy LC1C – Local Landscape Policy Areas</p> |
| <p>8.0</p> | <p>Key issues</p> |
| <p>8.1</p> | <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • Principle of development • Demolition • Design • Built heritage • Climate change • Access and parking • Drainage and Waste-Water Infrastructure • Noise, odour and other environmental impacts • Trees and landscaping • Ecological issues |

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| 8.2 | Additional Information |
| 8.3 | Officers have requested that the applicant provides 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. |
| 8.4 | The applicant has subsequently provided a Plan Strategy Statement, which assesses the proposal against the relevant Plan Strategy policies and concludes that the proposed scheme accords with the plan strategy. |
| 9.0 | Principle of development |
| 9.1 | Policy CI1 of the Plan Strategy highlights that planning permission will be granted for the provision of new and improved community infrastructure (which includes education facilities) at appropriate and accessible locations within the urban area, subject to the nature and location of any proposals. The principle of development of this use in this location has already been established through its current use as an educational facility and the redevelopment of the sports facilities will enhance Campbell College’s infrastructure at this location. The principle of the proposal aligns with CI1 of the Plan Strategy. |
| 9.2 | Demolition |
| 9.3 | A survey of the existing sports building for Campbell College, Belfast, revealed that it is nearing the end of it’s useful, cost effective and maintainable life. The accompanying DAS states “part of the existing building is beyond its serviceable life, is environmentally inefficient and is cost prohibitive to refurbish to modern standard”, whilst the Plan Strategy Statement confirms “The pool building sits vacant while the changing facilities and sports hall are nearing the end of their life, requiring significant energy to run.” Some demolition works are proposed, whilst aiming to reuse the existing structure, therefore the proposal is in line with Policy ENV2 (Mitigating Environmental Change). |
| 9.4 | Design |
| 9.5 | The proposed building will result in a contemporary design but replicates the existing building in terms of scale, form and massing. It is sited on the same building footprint reusing much of the existing structure. The development is proposed to take place in 3 phases. 1st phase will be the existing upgrade of the pool building into a new purpose made gym & fitness suite with level access. Phase 2 will be the redevelopment of the existing squash courts and boiler room into new classrooms, climbing wall, gymnasium hall, new link foyer and changing support accommodation. Part of the existing building will be demolished during this phase. Final phase 3 will be the upgrade to the existing sports hall. All retained buildings will be re-clad with replacement roof finishes and introduction of PV panels on the roofs. Immediate landscaping and courtyard development will complete the works involved. |
| 9.6 | The height, scale and massing are typical of the type of development proposed, an educational facility. The heights of the three elements will increase slightly due to new cladding, namely clear polycarbonate cladding, and rainscreen cladding in grey tones. The building can be accessed via two entrances, as well as a number of secondary level accesses. There is a central courtyard leading to the two main entrances in the centre of the building, one area covered in 3 temporary white canopies, a contemporary design feature. The proposed scale, massing and design of this functional building given its reuse of much of the building fabric and established use are considered acceptable for the site and the surrounding area. DES 2 of the Plan Strategy requests a master plan for all major development as part of a wider site development, whilst a masterplan has not been specifically provided, details contained with the DAS advises on the requirements set out in DES 2 and on balance is considered to comply with this element of the Plan Strategy. |

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| 9.7 | Built heritage |
| 9.8 | The application site is located within the setting of two listed buildings, and therefore HED Historic Buildings were consulted. The primary policy considerations are set out in Policy BH1 which provides the policy on works to listed building and development affecting their setting. |
| 9.9 | The heights of the three main elements to be retained will increase slightly due to new cladding being added, and the overall building still sits at a lower height than the surrounding buildings on campus, as well as using much of the same footprint. The proposal therefore complies with BH1(b). With respect to BH1(c) the nature of the proposed use is already established within the listed building itself. |
| 9.10 | HED responded to consultation initially requesting a Heritage Impact Assessment as well as clarification on a number of details such as external materials and the proposed PV panels. Acknowledging the additional information submitted their second response stated they were supportive of the proposal and suggested repositioning of the PV panels on the roof plan. An amended roof plan was submitted to address their concerns and they responded to consultation for both the full application and accompanying listed building consent with no objections. The proposal therefore is considered acceptable with regard to policy BH1 (a, d and e) requirements in relation to the setting of the listed buildings. |
| 9.11 | Climate change |
| 9.12 | Policy ENV3, (Adapting to environmental change) states that planning permission will be for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. The Plan Strategy Statement outline show overheating within the space has been minimized through “low E” glazing, and if necessary, solar control glass can be provided to the curtain walling to reduce heat gain. MVAC units are also required to ensure a comfortable environment is maintained within the gym area. BCC LDP Environment acknowledged the climate adaption measures detailed in terms of glazing, but requested more detail on how the proposal has considered extreme weather events and has integrated passive design/green infrastructure measures. |
| 9.13 | The Agent forwarded the NBS specification highlighting all energy performance targets for each element of the proposal including glazing. Green measures proposed include sourcing and using timber from sustainable forests, high quality insulation, airtightness of key junctions to reduce heat loss, sensor taps to reduce water consumption, and electrical lights on motion reducing electrical usage and demand. Therefore, on balance the proposal complies with Policy ENV3 in terms of climate change. |
| 9.14 | Access and Parking |
| 9.15 | There are no proposed changes to carparking or movement around the campus with the site accessed from the existing vehicular access. The development if approved will also not result in an increase in student intake. DfI Roads Service has considered the proposed development and raise no objection under the now defunct PPS 3. The policies contained within the new LDP Strategy are sufficiently similar to not require them to re-evaluate the proposal in the context of the Plan Strategy. The proposal complies with Policy TRAN8. |
| 9.16 | Drainage and Waste-Water Infrastructure |
| 9.17 | Policy ENV5, Sustainable drainage systems (SuDS), seeks that all built development should, where appropriate, include SuDS measures to manage surface water effectively. Whilst BCC LDP Environment raised concerns at the lack of SuDS proposed the Agent for the application confirmed the proposed design strategy will reduce the impact of the roof drainage run off by reintroducing a central open landscape courtyard which will reduce the previous hard surfaces. Due to the building’s location and constraints to all sides of the building, larger attenuation or other measures could not be adopted. Finally, the gutter |

