

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



**Belfast
City Council**

13th October, 2023

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 17th October, 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. **Committee Site Visit (Pages 1 - 2)**
3. **Provision/Removal of Accessible Parking Bay**
 - (a) Notification for removal 13 Haywood Avenue (Pages 3 - 6)
 - (b) Notification for provision 12 Riverview Street (Pages 7 - 10)
 - (c) Notification for provision 27 Edenvale Crescent (Pages 11 - 14)
 - (d) Notification for provision 34 Lothair Avenue (Pages 15 - 18)
 - (e) Notification for provision 46 Stranmillis Gardens (Pages 19 - 22)

- (f) Notification for provision 101 Wallasey Park (Pages 23 - 26)
- (g) Notification for provision Appt 1-3, 100 Cliftonville Road (Pages 27 - 30)
- (h) Notification for provision 147 York Road (Pages 31 - 34)
- (i) Notification for provision 83 Clonduff Drive (Pages 35 - 38)
- 4. **Notification of listed buildings - Chapel Lane and 137 Cavehill Road (Pages 39 - 48)**
- 5. **Planning Appeals Notified (Pages 49 - 50)**
- 6. **Planning Decisions Issued (Pages 51 - 70)**
- 7. **Miscellaneous Reports**
 - (a) Update on new contract for publishing notice of planning applications in the press (Pages 71 - 72)
 - (b) Update on application LA04/2023/3787/LBC - Proposed demolition of lean-to external store. 2 Royal Avenue, Belfast, BT1 1DA (Pages 73 - 76)
 - (c) NILGA Training (Pages 77 - 98)
 - (d) Committee Workshops (Pages 99 - 102)
 - (e) Delegation of Local applications with NIW objections (Pages 103 - 108)
- 8. **Planning Applications previously deferred**
 - (a) 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 109 - 136)
 - (b) LA04/2022/1861/F, LA04/2022/1867/DCA & LA04/2022/1860/A - Replacement facade to active facade to facilitate the display of internally illuminated moving images (Temporary Permission for 5 years) 1- 3 Arthur Street (Pages 137 - 154)
 - (c) LA04/2022/1831/F - Change of use from residential to short term stay accommodation, 258 Limestone Road, Belfast (Pages 155 - 166)
- 9. **New Planning Applications**
 - (a) LA04/2022/2060/F - Replacement of fire damaged storage and distribution warehouse on same building footprint (Retrospective), 122-126 Duncrue Street (Pages 167 - 178)
 - (b) LA04/2022/2103/F - Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works, 1 and 2 Duncrue Pass, Belfast. (Pages 179 - 192)

- (c) LA04/2023/2850/F- Change of use from Parish Hall to licensed Social Club. Renewal of previous application LA04/2018/2081/F, 146 Andersonstown Road, Andersonstown, Belfast (Pages 193 - 212)
- (d) LA04/2022/1203/F - Relocation of 5 No. allotments approved under LA04/2020/0042/F. Introduction of an additional No. 8 allotments, a sensory garden and support hub building for day care of young adults (Amended application site boundary, proposal description and drawings). Glenriver Lands adjacent to 78 Cloona Park Belfast (Pages 213 - 228)
- (e) LA04/2023/2324/F- Proposed development comprising demolition of an extant building and development of two apartment blocks (12 units, category 1 over 55s tenure) and change of use/alterations of existing retail unit to apartments (8 units private tenure), community amenity, parking, site access alterations, landscaping and ancillary works, Mountainview Centre, Norglen Gardens (Pages 229 - 244)
- (f) LA04/2023/3494/F- Application under Section 54 of the planning (NI) Act 2011 to vary/remove condition 4 of planning permission LA04/2021/2144/F which reads "There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans." It is proposed to remove condition 4 to regularise downpipes and gas pipes affixed to the exterior of the building in order to comply with statutory health and safety requirements, 150 Knock Road, Belfast (Pages 245 - 258)
- (g) LA04/2023/3114/F- Section 54 application to vary condition no. 21 of planning permission LA04/2021/2144/F relating to alterations to the site's acoustic fence, 150 Knock Road, Belfast (Pages 259 - 274)
- (h) LA04/2023/2338/F - Full application for a proposed new single story building adjacent the new 'Peace IV Blackmountain Shared Space Project'. It comprises 8 office spaces with each space having an accessible WC and kitchenette facility. Offices will provide rental income to facilitate the long term sustainability of the adjacent building. (amended site location), site of the former Finlay's Factory south east of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park, (Pages 275 - 290)
- (i) LA04/2023/3194/F - Proposed change of use and renovation of an existing office/ community building into a ground floor 'Good Relations' Community Hub and 6no. studio apartments on the first/ second floor. These will be for short term accommodation for those in housing need while they are waiting to find permanent housing. 240 Newtownards Road (Pages 291 - 302)
- (j) LA04/2023/3822/F - Belfast Stories - Site 10 78-90 Union Street & 14-20 Kent Street, Smithfield and Union, Belfast, BT1 2JA Temporary permission for two years for community facility containing green and grow space to include raised beds, pollinator towers, rainwater harvesting containers, compost bins, solar panels, seating and toilets. Space to be partly covered by a stretch tent and proposed shipping container to provide ancillary office space. (Pages 303 - 308)

- (k) LA04/2023/3460/F - Single storey rear and side extension, roofspace conversion to include front and rear dormers, covered garden storage to rear, 93 Somerton Road (Pages 309 - 316)

10. **Restricted Items**

- (a) Update on the Regional Planning Improvement Programme (Pages 317 - 338)

Planning Committee

PLANNING COMMITTEE SITE VISIT – NOTE OF MEETING

Tuesday 3rd October, 2023

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.

Members Present: Councillors Bell, Donnelly, Ferguson and McCann.

Officers in Attendance: Ms. C. Reville, Principal Planning Officer; and
Mr. R. Nolan, Planning Officer.

Apologies: Councillor Garrett (Chairperson); and
Aldermen Lawlor and Rodgers; and
Councillors Anglin, Bradley, Brooks, Douglas, Maskey

The Members and the officers convened at 146 Parkgate Avenue, Strandtown (12:15 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Members to acquaint themselves with the location and the proposal at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 12.35 p.m.

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Mr. John Walsh
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BT1 5GS

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 154830-23

Date: 6 September 2023

Dear Mr Walsh

REMOVAL OF AN ACCESSIBLE/DISABLED PARKING BAY AT 13 HAYWOOD AVENUE, BELFAST

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

We would welcome your comments on this proposal.

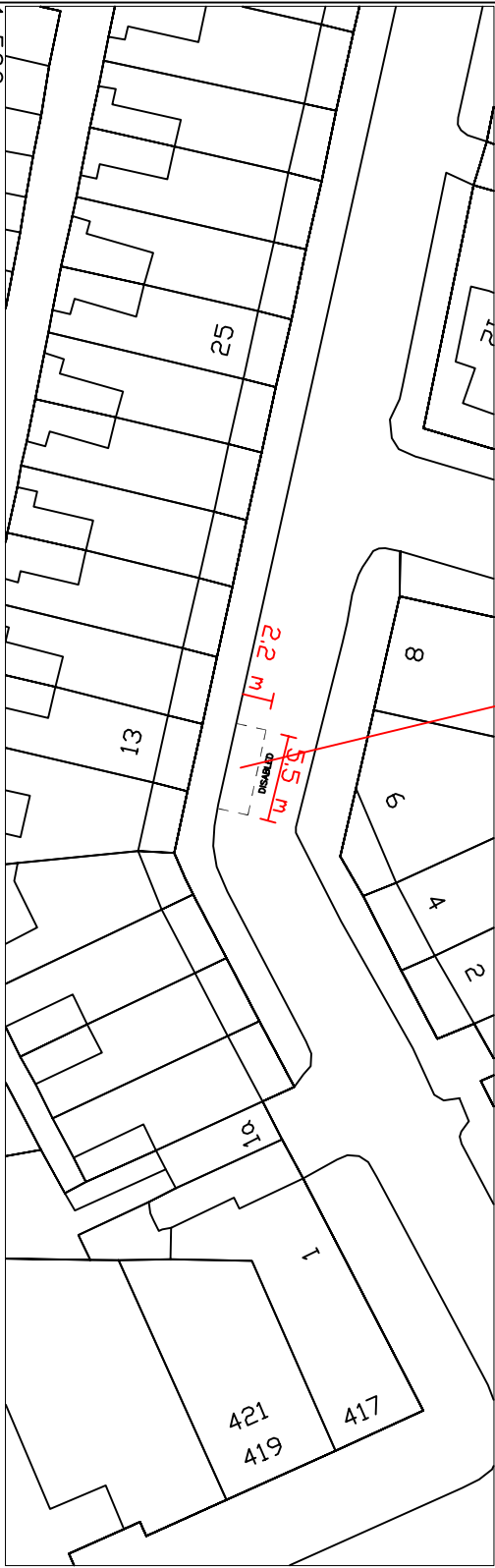
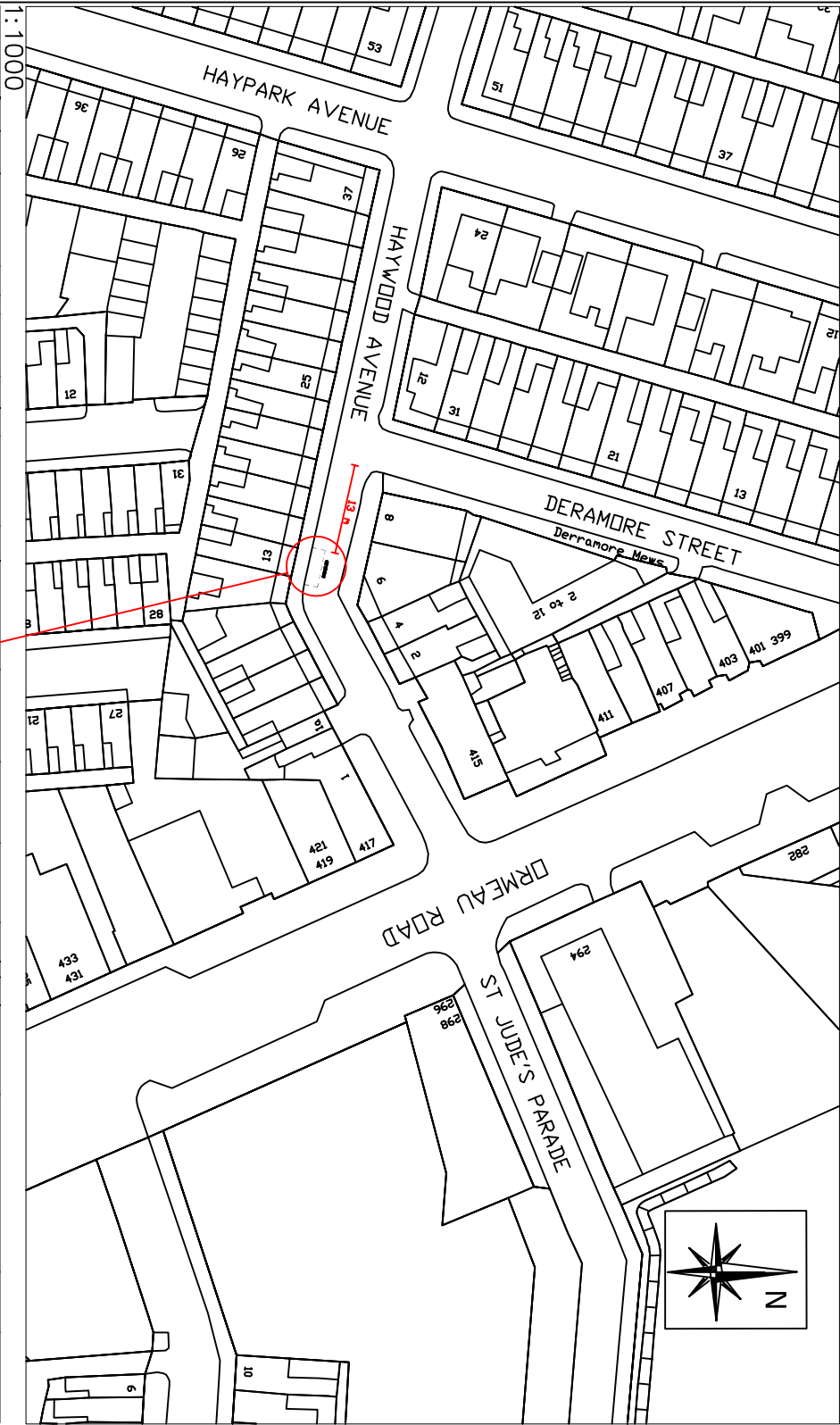
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

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Haywood Avenue, Belfast (south side) — from a point 13 metres east of its junction with Deramore Street, for a distance of 5.5 metres in a easterly direction.



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Project
REMOVAL OF AN ACCESSIBLE/
DISABLED PARKING BAY

Title
13 HAYWOOD AVENUE
BELFAST

FILE NO.	DESIGNED	AO'H	date MAY'23
DRAWN	CHECKED		date
TRACED	APPROVED		date

Dwg. No.
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Being dealt with by: Mr. Ling Gillespie
Direct Line: 02890522272

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 27 September 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 12 RIVERVIEW STREET, BELFAST

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

We would welcome your comments on this proposal.

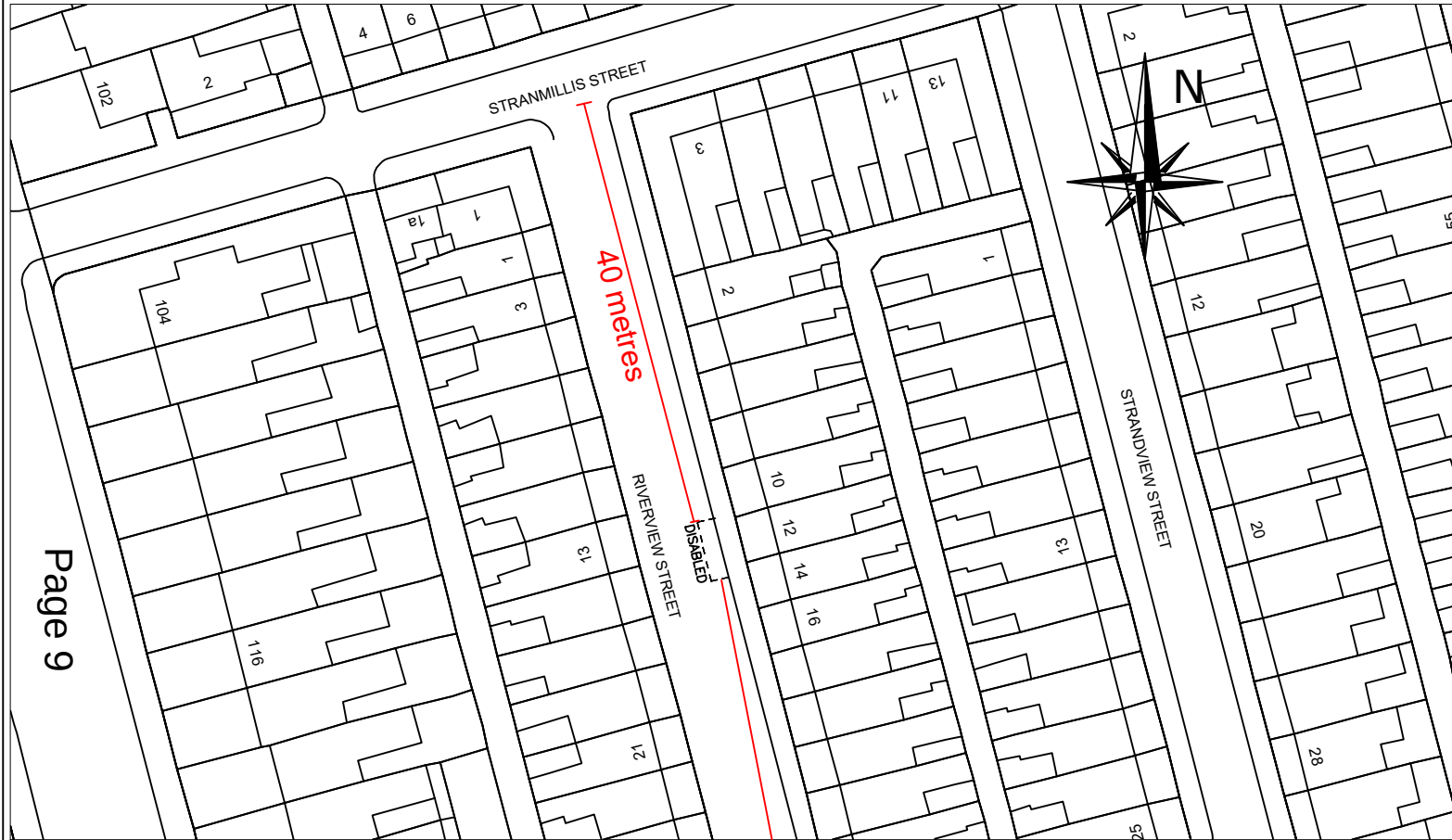
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

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Riverview Street, Belfast (north-east side) – from a point 40 metres south-east of its junction with Stranmillis Street, for a distance of 5.5 metres in a south-east direction.



1:1000



1:250

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Project PROPOSED ACCESSIBLE/ DISABLED PARKING BAY		
Title 12 RIVERVIEW STREET BELFAST		
FILE NO.	DESIGNED LG	date Sep 23
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TRACED	APPROVED	date
Drg. No. TM2/BEL/SEPT/23/51/A		Revision

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 11 September 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 27 EDENVALE CRESCENT, BELFAST

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

We would welcome your comments on this proposal.

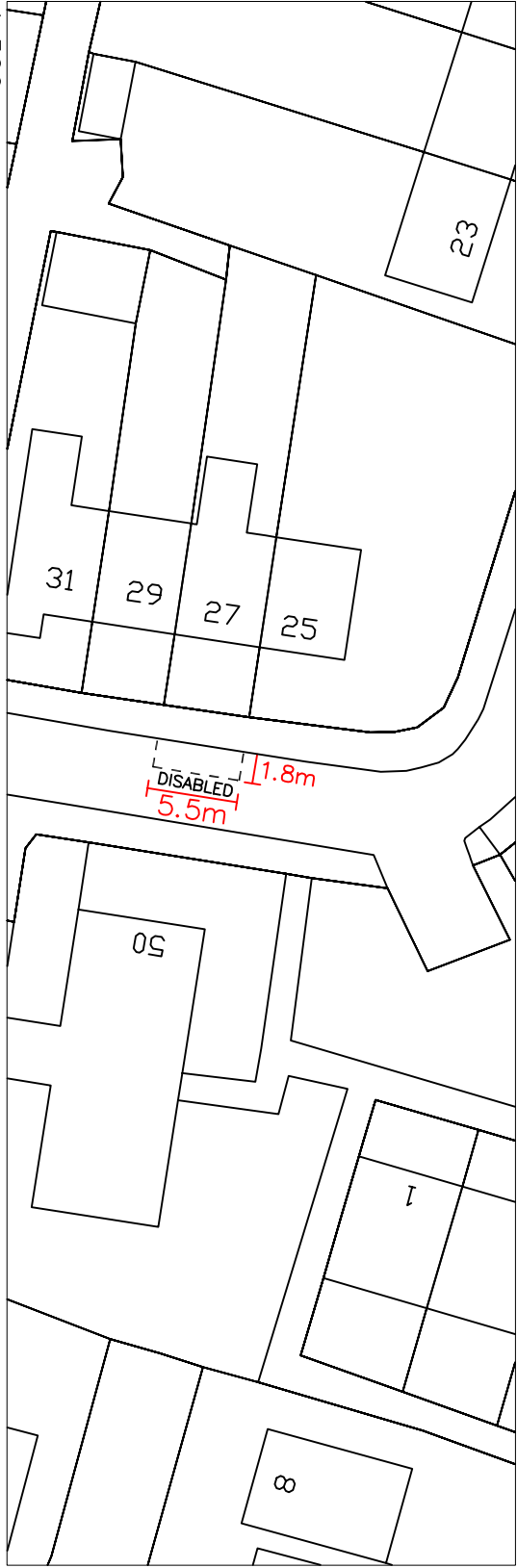
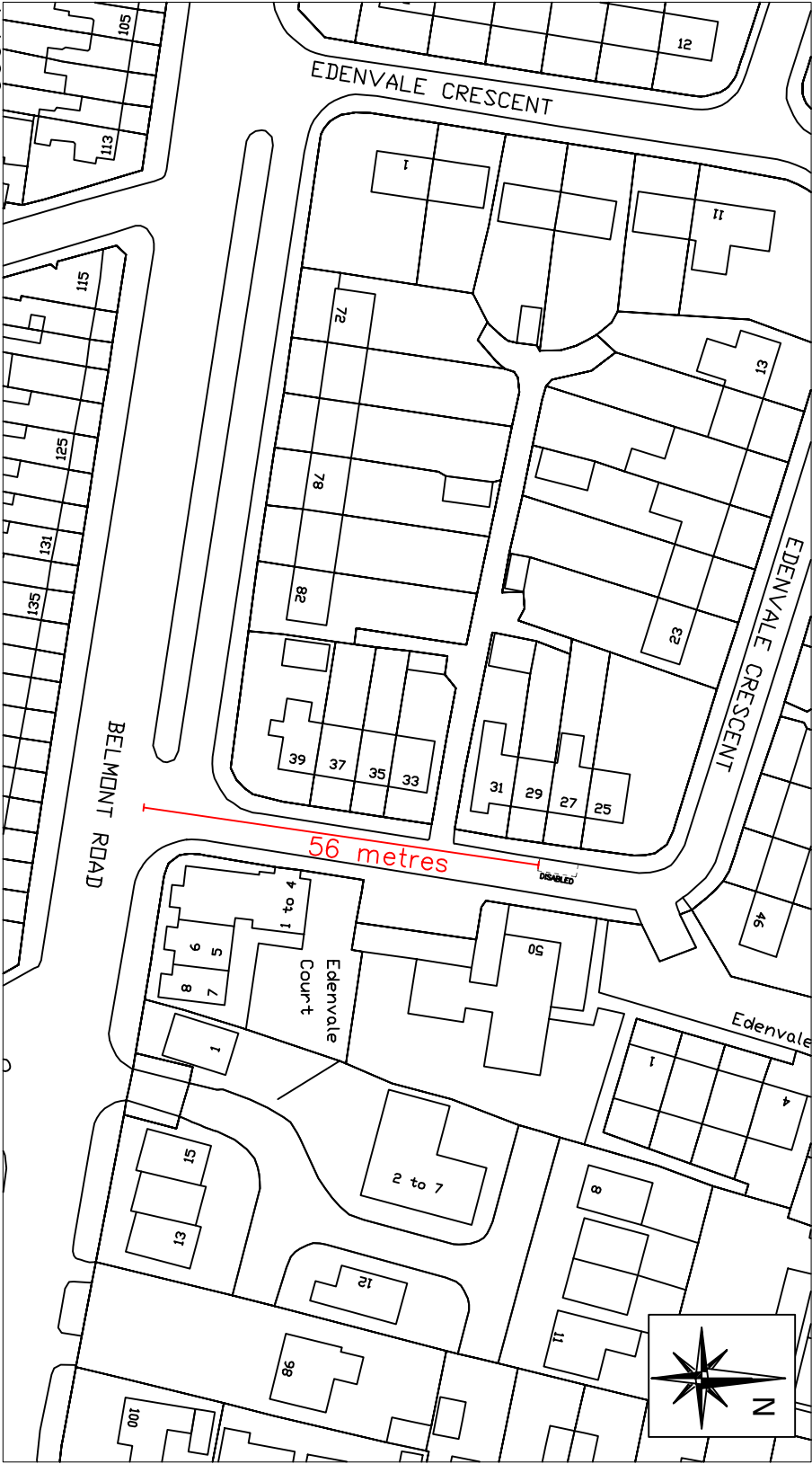
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

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Edenvale Crescent, Belfast (west-side) – from a point 56 metres north of its junction with Belmont Road, for a distance of 5.5 metres in an northerly direction.



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Project
27 EDENVALE CRESCENT
BELFAST

Title
PROVISION OF AN ACCESSIBLE/
DISABLED PARKING BAY

FILE NO.	DESIGNED	AO'H	date
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TRACED	APPROVED		date
Dwg. No.	Revision		

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

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Your reference:
Our reference: MT

Date: 27 September 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 34 LOTHAIR AVENUE, BELFAST

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

We would welcome your comments on this proposal.

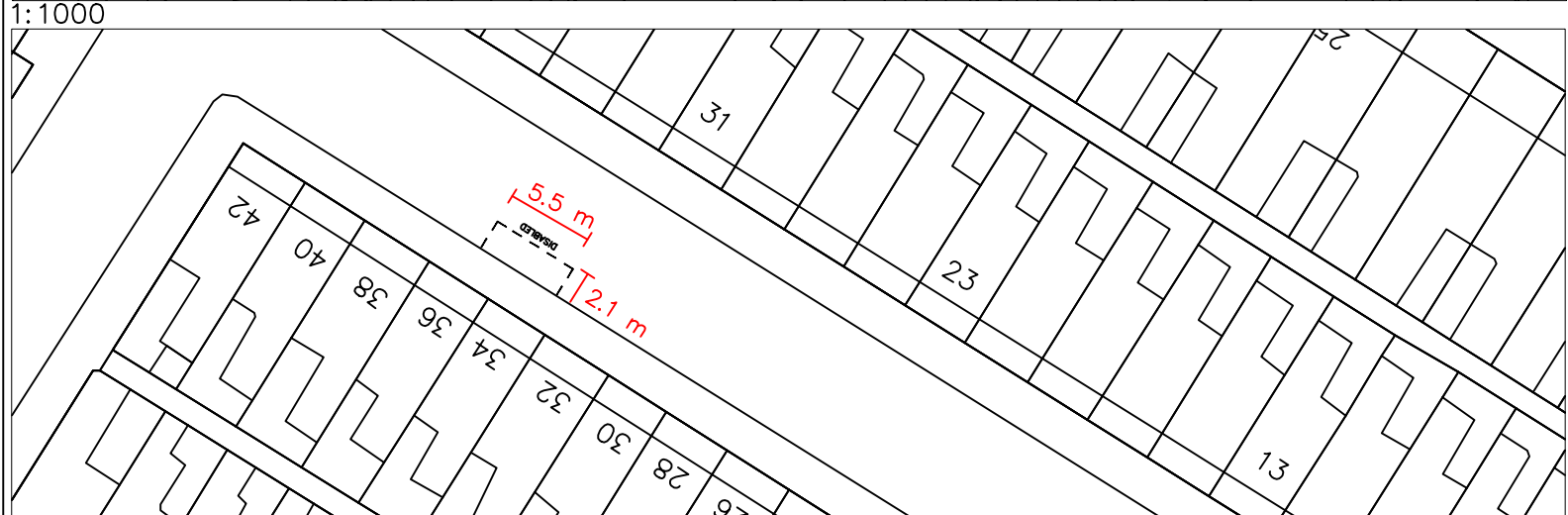
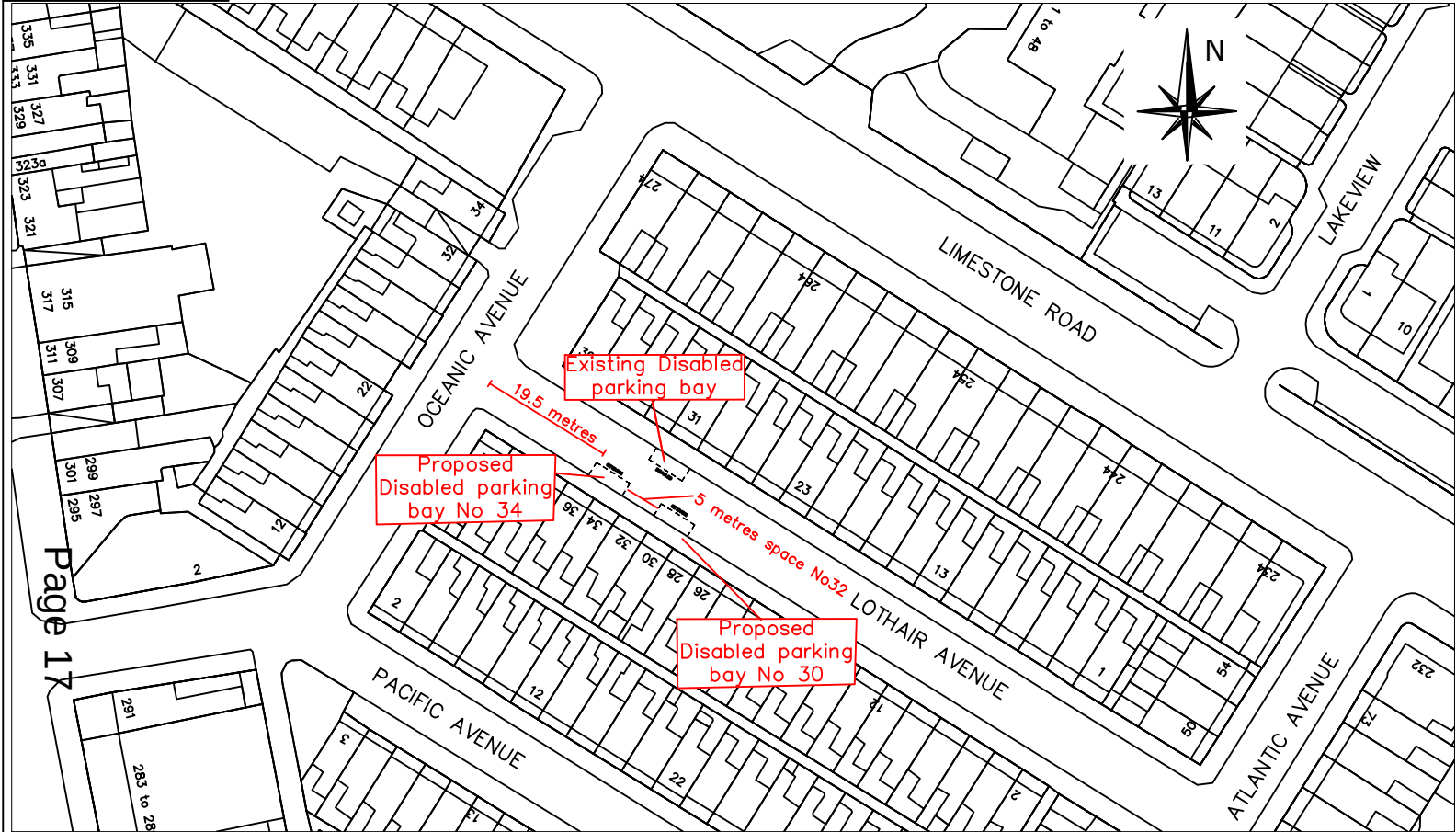
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

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Drg. No. Lothair Avenue, Belfast (south-west side)—from a point 19.50 metres south-east of its junction with Oceanic Avenue, for a distance of 5.5 metres in a south-easterly direction.



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PROPOSED ACCESSIBLE/ DISABLED PARKING BAY		
Title		
34 LOTHAIR AVENUE BELFAST		
FILE NO.	DESIGNED	LG
date	SEP'23	
DRAWN	CHECKED	date
TRACED	APPROVED	date
Drg. No.		Revision
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Being dealt with by: Mr. Ling Gillespie
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Your reference:
Our reference: MT

Date: 27 September 2023

Dear Mr Walsh

**PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 46
STRANMILLIS GARDENS, BELFAST**

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

We would welcome your comments on this proposal.

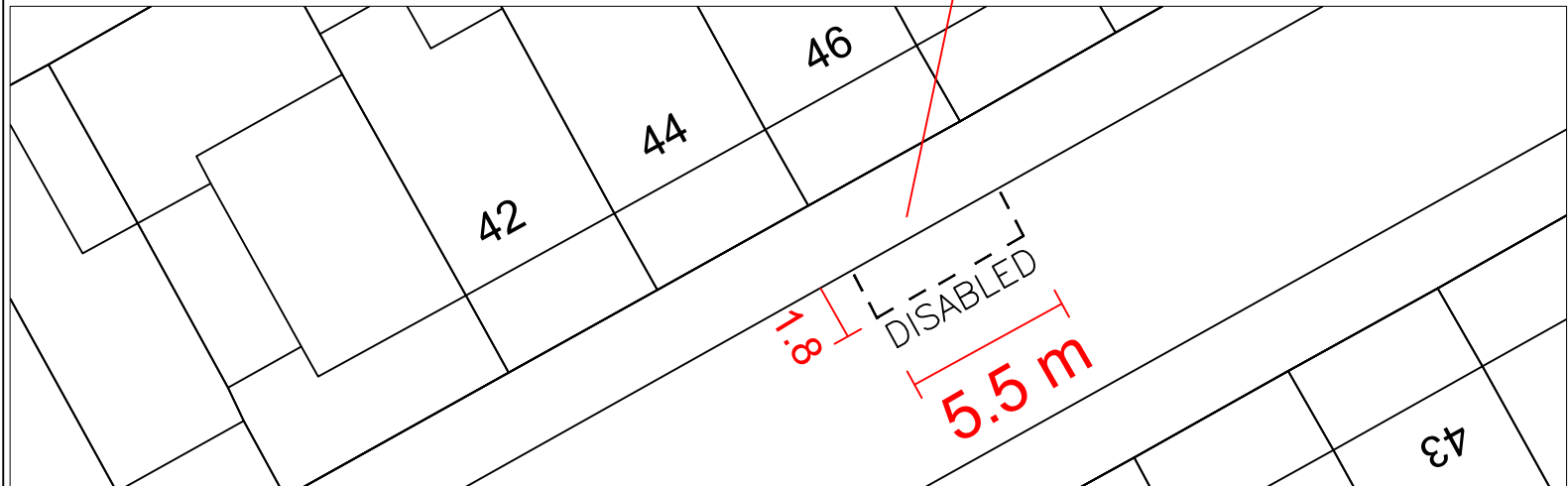
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

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Drg. No. Stranmillis Gardens, Belfast (north-west side) – from a point 39.50 metres south-west of its junction with Colenso Parade, for a distance of 5.5 metres in a south-westerly direction.



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Title	46 STRANMILLIS GARDENS BELFAST	
FILE NO.	DESIGNED	LG
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Being dealt with by: Mr. Ling Gillespie
Direct Line: 02890522272

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 159548-23

Date: 15 September 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 101 WALLASEY PARK, BELFAST

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

We would welcome your comments on this proposal.

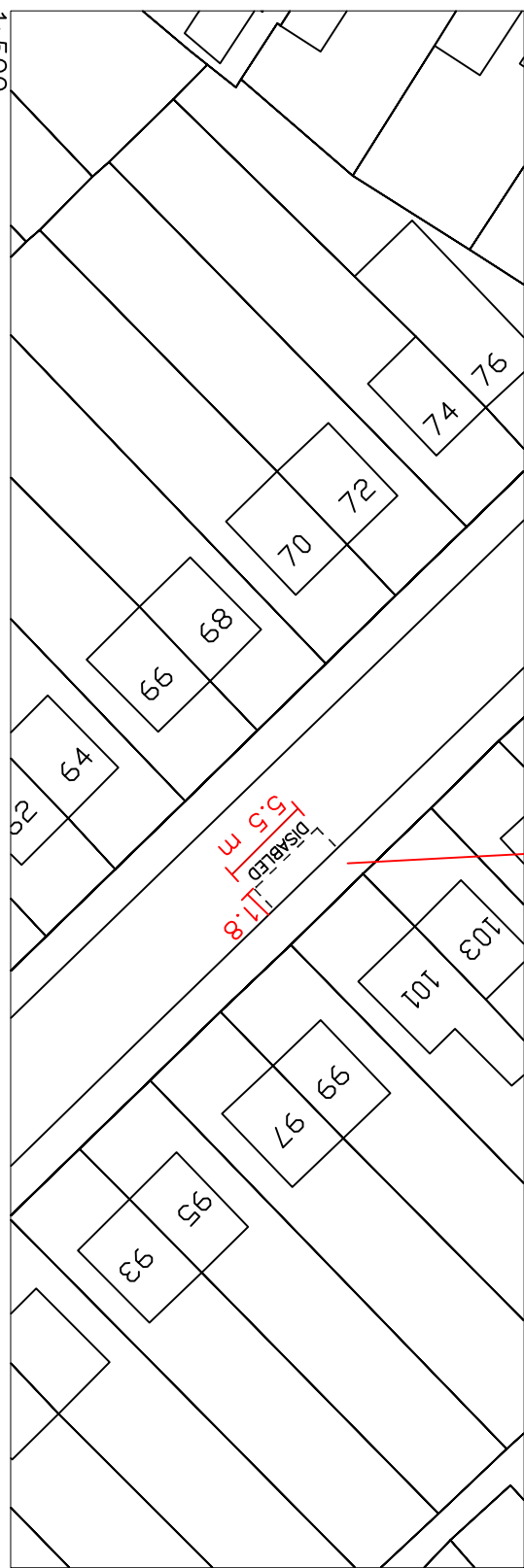
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

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Wallasey Park, Belfast (north-east side) – from a point 70 metres south-east of its junction with Ballysillan Road for a distance of 5.5 metres in a south-easterly direction.



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AN ACCESSIBLE/
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Title
101 WALLASEY PARK
BELFAST

FILE NO.

DESIGNED AO'H date SEPT'23

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TRACED

APPROVED date

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 28 September 2023

Dear Mr Walsh

**PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT APPT 1-3, 100
CLIFTONVILLE ROAD, BELFAST**

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

We would welcome your comments on this proposal.

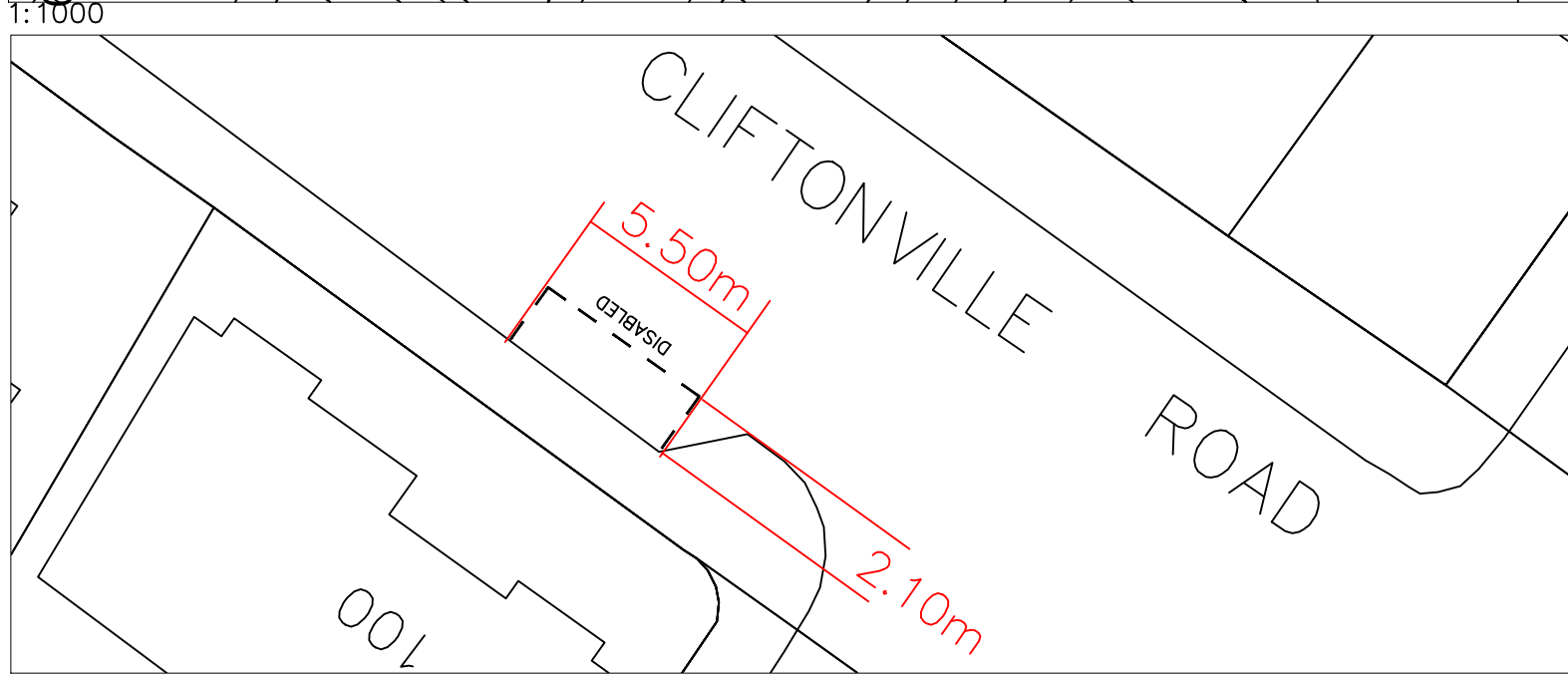
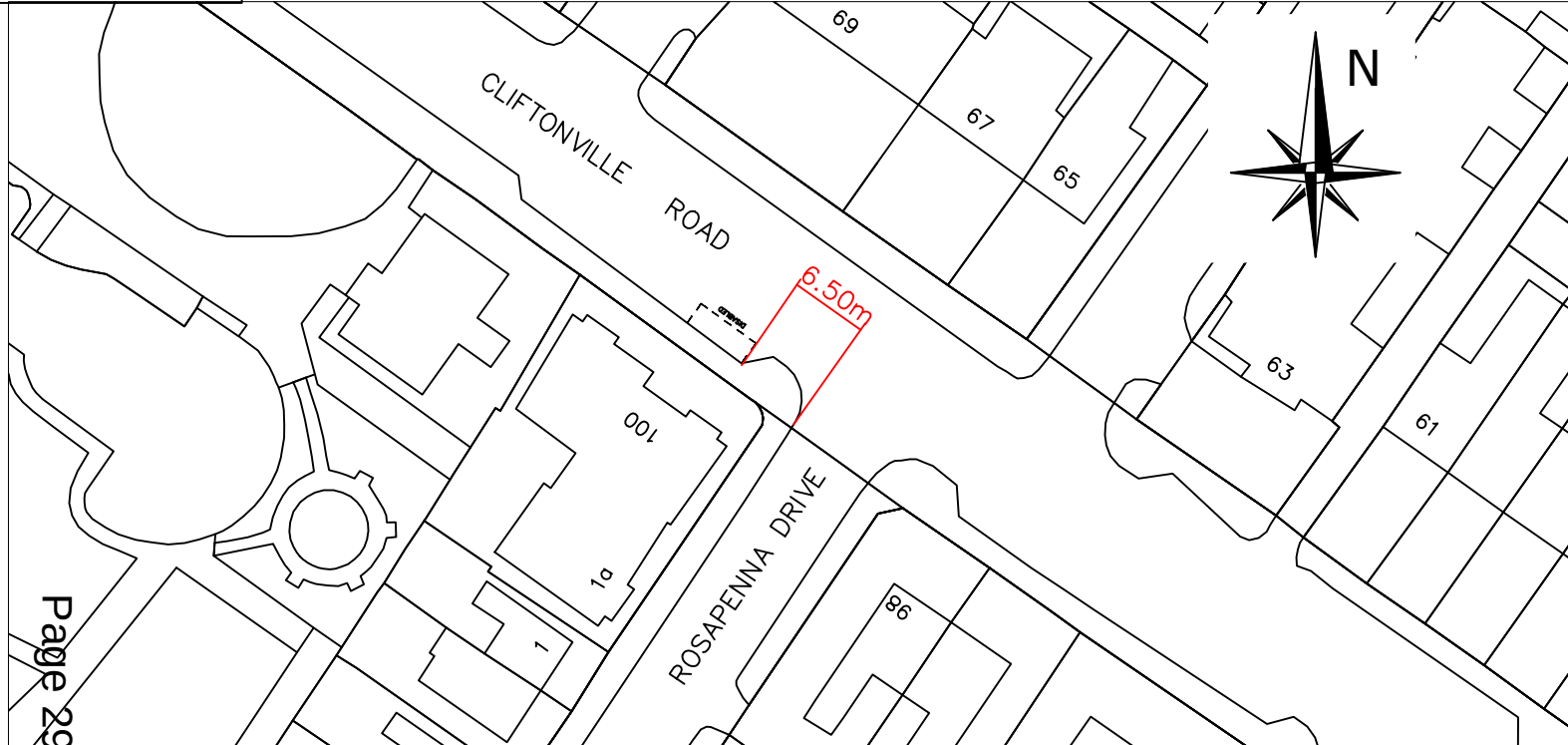
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

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Drg. No. Cliftonville Road, Belfast (south-west side)—from a point 6.5 metres north-west of its junction with Rosapenna Drive, for a distance of 12 metres in a north-westerly direction.



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Project 100 CLIFTONVILLE ROAD
BELFAST

Title PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

FILE NO.		DESIGNED	LG	date	SEP 23
DRAWN		CHECKED		date	
TRACED		APPROVED		date	

Drg. No.	Revision
TM2/BEL/SEPT/23/52/A	

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 9 October 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 147 YORK RAOD, BELFAST

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

We would welcome your comments on this proposal.

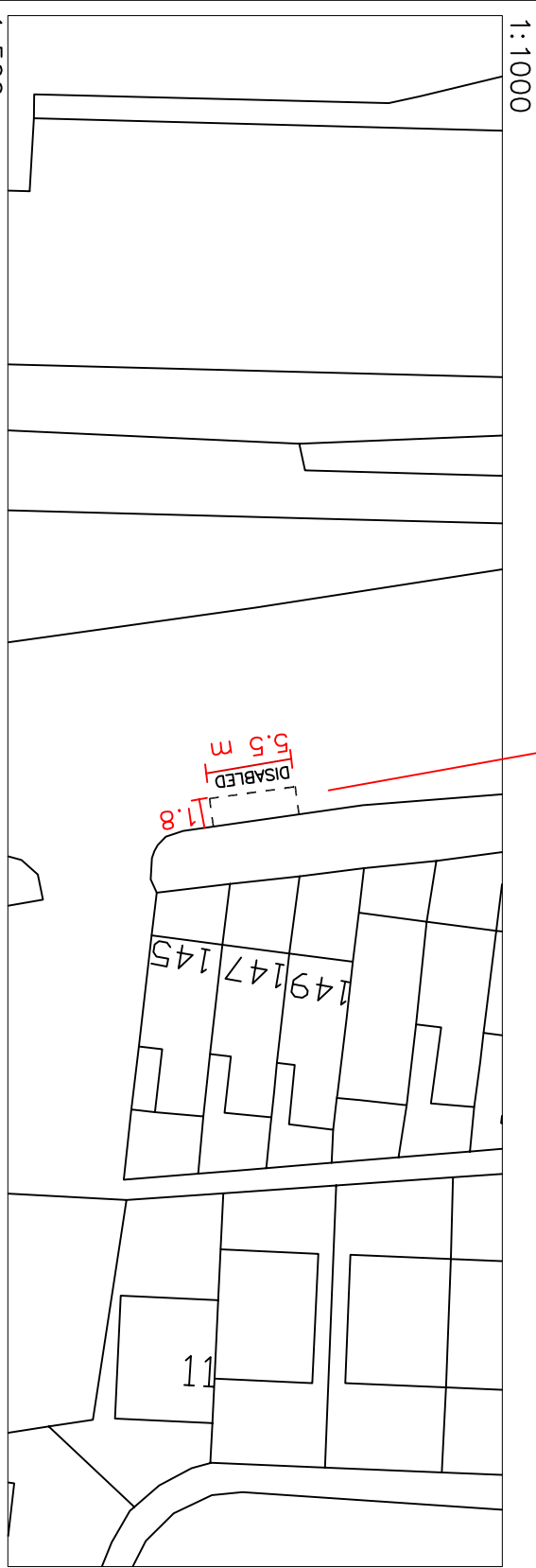
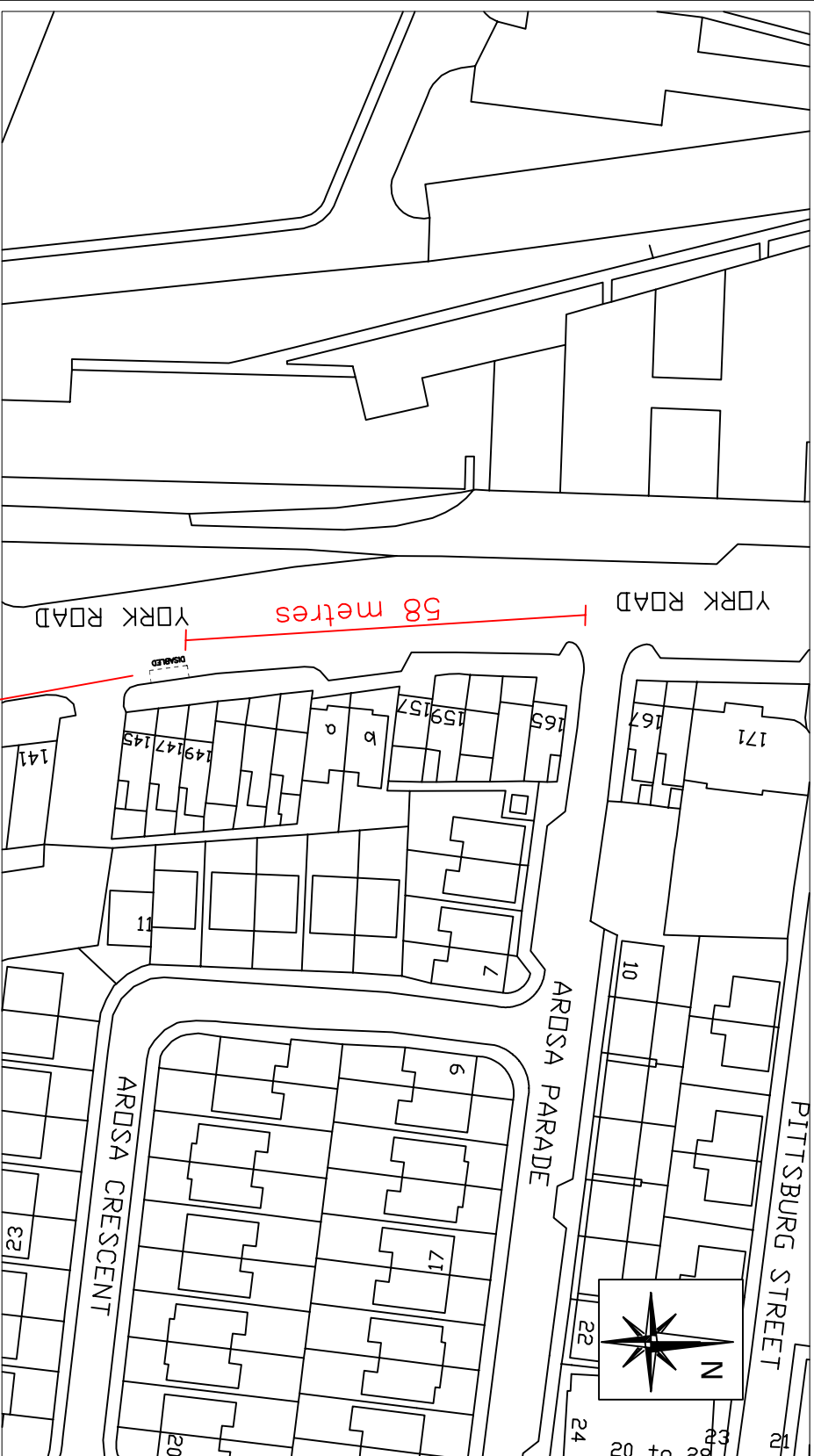
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

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York Road, Belfast (east side) – from a point 58 metres south of its junction with Arosa Parade, for a distance of 5.5 metres in a southerly direction.