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| | sizes have been increased to accommodate climate change as a good practice conversation measure. Therefore, on balance the proposal complies with Policy ENV5. |
| 9.18 | DAERA Water Management Unit cited concern over the potential impact on sewage loading to Belfast waste water treatment works (WWTW). However, NI Water have confirmed that there is available capacity within the WWTW and as such no objection is raised. |
| 9.19 | DfI Rivers has considered the proposed development and raise no objection under the now defunct PPS 15. The policies contained within the new LDP Strategy are sufficiently similar to not require DfI Rivers Agency to re-evaluate the proposal in the context of the Plan Strategy. The proposal complies with Policies ENV3, ENV4 and ENV5. |
| 9.20 | Noise, odour and other environmental impacts |
| 9.21 | BCC Environmental Health offer no objection to the proposal which is considered acceptable with regard to other environmental considerations such as land contamination, noise and air quality. DAERA Regulation Unit responded with no objection to the proposal and suggested conditions to be included should approval be granted relating to the submission of a remediation strategy and subsequent verification report relating to any remediation works carried out, should a risk of contamination be encountered. |
| 9.22 | Trees and landscaping |
| 9.23 | The proposed site is adjacent to a large number of existing mature trees, a number of which are afforded protection under Tree Protection Order (TPO). To facilitate the proposal some self-seeded trees which are not protected by the TPO are required to be removed adjacent to the existing swimming pool building. On consultation with the Council's Tree Officer they stated these are competing within more dominant TPO trees, however to compensate for their loss it was suggested a landscaping plan should be submitted and agreed in writing prior to any works commencing on site. The proposal complies with Policy TRE1. |
| 9.24 | The site is located just outside 'Campbell College & Ormiston Site of Local Nature Conservation Importance' (BT084/11) and within 'Campbell / Ormiston Local Landscape Policy Area' (BT 096). Policy LC1, Landscape, of the Plan Strategy seeks to protect and, where appropriate, restore or improve the quality and amenity of the landscape subject to meeting a number of criteria which include the protection and enhancement of the landscape and visual character of the area; the protection of built, natural and cultural features, their views and settings; the sensitivity of the landscape and its capacity to accommodate development without adversely impacting on the landscape character. Policy LC1C, LLPAs, of the Plan Strategy states that in addition to complying with criteria set out in Policy LC1 development proposals that have a significant adverse impact on the amenity, character, environmental quality or natural, built & cultural heritage features. |
| 9.25 | BCC Landscape and Development team stated the development is unlikely to have a significant adverse effect on the quality, character or features of interest of the LLPA. They are of the opinion that the proposals for the redevelopment of the sports building are sympathetic to the existing context. As the development seeks to 'repurpose' the existing building layout, and incorporated into the existing school setting there will be no significant adverse landscape or visual impact. The proposal therefore complies with policies LC1 and LC1C. |
| 9.26 | Ecological issues |
| 9.27 | The proposed site is just outside 'Campbell College & Ormiston Site of Local Nature Conservation Importance' (BT084/11) in Draft BMAP and hence DAERA NED were consulted. They raised no concern regarding the proposed development having a |

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| | significant impact on natural heritage interest under the now defunct PPS 15. The policy contained within the new LDP Strategy is sufficiently similar to not require DAERA NED to re-evaluate the proposal in the context of the Plan Strategy. The proposal complies with Policy NH1. |
| 10.0 | <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.</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.</p> |
| 11.0 | <p>Draft Conditions:</p> <p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011</p> <p>2. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of visual amenity</p> <p>3. Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p> <p>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.</p> <p>4. No development (site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless a soft landscaping scheme has been submitted to and approved in writing by the Council. The scheme shall include details of all trees, hedgerows and other planting which are to be proposed - details to include planting locations, species choice and planting size.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>5. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p> |

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| | <p>Reason: To avoid compaction within the RPA.</p> <p>6. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a Remediation Strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>7. After completing the remediation works under Condition 6 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 the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> |
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| ANNEX | |
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| Date Valid | 23 rd January 2023 |
| Date First Advertised | 10 th March 2023 |
| Date Last Advertised | (as above) |
| Details of Neighbour Notification (all addresses) | |
| None | |
| Date of Last Neighbour Notification | N/A |
| Date of EIA Determination | N/A |

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