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Project
**AN ACCESSIBLE/
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Title
**147 YORK ROAD
BELFAST**

FILE NO.	DESIGNED	AO'H	date
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TRACED	APPROVED		date

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Tel: 0300 200 7899

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 9 October 2023

Dear Mr Walsh

**PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY AT 83
CLONDUFF DRIVE, BELFAST**

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

We would welcome your comments on this proposal.

Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

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Clonduff Drive, Belfast (north-west side)—for a distance of 47 metres south-west of its junction with Ardkeen Crescent, for a distance of 6 metres in a south-westerly direction.

MONTGOMERY ROAD

CLONDUFF DRIVE

CARNEY CRESCENT

ARDKEEN CRESCENT



47 metres

1.8 m
DISABLED
6.0 m

1:1000

1:500

NO.	REVISION	DATE
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Based upon the Ordnance Survey of Northern Ireland 1:1000 Scale Map with the Permission of the Director and Chief Executive
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83 CLONDUFF DRIVE
BELFAST

PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

FILE NO.	DESIGNED	AO'H	date OCT'23
DRAWN	CHECKED		date
TRACED	APPROVED		date
Dwg. No.			Revision
TM2/BEL/OCT/23/53/A			

Scales AS SHOWN

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



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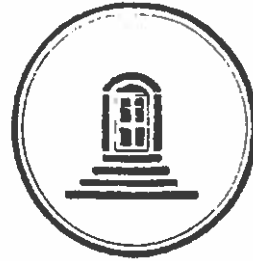


Subject:	Confirmation of Listing of various structures
Date:	Tuesday, 17 th Oct 2023
Reporting Officer:	Keith Sutherland, Ext 3578
Contact Officer:	Dermot O'Kane, Ext 2293

Is this report restricted?	Yes	☐	No	☒
Is the decision eligible for Call-in?	Yes	☒	No	☐

1.0	Purpose of Report or Summary of main Issues
1.1	Committee was consulted in August on the proposed listing of - 137 Cavehill Road, Belfast, BT15 5BL; and, - Belfast Electric Light Station, 6 Chapel Lane (and 9-13 Marquis Street) Belfast, BT1 1HH in August 2023 Committee supported these listings.
1.2	Correspondence has been received from the Historic Environment Division (HED) confirming that both buildings have been added to the list of buildings of special architectural or historic interest.
1.3	The correspondence received from HED is attached as an Appendix.

2.0	Recommendations
2.1	Committee is requested to: Note the confirmation of the listing of both buildings.
3.0	Main report
3.1	The Second Survey of all of Northern Ireland's building stock, is currently underway, to update and improve on the first List of buildings of special architectural or historic interest which began in 1974.
3.2	In considering whether to include a building as Listed, the Historic Environment Division (HED) takes into account the architectural and historic interest of a structure and is also given the power to consider: • any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and • the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building which consists of a manmade object or structure fixed to the building or which forms a part of the land and which is comprised within the curtilage of the building.
3.3	Listing a property places certain responsibility on the owner. For example, a listed building has to be maintained in a way appropriate to its character and cannot be altered or demolished without prior approval.
3.4	<u>Financial & Resource Implications</u> None
3.5	<u>Equality or Good Relations Implications</u> None
4.0	Appendices – Documents Attached
	APPENDIX 1: Correspondence from HED



**ONE HUNDRED AND EIGHTY-FIRST ADDITION TO THE LIST OF BUILDINGS OF SPECIAL
ARCHITECTURAL OR HISTORIC INTEREST
IN THE BELFAST CITY COUNCIL**

Department for Communities
Causeway Exchange
1 – 7 Bedford Street
Town Parks
BELFAST
BT2 7EG

Dated *28th September 2023*

HISTORIC BUILDINGS LIST NUMBER 4087

NOTE: Further additions to the list relating to this Council area may be issued at a future date.

SCHEDULE

181st ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE BELFAST CITY COUNCIL

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB26/50/339	130/13	J3360 7433	Belfast Electric Light Station including yard to east end and gantry cranes, 6 Chapel Lane (and 9-13 Marquis Street), Belfast, BT1 1HH		B2	Completed in early 1895, this building is Belfast's earliest power station and is thought to be the oldest surviving civic structure of its kind within Northern Ireland. It was built as something of an experiment, the then Belfast Corporation being uncertain whether the provision of electrical power, even on a limited scale, would prove popular. In consequence it is a relatively small, functional and unassuming structure, that was - and is - largely hidden from view. Its importance lies not so much in its size or aesthetic qualities, however, but in what it represents in terms of late Victorian technological progress and the continuing growth of Belfast as a major industrial centre; it also reveals much of the attitudes of the City fathers towards innovation and diversification in the face of their ongoing (and heretofore, lucrative) investment in the local gasworks.	1880 - 1899

						Due to its limited size and lack of room for expansion, the building itself had a fairly short lifespan as a generating station, the growth in popularity of both domestic and street electric lighting added to the calls for the electrification of the tram system, leading to it swiftly being superseded by a much larger, and architecturally more impressive plant at East Bridge Street in 1898. It was subsequently adapted as a sub-station, with a large portion of the eastern end replaced in 1923. Despite this, the larger eastern - engine room - section, though stripped of the machinery, has survived largely intact and retains the gantry crane system that would have hauled the apparatus into, (and eventually out of), place. With the demolition of the East Bridge Street complex in the 1980s, the Chapel Lane station has become the last tangible piece of the Belfast's late Victorian electrical infrastructure, and notwithstanding the changes noted above it remains an important, albeit currently discreet, remnant of the city's economic and social history.	
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Further information on these records can be accessed on the historic buildings database at www.communities-ni.gov.uk

PLANNING ACT (NORTHERN IRELAND) 2011

STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

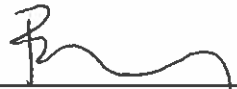
WHEREAS

1. by section 80 of the Planning Act (Northern Ireland) 2011 the Department for Communities (hereinafter called "the Department") is required to compile lists of buildings of special architectural or historic interest;
2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Belfast City Council

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

Dated

28/9/2023



Senior Officer for the Department for Communities

NOTE: Subsection (7) of the said section 80 provides that the following shall be treated as part of the listed building:-

- a. any object or structure within the curtilage of the building and fixed to the building;
- b. any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 October 1973.



**ONE HUNDRED AND EIGHTIETH ADDITION TO THE LIST OF BUILDINGS OF SPECIAL
ARCHITECTURAL OR HISTORIC INTEREST
IN THE BELFAST CITY COUNCIL**

Department for Communities
Causeway Exchange
1 – 7 Bedford Street
Town Parks
BELFAST
BT2 7EG

Dated *28th September 2023*

HISTORIC BUILDINGS LIST NUMBER 4086

NOTE: Further additions to the list relating to this Council area may be issued at a future date.

SCHEDULE

180th ADDITION TO THE LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST IN THE BELFAST CITY COUNCIL

HB Ref. Number	OS Map Numbers 1:2,500 or 1:10,000	Irish Grid Ref.	Building	Date Listed	Grade	Description and Evaluation	Date of Erection
HB26/44/074	130/5SW	J3293 7700	137 Cavehill Road including attached garage, Belfast, BT15 5BL		B2	Edenmore is a substantial, two-storey, double-fronted detached house of 1875, probably by Young & Mackenzie, with gabled roof, brick and stucco façade, and a pair of canted bays. The property is one of the earliest houses to have been built along the Cavehill Road and - in contrast to many of its neighbours - is largely original both inside and out. It also retains practically all of its original garden plot, the latter not only allowing the structure to be largely visible on all sides but also affording it both individuality and a certain quiet gravitas within the wider streetscape. Although not wholly uncommon within some other areas of Belfast, later Victorian houses in this all-round state of originality are relatively rare in this particular part of the city, and this added to the prominent corner setting makes this a building of some importance to its locale.	1860 - 1879

Further information on these records can be accessed on the historic buildings database at www.communities-ni.gov.uk

PLANNING ACT (NORTHERN IRELAND) 2011

STATUTORY LIST OF BUILDINGS OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST

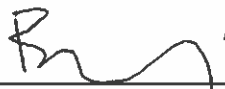
WHEREAS

1. by section 80 of the Planning Act (Northern Ireland) 2011 the Department for Communities (hereinafter called "the Department") is required to compile lists of buildings of special architectural or historic interest;
2. it appears to the Department that the buildings described in the attached Schedule are buildings of special architectural or historic interest;
3. the Department has consulted with the Historic Buildings Council and Belfast City Council.

NOW THEREFORE the Department in exercise of the powers conferred on it by section 80 of the Planning Act (Northern Ireland) 2011 and of every other power enabling it in that behalf hereby includes on the list of buildings of special architectural or historic interest the building/s set out in the attached schedule.

Dated

28/9/2023



Senior Officer for the Department for Communities

NOTE: Subsection (7) of the said section 80 provides that the following shall be treated as part of the listed building:-

- a. any object or structure within the curtilage of the building and fixed to the building;
- b. any object or structure within the curtilage of the building which, although not fixed to the building, forms part of the land and has done so since before 1 October 1973.

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PLANNING COMMITTEE – 17 OCTOBER 2023

APPEALS NOTIFIED

COUNCIL: BELFAST

No new planning appeals received

APPEAL DECISIONS NOTIFIED

19 SEPTEMBER 2023

ITEM NO	1	PAC REF:	2022/A0052
PLANNING REF:	LA04/2021/2300/F		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Ms Claire Hamilton		
LOCATION:	25 Laganview Court, Belfast, BT5 4AR		
PROPOSAL:	Retrospective change of use application from residential to short term holiday let accommodation		

ITEM NO	2	PAC REF:	2022/A0206
PLANNING REF:	LA04/2022/1139/A		
RESULT OF APPEAL:	WITHDRAWN		
APPLICANT:	J C Decaux		
LOCATION:	Gable end wall of 326 Ormeau Road, Belfast		
PROPOSAL:	LED digital display (amended site description)		

ITEM NO	3	PAC REF:	2023/A0001
PLANNING REF:	LA04/2022/0715/O		
RESULT OF APPEAL:	WITHDRAWN		
APPLICANT:	Mr Joseph Higgins		
LOCATION:	30m SE of 45 Old Colin Glen Road, Lagmore, Dunmurry, BT17 0NS		
PROPOSAL:	Erection of 2 No detached 2 storey houses		

Planning decisions issued September 2023 - No. 135

<u>Application number</u>	<u>Categ</u>	<u>Location</u>	<u>Proposal</u>	<u>Decision</u>
LA04/2021/2450/F	LOC	Land adjacent to 196 Old Hollywood Road Belfast BT18 9QT.	Site for 1No. detached house with associated site works (Renewal of W/2014/0465/F)	Permission Granted
LA04/2022/0626/F	LOC	1 Lagmore Meadows Dunmurry Belfast BT17 0TE	Change of Use from Dwelling to After Schools Facility.	Permission Refused
LA04/2022/1138/LDE	LOC	14 Bellevue Park Newtownabbey Belfast BT36 7QD.	The property has been used for a short stay holiday let accommodation uninterrupted for more than 5 years.	Permitted Development
LA04/2022/1663/LBC	LOC	Mater Infirmorum Hospital 45-51 Crumlin Road Belfast BT14 6AB	Essential repair works to cover pitched roof coverings and flashing, coping stones, copings forming crenellations to front and side facades, rainwater goods and stone crosses and replacement single glazing in the rooflights. (Amended Description)	Consent Granted
LA04/2022/1798/F	LOC	Victoria Park Primary School 182 Connsbrook Ave Belfast BT4 1JY.	1 No. Prefabricated Modular Unit. w/1500mm bitmac boundary path adjoining existing bitmac area.	Permission Granted

LA04/2022/1813/F	LOC	17 Castlecoole Park Belfast BT8 7BE	Single storey extension to side of dwelling, level access to front & rear of dwelling, and internal alterations.	Permission Granted
LA04/2022/1825/F	LOC	39 Andersonstown Park Belfast BT11 8FG	Retention of existing timber boundary treatment works (Retrospective)	Permission Granted
LA04/2022/1885/F	LOC	39 Andersonstown Park Belfast BT11 8FG.	Proposed new garage outbuilding for incidental use, new sliding gate and boundary alterations.	Permission Granted
LA04/2022/1922/DC	LOC	140 Lisburn Road Belfast BT9 6AJ.	Discharge of condition 2 LA04/2021/2022/F.	Condition Discharged
LA04/2022/2027/F	LOC	J P Corry 648 Springfield Road Belfast BT12 7EH.	Replacement office accommodation with new 2 storey building (incorporating renewable energy technology including PV panels and air source heating) adjacent to Springfield Road frontage and single storey extension to existing sales building to accommodate canteen and tele-sales suite. Proposal to also include alterations to boundary treatment along Springfield Road comprising reduction of wall height and replacement with railings, and provision of replacement parking and new servicing area upon demolition of the existing office accommodation.	Permission Granted

LA04/2022/0337/F	LOC	All Saints College Glen Road Belfast BT11 8BW	Provision of an emergency use only pedestrian site exit that opens onto Ramoan Drive. To include provision of new pedestrian path around sports pitch (new path entirely within school boundary).	Permission Granted
LA04/2022/0894/LDP	LOC	Land adjacent to former Ford Visteon Plant Finaghy Road North Belfast BT11	Proposed erection of dwelling on plot 1 of extant permission Z/2013/0120/F	Permission Terminated
LA04/2022/1217/LDP	LOC	Plot 47 of Lands between the Ford Visteon Plant and Phase 1 Finaghy Road North Belfast	Proposed erection of a dwelling on plot 47 of extant permission Z/2008/0993/F. Building works that have commenced on site include the formation of an internal roadway. These works were undertaken in August 2015 and on the foot of planning approval Z/2008/0993/F, approved 11th August 2010.	Permitted Development
LA04/2022/1555/F	LOC	Townsend Street Presbyterian Church Building 32 Townsend Street Belfast BT13 2ES	Change of use from Place of Worship to use class D2 (Concert Rehearsal Hall for Ulster Orchestra).	Permission Granted

LA04/2022/1559/LBC	LOC	Townsend Presbyterian Church Building 32 Townsend Street Belfast BT13 2ES	Change of use from Place of Worship to Use Class D2 (Concert Rehearsal Hall for Orchestra)	Consent Granted
LA04/2022/1820/DC	LOC	52-58 Shankill Road and adjacent vacant site to West of 52-58 Shankill Road Belfast BT13 2BB.	Discharge of condition 14 LA04/2020/2198/F. Confirmation of equipment location	Condition Partially Discharged
LA04/2022/2052/F	LOC	42 Donegall Pass Belfast BT7 1BS.	Change of Use from body therapy treatment centre to hot food takeaway with single storey rear extension and material change to shopfront. (Change of Description)	Permission Granted
LA04/2022/2104/F	LOC	4A Canada Street Belfast BT6 8DZ.	Retrospective application for alterations, conversion and singlestorey rear extension to existing end terrace dwelling to provide 2no. onebedroom apartments.	Permission Granted
LA04/2022/2211/A	LOC	50 Montgomery Road, Belfast, BT6 9HL	Retrospective: 8 No. Advertisement Signage on Retail Premises	Consent Granted
LA04/2022/2126/A	LOC	11-17 CORPORATION STREET TOWN PARKS BELFAST ANTRIM BT1 3BA	2 Banner Adverts (Retrospective) (Temporary Period Only) (Amended Description)	Consent Granted

LA04/2023/2314/F	LOC	6 SHREWSBURY DRIVE MALONE UPPER BELFAST ANTRIM BT9 6PL	Proposed ground floor rear extension and associated siteworks.	Permission Granted
LA04/2022/2178/F	LOC	Osbourne House Childrens Home 70 Bawnmore Road Belfast BT9 6LD	Retrospective works including alteration to boundary wall and installation of outdoor play equipment	Permission Granted
LA04/2022/2236/DC	LOC	10 DONEGALL SQUARE WEST TOWN PARKS BELFAST ANTRIM BT1 6JH	LA04/2022/1017/F and LA04/2022/1024/LBC - condition 2	Application Invalid
LA04/2022/2249/CLEUD	LOC	UNIT 1 30 STOCKMANS WAY BELFAST ANTRIM BT9 7ET	Retrospective change of use from warehouse to the collection, sorting and storage of metals (Uses B2 and B4)	Permitted Development
LA04/2023/2430/RM	MAJ	Land at Kings Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue, west of Harberton Park and North East of Balmoral Golf Club Belfast BT9 6GW., Belfast, BT9 6GW	Application for approval of reserved matters application for a medical facility in accordance with outline planning permission LA04/2020/0845/O, seeking approval of layout, scale, appearance and landscaping details	Permission Granted
LA04/2022/2314/F	LOC	9 Lisbon Street Belfast BT5 4DA	Single Storey Rear Extension	Permission Granted

LA04/2022/2345/NMC	LOC	CUNNINGHAM HOUSE 429 HOLYWOOD ROAD BALLYMAGHAN BELFAST DOWN BT4 2LN	Proposed Amendment to Fenestration of Office Block	Non Material Change Granted
LA04/2022/2398/F	LOC	140-142 STOCKMANS LANE BALLYGAMMON BELFAST ANTRIM BT9 7JE	Demolition of part of existing rear return and construction of 2 storey extension. Internal alterations to internal layout plus new external escape staircase to rear.	Permission Granted
LA04/2023/2439/F	LOC	88 UNIVERSITY STREET MALONE LOWER BELFAST ANTRIM BT7 1HE	Change of use from offices to guest house. Elevational alterations.	Permission Granted
LA04/2023/2565/F	LOC	176 KINGSWAY DUNMURRY DUNMURRY ANTRIM BT17 9AD	Change of use from residential apartment to commercial beauticians salon, removal of chimney and new shop front	Permission Granted
LA04/2023/2580/F	LOC	3 Willesden Park Malone Lower Belfast Antrim BT9 5GX	Two storey side and rear extension and single storey rear extension. (Amended Proposal description)	Permission Granted
LA04/2023/2708/F	LOC	42-44 DUNCRUE CRESCENT LOW-WOOD INTAKE BELFAST ANTRIM BT3 9BW	Erection of Metal Clad Storage Building and all associated works	Permission Granted

LA04/2023/2640/F	LOC	30 DORCHESTER PARK MALONE UPPER BELFAST ANTRIM BT9 6RJ	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 - Rendering of property, Air Source Heat Pump, Solar PV panels, triple glazing & external wall insulation with rendered finish (amended description)	Permission Granted
LA04/2023/2703/F	LOC	Lesley Buildings Fountain Street, Belfast, BT1 5EB	REFURBISHMENT OF EXISTING OFFICE USE AT LESLEY HOUSE TO FACILITATE THE RELOCATION OF EXISTING ROOFTOP PLANT TO CREATE A NEW COMMUNAL BREAKOUT AREA & EXTERNAL ROOF TERRACE, AND CHANGE OF USE OF GROUND FLOOR RETAIL UNIT TO OFFICE USE, AND ALL ASSOCIATED SITE WORKS.	Permission Granted
LA04/2023/2661/F	LOC	Rear of 19 HOPEFIELD AVENUE SKEGONEILL BELFAST ANTRIM BT15 5AP	Proposed 1 no. 1 bedroom apartment and 2 no. 2 bedroom apartments (Renewal of LA04/2016/1703/F)	Permission Granted
LA04/2023/2683/DC	LOC	24 Avoniel Leisure Centre, Recreation Centre Avoniel Road, Belfast, BT5 4SF	Discharge of condition 12 LA04/2019/2971/F	Condition Discharged

LA04/2023/2737/CLEUD	LOC	668 SPRINGFIELD ROAD, BELFAST, BT12 7QQ	THE CERTIFICATE IS SOUGHT TO CONFIRM THAT THE EXISTING WORK ON SITE COMMENCED BEFORE THE EXPIRY OF 5 YEARS FROM THE DATE OF 27/10/2007 WHEN PLANNING PERMISSION (APPLICATION REFERENCE Z/2006/0850/F) WAS GRANTED	Permitted Development
LA04/2023/2716/A	LOC	32-38 Lyndon Court, Queen Street, Belfast, BT1 6EF	2 Projecting sign	Consent Granted
LA04/2023/2821/F	LOC	Royal Victoria Hospital, Grosvenor Road, Belfast, BT12 6BA	2 No new single storey substation buildings (90 sqm each) including alterations to staff car park	Permission Granted
LA04/2023/2881/F	LOC	115 Marlborough Park South, Belfast, BT9 6HW	Single and two storey side (north) extension with external alterations.	Permission Granted
LA04/2023/2892/DCA	LOC	115 Marlborough Park South, Belfast, BT9 6HW	Demolition of existing single storey side extension, front door canopy and partial demolition of side wall for opening.	Consent Granted
LA04/2023/2906/F	LOC	23 Ballymiscaw Road, Holywood, BT18 9RR	Proposed replacement two storey dwelling and garage.	Permission Granted
LA04/2023/2975/F	LOC	7 LOCKVIEW ROAD MALONE LOWER BELFAST ANTRIM BT9 5FH	Change of use from existing Greengrocery to proposed Pharmacy.	Permission Granted
LA04/2023/2976/F	LOC	33 Etna Drive, Belfast, BT14 7LH	Proposed Single storey extension to rear of dwelling and level access to rear of dwelling	Permission Granted
LA04/2023/2977/F	LOC	20 Ravenhill Road, Belfast, BT6 8EA	Proposed shed Extension to rear/side of existing building to provide extra storage space	Permission Granted

LA04/2023/2979/F	LOC	423-427 ORMEAU ROAD BALLYNAFOY BELFAST DOWN BT7 3GQ	Vary condition 9 LA04/2019/0896/F (Prior to the occupation of the development, a scheme for the kitchen extraction and odour abatement system shall be submitted)	Permission Granted
LA04/2023/2918/F	LOC	44 Ladas Drive, Belfast, BT6 9FT	Single Storey Extension to Rear of Dwelling.	Permission Granted
LA04/2023/2994/F	LOC	6 - 20 Bloomfield Avenue, Belfast, BT5 5AD	Variation of condition 17 LA04/2022/0651/F regarding details of foul and surface water drainage	Permission Granted
LA04/2023/2970/DCA	LOC	Lesley Buildings Fountain Street, Belfast, BT1 5EB	Internal demolitions within vacant retail unit, complete strip out and refurbishment of all existing upper floors and removal of existing rooftop plant.	Consent Granted
LA04/2023/3027/F	LOC	24-26 Arthur Street, Belfast, BT1 4GB	Change of use from vacant retail units (Class A1) on ground and first floor to offices (Class B1)	Permission Granted
LA04/2023/3050/F	LOC	75 Belmont Church Road, Belfast, BT4 3FG	Two Storey Extension and Alterations to Dwelling.	Permission Granted
LA04/2023/3055/F	LOC	2 TROSSACHS GARDENS BALLYFINAGHY BELFAST ANTRIM BT10 0HX	Proposed single storey extension to front of dwelling and conversion of existing garage, and the provision of private driveway	Permission Granted
LA04/2023/3255/F	LOC	Unit LGK3 Victoria Square, Belfast, BT1 4QG	Change of use from existing ticket office to food and beverage unit including extension.	Permission Granted

LA04/2023/3073/F	LOC	50 VAUXHALL PARK MALONE LOWER BELFAST ANTRIM BT9 5HB	Single Storey extension to side and rear. Attic conversion with Dormer to rear.	Permission Granted
LA04/2023/3098/DCA	LOC	6 Shrewsbury Drive, Belfast, BT9 6PL	Partial demolition of existing rear return.	Permission Granted
LA04/2023/3112/F	LOC	96 Earlswood Road, Belfast, BT4 3DZ	Two Storey Extension to Side of Dwelling with associated alterations to building.	Permission Granted
LA04/2023/3122/NMC	LOC	38 Ormiston Crescent, Belfast, BT4 3JQ	Alteration to eaves height to new extension on side elevation to include a part flat roof and altered windows/doors. Original approval LA04/2022/0158/F.	Non Material Change Granted
LA04/2023/3150/F	LOC	6 Lomond Avenue, Belfast, BT4 3AJ	Change of Use from Residential to House in Multiple Occupancy (HMO) and Single Storey Rear Extension	Permission Granted
LA04/2023/3160/F	LOC	1 Norwood Drive, Belfast, BT4 2EA	Two storey side extension + creation of additional in-curtilage parking with associated site works.	Permission Granted
LA04/2023/3239/F	LOC	220a, Flat 1 Stewartstown Road, Belfast, BT17 0LB	Replacement of the existing railing with a 2.4m (powder-coated) paladin fence	Permission Granted
LA04/2023/3232/DETEIA	LOC	Lands at Stormont Estate Upper Newtownards Road, Belfast, BT4 3SB	Short duration Geothermal Ground Source Heating Demonstration Project comprising shallow drilling, testing and completion of 5 no. exploratory boreholes, associated temporary access, compound areas and mobile public information kiosk	Environmental Statement Not Required

LA04/2023/3205/F	LOC	1 Apollo Road, Belfast, BT12 6HP	Proposed new 2.4m High double leaf Palisade infill gate and Palisade as given below - 2.4m High palisade fence powder coated finish in black, 2.4m height Double Palisade Fence galvanized finish, 2.4m High palisade fence galvanized finish.	Permission Granted
LA04/2023/3204/F	LOC	8 Cheltenham Park, Belfast, BT6 0HR	Renewal of planning application LA04/2018/2382/F for a two storey side and rear extension.	Permission Granted
LA04/2023/3250/F	LOC	32 Shaftesbury Avenue, Belfast, BT7 2ES	Change of use from dwelling house to HMO	Permission Granted
LA04/2023/3244/F	LOC	18 Cicero Gardens, Belfast, BT6 9FZ	Two storey side and rear extension.	Permission Granted
LA04/2023/3252/F	LOC	22 Lower Windsor Avenue, Belfast, BT9 7DW	Proposed 2 storey extension to community building to provide 2 no. bedrooms.	Permission Granted
LA04/2023/3267/DC	LOC	Nos. 41-49 Bates Avenue, Belfast, BT9 7BY	Discharge of condition 19 LA04/2021/2544/F Knoxton Specification Document and Brick Sample (latter to follow)	Condition Discharged
LA04/2023/3273/DC	LOC	1 - 21 Castlereagh Road, Belfast, BT5 5FB	Submission of a Generic Quantitative Risk Assessment and Vapour Risk Assessment, prepared by RSK Discharge of condition 5 & 8 LA04/2017/2102/F.	Condition Not Discharged
LA04/2023/3345/F	LOC	57 Horn Drive, Belfast, BT11 9NE	Single storey extension to the rear and level access to the front.	Permission Granted
LA04/2023/3309/A	LOC	Gable end wall of 326 Ormeau Road, Belfast, BT7 2GE	Replacement of existing 48 Sheet internally illuminated advertising display with LED digital display.	Consent Granted

LA04/2023/3317/F	LOC	11 RIVERVIEW STREET MALONE LOWER BELFAST ANTRIM BT9 5FD	Proposed dormer window to rear of property.	Permission Granted
LA04/2023/3326/A	LOC	8 Weavershill Square, Belfast, BT14 8QU	Proposed purple non-illuminated cover panel over existing ATM panel.	Consent Granted
LA04/2023/3351/CLOPU D	LOC	32 Wynard Park, Belfast, BT5 6NS	Single-storey side (utility room) and rear extension (kitchen/dining) to the dwelling	Permitted Development
LA04/2023/3350/CLOPU D	LOC	30 Tyrone House, Flat 38 Adelaide Street, Belfast, BT2 8HH	Looking to use apartment for short term holiday let, there will be no changes in the building structure or anything.	Application Invalid
LA04/2023/3403/A	LOC	Thompson Dock and Pumphouse Thompson Dock and Pumphouse, Queens Road, Belfast, BT3 9DT	1 Other - Exterior Roof Painted Signage	Consent Granted
LA04/2023/3386/LBC	LOC	110 Victoria Street, Belfast, BT1 3GN	The proposed installation of double glazing units into existing ground floor window frames. The installation of new double side doors to include triple glazing to existing fanlights and sidelights. The proposed installation of secondary glazing to the first, second and third floors as well as some third floor sliding sash windows having double glazing installed in the existing sashes.	Consent Granted
LA04/2023/3393/F	LOC	9 Mill Valley Crescent, Belfast, BT14 8FY	Single storey wooden garden shed to side of house	Permission Granted
LA04/2023/3432/F	LOC	16 South Link Day Centre South Link, Andersonstown, Belfast, BT11 8GX	Change of use from a Day Centre to a Podiatry Unit	Permission Granted

LA04/2023/3431/F	LOC	84 Garnock Hill Belfast BT10 0AW	Single storey rear extension and first floor rear dormer. Garage conversion to a habitable space and elevational changes.	Permission Granted
LA04/2023/3470/LBC	LOC	Ulster Museum Stranmillis Road, Botanic Gardens, Belfast, BT9 5AB	Proposed Back of House ReConfiguration Works	Consent Granted
LA04/2023/3435/F	LOC	1 Cyprus Avenue, Belfast, BT5 5NT	Single storey side extension to dwelling and elevational changes.	Permission Granted
LA04/2023/3436/DCA	LOC	1 Cyprus Avenue Belfast BT5 5NT	Partial demotion of the side wall to accommodate extension / alterations.	Consent Granted
LA04/2023/3441/DC	LOC	The Kings Hall Lisburn Road, Belfast, BT9 6GW	Submission of CEMP Discharge condition 17 LA04/2022/0311/F	Condition Partially Discharged
LA04/2023/3437/DC	LOC	2 Harbour Office Corporation Square, Belfast, BT1 3AL	Archaeological Programme of Works by Gahan & Long Discharge of condition 12 LA04/2022/0262/F.	Condition Partially Discharged
LA04/2023/3488/F	LOC	THOMAS HOUSE 14-16 JAMES STREET SOUTH BELFAST ANTRIM BT2 7GA	External elevation change, replacement of existing main entrance doors with new framless glazed doors and accompanying security gates.	Permission Granted
LA04/2023/3478/F	LOC	Victoria Place 20 Wellwood Street, Belfast, BT12 5GE	Upgrade and replacement of existing cladding panels to facade of building	Permission Granted
LA04/2023/3550/DC	LOC	2 Hampton Park, Belfast, BT7 3JL	Discharge condition 5 of planning permission LA04/2021/2136/F	Condition Discharged

LA04/2023/3499/F	LOC	6 Castlehill Drive, Belfast, BT4 3GS	Conversion of existing garage to living accommodation with flat roof over, internal layout changes, elevation changes including removal of bay window and changes to windows and doors on rear elevation (Amended site description)	Permission Granted
LA04/2023/3524/F	LOC	627 Ballysillan Road, Belfast, BT14 6RR	Single storey extension to rear with new flat roof to side and rear.	Permission Granted
LA04/2023/3548/F	LOC	1 Carrick Hill Belfast BT1 2JR	Extension and alteration to existing GP surgery to provide 3 new consultation rooms	Permission Granted
LA04/2023/3537/F	LOC	BELFAST CITY HALL 2 DONEGALL SQUARE NORTH TOWN PARKS BELFAST ANTRIM BT1 5GS	Installation of two number bronze statues on the grounds of Belfast City Hall.	Permission Granted
LA04/2023/3516/DC	LOC	603 ANTRIM ROAD SKEGONEILL BELFAST ANTRIM BT15 4DX	Discharge of condition no.2 - LA04/2022/0301/F Tree Protection Plan	Condition Discharged
LA04/2023/3561/F	LOC	5 Meadowhill Belfast BT11 8QR	Proposed two storey extension to side of dwelling.	Permission Granted
LA04/2023/3540/CLEUD	LOC	12 Ulsterville Gardens, Belfast, BT9 7BA	Existing use: House in Multiple occupancy	Permitted Development
LA04/2023/3563/DC	LOC	Crosscollyer Street, Belfast	Discharge Condition 4 LA04/2019/1121/F Verification Report	Condition Discharged

LA04/2023/3566/DC	LOC	Lands south of Albert Bridge, and directly north of 5 Ravenhill Road, Belfast, BT6 8DN	Discharge of condition 6 LA04/2019/2217/F Verification Report	Condition Discharged
LA04/2023/3568/F	LOC	7 Westway Crescent, Belfast, BT13 3NU	Conversion of hipped roof to pitch roof with rear dormer extension and two velux windows to the front. Reduction in size of existing first floor side window.	Permission Granted
LA04/2023/3573/F	LOC	Orangefield Presbyterian Church 464 Castlereagh Road, Belfast, BT5 6BH	Solar array (12.15kWp) comprising 27No PV panels erected on existing first floor flat roof	Permission Granted
LA04/2023/3581/DC	LOC	18 Malone Park, Belfast, BT9 6NH	Discharge of condition 3 LA04/2021/2429/F. 1:10 joinery details for new external windows and doors.	Condition Discharged
LA04/2023/3590/F	LOC	374-378 St John's Presbyterian Church Ormeau Road, Ormeau, Belfast, BT7 3HX	Erection of a polytunnel on allotments within the grounds of the church.	Permission Granted
LA04/2023/3588/F	LOC	12 Crawford Park, Belfast, BT6 9RS	Demolish existing conservatory and erect a new single storey sunlounge	Permission Granted
LA04/2023/3593/F	LOC	53 Thornberry Hill, Belfast, BT14 8EP	Single storey extension to side and rear of property, internal alterations and level access to front.	Permission Granted
LA04/2023/3607/DC	LOC	150 Knock Road, Belfast, BT5 6QD	Discharge of condition no.17, 18, 19- LA04/2021/2144/F	Condition Discharged
LA04/2023/3619/DC	LOC	Lands to the north east of 3 Westbank Road and Immediately south west, of the existing Stena Line Terminal, Belfast Harbour Estate, Belfast, BT3 9JL	Discharge of condition no.4 - LA04/2022/0063/F Construction Environmental Management Plan (CEMP) by Felix O'Hare and Co Ltd and Summary Table.	Condition Discharged

LA04/2023/3632/DC	LOC	140 Donegall Street, Belfast, BT1 2FJ	Discharge of Condition no.5 - LA04/2021/0516/F Piling Risk Assessment	Condition Discharged
LA04/2023/3643/NMC	LOC	10 Lorne Street, Belfast, BT9 7DU	Non material change - LA04/2017/1153/F Reconfiguration of access arrangements to rooftop amenity space	Non Material Change Refused
LA04/2023/3647/F	LOC	329-331 Albertbridge Road, Ballymacarret, Belfast, BT5 4PY	Proposed redevelopment of site for commercial use	Application Invalid
LA04/2023/3648/F	LOC	37 Glengoland Gardens Dunmurry BT17 0JE	Single storey side extension, porch/ hall extension to the front and elevational changes.	Permission Granted
LA04/2023/3651/F	LOC	59 Norglen Drive, Belfast, BT11 8DH	Ground floor extension to the rear of the property and level access to the front.	Permission Granted
LA04/2023/3662/A	LOC	City Quays 3 92 Donegall Quay Belfast BT1 3FE	1 High Level Building Signage	Consent Granted
LA04/2023/3723/F	LOC	12 Beechgrove Crescent, Belfast, BT6 0NG	Single storey rear extension to adjoin with existing garage wall	Permission Granted
LA04/2023/3724/WPT	LOC	47 Malone Park, Belfast, BT9 6NN	Works to 5 trees.	Works to Trees in CA Agreed
LA04/2023/3732/F	LOC	78 Fruithill Park, Belfast, BT11 8GF	Single storey rear extension.	Permission Granted
LA04/2023/3735/DC	LOC	140 Donegall Street, Belfast, BT1 2FJ	Draft Construction Environmental Management Plan (CEMP)	Condition Discharged
LA04/2023/3756/WPT	LOC	Parkdean Nursing Home, 44 Fortwilliam Park, Belfast, BT15 4AS	Works to 1 trees.	Works to Trees in CA Agreed

LA04/2023/3760/DC	LOC	8 Nelson Street, Belfast.	Discharge of condition 7 LA04/2021/2893/F. Confirmation that no combustion source anywhere in the building.	Condition Discharged
LA04/2023/3781/DC	LOC	Blacks Gate Development (Former Visteon Factory Site) Blacks Road Belfast, BT10	Discharge of condition 4 Z/2013/1434/F A letter of notification to the Council confirming date of occupation of the first residential unit	Condition Partially Discharged
LA04/2023/3782/F	LOC	56 Sandhill Parade, Belfast BT5 6FH	Simply want to refurbish the front garden and driveway, by removing the grass from front garden, paving slabs and loose stones from driveway and replace both areas with tarmac.	Application Invalid
LA04/2023/3787/LBC	LOC	2 Royal Avenue, Belfast, BT1 1DA	Proposed demolition of lean-to external store.	Permission Granted
LA04/2023/3805/DC	LOC	The Kings Hall Lisburn Road, Belfast, BT9 6GW	Discharge condition 36 LA04/2020/0845/O Detail of cycle storage	Condition Discharged
LA04/2023/3820/A	LOC	415 Holywood Road, Belfast, BT4 2GU	1 Digital, 1 Projecting sign	Consent Granted
LA04/2023/3814/WPT	LOC	16 Wellington Park, Malone Lower, Belfast, BT9 6DJ	Please refer to report prepared by Andrew Boe, dated 09.08.2023 and submitted due to complaints	Works to Trees in CA Agreed
LA04/2023/3816/WPT	LOC	91 Balmoral Avenue, Belfast, BT9 6NZ	Works to trees.	Works to Trees in CA Agreed
LA04/2023/3835/DC	LOC	28 Piney Lane Malone Upper Belfast BT9 5QS	Discharge of condition 12 of LA04/2021/0686/F	Condition Discharged
LA04/2023/3834/WPT	LOC	15 Mount Charles, Belfast, BT7 1NY	Works to 1 tree.	Works to Trees in CA Agreed

LA04/2023/3836/WPT	LOC	11 Osborne Park, Belfast, BT9 6JN	Works to 1 tree.	Works to Trees in CA Agreed
LA04/2023/3846/LBC	LOC	Thompson Dock and Pumphouse Thompson Dock and Pumphouse, Queens Road, Belfast, BT3 9DT	Exterior Roof Painted Signage. (Amended Site Description)	Consent Granted
LA04/2023/3865/DC	LOC	488-516 The Kings Hall, Royal Ulster Agricultural Soc Lisburn Road, Malone Lower, Belfast, BT9 6GW	Discharge Condition 37 LA04/2020/0845/O Service Management Plan	Condition Discharged
LA04/2023/3878/DC	LOC	30, 32 & 34 CORRIB AVENUE, BELFAST, BT11 9JB	Discharge condition 13 LA04/2020/1126/F External Materials	Condition Discharged
LA04/2023/3875/CLOPU D	LOC	394 - 400 Newtownards Road, BT4 1HH	Proposed continuation of use of former Freight containers as a restaurant in line with LA04/2016/0940 and as a result of subsequent approval of LA04/2020/1176/F	Permitted Development
LA04/2023/3881/WPT	LOC	22 Cleaver Avenue, Belfast, BT9 5JA	Works to 5 trees.	Works to Trees in CA Agreed
LA04/2023/3939/CLEUD	LOC	2 Riverview Street, Belfast, BT9 5FD	Existing use: HMO (House in multiple occupation)	Application Invalid
LA04/2023/3998/NMC	LOC	92-96 Lisburn Road, Malone Lower, Belfast, BT9 6AG	Minor alterations of proposed floorplans of LA04/2023/2394/F including change of ground floor storage room to retention of existing kitchen.	Non Material Change Granted
LA04/2023/3990/DC	LOC	150 Knock Road, Belfast, BT5 6QD	Discharge condition 20 LA04/2021/2144/F Window schedule and ventilation	Condition Discharged

LA04/2023/4008/PRELIM	MAJ	Boucher Road Belfast BT12 6HR	Change of use to Private Hospital	PAD Concluded
				<u>Total Decsions</u>

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Subject:	New contract for publishing planning notices
Date:	17 October 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
If Yes, when will the report become unrestricted?	
After Committee Decision	☐
After Council Decision	☐
Some time in the future	☐
Never	☐

Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report or Summary of Main Issues
1.1	To update the Committee on the new contract for publishing planning notices.
2.0	Recommendation
2.1	The Committee is asked to note the report.
3.0	Main Report
	<u>Background</u>
3.1	Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 sets out how the Council must publicise planning applications.
3.2	In addition to the requirements to notify neighbours and publish notice of the application on the NI Planning Portal website, Article 8(1)(a) requires the Council to ' <i>publish notice of the application in at least one newspaper circulating in the locality in which the land to which the application relates is situated.</i> '

	<u>Confirmation of new contract for publishing planning notices</u>
3.3	The contract for publishing planning notices in the newspaper was previously fulfilled by the Belfast Telegraph. The contract has come to an end and a new contract has been awarded following a competitive tender exercise. The new contract has been awarded to Mediahuis UK (Belfast Telegraph). The contract is for three years and runs to September 2026, with the option to extend for two further years.
3.4	The procurement process for the new contract was reported to and agreed by the Strategic Policy and Resources Committee (16 th June 2023).
4.0	Financial & Resource Implications
4.1	The Planning Service's annual budget for advertising is £40k.
4.2	Expenditure for the year to September 2023 for publishing notices of planning applications was £10,375.82 (planning service budget of £20k at P6), the planning service budget currently has an underspend of 4.6K
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	None



Subject:	Update on application LA04/2023/3787/LBC Proposed demolition of lean-to external store. 2 Royal Avenue, Belfast
Date:	17 th October 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
If Yes, when will the report become unrestricted?	
After Committee Decision	☐
After Council Decision	☐
Some time in the future	☐
Never	☐

Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report or Summary of Main Issues
1.1	To provide an update on application LA04/2023/3787/LBC Proposed demolition of lean-to external store. 2 Royal Avenue, Belfast. The decision was issued in error prior to the Planning Committee meeting on 19 th September 2023.
2.0	Recommendation
2.1	The Committee is asked to note the report.
3.0	Main Report
	<u>Background</u>
3.1	Application LA04/2023/3787/LBC Proposed demolition of lean-to external store. 2 Royal Avenue, Belfast, was scheduled for consideration by the Committee at its 19 th September 2023 meeting. However, the decision was issued in error on 14 th September, prior to the meeting. Officers reported this to the Committee, advising that the cause appeared to be due to an “administrative technical error”.

3.2	On the advice of the City Solicitor, the Committee went onto consider the application, resolving that it would have granted Listed Building Consent with the conditions recommended in the Committee report and attached to the decision that had issued. <u>Public interest</u>
3.3	The officer recommendation to approve the application, which was agreed by the Committee, was subject to no new issues being raised by the end of the consultation period, which ended on 29th September. No representations were received.
3.4	In view of the Committee's decision to approve the application, it would not be in the public interest to take any further action in relation to the decision that has been issued.
3.5	An explanatory file note, setting out the background to the decision, has been published on the NI Planning Portal in the interests of transparency of the decision-making process. <u>Technical administrative error</u>
3.6	Officers have investigated how the decision notice was issued in error.
3.7	The normal process is for applications that are known not to follow the delegated route, such as this application, are identified in the back-office IT system at the registration stage, shortly after receipt of the application. This process was not followed in this case due to human oversight.
3.8	The application was subsequently assessed as a delegated application and passed through to the senior officer to authorise the decision for issuing. However, the senior officer realised that the application could not be issued under delegated powers and so aborted the authorisation process, with the authorisation field in the back-office system that had initially be completed removed. However, the system had generated an electronic auto-task to the planning officer to "Finalise Report". The officer recorded the task as being completed, having completed their assessment. Crucially, this then generated a further auto-task that was sent directly to the administrative team to issue the decision. Whilst the authorisation field had been removed from the back-office system, the draft decision notice had not been removed at the same time. The administrative team naturally assumed that the decision was ready to issue because the draft decision notice was present and they had received the "issue decision" task and went onto issue the decision.
3.9	As can be seen, a number of unique circumstances led to the decision being issued by mistake, some human error and some due to the configuration of the system. <u>Future controls</u>
3.10	The following controls have or are being put in place to ensure that this error does not occur again. a) Clearer process instruction requiring officers to assign applications as either "delegated" or "non-delegated" on registration at the beginning of the process; b) Requirement that the authorisation field in the back-office system is only ever completed by the senior officer authorising the decision; c) Where the authorisation field is removed for any given reason, the draft decision notice will also be deleted from the system;

	d) Planning Service to investigate with the ICF (which manages the contract for the Planning Portal IT system) the scope for local re-configuration to remove auto-generation tasks for issuing decisions to the administration team – only manual tasks will be used which is the current normal process; and e) For manual tasks sent by the senior officer to the administrative team to issue the decision, a cover message will be included in the “task dialogue box” requesting that decision is issued (i.e. it is clearly evident that the task is human created).
4.0	Financial & Resource Implications
4.1	No material impacts.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	None

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Subject:	Planning Committee Training
Date:	17 October 2023
Reporting Officer:	Kate Bentley, Director of Planning & Building Control
Contact Officer:	Keith Sutherland, Planning Manager (Plans & Policy)

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
If Yes, when will the report become unrestricted?	
After Committee Decision	
After Council Decision	
Some time in the future	
Never	

Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report and Summary of Main Issues
1.1	The purpose of this report is to advise the Committee of NILGA's 2023-24 Planning Training Programme for elected members (Appendix 1); seek permission for up to three Planning Committee members to participate in the full programme.
2.0	Recommendation
2.1	The Committee is asked to: - note the appended NILGA 2023-24 elected member Planning Training Programme; and - approve the attendance of the Chair, Deputy Chair and up to one other member of the Planning Committee, or their nominees, to participate in the Programme.

3.0	Main Report
3.1	<u>NILGA 2023-24 Planning Training Programme Invitation</u> NILGA has again created a regional elected member development programme for implementation during 2023-24. The programme builds on the NILGA training initiative co-designed with the elected member development groups and the Regional Working Group.
3.2	The overall NILGA elected member development programme includes a strand in respect of a Local Planning Programme for elected members, a copy of which is set out at Appendix 1 . NILGA has commissioned the six module programme, which will run from November 2023 to

	March 2024, developed from previous experience and feedback (Appendix 2). Each module lasts 2.5 half hours normally scheduled for a Friday with the final module comprising a study trip in April 2024 to the Republic of Ireland.
3.3	The programme will be interactive in nature delivered by a pool of planning practitioners from different sectors. The programme will include short presentations; discussions; case studies and benchmarking practice in other jurisdictions; workshops with role play; question & answer sessions; and the optional site visit as set out in the Appendix 1 .
3.4	A pre-requisite for the enrolment in the programme is that elected members who are nominated to attend must be in a position to complete five taught modules. Elected members who successfully complete the full programme, to a satisfactory standard, will be accredited with an endorsed Institute of Leadership and Management (ILM) development award.
3.5	<u>Finance and Resource Implications</u> The projected training costs associated with this report are approximately £622 per participant and potential additional optional Study Visit cost. This was met in previous years from existing corporate / departmental training budgets.
3.6	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no equality or good relations implications associated with this report.
4.0	Appendices
	1. NILGA 2023-24 "Local Planning Leadership Programme for Elected Members" 2. Promotional Leaflet for 2023/34 Local Development Planning Leadership Programme

Appendix 1 - 24th June 2021 Planning Committee – NILGA Local Planning Programme

Programme Outline:

The NILGA Local Planning Programme is an ILM (endorsed award), 7 Module Programme, commencing on the 24th September 2021 and will convene once every month as follows:

Module	Title	Time	Date	Venue
Module 1	Understanding Plan Making and the Role of Councillors	2-4.30pm	24 th September 2021	tbc
Module 2	How Local Development Planning is Linked to Community Planning and Regeneration Activities	2-4.30pm	29 th October 2021	tbc
Module 3	Understanding the Local Development Plan Process from Draft Stage to Adoption	2-4.30pm,	26 th November 2021	tbc
Module 4	Understanding Development Management: The Planning Process and the Role of Councillors, Planning	2-4.30pm,	17 th December 2021	tbc
Module 5	Understanding the Statutory Appeal System and Best Practice	2-4.30pm	28 th January 2022	tbc
Module 6	The Statutory Enforcement Process and the Role of the Planning Committee and other Councillors	2-4.30pm	25 th February 2022	tbc
	Study Trip		3 rd March 2022	tbc
Module 7	Maladministration Charges to the Ombudsmen and the Judicial Review of Planning Decisions	2-4.30pm	25 th March 2022	tbc

Indicative Costs NILGA Local Planning Leadership Programme 2021/22

	30 Council Participants (Per Participant Cost)	20 Council Participants (Per Participant Cost)
Programme Cost	£215	£323
Accreditation Cost	£150	£150
Total Cost	£365	£473



NILGA Local Planning Leadership Programme for Elected Members

November 2023

Module Design, Delivery and Evaluation:

Context and Background

The NILGA Local Planning Leadership Programme 2023-24 is a modular accredited, Northern Ireland Planning System capacity building programme for councillors. It has evolved from an initial collaboration with Diana Fitzsimons MA, MSc, FRICS and MRTPI, planning and policy specialist and a visiting professor at Ulster University. A partnership agreement was also established with Dorothy McKee Consulting an accredited ILM Centre who is has advised on the accreditation of the programme to ILM standards.

The delivery of this programme will be interactive and interesting for Councillors, enabling councillors to better understand the various aspects of their leadership role in planning. It allows them to learn from case studies, to ask questions regularly and to undertake role play in workshops.

Clear and illustrated hand-outs in plain English will be given to participants throughout the course, with each hand-out containing links to further reading and the policy/legislation referred to. The Programme will also introduce leadership theories that are relevant to the planning context. The hand-outs will be hardcopy or electronic.

Case studies will be accompanied by maps and other illustrative material.

Real life examples from the presenters' experiences in Northern Ireland and in other parts of the UK will be used throughout the presentations and discussions to keep the modules interesting and relevant to each Councillor's everyday role in relation to planning.

The delivery will include:

- (a) short presentations using PowerPoint
- (b) discussions
- (c) case studies and benchmarking practice in other jurisdictions
- (d) workshops with role play
- (e) question/answer sessions
- (f) mock appeal
- (g) hand-outs in paper and electronic form
- (h) summary notes of discussions at each session and suggestions for further training
- (i) optional site visit as detailed

Outcomes and Evaluation:

Modules 1 & 2:

- Improve each Councillor's understanding of the plan making system and their role in the process as civic leaders,
- Increase their understanding about what their Council's priorities for statutory plan making could and should be,
- Help them to ensure that the Council effectively manages the planning process and does not breach any statutory requirements or fail to get the plan through to adoption in a timely manner,
- Improve each Councillor's understanding of the linkages, both statutory and practical, between community planning and the statutory local development planning being carried out by the Councils and the strategic leadership role of a Councillor.

Modules 3-4:

- Improve each Councillor's understanding of the development management system,
- Build an enhanced strategic leadership decision-making capacity for Councillors to be able to deliver the Council's planning objectives as set out in its policies, its emerging LDP and in regional guidance,
- Improve the Councillors' understanding of the enforcement process and when enforcement action is desirable,
- Enable them to participate effectively and take the lead in making robust and defensible decisions about the future of their Council area.
- Enable Councillors and their Councils to demonstrate 'joined up' good governance and to deliver planning and related activities in a holistic way.

Modules 5:

- Reduce the Council's vulnerability on appeal and minimise the possibility of award of costs at appeal,
- Reduce the Council's vulnerability in relation to maladministration of their planning powers,
- Help to safeguard each Council's reputation as a responsible decision maker.

Module 6:

- Peer learning and effective leadership development through visiting a local authority which has a wider responsibility of planning for a longer period of time.

The impact and success of the training will be monitored at individual level through returned course evaluation forms and through improved understanding demonstrated in workshops. Councillors who successfully complete the entire course to a satisfactory standard will be receive an ILM recognised award.

Module 1 - Understanding plan making and the role of Councillors

Understanding the Local Development Plan Process from draft stage to adoption

Date: 17th November 2023, 2-4.30pm, In-Person, Venue tbc

Delivered by: Rosemary Daly

Content:

An outline of best practice in preparing and approving a Local Development Plan (LDP) and the role of Councillors as civic leaders:

- Summary of the current plan background to decision taking in each Council area in the absence of up-to-date Local Development Plans (LDPs).
- How can Councillors take the lead in helping shape their Council area for the future benefit of the people who live and work there?
- How important are the various stages of the process in demonstrating an understanding of the responses to the statutory consultation exercises.
- The role of the councillor as a civic leader in Local Development Planning.
- The importance of a collaborative leadership approach in preparing a Local Development Plan.
- How can Councillors work closely with planning officers by giving them clear direction from the outset, helping them to stick to the timetable
- The importance of an up-to-date plan for the economic prosperity of the locality and for implementing the government's Programme for Government
- What are the statutory requirements for preparing the LDP and what is the continuing role for the Department for Infrastructure?
- How important are: fulfilling the Council's Statement of Community Involvement; proper environmental assessment; and ensuring a clear evidence base for decisions?
- What are the relevance of current RoI plans at regional and local level to those Councils with a common boundary to RoI councils?
- What can go wrong with Local Development Plan making and how to avoid this through effective management of the process?

Local Development Plans – How can Committee members best get involved without breaching the Code of Conduct

- Delay
- Political divide within Council on key issues and stalemate
- Non compatibility with regional policy and guidance
- Call in by DfI Planning
- Breach of the Code of Conduct by a Councillor
- Judicial Review of the plan or an element of it.

Workshop case studies:

In considering the civic leadership qualities of councillors, the following case studies may be delivered:

- (a) should there be expansion of a settlement into the Green Belt or not? This theme will be developed at a later stage in the proposed study visit.
- (b) how to ensure development of social/affordable housing in the area – what are the choices? This theme will be developed at a later stage in the proposed study visit.
- (c) a councillor not on a Planning Committee wants to take an active part in an inquiry topic session at Stage 2 as he /she opposes the proposed zoning of a particular site for housing.
- (d) an example of an element of the draft LDP which may not be 'sound' as arguably inconsistent with the evidence base (e.g. calculation of the amount of new housing required over the plan period).

Module 2 – How Local Development planning is linked to community planning and regeneration initiatives – the leadership role of the councillor in analysing complex information and taking sound decisions on place shaping

Date: 15th December 2023, 2-4.30pm, Digital /Online

Delivered by: Gavan Rafferty and Kim Weir

Content:

Community Planning and the Strategic

- What is it? Ironing out misconceptions
- Careful programming of community planning and local development planning within the Council
- The statutory and practical links between the two types of planning
- Avoiding the pitfalls of delay, contradiction or unmet community expectations
- How best to ensure synergies
- Civic leadership role of the councillor needed in taking a more place shaping approach.

Best practice case studies in community planning, working alongside local development planning in Scotland.

Regeneration planning

- Ironing out misconceptions on what regeneration planning is all about
- What DfC regeneration plans are being implemented and thus not renegotiable
- Avoiding the pitfalls of delay and contradiction by properly managing the process
- Increasing understanding of leadership in terms of place shaping.

Best practice case studies/workshop in regeneration planning working alongside local development planning in Scotland.

Managing the Process and making sure that the Local Development Plan is implementable within defined resources.

- Making sure the Council committees understand each other's roles.
- Performance setting and monitoring by the Dept for Infrastructure.
- Call in powers by DfI – case examples.
- DfI power to enforce Joint Plans.
- Meeting the requirements of Environmental Assessment and other EU law.

Questions and Answers

Module 3 - Understanding development management: the planning process and the role of Councillors

Understanding planning conditions and planning agreements and the role of Planning Committee

The Statutory enforcement process and the role of the Planning Committee and other Councillors

Date: 26th January 2024, 2-4pm, Digital / Online

Delivered by: Paul Duffy and Gary Dodds

Content:

The statutory development management process and the role of the councillor in ensuring the effective management of the process:

- Which applications come to the Planning Committee for decision and which are delegated to Council officers or made by DoE Planning
- The importance of case law and regional policy/guidance in making robust planning decisions
- The need to abide by statutory requirements in dealing with planning applications – consultation with statutory agencies, community involvement, timescales etc
- The need for good reporting and clear advice by officers to the planning committee
- The pre-determination hearing and how Councillors should treat this.

Making timely, effective and defensible decisions that reflect evidence ethical decision making and good governance:

- Understanding the need for timely decisions and the costs to the local economy of any unnecessary delays
- The planning committee's role in evaluating planning applications and planning conditions suggested by officer.
- The importance of ethics and impartiality in the decision-making process
- Propriety and leadership in decision making by councillors
- The Committee meeting and best practice – a view from Scotland and England practice
- Whether site visits are required
- Constraints on matters which Councillors can take account of when making planning decisions.
- Dealing with lobbying by applicants and objectors
- Avoiding unreasonable behaviour and potential award of costs

Consideration of Case studies on best (and not so good) practice from Scotland and N Ireland e.g.

(a) application for demolition and replacement of an historic building in a local town

- (b) application for a bar/restaurant on the edge of the defined town centre
- (c) application for a mixed-use affordable housing scheme on former industrial land

Questions and Answers

Understanding and managing adherence to the legal and policy requirements for planning conditions:

- Types of planning condition
- The importance of clear wording
- Applications to remove or vary a condition in a planning permission.
- Enforcement for breach of a condition
- Appeal against a planning condition

The following case studies may be used in demonstrating when to use Planning conditions

- (a) should an agricultural occupancy condition be applied in granting planning permission for a rural dwelling?
- (b) should a condition be applied for specific sight lines coming out of a vehicular access to a proposed business even if neighbours claim that they own the land required for the sight lines?
- (c) an appeal against a condition restricting hours of opening of a motorcycle racetrack
- (d) an appeal against a car parking condition for a commercial development which is viewed by the applicant as unreasonable.

Questions and Answers

Planning agreements:

- The law and any relevant guidance
- What are the practical issues in getting timely agreements prepared?
- Avoiding delays
- When can they be removed?

The following case studies of recent planning agreements may be considered:

- (a) financial contributions from developers of student accommodation in Belfast City Centre
- (b) financial contributions to off -site road infrastructure for edge of centre retailing park
- (c) Getting a planning agreement removed/amended at Belfast City Airport

Questions and Answers

The essentials of law and policy relation to enforcement:

- Understanding the legislation, regional policy, advice and case law
- The importance of ethical leadership

- Making an appropriate response to unauthorised development in the context of Council resources and reputation
- When is enforcement out of time?
- What can go wrong in enforcement cases?
- Planning Committee procedures for enforcement decisions (and for drawing up the Council's own enforcement policy)
- Balancing the proper arguments for and against the enforcement case.

The following case studies may be used in demonstrating enforcement of cases in Scotland, England and N Ireland

- Unauthorised car sales in former countryside barn
- Change of use of inner city dwelling to multiple occupation
- Non-compliance with a planning condition in major new mixed-use development
- Unauthorised extension to village dwelling

Module 4- Understanding the statutory appeal system and best-practice and how to present effectively as a civic leader

Date: 23rd February 2024, 2-4.30pm, Digital / Online

Delivered by: Pamela O'Donnell

Content:

The various types of appeals and the role of council officers and councillors:

- Managing the process – Planning Committee best practice
- The role of the Planning Appeals Commission
- Presenting the Council's case on appeal – officers and Councillors
- Effective communication for leadership -The leadership qualities needed as an effective communicator
- Dealing with lobbying by appellants and third parties
- Decisions by the Planning Appeals Commission and their repercussions
- Avoiding Award of Costs by the PAC

The following case studies may be used in demonstrating appeal cases in Northern Ireland

- (a) hot food bar in small parade of shops
- (b) demolition and new house in a Conservation Area
- (c) out of town centre retail development
- (d) infill dwelling in AONB part of the countryside

Questions and Answers

Mock Planning Appeal with role play by delegates

- Briefing material to be given to Councillors several weeks in advance
- Each Councillor to play a different role in the appeal,
- Outcomes and behaviours to be evaluated by the group.

Module 5 – Maladministration charges to the Ombudsmen and the judicial review of planning decisions

Date: 29th March 2024, 2-4.30pm, In-person, Venue tbc

Delivered by: William Orbinson QC and Diana Fitzsimons

Content:

The different types of challenges by individuals or groups and possible outcomes:

- To the Courts for a Judicial Review
- To Local Government Ombudsman
- To Public Services Ombudsman

Questions and Answers

How Councillors and Councils can avoid maladministration charges related to planning by effectively managing the planning process as demonstrated in the previous modules:

- Examples of breaches of the Code of Conduct and Guidance in planning decisions
- Cases relating to either “actual” or “apparent” bias.
- Cases relating to breach of protocol.
- Pre-determination of the outcome of a planning application by Committee members
- Need to take time to consider all the information pertinent to a decision.
- Duty to give reasons for a decision especially if the Planning Committee makes a decision contrary to the case officer’s recommendation.
- These cases will relate to N Ireland and other parts of the UK.

Outcomes and possible penalties, considering case studies from NI and elsewhere in the UK, such as:

- Quashing of the planning decision
- suspension or disqualification from office of the Councillor
- a prison sentence
- surcharging of Councillors if wilful misconduct found

Questions and Answers

Module 6 – Optional Study Trip to the Republic of Ireland

Date: tba April 2024

The aim of this optional module is to demonstrate best practice in decision making by a Council and its Planning Committee. The Republic of Ireland (RoI) would make an ideal location for course delegates to share experiences with and the proposal is to meet with both Council officials and elected representatives, with site visits to help Programme delegates understand the projects which RoI Councillors are currently debating.

My reasons for choosing Republic of Ireland are:

- The RoI planning system is of suitable in terms of its similarities to the NI system.
- Councils in RoI include areas with medium sized towns, villages, rural hinterland and coast and has planning issues relating to, for example: pressure to expand, environmental designations, deprived communities, conservation, transportation, retailing, social housing, employment and tourism.
- Councils there are regarded as implementing best practice in terms of governance and decision taking.
- We have good connections with several private practices in RoI and through them with the Council which will facilitate the study visit.

Programme Facilitators:

Ann McCullagh, Head of Planning, Ards and North Down Borough Council

Dr Gavan Rafferty, Senior Lecturer in Built Environment, Ulster University

Rosemary Daly, The Planning Appeals Commission

William Orbinson KC

Diana Fitzsimons, Planning Consultant and Visiting Professor Ulster University

Pamela O'Donnell, Principal Commissioner Planning Appeals Commission

Guest Speakers

Emma Kelly, Associate Director Turley

Kim Weir, Community Planning Officer, Fermanagh and Omagh District Council

Susan Wilkin, Deputy Director, Department for Infrastructure

Paul Duffy, Head of Planning and Building Control, Mid and East Antrim Borough Council

Philip Stinson, Director Turley

Conor Hughes, Head of Service for Planning and Capital Development

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NILGA Local Planning Leadership Programme for Councillors 2023-24

What is this programme about?

The NILGA Local Planning Leadership Programme provides a unique training and development experience for councillors in Northern Ireland involved in council planning committees to help them address the challenges of their role.

Since 2015, councils have responsibility for the following key planning functions:

- Local plan-making (Local Development Plan – LDP) – sometimes referred to as ‘forward planning’.
- Development management (excluding regionally significant applications)
- Planning enforcement

Councillors that sit on planning committees will be tasked with assessing the different benefits and impacts of planning applications, weighing up these considerations against regional policy and the policies published in your published local development plan (LDP). It is vital you therefore have a sound understanding of the planning system. The Programme is based on a tested and highly accessible model, which helps councillors in this regard.

The delivery of this programme will be interactive and interesting for Councillors allowing them to learn from case studies, ask questions regularly and to undertake role play in workshops. Delivery will include:

- *Short presentations using PowerPoint.*
- *Discussions*
- *Case studies and benchmarking practice in other jurisdictions.*
- *Workshops with role play.*
- *Question/answer sessions.*
- *Mock appeal.*
- *Handouts in paper form.*
- *Summary notes of discussions at each session and suggestions for further training.*
- *Optional study trip.*

The programme therefore enhances councillors’ strategic leadership and decision-making skills, making them more effective decision makers in their planning committee role, place shaping activities and overall competence in local development planning.

How will this programme benefit me?

The programme will improve your understanding of the plan making system and role in the process as civic leaders. It will enable you to participate effectively and take the lead in making robust and defensible decisions about the future of your council area.

You will have the chance to increase your understanding about what Council's priorities for statutory plan making could and should be. Participation will help in your role to ensure Council effectively manages the planning process and does not breach any statutory requirements or fail to get the plan through to adoption in a timely manner.

The programme will make the linkages, both statutory and practical, between community planning and the statutory local development planning being carried out by Councils and your strategic leadership role as a councillor. Further linkages with planning activities carried out by the Department for infrastructure and by Department for Communities at regional and local level will also be explained. As a result, councillors and their councils will be better enabled to demonstrate 'joined up' good governance and the delivery of planning and related activities in a holistic way.

Regarding development management, the programme will improve your understanding of the development management system, enhancing your strategic leadership decision-making capacity for the delivery of Council's planning objectives as set out in its policies, its emerging Local Development Plan and in regional guidance. Councillors will also have improved understanding of the enforcement process and when enforcement action is desirable.

The programme is also designed to help you reduce Council's vulnerability on appeal in the interests of minimising the possibility of award of costs at appeal, as well as Council's vulnerability in relation to maladministration of their planning powers.

The programme is deliberately ambitious in its aim to help to safeguard Council's reputation as responsible decision maker across a range of interrelated areas of local government.

The impact and success of the training will be monitored at an individual level through returned course evaluation forms and improved understanding demonstrated in workshops.

Finally, Councillors who successfully complete the entire course to a satisfactory standard will be credited with an Institution of Leadership and Management (ILM) Endorsed Award.

Programme of workshops

Date	Time	Venue	Module
Friday 17 th November 2023	2 – 4.30pm	In – Person tbc	Module 1: Understanding Plan Making and Role of Councillors Understanding the LDP process from draft stage to adoption.

15 th December 2023	2-4.30pm	Online /Digital	Module 2: How the Local Development Plan is Linked to Community Planning and Regeneration Activities
26 th January 2024	2-4.30pm	Online / Digital	Module 3: Understanding Development Management: The Planning Process and the Role of the Councillors Understanding Planning Conditions and Planning Agreements and the Role of the Planning Committee The Statutory Enforcement Process and the Role of the Planning committee
23 rd February 2024	2-4.30pm	Online / Digital	Module 4: Understanding the Statutory Appeal System
29 th March 2024	2-4.30pm	Online / Digital	Module 5: Maladministration charges to the Ombudsman and the Judicial Review of Planning
tba April 2024	Study Trip to the Republic of Ireland		Study Trip

What commitment will the programme entail from me?

You will be expected to attend five, two-hour and a half hour workshops over 5 months, beginning in November 2023. The programme also includes a study trip to the Republic of Ireland, which is optional.

At each workshop you will receive a workbook assessment sheet with some case studies and questions related to the workshop content. To achieve the ILM accreditation, you will be required to submit at least three of these workbook assessment sheets, completed to the required standard, by a date agreed with the course co-ordinator at the final workshop.

What other participants have gained?

NILGA believes this programme brings major benefits for all participants. And previous participants agree, here is a testimonial from a councillor who participated in previous programmes:

'My first venture into representative politics was during the Local Government elections in 2001, when to my surprise and delight, I was elected to Fermanagh District Council. Since then, I have remained as a representative in local politics and now sit on the re-formed Fermanagh and Omagh District Council.

Politics forms a large part of my working week, however when not engaged in the political arena, I am involved in the construction industry working in property as a quantity surveyor/project manager/property developer. Construction is a very fulfilling profession and I have been privileged to work on many projects over the years that have challenged and developed me on a personal level. The skills and core competencies developed through this

work have better equipped me for my role as a councillor, and I have developed an interest and expertise in related matters such as planning and land use.

NILGA as well as being the voice of Local Government also provide support and training modules for councillors. The recently developed ILM (Endorsed Award) NILGA Local Planning Leadership Programme has proved to be an excellent platform to enhance and widen the knowledge and skill base of participants. The interactive nature of the course allowed learning by instruction, participation and sharing of experiences by all of those involved. The content was pitched at the right level and covered the complete range of subject matter that councillors need to have knowledge of and be competent in. It highlighted the serious nature of the work and how it related to Community Planning.

I found that through participation in the course my own appreciation of and competence in the area of planning and related subject matter has greatly increased. For those wanting to broaden their horizons in planning it is a must do activity. I would recommend it to anyone as I have thoroughly enjoyed the experience.

Looking forward the course has helped me to be more confident not only in planning matters but as a councillor in general, allowing me to better fulfil the role for my community.'

Cllr Robert Irvine

(Fermanagh and Omagh District Council)

NILGA amongst many other things, provides training support for councillors. I attended the ILM accredited NILGA Local Planning and Leadership Programme, which was excellent. Having previously had some knowledge of planning, this programme certainly enhanced and widened my knowledge of the subject. One of the modules was with a Planning Commissioner from the Planning Appeals Commission. I found this module to be extremely informative and overall, I thoroughly enjoyed the entire course and can wholeheartedly recommend the course to any councillor, especially those elected for the first time, if they are on the planning committee.

Cllr Thomas Gordon

(Mid and East Antrim Council)

For more information

The NILGA Local Planning Leadership Programme 2023-24, detailed prospectus is available on the NILGA Website. All interested parties can contact Fiona Douglas (f.douglas@nilga.org) to discuss further.



Subject:	Updated Schedule of Planning Committee Workshops
Date:	17 October 2022
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Keith Sutherland, Planning Manager (Plans and Policy)

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number ☐

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report/Summary of Main Issues
1.1	The purpose of this report is to provide Members with an updated Schedule of Planning Committee Workshops (see Appendix 1). The Planning Committee is asked to agree the updated programme.
2.0	Recommendation
2.1	That the Planning Committee agrees the updated Schedule of Planning Committee Workshops at Appendix 1 for the period October 2023 to September 2024.
3.0	Main Report
3.1	For the last three years, the Planning Committee has agreed a schedule of Planning Committee Workshops to support Members' continuous development, to work with officers on a number of projects and be briefed on a number of matters (schedules have been agreed in December 2020, September 2021 and June 2022).
3.2	Many of the planned workshops have taken place over the last three years, although a number of have been postponed or cancelled or the workshops have been used to consider additional Committee business that couldn't be accommodated on the normal Tuesday meetings.
3.3	In setting a forward programme for Committee Workshops, a number of approaches have been made to Committee Members and officers regarding the content of workshops and requests have been made to address the Committee. In addition, a number of suggestions for further workshops have emerged from members of the Planning Committee in considering Committee business.
3.4	Based on the issues identified, a proposed schedule of workshops for the remaining months in 2023 and for 2024 is set out in Appendix 1 . The workshops scheduled for 2023/24 may need to be fluid to allow for adaptation and for additional committee sessions to be held if they are considered necessary. The Draft Schedule included in Appendix 1 is therefore indicative and the programme will be confirmed on a month-by-month basis.
3.5	<u>Financial and Resource Implications</u> The preparation of the workshops, including attendance by officers, will have some impact on resources, but is considered value for money. Where appropriate, the Planning Service may choose to appoint outside professionals or agencies to lead or participate, which may result in additional costs.
3.6	<u>Equality or Good Relations Implications/Rural Needs Assessment</u> There are no equality or good relations implications associated with this report.
4.0	Appendices - Documents Attached
	Appendix 1 – Draft schedule of Planning Committee Workshops October 2023 – September 2024

Draft Schedule of Planning Committee Workshops

August 2023 – September 2024

Committee	Workshop Topic
October 2023	No workshop
November 2023	Planning Committee Operating Protocol
December 2023	Principles of decision making including “on balance” decisions
January 2024	Place making including consideration of City Architect
February 2024	Enforcement
March 2024	Local Development Plan - Local Policies Plan update – call for sites and engagement
April 2024	Review of Previous Decisions of the Committee and Appeal decisions
May 2024	Northern Ireland Federation of Housing Associations (NIFHA)
June 2024	Built Heritage issues including presentation from the Civic Trust
July 2024	Recess
August 2024	Biodiversity and Trees
September 2024	Annual Performance Framework 2023/24

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Subject:	Delegation of Local applications with NI Water objections
Date:	17 October 2023
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Ciara Reville, Principal Planning Officer

Restricted Reports	
Is this report restricted?	Yes ☐ No ☒
If Yes, when will the report become unrestricted?	
After Committee Decision	☐
After Council Decision	☐
Some time in the future	☐
Never	☐

Call-in	
Is the decision eligible for Call-in?	Yes ☒ No ☐

1.0	Purpose of Report or Summary of Main Issues
1.1	The Planning Committee will recall that at its meetings on 27 June 2022, 15 November 2022 14 February 2023, 14 March 2023 18 April 2023 and 15 August 2023, it agreed to delegate authority to the Director of Planning and Building Control the determination of a number of Local applications to which NI Water had objected.
1.2	The Council continues to receive objections from NIW to some Local applications. The purpose of this report is to seek the Committee's agreement to delegate to officers those Local planning applications to which NI Water has objected as set out at Appendix 1 .
1.3	For the avoidance of doubt, it is only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water which are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it may later transpire require to be referred to the Committee for other reason/s (other than the NI Water objection) will be reported to the Committee to determine. Individual

	Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.
2.0	Recommendation
2.1	That the Committee agrees to delegate to the Director of Planning and Building Control those Local planning applications to which NI Water has objected set out at Appendix 1 .
3.0	Main Report
	<u>Background</u>
3.1	The Committee will be aware from the Committee Workshop on 18 November 2021 that NI Water has objected to a significant number of Local applications on grounds of insufficient waste-water infrastructure capacity.
3.2	As advised at the Committee Workshop, officers have been engaging with NI Water to try to resolve those objections. Whilst progress is being made, and NI Water is actively considering a threshold for the scale and nature of development above which they would like to be consulted on future planning application, the objections to these Local applications remain.
	<u>Scheme of Delegation</u>
3.3	Members will be aware that the Council operates a Scheme of Delegation for Planning which identifies which matters are to be determined by the Committee and which are delegated to officers.
3.4	Paragraph 3.8.5 (f) of the Scheme of Delegation (January 2020) states that planning applications are not delegated where <i>'There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.'</i> This means that those applications are required to be determined by the Planning Committee.
3.5	The Planning (General Permitted Development) Order (Northern Ireland) 2016 identifies NI Water as a statutory consultee <i>'...where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.'</i>
3.6	This means that where NI Water has lodged an objection to a Local application and the officer recommendation is to approve, the application cannot be delegated and must be determined by the Committee.
3.7	Therefore, at its meeting on 27 June 2022, 14 November 2022, 14 February 2023, 16 March 2023, 18 April 2023 and 15 August 2023, the Committee agreed to delegate Local applications, as appended to the respective reports, with NI Water objections to the Director of Planning and Building Control. This has avoided the potential need to report to date 166 applications individually to the Committee. To have reported all those applications to the Committee would have been logistically extremely difficult, costly and would have resulted in further delays for applicants.
	<u>Nature of NI Water objections</u>
3.8	NI Water has lodged objections to Local applications for one or both of the following reasons. a) There is insufficient capacity at the local Waste Water Treatment Plant to support the proposed development, and/or b) There is insufficient network capacity within existing Combined Storm Overflows to support the development, and/ or

	c) There is insufficient network capacity within the foul sewerage system and a Wastewater Impact Assessment is required.
3.9	In broad terms, NI Water is concerned that a lack of infrastructure capacity would give rise to risk of environmental harm including pollution, flooding and adverse impact on existing property. In some cases, NI Water is concerned that the application site may be hydrologically linked to Belfast Lough and may harm its water quality.
3.10	However, despite requests, NI Water has to date not provided robust evidence to support individual objections including demonstration of actual specific impacts resulting from individual proposals that stems from their broad concerns outlined above.
3.11	Importantly, allowance must be made for existing significant committed development across the city including extant planning permissions. It is highly unlikely that all such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will come forward at once, if at all. In practical terms it would be unreasonable for the Council to withhold planning permission given the fall-back of the need to connect those developments to existing waste water infrastructure.
3.12	In the case of Waste Water Treatment capacity, NI Water advises that there will be increased capacity from July 2023, albeit this will not be sufficient to address long term waste water treatment plant infrastructure requirements.
3.13	The Council must be mindful that were it to refuse planning permission based on NI Water's concerns, it would need to provide robust evidence to the Planning Appeals Commission in the event that the applicant appeals the decision. In the absence of robust evidence, it would be unreasonable to refuse planning permission. NIW have in recent months added further detail to their responses but sufficient robust evidence has not been provided.. <u>Habitats Regulations Assessment</u>
3.14	Officers have met with Shared Environmental Services (SES). 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.
3.15	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 will consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This would also trigger statutory consultation with DAERA NI Environment Agency. The Planning Service will consult SES and DAERA on a case by case basis as required. <u>Local applications for which delegated authority is sought to determine</u>
3.16	The further Local applications to which NI Water has objected and which delegated authority is sought to determine are listed at Appendix 1.

3.17	It should be noted that only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it transpires need to be referred to the Committee for other reason/s under the Scheme of Delegation will be reported to the Committee to determine. Individual Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.
4.0	Financial & Resource Implications
4.1	Officers are aware of the infrastructure issues which NI Water are facing and have had regard to that in making this recommendation to Committee. However, each application must be assessed on its own merits and officers have sought detailed evidence to support the objections which have been provided by NI Water. That has not been forthcoming.
4.2	The cost and resources involved in individually reporting all Local applications to which NI Water has objected to the Planning Committee would be considerable. It would also require several additional sittings of the Committee.
4.3	Regard is also had to the considerable current pressures on the Planning Service and staff with an extremely high volume of live applications on hand due to the longer-term impacts of COVID-19 and ongoing technical issues with the new Planning Portal. The impacts of COVID-19 and other operational pressures were reported in detail to the 15 th February 2022 Planning Committee, item 12a . (hyperlink). In addition, technical issues with the new Planning Portal have reduced the rate of decisions. Combined with several key vacancies, total live applications have increased to around 1,100 application, an approximate 40% increase since pre-pandemic levels. It is very important that the Planning Service implements a range of measures to reduce live applications back down to more manageable levels. This includes securing delegated authority from the Committee for officers to deal with these Local applications subject to NI Water objections.
4.4	For the reasons set out above, officers are of the view that it would be appropriate to continue to delegate these applications.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	Appendix 1 – List of Local applications which are proposed to be delegated to officers to determine.

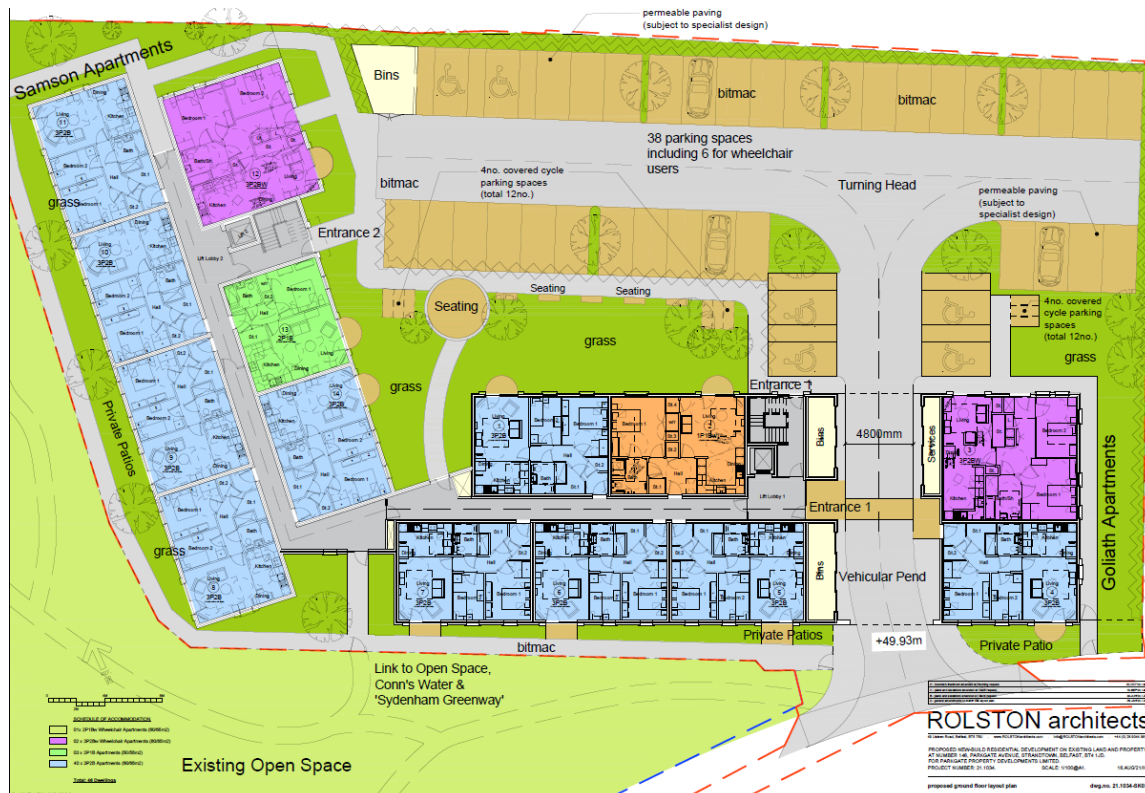
Appendix 1 – Local applications with NIW objections (October 2023)

	DEA	REFERENCE	DATE RECEIVED	PROPOSED	ADDRESS
1	Balmoral	LA04/2022/2045/F	23/02/23	CoU from Guesthouse to dental practice with rear extension, additional parking spaces	741 Lisburn Road BT 9 7GW
2	Botanic	LA04/2022/2268/F	14/02/2023	CoU of Masonic Hall and two rear extension to provide 11 service apartments	13 Park Road
3	Castle	LA04/2023/3532/F	23/06/2023	CoU from warehouse to service office/studio space 1st & 2 nd floors, ground to café/restaurant/exhibition	9 Donegall Quay BT1 3EA
4	Balmoral	LA04/2023/3421/F	08/06/2023	Proposed retention, conversion and alterations / refurbishment to an existing locally important two storey building adjacent to 226 Upper Malone Road Belfast, to include 3 residential units (2 of which are existing), new landscaping works and ancillary site works	226 Upper Malone Road
5	Botanic	LA04/2023/3257/F	21/06/2023	Demolition of existing workshop and outbuildings to rear of property and construction of 3 storey block containing 12 No apartments. Change of use on ground floor of existing building from auction shop to residential use. Alterations to ground floor of existing building to create a further 2 No apartments and construction of new façade at ground floor level to replace existing shop front.	58-60 Donegall Pass BT7 1BU
6	Botanic	LA04/2023/3061/F	23/03/2023	proposed ground floor cafe / restaurant use and 4 number one bedroom apartments on the first and second floors with associated bin storage	305 Ormeau Road BT7 3GG
7	Botanic	LA04/2023/2779	24/03/2023	Change of use from first and second floor Beauty Salon to 2no. Short-Term Stay Managed Apartments including new external stairway and fenestration changes to rear and internal alterations (Amended Description)	141 Stranmillis Road BT9 5AJ
8	Botanic	LA04/2023/2574/F	23/01/23	Change of use from derelict property to Pizza and Kebab Takeaway	155 Lisburn Road

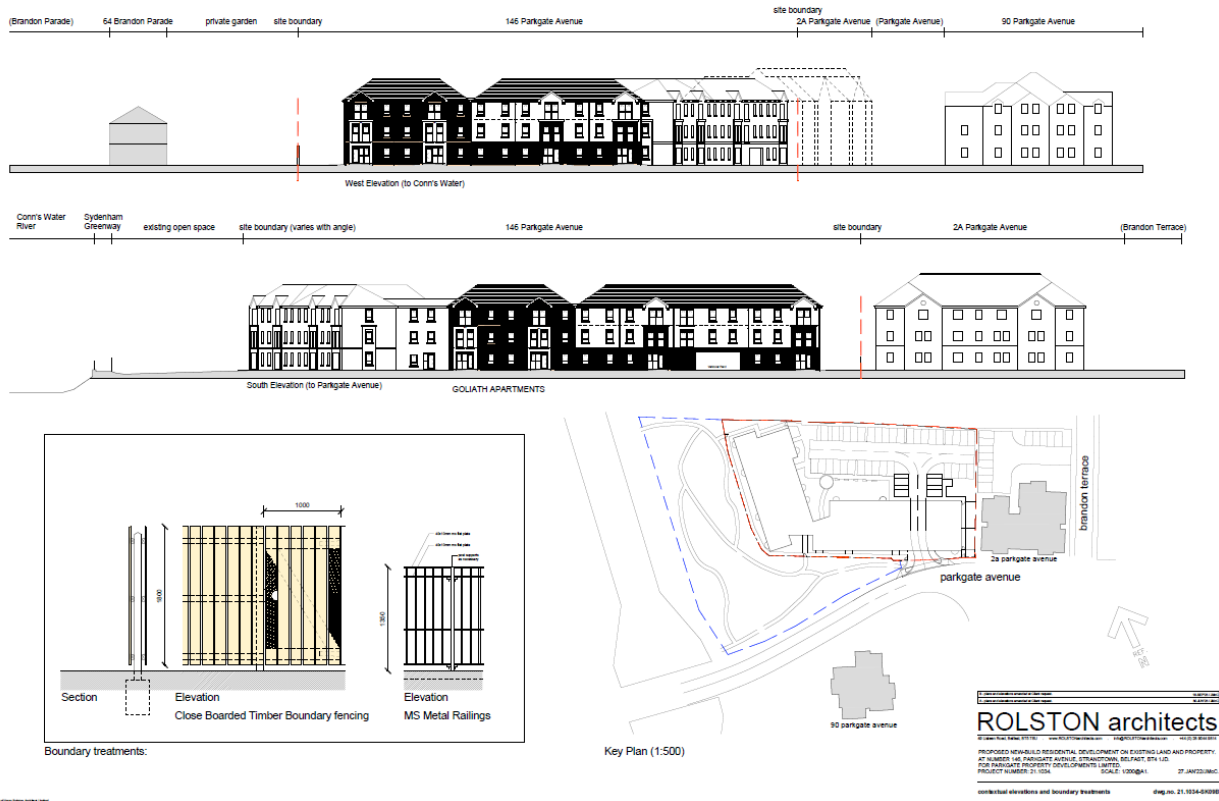
9	Botanic	LA04/2023/3237/F	02/05/2023	Change of Use from Church to Entertainment complex comprising a number of large-scale gaming opportunities, karaoke rooms, restaurant, bar and outdoor seating area. External alterations to the southern and eastern elevations comprising new external steps and associated doorway, and a new first floor escape staircase. Extraction equipment will also be installed to the roof	Former Life Church, on land to the rear of 11 Bruce Street and immediately east of Holmes Street, Belfast
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Addendum Report 1	
Application ID: LA04/2022/0118/F	Date of Committee: 17 th October 2023
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. (Amended plans received 21.9.23)	Location: 146 Parkgate Avenue Strandtown Belfast BT4 1JD.
Referral Route: Paragraph 3.8.2 (a) (i) of the Scheme of Delegation (proposal of more than 12 units with the original recommendation to refuse and representations in support).	
Recommendation: Approval subject to conditions and s76 planning agreement	
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
Addendum Report: Background 1. This application was previously reported to the 29th June 2023 Planning Committee. The application was deferred so that <i>'further engagement takes place between officers and applicant to attempt to resolve the issues. The Committee also agreed to hold a Committee Site Visit.'</i> 2. Two sets of amended plans have been submitted since the previous Committee meeting: amendments voluntarily submitted in August 2023 then amendments September 2023 following a meeting with officers. The most recent amended plans have been subject to Neighbour Notification and are available on the NI Planning Portal. Extracts from the plans are reproduced below. 3. The Committee Site visit took place on 3rd October 2023. 4. This addendum report should be read in conjunction with the original report to the 29th June 2023 committee, appended. 5. The following updated assessment of the application is provided.	

Amended Site Layout:



Contextual Elevations:



CGI:



Updated AssessmentLate items reported to the 29th June Committee

6. The following late items were verbally reported to the previous Committee meeting.

Letter from Connswaters Housing Association:

- Reiterated housing need in the area.
- Rationale provided for not providing housing mix as per Policy HOU6 which includes difficulties in letting 3 and 4 bedroom apartments and there is a need for smaller families and singles.
- Development mix is in accordance with the those on NIHE waiting lists.
- Rationale for shortfall in wheelchair units is that they have experienced difficulties in acquiring suitable tenants which results in the need to re-fit of units to general needs standards.
- NIHE has carried out up to date Housing Market Analysis (HMA) and annual HNAs in order to confirm the need in this area.

Letter from applicant:

- Provided a rebuttal to the original Committee report (appended).
- Reiterated that the proposal is for 100% social housing and is content for this to be conditioned (officers advised that a s76 planning agreement would be required).
- Dismissed the need for a housing mix tenure and claimed that this can be provided at other locations.
- Potential to amend the layout to increase wheelchair units if there is demand.
- Overlooking could be designed out (officers advised that amended plans would be required).
- SuDS is provided. Other issues can be resolved by condition.
- A management plan can be put in place.

Further consultations and representations

7. SES offers no objection subject to conditions.
8. An email was received from a resident on 21st September 2023, stating that they wished to object to the proposal. No details of any objection nor an address of the individual were provided.

Impact on the character and appearance of the area

9. The applicant has amended the design of the proposed apartments, introducing hipped roofs and a greater variety of materials (render and brick rather than all render). The western block has also been repositioned approximately 2 metres westwards.
10. Hipped roofs have been incorporated within the main body of each block to reduce the visual impact of the scheme and avoid a “monolithic” type of massing, which was a criticism of the previous scheme. The design incorporates vertical shifts in the elevations through variation of brick and render walling materials to help break up the long elevations.

11. Following the repositioning of the western block and introduction of oriel windows to restrict views, the building is now considered to be adequately separated from existing houses along Brandon Parade. These changes have improved overall amenity of future tenants and existing residents.
12. The proposal is supported by a detailed boundary treatments plan which shows 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, although the planning statement states that the apartments will feature hedge planting and low-level shrub planting to create attractive spaces with seasonal variation. If approved, landscaping conditions would be required to secure necessary details and management arrangements.
13. On balance, the design changes are considered to address the original Refusal Reason 1 and the proposal is considered to comply with Policies DES 1 and RD1.

Impact on amenity

Quality residential environment

14. A number of changes have been made to improve the quality of residential environment for occupants of the proposed development.
 - Windows between the blocks have been removed to avoid inter-overlooking within the development itself. It is noted that the main living spaces of Units 14, 30, 46 would overlook the central open landscaped area with only secondary rooms (bedrooms) looking toward the gable end of the other building volume. In addition, moving the western block westwards by around 2m has increased available separation to the gable wall.
 - Gable windows have been introduced to the east gable of the eastern block to improve light to those rooms (the windows will be required to be obscure glazed by condition to protect the privacy of the adjacent apartment block to the east).
 - Relocation of the bin store approximately 2m further from the nearest apartments, screened with additional landscaping which softens its impact.
 - Slight increase in amenity space within the development (see below).
 - The land in the applicant's control to the west and south-west will be delivered and maintained as open space for residents of the development (see below).
15. The amenity space within the development and adjacent open space would be required to be managed by the applicant as an obligation of a Section 76 planning agreement. The applicant has agreed to these requirements in principle. This would address the original Refusal Reason 5.
16. On balance, the amendments are considered to address the original Refusal Reason 2 and the proposal accords with Policy RD1.

Impact on neighbours

17. The change in roof design would reduce the visual impact and dominance of the development on neighbouring properties.
18. The introduction of oriel windows on the nearside apartments closest to the north rear boundary would mitigate concerns relating to the loss of privacy to the rear gardens of the existing neighbours on Brandon Parade.

Amenity and Open Space

19. The western block has been moved approximately 2 metres to the west. This increases the available communal amenity space within the central portion of the site by 66 sqm to 400 sqm. This moderately improves the quality of amenity space within the development, maintaining over 10% open space on the site (total of 931 sqm). However, criticism of the useability of this space remains.
20. To offset these concerns, the applicant has confirmed that they agree to deliver the land in their control to the immediate west and south-west, which was previously open space, as open space to serve the development. This area measures approximately 2,465 sqm and is currently overgrown with shrubs, hedging and saplings. The open space would be required to be properly laid out, delivered and maintained through a Section 76 planning agreement, including its proper landscaping. Subject to this provision, it is considered that the original Refusal Reason 2 has been addressed and that the proposal is compliant with Policies RD1 and OS 3.

Affordable housing

21. To recap, Policy HOU5 requires sites greater than 0.1 hectares and schemes containing 5 or more dwelling units to provide a minimum of 20% affordable housing. The applicant's "affordable housing form" states that the scheme would provide 100% social housing. However, the previous Committee report expressed concern about all 43 apartments coming forward as a mono-tenure social housing scheme.
22. Officers raised this issue with the applicant at the meeting in September, asking them to explore a greater tenure mix including potential provision of some intermediate housing units. The applicant has responded to the concerns about the mono-tenure social housing with correspondence from Connswater Homes, which reiterates its commitment to delivering a 100% social housing scheme:

'At all locations and in-line with DfC's Affordable Housing and Intermediate Rent Policies, Connswater Homes explored opportunity to increase housing supply whilst ensuring delivery of high-quality homes at an affordable rent level. At March 2022 there were 12,237 applicants on the waiting list for Belfast City Council area, 9,307 of whom were in housing stress. Given the significant waiting list figures, a social housing model was deemed appropriate at Parkgate Avenue East Belfast.'

23. The Affordable Housing and Housing Mix SPG advises that '... larger areas of mono-tenure social housing are not deemed to deliver sustainable communities.' and 'Proposals for single tenure social housing consisting of 12 units or more, will only be permitted in exceptional circumstances.'

24. Paragraph 4.4.12 of the SPG goes onto state that:

'In all cases, whether or not a proposal for mono-tenure social housing is deemed to deliver sustainable and balanced communities will be assessed on a case-by-case basis using the following factors:

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

25. In terms of the above guidance, NIHE has confirmed the need for proposed social housing. Whilst it is understood that the existing apartment blocks to the east and south are social housing, other housing in the immediate area is private which means that there would continue to be mix of residential tenures in the locality. The applicant has been asked if the proposal can come forward as 'shared housing'. Connswater Housing assert that the housing would be provided on a basis of need as opposed to a selection-based criteria (i.e., on religion, political beliefs, ethnicity, race, or nationality).
26. Whilst the proposal is in conflict with Policy HOU5 and the SPG, given that two of the above three criteria are satisfied and also having regard to the longevity of the application which was submitted in January 2022, on balance, the approach to affordable housing is considered acceptable and the original Refusal Reason 6 can be removed.

Housing mix

27. To recap, Policy HOU6 requires an appropriate housing mix on sites greater than 0.1ha or schemes containing 5 residential units or more. 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 breakdown of units is approximately 7% 2P1B and 93% 2P2B.
28. The Plans and Policy Unit has advised that more 3 and 4 bed apartments should be encouraged within the scheme, to meet the requirement for increased size, whilst promoting choice and facilitating the creation of balanced neighbourhoods. However, the applicant has not made any changes to the housing mix, stating that Connswater Homes have larger family homes available in the vicinity at other developments.
29. Having regard to the support for the scheme from NIHE and the longevity of the application, the housing mix is on balance considered acceptable. Original Refusal Reason 7 can be removed.

Adaptable and accessible accommodation

30. Policy HOU7 requires 10% of the units to be identified as wheelchair accessible. For the proposal, 5 units would need to be wheelchair accessible to comply. However, only three units have been identified as wheelchair accessible accommodation following the applicant's discussion with NIHE.
31. Officers advise that the requirements of NIHE do not negate the need to conform with Policy HOU7. The applicant has outlined that the Housing Association can undertake additional work to amend units should additional disabled units be required. However, the criteria, as set out in HOU7 for wheelchair accessible units, would require specific space standards, which might not be able to be retrofitted. However, in view of the provision of a high number of affordable housing for which there is a recognised need, and the longevity of the application, the failure of the proposal to fully comply with Policy HOU7 is on balance acceptable. Original Refusal Reason 8 can be removed.

Climate change

32. Officers had previously raised concerns about conflict with Policies ENV 2, ENV3 and ENV5. 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.
33. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. Policy ENV5 states that all built development 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.
34. The applicant has provided a Climate Change Statement, which 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. It is considered that the final detail can be secured by condition. Regarding SuDS, the amended plans include 290 sqm of permeable paving within the car parking area of the site. The amount of green space within the site has also marginally been increased. The land to the west and south west would be retained as green open space.
35. Whilst further commitments to mitigating and managing climate change could have been made, in view of the commitment to delivering 100% social housing and having regard to the longevity of the application, the approach is considered on balance acceptable.

Natural heritage

36. Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for carrying out 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.
37. 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 NIEA.

38. 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 that following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, the proposal would not likely have a significant environmental effect on the integrity of any European site either alone or in combination with other plans or projects. This is subject to mitigation by way of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water. This condition is considered necessary if planning permission is granted.
39. DAERA Water Management Unit has advised that it has no objection to the proposal in principle, however, it has the potential to have an adverse impact effect on the aquatic environment. They have recommended a similar condition to SES requiring method of sewage disposal to be agreed prior to commencement.
40. In conclusion, it is considered that the proposal would not have any adverse ecological effects subject to conditions. In this regard, the proposal complies with Policy NH1.

Section 76 planning agreement

41. Should the application be approved, a Section 76 planning agreement would be required to secure the following:
- 100% social housing – to off-set issues around the housing mix and commitments to managing and mitigating climate change;
 - Delivery and maintenance of the open space on the land to the west and south west, as well as amenity areas within the site; and
 - Implementation of the travel plan and appropriate green travel measures.

Recommendation

42. On balance, following amendments and further information, the previous refusal reasons set out in the original Committee report, appended, have been addressed.
43. It is recommended that planning permission is granted.
44. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and the Section 76 planning agreement, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

Development Management Officer Report Committee Application

Summary	
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
Executive Summary: 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. The key issues are: - 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 Recommendation 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.	

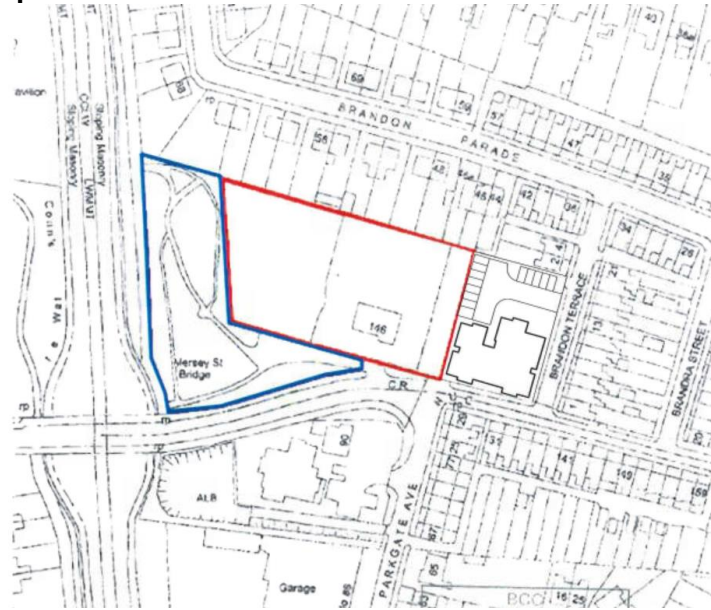
Planning Report

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Drawings

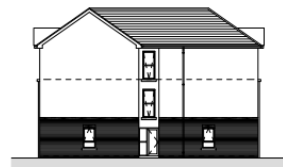
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Site Location Map:





North Elevation



South East Gable Elevation



Section AA



North West Gable Elevation

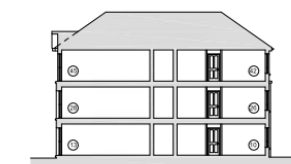


South Elevation (to Parkgate Avenue)

ROLSTON architects

PROPOSED NEW-BUILD RESIDENTIAL DEVELOPMENT ON EXISTING LAND AND PROPER AT NUMBER 146, PARKGATE AVENUE, STRANMILLIS, BELFAST, BT6 1JD.
FOR PARKGATE PROPERTY DEVELOPMENTS LIMITED.

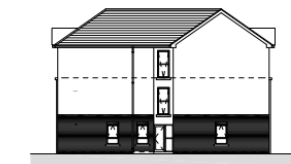
GOLIATH APARTMENTS



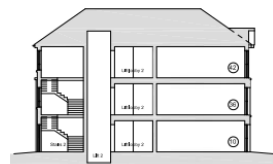
Section CC



East Elevation



North Gable Elevation



Section BB



South Gable Elevation

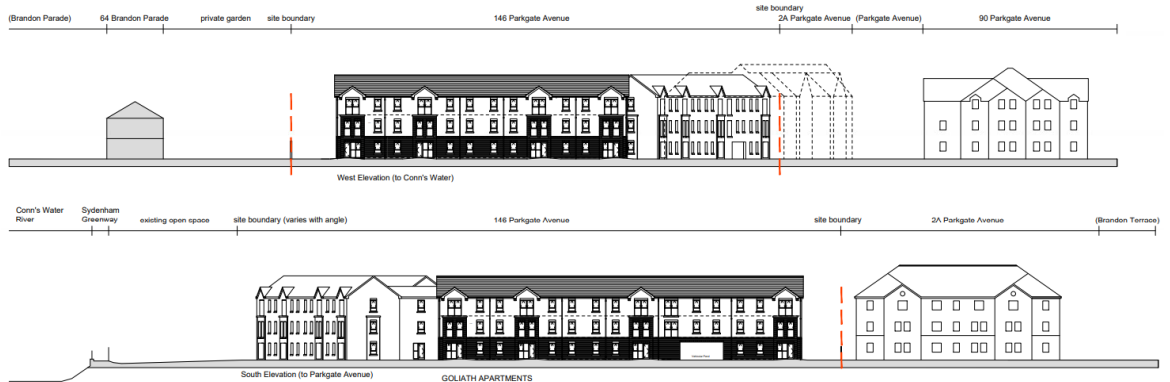


West Elevation (to Conn's Water)

ROLSTON architect

PROPOSED NEWBUILT RESIDENTIAL DEVELOPMENT ON EXISTING LAND AND PROPER
AT 1400 140, PARADISE AVENUE, STRANMILLIS, DUBLIN, D14 1XJ,
FOR PARADISE PROPERTY DEVELOPMENTS LIMITED

SAMPSON APARTMENTS



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 History <u>Application Site:</u> 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 <u>Surrounding Land:</u> 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

	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	Relevant Planning Policies 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 HOU1-Accommodating new homes Policy HOU 2- Windfall housing Policy HOU 4- Density of residential development Policy HOU 5-Affordable Housing Policy HOU6- Housing mix Policy HOU7-Adaptable and accessible accommodation Policy DES1- Principles of Urban Design Policy RD1- New residential developments Policy TRAN3- Transport Assessment Policy TRAN4- Travel Plan Policy TRAN 8- Car Parking and Servicing Arrangements Policy TRAN 9- Design of Car Parking Policy ENV1- Environmental quality Policy ENV 2- Mitigating Against Environmental Change Policy ENV 3- Adapting to Environmental Change Policy ENV5- Sustainable drainage systems (SuDS)

	Policy GB1- Green and blue infrastructure network Policy OS3-Ancillary open space Policy NH1- Protection of natural heritage resources Policy TRE1 – Trees
6.7	Key Issues • 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	<u>Additional Information</u> 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.
6.9	<u>Principle of development</u> 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.
6.10	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.
6.11	<u>Density</u> 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

	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	<u>Affordable housing</u> 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 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.
6.13	<u>Housing mix</u> 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.
6.14	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. Having regard to the response from the LDP team, the proposed housing mix is considered unacceptable and contrary to Policy HOU6 of the Plan.
6.15	<u>Adaptable and accessible accommodation</u> 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 it 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

	(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	<u>Design, layout and impact on the character and appearance of the area</u> 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.
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	<u>Scale, Height, Massing, Design and Layout</u> 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.
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

	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.
6.23	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.
6.24	<u>Impact on Amenity</u> 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.
6.25	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.
6.26	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.

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	<u>Outlook</u> 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.
6.29	<u>Space standards</u> 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).
6.30	<u>Materials</u> 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.
6.31	<u>Landscaping</u> 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.
6.32	<u>Amenity Space</u> 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.
6.33	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 46 apartment units. The minimum space provision of 10sqm per unit would equate to 460sqm.

6.34

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.

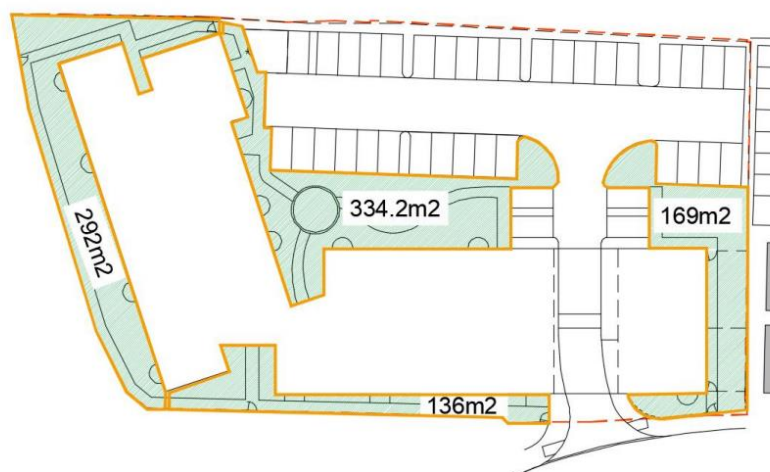
Image1:

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

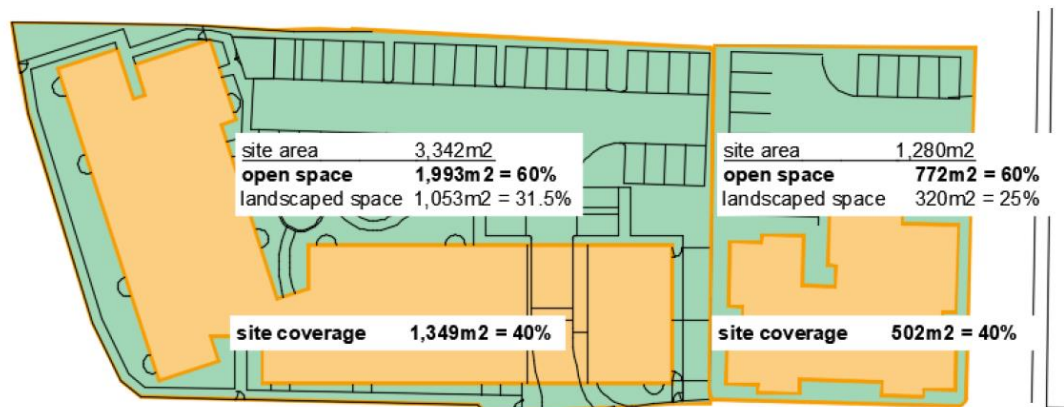
Image 2:

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

6.35

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

	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	Waste Management 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)
6.40	Access, Traffic and Parking 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.
6.41	Environmental Health 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

	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	Drainage and Flood Risk / Infrastructure Capacity 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.
6.43	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.
6.44	Impact on the natural environment 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.
6.45	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.
6.46	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.

6.47	Ecological impacts 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.
6.48	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.
6.49	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.
6.50	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.
6.51	<u>Climate change</u> 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.
6.52	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.

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	<u>Sustainable Urban Drainage Systems (SuDS)</u> 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.
6.55	<u>Representations</u> 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.
6.56	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. 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.
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	
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

Addendum Report 3	
Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 17 th October 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Background These applications for full planning permission, Conservation Area Consent, and Advertisement Consent were originally reported to the April 2023 Planning Committee when they were deferred for a Committee Site Visit. The Site Visit took place on 28th June. The applications were then due to be considered at the 29th June Committee. However, the applications were withdrawn from the agenda following correspondence from the applicant who stated that they were unable to make arrangements to address the Committee and that they had insufficient time to address the relevant policies in the adopted Belfast LDP Plan Strategy. The applications were then considered at the 15th August Committee. The Committee resolved to defer the applications to allow further engagement between the applicant and officers. This Addendum Report 3 should be read in conjunction with Addendum Reports 1 and 2, and the original report to the April 2023 Committee, which are appended. Updated Assessment Following further engagement, the applicant has amended the applications to remove the proposed replacement façade/screen along the Castle Lane elevation. The façade/screen onto Arthur Square would remain. The removal of the advertisement on Castle Lane is beneficial for this street and setting of Nos. 1-5 Castle Lane (Grade B2 Listed) when approaching Arthur Square from the Cornmarket and Ann Street. However, the most prominent screening facing onto Arthur Square would remain and would continue to have a harmful impact on the setting of other Listed Buildings, as well as Nos. 1-5 Castle Lane from other viewpoints, including from Arthur Street and the Victoria shopping centre. Similarly, the proposal would continue to have an adverse impact on the character and appearance of the Conservation Area.	

Conservation advice was sought on the amendments from the Plans and Policy unit. The Conservation advice states that the affect on the south north vista along Arthur Street terminated by 1-5 Castle Lane would be diminished through focal shift to the sign and the sign would adversely impact the perception, understanding and appreciation of the space and its setting as a historic square, thereby undermining the historicity of the listed buildings therein. The advice therefore remains as per before that the proposal would have a harmful impact on the character and appearance of the Conservation Area.

DfC Historic Environment Division have been consulted on the amendments. Officer's opinions in the impact of the Listed Buildings remains unchanged for the reasons explained. It is expected that HED's response will be provided in advance of the Committee meeting and will be reported to members by means of an update.

Recommendation

The recommendation remains to refuse permission and consents for the reasons set out in Addendum Report 1, appended.

Addendum Report 2	
Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 15 th August 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Background These applications for full planning permission, Conservation Area Consent, and Advertisement Consent were originally reported to the April 2023 Planning Committee when they were deferred for a Committee Site Visit. The Site Visit took place on 28th June. The applications were then due to be considered at the 29th June Committee. However, the applications were withdrawn from the agenda following correspondence from the applicant who stated that they were unable to make arrangements to address the Committee and that they had insufficient time to address the relevant policies in the adopted Belfast LDP Plan Strategy. However, no information has since been submitted by the applicant on the Plan Strategy. This Addendum Report 2 should be read in conjunction with Addendum Report 1 and the original report to the April 2023 Committee which are appended. For clarification, the Committee is considering three separate but related applications. An application for full planning permission for active façade to the front and side elevations of the building. An application for Conservation Area Consent for demolition of a section of the existing façade. Finally, an application for Advertisement Consent for the active façade with internal illuminated moving images. The recommendation remains to refuse permission and consents for the reasons set out in Addendum Report 1.	

Addendum Report 1

Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 29 th June 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Background These applications for full planning permission, Conservation Area Consent, and Advertisement Consent were previously reported to the April 2023 Planning Committee. The applications were deferred for a Committee Site Visit. This addendum report should be read in conjunction with the original report to the April committee which is appended. Since the application was deferred, the Belfast Local Development Plan: Plan Strategy has been adopted (as of 02 May 2023). This provides a new policy framework for decision-making. The proposal involves three separate applications. An application for full planning permission for active façade to the front and side elevations of the building. An application for Conservation Area Consent for demolition of a section of the existing façade. Finally, an application for Advertisement Consent for the active façade with internal illuminated moving images. 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

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

- Policy BH1 – Listed Buildings
- Policy BH2 – Conservation Areas
- Policy DES4 – Advertising and Signage

Supplementary Planning Guidance

Advertisements and Signage

Updated Assessment

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

Consultation Responses

No additional consultations have been 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 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.

Impact on the character and appearance of the City Centre Conservation Area

Policy BH2 of the Plan Strategy contains 9 criteria that apply to alterations to buildings within Conservation Areas. The application for full planning permission is to be assessed under this policy. For the reasons set out in the original Committee report, appended, the proposal is considered to fail to accord with the following criteria:

- a. the proposal would neither preserve nor enhance the character and appearance of the Conservation Area;
- b. the proposal would not respect the built form of the area by way of height, scale, form, legibility, materials and detailing)
- c. key views within, into or out of the Conservation Area would be negatively impacted;
- e. the proposal is contrary to the Belfast City Centre Conservation Area Guide; and

- f. the proposal does not use traditional or sympathetic materials found in the surrounding area, and the materials are not in keeping with those found in the surrounding area

It is considered that there is no conflict with criterion d. (impact on trees, archaeological or other landscape features). Criteria f., g. and h. are not considered relevant.

In terms of the proposed advertisement, for the reasons set out in the original Committee report, it is considered that the proposal is in conflict with the following criteria in Policy DES4:

- a. the proposal is not of good design quality, nor located sensitively within the streetscape;
- b. the proposal would result in clutter when read in addition to existing advertising and signage in the area; and
- c. the proposal would adversely impact on the Conservation Area.

The Plan Strategy introduces new guidance namely Supplementary Planning Guidance for Advertisements and Signage and this replaces the guidance contained within PPS 17.

Paragraph 4.5.1 of the SPG provides general good practice in relation to signage which impacts the setting of heritage assets. It would not be expected that any proposed signage should be designed to be historic given the nature of the modern building, however, there is a presumption against illumination and it is acknowledged that illumination can have a significant adverse impact on listed buildings. As set out in the original Committee report, the scale of the advertisement and illumination will accentuate the negative impact of the proposal on the Conservation Area as well as the surrounding listed buildings.

Impact on the setting of Listed Buildings

Policy BH1 of the Plan Strategy contains 5 criteria for new development affecting the setting of listed buildings. Criteria (a), (c) and (d) are similar to the criteria contained within Policy BH 11 in PPS 6 and the substantive issues are set out in the original Committee report. It is considered that the proposal is in conflict with the following criteria in Policy BH1:

- a. The proposal is not sympathetic to the essential characteristics, scale, height, massing and alignment of the adjacent Listed Buildings by way of its scale, form, materials and detailing;
- b. The proposal would result in a competing focus to the Listed Buildings, drawing the eye away from them and diluting their prominence and importance in the street-scene;
- c. The nature of the proposal does not respect the character of the setting of the Listed Buildings;
- d. The proposal would have a detrimental impact on the setting of the Listed Buildings.

There is no supplementary planning guidance to take account of in respect of this policy and therefore there is no conflict with criteria e.

The proposal is in conflict with criterion c. of Policy DES4 as the proposal will adversely affect the adjacent Listed Buildings.

Suitability of Demolition

Policy BH2 of the Plan Strategy contains two criteria in relation to demolition. Demolition of a building will only be permitted where the building to be demolished (whole or in part) makes either a negative or no material contribution to the character and appearance of the Conservation Area. In this case, the existing building/structure is not considered to make a material contribution. However, approval of Conservation Area Consent will normally be conditional on prior agreement for the redevelopment of the site. The proposed development is not acceptable and therefore demolition consent cannot be granted due to the unsuitability of what is proposed to be put back following the demolition.

Recommendation

The recommendation remains that planning permission, Conservation Area Consent and Advertisement Consent should be refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

The draft refusal reasons are below.

LA04/2022/1861/F

1. The proposal, by reason of its character, size, position and design, would be a highly incongruous feature in Arthur Square and would have a detrimental impact on the character and appearance of the Conservation Area. The proposal is contrary to paragraph 6.18 of the SPPS; criteria (a) (b) (c) and (e) of Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035; and City Centre Conservation Area Design Guide; and is unacceptable.
2. The proposal, by reason of its character, size, position and design, would visually compete with and adversely affect the setting of adjacent Listed Buildings. The proposal is contrary to paragraph 6.12 of the SPPS and criteria (a) (b) (c) and (d) of Policy BH1 of the Belfast Local Development Plan: Plan Strategy 2035; and is unacceptable.

LA04/2022/1867/DCA

1. An acceptable replacement scheme following demolition has not been achieved through the full planning application under reference LA04/2022/1861/F. The proposed demolition would therefore fail to preserve to enhance the character or appearance of the Conservation Area. The proposal is therefore contrary to paragraph 6.12 of the SPPS and criterion (k) of Policy BH2 of the Belfast Local Development Plan: Plan Strategy 2035.

LA04/2022/1860/A

1. The proposal, by reason of its character, size, position and design, would be a highly incongruous and insensitive feature in the street-scene, would result in clutter and adversely affect amenity and the Conservation Area. The proposal is therefore contrary to paragraphs 5.57 to 5.60 of the SPPS and criteria (a) (b) and (c) of Policy DES4 of the Belfast Local Development Plan: Plan Strategy 2035 and is unacceptable.

Committee Report

Development Management Report	
Application ID: LA04/2022/1861/F LA04/2022/1867/DCA LA04/2022/1860/A	Date of Committee: 18 th April 2023
Proposal: Replacement facade to active facade to facilitate the display of internally illuminated moving images.	Location: 1-3 Arthur Street Belfast BT1 4GA
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Alterity Investments Limited 4 Annadale Avenue BT7 3JH	Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH
Executive Summary: This report relates to three separate, but related applications described as follows. LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years). LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years). LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade. The key issues are: • Impact on the character and appearance of the City Centre Conservation Area • Impact on the setting of Listed Buildings • Suitability of the demolition • Impact on amenity • Impact on public safety The site is located at Nos. 1-3 Arthur Street. It is within the City Centre Conservation Area. Of the buildings which face onto Arthur Square, the host building is the only building that is not listed. The Conservation Officer and DfC Historic Environment Division were consulted and both object to the proposal in that the proposal would neither preserve or enhance the Conservation Area and would provide a competing focus to the surrounding listed buildings, to the detriment of their setting. It is recommended that the permission and consents are refused for these reasons. No objections were received from third parties.	

The applications are brought before the Committee under paragraph 3.8.1 of the Scheme of Delegation at the request of Councillor Dorrian. The planning grounds for the request to refer the application to the Planning Committee are:

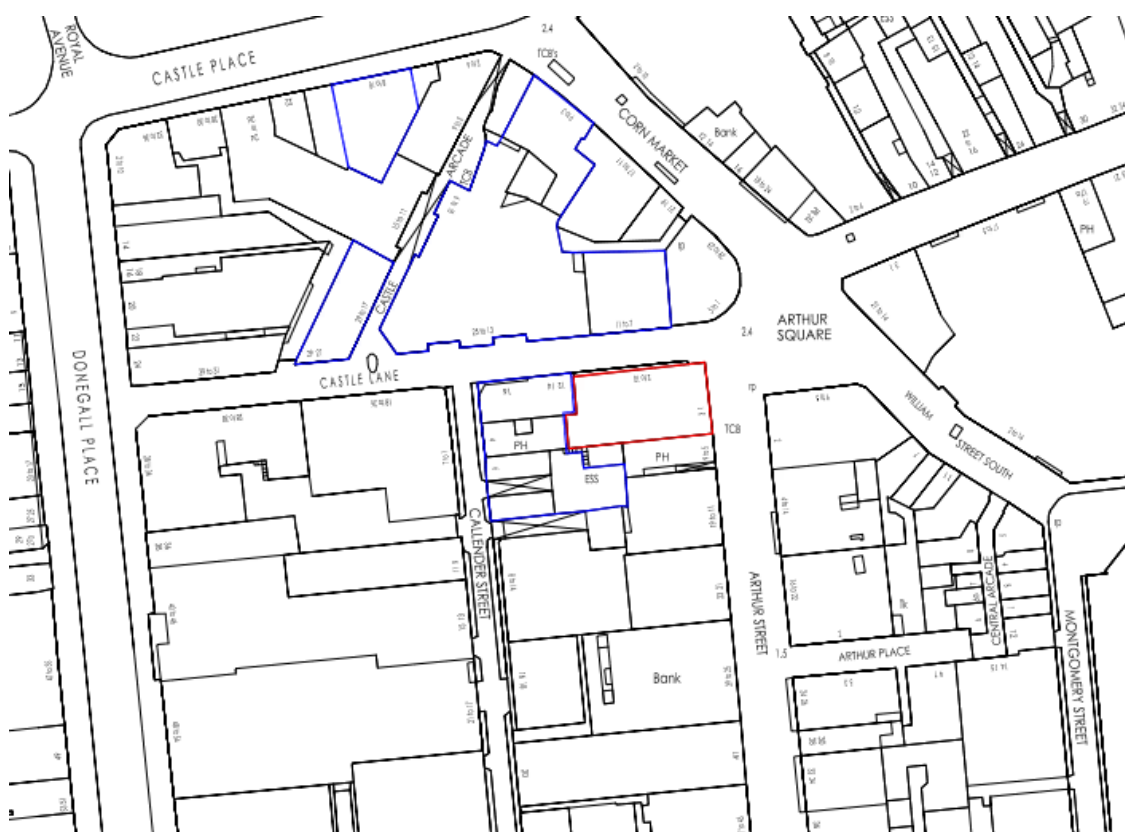
- Need for traditional and modern infrastructure to co-exist with the historic environment;
- Impact on the setting of the listed buildings should be considered acceptable given the precedents already established in the city, e.g. Shaftesbury Square and the advertising sign next to the orange hall on the Albertbridge Road.

Recommendation

It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

Case Officer Report

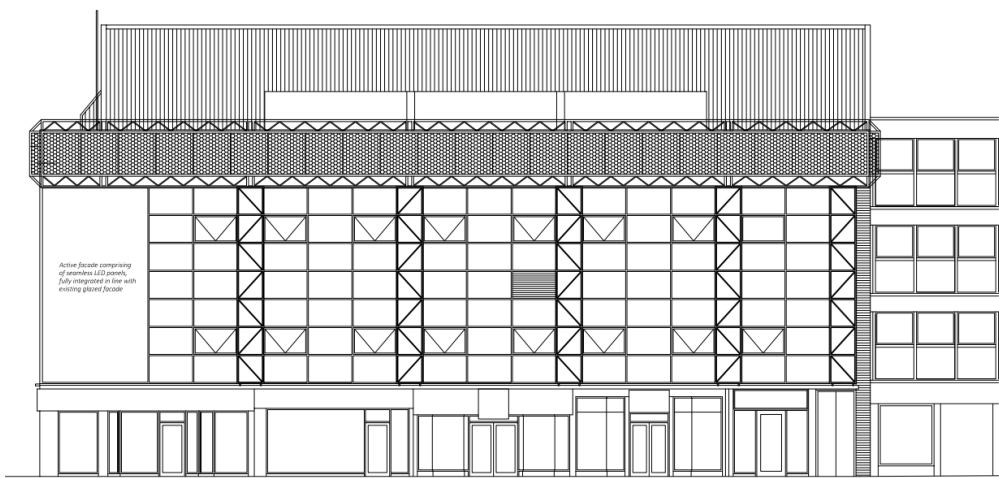
Site Location Plan



Proposed Elevations



Proposed Elevations



Characteristics of the Site and Area	
1.0	Description of Proposed Development This report relates to three separate, but related applications described as follows. LA04/2022/1861/F: application for planning permission for replacement facade to active facade to facilitate the display of internally illuminated moving images (temporary permission for 5 years). LA04/2022/1860/A: application for Advertisement Consent for active façade to facilitate the display of LED internally illuminated moving images (temporary consent for 5 years). LA04/2022/1867/DCA: application for Conservation Area Consent for part demolition of façade to facilitate replacement façade.
2.0	Description of Site The site is located at Nos. 1-3 Arthur Street. The building is located in a prominent location fronting onto Arthur Square which is a pedestrianised area forming the junction of five streets. The square contains a centrepiece of modern art and the site is a prominent building between Arthur Street and Castle Lane. The building itself is a 3 storey non-historic glass curtain wall building. The proposal is located within the City Centre Conservation Area and of the buildings which face onto Arthur Square, the host building is the only building to not be listed.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History LA04/2016/1284/F, Proposed relocated electronic big screen, to replace existing screen (currently at roof level) and reposition it at 1st floor level on Arthur Street facade. PERMISSION REFUSED. 07.09.2016. LA04/2016/0223/A, Proposed advertising screen 5 x 3m, PERMISSION REFUSED, 07.09.2016.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Following the Court of Appeal decision on BMAP, the extant development plan is the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. It is considered that significant weight should be afforded to the latest version of Draft BMAP (v2014) given its advanced stage in the Development Plan process, save for retail policies relating to Sprucefield, which remain contentious.
4.3	Belfast Local Development Plan Draft Plan Strategy 2035 The LDP 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 6: Planning, Archaeology and The Built Heritage
4.6	Planning Policy Statement 17: Outdoor Advertisements
5.0	Statutory Consultees Responses DfC Historic Environment Division – objection (see main report)
6.0	Non Statutory Consultees Responses Conservation Officer – objection (see main report)
7.0	Representations The full application was advertised on the 21 st October 2022 and neighbour notified on 12 October 2022. The demolition consent was advertised on the 21 st October 2022. No publicity is required for applications for Advertisement Consent. No representations have been received from third parties.
8.0	Other Material Considerations Belfast City Centre Conservation Area Guide
9.0	Assessment
9.1	The proposal is considered to be contrary to the development plan.
9.2	Assessment The key issues to be considered are: • Impact on the character and appearance of the City Centre Conservation Area • Impact on the setting of Listed Buildings • Suitability of the demolition • Impact on amenity • Impact on public safety
9.3	Impact on the character and appearance of the City Centre Conservation Area With regards to development in Conservation Areas, Section 104(11) of the Planning Act (Northern Ireland) 2011 states that 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
9.4	In relation to the application for full planning permission, paragraph 6.18 of the SPPS states that: <i>'In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or</i>

	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 considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.'
9.5	Policy BH 12 of PPS 6 provides criteria for assessing proposals for new development in a Conservation Area.
9.6	The proposal contains essentially two active, digital advertisements measuring 3.84m x 7.46m on the east and north façades of the host building.
9.7	The proposed active façade would be located in a very prominent location within the Conservation Area facing onto Arthur Square. As described within the Conservation Area Guide: <i>'Arthur Square provides a central node to the pedestrian environment, and is contained by a variety of different styled buildings of architectural quality.'</i>
9.8	The scale of the proposal is considered excessive and would neither preserve or enhance the character and appearance of the area. The active facade/advertisement would not be of a scale that is not in sympathy with the characteristic built form of the area, neither do the scale, form, materials and detailing of the proposal respect the characteristics of the listed adjoining buildings in the area. The active, digital nature of the proposal would accentuate its impact. It is considered that the scale of the façade/advertisement would fail to protect important views into/out of the Conservation Area. The proposal would be prominent and dominating when viewed from Arthur Square, negatively impacting an important node within the Conservation Area as well as detracting from neighbouring listed buildings.
9.9	The host building itself forms one side of Arthur Square and while the building itself is non-historic and of limited architectural value the scale of the advert itself would dominate views of the building and surrounding area. The proposal would be viewable on the approach to Arthur Square, most notably on the approach from Ann Street from which the building visually terminates the vista. Obscure views of the proposal would be from Castle Lane and Arthur Street and, although less direct, would still place an emphasis onto an unsympathetic façade and advertisement.
9.10	Paragraph 7.15 of PPS 6 states that signage on upper floors or buildings and the internal illumination of signs will not normally be acceptable. Similarly, the <i>Belfast City Centre Conservation Area Design Guide</i> states that only in exceptional circumstances where they are essential to the use of the upper floor, will advertising signs be permitted above ground floor fascia level. Furthermore, the Design Guide states that advertising panels have a particularly detrimental effect on visual character and only in exceptional circumstances will they be permitted. The proposal occupies the first to second storey of the building contrary to the Design Guide and would not relate to the building itself.
9.11	The Conservation Officer was consulted and objects to the proposal stating that the proposed sign would have a harmful effect on the character and appearance and visual amenity of the Conservation area. Such signage is not historic / traditional to the Conservation Area. Furthermore, the Conservation Officer states that the proposal would have the visual appearance of a large sheet/advertising hoarding attached to the building and occupying a substantial proportion of the façade.
9.12	It is considered that the proposal fails to accord with Section 104(11) of the Planning Act (Northern Ireland) 2011, paragraph 6.18 of the SPPS and Policy BH 12 of PPS 6 in that

	the proposal does not preserve or enhance the character and appearance of the Conservation Area.
9.13	Impact on the setting of Listed Buildings Section 91 (2) of the Planning Act (Northern Ireland) 2011 states that ‘the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’
9.14	Paragraph 6.12 of the SPPS states Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.
9.15	Policy BH 11 of PPS 6 provides criteria for assessing proposals that affect the setting of a Listed Building.
9.16	The proposal faces onto Arthur Square which contains the following Listed Buildings: • HB26/50/039 - Masonic Building 13-14 Arthur Square Belfast County Antrim BT1 4FF – Grade B+ • HB26/50/096 - Mayfair Building Arthur Square Belfast County Antrim BT1 4FE – Grade B1 • HB26/50/178 - Arthur Chambers 4-14 Arthur Street Belfast Co Antrim BT1 4GD – Grade B2 • HB 26/50/304 - 1- 5 Castle Lane & 23-29 Cornmarket Belfast Co Antrim BT1 4FB – Grade B2
9.17	DfC Historic Environment Division has been consulted and objects to the proposal, stating that the illuminated and moving signage would create a competing focus to the listed buildings which form the attractive historic perimeter of Arthur Square.
9.18	Having regard to HED's advice, officers advise that the proposal fails to respect the surrounding listed buildings by reason of its location, scale and design. The scale of the proposal would detract from setting of the listed buildings by dominating Arthur Square and detracting from views of the surrounding listed buildings. The host building appears pinched between two listed buildings when viewed from Ann Street, William Street South and Castle Lane. The proposal would bring undue prominence to the building which is of less architectural merit than those surrounding and will detract from the adjacent listed buildings. The proposal is of a modern and untraditional design with internal illumination and would dominate the surrounding listed buildings. The nature of the use of an advertisement on the façade fails to respect the character of the setting of the listed buildings which do not contain advertisements on the upper floors. The proposal is considered to fail to accord with the Strategic Planning Policy Statement and Policy BH 11 of PPS 6 and is unacceptable.
9.19	Other considerations The applicant has submitted supporting documents including a Planning Summary, Conservation Impact Assessment and a letter responding to the consultation responses from DfC HED and the Conservation Officer.
9.20	It is noted that the proposal is for temporary permission for a period of 5 years. As per the Planning Summary this is to allow an assessment of the benefits and actual impact. However, officers advise that the impacts of the proposal on the Conservation Area and

	setting of nearby Listed Buildings would be obvious and harmful and do not need to be tested. The proposal fails the legislative requirements and relevant planning policies by failing to preserve the character or appearance of the Conservation Area and harming the setting of surrounding listed buildings, it is therefore not necessary for temporary approval to be granted to test the impact the proposal will have.
9.21	The applicant proposes through a Section 76 planning agreement that a proportion of airtime would be made available to Belfast City Council as well as providing interpretative information on the Conservation Area and listed buildings to mitigate any conflict created by the screen with these buildings. However, officers advise that the content of the advertising screen would not mitigate the impact of the screen itself, which would remain harmful to the historic environment. Providing content and information on the Conservation Area and listed buildings would in itself attract attention to the advertising screen impacting the listed buildings which should remain the main focus.
9.22	The Planning Summary refers to previous refusals on the site and states that they are not comparable to a temporary application nor to this application which is to incorporate the screen into the façade of the building. The application LA04/2016/0223/A was for an advertisement screen on the upper floors of the building, while not incorporated into the façade the policy considerations remains similar to this application. The current proposal is for a larger scale screen on two facades of the building and would have an even greater harmful impact. The Planning Statement also refers to planning application LA04/2020/0558/A for an advertising screen at 112 Ann Street. However, the application is not comparable to this proposal as it is not within a Conservation Area and is not surrounded by listed buildings to the extent of this proposal.
9.23	A Conservation Impact Assessment has been submitted and has been addressed by the Conservation Officer. The Conservation Officer agrees with the visibility analysis but considers that the proposed signage would be visually obtrusive in a key civic set piece with high pedestrian footfall, drawing the eye from listed heritage assets. The Conservation Officer disagrees with the analysis at paragraph 7.09.1 in that the LED active façade element would introduce a more visually diverse element between two listed structures. The opinion of the Conservation Officer is that visual prominence/ perceptual significance should remain with the heritage assets and non-historic elements not given emphasis. The Conservation Officer disagrees with the commentary on 1-5 Castle Lane/ 1-3 Arthur Lane in that the proposal would cause visual competition and with the assessment at paragraph 7.09.2 as the proposal frames a vista along Castle Lane terminated by the Masonic Building from which the proposed signage would set up visual competition. In relation to paragraph 7.10, the Conservation Officer considers the proposal to be detrimental to the setting of a number of listed buildings and the appreciation/ perception/ experience of the place as an historic node.
9.24	A letter from the applicant with a response to the consultees was submitted on the 14th February 2023. The applicant refers to the airtime to be provided to the Council to highlight the surrounding listed buildings. As previously stated, this by its nature will attract attention to the advertising screen rather than the listed buildings. It does not mitigate the harmful impacts of the proposal on the setting of the Listed Buildings. The applicant refers to Policy BH 11 and use of the word 'normally' which allows the Council to make a balanced planning judgement. The applicant states that the airtime and digital content should carry significant determinative weight. While the word 'normally' does allow a degree of flexibility, officers are clear that the proposal would be harmful and contrary to planning policy. The content of the screen does not have significant weight as the screen itself is contrary to policy regardless of the content. The applicant states that the Conservation Officer is incorrect and there are no vistas terminated by listed buildings in which the proposed active façade is visible. However, on the approach to Arthur Square from Ann Street the vista is terminated by both the

	neighbouring building at 1- 5 Castle Lane/23-29 Cornmarket and the host building, the proposed active façade will be particularly viewable and appear to dominate the neighbouring listed building.
9.25	The applicant states that <i>'it is hard to see how the proposed alteration to the façade of a building deemed as having low significance in terms of architectural or historic merit can detract from the prominence of Listed Buildings which are facing it across from or obliquely to it.'</i> While the building itself is of low significance in terms of architectural or historic merit, the active façade would bring prominence to the building. The proposal would dominate Arthur Square detracting from both the Conservation Area and the Listed Buildings. As described when viewing the host building from towards Ann Street and William Street South, it appears pinched between two listed buildings, the proposal would detract from views of these listed buildings.
9.26	The applicant states that the existing corner feature within the building protrudes from the façade and is therefore more obtrusive than the proposed active façade. While the existing structure protrudes it does not impact on views of the building. The proposed active façade with its proposed illuminated screen would impact views of the host building as well as impact views of the Conservation Area and surrounding listed buildings. The statement sets out that the active façade can have a positive impact by giving life and interest to a building of limited/low heritage significance. It states the introduction of the active façade would encourage visitors to look up and draw the eye to appreciate the historic facades which complete Arthur Square, the active façade would to some degree illuminate the surrounding facades and highlight them. However, officers consider that the proposal would bring prominence to the building and detract from the surrounding character and setting of the listed buildings. An active façade/advertisement by its very nature is designed to attract attention and this would detract from the surrounding area and listed buildings regardless of the content of the advertisement. The argument that the active façade would illuminate the surrounding listed buildings demonstrates the potential detrimental impact the proposal will have.
9.27	Suitability of the Demolition An application for Conservation Area Consent has been submitted for demolition of the section of the façade to be replaced under the reference LA04/2022/1867/DCA. The proposed demolition is considered under paragraph 6.15 of the SPPS and Policy BH 14 of PPS 6. The host building itself makes no material contribution to the character and appearance of the Conservation Area. While the proposed demolition would not in itself impact on the Conservation Area, it has been considered that the proposed active façade/advertisement is contrary to policy. Policy BH 14 states that where Conservation Area Consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site. The proposed development is not acceptable and therefore demolition consent cannot be granted due to the unsuitability of what is proposed to be put back following the demolition. The proposed demolition is therefore contrary to Policy BH 14 of PPS 6 and is unacceptable.
9.28	Impact of the Advertisement on Amenity Paragraph 6.57 of the SPPS states that Advertisement Consent should be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality.
9.29	Paragraph 6.59 further states that care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising.

9.30	Paragraph 6.14 of the SPPS states ' <i>Consent for the display of advertisements or signs on a listed building should only be forthcoming where these are carefully designed and located to respect the architectural form and detailing of the building, and meet the requirements of strategic policy on the Control of Outdoor Advertisements.</i> '
9.31	Policy AD1 (i) of PPS 17 echoes that of paragraph 6.57 of the SPPS and states that consent will be given for the display of an advertisement where it respects amenity, when assessed in the context of the general characteristics of the locality. Amenity in relation to advertisements is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.
9.32	The proposal is considered to be contrary to the SPPS and Policy AD1 of PPS 17. With respect to Part (i) Amenity it is considered that the proposed advert is of a size, scale and design which would appear unduly prominent. The site is within a sensitive location surrounded by a number of listed buildings and within the City Centre Conservation Area. Given the sensitive location the advertisement would be overly dominant. As per the SPPS, it is important to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising. The scale of the advertising fails to protect the listed buildings and conservation area. Guidance within PPS 17 states that high level signs will generally only be appropriate where they relate to the scale and primary use of the host building, the advertisement in this case would not. Furthermore, the guidance states that only the lettering should be illuminated, the level and type of illumination display in this case will further make the advertisement prominent and unduly dominant.
9.33	It is also considered that the proposed advertisement would result in clutter. The surrounding area contains signage which in the main relates to the retail uses at ground floor level, there is also an LED screen at ground floor level. The area contains low level signage or higher level signage of a modest scale. The proposal would be at a scale which would dominate the surrounding area and is located on the upper floors of the building giving concerns that this would lead to the appearance of clutter in a conservation area.
9.34	The proposal fails to accord with the Strategic Planning Policy Statement, Policy AD 1 of PPS 17 and Policy BH 13 of PPS 6, and is unacceptable.
	Impact of the Advertisement on Public Safety
9.35	Arthur Square is not routinely used by vehicle traffic and it is considered that the proposal would not have an adverse impact on highway or public safety.
10.0	Summary of Recommendation: It is recommended that permission and consents are refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

11.0	Draft Refusal Reasons LA04/2022/1861/F - The proposal is contrary to paragraph 6.18 of the SPPS and Policy BH 12 criterion (a) (b) (c) (e) (g) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, form and design of the proposal would fail to preserve or enhance the character of the City Centre Conservation Area. - The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 11 criterion (a) and (c) of PPS 6: Planning, Archaeology and The Built Heritage in that the scale, height, massing, design and nature of the proposed active signage would visually compete with and adversely affect the setting of surrounding Listed Buildings. LA04/2022/1867/DCA - The proposal is contrary to paragraph 6.12 of the SPPS and Policy BH 14 of Planning Policy Statement 6: Planning, Archaeology and Built Heritage in that an acceptable scheme has not been achieved through the full planning application under reference LA04/2022/1861/F. The proposed demolition would therefore fail to preserve to enhance the character or appearance of the Conservation Area. LA04/2022/1860/A - The proposal is contrary to paragraphs 6.57 to 6.59 of the SPPS, Policy AD1 criterion (i) of PPS 17: Control of Outdoor Advertisements and Policy BH 13 of Planning Policy Statement 6: Planning, Archaeology and The Built Heritage in that the proposed advertisement, by reason of its unsympathetic design, location and excessive scale, would fail to respect amenity and would adversely affect the character of the Conservation Area.
Notification to Department (if relevant) The application for Conservation Area Consent would have to be notified to the Department for Infrastructure were the Planning Committee to resolve to grant consent.	

Committee Addendum Report	
Application ID: LA04/2022/1831/F	Date of Committee: 17 th October 2023
Proposal: Change of use from residential to short term stay accommodation.	Location: 258 Limestone Road Belfast BT15 3AR.
Referral Route: Referral to the Planning Committee under section 3.8.1 of the Scheme of Delegation (request from Elected Member)	
Recommendation: Refusal	
Applicant Name and Address: Mr John Young 1 Riverside Magherafelt BT45 6GZ	Agent Name and Address: Tim Doyle Total Architecture + Design Limited 140 Lisburn Road Belfast BT9 6AJ
Background This application is for full planning permission and was previously reported to the April 2023 Planning Committee. The application was deferred in order that officers explore the availability of additional evidence with regard to the environmental impacts of short-term holiday lets. This addendum report should be read in conjunction with the original report to the April committee which is appended. Since the application was deferred, the Belfast Local Development Plan: Plan Strategy has been adopted (as of 02 May 2023). This provides a new policy framework for decision-making. The proposal involves a change of use from residential to short term stay accommodation. 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

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

- Policy BH3 – Areas of Townscape Character
- Policy HOU3 – Protection of existing residential accommodation
- Policy HOU13 – Short term let accommodation
- Policy TRAN8 – Car parking and servicing arrangements

Updated Assessment

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

Consultation Responses

As per the reason for deferral of the application in April 2023, councillors had asked officers to explore the availability of additional evidence with regard to the environmental impacts of short-term holiday lets. As a result of this, the Police Service Northern Ireland (PSNI) and Environmental health were consulted and asked to provide any evidence with regard to the environmental impacts of short-term holiday lets such as noise or anti-social behaviour complaints. As part of the adoption of the Plan Strategy the Local Development Plan (LDP) Housing Team were also consulted.

PSNI response- “An evidence base for complaints from Air B&B’s cannot be provided as we don’t record this as a residential type.”

Environmental Health ran a report for short term lets services for the BT15 post code area since 2018. Whilst there was none related to the Limestone Road, there were complaints recorded within the post code area at Glandore Ave (7 complaints, 2 properties), Fortwilliam Crescent (14 complaints, 1 property) and Duncairn Gardens (1 complaint, 1 property).

LDP Housing Team response- The proposal does not comply with policy HOU3 and HOU13 of LDP PS.

Whilst some 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.

Representations

The application was not re-neighbour notified, however, a further 30 individual objections were received along with a petition of objection with 192 signatures from individual addresses. This along with the original 19 objections now totals 241. The majority of the most recent objections focus on the points considered in the previous case officer report such as anti-social behaviour, lack of privacy/overlooking, noise disturbance, amount of traffic, lack of car parking space, who will be the occupants and management of rubbish/bins.

Within the most recent received objections a further concern was raised. This is summarised below:

Loss of residential housing – The council would agree with this and as assessed under Policy HOU3 the proposal would fail to meet criteria ‘c’ as the short term let use would not be considered subordinate to the residential use. Therefore, the proposal would fail to protect existing residential stock for permanent occupation, within an established residential area.

Policy BH3 – Areas of Townscape Character

The proposal is considered to comply with Policy BH3 criterion e and f. The proposal is introducing no new external alterations. It is considered that the character and appearance of the draft Area of Townscape Character would be preserved.

Policy HOU3 – Protection of existing residential accommodation

Policy HOU3 seeks to protect existing residential stock for permanent occupation, within all established residential areas. Permission would only be granted for a change of use away from permanent occupation if the use was complimentary to surrounding residential uses and would not result in any adverse effects on existing residential amenity; or if the proposal is for community infrastructure considered necessary within the residential area.

An established residential area is normally taken to mean residential neighbourhoods dominated by a recognisable form of housing styles with associated private amenity space or gardens. Along Limestone Road and within the surrounding streets, the common form of housing is typically red brick terraced housing. These areas may include buildings in commercial, retail or leisure use, with the majority of the nearby retail provision coming from the Antrim Road, and Alexandra Park also situated in close proximity to the site in question.

In this instance the proposal would not meet HOU3 criterion ‘c’ as the short-term let would not be subordinate to the residential use. The plans illustrate one bedroom, or one fifth of the dwelling would be maintained as a permanent residential use while four bedrooms or four fifths of the dwelling would be used for the purpose of a short term let. Given the larger portion of the original dwelling would be utilised for a short term let, it cannot be concluded that this is subordinate to the residential use.

The agent has provided a supporting statement (dated August 2023) in which they argue that Policy HOU13 of the Plan Strategy defines ‘short term lets’ as residential use and therefore Policy HOU3 should not be considered. The council are of the opinion that this statement within the Plan Strategy is not a definition of use class. A short term let is classed as a Sui Generis use.

Therefore, the proposal would fail to meet criteria ‘c’ of Policy HOU3 as the short term let use would not be considered subordinate to the residential use.

The proposal would also fail to meet criteria ‘d’ of Policy HOU3 as it does not provide a separate user entrance as public access will be required.

Policy HOU3 explicitly states that the use of permanent residential stock as short-term holiday accommodation will be treated as a change of use and will also be subject to the requirements of Policy HOU13 Short-term let accommodation.

Policy HOU13 – Short term let accommodation

Under Policy HOU13 planning permission will be granted for short-term let accommodation, whether new build or change of use, where the following criteria are met:

a. It strengthens and diversifies the range of short-stay visitor accommodation in the city;
Complies - Offers alternative accommodation to hotel, B&B, guesthouse etc.

b. It is accessible by public transport;
Complies – Is within 10 minutes of a bus stop and within 20 mins of a rail halt.

c. It is sited within an existing tourism cluster or in close proximity to a visitor attraction;
Does not comply - The intention is to define tourism clusters in the LPP, but in the interim common sense can be used to identify visitor attractions. A tourist attraction is generally understood to be a place of interest that tourists visit, typically for its inherent or an exhibited natural or cultural value, historical significance, natural or built beauty, offering leisure and amusement.

For the purposes of this policy, close proximity is defined in paragraph 7.1.85 of the PS as walking distance, which is generally accepted as 1,200 metres or 15-minute walking distance/time (which derives from the document "Institute of Highways and Transportation's- Guidelines for Providing Journeys on Foot).

The property does not appear to be within walking distance of any visitor attractions.

d. Has appropriate management arrangements in place to ensure a positive and safe living environment whilst minimising any potential negative impacts;
Complies – The agent has submitted a management plan that ensures a positive and safe living environment.

e. The site is not located within a designated HMA (see policy HOU10), unless it can be demonstrated that the development is needed to meet a specific unsatisfied demand in that location; and
Complies - Site is not within an HMO Policy Area/HMA.

f. In the case of a change from permanent residential use, part of the property must be retained as permanent residential housing.
Complies – The agent has submitted amended plans to show part of the property (1 bedroom) being retained as residential use.

In consideration of the above criteria, the proposal does not meet criterion (c), it would therefore fail to comply with Policy HOU13.

Policy TRAN8 – Car parking and servicing arrangements

Whilst DfI Roads have referred to the no longer extant Planning Policy Statement in their consultation response, the equivalent policy TRAN8 in the Plan Strategy remains the same. Therefore, there was no requirement to re-evaluate the proposal in the context of the Plan Strategy.

As per the previous report, DfI Roads were consulted and advised no objection to the proposal. The parking and traffic impacts are considered acceptable.

Recommendation

In consideration of the adoption of the new plan strategy the recommendation is that planning permission should be refused with delegated authority given to the Director of Planning and Building Control to finalise the wording of the refusal reasons.

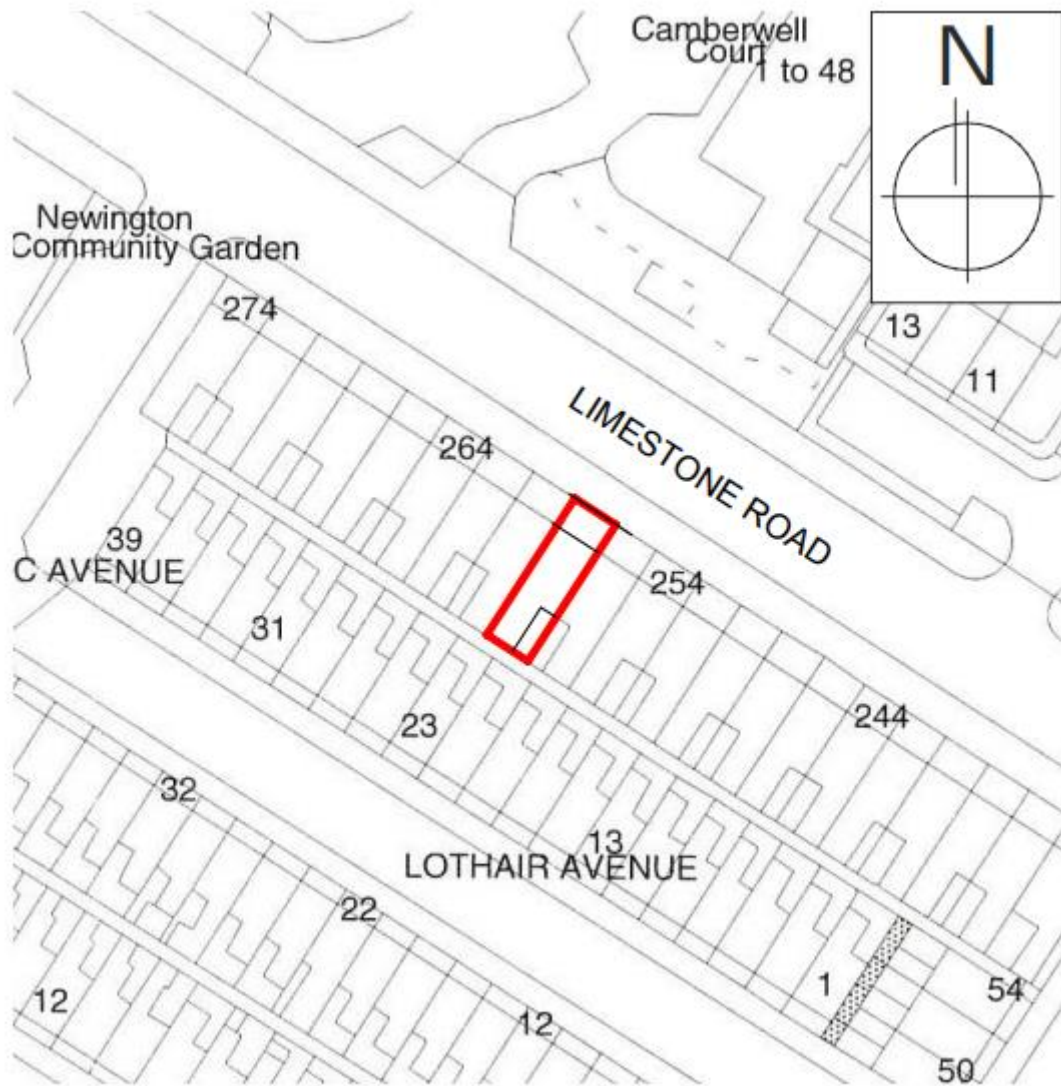
The draft refusal reasons are below.

1. The proposal, is contrary to Policy HOU13, criterion (c), as it is not sited within an existing tourism cluster or in close proximity to a visitor attraction.
2. The proposal, is contrary to Policy HOU3, in that the proposal would fail to protect existing residential stock for permanent occupation and is contrary to criterion (a) as the proposed use is not considered complimentary to the surrounding residential uses and will likely result in adverse effects on residential amenity within this established residential area.
3. The proposal, is contrary to Policy HOU3, in that the proposal would fail to protect existing residential stock for permanent occupation and is contrary to criteria (c) and (d) in that the short term let use would not be considered subordinate to the residential use and does not provide a separate user entrance as public access will be required.

Development Management Report	
Application ID: LA04/2022/1831/F	Date of Committee: 18 th April 2023
Proposal: Change of use from residential to short term stay accommodation.	Location: 258 Limestone Road Belfast BT15 3AR.
Referral Route: Requested by councillor Carl Whyte as per para 3.8.1 in the Scheme of Delegation	
Recommendation: Approval	
Applicant Name and Address: Mr John Young 1 Riverside Magherafelt BT45 6GZ	Agent Name and Address: Tim Doyle Total Architecture + Design Limited 140 Lisburn Road Belfast BT9 6AJ
Executive Summary: The application seeks planning permission for change of use from a residential dwelling to short term stay accommodation. The site is located at 258 Limestone Road. The property is a 2.5 storey residential terrace with a two storey rear return. There is a small enclosed amenity space to the rear of the building, accessed by a gate from a rear service alley located on Oceanic Avenue. The immediate area predominantly consists of residential use. The site is situated on white-land within the Belfast Urban Area Plan 2001. In the draft Belfast Metropolitan Area Plan 2015, the site is within an Area of Townscape Character, Alexandra Park. The key issues relevant to consideration of the application are: • Principle of a holiday let at this location • Impact on the character and appearance of the area • Access/Parking • Impact on residential amenity There have been no objections from consultees. Nineteen objections have been received and are addressed within the main report. The application has been referred to the Committee at the request of Councillor Whyte on grounds of amenity and compatibility with the character and environmental quality of the area. Recommendation Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved. 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.	

Case Officer Report

Site Location Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 The application seeks planning permission for change of use from a residential dwelling to short term stay accommodation. The property would provide five bedrooms, each of which could be let separately to different persons.

2.0 Description of Site

- 2.1 The site is located at 258 Limestone Road. The property is a 2.5 storey residential terrace with a two storey rear return. There is a small enclosed amenity space to the rear of the building, accessed by a gate from a rear service alley located on Oceanic Avenue. The immediate area predominantly consists of residential use.

2.2

	The site is situated on white-land within the Belfast Urban Area Plan 2001 (BUAP). In the draft Belfast Metropolitan Area Plan 2015 (dBMAP), the site is within as an Area of Townscape Character, Alexandra Park.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	None relevant
4.0	Policy Framework
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 3: Access, Movement and Parking
4.6	Planning Policy Statement 6 Addendum: Areas of Townscape Character
4.7	Planning Policy Statement 16: Tourism
5.0	Statutory Consultees Responses DFI Roads – No objections
6.0	Non Statutory Consultees Responses Environmental Health – No objections NI Water – No objections

7.0	Representations
7.1	The application was advertised on the 14 th October 2022 and neighbour notified on the 12 th October 2022.
7.2	Nineteen objections have been received from surrounding residents, these are summarised below: • Anti-social behaviour – Case officer response: there is no evidence that the proposal would raise a significant issue in this regard; this would be a police matter. • Lack of privacy/overlooking – Case officer response: There are no external changes to windows or boundaries. Therefore, privacy/overlooking would not be impacted over and above the existing situation. • Noise disturbance – Case officer response: there is no evidence to indicate that the proposal would give rise to significant impacts over and above the existing situation. Environmental Health has raised no objection to the application. • Amount of traffic – Case officer response: the proposal could give rise to an increase in traffic. However, DFI Roads offers no objection to the proposal and there is no technical evidence of harm. • Lack of car parking space – Case officer response: the proposal could give rise to additional parking pressures. However, the site is a sustainable location in close proximity to the Antrim Road, an arterial route, with good access to public transport. DFI Roads has offered no objection and has not raised concerns about parking availability. • Who will be the occupants – Case officer response: this is not a material planning consideration. • Management of rubbish/bins – Case officer response: this is not considered a planning matter for a proposal of this nature.
9.0	Assessment
9.1	It is considered that the proposal is in compliance with SPPS in that the proposed development would not cause demonstrable harm to interests of acknowledged importance which are considered below.
	Principle of short term lets in this location
9.2	The application site proposes a change of use from a residential dwelling to short term stay accommodation. The property is located on white-land in BUAP.
9.3	Policy TCM 1 of PPS 16: Tourism applies. It states: <i>‘Tourism Development in Settlements</i> <i>Planning permission will be granted for a proposal for tourism development (including a tourist amenity or tourist accommodation) within a settlement; provided it is of a nature appropriate to the settlement, respects the site context in terms of scale, size and design, and has regard to the specified provisions of a development plan.’</i>
9.4	The proposal complies with Policy TSM 1 of PPS 16. The proposal is for a short term let which is appropriate to the settlement of Belfast and will support tourism in the city. The location is considered highly accessible on an arterial route. The proposal is considered to respect the context of the site in terms of scale, size and design.

9.5	Impact on the character and appearance of the area The proposal is considered to comply with Policy TSM 1 of PPS 16. The proposal is introducing no new external alterations. It is considered that the character and appearance of the draft Area of Townscape Character would be preserved.
9.6	Impact on amenity The proposal does not require any external changes to the building and there would be no additional impacts over and above the existing use on the neighbouring properties in terms of loss of light, overshadowing, overlooking etc.
9.7	Each of the five bedrooms in the property could be occupied by separate persons which could give rise to additional comings and goings of people and activity. However, the nature of the proposal is residential (albeit intensified) and there is no evidence that the proposal would give rise to significant noise or other amenity impacts. Environmental Health offers no objection to the proposal. Whilst it has recommended a condition to require a management plan to manage tenant behaviour, this would go beyond reasonable planning control and would also not be enforceable.
9.8	Parking/Traffic Each of the five bedrooms in the property could be occupied by separate persons which could give rise to additional traffic and parking pressures. The site is a sustainable location, close to the Antrim Road, with good access to public transport. DfI Roads were consulted and advises no objection to the proposal. The parking and traffic impacts are considered acceptable.
9.9	Others matters The request to refer the application to Committee makes reference to Policies LC1 and LC2 of Planning Policy Statement 7 Addendum: Safeguarding the Character of Established Residential Areas. However, these are not relevant to the proposal as they relate to proposals for new housing.
10.0	Summary of Recommendation:
10.1	Having had regard to the development plan, relevant planning policies, and other material considerations, it is considered that the proposal should be approved.
10.2	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
11.0	DRAFT CONDITIONS: 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. Informatives This decision relates to the following approved drawing number: 02

ANNEX	
Date Valid	29 th September 2022
Date First Advertised	14 th October 2022
Date Last Advertised	14 th October 2022
Date of Last Neighbour Notification	12 th October 2022
Date of EIA Determination	N/A
ES Requested	No

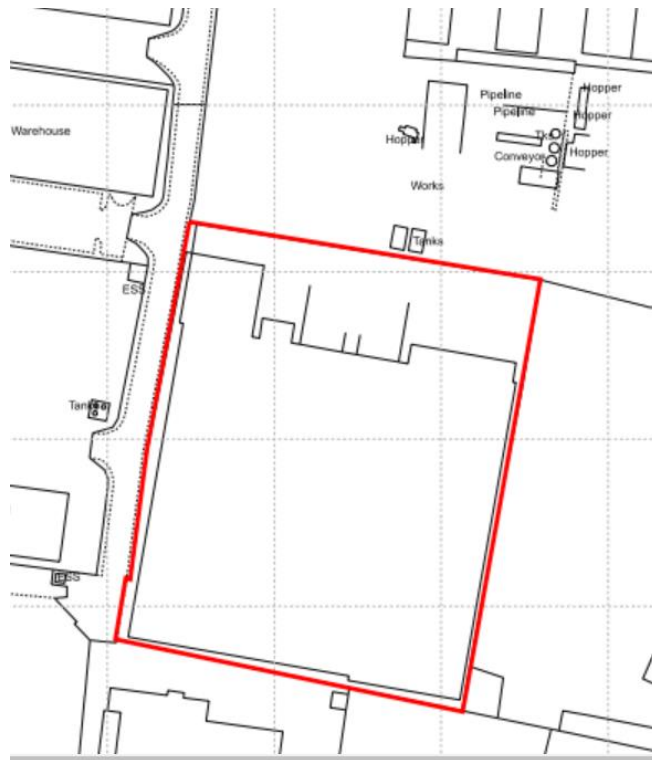
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Committee Application

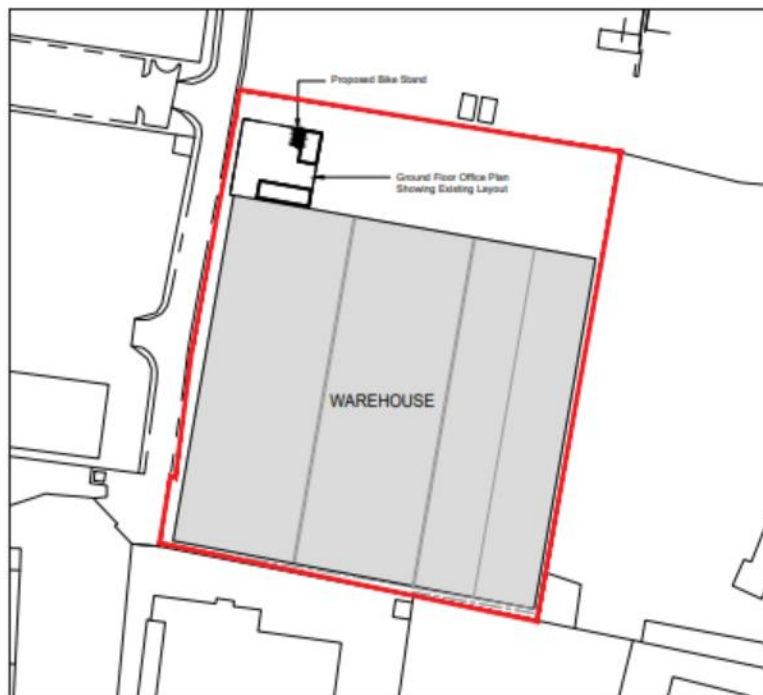
Development Management Officer Report	
Application ID: LA04/2022/2060/F	Committee Meeting Date: 17 th October 2023
Proposal: Replacement of fire damaged storage and distribution warehouse on same building footprint (Retrospective).	Location: 122-126 Duncrue Street, Belfast BT3 9AR
Referral Route: Major Application	
Recommendation:	Approval subject to conditions
Applicant Name and Address: GBB Partnership Limited 7 Duncrue Place Belfast	Agent Name and Address: Braniff Associates 5 Windsor Ave North Belfast
Executive Summary: This application seeks retrospective full permission for the replacement of fire damaged storage and distribution warehouse on the same building footprint at 122-126 Duncrue Street, Belfast. The key issues are: • Principle of development • Demolition • Design • Climate change • Access and parking • Drainage and Waste-Water Infrastructure • Noise, odour and other environmental impacts • Trees and landscaping Statutory Consultees offered no objections subject to conditions and no representations have been received. 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 wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.	

1.0 Drawings

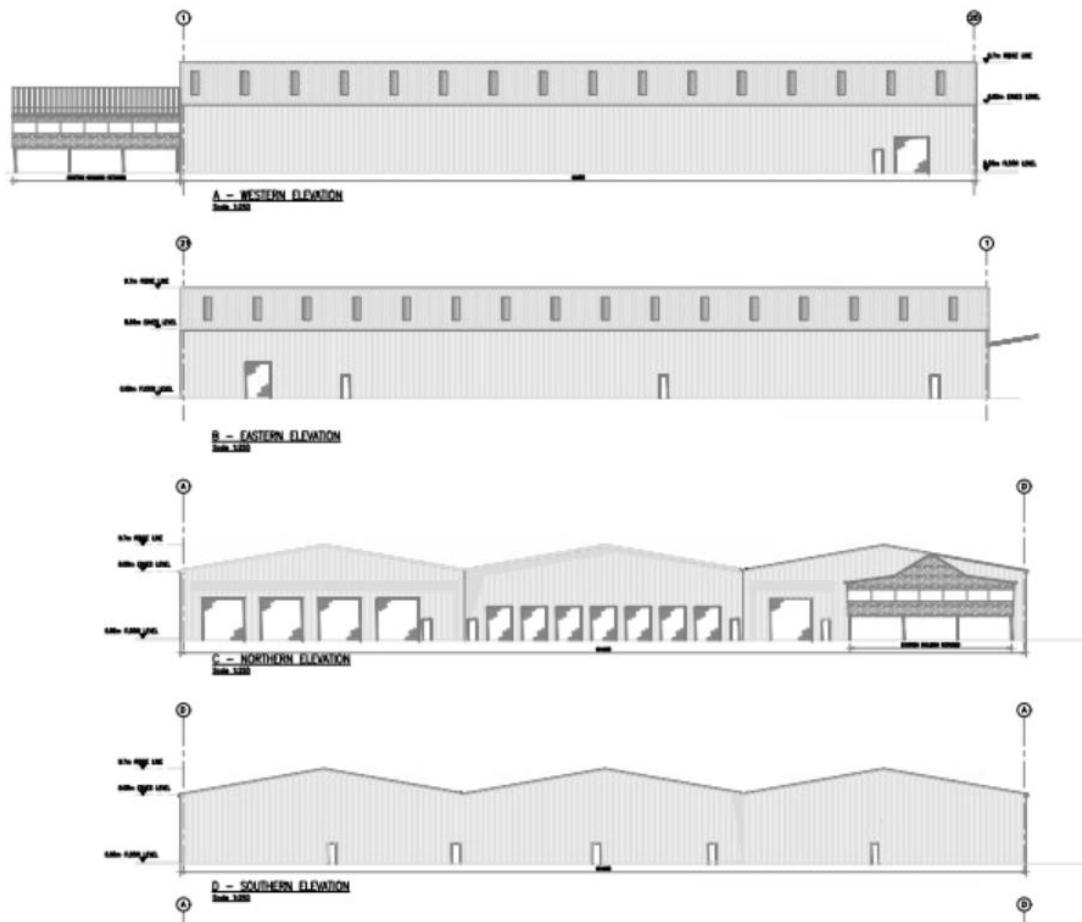
Site Location Plan



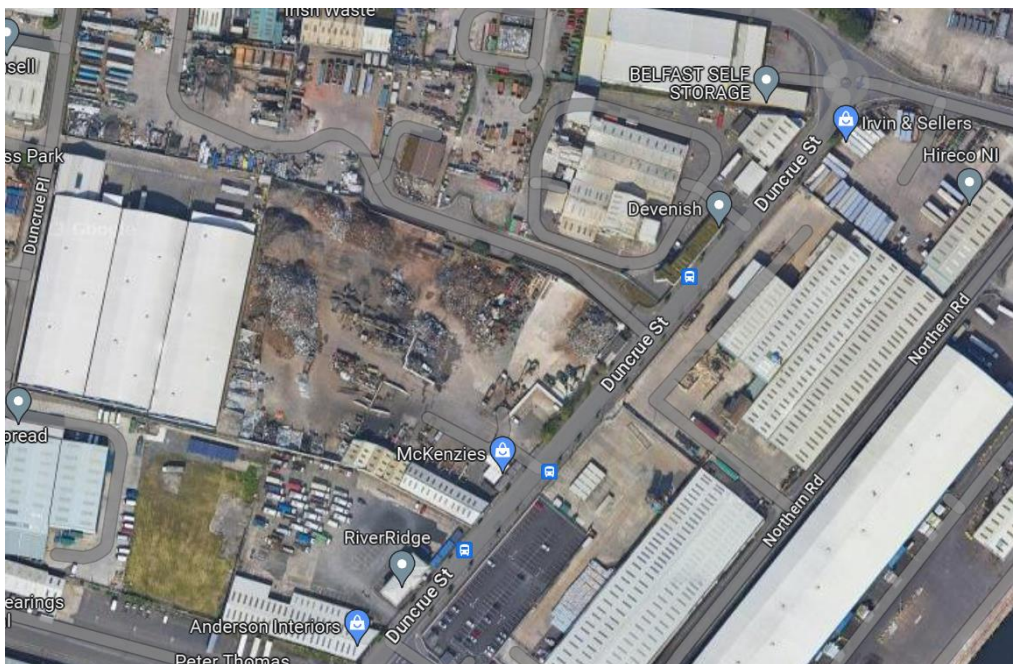
Proposed Block Plan



Proposed Elevations



Aerial image



2.0	Characteristics of the Site and Area
2.1	The application site measures approximately 1.4ha and is located within Duncrue Industrial Estate, Belfast. The previous building on the site was destroyed in a fire in November 2019, and replaced on the same footprint with the building to which this application refers.
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, whereas it is within an area of existing employment within the Belfast Harbour Area in Draft Belfast Metropolitan Area Plan 2015 (BMAP).
3.0	Description of Proposed Development
3.1	Full planning permission is sought retrospectively for the replacement of a fire damaged storage and distribution warehouse on the same building footprint at 122-126 Duncrue Street, Belfast.
3.2	The footprint and floorspace (9482 gross external sqm and 459 sqm mezzanine) remains the same as that approved previously in the original planning permission Z/2006/1619/F. The design and materials remain largely the same as previous also, with the exception of a different roof type, reducing the ridge height from that previously.
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	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 LA04/2022/1486/PAN. The PACC report states that no one attended the public event.
4.6	The original building was approved under Z/2006/1619/F, Construction of transit shed, offices, handling yard & car parking, granted on 22 nd June 2007.
5.0	Consultations and Representations
5.1	Statutory Consultees DFI Roads Service – No objection NI Water – No objection DfI Rivers Agency – No objection

	DAERA Water Management Unit – No objection DAERA Regulation Unit – No objection DAERA Marine and Fisheries – No objection
5.2	Non Statutory Consultees BCC LDP Environment and Community – No objection BCC Environmental Health – No objection subject to conditions
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) BHA 08 In dBMAP (v2004) the site is within the Belfast Metropolitan/Settlement Development Limit.

	The site falls within the Belfast Harbour Area (BHA 08) and zoned as a major area of existing Employment/Industry.
6.8	dBMAP2015 (v2014) In dBMAP (v2014) the site is within the Belfast Metropolitan/Settlement Development Limit. The site falls within the 'Belfast Harbour Area and Major Employment Location' (BHA 06) and land zoned as existing Employment.
6.9	BUAP Within the BUAP the site is unzoned whiteland.
7.0	Relevant Planning Policies Policy SP2 – Sustainable development Policy SP3 – Improving health and wellbeing Policy SP5 – Positive placemaking Policy SP6 – Environmental resilience Policy SP7 – Connectivity Policy SP8 – Green and blue infrastructure network Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas Policy EC2- Employment land supply Policy EC3 – Major employment and strategic employment locations Policy DES2 - Masterplanning approach for major development Policy HC1 – Promoting Healthy Communities 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 TRAN8 – Car parking and servicing arrangements
8.0	Key issues
8.1	The key issues to be considered in the assessment of this application are: • Principle of development • Demolition • Design • Climate change • Access and parking • Drainage and Waste-Water Infrastructure • Other environmental impacts
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	The principle of development of this use in this location has already been established through its previous use, the zoning, as well a large number of industrial and business uses existing in this area. The proposal is in line with Policies EC2 and 3 of the Plan Strategy.
9.2	Demolition
9.3	The Planning Strategy Statement provided by the Agent states the property was fire damaged and was demolished due to healthy and safety risk. The demolition contractor transported most of the steel to recycle scrap metal yards and all other waste went to licensed landfill. Where possible, built features that escaped the fire, and which were salvageable were reincorporated into the rebuild, for example canopies on the north elevation. Given the nature of the proposal, no demolition justification is required. Therefore the proposal is in line with Policy ENV2 (Mitigating Environmental Change). insofar as possible in the particular circumstances of this case, through the reuse and recycling of some existing building materials and improvements to roof insulation.
9.4	Design
9.5	Within the Planning Strategy Statement the Agent states “it must be underlined at the outset that the rebuild of this warehouse was premised on the applicant’s misunderstanding that the re-erection of a similar building could take place without the need to obtain planning permission. Accordingly, emphasis was placed on replacing what existed before as opposed to developing a new layout and design.”
9.6	The existing building is sited on the same building footprint as the previous, and as stated previously incorporates the same previously approved floorspace also. The height, scale and massing are typical of the type of development proposed. External materials remain the same as previous also, namely goosewing grey metal cladding. The roof structure however differs from that of the previous, reducing the ridge height from 12.93m to 9.7m. Planters are proposed to the front of the building, which should Approval be granted should be Conditioned.
9.7	The proposed scale, massing and design of this functional building, given its reuse of some 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. Given the industrial location of the proposal and the extensive site coverage of the distribution warehouse the scope to adopt a masterplan approach is highly constrained and on balance considering the site surroundings a Masterplan is not considered to be required.
9.8	Climate change
9.9	Policy ENV2, (Mitigating Environmental Change) states that planning permission will be granted for development that incorporate measures to mitigate environmental change and reduce greenhouse gas by promoting sustainable patterns of development. The Agent states the fire damaged roof possessed no heat insulation. In contrast, the replacement roof contains 40mm of Kingspan Insulation for reducing heat energy, which is provided by electric via the air con system. BCC LDP Environment and Community team recognised that through the reuse and recycling of some existing building materials and improvements to roof insulation the proposal complies with ENV2.
9.10	Policy ENV3, (Adapting to environmental change) 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. BCC LDP Environment and Community's initial response recognised that this is a retrospective proposal for a replacement warehouse destroyed in a fire and improvements were noted in terms of insulation, reuse of material and recycling provision. However, there was no evidence of any consideration of SuDS measures submitted to fully address Policy ENV5 (and ENV3). An amended plan was submitted showing planters proposed to the front of the building which will link to drainpipes in order to attenuate rainfall discharge into the drainage network. Therefore, on balance the proposal complies with Policy ENV3 in terms of climate change.
9.11	Whilst Policy HC1 generally applies to all development, it is noted that the proposal is for a major industrial development and an HIA would be required. In recognition of this, the planning statement refers to the nature of the replacement industrial use of the proposal. The statement refers to local public transport services. In addition, the new development proposes to address health issues further through the provision of eight cycle spaces to the front of the premises. Therefore, in this particular case, this is considered a reasonable and proportionate policy response.
9.12	Access and Parking
9.13	There are no proposed changes to carparking or movement around the site which is accessed from the existing vehicular access. Whilst the site address is 122-126 Duncrue Street, the vehicular access is via Duncrue Place. 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.
9.14	Drainage and Waste-Water Infrastructure Policy ENV5, Sustainable drainage systems (SuDS), seeks that all built development should, where appropriate, include SuDS measures to manage surface water effectively. As stated previously BCC LDP Environment and Community raised concerns at the lack of SuDS proposed, and an amended plan showing planters proposed to the front of the building which will link to drainpipes in order to attenuate rainfall discharge into the drainage network. It is accepted that due to the high site building coverage and need for hard circulation space, other measures could not be adopted. Therefore, on balance the proposal complies with Policy ENV5.
9.15	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.
9.16	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.
9.17	Noise, odour and other environmental impacts Comments were invited from both BCC EHO and DEARA's Regulation Unit with regards to the risk of land contamination. DAERA Regulation Unit responded with no objection to the proposal, however records held by BCC EHO indicate that the site is located on land use types that have the potential to contaminate land and pose a risk to human health. Also the previous building on site was subject to fire damage which can also result in potential contamination. Following the submission of a Preliminary Risk Assessment relating to the risk of contaminated land on the site, BCC EHO responded with no objections, suggesting

	conditions to be included should approval be granted.
9.18	DAERA Marine and Fisheries stated on the basis of the information supplied they were content there should be no adverse impacts on marine conservation, provided standing advice for development that may have an effect on the water environment (including groundwater and fisheries) is adhered to. The application site is located within the Belfast Harbour Regional Seascape Character Area. As the proposal is a replacement, it is not anticipated to adversely impact the Regional Seascape Character Area.
9.19	The replacement development is separated from the marine environment by ~0.4km of existing infrastructure including Duncrue Street, the Northern Road and buildings. They recommended that the Planning Authority consider the impacts of climate change and flooding on the site through its assessment of the proposal. This has previously been assessed by policies ENV2, 3, 4 and 5.
10.0	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 wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.
11.0	Draft Conditions: 1. This planning permission has effect from the date which the development hereby approved was carried out. Reason: As required by Section 55 of the Planning Act (Northern Ireland) 2011. 2. Prior to the occupation and 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 Mc Cloy Consulting report entitled Preliminary Risk Assessment Duncrue Street, Belfast M03386-01_ENV01. Dated August 2023 and the Pentland McDonald entitled - Gas Assessment M2 Business Park, Belfast for Quinn Design Associates. Referenced Report No. PM07-1126. Dated July 2009 have been implemented. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use. It must demonstrate that the identified human health contaminant linkage is effectively broken. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British Standards. In particular, the Verification Report must demonstrate that: - The Sub Floor Gas Vents as per BS 8485:2015+A1:2019 Ventilation protection have been reinstalled. Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health. 3. The development hereby permitted shall not be occupied until details of the cycle parking facilities have been submitted and agreed in writing with Belfast City Council. Reason: To ensure that adequate provision has been made for cyclists.

	4. The development hereby permitted shall not be occupied until the planters in accordance with approved plan No. 6, published on the public planning portal on 9th August 2023 have been installed. Reason: In the interests of drainage.
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ANNEX	
Date Valid	15/11/22
Date First Advertised	17/03/23
Date Last Advertised	(as above)
Details of Neighbour Notification (all addresses) 120 Duncrue St, Belfast 140 Duncrue St, Belfast 142 Duncrue St, Belfast 144 Duncrue St, Belfast 76-88 Duncrue St, Belfast 128 Duncrue St, Belfast 130 Duncrue St, Belfast	
Date of Last Neighbour Notification	12/06/23
Date of EIA Determination	09/10/23

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Development Management Officer Report Committee Application

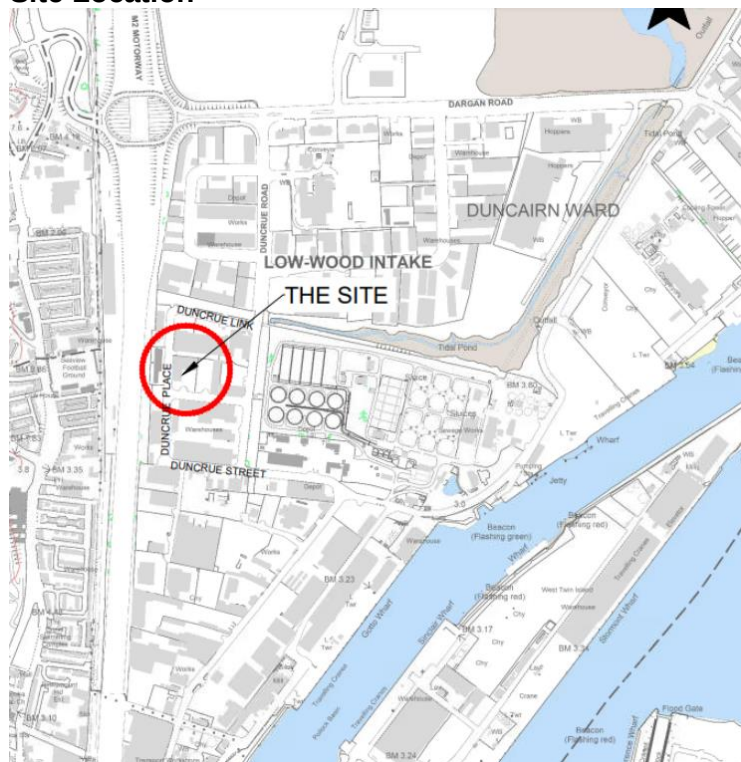
Summary	
Committee Meeting Date: 17/10/2023	
Application ID: LA04/2022/2103/F	Target Date:
Proposal: Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works.	Location: 1 and 2 Duncrue Pass Belfast BT3 9BS.
Referral Route: Referral to the Planning Committee under section 3.8.7 of the Scheme of Delegation	
Recommendation:	Approve
Applicant Name and Address: United Energy Waste Management Ltd 21D Enterprise Road Bangor BT20 3SR	Agent Name and Address: Jobling Planning & Environment Ltd 1A Nixon Building LED COM Business Park 100 Bank Road Larne BT40 3AW
Executive Summary: This application seeks full planning permission for a proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works. The key issues are: • Principle of development • Natural Heritage and Impact on ecology • Impact on water / marine environment • Design, Layout and Visual Impact • Impact on Amenity and Environmental Health (Noise, Air Quality and Land Contamination) • Access, parking and transport • Flood risk • Waste Infrastructure Recommendation It is considered the proposal complies with the policies of the PS in respect of waste management, environment, ecology, economic development, residential amenity, transport, flood risk and climate change. 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 and to a positive response from Shared Environmental Services in respect of Habitats Regulations Assessment. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.	

Officer Report

1.0

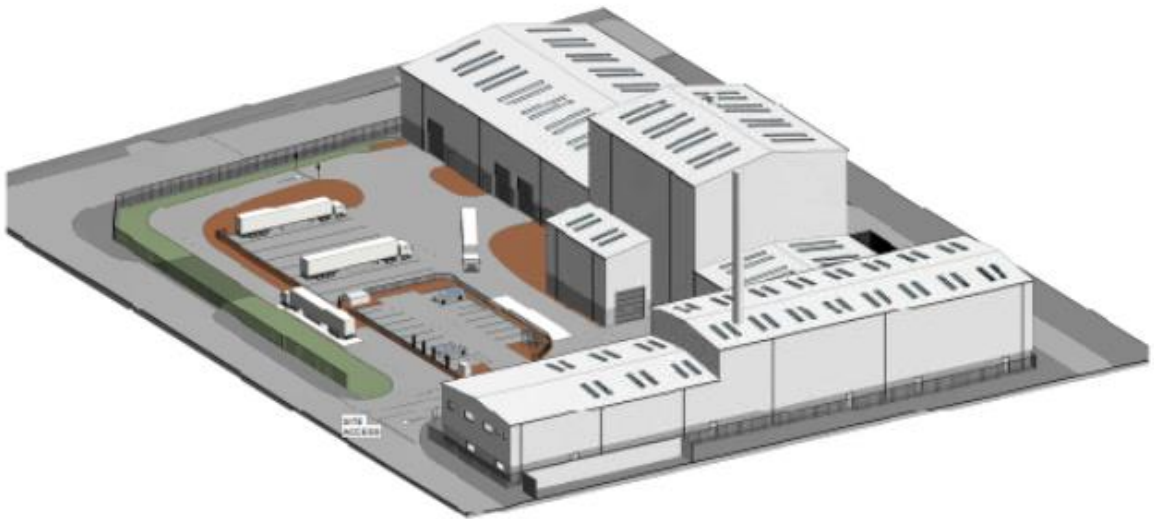
Drawings

Site Location



Proposed Site layout



Sketch Views:

2.0	Characteristics of the Site and Area
2.1	The site comprises Units 1 and 2 Duncrue Pass, and it lies within the Belfast Harbour Estate which is predominantly industrial in nature. The site is situated in the west of this industrial estate and is located on the corner of Duncrue Pass and Duncrue Place and extends to approximately 0.99 Ha in area.
2.2	The surrounding land uses comprise a mixture of Class B2 Light Industrial; B3 General Industrial; Class B4 Storage and distribution; and waste management facilities (sui generis). To the south and west, the site is abutted by the two roads, Duncrue Pass and Duncrue Place, which separate it from the adjoining industrial warehouse units. To the north is a former waste Materials Recovery Facility (Irish Recycling Services) which is now dormant. The M2 Motorway is located approximately 75 metres to the west of the site and this physically separates the Duncrue Industrial area from the rest of Belfast.

2.3	Unit 1 currently comprises an existing waste transfer station and materials recovery facility operated by Ace Bates Skip Hire Ltd and planning permission was recently granted to extend this waste management use into the adjoining Unit 2. Unit 2 is currently leased by Speedy Hire, which operates a commercial plant hire business.
3.0	Description of Proposal
3.1	The proposal seeks to change the use of the existing sui generis waste management use to create a thermal treatment facility for the incineration of clinical and hazardous waste streams. The proposal will have an annual intake capacity of circa 20,000 tonnes of healthcare and hazardous wastes and will generate an energy output capacity of up to 10MW of heat with potential for conversion to up to 2-3MW of electricity.
3.2	The proposed waste management site operations will involve these 4 key stages; • Reception and secure of incoming waste • Thermal treatment by incineration • Removal of recycle component parts • Energy Recovery
3.3	It is anticipated the facility will accept healthcare waste (hazardous & non-hazardous) from the following streams: • Hospitals • Pharmacies • Dentists • Care Homes • Veterinary • Sanitary wastes • Waste from Shipping / Air Travel industry • Other hazardous waste contractors and waste producers
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	Relevant Planning Site History <u>Application Site:</u> Z/2006/2897/F - Erection of waste processing plant, with associated car parking and siteworks – Approved Z/2010/0585/F - Proposed extension to existing waste sorting and treatment facility building to provide additional storage and processing area and permit the acceptance of road sweeping wastes – Approved Z/2012/1294/F - Proposed modifications to existing WTS/MRF facility to include an extension to the existing building, covered yard area, changes to internal layout and

	additional processing infrastructure. Including internal storage bays, storage of baled RDF, biomass boiler and the acceptance of additional EWC codes – Approved LA04/2020/0791/F - Proposed extension to existing MRF facility to include extension to existing building no.1. Change of use of adjoining site to provide additional floorspace - Approved LA04/2021/2145/PAN - Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works – Decided
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – No objection, subject to conditions. NI Water – No objection. DAERA NIEA – No objection. DFI Rivers – No objection.
5.2	Non-Statutory Consultations BCC Environmental Health – No objection, subject to conditions. Shared Environmental Services (SES) – Response outstanding. NIE – No objection.
5.3	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.
5.4	Representations The application has been advertised and neighbours notified. The Council has received one non-committal representation dated 24th August from a representative of clients in the vicinity of the proposal. The representation requested assurances that the application will not be determined until they have had sufficient time to review the proposal and reserved the right to make further representation, either in support of or objection to the proposal.
6.0	PLANNING ASSESSMENT
6.01	Environmental Impact Assessment An Environmental Statement (ES) was submitted as part of the application in line with the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017. This assessed the environmental impacts of the proposed development.
6.02	Habitats Regulations This planning application is being 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 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.
6.03	Shared Environmental Services were consulted on 4th October 2023 and their comments are currently outstanding on date of publication.

6.04	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 determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.05	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.
6.06	The Development Plan is the Belfast Local Development Plan (LDP), which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The LDP is in two parts: Part 1 is the Plan Strategy (PS), which was adopted on 02 May 2023. Part 2 is the Local Policies Plan (LPP), which will provide the zonings and proposals map for Belfast and has yet to be published.
6.07	Operational policies – the LDP PS contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.08	Proposals Maps – until such time as the LPP is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the BUAP, 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.
6.09	The site is located within the development limits of Belfast and is un-zoned whiteland within the adopted BUAP. dBMAP identifies the site as being located within Belfast Harbour Area (Designation BHA 08-v2004) (Designation BHA 06-v2014) and is classified as a Major Area of Existing Employment/ Industry.
6.10	Relevant Planning Policies/Guidance The following policies/guidance in the Plan Strategy are relevant to consideration of the application.
6.11	Regional Development Strategy for Northern Ireland (RDS) 2035 Strategic Planning Policy Statement (SPPS) Policy SP1A – Managing growth and supporting infrastructure delivery Policy SP2 – Sustainable development Policy EC3 – Major employment and strategic employment locations Policy W1 – Environmental impact of a waste management facility Policy W2 – Waste collection and treatment facilities Policy TRAN 3 – Transport Assessment Policy TRAN 6 – Access to Public Roads Policy TRAN 8 – Car Parking and Servicing Arrangements Policy ENV1 – Environmental Quality Policy ENV2 – Mitigating Environmental Change Policy ENV 4 – Flood Risk Policy NH1 – Protection of Natural Heritage Resources Supplementary Planning Guidance – Waste Infrastructure
6.12	Principle of development The site is located within the development limits of Belfast and is un-zoned whiteland within the adopted Belfast Urban Area Plan 2001. The draft Belfast Metropolitan Area Plan 2015

	identifies the site as being located within Belfast Harbour Area (Designation BHA 08-v2004) (Designation BHA 06-v2014) and is classified as a Major Area of Existing Employment/ Industry. Policy EC3 states that appropriate sui generis uses will be directed towards Major employment locations, such as Belfast Harbour. Para 8.1.23 states that such areas are considered suitable for certain 'sui generis' uses as they could potentially harm residential amenity and are therefore considered most suited to an industrial estate.
6.13	There are multiple waste management facilities within the wider Duncrue area, including Irish Waste, McKenzies NI, River Ridge and McKinstry Waste Transfer Station, which are all located in very close proximity to the site. The proposed use is in keeping with the mixed industrial and waste uses within the Belfast Harbour Estate. The Industrial Estate comprises a coarse urban grain, with large, condensed blocks of industrial development, arranged around wide streetscapes, reflective of the industrial nature of the context. The scale and massing of the built form is large and dense and comprises mainly substantial industrial buildings.
6.14	Regional Development Strategy for Northern Ireland 2023 The RDS identifies the Belfast Harbour Industrial Estate as a location for growth through its Strategic Planning Guidelines and encourages opportunities for job creation.
6.15	Policy RG5 relates to the delivery of a sustainable and secure energy supply. It states that Northern Ireland needs a robust and sustainable energy infrastructure and advises that new generation infrastructure should be designed to avoid adverse environmental impacts, particularly on or near to protected sites.
6.16	Strategic Planning Policy Statement (SPPS) The SPPS advises that Planning authorities should take a positive approach to appropriate economic development proposals, and proactively support and enable growth generating activities. Planning authorities should also recognise and encourage proposals that could make an important contribution to sustainable economic growth when drawing up new plans and taking decisions. The proposal represents an economic development proposal, supporting and enabling sustainable growth through job creation and retention within the local area.
6.17	The SPPS position on Waste Management is a key operational policy for this proposal. There is a presumption in favour of development unless it will cause demonstrable harm. The SPPS also acknowledges that the provision of waste facilities and infrastructure can make a valuable contribution towards sustainable development. The aim of the SPPS in relation to waste management is to support wider government policy focused on the sustainable management of waste and a move towards resource efficiency. The key objectives of the SPPS are to promote waste development in appropriate locations, ensure that detrimental impacts on people, the environment and local amenity are avoided or minimised and secure appropriate restoration of sites for after-use.
6.18	General Overview of Development This proposal primarily relates to the treatment of healthcare and hazardous waste and a small proportion of other wastes such as those arising from planes and the cruise ship industry. In addition, a small number of hazardous waste streams that are currently collected and exported out of the country shall be treated at this facility.
6.19	This proposed waste management facility will meet a deficit in the infrastructure in Northern Ireland (NI) and Ireland (ROI) and will offer a solution for the Island of Ireland for the treatment of healthcare waste, that is currently shipped to the UK or other parts of Europe for disposal or recovery. There is currently no high temperature incineration facility for healthcare and hazardous waste currently in NI / ROI, other than at industrial sites operated

	by individual waste producers. A proportion of the less difficult healthcare waste is still currently landfilled in Ireland.
6.20	The proposed facility will deliver a self-sufficient and safe way of disposing of these types of waste within the country of origin, reducing reliance on overseas transport, traditional landfill disposal and will remove the need to export this waste to other countries for treatment, as is currently the practice.
6.21	The proposal will have an annual intake capacity of circa 20,000 tonnes of healthcare and hazardous wastes and will generate an energy output capacity of up to 10MW of heat with potential for conversion up to 1-2MW of electricity. It is proposed that the energy generated onsite will be used to provide the operation of the plant, and other nearby businesses with a source of heat energy and electricity.
6.22	Impact on Water Environment DAERA NIEA Marine and Fisheries Division (MFD) note that the proposed development is in close proximity to Belfast Lough, a Shellfish water protected area. DAERA NIEA Water Management Unit (WMU) advise that if NI Water are content that both Belfast WWTW and associated sewer network can take the additional load from the proposal, they will have no objection to that aspect of the proposal. WMU have recommended a condition in relation to sewage disposal agreement in the event of approval. NIW have offered no objection in respect of the proposal.
6.23	Impact on Ecology DAERA NIEA Natural Environment Division (NED) note the application site is in close proximity and hydrologically linked to the following national, European and international designated sites: • Belfast Lough Ramsar • Belfast Lough Special Protection Area (SPA) and Belfast Lough Open Water SPA • Inner Belfast Lough Area of Special Scientific Interest (ASSI), Outer Belfast Lough ASSI, Belvoir ASSI and Craigantlet Woods ASSI.
6.24	A Biodiversity checklist and additional environmental information were submitted in support of the proposed development. NED noted potential impacts on the designated sites, specifically contamination of aquatic environment and associated habitats via sedimentation hydrocarbon spills and leachate from building materials and airborne pollutants that can affect aquatic and terrestrial environments. NED also acknowledged that the proposal is located within an existing operational industrial unit. NED concluded that they had considered the potential impacts and are content with the proposal.
6.25	Impact on Amenity and Environmental Health Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The development has taken wider health considerations into account through the design process and the effects on wider human health are anticipated to be negligible. The nearest residential properties are located over 250 metres from the application site in the Shore Road area to the west.
6.26	Air Quality An Air quality impact assessment (AQIA) has been submitted as part of the Environmental Statement. BCC Environmental Health (EHO) have advised that long and short-term ambient air quality impacts from the development are predicted to result in a 'not significant' effect at considered human receptor locations. Consequently, EHO conclude that the submitted AQIA adequately demonstrates that the proposal will not have an adverse impact upon air quality in the vicinity of the proposal and that relevant human health

	receptors will not be exposed to air quality concentration exceeding air quality objectives. EHO also advise they have no concerns regarding air quality during the construction phase.
6.27	Contamination A Preliminary and Generic Quantitative Risk Assessment (PRA & GQRA) report has been provided in support of the planning application. The GQRA is informed by site investigations and environmental monitoring data. Following consultation with both NIEA Land and Regulation Unit and EHO, it is considered that no unacceptable risks to environmental receptors have been identified for the development. Conditions have been provided in relation to contamination from both consultees, in the event of approval.
6.28	Noise A Noise impact assessment (NIA) has been submitted as part of the Environmental Statement. The NIA presents predicted levels and conclusions which suggest that the development is acceptable in principle in terms of noise impact. EHO also note that the proposed process will be subject to the legislative requirements under the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 which as a part A process, will be enforced by DAERA. The subsequent application for a Part A permit will require a BS4142 noise assessment to be conducted and submitted to DAERA for review and a decision to issue the permit with or without conditions. Consequently, EHO have not suggested conditions in relation to noise.
6.29	Economic Development The proposal represents an economic development proposal, supporting and enabling sustainable growth through job creation and retention within the local area. The proposal would also be compliant with Policy EC3 – Major employment and strategic employment locations. A key priority is to focus economic development in the city's key employment area and directs new employment development towards Belfast Harbour Major Employment Location.
6.30	Design, layout and Visual Impact In terms of the physical development, this proposal involves four component parts, relating to Building 1, Building 2 and Yard. The proposal involves the change of use and physical modification of the existing Building 1, to remove existing bay involving a reduction in the total floorspace. The proposal also includes an extension to Building 1, to extend it laterally to connect to building 2. This extension measures 29.36 m to the ridge and forms the highest building within the site. The use of Building 2 is proposed to change from Class B2 & B4 and includes modifications to extend the ridge height of part of the building (to 17.37 m) and the installation of a flue, 36 m in height. The proposal also includes the reconfiguration of the external yard area.
6.31	The scale and massing of the built form of the area is large and dense and comprises mainly substantial industrial buildings. It is acknowledged that the proposed buildings and flue are large, however given the existing character of the surrounding area, it is not considered that the visual impact of the proposal will be detrimental.
6.32	Access, parking and transport The proposal has been assessed against Policy TRAN3, TRAN 6 and TRAN8. In assessing the proposal, DFI Roads considered a number of supporting documents, including a Traffic Flow Assessment and Transport section within the environmental statement (Chapter 15). DFI Roads offer no objection to the proposal, subject to conditions.
6.33	Flood Risk, Drainage & Infrastructure capacity

6.34	The application has been assessed against Policy ENV4 - Flood Risk. The application site is not impacted by the floodplain, however a Drainage assessment was submitted as part of the Environmental Statement. DFI Rivers provided comments on the submitted information and accept the logic, therefore offering no objection. The proposal is suitably designed to meet the drainage requirements. Mitigating Environmental Change The proposal includes the part demolition of some of the existing buildings on site, however the proposal incorporates the re-use of two large buildings on the site, in accordance with policy ENV2 of the PS.
6.35	Waste Infrastructure As per policy W1 – Environmental impact of a waste management facility. Planning permission will be granted for a waste management facility when the following criteria are met:
6.36	<i>(a) The proposal will not cause demonstrable harm to human health or result in an unacceptable adverse impact on the environment;</i> All waste storage and thermal treatment will be carried out internally and this will mitigate against any potential risks. A full environmental assessment of this land use has been undertaken and the Environmental Statement accompanies this application. This demonstrates that the proposal will not result in adverse harm to human health or the environment.
6.37	<i>(b) The proposal is designed to be compatible with the character of the surrounding area and adjacent land uses;</i> The proposal is compatible with an approved adjacent land use and the pre-existing use of the Building 1 as a waste management facility and equally the site is compatible with adjacent land uses which comprise a mix of industrial and other waste management uses.
6.38	<i>(c) The visual impact of the waste management facility, ... is acceptable in the landscape and the development will not have an unacceptable visual impact on any area designated for it landscape quality'</i> Similar built form is already established. It is acknowledged that the building is significantly higher than existing, however the visual impact is not considered detrimental in the context of the existing built form and will read as part of the pre-established built development. Furthermore, the proposal will not impact visually on any area designated for its landscape quality.
6.39	<i>(d) The access to the site and the nature and frequency of associated traffic movements will not prejudice the safety and convenience of road users or constitute a nuisance to neighbouring residents by virtue of noise, dirt or dust;</i> The annual throughput of waste to be treated at this site is significantly reduced. It is currently licensed to accept 100,000 tonnes per annum and this proposal will reduce that to 20,000 tonnes per annum. This will result in a 59% reduction of daily car/ van movements and 75% reduction of heavy goods vehicles. Therefore, there is a net benefit to road network. Environmental Health have been consulted with regards to noise, dirt and dust and raised no issues.
6.40	<i>e) The public road network can satisfactorily accommodate, or can be upgraded to accommodate, the traffic generated;</i> As per point (d), this proposal will result in a net reduction of vehicle movements and the network can therefore accommodate this. DFI Roads were consulted and have no objection.
6.41	

6.42	<i>(f) Adequate arrangements shall be provided within the site for parking, servicing and circulation of vehicles;</i> Adequate parking, turning and servicing of vehicles is proposed as indicated on the drawings.
6.43	<i>(g) Wherever practicable, the use of alternative transport modes, in particular, rail and water, has been considered;</i> Not applicable to this application.
6.44	<i>(h) The development will not have an unacceptable adverse impact on nature conservation or archaeological/built heritage interests;</i> There are no features of nature conservation or archaeological/built heritage interests in close proximity to the site. This is fully demonstrated through the Environmental Statement and Shadow Habitats Risk Assessment.
6.45	<i>(i) The types of waste to be deposited or treated and the proposed method of disposal or treatment will not pose a serious environmental risk to air, water or soil resources that cannot be prevented or appropriately controlled by mitigating measures;</i> A full environmental assessment of this land use has been undertaken and the Environmental Statement accompanies this application. The Environmental Statement has been assessed by external consultees with no objections, therefore it is considered the proposal will not pose a serious environmental risk to air, water or soil resources.
6.46	<i>(j) the proposed site is not at risk from flooding and the proposal will not cause or exacerbate flooding elsewhere;</i> The site is not within a flood plain and would not be at risk from flooding nor exacerbate flooding elsewhere.
6.47	<i>(k) the proposal avoids (as far as practicable) the permanent loss of the best and most versatile agricultural land;</i> There is no impact on agricultural land.
6.48	<i>(l) in the case of landfilling the proposal includes suitable, detailed and practical restoration and aftercare proposals for the site.</i> The proposal does not involve landfilling.
6.49	As per policy W2 – Waste collection and treatment facilities, planning permission will be granted for a treatment facility where: a. <i>There is a need for the facility as established through the council's WMP or in consultation with the council in relation to projected need for a particular stream.</i>
6.50	The need for this facility is established through the WMS and WMP and will offset the need to export the waste for incineration in other jurisdictions. Furthermore, para 9.2.13 states that the targets contained within the WMS require a significant shift away from landfill to enable a move towards a circular economy, which this proposal supports.
6.51	The proposal also complies with criterion b1 of policy W2 as it is located within an industrial / port area and the proposal is appropriate to the character of the area. With regard to criterion c of policy W2: The location of the proposed facility relates closely to and benefits from easy access to key transport corridors, including road and water.

6.52	- The building will be modified to meet the specific requirements of the proposed development; - The waste handling, storage, treatment and processing techniques will be managed and appropriate to the waste stream, with heat and electricity recovery appropriately addressed. - The thermal treatment by incineration will maximise energy recovery in the form of heat and electricity and will be used locally to power adjoining users; and, - The proposal has been subject to a robust Environmental Impact Assessment to ensure the scheme will not result in an unacceptable adverse impact.
6.53	In assessment of the above waste policies, the proposal is considered acceptable.
7.0	Recommendation
7.1	It is considered the proposal complies with the policies of the PS in respect of waste management, environment, ecology, economic development, residential amenity, transport, flood risk and climate change. 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 and to a positive response from Shared Environmental Services in respect of Habitats Regulations Assessment.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

DRAFT CONDITIONS:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The vehicular access shall be provided in accordance with the approved drawings, prior to the operation of any other works or other development hereby permitted.

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

3. The development hereby permitted shall not become operational until the existing redundant vehicular accesses from the site to the public carriageway have been permanently closed and the footway reinstated.

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

4. The development hereby permitted shall not become operational until hard surfaced areas have been constructed and permanently marked in accordance with the approved drawings, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.

REASON: To ensure adequate provision has been made for parking within the site.

5. 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 City Council shall be notified immediately in writing. This new contamination shall be 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 City 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.

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: 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.

7. No development or piling work should commence on this site until 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 in writing and agreed with the Planning Authority. The methodology is available at: <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

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

8. 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 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 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.

9. After completing the remediation works under Condition 8; 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.

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

10. Evidence must be presented in the Verification Report that all fuel storage tanks (and associated infra-structure) have been fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance

(PPG27) and the quality of surrounding soils and groundwater has been verified. Should contamination be identified during this process, Condition 9 will apply.

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

ANNEX	
Date Valid	03/10/2022
Date First Advertised	17/02/2023
Date Last Advertised	17/02/2023
Details of Neighbour Notification (all addresses) 1 DUNCRUE PLACE, LOW-WOOD INTAKE BELFAST, ANTRIM, BT3 9BU 13A DUNCRUE ROAD, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BP 1B DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 1D DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 1J DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 1P DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 1R DUNCRUE PASS, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS 2-10 DUNCRUE ROAD, LOW-WOOD INTAKE, BELFAST, ANTRIM BT3 9BN (6 Occupiers) 5 DUNCRUE PLACE, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BU 9 DUNCRUE PLACE, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BU DFP WORKS DUNCRUE LINK, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9DL MEAT PLANT, 1 DUNCRUE LINK, LOW-WOOD INTAKE, BELFAST, ANTRIM, BT3 9BS	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 October 2023	
Application ID: LA04/2023/2850/F	
Proposal: Change of use from Parish Hall to licensed Social Club. Renewal of previous application LA04/2018/2081/F.	Location: 146 Andersonstown Road, Andersonstown, Belfast, BT11 9BY
Referral Route: Referral under paragraph 3.8.7 of the Scheme of Delegation (discretion of the Director of Planning and Building Control given that the previous application for a social club on the site was considered by the Planning Committee).	
Recommendation: Approve with conditions	
Applicant Name and Address: George Browne Heron Property Ltd 2 St Patrick Street Draperstown Magherafelt BT45 7AL	Agent Name and Address: Jobling Planning & Environment Ltd Unit 1a Nixon Building, Ledcom Business Park100 Bank Road, Larne, BT40 3AW
Executive Summary: This application seeks the renewal of full planning permission LA04/2018/2081/F, granted at appeal, for a change of use from parish hall to a licensed Social Club. The site is St. Agnes Parish Hall, 146 Andersonstown Road. The building is set back from the road behind a commercial frontage. Access is via an alleyway to the north. To the west and south are the rear of residential properties on Riversale Park East. Andersonstown Leisure Centre is situated to the east. The key issues in the assessment of the proposed development include: • Principle of development • Impact on Amenity • Impact on Character and Appearance • Odour and other environmental impacts • Access and parking DfI Roads and BCC Environmental Health offer no objection to the proposal. The Council has received 15 representations against the proposal and a resubmitted Statement of Case objection (submitted in relation to the previous application), signed by 29 objectors. The objections and officer response to the issues raised are set out in the main report. It is considered that there have been no substantive changes in circumstance or issues since the previous appeal decision which would lead the Council to a different outcome.	

Recommendation

Having regard to the development plan and other material considerations, including the outcome of the previous appeal, 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, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

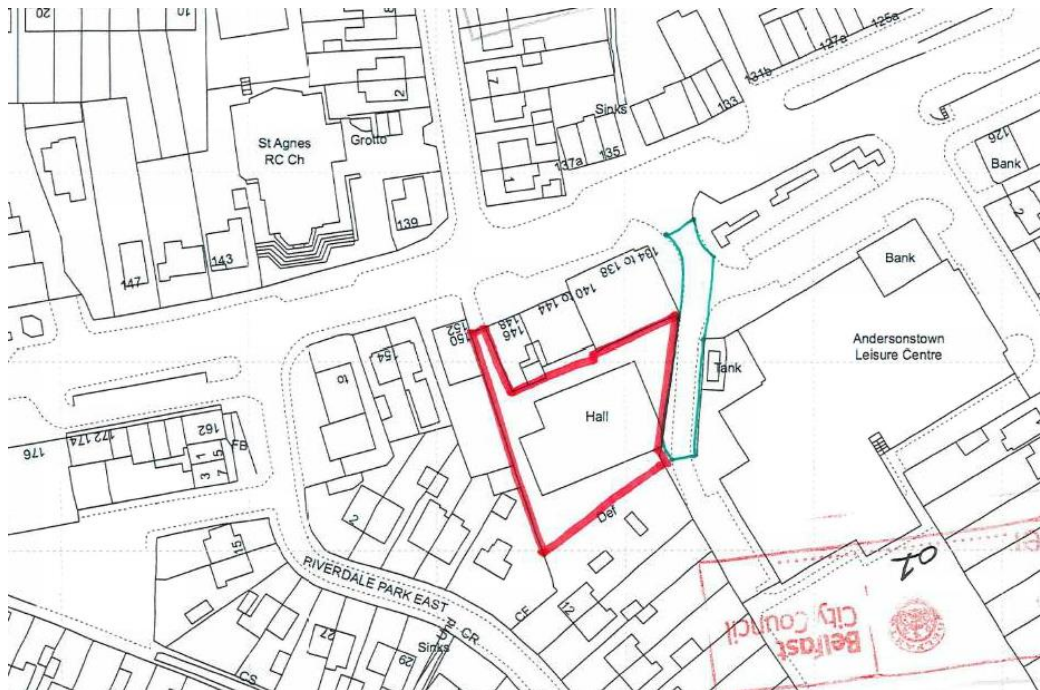
Officer Report

1.0

Drawings

1.1

Site Location Map:



2.0

Characteristics of the Site and Area

2.1

The application site is located at St Agnes Parish Hall, 146 Andersonstown Road, Belfast. The site is an existing two storey building finished in rough render and pitched roof covered in profiled roof covering. The site is accessed via a laneway which slopes down to the site and is located between 146/148 and 150/152 Andersonstown Road.

2.2

To the north of the site is an existing block of commercial units currently occupied by a restaurant, furniture sales, estate agents, hairdressers, butcher and a pharmacy. To the west and south of the site is existing residential dwellings located along Riverdale Park East. To the east of the site is the Andersonstown Leisure Centre. The site is bounded by a metal security fence at approximately 2m high. The area to the west is characterised by existing residential dwellings.

3.0	Description of Proposal
3.1	The application seeks the renewal of full planning permission for a change of use of St Agnes Parish Hall to a Social Club. The previous permission was granted by the Planning Appeals Commission at appeal in March 2020. This was a temporary permission for three years until March 2023.
3.2	The proposal includes changes to the internal layout. Minor alterations to the external elevations are also proposed.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 • Policy SP2 • Policy CI1 • Policy DES1 • Policy ENV1 • Policy TRAN2 • Policy TRAN8
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	Relevant Planning History LA04/2018/2081/F - change of use from Parish Hall to licensed Social Club. Allowed at appeal subject to conditions in March 2020 (2019/A0137). A temporary three-year planning permission was granted. A copy of the decision is provided at Appendix 1 .
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – no objection.
5.2	Non-Statutory Consultations BCC Environmental Health – no objection subject to previous conditions and the additional conditions relating to odour abatement.
5.3	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.
5.4	Representations The application has been advertised and neighbours notified.
5.5	The Council has received 15 representations against the proposal and a resubmitted Statement of Case objection (submitted in relation to the previous application), signed by 29 objectors. A summary of the objections with officer response to the issues raised is set out in the report below. The majority of the objections relate to the objections to the previous application, granted planning permission at appeal.

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.
	Key issues
6.7	The main issues relevant to consideration of the application are set out below. • Principle of development • Impact on Amenity • Impact on Character and Appearance • Odour and other environmental impacts • Access and parking
	Background
6.8	The applicant is Heron Property. As per the previous application, the proposal is to temporarily accommodate the Casement Park Social Club relocation whilst the existing Casement Park stadium is redeveloped and completed. It is understood that redevelopment of the Casement Park stadium is set to begin shortly and it is important that arrangements are in place for the temporary relocation of the social club. The previous temporary permission has not been acted upon and the current application seeks to renew the previous permission.

6.9	As the application is seeking renewal of a previous permission, the main consideration is whether there have been in any material changes in circumstance since the previous appeal decision that would lead the Council to a different outcome. A key difference is the adoption of the Belfast LDP Plan Strategy as discussed below, although it does not raise any fundamental new policy considerations for this particular proposal. Principle of development
6.10	The site is located within the development limit for Belfast. It is un-zoned “whiteland” in the BUAP and both versions of dBMAP 2015 (v2004 and v2014). In dBMAP 2015 (v2014), the site is on an arterial route AR 01/08 Andersonstown Road.
6.11	The principle of the proposed change of use was not in dispute at the previous appeal. The provision of community uses is supported by Policy CI1 subject to no unacceptable impacts on amenity and satisfactory access arrangements including for pedestrians, cyclists and public transport (discussed below). The proposal is considered to remain acceptable in principle. Impact on amenity
6.12	The main issue at the previous appeal was whether the proposal would have a detrimental impact on the residential amenity of nearby residents. The proposal remains largely unchanged from the previous proposal determined at appeal.
6.13	When determining the appeal, the Commissioner took into account the appellant’s noise impact assessment (NIA) and the consultation response from Environmental Health. The Commissioner concluded that the objectors’ concerns around noise impacts from patrons coming and going and activities in and outside the building could not be supported given that the NIA predicted noise levels to be lower than existing background levels. The Commissioner went onto conclude that <i>‘The objectors concern that there would be an unacceptable change to the noise level experienced in outdoor living areas in this urban area is therefore not supported.’</i>
6.14	The Commissioner went onto to describe how the social club operates, which gives assurances around how the premises will be managed and the use restricted, such as hours of operation: <i>‘The existing social club has an average usage from Monday to Friday of circa 6-10 patrons per day and circa 50-60 patrons per day on Saturdays and Sundays. Entry to the club is limited to members and their guests who have to sign in when entering and exiting the premises. The club would operate a three strike rule whereby disruptive members/customers would be prevented from entering the premises. Whilst the appeal building has not been used for social purposes since 2015, it had an entertainment licence capacity of 675 persons. In comparison, the club’s current entertainment licence allows for up to 150 people to attend the venue which, given the recorded level of attendance, is considered to continue to be more than adequate. The social club’s current entertainment licence permits normal operating hours on Mondays to Saturdays of 11am to 11pm and on a Sunday from 12.30pm to 10pm. As opposed to the Monday to Saturday 7am-11pm operating hours proposed by the planning authority, with the premises closing at 10pm on Sundays, it could be conditioned that the appeal proposal retain the current licenced operating hours.’</i>

6.15	The Commissioner went onto to impose conditions to restrict the operating hours to the same. Various other conditions were also imposed including the requirement for a noise and anti-social behaviour plan, restrictions on where patrons can smoke outside, and prevention of consumption of alcohol in the external areas. These conditions are recommended.
6.16	There have been no amendments to the proposed operational hours from the previous appeal. The previous opening hours condition did make allowance for when the premises has been granted an extension to their liquor license to allow opening beyond these hours. The Council would need to receive a minimum 14 days' notice of such an extension having been granted. The Commissioner noted that <i>'The current entertainment licence entitles the club to 84 exceptional occasion licence extensions per year, allowing it to remain open until 1am. These extensions must be approved by the PSNI one month in advance and are used on bank holidays and at weekends.'</i> Furthermore, <i>'The Noise Impact Assessment, whose findings were accepted by environmental health, confirmed that even operating to 1am when the occasional late licence was granted, the resultant noise would be of an acceptable level and not pose an unacceptable adverse impact. Environmental health had no objection to the annual 84 exceptional extensions.'</i> The same flexibility is considered to remain acceptable.
6.17	Deliveries would also remain as before, limited to during Monday to Friday between the hours of 07:00 – 23:00hrs.
6.18	A smoking shelter is to be provided along the north elevation of the building towards its eastern side away from the residents to the west. The smoking area would be in the same location as the appeal proposal. The Commissioner concluded that: <i>'Given the proposed location of the relatively modest smoking area along the northern elevation of the building and its separation distance from the houses, I am not persuaded by the objectors' assertion that it would result in air pollution at the neighbouring Riverdale Park East properties.'</i> Furthermore, <i>'Given the separation distance between the appeal building and the Riverdale Park East dwellings, it is not accepted that the residents' enjoyment of their private amenity space would be adversely impacted by the proposal or that children would have an unacceptable outlook into a smoking area.'</i>
6.19	In relation to cooking, Environmental Health has recommended amending the previous condition and an additional condition regarding a proprietary kitchen extraction and odour abatement system to be provided and cleaned and maintained in accordance with the manufacturer's instructions. This condition is recommended.
6.20	In conclusion, it is considered that there are no substantive changes in circumstance in relation to the main issue at the appeal concerning impact on neighbour amenity. The proposal is considered to remain acceptable in terms of impact on residential amenity and is compliant with paragraph 4.12 of the SPPS and Policy ENV1.
6.21	Impact on Character and Appearance The main changes to the exterior of the building would be to accommodate bin storage and a smoking shelter along the northern front elevation. Given the relatively minor nature of these changes and the location of the building to the rear of the commercial frontage on Andersonstown Road, it is considered that there would be no visual harm to the character and appearance of the area. This is consistent with the conclusions of the Commissioner at the appeal. The proposal is considered to satisfy Policy DES1.

6.22	Access and Parking The site is located off the Andersonstown Road, an arterial route. In determining the appeal, the PAC had no issue with the location of the site or absence of dedicated parking, noting that the site is accessible by public transport. DfI Roads has no objection to the proposal. The proposal remains acceptable in terms of access and parking. The proposal is considered compliant with Policies TRAN 2 and TRAN 8. Consideration of representations 6.23 Officers respond to the objections raised by local people as follows. <u>Overlooking and loss of privacy</u> Response – the proposed social club is proposed to be on the ground floor of the building with offices and a kitchen and therefore it is considered that no unacceptable overlooking would result. One objector has also raised concern that their boundary treatment had changed from the previous application and that the plans did not reflect this. This previously being mature trees to the south west boundary. The objector had submitted a photograph to show the change. However, the replacement being a wall and panel fence above (approximately 2m in height) would provide sufficient privacy and eliminate any overlooking concerns from the application site. A condition would limit the main use to the ground floor. The Commissioner did not identify harmful overlooking and loss of privacy when considering the appeal. <u>Potential anti-social behaviour</u> Response – the Commissioner concluded that a noise and anti-social behaviour management plan should be secured as a condition of the planning permission. This condition would need to be repeated and is recommended. <u>Lack of provision of parking</u> Response – this issue is addressed in the main report above. <u>Noise, odour, air pollution and reduced air quality</u> Response – this issue is addressed in the main report above. Environmental health has offered no objections and appropriate conditions to control and manage noise and odour are recommended, <u>Deliveries disturbance</u> Response – Environmental health has considered the proposal and have no objection to this matter with the recommendation of a condition with regards to delivery times. Furthermore, within the previous appeal decision the Commissioner also stated that deliveries and collections by commercial vehicles could also be conditioned to occur during the daytime Monday to Friday as per the service management plan. <u>Bin storage</u> Response - A bin storage area as per the previous appeal proposal has been provided and Environmental Health has no objection to this.
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7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, including the previous appeal decision, the proposal is considered to remain 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 wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

DRAFT CONDITIONS:

The following conditions are predominantly based on the conditions imposed by the Commissioner in the appeal decision. However, the wording of some of the conditions has been improved in accordance with best practice.

1. The use hereby permitted shall be carried out only by Casement Park Social Club and shall be for a limited period of three years from the date of this decision. At the end of that period, or when Casement Park Social Club ceases to use the premises, whichever is the sooner, the use shall cease.

Reason: The permission has been granted because of the special circumstances of the case and permanent use of the premises as a social club would require further consideration.

2. The use hereby permitted relates to the ground floor only and the first floor shall only be used for storage and incidental purposes. No patrons shall use the first floor.

Reasons: In the interests of residential amenity.

3. The hours of operation shall be limited to between 11:00-23:00 on Mondays to Saturdays; and 12:30-22:00 on Sundays, except on those occasions when the premises has been granted an extension to their liquor licence to allow opening beyond these hours. The Council shall receive a minimum of 14 days' written notice of an extension having been granted.

Reasons: In the interests of residential amenity.

4. No deliveries shall be taken or collections made by commercial vehicles outside the hours of 07:00 and 23:00 on Mondays to Fridays; or at any time on Saturdays, Sundays, bank holidays or public holidays.

Reasons: In the interests of residential amenity.

5. Smoking is only permitted within the enclosure along the front elevation of the building as shown on drawing 03 proposed floor plans and drawing 04 proposed elevations. The consumption of alcohol is not permitted in any external area.

Reasons: In the interests of residential amenity.

6. Prior to the commencement of the use, a noise and anti-social behaviour management plan shall be submitted to and approved in writing by the Council. The plan must clearly demonstrate the proposed arrangements for the supervision of behaviour on site including on arrival and egress from the premises and when patrons access the external smoking area. The premises shall not operate unless in accordance with the approved noise and anti-social behaviour management plan.

Reasons: In the interests of residential amenity.

7. Prior to the commencement of construction, the specification and sound reduction properties of the entrance doors and the doors from the members' lounge shall be submitted to and approved in writing by the Council. The premises shall not be operated unless the approved specification has been implemented and shall be permanently retained as such at all times.

Reasons: In the interests of residential amenity.

8. Prior to the commencement of construction, specific arrangements for the times of use of the storage area shall be submitted to and approved in writing by the Council. The premises shall not be operated unless in accordance with the approved arrangements.

Reasons: In the interests of residential amenity.

Prior to the operation of the use, a Noise Verification report which demonstrates that the rating level dB LAr from combined plant and equipment is 3dB below the existing background noise level when determined in line with British Standard 4142:2014, shall be submitted to and approved in writing by the Council.

Reasons: In the interests of residential amenity.

9. No cooking or reheating shall be permitted on site unless full details of the kitchen extraction and odour abatement measures, as well as details of the food types, cooking appliances and frequency of cooking proposed, have been submitted to and approved in writing by the Council. The information submitted shall demonstrate that the kitchen extraction and odour abatement system is fit for purpose and meets current industry guidance as presented in the EMAQ+ guidance: 'Control of noise and odour from commercial kitchen exhaust systems', dated 06/05/2022 (2nd EMAQ+ update). No cooking or reheating shall be permitted unless the approved scheme has been implemented and shall be permanently retained as such.

Reasons: In the interests of residential amenity.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
01- Site Location Map
02- Site Block Plan
03 -Proposed floor plans
04- Proposed elevations
2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and

sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

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

ANNEX

Date Valid	06/03/2023
Neighbour Notified	20/04/2023
Date First Advertised	19/04/2023
Date Last Advertised	19/04/20223

Details of Neighbour Notification (all addresses)

10 RIVERDALE PARK EAST, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9DA
 12 RIVERDALE PARK EAST, BALLYMONEY, BELFAST, ANTRIM, BT11 9DA
 134 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 136A ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 138 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 138A ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 139 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BW
 140-144 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 150 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 150A ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9BY
 8 RIVERDALE PARK EAST, BALLYDOWNFINE, BELFAST, ANTRIM, BT11 9DA
 ANDERSONSTOWN LEISURE CENTRE, 132 ANDERSONSTOWN ROAD,
 BALLYDOWNFINE, BELFAST, ANTRIM
 FINTRA HOUSE, 152 ANDERSONSTOWN ROAD, BALLYDOWNFINE, BELFAST,,
 ANTRIM, BT11 9BY

Appeal Decision

Park House
87/91 Great Victoria Street
BELFAST
BT2 7AG
T: 028 9024 4710
F: 028 9031 2536
E: info@pacni.gov.uk

Appeal Reference:	2019/A0137
Appeal by:	Heron Bros Ltd
Appeal against:	The refusal of full planning permission
Proposed Development:	Change of use from parish hall to licensed social club
Location:	St Agnes Parish Hall, 146 Andersonstown Road, Andersonstown, Belfast
Planning Authority:	Belfast City Council
Application Reference:	LA04/2018/2081/F
Procedure:	Hearing on 26 th February 2020
Decision by:	Commissioner Diane O'Neill, dated 20 th March 2020

Decision

1. The appeal is allowed and full planning permission is granted, subject to the conditions set out below.

Preliminary Matters

2. Section 59(1) of the Planning Act (NI) 2011 states that a party to the proceedings is not to raise any matter which was not before the Council at the time the decision appealed against was made unless that party can demonstrate (a) that the matter could not have been raised before that time or (b) that its not being raised before that time was a consequence of exceptional circumstances. Section 59(2) states that nothing in subsection (1) affects any requirement or entitlement to have regard to (a) the provisions of the local development plan, or (b) any other material consideration. The planning authority raised an objection to the consideration of amended drawings submitted within the appellant's statement of case evidence and at the hearing.
3. The planning application for the proposal was submitted to the planning authority on 9th August 2018. Following previous consultation on the proposal, on the 8th February 2019 the council's environmental health section stated in their response that bin storage areas had not been identified on the plans. Confirmation was to be provided of waste bin storage areas including specific arrangements for the storage and disposal of waste bottles within the site given the potential to cause significant noise disturbance. The planning authority and the objectors identified a further concern in relation to the possibility of noise breaking out from the premises due to access being possible to the proposed smoking area via a door located on the northern elevation of the appeal building. Within the planning authority's statement of case evidence concern was also raised that, due to a building control note on the submitted drawing, the appellant intended to sub-

divide the building to create separate office space with the capacity for 50 persons and that this could not be considered as part of the current proposal.

4. The amended drawings submitted within the appellant's statement of case evidence were primarily intended to address the planning authority's concern in relation to the storage of bins on the appeal site. The drawings were further amended and presented at the hearing to show that the first floor area would be 'surplus space', as opposed to unrelated office accommodation. The door opening into the smoking area was also removed.
5. As well as requesting confirmation of the waste bin storage areas and arrangements for the storage and disposal of waste bottles within the site, the environmental health consultation reply of 8th February 2019 recommended a number of conditions in the event of planning permission being granted by the planning authority. The appellant understood this to mean that environmental health had no objection to the proposal. The environmental health consultation reply was available on the planning portal and was viewed by the appellant however the planning authority did not formally request the information sought given their objection to the principle of the development. Although the drawings could have theoretically and technically been submitted by the appellant prior to the planning committee meeting on 11th June 2019, and whilst the appellant chose not to attend the meeting, the drawings sought to address the issue of the waste storage areas which was not a new matter; it was before the Council at the time the decision appealed against was made.
6. The removal of a proposed door opening into the smoking area sought to respond to the planning authority's and objectors' concerns about the potential for noise breakout from the premises. This is a minor amendment to the proposal, which essentially would reduce the proposed changes to the fabric of the existing building, in order to help overcome the reason for refusal. Although it could have been removed prior to the planning application being present to the planning committee, it sought to address the issue of noise which is not a new matter; it was before the Council at the time the decision appealed against was made.
7. The annotation that the first floor accommodation would be 'surplus space' arose from a concern raised by the planning authority in their statement of case evidence. The appellant would not have been alerted to this concern prior to the receipt of this evidence. It would therefore not have been possible to amend the drawing before this time. Although the provision of self-contained office development would require planning permission in its own right, given that the amendment provides clarification as to the use of the first floor of the building, it would be unreasonable not to allow the annotation.
8. Given that the drawings overcome the planning authority's concerns in relation to the positioning of the waste bin storage area, provide clarification of the first floor use of the building and seek to reduce the noise emitting from the proposal, to not allow the drawings would produce an austere and unfair outcome. I therefore consider these drawings to be admissible; they will be assessed as part of this appeal.

Reasons

9. The main issue in this appeal is whether the proposal would have in a detrimental impact on the residential amenity of nearby residents.
10. Section 45 (1) of the Planning Act (NI) 2011 requires the Commission, in dealing with an appeal, to have regard to the local development plan, so far as material to the application, and to any other material considerations. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) was declared unlawful by the Court of Appeal on 18th May 2017. As a result of this, the Belfast Urban Area Plan 2001 (BUAP, 1990) operates now as the statutory development plan for the area with draft BMAP, published in 2004, being a material consideration in the determination of the appeal. In the BUAP and draft BMAP the planning application site is whiteland within the development limit of Belfast.
11. The appeal site accommodates St Agnes Parish Hall located off the Andersonstown Road. The two-storey building is finished in rough render and has a pitched roof. The only ground floor window openings are located on the eastern elevation of the building. The site is enclosed by metal security fencing. The main access to the site is via a laneway, which slopes in a southerly direction, located between Nos.146/148-150/152 Andersonstown Road. Along the Andersonstown Road, to the north of the appeal building, there is a row of commercial premises which include a restaurant, furniture store and hairdressers. There are bays for on-street parking along the frontages of these premises. Commercial premises located to the north-west of the appeal site have an associated car park located to the west of St Agnes Parish Hall. To the west and south of the appeal site are the Riverdale Park East residential properties. To the east of the appeal site is the newly renovated Andersonstown Leisure Centre. Pedestrian access is currently available to St Agnes Parish Hall via gates located along the eastern boundary of the appeal site adjacent to the leisure centre.
12. The appeal proposal is to change the use of St Agnes Parish Hall to a social club in order to accommodate the Casement Park Social Club. Although considerable alterations are required to the interior layout, the main changes to the exterior of the building would be to accommodate a bin store and smoking shelter area along its northern front elevation. The access to the building would remain to be via the existing laneway with the pedestrian accesses along the eastern elevation being only for emergency exit. Whether the appellant has a legal right to use these pedestrian accesses is a civil matter between the parties. Whether or not the appellant has erected an unauthorised gate within the appeal site is a matter for the planning authority to investigate.
13. Paragraphs 4.11 and 4.12 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) is the basis for the reason for refusal due to a concern that, if permitted, the proposal would result in an incompatible land use in close proximity to residential dwellings and have a detrimental impact on the residential amenity of nearby residents through the potential for noise, nuisance and general disturbance.
14. A planning application (LA04/2017/0474/F) was submitted on 28th February 2017 in order to redevelop the existing Casement Park premises to create a regional Gaelic Athletic Association (GAA) stadium. This application is currently being

assessed by the Department of Infrastructure and is thought to be at an advanced stage. If approved, it is anticipated by the appellant, who is the main appointed contractor for the redevelopment, that the planning and construction period would last for the next 3-6 years. The appeal proposal is to relocate the approximately 50 year old Casement Park Social Club, which is currently sited within a stand which is proposed for demolition, in order to facilitate the redevelopment of the stadium and to permit the club to continue to operate during this process. The relocation of the club is also the subject of a legal agreement between the Ulster Council of the GAA, the Trustees of Casement Park and the Department of Culture, Arts and Leisure which requires vacant possession of the site as a condition of the current funding arrangement. The proposed stadium would include a dedicated area for the Casement Park Social Club and the appellant provided assurance that the relocation of the club would only be for the duration of the redevelopment. I am therefore satisfied that there would not be two Casement Park Social Club facilities once the redevelopment is complete.

15. Temporary planning permission had been granted on two occasions (2015 and 2017) for the social club to relocate to a prefabricated modular building on land south east of No.102 Andersonstown Road and to the rear of the dwellings at Nos. 2 and 4 Owenvarragh Park. The landowner of this site however limited the rental of the ground to a 2-2 ½ year lease and the appellant stated at the hearing that it is unlikely that it is still available. Due to uncertainties about the timeframe of the redevelopment project, the constraints that temporary venues can pose in terms of entertainment licencing and the acoustic benefits of the appeal building over a temporary modular building, the appeal proposal was considered by the appellant to be a more suitable proposition. Concern was however raised by the planning authority and the objectors in relation to the impact of the appeal proposal on the existing residential properties at Riverdale Park East.
16. The appellant's Noise Impact Assessment followed the requisite assessment methodology provided by British Standard 8233: Guidance on Sound Insulation and Noise Reduction for Buildings (2014) and the World Health Organisation (WHO) Guidelines for Community Noise (1999). These guidelines consider that for bedrooms the sleep disturbance criteria should be taken as an external noise level of 45dB L_{Aeq} and above. The WHO Environmental Noise Guidelines for European Region (2018) are not applicable in this case as they relate to outdoor exposure to environmental noise from road traffic, railway traffic, aircraft, wind turbines as well as outdoor and indoor exposure during leisure activities. A background noise level of 48dB L_{Aeq} was recorded in proximity to the rear of the Riverdale Park East properties which is in excess of the British Standard 8233 and WHO guideline level of 45dB L_{Aeq} . The appellant's technical expert and the environmental health officials considered this to be representative of such an urban location. No substantive evidence was presented to support the objectors' assertion that road widening works were being carried out at the time of the survey which could have influenced the readings and the planning authority agreed that the readings reflected the existing background noise level at this location.
17. Taking account of the predicted noise levels arising from the proposed smoking area, boiler plant and noise breakout and assuming a worst case scenario of high internal noise level of 80dB(A) with all doors wide open, a noise level of 38.6-41.4dB(A) was anticipated at the Riverdale Park East properties. A predicted noise level of 42dB(A) would have been anticipated at No.2 Owenvarragh Park if

the social club were to operate from the modular building. Although a consultee, the environmental health officers, as the planning authority's technical experts, accepted the finding of the Noise Impact Assessment that there would be no increase in the existing noise level at the Riverdale Park East properties. Conditioning that a noise verification report be submitted and approved by the planning authority, whereby the rating level from the combined plant and equipment would be 3dB below the existing background level, would address the concern that the equipment may have to be repositioned on the site. If this condition was imposed and given the separation distance between the residential properties and the hall, environmental health had no concern about resultant noise. The objectors concern that there would be an unacceptable change to the noise level experienced in outdoor living areas in this urban area is therefore not supported.

18. The existing social club has an average usage from Monday to Friday of circa 6-10 patrons per day and circa 50-60 patrons per day on Saturdays and Sundays. Entry to the club is limited to members and their guests who have to sign in when entering and exiting the premises. The club would operate a three strike rule whereby disruptive members/customers would be prevented from entering the premises. Whilst the appeal building has not been used for social purposes since 2015, it had an entertainment licence capacity of 675 persons. In comparison, the club's current entertainment licence allows for up to 150 people to attend the venue which, given the recorded level of attendance, is considered to continue to be more than adequate. The social club's current entertainment licence permits normal operating hours on Mondays to Saturdays of 11am to 11pm and on a Sunday from 12.30pm to 10pm. As opposed to the Monday to Saturday 7am-11pm operating hours proposed by the planning authority, with the premises closing at 10pm on Sundays, it could be conditioned that the appeal proposal retain the current licenced operating hours. The club currently opens less hours than what they are permitted in their licence namely Monday to Friday 7.30pm-11pm, Saturday 12noon-11pm and Sunday 12.30pm-10pm.
19. The current entertainment licence entitles the club to 84 exceptional occasion licence extensions per year, allowing it to remain open until 1am. These extensions must be approved by the PSNI one month in advance and are used on bank holidays and at weekends. There is no record of complaints in relation to the existing club over the 7 year period for which records are retained. Although the appeal building is of a considerable size, this does not however mean that it will be used to full capacity given the existing level of members' usage of the current club. Environmental health had no record or recollection of noise complaints at the appeal building and whilst the hall did not have a liquor licence it did have a 14 day occasional entertainment licence. The objectors stated that discos were stopped at the hall approximately 20 years ago following noise complaints from neighbouring residential properties however the planning authority had no record of such complaints. The appellant is said to have no intention to start to hold such events which are currently not being held within the existing club. The age profile of the club's members, with the majority being over 60 years old, would also make the demand for such events more unlikely. The Noise Impact Assessment, whose findings were accepted by environmental health, confirmed that even operating to 1am when the occasional late licence was granted, the resultant noise would be of an acceptable level and not pose an

unacceptable adverse impact. Environmental health had no objection to the annual 84 exceptional extensions.

20. Although the number of people allowed in the premise under the entertainment licence would not be known until the licence is granted and no condition limiting the number was proposed by the planning authority, it is a reasonable proposition that it would be on nights when there is entertainment that people would be most attracted to attend the venue. The submission of a more robust noise management plan could be the subject of a planning condition in order to address, among other things, the dispersal of patrons which the environmental health officials stated was when a noise issue could arise. The plan could require that patrons travelling by car are dropped off and collected along the Andersonstown Road with only those with mobility difficulties having vehicular access to the appeal site. Patrons and their guests having to sign a registrar, as is the current practice and which could be specified in the management plan, would help to control the numbers attending the premises. The plan could also set out details in relation to the management of the smoking only area, which it is estimated could accommodate 12 patrons, to ensure it is used by smokers as opposed to these patrons standing elsewhere outside the premises. If such a plan was in place, together with the extended opening hours being limited to a maximum of 84 days, then environmental health officials had no objection. No persuasive evidence was presented as to why the planning authority could not enforce the management plan and monitor the premises if the appellant provided the planning authority with advanced notification of when the extended hours opening was granted. A notification period of a minimum of 14 days would be reasonable given the practice of applying for all of the extended opening days once a year; it would be an adequate duration of notice of the first event after the licence to arrange any inspection. A longer one month notification period, as suggested by the planning authority, could result in the appellant having to notify the planning authority prior to it being agreed with the PSNI.
21. If there transpired to be an issue in relation to noise nuisance arising from the proposal, including from the 84 days of extended opening, I am satisfied that the registration of the club under the Registration of Clubs (NI) Order 1996, entertainment licencing, the club's disciplinary provisions as well as the environmental health complaint process would come into play. There is no record of such an issue arising from the operation of the social club at its current location and mitigation measures such as the sound proofing of self-closing doors should help to control the out-breaking of noise. Given the presence of the air-handling unit, there should be no necessity for the doors to be kept open for air circulation purposes. Given the restricted nature of the site, there is also limited space for patrons to loiter and a gate would prohibit access to the rear of the building. Deliveries and collections by commercial vehicles could also be conditioned to occur during the daytime Monday to Friday as per the service management plan.
22. The appeal proposal does not include in-curtilage parking provision and objectors raised concern that Riverdale Park East would be used for overnight car parking by patrons. However, given that the club would be serving alcoholic beverages, that patrons may come on foot as they are likely to reside in the local area, that the location is highly accessible by public transport and private taxi, the presence of on-street parking along the Andersonstown Road and the lack of objection by the planning authority and DfI Roads, in this instance I am satisfied that in-curtilage

parking is not required. Concern in relation to the safety of the vehicular access arrangement was not substantiated and the planning authority and DfI Roads had no objection to this matter.

23. Given the proposed location of the relatively modest smoking area along the northern elevation of the building and its separation distance from the houses, I am not persuaded by the objectors' assertion that it would result in air pollution at the neighbouring Riverdale Park East properties. The separation distance between the proposed smoking area and the Indian restaurant should ensure that they could co-exist without there being a fire risk. Given the separation distance between the appeal building and the Riverdale Park East dwellings, lack of patron access to the rear of the property and the proposed location of the smoking area along the northern elevation, it is not accepted that the residents' enjoyment of their private amenity space would be adversely impacted by the proposal or that children would have an unacceptable outlook into a smoking area. The use by the social club would be restricted to the ground floor of the appeal building where there are no windows to cause increased overlooking of neighbouring residential properties. In terms of concern in relation to the number of public houses and clubs within proximity of the appeal site, this is to be expected in such an urban location and the proposal is for the temporary relocation of an existing club. There are no proposed changes to the existing kitchen facilities and no intention to have food catering on site. At any rate, conditioning the retention and maintenance of the kitchen extraction and odour abatement system would protect the residential amenity of neighbouring residential properties. Substantive evidence was not presented by the objectors to support the assertion that increased vermin would be attracted to the site. No new external lighting is proposed at the appeal site.
24. The objectors alluded to other, what they considered to be more suitable, premises being available within the locality. Although the appellant stated that a robust assessment had been carried out, there is no planning requirement for the appellant to demonstrate that there are no other suitable premises in the locality. Given the presence of a considerable number of commercial and leisure premises, it is not accepted that the relocation of the club to the existing parish hall would result in a change to the character of this mixed use area. No substantive evidence was presented that the proposal would cause an unacceptable depreciation of the value of neighbouring residential properties.
25. The planning authority stated that the previously proposed smaller modular building would have been of temporary construction which could be removed and had proposed differing hours of operation with no reference within technical reports to exceptional opening days. The planning authority also argued that the background sound climate was different where the modular building was proposed as the amenity of residential properties at this location was already impacted by their proximity to Casement Park and to the Andersonstown Road arterial route. However, the Riverdale Park East properties are also in close proximity to the Andersonstown Road and abut the existing hall complex as well as leisure and commercial premises. The appellant highlighted that the 2014 noise survey for the modular building proposal was conducted for a shorter duration midweek with the monitoring equipment at a more open location. The Noise Impact Assessment for the appeal proposal found that there would be no increase in the existing noise level at the Riverdale Park East properties. There also appears to

be no reasonable prospect of the previous site being available for the required duration of the anticipated redevelopment. It is accepted that the current location of the social club within the Casement Park complex could be an obstacle to its redevelopment if it is approved planning permission. It is also accepted that the club offers community benefits with its not-for-profit and charitable background and it needs to remain in the community in which it serves. The temporary permission could be limited to a duration of 3 years in order to correspond with the lower end of the estimated construction timescale and to allow the use not to exceed the potential enforcement period. A further application could be made to the planning authority should the redevelopment be delayed beyond the three year period.

26. Objectors raised a concern about the cumulative impact of noise when Casement Park and the leisure centre are operational as well as from other local entertainment establishments. Given that the social club is to be able to return to the stadium within 5 days of its practical completion, Casement Park is 200m away from the appeal building and that the hall acts as a noise barrier between the residential properties and the leisure centre, this concern is not supported. Late night disturbance from anti-social behaviour and entertainment establishments operating in the area is an existing issue and I am not persuaded that the proposal would unacceptably exacerbate the matter. In terms of a concern about precedent, the proposal is specifically for the temporary relocation of the Casement Park Social Club and once it would vacate the hall any future scheme would have to be assessed on its own merits.
27. Accordingly, the reason for refusal and the objectors concerns in relation to this matter are not sustained.
28. As the proposal would be in accordance with planning law and policy, there would be no infringement of the human rights of neighbouring residents.

Conditions

- (1) The use hereby permitted shall be carried on only by Casement Park Social Club and shall be for a limited period of three years from the date of this decision. At the end of that period, or when the appellant ceases to carry on the use, whichever shall first occur, the use shall cease.
- (2) The use hereby permitted relates to the ground floor only and the first floor shall only be used for ancillary purposes.
- (3) The hours of operation shall be between 11:00-23:00 on Mondays to Saturdays and 12:30-22:00 on Sundays except on those occasions when the premises has been granted an extension to their liquor licence to allow opening beyond these hours. The planning authority shall receive a minimum of 14 days notice of an extension having been granted.
- (4) No deliveries shall be taken or collections made by commercial vehicles outside the hours of 07:00 and 23:00 on Mondays to Fridays or at any time on Saturdays, Sundays, bank holidays or public holidays.
- (5) Smoking is only permitted within the enclosure along the front elevation of the building as shown on Drawing PAC 1 1:100 proposed ground and first floor plans and Drawing PAC 2 1:100 proposed elevations both submitted at the hearing. The consumption of alcohol is not permitted in any external area.
- (6) Prior to the commencement of the use, the applicant shall submit to and have agreed in writing within the planning authority a noise and anti-social behaviour

management plan. The plan must clearly demonstrate the proposed arrangements for the supervision of behaviour on site including on arrival and egress from the premises and when patrons access the external smoking area.

- (7) Prior to the commencement of construction, the appellant shall submit to and have agreed in writing with the planning authority the specification and sound reduction properties of the entrance doors and the doors from the members' lounge.
- (8) Prior to the commencement of construction, the appellant shall submit to and have agreed in writing with the planning authority specific arrangements for the times of use of the storage area.
- (9) Prior to the operation of the use, the appellant must submit to the planning authority a Noise Verification report which demonstrates that the rating level dB LAr from combined plant and equipment is 3dB below the existing background noise level when determined in line with British Standard 4142:2014.
- (10) A proprietary kitchen extraction and odour abatement system must be permanently retained on site to service any cooking operations. The system must be cleaned and maintained to the satisfaction of the planning authority.

This decision is based on the following drawings:-

Drawing 01 1:1250 site location plan dated received by the planning authority on 9th August 2018

Drawing 02 1:500 block plan dated received by the planning authority on 9th August 2018

Drawing PAC 1 1:100 proposed ground and first floor plans submitted at the hearing

Drawing PAC 2 1:100 proposed elevations submitted at the hearing

COMMISSIONER DIANE O'NEILL

List of Appearances

Planning Authority
(Belfast City Council):-

Ms Denise Kiley, barrister
Ms Trudy Harbinson, planner
Ms Miriam Quinn, Environmental Health
Ms Louise Coll, solicitor

Appellant:-

Mr David Scoffield, QC
Ms Gemma Jobling, JPE Planning
Mr Mervyn Keegan,
AONA Environmental Consulting
Ms Maria O'Loan, Tughans
Mr Paul Horscroft, Horscroft Design
Mr Damian Murray, Atkins

Third Parties
Objectors:-

Mr Peter Cassidy, No.29 Riverdale
Park East
Mr Gerard McLarnon, No.8 Riverdale
Park East
Ms Philomena McLarnon, No.8 Riverdale
Park East
Dr Eimear Barrett, No.12 Riverdale
Park East

List of Documents

Planning Authority
(Belfast City Council):-

Statement of Case PA 1

Appellant (JPE Planning-agent):-

Statement of Case A 1

Third Parties Objectors

Ms Una Mulgrew

(on behalf of residents of Riverdale Park East):-Statement of Case O 1

Committee Report

Development Management Report	
Application ID: LA04/2022/1203/F	Date of Committee: 17 th October 2023
Proposal: Relocation of 5 No. allotments approved under LA04/2020/0042/F. Introduction of an additional No. 8 allotments, a sensory garden and support hub building for day care of young adults (Amended application site boundary, proposal description and drawings)	Location: Glenriver Lands adjacent to 78 Cloona Park Belfast.
Referral Route: Referred to the Planning Committee under Section 3.8.7 of the Scheme of Delegation (i.e. at the discretion of the Director of Planning and Building Control given the balanced consideration of the issues and level of public interest in the application)	
Recommendation: Approval with conditions	
Applicant Name and Address: Glenriver Lands adjacent to 78 Cloona Park Belfast	Agent Name and Address: C. McIlvar Ltd Unit 7 Cookstown Enterprise Centre Sandholes Road Cookstown BT80 9LU
Executive Summary: The application seeks full planning permission for a single storey day care building, allotments and sensory garden with associated car parking. The applicant is a private healthcare group who intend to use the site as a support hub for the care of vulnerable young adults. Access to the site would be through sliding gates via Cloona Park to the south. The gates open onto a car park in the corner of the site. The site is mostly open space with overgrown grassland. Most of the trees in the site are along its boundaries. Site levels generally fall to the south-east of the site. To the west and south of the site is a residential area. To the east of the site is open space which is part of Colin Glen and Suffolk Community Centre. The key issues are: • Principle of development • Impact on the character and appearance of the area • Compatibility with adjacent uses • Impact on Built heritage • Access and parking • Drainage • Waste-water infrastructure • Contamination • Noise, odour and other environmental impacts • Climate change • Natural heritage	

In terms of the Development Plan, in the BUAP 2001, the site is zoned for Landscape, Amenity or Recreation Use. In dBMAP (v2014), the site is within the Colin Glen (Lisburn) Urban Landscape Wedge, designated as ML 21. In dBMAP (v2004), the site is within the Colin Glen (Lisburn) Urban Landscape Wedge, designated as ML 23.

The site area is 0.31ha. The majority of the site (0.17ha) has previous approval for allotments and an ancillary storage/changing facility/kitchenette (permission LA04/2020/0042/F).

There are no objections from statutory consultees. The Plans and Policy Unit has raised issues regarding protection of the landscape wedge. The Council's Landscape and Development team has raised concerns about landscape impact.

433 objections have been received as detailed in the main report.

The proposal would encroach upon the landscape wedge. This has to be weighed alongside the significant community benefits that the scheme would bring in terms of providing a day care facility, allotments and sensory garden for vulnerable young people.

Recommendation

Having regard to the Development Plan and relevant material considerations above, the proposal is considered, on balance, acceptable. It is recommended that planning permission be granted.

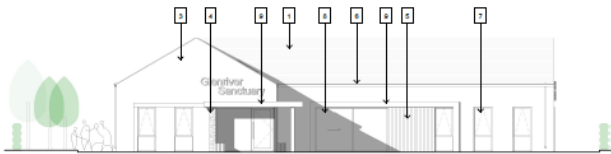
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

Case Officer Report

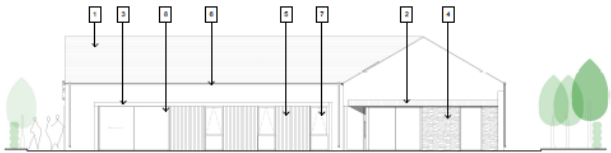
Site Location Plan and Site Layout



Floor Plans and Elevations



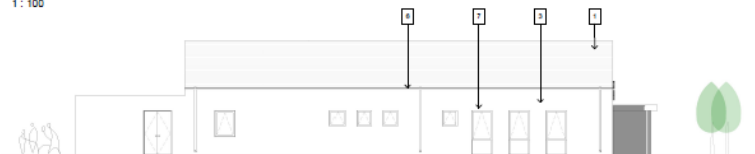
Proposed Front Elevation
1 : 100



Proposed Rear Elevation
1 : 100



Proposed Side Elevation
1 : 100



Proposed Side Elevation.
1 : 100



Proposed Floor Plan
1 : 100

CGI Views



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for a single storey day care building, allotments and sensory garden with associated car parking. The applicant is a private healthcare group who intend to use the site as a support hub for the care of vulnerable young adults. The applicant states that the building would be used by no more than 10/15 visiting adults at a time with an additional 5no. trained, support staff and transport being provided primarily by the trust minibus. The operating hours would be Monday to Friday 9 until 5.30pm and occasionally at weekends for one-off events.
1.2	Access to the site would be through sliding gates via Cloona Park to the south. The gates open onto a car park in the corner of the site.
1.3	The proposed building would have activity rooms, a lounge, kitchen, office and changing facilities. It would be finished in smooth render, natural stone and timber cladding. There would be 13no. allotments along the northern and eastern site boundaries. A sensory garden would be situated immediately adjacent the northern elevation of the building.
1.4	The site would have native hedgerows planted along its boundaries, with additional trees planted along the northern boundary and the corners of the site. A 2.4m high mesh green panel fence would enclose the whole site.
2.0	Description of Site
2.1	The site is located at land north of No. 78 Cloona Park. It is located at the end of a residential cul-de-sac, rectangular in shape and 0.31 ha in size. The site was grassed and contained a number of trees but has since been cleared. The majority of the site (0.17 ha) has previous approval for allotments and an ancillary storage/changing facility/kitchenette, approved under application LA04/2020/0042/F.
2.2	To the west and south of the site is a residential area comprised of detached and semi-detached dwellings. Three dwellings were approved to the south of the site under the reference LA04/2018/2072/F and an amendment to the road layout approved under the reference LA04/2020/0178/F. To the east of the site is open space which is part of Colin Glen and Suffolk Community Centre.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	<u>Application Number: LA04/2020/0042/F</u> Decision: Permission Granted Proposal: Proposed 5no. allotments, with associated parking and ancillary accommodation (storage/kitchenette and changing area/toilets), adjacent to no.78 Cloona Park, Belfast. Decision Date: 07 December 2021 Surrounding Site History <u>Application Number: LA04/2018/2072/F</u> Decision: Permission Granted
3.2	Adjacent to, 78 Cloona Park, Dunmurry, BT17 0HF, 3 new dwellings with associated vehicular access, parking and landscaping. (amended plan). Decision Date: 24 May 2019

3.3	Application Number: LA04/2020/0178/F Decision: Permission Granted Amendment to planning approval LA04/2018/2072/F for 3 dwellings, to provide alterations to the road layout and visitor parking. Decision Date: 7 December 2021
4.0	Policy Framework
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035. • SP1A Managing growth and supporting infrastructure delivery • DES1 Principles of urban design • HC1 Promoting healthy communities • CI1 Community infrastructure • BH5 Archaeology • TRAN1 Active travel - walking and cycling • TRAN6 Access to public roads • TRAN8 Car parking and servicing arrangements • TRAN10 Design of car parking • ENV1 Environmental quality • ENV2 Mitigating environmental change • ENV3 Adapting to environmental change • ENV4 Flood risk • ENV5 Sustainable drainage systems (SuDS) • OS1 Protection of open space • NH1 Protection of natural heritage resources • TRE1 Trees • LC1 Landscape • LC1D Landscape wedges • 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	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Other Material Considerations Creating Places Belfast Agenda (Community Plan)
4.5	Any other supplementary guidance Sustainable Urban Drainage Systems Trees and Development

5.0	Statutory Consultees Responses DfI Roads – No objection (advises conditions) DfC Historic Environment Division (HED) – No objection (advises conditions) NI Water – No objection DAERA NIEA (NED) – No objection 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.
6.0	Non-Statutory Consultees Responses BCC Environmental Health – no objection (advises conditions) BCC Tree Officer – no objection (advises conditions) BCC Landscape and Development – policy issues raised (see main report) BCC Plans & Policy team – concerns raised (see main report)
7.0	Publicity and Representations
7.1	The application has been advertised and neighbours notified.
7.2	The Council has received 433 (including 2no. petitions). Concerns raised include: • Nature and scale of the development • Importance of the Urban Landscape Wedge • Loss of Open Space • Impact on the environment • Impact on amenity (noise) • Measurements in the Contamination Assessment • Traffic and Road Safety
7.3	These issues are addressed in the main report.
8.0	Assessment
8.1	Development Plan Context
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.
8.1.6	<u>Belfast Urban Area Plan 2001 (BUAP)</u> The site is located on land zoned for 'Landscape, Amenity or Recreation Use' within the development limits of Belfast.
8.1.7	<u>Draft BMAP (v2004 and v2014) designations</u> In draft BMAP (v2004), the site is zoned as an Urban Landscape Wedge (Zoning ML23). In draft BMAP (v2014), the site is also zoned as an Urban Landscape Wedge (Zoning ML21).
8.2	Principle of development <i>Description of the proposal</i>
8.2.1	The application site is located at the end of a residential cul-de-sac and 0.31 ha in size. The majority of the site (0.17 ha) has previous approval for allotments and an ancillary storage/changing facility/kitchenette under permission LA04/2020/0042/F. The principal of allotments, ancillary storage and car parking has been established on just over half of the application site.
8.2.2	The current proposal would extend the site area by 0.14a with a larger day centre building rather than ancillary storage. The number of allotments would also be increased from 5 to 13. Given the scale and function of the proposed building, it is not considered ancillary to the use of the land but an operative community use in its own right in conjunction with the proposed allotments and sensory garden.
8.2.3	The proposed building would have a floorspace of approximately 380 sqm, covering around 11% of the overall site. The site is larger than that under the previous permission and would have an additional 8 no. allotments and more substantial landscaping scheme than before. The allotments would cover around 39% of the site. <i>Loss of open space</i>
8.2.4	The site is zoned for landscape, amenity and recreation use in the BUAP. It is zoned an urban landscape wedge in both versions of draft BMAP 2015. The site currently comprises green open space, which is protected by Policy OS1 of the Plan Strategy. The total area of existing open space which would be lost as a result of the proposed development is approximately 0.31 ha (or net loss of 0.14 ha when taking account of the previous planning permission).
8.2.5	Policy OS1 states that the council will support the retention and improvement of existing open space throughout the district area. There will be a general presumption in favour of retaining all such lands and uses, including protecting any character and amenity value, whether specifically identified in the LDP or not, unless the lands are identified in the LDP for an alternative use. Development resulting in the loss of open space on

	lands specifically identified for these uses in the LDP and/or the council's Open Spaces Strategy and/or GBIP 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 the open space.
8.2.6	The applicant is a private healthcare group who intend to use the site as a support hub for the care of vulnerable young adults. The building would support the therapeutic aspect of the allotments, especially in poor weather. The applicant states that they have experience of operating a similar facility for people with learning difficulties and autism at Kilcreggan, Magherafelt. At that location, people have the opportunity to spend their day in a therapeutic outdoors setting, with associated support buildings. The applicant says this is the aim of the proposal and such a facility would be a significant community benefit for West Belfast.
8.2.7	The applicant goes on to state that the proposed allotments re-purpose the existing open space to allow access for those with learning disabilities. Allotments themselves are defined as open space, therefore, the applicant argues that there would not be a loss of open space overall.
8.2.8	Officers recognise that the proposal could provide a facility of significant value to the local community. The applicant's statement sets out why the site was selected (quiet, secure location with open space for allotments and sensory gardens) and that no alternative suitable sites were found.
8.2.9	It is considered that the proposal would bring about substantial community benefits that decisively outweigh the loss of open space in providing a unique facility and amenity for vulnerable young people. Regard is also had to the existing permission for allotments and the open space elements of the proposed use. In these regards, the proposal is considered compliant with Policy OS1.
8.2.10	Regard is also had to Policy CI1, which seeks to provides development opportunities for the community, health and educational facilities based on the local need in line with the projected population over the plan period. 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. All proposals shall ensure that there is no unacceptable impact on residential amenity or natural/built heritage and satisfactory arrangements are provided for access for all, including for pedestrians, cyclists and public transport. These detailed requirements are considered in more detail in the following sections of the report.
8.3	Impact on the character and appearance of the area
8.3.1	The site is located at land north of 78 Cloona Park, at the end of a residential cul-de-sac. The site consists of overgrown grassed and contained a number of trees but has since been cleared. To the west and south of the site is a residential area comprised of detached and semidetached dwellings. To the north and east of the site is open space.
8.3.2	The proposed building would be finished in smooth render, natural stone and timber cladding. There would be 13no. allotments along the northern and eastern boundaries. A sensory garden would be immediately adjacent the northern elevation of the building. The site would have native hedgerows planted along its boundaries, with additional trees planted along the northern boundary and the corners of the site. A 2.4m high mesh panel fence would enclose the whole site. Access to the site would be through sliding gates via Cloona Park to the south. The gates would open onto a car park in the corner of the site.

8.3.3	The site is zoned an Urban Landscape Wedge in both versions of dBMAP 2015. Policy LC1 of the Plan Strategy (Landscape) states that new development should seek to protect and, where appropriate, restore or improve the quality and amenity of the landscape. The policy goes on to say the council will adopt the precautionary approach in assessing development proposals in any designated landscape and lists eight policy considerations/requirements.
8.3.4	Policy LC1D (Landscape wedges) also applies. It states that in addition to complying with the above requirements, within designated urban and rural landscape wedges, planning permission will only normally be granted for outdoor recreational uses and only provided all the following criteria are met: a) the open nature of the landscape is retained and no coalescence of urban areas results; b) buildings are ancillary to the open space/ recreational use and are integrated into the landscape; and c) long and short range views are protected.
8.3.5	BCC Landscape and Development team has concerns that the proposal could have a significant adverse landscape impact on the character and features of the Urban Landscape Wedge. They believe that the building is a significant intrusion of the semi-naturalised, relatively open landscape and has the potential to impact adversely on the amenity and biodiversity value of the designated landscape.
8.3.6	The Plans and Policy unit also had concerns that building would be of a significant scale and not considered to be wholly ancillary to the outdoor use and would therefore undermine the objectives of the landscape wedge to prevent urban coalescence at this location.
8.3.7	Whilst the proposal would encroach upon the landscape wedge to a greater degree than the previously approved scheme – which comprised a smaller site area with smaller building – it is considered that the impact would not be significant nor excessive, when balanced alongside the community benefits derived from the proposal as previously described in the report.
8.3.8	The site would be bounded by a natural hedge with tree planting on the north-east boundary. This would help to soften its visual impact. The proposed building would be single storey, finished in render with stone and timber cladding elements, again assisting to reduce its visual dominance. Final materials would be controlled by means of condition. The principal landscape impacts would be from the north and the CGI shows that the proposed building and site would nestle into its landscape setting. It is considered that the landscape can accommodate this change without overriding visual harm to the urban landscape wedge.
8.3.9	Approximately 10 of 60 existing trees are proposed to be removed. These are noted as being in poor or in fair health within the tree survey and report. The proposed landscaping plan proposes replacement planting which would further soften the visual impact of the proposal. The Tree Officer was consulted and offers no objection. They recommended mitigation measures to protect existing trees during construction and this can be secured by appropriate conditions. In these regards, the proposal is considered to satisfy Policy TRE1.
8.3.10	In conclusion, whilst the proposal is in conflict with Policies LC1 and LC1D, the overall landscape impact is not considered to be significant and are outweighed by the substantial community benefits that the proposal would provide.

8.4	Compatibility with adjacent uses
8.4.1	The proposed layout of the allotments would be sensitive to the surrounding residential area. The building is approximately 6 metres high, but the proposed landscaping would create a visual buffer and screen the site from public views.
8.4.2	Environmental Health has been consulted and offers no objection to the proposal.
8.4.3	It is recommended that the use of the building and land is controlled by condition.
8.4.4	The proposed use is considered compatible with its surroundings including adjacent residential area. The proposal is considered to comply with Policies DES1 and ENV1.
8.5	Impact on Built heritage
8.5.1	The site contains a former beetling mill (IHR 07415) and its associated millrace. DfC HED has been consulted and offers no objection, advising conditions.
8.5.2	In this regard, the proposal is considered to comply with Policy BH5 (archaeology).
8.6	Access and parking
8.6.1	The proposed development is to be accessed off the turning head at the end of the residential cul-de-sac. There are similar access arrangements under the previous permission. Nine parking spaces are proposed including one disabled space. DfI Roads offers no objection to the proposal subject to conditions.
8.6.2	The proposed access and parking arrangements are considered acceptable. The proposal is considered compliant with Policies TRAN4, TRAN6, TRAN8 and TRAN10 of the Plan Strategy.
8.7	Drainage
8.7.1	The Glen River is to the east of the site. The site is bounded at the south-west by an undesignated watercourse. The site is not shown as being an area at risk of flooding in the flood maps. NIW and NIEA have not objected to the proposal.
8.8	Waste-water infrastructure
8.8.1	NI Water has offered no objection to the proposal, therefore, the proposal is considered acceptable having regard to Policy SP1A.
8.9	Land Contamination
8.9.1	A Contamination Assessment and Remediation Strategy has been submitted. Environmental Health recommend measures to manage the risk from ground gas and from contaminated soils in allotment areas. These can be dealt with by planning conditions. The proposal will not have an unacceptable effect regarding the risks around contaminated land. The proposal complies with Policy ENV1.
8.10	Noise, odour and other environmental impacts
8.10.1	Environmental Health offers no objections in terms of potential environmental or amenity impacts. Similarly, NIEA has offered no objections in terms of ground water impacts. In these regards, the proposal is considered compliant with Policy ENV1.

8.11	Climate change
8.11.1	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.
8.11.2	Whilst the building is orientated to optimise solar gain, the proposal does not include other sustainable design features listed in ENV2 (Mitigating environmental change). However, in view of the longevity of the application and nature of the proposal, it is considered that suitable design measures can be secured by condition.
8.11.3	In terms of SuDS and adapting to climate change, the proposal includes allotments, tree planting scheme and other vegetation throughout the site. Further specific SuDS measures can be controlled by condition. The proposal is considered acceptable having regard to Policies ENV3 and ENV5.
8.12	Natural heritage
8.12.1	An Ecological Appraisal and site surveys have been submitted. DAERA NIEA offers no objection. It is considered that the proposal would not have an unacceptable effect on natural heritage and that the proposal accords with Policy NH1.
9.0	Summary and Recommendation
9.1	The proposal would encroach upon the urban green wedge and have an adverse impact on the landscape. However, the proposal would provide an important facility for vulnerable adults, which would potentially have substantial benefits for the community. In the planning balance, the proposal is considered acceptable.
9.2	Having regard to the Development Plan and relevant material considerations above, the proposal is considered, on balance, acceptable. It is recommended that planning permission be granted.
9.3	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.
10.0	Draft Conditions
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 94 of the Planning Act (Northern Ireland) 2011.
2.	The building and use of the land hereby approved shall be restricted to day care facilities for vulnerable young people as defined in the applicant's supporting statement provided with the application, and shall not be used for any other purpose. Reason: The development has been approved on the basis of it providing a valuable community facility which decisively outweighs other planning concerns.

	3. No development shall commence until details of energy conservation and other measures to mitigate and adapt to climate change including SuDS have been submitted to and approved in writing by the Council. The building shall not be constructed unless in accordance with the approved details. Reason: To ensure that the development mitigates and adapts to climate change. 4. Notwithstanding the submitted details, no construction shall take place until details and samples of the external finishes including walls, roofs and fenestration have been submitted to and approved in writing by the Council. The material samples shall be provided on site and shall remain in situ for the duration of the construction. The development shall not be carried out unless in accordance with the approved details. Reason: To minimise landscape impact and ensure that the proposal is in keeping with the character and appearance of the area. 5. No part of the development hereby permitted shall become operational until the roadworks shown on drawing 03d have been completed. Reason: To ensure adequate vehicular access to the adopted road network. 6. The access gradient to the approved building shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 7. The building hereby approved shall not be occupied until the vehicular parking spaces have been provided in accordance with the approved drawings. The approved vehicle parking spaces shall not be used other than for the parking of vehicles associated with the development and shall be retained at all times. Reason: To provide sufficient parking to support the development. 8. No development or works shall commence on site (other than that required to fulfil this condition) unless a programme of archaeological work has been implemented in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Council. Reason: To ensure that archaeological remains and features are preserved in situ. Approval is required upfront because archaeological remains and features could be damaged or permanently lost. 9. 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 8. These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 3 months of the completion of archaeological programme of works. Reason: To ensure that the archaeological remains and features are properly analysed and recorded.
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10. Prior to the occupation of the proposed development, a Remediation Verification Report shall be submitted to and approved in writing by the Council. This must demonstrate that the remediation measures outlined in the Pentland McDonald report entitled 'Updated Contamination Assessment and Remediation Strategy Proposed Allotments and Day Care Centre, Cloona Park, Dunmurry for Brooklands Healthcare Ltd Planning Ref: LA04/2022/1203/F Pentland Macdonald Ltd Report No. PM23-1001. Dated February 2023'.

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

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

Reason: In the interests of visual amenity

12. Prior to any work commencing, protective barriers (fencing) and ground protection shall be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on and around any trees / hedging to be retained within the site. The 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.

13. If tree roots are accidentally damaged the 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.

14. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires shall take place within the Root Protection Areas of trees within the site and adjacent lands during the construction period.

Reason: To avoid damage to trees.

15. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

	Informatives 1. This decision relates to the following approved drawing numbers: 01b, 02d, 03d, 04d, 05, 06, Mda Glenriver Landscape Plan 23 10 100 1, Mda Glenriver Landscape Plan 23 10 101 1b 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 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.
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Development Management Report Committee Application

Summary	
Committee Meeting Date: 17th October 2023	
Application ID: LA04/2023/2324/F	
Proposal: Proposed redevelopment comprising demolition of an extant building and development of two apartment blocks (12 units - category 1 over 55s tenure) and change of use/alterations of existing retail unit to apartments (8 units private tenure), communal amenity, parking, site access alterations, landscaping and ancillary site works	Location: Mountain View Centre Norglen Gardens Ballymurphy Belfast Antrim BT11 8EL
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 subject to conditions and a S.76 Planning Agreement.
Applicant Name and Address: MCG Property 2 Hightown Rise Newtownabbey	Agent Name and Address: Clyde Shanks Second Floor 7 Exchange Place Belfast BT1 2NA
Executive Summary: This application seeks full planning permission for a redevelopment comprising demolition of an extant building and development of two apartment blocks (12 units - category 1 over 55s tenure) and change of use/alterations of existing retail unit to apartments (8 units private tenure), communal amenity, parking, site access alterations, landscaping and ancillary site works. The key issues are: • Principle of development • Design, scale, layout and impact upon the character and appearance of the area • Impact on Amenity • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Climate Change • Drainage • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination. Recommendation 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 Section 76 planning agreement being entered into to secure affordable housing.	

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 that arise prior to issuing the decision, provided they are not substantive.

Planning 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 located at the Mountainview Centre, Norglen Gardens which is approximately 0.53ha in size. There are currently two buildings on site which consist of several retail units with ancillary storage/offices on the upper floors and associated car parking. The two buildings are both finished in red brick which is prevalent finish in the surrounding area.

2.2

	The site is accessed via an existing vehicular and pedestrian access on Norglen Gardens, with a gated service vehicle access to the rear of the site on Gortnamona Way. The topography of the site is flat and is bound by a mix of mature trees and hedgerows, wooden fence and brick walls. The surrounding area is residential with a mix of finished ranging from different coloured render and red brick.
3.0	Description of Proposal
3.1	This application seeks full planning permission for a redevelopment comprising demolition of an extant building and development of two apartment blocks (12 units - category 1 over 55s tenure) and change of use/alterations of existing retail unit to apartments (8 units private tenure), communal amenity, parking, site access alterations, landscaping and ancillary 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	Z/2015/0132/F Unit 9, Mountain View Centre, Belfast Single storey extension to rear Permission Granted Z/2014/0964/f Junction between Norglen Gardens and Monagh Road, Belfast Installation of steel boundary features, bollards and a feature paved/landscaped public garden. Permission Granted Z/1995/2653 Norglen Centre, Norglen Gardens, Belfast Re-development of existing commercial complex to include new build retail units, taxi depot, workshops and associated car parking. Permission Granted Z/1988/2755 Norglen Gardens Conversion of first floor from shopping units to community use, installation of new shops fronts to ground floor and general refurbishment. Permission Granted

5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – Content subject to conditions DfI Rivers – Content NI Water – Recommended refusal DAERA NIEA – Content subject to conditions Shared Environmental Services (SES)- Content subject to conditions
5.2	Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice. Senior Urban Design Officer- Advice.
5.3	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.
5.4	
	Representations
5.5	The application has been advertised and neighbours notified. The Council has received the following representations in support and objection. Objections: 1 Support: 1
5.6	The objection raises issues regarding overlooking and loss of privacy, traffic and road safety which are all considered within the main report.
5.7	The letter of support is from an elected representative, Councillor Micheal Donnelly from Sinn Fein stating that the proposal represents a positive contribution to the area and also meets a critical housing need within the area.
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	Relevant Planning Policies The following policies in the Plan Strategy are relevant to consideration of the application. <i>Strategic Policies</i> 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 SP8 – green and blue infrastructure network <i>Spatial Development Strategy</i> Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas <i>Shaping a Liveable Place</i> 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 <i>Transport</i> Policy TRAN1 – Active travel – walking and cycling Policy TRAN 2 – Creating an accessible environment Policy TRAN4 – Travel plan Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements <i>Building a Smart Connected and Resilient Place</i> 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)

6.7 6.8 6.9 6.10 6.11 6.12	<i>Promoting a Green and Active Place</i> Policy OS1 – Protection of Open Space Policy OS3 – Ancillary Open Space Policy TRE1 – Trees Policy LC1 – Landscape <u>Supplementary Planning Guidance</u> Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development Key Issues The key issues are: • Principle of development • Design, scale, layout and impact upon the character and appearance of the area • Impact on Amenity • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Climate Change • Drainage • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination The adoption of the Plan Strategy requires the following updated assessment. <u>Additional Information</u> 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. 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. <u>Principle of development</u> 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 proposal site is identified as whiteland within BUAP 2001 and whiteland within 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.
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6.13	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 Housing is also met as the proposal is situated on previously developed land and is currently white land within the dBMAP 2004 and 2015 versions. The proposed scheme is a suitable site for an apartment scheme in principle, it is accessible and convenient to public transport and walking and cycling infrastructure. <u>Design, scale, layout and impact upon the character and appearance of the area</u>
6.14	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:
6.15	<i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i> The addition of 20 apartments will not conflict with the adjacent land use which is primarily residential. The original proposal submitted to the council was considered to create a scale, massing and layout which was out of character with the surrounding environment. However, upon receipt of amendments, the scheme is now considered to take account of the specific circumstances of the site. The two new proposed apartment buildings (A and B) tie in with the surrounding area with a finish to match the surrounding area and through reducing the height of both buildings, the scale and massing now tie in with the adjacent dwellings. The existing units (C and D) are proposed to have a new cream render finish. The mix and contrast of finishes is considered to meet policy requirement DES1 part (b) in that the local distinctive features have been identified, incorporated and enhanced where appropriate. The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area.
6.16	<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> 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 at to ensure that dominance and overshadowing will not occur to an unacceptable degree. Concerns regarding overlooking were raised from a neighbour at Gortnamona Rise. The separation distance from Apartment Block A is approximately 19.33m which meets the recommended distance as outlined in paragraph 7.16 of Creating Places, there is also a road to separate the apartment block from the closest dwelling. Block B has proposed balconies to the northern elevation which are considered appropriate as there is a considerable separation distance to the surrounding residential dwellings. The nearest dwelling is approximately 32.37m from the proposed apartments at Block B.
6.17	The separation distance between proposed block A and B is approximately 11.77m, Taking into account the urban context, this distance is considered acceptable and it will not result in a significant loss of privacy or overlooking due to the layout and alignment of the proposed blocks. 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.
6.18	<i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i>

	The development site located adjacent to the Monagh By Pass, with regular bus services to Belfast on the Monagh Road which is opposite the proposed site. External cycle parking facilities are also included within the proposal and DFI Roads consider the level of provision acceptable.
6.19	<i>d. Provides adequate open space:</i> There is approximately 531.07 sqm of private communal open space which equates to around 26.3sqm per unit. This is in the form of communal green spaces provided between blocks A and B and communal amenity provided to the rear of block C. Additionally four out of the six apartments within block B benefit from private amenity space in the form of a balcony, at approximately 9.2sqm in size. The recommended amount of amenity space within Creating Places for apartment developments ranges from a minimum of 10sqm per unit to around 30sqm per unit. The proposal is therefore towards the higher end of the scale and is considered acceptable within this urban context. In addition to this, Falls Park is a 15-minute walk from the proposed site. On balance, it is considered that there an appropriate amount of private and private communal space to create a quality residential environment.
6.20	<i>e. Keeps hard surfacing to a minimum</i> Car parking is considered to take up a large part of the front of the site as it facilitates the existing retail and commercial units, however the applicant has provided soft landscaping measures to the north of the site to reduce the visual impacts. However, car parking to serve apartment blocks A and B is to the rear of the overall site which ensures it does not affect the use and appearance of the open spaces provided (Plan Strategy para 7.3.11)
6.21	<i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i> The proposed scheme is in keeping with the space standards as set out in appendix C. The apartments range from 2 person/ 1 bedroom, 3 person/ 2 bedroom and 4 person/2 bedroom. The 2 person/1 bedroom apartments range from 50sqm-71.6sqm which is in line with Appendix C (50sqm), the 3 person/2 bedroom apartments are 71.6sq, in keeping with Appendix C (60sqm) and the 4 person/2 bed apartment is 86.42sqm in line with Appendix C.
6.22	<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> All of the proposed apartments have been designed to be accessible with direct, safe and secure access from the public street and acceptable aspect/outlook.
6.23	<i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> All apartments have been designed to ensure living rooms, kitchens and bedrooms have access to natural light.
6.24	The proposal responds positively to the local context and character through addressing matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape and materials. The proposed heights of Block A and B is approximately 8.95m. The two proposed apartment buildings are considered to tie in with the immediate context and the surrounding residential dwellings. In conclusion, 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.

6.25	<u>Climate change</u> 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.
6.26	The proposal involves the demolition of an existing single storey mixed retail unit. The applicant has provided justification regarding the demolition and viability of the existing building. This includes several factors relating to the built form not being appropriate for the proposed scheme. A full structural re-design of the existing building would be required to serve as residential. The applicant has stated that it would not be viable to redevelop as there would not be structural instability and it would not be economically viable when compared with the cost to demolish and rebuild. The applicant has also stated that various other planning considerations such as parking, amenity space, bin storage and additional accommodation could not be met if the original building was to be retained.
6.27	On balance, the council are satisfied that the existing building is not fit for the purpose of a new residential apartment scheme. In line with ENV2 the applicant has stated that where possible the remaining materials will be crushed, screen and re-used on site where practicable and where this is not possible, the remaining materials should be sent to the recycling facility.
6.28	In conclusion, the existing building is not viable or suitable for redevelopment. The proposed demolition is necessary to facilitate the proposal.
6.29	The applicant has submitted a Climate Change Statement setting out that the following features are incorporated into the design: (i) All apartments are designed using a fabric first approach to energy use and conservation. High levels of thermal insulation will be provided within the cavity construction that works in tandem with thermally efficient aircrete blocks on the inner leaf to avoid thermal bridges at junctions, with both construction detailing and air tightness to the external envelopes, limiting the number of thermal losses and thus ensure minimal energy requirements for space heating. (ii) High efficient boilers will provide heat source for space heating and water heating all of which will operate under zoned thermostatic controls to avoid unnecessary energy usage. (iii) The method of surface run-off will be proposed oversized pipe with a combination of soft SuDs on 490.3sqm of permeable hard standing as identified on the proposed site layout.
6.30	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 delivery of the above measures and that soft landscaping within the site introduces SUDS measures to partially meet ENV3 and comply with ENV 5.
6.31	All existing trees are being retained where possible along the west of the site boundary. Furthermore, the site will have a net gain in permeable surfaces due to the introduction of green spaces throughout to replace existing hardstanding/buildings. There will a net gain

	of 14 trees, the proposal is considered to mitigate and adapt to climate change and comply with Policy TRE1.
6.32	<u>Density of Residential Development</u> 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.
6.33	Whilst the Settlement Areas are yet to be fully established in advance of the LPP, the site most logically aligns with the Outer Belfast character, to which a density band of 25-125 dwelling per hectare (dph) would apply. At approximately 0.53ha, the provision of 20 units represents a density of 37.7dph which is within the density parameters of Policy HOU4 and is therefore considered acceptable.
6.34	<u>Affordable housing and Housing Mix</u> 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. The proposed scheme includes 20 apartments, two 2 person 1 bed (accessible units), and ten 3 person/ 2bed apartments, a total of 12 affordable social housing and 8 market priced apartments. This exceeds the HOU5 minimum policy requirement. The applicant has included the Affordable Housing Proposal Form set out at Appendix 1 within the Affordable housing and housing mix SPG and has been liaising with Apex Housing, a registered housing associating, regarding the housing need and design requirements. NIHE were consulted on the application and support the proposal.
6.35	As per paragraph 7.1.35, it specifies that ‘within mixed tenure developments, affordable housing should be distributed or ‘pepper plotted’ throughout a development, rather than concentrated in a specific part of a site. It should be ‘tenure blind’ i.e. indistinguishable from the general market housing in the development- to ensure it is well integrated within housing schemes’. The proposal offers two blocks (A and B) dedicated to social housing to suit the needs of over 55’s, whilst providing 7 new apartments within existing block C and 1 new apartment within existing block D. As above HOU5 states that there should be no visible distinction between tenures. As per paragraph 7.1.35, the clustering of the over 55s accommodation was considered more appropriate as it would lead to less efficient management arrangements for the social housing provider. Therefore, on balance, the distribution of housing arrangements is considered acceptable and in compliance with policy HOU5.
6.36	<u>Housing Mix</u> With regards to housing mix, the proposal comprises a total of 20 residential units in the form of apartments. The applicant has provided a written submission to advise that they have had extensive correspondence with Apex Housing and ‘it was clear that there is an unmet demand for over 55s tenure in this area. The design of the apartments have been informed by the correspondence with Apex to their specific standards/requirements.’
6.37	NIHE were consulted on the application and have indicated support to Apex Housing Association for the 12no cat 1 social housing units. In this instance, given the general mix of accommodation in the broader area and the specific cat 1 social housing need being met by 60% of the proposed unit, the mix of units is deemed acceptable. Therefore, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.

6.38	<u>Adaptable and Accessible Housing</u>
6.39	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 alongside disabled parking spaces. The proposed living arrangements are considered to satisfy the accessibility requirements of Policy HOU7 and 10% threshold requirement of the policy.
6.40	<u>Access, movement, and parking</u>
6.41	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: 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.
6.42	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. It is also considered the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.
	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.
	A condition has been proposed to ensure sufficient secure cycle parking is provided to meet TRAN 1.
6.43	<u>Drainage</u>
6.44	DfI Rivers were consulted and offer no objections to the proposal. In tandem with this permission DfI Rivers have required further information in which the applicant is providing with regards to a predevelopment enquiry response from NIW granting consent to discharge 5.4 l/s to their storm drainage network.
	The applicant has confirmed that a PDE was undertaken and submitted in February 2023 with NI Water responding in June. Given there is only a combined sewer adjacent to the site, they are working with NI Water to requisition under an article 154 (Ref number:DS72938) in order to get a storm sewer to the site to service this development. This is currently being addressed in tandem with the permission.
	It is therefore considered that the proposal complies with Policy ENV4.
6.45	<u>Waste-water infrastructure</u>
	NI Water has objected to the proposal on grounds of insufficient capacity at the local waste-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.
6.46	<u>Ecological Impacts</u> 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.
6.47	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.
6.48	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.
6.49	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.
6.50	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.
6.51	DEARA Natural Environment Division (NED) were consulted and are content that the proposal is unlikely to significantly impact NI Priority/protected species or habitats. The proposal is therefore considered compliant with Policy NH1 and ENV1.
6.52	

	<u>Noise, odour and other environmental impacts including Contamination.</u> 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. There is an existing hot food bar adjacent to Block A and Environmental Health have no objections in relation to these issues subject to conditions regarding noise and odour. Taking account of the response from Environmental Health, the application is therefore considered acceptable in relation to these issues. Representations: 1 objection raises issues regarding overlooking and loss of privacy, traffic and road safety. These issues have been fully assessed, however the application is considered acceptable for the reasons set out in the above assessment.
7.0	Recommendation
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 the affordable social housing.
7.2	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 that arise prior to issuing the decision, provided they are not substantive.
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 occupation of the development, the noise mitigation measures and alternative means of acoustically attenuated ventilation (in addition to that provided by open windows) specified within Section 5.2 of the submitted Irwin Carr Ltd Report Entitled: Noise Impact Assessment, Mountainview Centre, Belfast Ref: Rp002n 2022258 (Mountainview Centre, Belfast) Dated: 7 April 2023 report shall be installed within habitable rooms of the development and retained at all times. Reason: To safeguard the amenity of occupants of the building hereby approved. 3. Prior to operation of the hereby approved development an extraction and odour abatement system shall be installed capable of achieving 'high level' of odour control in accordance with the measures outlined in section 5 of the Irwin Carr Ltd Report Entitled: Odour Impact Assessment Mountainview Centre, Belfast, Ref: Rp002aq 2022258 (Mountainview Centre, Belfast) Dated: 21 April 2023 Reason: Protection of residential amenity against adverse odour. 4. The extraction duct shall be installed at the height and location shown in Architect's drawing entitled 'Proposed Residential Development', drawing No 3790-PL109 date: 04/07/23 rev B Reason: Protection of residential amenity against adverse odour. 5. All components of the system shall be cleaned and maintained in accordance with manufacturer's instructions and be retained thereafter. The extraction and ventilation system	

must be cleaned and maintained in accordance with Manufacturer's instructions to ensure compliance with condition above.

Reason: Protection of residential amenity against adverse odour.

6. 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.

7. After completing all remediation works required under Condition 1 and prior to operation 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 available at: <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. 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

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

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

9. No dwelling shall be occupied 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.

10. No dwelling shall be occupied 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.

11. 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.

12. The development shall operate in accordance with the Travel Plan. The offer of Residential Travel cards shall suffice.

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

13. A three-year Residential Travel Card Scheme shall be implemented for this development. The Scheme shall begin upon the date of first occupation and terminate three years later. The Scheme shall provide the offer of a free Residential Travel Card to one occupier of each dwelling (within one month of their occupation) which is valid for the remainder of the scheme period, or until the property is vacated, whichever comes first. This provision shall extend to any subsequent occupants until termination of the scheme.
14. Prior to the commencement of the development hereby approved a landscape management plan shall be submitted to and agreed in writing with the council. The landscape management plan shall 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.

15. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers uploaded to the planning portal: 01, 02A, 04, 05, 06, 07, 08, 09
2. 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.
3. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

ANNEX	
Date Valid	13/12/2022
Date First Advertised	20/01/2023
Date Last Advertised	20/01/2023
Details of Neighbour Notification (all addresses) 57 Neighbours were notified.	

Development Management Officer Committee Report

Summary	
Committee Meeting Date: 17 th October 2023	
Application ID: LA04/2023/3494/F	
Proposal: Application under Section 54 of the planning (NI) Act 2011 to vary/remove condition 4 of planning permission LA04/2021/2144/F which reads "There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans." It is proposed to remove condition 4 to regularise downpipes and gas pipes affixed to the exterior of the building in order to comply with statutory health and safety requirements. (Retrospective)	Location: 150 KNOCK ROAD CARNAMUCK BELFAST DOWN BT5 6QD
Referral Route: Major development (the proposal seeks to vary a condition on a previous permission for Major development and would, if approved, create a new standalone approval)	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Radius Housing Association 3-7 Redburn Square Holywood BT18 9HZ	Agent Name and Address: Paul Turley 15 Ravenhill Road Belfast
Executive Summary: This application seeks to vary condition 4 of planning permission LA04/2021/2144/F, which grants planning permission for 52 no. social housing units and associated site works. The proposal is to remove condition No.4 of planning permission LA04/2021/2144/F which reads <i>"There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans."</i> It is proposed to remove condition 4 to regularise downpipes and gas pipes affixed to the exterior of the building. The purpose of the condition was placed on the permission to avoid adverse visual impacts and clutter. Following a review of the plans and site, the apartment buildings have been constructed with the pipework in place. This application is therefore seeking retrospective permission. It is considered that the changes have minimal impact on the visual amenity of the development. No objections have been received and a letter of support has been lodged by the adjoining golf club. It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate. Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.	

1.0 Drawings

Site Location Plan



Site Layout



Proposed elevations

2.0	Characteristics of the Site and Area
2.1	The application site is located at a former petrol station in east Belfast, which has now ceased trading. It is located adjacent to and is accessed from the Knock Road. Construction works for the housing development are near completion and the agent has indicated that the site is ready to be handed over in October 2023.
2.2	The site is broadly rectangular in shape and a largely level area in which the former petrol station, hardstanding and associated structures were located. There are number of mature trees located generally around the periphery of the site. The surrounding area is predominantly residential, comprising typical 2 storey terraced and semi-detached dwellings to the northeast and southwest. There is a petrol station and car sales premises opposite the site also on Knock Road. The site is bounded on 3 sides by a golf club, to the east and south. The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP.
3.0	Description of Proposed Development
3.1	Section 54 application to remove condition no. 4 of planning permission LA04/2021/2144/F relating to regularise downpipes and gas pipes affixed to the exterior of the building in order to comply with statutory health and safety requirements.
3.2	On 12 th August 2022, full planning permission was granted under application LA04/2021/2144/F, which grants planning permission for 52 no. social housing units and associated site works.
3.3	On 25 th July 2023, the current application was validated seeking to vary condition 21 of planning approval LA04/2021/2144/F. Condition 4 as approved states:

	<i>“There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans.”</i> It is proposed to remove the condition in its entirety.
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 Development Plan – zoning, designations and proposals maps
4.2	Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) Regional Planning Policy
4.3	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Other Policies Belfast Agenda
4.4	Relevant planning history
4.5	There is a previous permission on the site under reference <i>Z/2011/0426/F</i> for Demolition of petrol filling station. Development of residential scheme comprising 2 No. apartment buildings containing 52 No. units, basement and surface car parking, and landscaping, granted on 08.03.2013. the current application seeks to vary the details of this permission. The site has also been subject to an application for a Certificate of Lawful Development under reference <i>LA04/2020/2208/LDE</i> for “Rear part of site development commenced on 19th February 2018 with construction of substructure foundations associated with approved planning application ref. no. <i>Z/2011/0426/F</i>”. This was approved on 02.03.2021 and confirms works completed were in accordance with the approved application.
4.6	The most relevant planning history on the site is as follows: Application Number: LA04/2021/2144/F Proposal: Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: <i>Z/2011/0426/F</i>). Address: 150 Knock Road, Belfast BT5 6QD Permission granted 12th August 2022 This planning permission is subject to a planning agreement under Section 76 of the Planning Act and should be read in conjunction with this agreement.
4.7	Application Number: LA04/2023/3034/NMC Decision: Approved Decision Date: 2nd October 2023 Proposal: Non-Material Changes to LA04/2021/2144/F to include Changes to the locations of external bin stores. Relocation of external cycle stands and fencing

	changes. Switch Room sizes amended and associated works. Flat roof entrance canopy extended. Original dark grey render panels now dark grey brick panels.
4.8	Application Number: LA04/2023/3114/F Decision: Recommendation to approve Decision Date: to be discussed at October Planning Committee Proposal:–Section 54 application to vary condition no. 21 of planning permission LA04/2021/2144/F relating to alterations to the site's acoustic fence. Address: 150 Knock Road, Belfast BT5 6QD
4.9	Application Number: LA04/2023/3607/DC Decision: Discharged Decision Date: 26th September 2023 Proposal: Discharge of condition no.17, 18, 19- LA04/2021/2144/F
4.10	Application Number: LA04/2022/1554/DC Decision: Refusal (partially discharged) Decision Date: 28 September 2022 Proposal: Discharge of conditions 5 & 6 LA04/2021/2144/F relating to tree protection measures
4.11	Application Number: LA04/2022/1556/DC Decision: Refusal (partially discharged) Decision Date: 28 September 2022 Proposal: Discharge of condition 15 LA04/2021/2144/F relating to piling risk assessment
4.12	Application Number: LA04/2022/1557/DC Decision: Condition Discharged. Decision Date: 28 September 2022 Proposal: Discharge of condition 16 LA04/2021/2144/F updated Risk Assessment
4.13	Application Number: LA04/2022/1560/DC Decision: Refusal(Refusal (partially discharged)) Decision Date: 18 November 2022 Proposal: Discharge of condition 24 LA04/2021/2144/F relating to temporary protective fencing
4.14	Application Number: LA04/2022/1553/DC Decision: Refusal Decision Date: 18 November 2022 Proposal: Discharge of condition 23 LA04/2021/2144/F relating to Construction and Environmental Management Plan
4.15	Application Number: LA04/2022/1558/DC Decision: Condition Not Discharged Decision Date: 10 February 2023 Proposal: Discharge of condition 11 LA04/2021/2144/F relating to final drainage assessment
5.0	Consultations and Representations Non-Statutory Consultees

	Environmental Health- No objections
6.0	Representations The application has been neighbour notified. The proposal has been advertised in the local press. One letter of support was submitted by the adjoining golf club.
7.0	<u>PLANNING ASSESSMENT</u> Development Plan Context
7.1	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.
7.2	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.
7.3	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.
7.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
7.5	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. The relevant zonings/designations are set out below.
7.6	Development Plans- BUAP, dBMAP (v2004), dBMAP2015 (v2014) The site falls within the development limit within the BUAP and in both versions of dBMAP and is not subject to any zonings.
7.7	Key issues The principle of development has already been established through the planning approval LA04/2021/2144/F to which this proposal relates. The key issues to be considered in the assessment of the current application are the implications of the pipework on the design of the host building and its potential impact on the character and appearance of the development and wider area. The proposal is to remove condition No.4 of planning permission LA04/2021/2144/F which reads <i>“There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans.”</i> It is proposed to remove condition 4 to regularise downpipes and gas pipes affixed to the exterior of the building.

	The purpose of the condition was placed on the permission to avoid adverse visual impacts and clutter. Following a review of the plans and site, the apartment buildings have been constructed with the pipework in place. This application is therefore seeking retrospective permission. It is considered that the changes have minimal impact on the visual amenity of the development. No objections have been received and a letter of support has been lodged by the adjoining golf club. The removal of this condition is considered to be acceptable, and it will create a stand-alone planning permission. It will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision.
8.0	Recommendation:
8.1	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.
8.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.
9.0	Draft Conditions:
9.1	It should be noted that the other original conditions will be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2021/2144/F have been discharged and final wording will make reference to this. 1: This planning permission has effect from the date which the development hereby approved was carried out. Reason: As required by Section 55 of the Planning Act (Northern Ireland) 2011. 2. Prior to the occupation of any apartment hereby approved, boundary walls and fencing shall be erected in accordance with the approved drawing 02E, dated 25/09/2023 on the planning portal, and shall be permanently retained thereafter. Reason: In the interest of privacy and amenity. 3. Prior to the occupation of any apartment hereby permitted the bin store areas shall be constructed in accordance with the approved drawings 02E, dated 27/09/2023 on the planning portal, 04B and 06B dated 06/04/2023 on the planning portal, and drawings 05A and 07A dated 06/04/2023 on the planning portal and retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times. Reason: In the interests of residential and visual amenity. 4: No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of

works). Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.

Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

5: The developer shall inform the Council on completing the installation of all tree protection measures so that the Council or their representative may verify such measures before allowing development to commence. Development shall not commence until these measures have been agreed by the Council in writing.

Reason: To ensure that adequate protection measures are put in place around retained trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.

6. Any excavation within tree protection areas shall be carried out using non-mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998, 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity.

Reason: To respect the topography of the site and to ensure the protection of existing landscape features.

7. Trees and vegetation to be retained within the site and proposed planting as indicated on approved drawings, shall not be cut down, uprooted or destroyed, or have their roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree, without the prior written approval of the Council . All arboricultural work shall be carried out in accordance with the approved details including the tree survey report recommendations, BS 3998, 2010 'Recommendations for Tree Work' (or equivalent British Standard current at time of works) prior to the occupation of any part of the development hereby permitted.

Reason: To ensure the continuity of amenity afforded by existing trees and vegetation.

8: All hard and soft landscape works shall be completed in accordance with the approved details, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS before the expiration of the first planting season following occupation of any apartment hereby approved.

All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'.

The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed in writing with the Council prior to implementation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

9. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Council be seriously damaged or defective, it shall be replaced before the expiration of the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its prior written consent to any request for variation.

Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.

10. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval. The development shall be carried out in accordance with the agreed arrangements prior to the occupation of any dwelling hereby permitted and retained thereafter.

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

11. Prior to the occupation of any part of the development hereby permitted, a Verification Report be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Tetra Tech Consulting (NI) Ltd report entitled '150 Knock Road, Belfast, Updated Contaminated Land Risk Assessment and Updated Remedial Strategy, B030728, Geda Construction Ltd, September 2021', and as clarified within the letter from Tetra Tech Environmental and Planning (Northern Ireland) Ltd dated 20th January and referenced B030728 Knock Road, have been implemented. In the event that an updated Remediation Strategy is required following the updated Risk Assessment for asbestos in shallow soils of the area of retained landscaping, the measures in this updated Remediation Strategy must also be implemented. The Verification Report shall demonstrate the successful completion of remediation

works and that the site is now fit for end-use (residential without plant uptake). It must demonstrate that the identified potential 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:

a) Any remaining fuel storage tanks or associated infrastructure has been fully decommissioned and dealt with in accordance with Guidance for Pollution Prevention (GPP2), the Pollution Prevention Guidance (PPG27), and in accordance with the actions and procedures presented in Tetra Tech's Updated Contaminated land Risk Assessment and Updated Remedial Strategy report Ref. B030728 dated September 2021 prior to the occupation of any apartment hereby permitted. The quality of surrounding soils and groundwater shall be verified and should contamination be identified during this process, Conditions 13 and 14 will apply.

b) A minimum 600mm capping layer has been emplaced in all communal landscaped areas formed from material that is demonstrably suitable for use (residential without plant uptake).

c) Gas protection measures commensurate with the Characteristic Situation 2 classification of the site have been incorporated in the development in accordance with BS 8485:2015+A1:2019. These measures should include:

- A reinforced concrete cast in situ monolithic concrete floor slab (suspended, non-suspended or raft, well reinforced with minimal penetrations) OR

- A passively ventilated 150mm underfloor subspace capable of providing 1 complete air change per 24 hours AND
- A gas and hydrocarbon resistant membrane with all joints and penetrations sealed, verified in accordance with CIRIA C735.

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

12. 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 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.

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

13. After completing the remediation works under Condition 13; and prior to the occupation of any apartment hereby permitted, a verification report shall be submitted in writing and agreed with Council. This report shall 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.

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

14. No development or piling work should commence on this site until 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 by the Council. The methodology is available at: <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>. The works will be carried out in accordance with the agreed details.

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

15. Within three months of commencement of construction, the applicant shall provide to and have agreed in writing by the Council, an updated Risk Assessment for asbestos in shallow soils of the areas of retained landscaping proposed surrounding the site (as per the 'Site Layout & Landscape Plan' (Rev: A, Date: 13.01.22, Project No. 2123, Drawing No. 2123.01.A)).

Based on the outcome of this updated Risk Assessment, an updated Remediation Strategy may be required. If necessary, this Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified. Any revised remediation strategy shall be carried out in accordance with the agreed arrangements.

Reason: In the interests of amenity.

16. Prior to occupation of any apartment hereby permitted, a report verifying that 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 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.

Reason: Protection against adverse noise impact and in the interests of amenity.

17. Prior to occupation of any apartment hereby permitted, an acoustic fence shall be constructed around the perimeter of the entire site and shall be a minimum height of 2m, be of a density of at least 15kg/m² and have no gaps as recommended in appendix E of the Irwin Carr Consulting Noise Impact Assessment, 150 Knock Road, Belfast, report reference: Rp001N 2021258, dated 12th November 2021 and as shown on the Boyd Partnership Architects site layout drawing: proposed site block plan dated Aug 21, drawing number 003, rev C.

Reason: Protection against adverse noise impact and in the interests of amenity.

18. The GEDA 'Environmental Management Plan (Construction Stage), project: Knock Rd, Belfast', project no: BD102, dated 13/08/21, revised 18/01/22 shall be implemented throughout the construction phase. Control of dust emissions from the site shall include the recommended mitigation measures as outlined in the Irwin Carr Consulting Ltd Air Quality Impact Assessment, 150 Knock Road, Belfast, Irwin Carr (November 2021).

Reason: Protection of amenity within the surrounding area.

19. 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 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 the 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) Details of updated bat surveys, such as emergence/re-entry or licenced endoscope surveying, on all trees with moderate bat roost potential planned for arboricultural works or felling (including those labelled in the Preliminary Ecological Appraisal as trees 6, 9 and 1) prior to any arboricultural works commencing. This shall include details of the appointed suitably qualified and licenced bat ecologist and the development of any additional mitigation measures should bats be found.

Reason: To protect Northern Ireland priority habitats and species, ensure implementation of mitigation measures identified within the Outline CEMP and to prevent likely significant effects on the Belfast Lough.

20. Prior to works commencing on site a temporary fence shall be erected on site along the length of the of the Kenban stream at a distance of 20 metres minimum from the centre of the stream. No works, infill, storage or construction activity shall take place

to the north of the fenced area without the written consent of the Council. The developer shall inform the Council on completing the installation of all protection measures so that the Council or their representative may verify such measures before allowing development to commence. The fence shall be maintained for the duration of construction works and shall not be removed until the occupation of the apartments hereby permitted.

Reason: To minimise the potential impacts of contamination on site on Belfast Lough SPA, Belfast Lough Open Water SPA and Inner Belfast Lough ASSI and to protect the integrity of the stream corridor.

21. There shall be no lighting facilities erected and no light spillage within 10 metres of the existing Kenban stream to the north of the site.

Reason: to minimise the impact of the proposal on otters and bats.

22. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No C003 Rev P6 and Drawing C004 Rev P5, prior to the occupation 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.

23. No dwelling within Block A shall be occupied until parking spaces 1-36 have been constructed in accordance with the approved Drawing No. C003 Rev P6 to provide adequate facilities for parking. These spaces shall be permanently retained.

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

24. No dwelling within Block B shall be occupied until parking spaces 37-52 have been constructed in accordance with the approved Drawing No. C003 Rev P6 to provide adequate facilities for parking. These spaces shall be permanently retained.

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

25. No apartment shall be occupied until related hard surfaced areas (incurtilage) have been constructed in accordance with the approved Drawings. These spaces shall be permanently retained thereafter.

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

26. No apartment shall be occupied until provision has been made for cycle parking in accordance with the approved plan. These facilities shall be permanently retained.

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

27. The access gradients shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

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

The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:C003 Rev P6 bearing the Department for Infrastructure determination date stamp 4/3/22.

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

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

No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No:C003 Rev P6 bearing the date stamp 4/3/22. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

30. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of Department for Infrastructure prior to the occupation of any apartment hereby permitted.

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.

31. The development shall operate in accordance with the Waste Management Plan.

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

32. The development shall operate in accordance with the Travel Plan.

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

Informatives

1. This planning permission includes condition(s) which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Council, you do so at your own risk.

This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined.

This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.

This decision relates to planning control only and does not dispense with the necessity of obtaining any other approval which may be necessary under other legislation.

This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.

This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises.

Consultees have provided informatives to the decision notice within their consultation responses which are available to review on the planning portal at www.planningni.gov.uk. The applicant is referred to these informatives and should note and action as appropriate.

2. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:

- a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
 - b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
 - c) Deliberately to disturb such an animal in such a way as to be likely to -
 - i. affect the local distribution or abundance of the species to which it belongs;
 - ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
 - iii. Impair its ability to hibernate or migrate;
 - d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or
 - e) To damage or destroy a breeding site or resting place of such an animal.
- If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly:

- kill, injure or take any wild bird; or
- take, damage or destroy the nest of any wild bird while that nest is in use or being built; or
- at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or
- obstruct or prevent any wild bird from using its nest; or
- take or destroy an egg of any wild bird; or
- disturb any wild bird while it is building a nest or is in, on or near a nest containing eggs or young; or
- disturb dependent young of such a bird.

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence.

It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).

Development Management Committee Report

Summary	
Committee Meeting Date: 17 th October 2023	
Application ID: LA04/2023/3114/F	
Proposal: Section 54 application to vary condition no. 21 of planning permission LA04/2021/2144/F relating to alterations to the site's acoustic fence.	Location: 150 Knock Road Carnamuck Belfast Down Bt5 6qd
Referral Route: Major development (the proposal seeks to vary a condition on a previous permission for Major development and would, if approved, create a new standalone approval)	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Radius Housing Association 3-7 Redburn Square Holywood BT18 9HZ	Agent Name and Address: Paul Turley 15 Ravenhill Road Belfast
Executive Summary: This application seeks to vary condition 21 of planning permission LA04/2021/2144/F, which grants planning permission for 52 no. social housing units and associated site works. The proposal is to amend the extent of the acoustic fence for the site. The original permission stated that the acoustic fence should be constructed around the perimeter of the entire site. This S54 proposes to amend the fence so that it is constructed along the southern, western and eastern boundaries, thus omitting the northern boundary. Due to constraints of the topography of the site, it is proposed to remove the close boarded timber fence along the northern perimeter of the site. The applicant submitted an assessment of noise impact based on the changes. It presented noise levels in the amenity areas with and without the section of acoustic fencing to the northern area of the site and confirm that the noise levels are predicted to result in an insignificant difference to noise levels in these external areas. EHO offered no objections varying the wording of the condition. Consultees have offered no objections subject to conditions. One letter of support was submitted by the adjoining golf club. It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate. Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.	

2.0	Characteristics of the Site and Area
2.1	The application site is located at a former petrol station in east Belfast, which has now ceased trading. It is located adjacent to and is accessed from the Knock Road. Construction works for the housing development are near completion and the agent has indicated that the site is ready to be handed over in October 2023.
2.2	The site is broadly rectangular in shape and a largely level area in which the former petrol station, hardstanding and associated structures were located. There are number of mature trees located generally around the periphery of the site. The surrounding area is predominantly residential, comprising typical 2 storey terraced and semi-detached dwellings to the northeast and southwest. There is a petrol station and car sales premises opposite the site also on Knock Road. The site is bounded on 3 sides by a golf club, to the east and south. The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP.
3.0	Description of Proposed Development
3.1	Section 54 application to vary condition no. 21 of planning permission LA04/2021/2144/F relating to alterations to the site's acoustic fence.
3.2	On 12 th August 2022, full planning permission was granted under application LA04/2021/2144/F, which grants planning permission for 52 no. social housing units and associated site works.
3.3	On 22 nd June 2023, the current application was submitted seeking to vary condition 21 of planning approval LA04/2021/2144/F. Condition 21 as approved states:
3.4	<i>Prior to occupation of any apartment hereby permitted, an acoustic fence shall be constructed around the perimeter of the entire site and shall be a minimum height of 2m, be of a density of at least 15kg/m2 and have no gaps as recommended in appendix E of the Irwin Carr Consulting 'Noise Impact Assessment, 150 Knock Road, Belfast', report reference: Rp001N 2021258, dated 12th November 2021 and as shown on the Boyd Partnership Architects site layout drawing: 'proposed site block plan' dated Aug 21, drawing number 003, rev C. The acoustic fencing shall be permanently retained in accordance with the approved details thereafter.</i> <i>Reason: Protection against adverse noise impact and in the interests of amenity.</i>
3.5	It is proposed to vary the wording of the condition to: <i>“Prior to occupation of any apartment hereby permitted, an acoustic fence shall be constructed on site and shall be a minimum height of 2m, be of a density of at least 15kg/m2 and have no gaps as recommended in appendix E of the Irwin Carr Consulting 'Noise Impact Assessment, 150 Knock Road, Belfast', report reference: Rp001N 2021258, dated 12th November 2021 and as illustrated on the Boyd Partnership Architects drawing titled: 'Proposed block plan' dated Aug '21, job no. 2291, drawing number 003, rev E. as uploaded under planning application LA04/2023/3114/F”</i>
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	Relevant planning history There is a previous permission on the site under reference <i>Z/2011/0426/F</i> for Demolition of petrol filling station. Development of residential scheme comprising 2 No. apartment buildings containing 52 No. units, basement and surface car parking, and landscaping, granted on 08.03.2013. the current application seeks to vary the details of this permission. The site has also been subject to an application for a Certificate of Lawful Development under reference <i>LA04/2020/2208/LDE</i> for “Rear part of site development commenced on 19th February 2018 with construction of substructure foundations associated with approved planning application ref. no. <i>Z/2011/0426/F</i>”. This was approved on 02.03.2021 and confirms works completed were in accordance with the approved application. The most relevant planning history on the site is as follows:
4.6	LA04/2021/2144/F Proposal: Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: <i>Z/2011/0426/F</i>). Address: 150 Knock Road, Belfast BT5 6QD Permission granted 12th August 2022 This planning permission is subject to a planning agreement under Section 76 of the Planning Act and should be read in conjunction with this agreement.
4.7	LA04/2023/3034/NMC Decision: Approved Decision Date: 29th September 2023 Proposal: Non-Material Changes to LA04/2021/2144/F to include; Changes to the locations of external bin stores. Relocation of external cycle stands and fencing changes. Switch Room sizes amended and associated works. Flat roof entrance canopy extended. Original dark grey render panels now dark grey brick panels.
4.8	LA04/2023/3494/F Decision: Recommendation to approve Decision Date: to be discussed at September Planning Committee Proposal: Application under Section 54 of the planning (NI) Act 2011 to vary/remove condition 4 of planning permission LA04/2021/2144/F which reads "There shall be

	no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans." It is proposed to remove condition 4 to regularise downpipes and gas pipes affixed to the exterior of the building in order to comply with statutory health and safety requirements.
4.9	LA04/2023/3607/DC Decision: Discharged September 2023 Decision Date: September 2023 Proposal: Discharge of condition no.17, 18, 19- LA04/2021/2144/F
4.10	LA04/2022/1554/DC Decision: Refusal (partially discharged) Decision Date: 28 September 2022 Proposal: Discharge of conditions 5 & 6 LA04/2021/2144/F relating to tree protection measures
4.11	LA04/2022/1556/DC Decision: Refusal (partially discharged) Decision Date: 28 September 2022 Proposal: Discharge of condition 15 LA04/2021/2144/F relating to piling risk assessment
4.12	LA04/2022/1557/DC Decision: Refusal on portal status decision but letter uploaded on portal from officer says condition No. 16 is discharged. Decision Date: 28 September 2022 Proposal: Discharge of condition 16 LA04/2021/2144/F updated Risk Assessment
4.13	LA04/2022/1560/DC Decision: Refusal (Refusal (partially discharged)) Decision Date: 18 November 2022 Proposal: Discharge of condition 24 LA04/2021/2144/F relating to temporary protective fencing
4.14	LA04/2022/1553/DC Decision: Refusal Decision Date: 18 November 2022 Proposal: Discharge of condition 23 LA04/2021/2144/F relating to Construction and Environmental Management Plan
4.15	LA04/2022/1558/DC Decision: Condition Not Discharged Decision Date: 10 February 2023 Proposal: Discharge of condition 11 LA04/2021/2144/F relating to final drainage assessment
5.0	Consultations and Representations
5.1	Non-Statutory Consultees Environmental Health- No objections

6.0	Representations The application has been neighbour notified and advertised in the local press. One letter of support was submitted by the adjoining golf club.
7.0	<u>PLANNING ASSESSMENT</u> Development Plan Context
7.1	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. 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.
7.2	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
7.3	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.
7.4	Development Plans- BUAP, dBMAP (v2004), dBMAP2015 (v2014) The site falls within the development limit within the BUAP and in both versions of dBMAP and is not subject to any zonings.
7.5	Key issues The principle of development has already been established through the planning approval LA04/2021/2144/F to which this proposal relates. The key issues to be considered in the assessment of the current application are the noise and amenity considerations associated with the loss of an acoustic barrier along the northern boundary of the site. The proposal is to amend the extent of the acoustic fence for the site. The original permission stated that the acoustic fence should be constructed around the perimeter of the entire site. This S54 proposes to amend the fence so that it is constructed along the southern, western

	and eastern boundaries, thus omitting the northern boundary. Due to constraints of the topography of the site, it is proposed to remove the close boarded timber fence along the northern perimeter of the site. The applicant submitted an assessment of noise impact based on the changes. It presented noise levels in the amenity areas with and without the section of acoustic fencing to the northern area of the site and confirm that the noise levels are predicted to result in an insignificant difference to noise levels in these external areas. EHO offered no objections varying the wording of the condition. It is considered that the removal of this section of fencing will not cause any adverse impact on neighbouring or prospective residents. Consultees have offered no objections subject to conditions. No objections have been received and a letter of support has been lodged by the adjoining golf club. Having regard to the advice from Environmental Health, it is considered that the proposed variation of condition 21 is acceptable. The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision.
8.0	Recommendation:
8.1	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.
8.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.
9.0	Draft Conditions:
9.1	It should be noted that the other original conditions will be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2021/2144/F have been discharged and final wording will make reference to this. 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. Prior to the occupation of any apartment hereby approved, boundary walls and fencing shall be erected in accordance with the approved drawing 02E, dated 25/09/2023 on the planning portal, and shall be permanently retained thereafter. Reason: In the interest of privacy and amenity. 3. Prior to the occupation of any apartment hereby permitted the bin store areas shall be constructed in accordance with the approved drawings 02E, dated 27/09/2023 on the planning portal, 04B and 06B dated 06/04/2023 on the planning portal, and drawings 05A and 07A dated 06/04/2023 on the planning portal and retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times. Reason: In the interests of residential and visual amenity.

	4. There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans. Reason: In the interests of visual amenity. <i>(Planning application LA04/2023/3493/F is recommended for approval which may have implications for this condition No.4)</i> 5: No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works). Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development. Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction. 6: The developer shall inform the Council on completing the installation of all tree protection measures so that the Council or their representative may verify such measures before allowing development to commence. Development shall not commence until these measures have been agreed by the Council in writing. Reason: To ensure that adequate protection measures are put in place around retained trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction. 7. Any excavation within tree protection areas shall be carried out using non-mechanised hand tools only. All roots that are uncovered during excavation in preparation for laying foundations etc., which are in excess of 2.5cm in diameter shall be retained and shall be treated in accordance with BS 3998, 2010 Recommendations for Tree Work [or appropriate British Standard current at time of works] and foundations bridged around them. Any tree roots exposed, which are in excess of 5cm in diameter, shall be surrounded in sharp sand before replacing soil or other material in the vicinity. Reason: To respect the topography of the site and to ensure the protection of existing landscape features. 8. Trees and vegetation to be retained within the site and proposed planting as indicated on approved drawings, shall not be cut down, uprooted or destroyed, or have their roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree, without the prior written approval of the Council . All arboricultural work shall be carried out in accordance with the approved details including the tree survey report recommendations, BS 3998, 2010 'Recommendations for Tree Work' (or equivalent British Standard current at time of works) prior to the occupation of any part of the development hereby permitted. Reason: To ensure the continuity of amenity afforded by existing trees and vegetation. 9: All hard and soft landscape works shall be completed in accordance with the approved details, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS
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	before the expiration of the first planting season following occupation of any apartment hereby approved. All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed in writing with the Council prior to implementation. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape. 10. Should any tree, shrub or hedge be removed, uprooted or destroyed or dies or becomes, in the opinion of the Council be seriously damaged or defective, it shall be replaced before the expiration of the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its prior written consent to any request for variation. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape. 11. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval. The development shall be carried out in accordance with the agreed arrangements prior to the occupation of any dwelling hereby permitted and retained thereafter. Reason: To safeguard against flood risk to the development and from the development to elsewhere. 12. Prior to the occupation of any part of the development hereby permitted, a Verification Report be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Tetra Tech Consulting (NI) Ltd report entitled '150 Knock Road, Belfast, Updated Contaminated Land Risk Assessment and Updated Remedial Strategy, B030728, Geda Construction Ltd, September 2021', and as clarified within the letter from Tetra Tech Environmental and Planning (Northern Ireland) Ltd dated 20th January and referenced B030728 Knock Road, have been implemented. In the event that an updated Remediation Strategy is required following the updated Risk Assessment for asbestos in shallow soils of the area of retained landscaping, the measures in this updated Remediation Strategy must also be implemented. The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without plant uptake). It must demonstrate that the identified potential 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: a) Any remaining fuel storage tanks or associated infrastructure has been fully decommissioned and dealt with in accordance with Guidance for Pollution Prevention (GPP2), the Pollution Prevention Guidance (PPG27), and in accordance with the actions and procedures presented in Tetra Tech's Updated Contaminated land Risk Assessment
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	and Updated Remedial Strategy report Ref. B030728 dated September 2021 prior to the occupation of any apartment hereby permitted. The quality of surrounding soils and groundwater shall be verified and should contamination be identified during this process, Conditions 13 and 14 will apply. b) A minimum 600mm capping layer has been emplaced in all communal landscaped areas formed from material that is demonstrably suitable for use (residential without plant uptake). c) Gas protection measures commensurate with the Characteristic Situation 2 classification of the site have been incorporated in the development in accordance with BS 8485:2015+A1:2019. These measures should include: - A reinforced concrete cast in situ monolithic concrete floor slab (suspended, non-suspended or raft, well reinforced with minimal penetrations) OR - A passively ventilated 150mm underfloor subspace capable of providing 1 complete air change per 24 hours AND - A gas and hydrocarbon resistant membrane with all joints and penetrations sealed, verified in accordance with CIRIA C735. Reason: Protection of environmental receptors to ensure the site is suitable for use. 13. 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 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. Reason: Protection of environmental receptors to ensure the site is suitable for use. 14. After completing the remediation works under Condition 13; and prior to the occupation of any apartment hereby permitted, a verification report shall be submitted in writing and agreed with Council. This report shall 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. Reason: Protection of environmental receptors to ensure the site is suitable for use. 15. No development or piling work should commence on this site until 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 by the Council. The methodology is available at: http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf. The works will be carried out in accordance with the agreed details. Reason: Protection of environmental receptors to ensure the site is suitable for use. 16. Within three months of commencement of construction, the applicant shall provide to and have agreed in writing by the Council, an updated Risk Assessment for asbestos in
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	shallow soils of the areas of retained landscaping proposed surrounding the site (as per the 'Site Layout & Landscape Plan' (Rev: A, Date: 13.01.22, Project No. 2123, Drawing No. 2123.01.A)). Based on the outcome of this updated Risk Assessment, an updated Remediation Strategy may be required. If necessary, this Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and that they no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified. Any revised remediation strategy shall be carried out in accordance with the agreed arrangements. Reason: In the interests of amenity. 17. Prior to occupation of any apartment hereby permitted, a report verifying that 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 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. Reason: Protection against adverse noise impact and in the interests of amenity. 18. Prior to occupation of any apartment hereby permitted, an acoustic fence shall be constructed around the perimeter of the entire site and shall be a minimum height of 2m, be of a density of at least 15kg/m² and have no gaps as recommended in appendix E of the Irwin Carr Consulting Noise Impact Assessment, 150 Knock Road, Belfast, report reference: Rp001N 2021258, dated 12th November 2021 and as shown on the Boyd Partnership Architects site layout drawing: proposed site block plan dated Aug 21, drawing number 003, rev C. Reason: Protection against adverse noise impact and in the interests of amenity. 19. The GEDA 'Environmental Management Plan (Construction Stage), project: Knock Rd, Belfast', project no: BD102, dated 13/08/21, revised 18/01/22 shall be implemented throughout the construction phase. Control of dust emissions from the site shall include the recommended mitigation measures as outlined in the Irwin Carr Consulting Ltd Air Quality Impact Assessment, 150 Knock Road, Belfast, Irwin Carr (November 2021). Reason: Protection of amenity within the surrounding area. 20. 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 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 the 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) Details of updated bat surveys, such as emergence/re-entry or licenced endoscope surveying, on all trees with moderate bat roost potential planned for arboricultural works or
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	fellings (including those labelled in the Preliminary Ecological Appraisal as trees 6, 9 and 1) prior to any arboricultural works commencing. This shall include details of the appointed suitably qualified and licenced bat ecologist and the development of any additional mitigation measures should bats be found. Reason: To protect Northern Ireland priority habitats and species, ensure implementation of mitigation measures identified within the Outline CEMP and to prevent likely significant effects on the Belfast Lough. 21. Prior to works commencing on site a temporary fence shall be erected on site along the length of the of the Kenban stream at a distance of 20 metres minimum from the centre of the stream. No works, infill, storage or construction activity shall take place to the north of the fenced area without the written consent of the Council. The developer shall inform the Council on completing the installation of all protection measures so that the Council or their representative may verify such measures before allowing development to commence. The fence shall be maintained for the duration of construction works and shall not be removed until the occupation of the apartments hereby permitted. Reason: To minimise the potential impacts of contamination on site on Belfast Lough SPA, Belfast Lough Open Water SPA and Inner Belfast Lough ASSI and to protect the integrity of the stream corridor. 22. There shall be no lighting facilities erected and no light spillage within 10 metres of the existing Kenban stream to the north of the site. Reason: to minimise the impact of the proposal on otters and bats. 23. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No C003 Rev P6 and Drawing C004 Rev P5, prior to the occupation 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. 24. No dwelling within Block A shall be occupied until parking spaces 1-36 have been constructed in accordance with the approved Drawing No. C003 Rev P6 to provide adequate facilities for parking. These spaces shall be permanently retained. REASON: To ensure adequate parking in the interests of road safety and the convenience of road users. 25. No dwelling within Block B shall be occupied until parking spaces 37-52 have been constructed in accordance with the approved Drawing No. C003 Rev P6 to provide adequate facilities for parking. These spaces shall be permanently retained. REASON: To ensure adequate parking in the interests of road safety and the convenience of road users. 26. No apartment shall be occupied until related hard surfaced areas (incurtilage) have been constructed in accordance with the approved Drawings. These spaces shall be permanently retained thereafter. REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.
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	27. No apartment shall be occupied until provision has been made for cycle parking in accordance with the approved plan. These facilities shall be permanently retained. REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car. 28. The access gradients shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway. REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 29. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:C003 Rev P6 bearing the Department for Infrastructure determination date stamp 4/3/22. REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980. 30. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No:C003 Rev P6 bearing the date stamp 4/3/22. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C). REASON: To ensure that the road works considered necessary to provide a proper, safe and convenient means of access to the development are carried out. 31. All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of Department for Infrastructure prior to the occupation of any apartment hereby permitted. 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. 32. The development shall operate in accordance with the Waste Management Plan. REASON: In the interests of road safety and the convenience of road users. 33. The development shall operate in accordance with the Travel Plan. REASON: To encourage alternative modes of transport to the private car. Informatives 1. This planning permission includes condition(s) which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should
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	allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Council, you do so at your own risk. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands. This decision relates to planning control only and does not dispense with the necessity of obtaining any other approval which may be necessary under other legislation. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development. This approval does not apply to any signs or advertising material which the developer or occupier may wish to erect at the premises. Consultees have provided informatives to the decision notice within their consultation responses which are available to review on the planning portal at www.planningni.gov.uk. The applicant is referred to these informatives and should note and action as appropriate. 2. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence: a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat; b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection; c) Deliberately to disturb such an animal in such a way as to be likely to - i. affect the local distribution or abundance of the species to which it belongs; ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or iii. Impair its ability to hibernate or migrate; d) Deliberately to obstruct access to a breeding site or resting place of such an animal; or e) To damage or destroy a breeding site or resting place of such an animal. If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557. The applicant's attention is drawn to Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence to intentionally or recklessly: - kill, injure or take any wild bird; or - take, damage or destroy the nest of any wild bird while that nest is in use or being built; or - at any other time take, damage or destroy the nest of any wild bird included in Schedule A1; or - obstruct or prevent any wild bird from using its nest; or - take or destroy an egg of any wild bird; or - disturb any wild bird while it is building a nest or is in, on or near a nest containing
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	eggs or young; or - disturb dependent young of such a bird. Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree or hedgerow loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season (e.g. between 1st March and 31st August).
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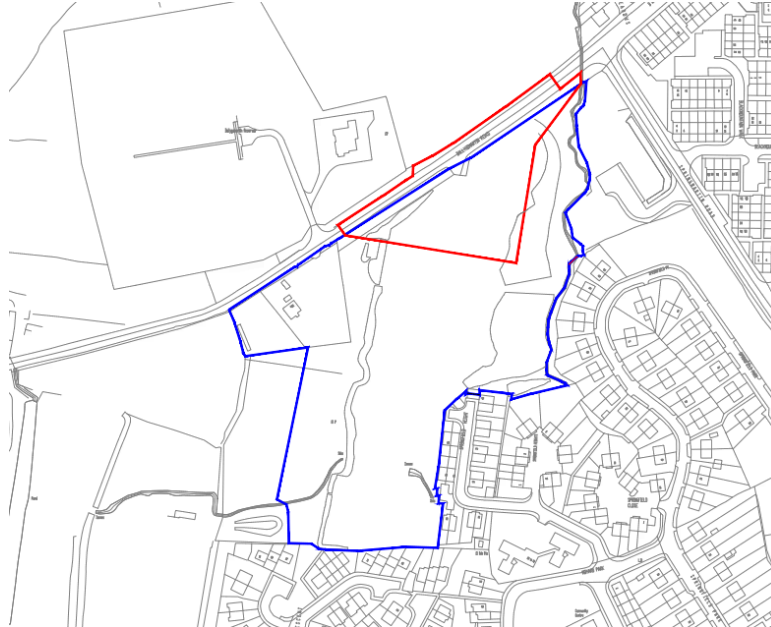
Development Management Report Committee Application

Summary	
Committee Meeting Date: 17th October 2023	
Application ID: LA04/2023/2338/F	
Proposal: Full application for a proposed new single story building adjacent the new 'Peace IV Blackmountain Shared Space Project'. It comprises 8 office spaces with each space having an accessible WC and kitchenette facility. Offices will provide rental income to facilitate the long term sustainability of the adjacent building.	Location: Site of the former Finlay's Factory south east of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park, Belfast BT13 3QZ Ballymurphy Belfast Antrim BT13 3QZ
Referral Route: Through 3.8.25 of the scheme of delegation, part C, those made by the Council. Funding for this project from Belfast City Council.	
Recommendation: Approval	
Applicant Name and Address: Black Mountain Shared Space - Forthriver Business Park 385 Springfield Road Belfast BT12 7DG	Agent Name and Address: Michael Montgomery 478 Castlereagh Rd Belfast BT5 6BQ
Executive Summary: This application seeks full planning permission for a proposed new single story building adjacent the new 'Peace IV Blackmountain Shared Space Project'. It comprises 8 office spaces with each space having an accessible WC and kitchenette facility. Offices will provide rental income to facilitate the long-term sustainability of the adjacent building. The key issues are: • Principle of offices at this location • Scale, height, massing, design and layout • Community Cohesion and Good Relations • Climate Change • Drainage and flooding • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination. • Natural Heritage	
Recommendation 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 Section 76 planning agreement. 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 that arise prior to issuing the decision, provided they are not substantive.	

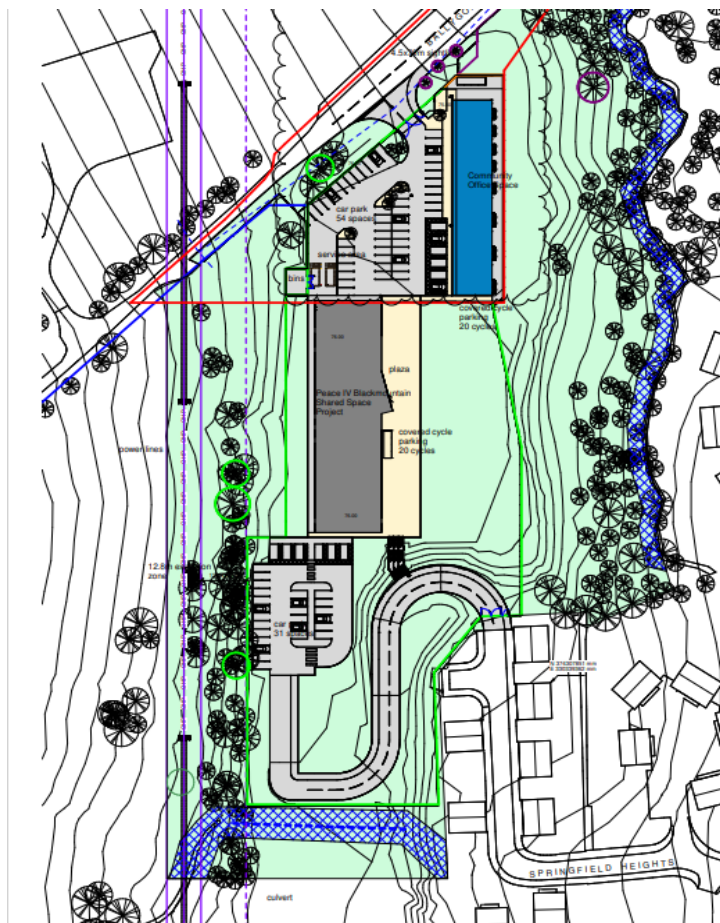
Officer Report

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 application site is located on the site of the former Finlay's Factory south east of Ballygomartin Road, north of Moyard Crescent, northwest of Springfield Heights and Springfield Park. It is adjacent to an approved two storey multi-purpose shared space building (LA04/2022/0853/F). There is housing to the south-east of the site.
2.2	The site is currently enclosed by high fencing, and vegetation and is not visible from the main Ballygomartin road. The site was occupied by the former Finlay's Packaging Factory. The factory was demolished in the early 2000s but the remains of the factory's concrete sub-floor can be seen on site.
2.3	The Ballymurphy River, otherwise known as the Springfield Park Stream, emerges from a culvert below Ballygomartin Road, to flow down the eastern side of the site to a culvert at the edge of Springfield Heights.
3.0	Description of Proposal
3.1	Planning permission is sought for a proposed new single story building adjacent the new 'Peace IV Blackmountain Shared Space Project'. It comprises 8 office spaces with each space having an accessible WC and kitchenette facility. Offices will provide rental income to facilitate the long-term sustainability of the adjacent building.
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>Application Number: LA04/2016/1354/PAN Decision: Proposal of Application Notice Requires More Consultation Decision Date: 06 July 2016</i> <i>Proposal: Shared space building comprising sports hall, business units, café, upcycle centre, dance studio, drama studio, offices, meeting rooms and educational facilities; vehicular and pedestrian only accesses; nature trail; car parking; landscaping; and associated site works.</i>
4.7	<i>Application Number: LA04/2016/2207/F Decision: Permission Granted Decision Date: 21 March 2017</i> <i>Proposal: Shared space building comprising sports hall, gym, dance/drama studio, social enterprise workshop (environmental focus), business units, meeting rooms, counselling/treatment rooms, café, educational facilities and performing arts</i>

	<i>space/exercise studio; with new access from Springfield Heights and to the Ballygomartin Road (from the building only); pedestrian only accesses; car and cycle parking; landscaping and associated site works.</i>
4.8	<i>Application Number: LA04/2021/2173/PAN Decision: PAN Concluded Decision Date: 21 October 2021</i> <i>Proposal: Provision of a two storey shared space centre comprising main hall, changing and toilet facilities, kitchens (ground and first floor), multi function rooms, multi function office, meeting rooms, storage and plant rooms, foyer and circulation space. Car and cycle parking areas, a service yard, perimeter fencing, associated external lighting and proposed landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road and all associated site works.</i>
4.9	<i>Application Number: LA04/2022/0853/F Decision: Permission Granted Decision Date: 30 September 2022</i> <i>Proposal: Provision of a two-storey multi-purpose shared space building comprising main hall (to facilitate 3no. indoor pitches), changing and toilet facilities, kitchens, multi-function rooms. Car and cycle parking areas, service yard, perimeter fencing, temporary construction compound hoarding, associated external lighting and landscaping. Proposed vehicular and pedestrian accesses from Springfield Heights and Ballygomartin Road, service vehicles from Ballygomartin Road and all associated site works.</i>
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – Content subject to conditions DfI Rivers – Content NI Water – Recommended refusal DAERA NIEA – Content subject to conditions Shared Environmental Services (SES)- Content subject to conditions
5.2	Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice. Senior Urban Design Officer- Advice.
5.3	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.
5.4	Representations The application has been advertised and neighbours notified. The Council has received the following representations in support and objection. Objections: 1
5.5	The objection raises issues regarding the potential increase in vehicle traffic around Springfield Park and Springfield Heights. This matter will be addressed within the Planning Assessment at part 6.29 ‘Traffic, movement and parking’
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.
	Relevant Planning Policies
6.6	The following policies in the Plan Strategy are relevant to consideration of the application. <i>Strategic Policies</i> 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 SP8 – green and blue infrastructure network <i>Spatial Development Strategy</i> Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas <i>Shaping a Liveable Place</i> Policy DES1 – Principles of Urban Design Policy CGR1- Community cohesion and good relations Policy C11- Community Infrastructure <i>Creating a Vibrant Economy</i> Policy EC6- Office development Policy RET2- Out of centre development

	<i>Transport</i> Policy TRAN1 – Active travel – walking and cycling Policy TRAN 2 – Creating an accessible environment Policy TRAN4 – Travel plan Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements <i>Building a Smart Connected and Resilient Place</i> 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) <i>Promoting a Green and Active Place</i> Policy OS1 – Protection of Open Space Policy OS3 – Ancillary Open Space Policy TRE1 – Trees Policy LC1 – Landscape Policy NH1- Protection of natural heritage resources
6.7	<u>Supplementary Planning Guidance</u> Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development Key Issues
6.8	The key issues are: • Principle of offices at this location • Scale, height, massing, design, and layout • Community Cohesion and Good Relations • Climate Change • Drainage and flooding • Traffic, Movement and Parking • Waste-water Infrastructure • Noise, odour and other environmental impacts including contamination. • Natural Heritage
6.9	<u>Additional Information</u> 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.
6.10	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.

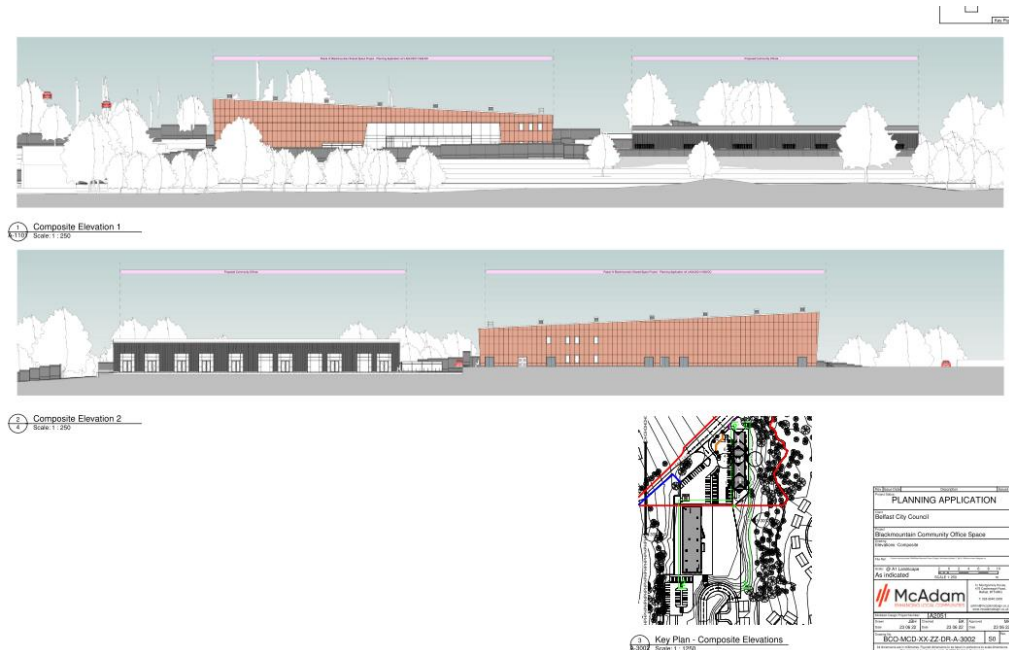
	<u>Principle of development</u>
6.11	The site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The proposal site is identified as whiteland within BUAP 2001 and whiteland within both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The last use of the site was a factory and there is planning permission for a two storey multi-purpose shared space building (LA04/2022/0853/F). The presumption is therefore in favour of development subject to planning considerations detailed below.
6.12	The Black Mountain Shared Space development was separated into two phases due to funding constraints. PEACE IV funding was sourced for Phase 1, whilst phase 2 was temporarily shelved until funding became available. Phase 1 has been secured under ref: LA04/2022/0853/F.
6.13	The buildings within Phase 1 and Phase 2 are to operate together. Black Mountain Shared Space (BMSSP) will operate out of the Peace IV Black Mountain Shared Space Project developed under Phase 1 (LA04/2022/0853/F) and the intention is they will use Phase 2 (LA04/2023/2338/F) to provide rental income to facilitate the long-term sustainability of the adjacent building. The proximity of the 2No. developments on the same site has been planned to allow BMSSP ease of daily operations and managing tenants.
6.14	The proposed offices fall under the definition of main town centre uses, therefore given their out of centre location consideration of the sequential test is required. The offices will be Class B1 of the Planning (Use Classes) Order (Northern Ireland) 2015 and the floorspace proposed totals 557sqm and comprises 8 units, 3 approximately 80sqm, 1 approximately 53sqm, with the remaining 3 approximately 40sqm. Given the project history and the intention that both buildings will operate cohesively through their proximity there is no alternative site which can be considered to deliver this. Likewise, the approved Business Case and funding are based on both phases being located on the same site for end users/tenants to go between facilities. If alternative sites were proposed the scheme could be subject to losing its funding. The applicant has clearly demonstrated that there are no further alternative sites that would allow Phase 2 to proceed regarding funding and Phase 1 and 2 to function as intended.
6.15	Therefore, on balance, it is considered that the proposal is appropriate and compliant with Policy EC6 (office development) and Policy RET2 in that there is not a sequentially preferable site, in or on the edge of centres due to the unique relationship between Phase 1 and 2 which is demonstrated above. It is necessary to restrict to this use by way of a condition, ensuring that the offices will be retained in B1 use and in conjunction with the BMSSP to ensure compliance with the policy.
6.16	Community Cohesion and Good Relations Policy CGR1 states that planning permission will be granted for development proposals at interface locations, in close proximity to peace infrastructure, or which are judged to impact upon contested community space where criteria a-e are addressed. The proposal is part of a wider shared space project. It is a significant project involving the building of a structure close to an interface area, where the former peace walls were removed. The Black Mountain Shared Space project, which this proposal is to provide additional funding for, aims to facilitate and encourage robust community consultation, relationship building, and attitudinal change for the reduction, removal, and declassification of interface barriers. The proposal is considered to meet the key principles a, d, and e within Policy CRG1 through engagement by the Council and relevant stakeholders in the project, the projection location and layout of the proposal. Criteria b and c are not considered relevant to the proposal due to the nature and location of the site.

6.17 The proposal is also compliant to Policy CI1 in that the proposal provides development opportunities for the community and educational facilities based on the local need in line with the projected population over the plan period.

Scale, height, massing, design and layout

6.18 The proposed office building is finished in dark grey cladding to contrast against the approved Peace IV Black Mountain Shared Space building which has a copper effect finish.

Figure 3



6.19 Figure 3 above demonstrates visually how the two phases are linked. The choice of materials are considered to be sympathetic yet contrasting to differentiate between the two uses. The choice of materials for the office buildings integrates sympathetically with the backdrop of hills and trees. The proposal would not have an adverse impact on adjacent properties given restrict views from public viewpoints.

6.20 It is noted that the landscaping for the whole site is included under Phase 1 which is more extensive than the detail noted under the phase 2 application. The full site landscape and planting plans have been provided by the applicant and will be read alongside this application. It is considered that the landscaping proposals are acceptable and there would be no harm to the wider landscape.

6.21 The layout of the site has been designed to provide dual entrances with parking both from Springfield Heights and Ballygomartin Road. The building has been designed to benefit from maximum views of the city.

6.22 A series of 3D images have been provided to support the design of the proposal and the council are content that 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.

Climate change

6.23 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.
6.24	In line with ENV2 the applicant has demonstrated that the development incorporates measures to mitigate environmental change and reduce greenhouse gases through the following measures: 1. Building design and energy efficiency 2. Transport and Access 3. Water Efficiency 4. Materials Selection and Substitution 5. Thermal energy modelling to ensure the building does not overheat.
6.25	In line with ENV3 the applicant has demonstrated that the development incorporates measures to adapt t environmental change through the following measures: 1. Green Infrastructure 2. Water Sensitive Design 3. Design for Thermal Comfort 4. Resilient construction
6.26	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 meet ENV3 and comply with ENV 5.
6.27	All existing trees are being retained where possible. Furthermore, the site will have a net gain in permeable surfaces due to the introduction of green spaces throughout to replace existing hardstanding. There will also be wildlife friendly ground cover, hard wearing rye grass seeded area, species-rich grass seeded areas and proposed wildflower seeded area.
6.28	There will a net gain of 22 trees within both phase 1 and phase 2, the proposal will mitigate and adapt to climate change and complies with Policy TRE1.
6.29	<u>Access, movement, and parking</u> 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: 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.
6.30	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. It is also considered the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.
6.31	Dfl Roads were consulted and is satisfied that access and parking arrangements are acceptable and is unlikely to have a significant impact on the local road network in terms

	of traffic and road safety. A condition has been proposed to ensure sufficient secure cycle parking is provided to meet TRAN 1. <u>Drainage</u> 6.32 At the time of writing, a consultation response from DFI Rivers in relation to flooding and drainage issues remains outstanding. It is not anticipated that any related issues would preclude the development of the site for the proposal. 6.33 Delegated authority is therefore requested to 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. <u>Waste-water infrastructure</u> 6.34 NI Water has offered no objection to the proposal; therefore, it is acceptable in regard to Policy SP1A of the Plan Strategy. 6.35 DAERA has been consulted and the Water Management Unit and Regulation Unit and 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. 6.36 <u>Noise, odour and other environmental impacts including Contamination</u> The proposed site has been assessed by Environmental Health and in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. DAERA NIEA were also consulted with regards to contaminated land. Both offer no objection and have provided conditions and informatives accordingly. The proposal is therefore considered acceptable regarding all matters listed above. <u>Natural Heritage</u> 6.37 The proposal has been assessed against Policy NH1, the protection of natural heritage resources. In assessing the proposal, the council seeks to ensure that new development will not have an unacceptable effect, either directly, indirectly, or cumulatively, on sites, habitats, species, or ecosystems and networks that are important for their nature conservation, biodiversity, or geodiversity value. 6.38 DAERA Natural Environment Division (NED) requested that a Biodiversity Checklist is submitted with a potential for a Preliminary Ecological Appraisal to assess the impacts to natural heritage features within the site. The Council has taken into account the first phase of the proposal approved under reference LA04/2022/0853/F, which included a Bat Use and Bat Roost Potential Survey and an Invasive Species Management Plan which both took into account the entirety of both phase 1 and phase 2 (application site). Considering this information and the consultation response from NED, the Council consider this information relevant from the 2022 application as the surveys consider this application site with regards to natural heritage issues. 6.39 Based on this information, the Council are satisfied there will be no adverse impacts on protected species subject to conditions. This application has to progress due to important time limited funding constraints to ensure this project is completed. To further comply with the policy requirements set out above, this application will be subject to a negative condition
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	to ensure an updated Bat Use and Bat Use Potential Survey are submitted before any development is carried out on site to ensure full mitigation of any impacts.
7.0	Recommendation
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
7.2	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 that arise prior to issuing the decision raised by DfI Rivers, provided they are not substantive.

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 building 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.

3. No building 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.

4. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with the approved drawing, prior to the operation 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.

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

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

6. No development shall commence until the applicant has submitted for agreement an environmental monitoring plan to include downstream surface water and downgradient groundwater monitoring points. The monitoring shall specify:

- The monitoring locations and schedule for monitoring prior, during and post development,
- The parameters and contaminants to be monitored, including the limits of detection for laboratory analyses.

If impacts are detected the provisions of conditions 7 and 8 will require additional risk assessment and if necessary a remedial strategy in accordance with the Land Contamination: Risk Management (LCRM) guidance available at

<https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. The results of the monitoring must be provided to discharge Conditions 7 and 8 of the decision notice.

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

7. 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 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 to and approved by 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.

8. After completing the remediation works under Condition 7; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed to and approved by the 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.

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

9. In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on 'Piling Penetrative Ground Improvement methods on Land Affected by Contamination: Guidance on Pollution Prevention' has been submitted in writing and agreed to and approved by the Planning Authority. The methodology is available at: <http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf>.

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

10. 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 RSK report entitled- Black Mountain Shared Space Project Remedial Strategy Phase 2: Black Mountain Shared Space Project Site of Former Finlay Factory, Ballygomartin Road, Belfast 604756 – R2 (00). Dated the 28th of September 2023.

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

11. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for a commercial end-use. It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with current Environment

Agency and CIRIA guidance and British Standards. In particular, the Verification Report must demonstrate that:

- a) The gas protection measures as per BS 8485:2015+A1:2019 include:
A structural barrier e.g., Cast in situ monolithic reinforced ground bearing raft with minimal penetrations or a segmented, preformed, suspended concrete floor. A gas resistant membrane which meets all requirements of Table 7 of BS 8485:2015+A1:2019. Ventilation protection e.g., a passive sub floor dispersal layer which provides at least good performance. Gas protection measures must be verified in line with the requirements of CIRIA C735.
- b) The final site layout is as per the final ground floor plan in the figures section of the above report. (McAdam drawings BCO-MCD-XX S0 29/05/2023 P-XX-DR-A-1001 and BCO-MCD-XX-00-DR-A-2001) confirming areas of hard standing have been installed.

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

12. 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 shall detail all soft landscaping including species, size and type, and include details of appropriate Sustainable Urban Drainage (SUDs) measures to assist in minimising flood risk. All agreed landscaping and SUDs measures shall be provided prior to the occupation of any part of the development hereby permitted and thereafter be retained and managed as agreed.

Reason: In the interests of mitigating against environmental change.

13. All hard and/or soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the approved details.

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

14. Notwithstanding the Planning (Use Classes) Order (Northern Ireland) 2015 and Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting those orders with or without modification), the development shall not be used other than for office space associated with the Black Mountain Shared Space Project and shall not be used for any other purpose falling within Use Class B1 without express planning permission.

Reason: Alternative use requires further consideration by the Council, having regard to the Local Development Plan and relevant material considerations, and to safeguard the vitality and viability of the City Centre and other Centres within the catchment.

15. No office unit hereby approved shall be subdivided or otherwise modified or amalgamated to create fewer units without the prior consent of the Council in writing.

Reason: To enable the Council to control the nature and scale of retailing to be carried out at this location.

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 Natural Heritage & Conservation Areas 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 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. Water Quality Monitoring Plan;
- e. Environmental Emergency Plan;
- f. Details of appropriate mitigation measures to protect protected and priority species.

Reason: To protect Northern Ireland priority species and habitats, to ensure implementation of mitigation measures identified within the 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.

17. No development activity shall take place until a final Landscape 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. The Plan shall include the following:

- a. The retention of mature trees and Lowland Meadow NIPH on site;
- b. Details of the protection of retained trees and hedgerows by appropriate fencing in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations;
- c. Details of appropriate management measures to be implemented for the Lowland Meadow priority habitat (identified as Compartment 9 in the PEA);
- d. Planting Schedule to include appropriate numbers of native species of trees/shrub and wildflower species;
- e. Details of the aftercare of all planting on the site.

Reason: to compensate for the removal of trees/shrubs/hedgerows and to minimise the impact of the proposal on the biodiversity of the site.

18. No development activity, including ground preparation or vegetation clearance, shall commence until a final 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 approved in writing by the Planning Authority. The Plan shall include the following:

- a. Updated survey for invasive species to identify all locations on site where they occur;
- b. Details of the removal/eradication and/or treatment of identified invasive species;
- c. Details of any necessary mitigation measures to be implemented during the construction phase or thereafter to prevent the spread of invasive species;
- d. Details of any follow-up management or monitoring of invasive species on the site.

Reason: To prevent the spread of invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and The Invasive Alien Species (Enforcement and Permitting) Order (Northern Ireland) 2019 and to minimise the impact of the proposal on the biodiversity of the site.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers uploaded to the planning portal: 01, 02B, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 15B, 16, 17, 18A, 19 and 20.
2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

ANNEX	
Date Valid	15/12/2022
Date First Advertised	03/02/2023
Date Last Advertised	03/02/2023
Details of Neighbour Notification (all addresses) There were 20 neighbour notifications	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 17 th October 2023	
Application ID: LA04/2023/3194/F	Target Date:
Proposal: Proposed change of use and renovation of an existing office/ community building into a ground floor 'Good Relations' Community Hub and 6no. studio apartments on the first/ second floor. These will be for short term accommodation for those in housing need while they are waiting to find permanent housing.	Location: 240 Newtownards Road Belfast BT4 1AF
Referral Route: BCC is a delivery partner of the Urban Villages Initiative	
Recommendation: Approval	
Applicant Name and Address: Tom Dinnen East Belfast Mission Skainos Square 239 Newtownards Road Belfast BT4 1AF	Agent Name and Address: Jennifer Whittaker Collins Rolston Architects 8th Floor, Causeway Tower 9-11 James Street South Belfast BT2 8DN
Executive Summary: This application seeks full planning permission for change of use and renovation of an existing office/ community building into a ground floor 'Good Relations' Community Hub and 6no. studio apartments on the first/ second floor. These 6 apartments will be for short-term accommodation for persons in housing need whom are awaiting permanent housing. The key issues are: a) Principle of development b) Design and Layout c) The impact of the proposal on amenity d) Impact on the character and appearance of the area e) Climate change f) Noise, odour and other environmental impacts g) Access and parking 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 wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

Officer Report

1.0

Drawings

1.1

Site Location Plan



1.2

Proposed Site Layout and Ground Floor Plan



1.3

Proposed First and Second Floor Plan



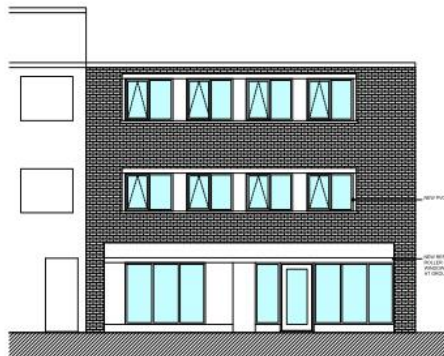
PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

1.4

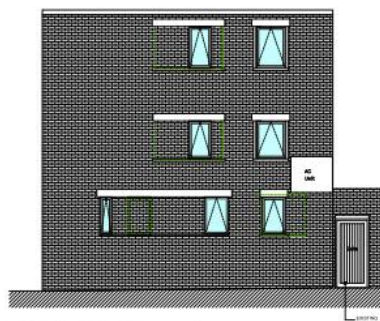
Proposed Elevations



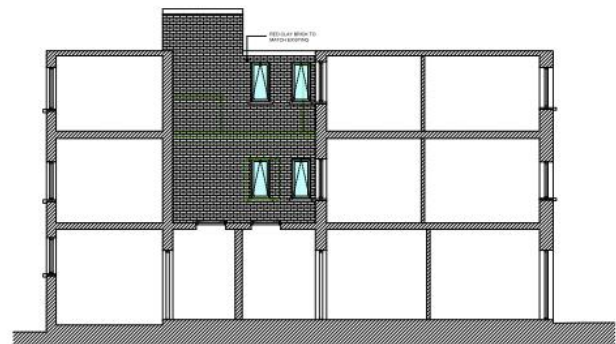
PROPOSED FRONT ELEVATION



PROPOSED SIDE ELEVATION



PROPOSED REAR ELEVATION



PROPOSED SECTION A-A

2.0	Characteristics of the Site and Area
2.1	The site is located on the Newtownards Road which is an arterial route. The existing building is finished in red brick and was formally used as offices, however, the building has been vacant in recent years. The surrounding area is comprised of a mixture of commercial, residential and community buildings. The street is characterised by ground floor retail units with residential or offices on upper floors.
3.0	Description of Proposal
3.1	Proposed change of use and renovation of an existing office/ community building into a ground floor 'Good Relations' Community Hub and 6no. studio apartments on the first/ second floor. These will be for short term accommodation for those in housing need while they are waiting to find permanent housing.
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	Planning History None
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – Content NI Water – Content
5.2	Non-Statutory Consultations BCC Environmental Health – No objection
5.3	Representations The application has been advertised and neighbours notified. The Council has received one objection from a neighbouring resident. The objection relates to criminal activity and antisocial behaviour arising from the proposal and the impact it would have on their health and safety. Criminal activity and anti-social behaviour are matters that should be raised with the PSNI by those concerned.

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 determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.1.2	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.
6.1.3	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
6.1.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.1.5	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.
6.2	Key Issues The key issues are: a) Principle of development b) Design and Layout c) The impact of the proposal on amenity d) Impact on the character and appearance of the area e) Noise, odour and other environmental impacts f) Climate change g) Access and parking
6.3	Principle of development
6.3.1	The site is within the development limit of Belfast as designated in both BUAP and the draft BMAP. It is also a shopping/commercial area within draft BMAP (v2004 and v2014). The existing use on the site is offices and the proposed change to a ground floor community hub is considered acceptable as it will not conflict with the surrounding uses in the area.
6.3.2	The first and second floor studio apartments will provide ‘move on’ housing for people who have been homeless or in housing need. They will provide short term accommodation for up to 12 months and will be used as a space until permanent housing is secured. The proposal is designed to improve community relations and provide support for those in need within the community. The use on this site is therefore considered acceptable in principle subject to other relevant material consideration as set out below.

6.4	Design and Layout
6.4.1	The ground floor use of a Good Relations Community hub will focus on the integration of people who have been homeless or are in a precarious housing situation in the local community. It will run events such as developing life skills, Health and Wellbeing, cultural events etc and will therefore be in keeping with Policy CI1 – Community Infrastructure which states that the Council will seek to provide development opportunities for community, health, leisure, nurseries and educational facilities based on local need. It is located in an accessible location along the Newtownards Road with access for pedestrians, cyclists and those using public transport. To the rear of the community hub will be a cycle store and bin store which will also be used by those living in the first and second floor apartments.
6.4.2	The first and second floor will consist of six one-bedroom apartments which can be accessed through a side entrance along Chadolly Street. The six apartments will be used as short-term accommodation for up to a maximum of 12 months for those in housing need. Policy HOU8 – Specialist Residential Accommodation applies to this proposal. Policy HOU8 states that planning permission will be granted where the homes and/or bed spaces meet community needs demonstrated through a statement of specialist housing need; and the proposal will deliver convenient access to relevant local services and facilities, including local shops, public transport routes and health facilities. A statement of need and evidence of the charity which is involved in the proposal has been provided and is considered acceptable. The apartments will be located along the Newtownards Road where there is access to a number of local services and facilities. The proposal is therefore compliant with Policy HOU8.
6.4.3	The proposed development will not result in a significant increase in density, nor will it affect the established pattern of development. Appendix C of the Belfast LDP Strategy sets out space standards for apartments and dwellings. In this case the proposal is for 6no one-bedroom apartments. The apartments range in size from 26m ² – 31m ² . All the units fail to meet the space standards which is 35m ² for a 1 person one bedroom apartment. It is however considered that the apartments are required to serve a specialist form of short-term accommodation for those in housing need and a condition will be added to the permission that the maximum length of stay will be 12 months. It is therefore considered, on balance, that this shortfall is acceptable.
6.4.4	Policy RD3 (Conversion or sub-division of existing buildings for residential use) of the LDP Strategy states that planning permission will be granted for conversion or change of use of existing buildings for residential use where all the criteria in policy RD1 and all the additional criteria below are met: a. Any units are self-contained (i.e. having separate bathroom, w.c. and kitchen available for use only by the occupiers); b. Adequate refuse storage space is provided within the curtilage of the site, large enough to allow for the separation of recyclable waste, and is designed to not be visible from the amenity space / public realm; c. The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling; The proposal complies with criterion (a – c) of Policy RD3
6.5	The impact of the proposal on amenity
6.5.1	The proposed apartments do not include private amenity space. Policy RD3 discusses how it is recognised that there may be circumstances where achieving adequate amenity space is not possible when according with wider policies. As previously discussed, the

	apartments are to provide specialist short-term accommodation which will be conditioned for a maximum length stay of 12 months. The apartments will provide a considerable community benefit for those who have been homeless or in housing need. The location is a short walk to Dr Pitt Memorial Park which is an open space park. Furthermore, the design of the development allows each apartment to be self-contained with ample bin/cycle storage provided. It is considered that on balance, residential amenity will not be harmed to an unacceptable degree.
6.5.2	The living/kitchen area of each unit has adequate outlook to a public street. The windows to the front and east side elevation do not face onto neighbouring dwellings. The proposed additional bedroom windows to the rear will have outlook to the amenity area of the terraced dwellings along Chadolly Street. It is however considered that these dwellings are located within a built up, urban area, where overlooking to amenity space already occurs. The addition of two bedroom windows to the existing rear wall is not considered to significantly exacerbate the existing situation. The kitchen/living areas and bedrooms of units 2, 3, 5 and 6 will have access to natural light at certain times of the day. The bedrooms of units 1 and 4 may experience reduced natural light and potential overshadowing. It is however reiterated that the apartments are not for permanent, long-term use and it is therefore considered that the design and layout as proposed are acceptable and will not significantly impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.
6.6	The impact on the character and appearance of the area The proposal will include new replacement roller shutters on the windows and doors at ground floor level and new PVC windows on first and second floor level. The external changes are considered to enhance the existing building and street frontage and therefore positively contribute to the character and appearance of the area.
6.7	Noise, odour and other environmental impacts Belfast City Council Environmental Health department has been consulted on the proposal and offer no objections. They state that having regard to the short-term nature of the residential use proposed, it has been decided that they would not request a noise impact assessment, however, the applicant is advised that it is the developer's responsibility to ensure future occupants are not adversely affected by noise.
6.8	Climate change A climate change statement has been provided by the agent. It states that high performance insulation and energy efficient windows will be provided to improve thermal envelope. Lighting within stores, stairwells, communal hallways and 'unpopulated' areas will be by means of movement sensor thus minimising usage and wastage. Each of the new apartments will be equipped with a 'pack' to inform occupiers about the efficient use of their heating and lighting systems. The new apartments will also be equipped with an independent heating system with individual time and temperature controls. The statement also confirms that they will prioritise the use of sustainable materials during construction, focusing on those with low embodied energy and a minimal carbon footprint. The aim will be to source materials locally whenever possible, to reduce transportation related emissions. Low-flush toilets, dual flush toilets, spray and low-flow taps will be specified for use to reduce water usage. Overall, it is considered the proposed development embraces sustainable principles and aims to mitigate the impacts of climate change.
6.9	Access and parking It is considered that due to the nature of the scheme and its proposed user group, it is unlikely that car parking will be required at the site. The building will be run in tandem with services at the Skainos Centre located opposite. Therefore, any staff required to run community activities at 240 Newtownards will already be commuting to and from the Skainos Centre which is their primary location. The main forms of transport are expected

	to be walking, public transport and cycling. The site is located on a well serviced public transport route and a cycle store has been included within the proposal. DfI Roads has been consulted and offers no objection to the proposal.
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 wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

DRAFT CONDITIONS:

- 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.
- The maximum stay by an occupant shall be no more than 12 months with no return by the same occupant within 12 months.
Reason: Residential use of the building would require further consideration by the Council having regard to the Local Development Plan and relevant material considerations.
- No dwelling shall be occupied 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.

DRAFT INFORMATIVES:

- This decision relates to the following approved drawing numbers: 01, 03, 06, 07.
- 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.
- 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.
- 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.

- Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor.
- All construction plant and materials shall be stored within the curtilage of the site.
- It is the responsibility of the developer to ensure that water does not flow from the site onto the public road (including verge or footway) and that existing roadside drainage is preserved and does not allow water from the road to enter the site.
- In the event that unexpected contamination is encountered during the carrying out of the development, all related works should cease and the applicant should contact the Council. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with current Environment Agency and CIRIA guidance and British Standards.
- The applicant should be aware that the proposed development location on the Newtownards Road is on an arterial route likely to be exposed to busy road traffic. This could give rise to high levels of road traffic noise and resulting impact due to elevated levels of noise. The developer is advised to seek advice from a competent acoustic consultant regarding any design mitigation measures that may be required such as upgrade to glazing particularly along the Newtownards Road façade and /or the need to install alternative means of ventilation (so that windows can be kept shut but still provide background ventilation).
- Where Belfast City Council is satisfied that a statutory noise nuisance exists, the Council has a duty to serve a Noise Abatement/Prohibition Notice on the person responsible for the nuisance or the owner or occupier of the premises from which the nuisance arises. Tenant's behaviour should be suitably managed to ensure that the occupants of nearby dwellings are not disturbed by noise.
- The Noise Act 1996 applies to night-time noise between 11pm to 7am. Where excessive noise from a dwelling affects the occupants of residential premises, a Warning Notice can be served. Failure to comply with the Notice can result in a fixed penalty fine of £110 or prosecution in the courts.

ANNEX	
Date Valid	26.06.2023
Date First Advertised	14.07.2023
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses) 16 CHADOLLY STREET, BALLYMACARRET, BELFAST, DOWN BT4 1EA 225 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1AF 227 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1AF 229 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1AF 232 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1HB 232A NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1HB 234 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN, BT4 1HB 235 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1AF Apt 1, 236 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST BT4 1HB Apt 2, 236 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST BT4 1HB 237 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1AF 238 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1HB 240 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1HB 244 NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1HB 244A NEWTOWNARDS ROAD, BALLYMACARRET, BELFAST, DOWN BT4 1HB 7 NEWCASTLE STREET, BALLYMACARRET, BELFAST DOWN BT4 1ED	

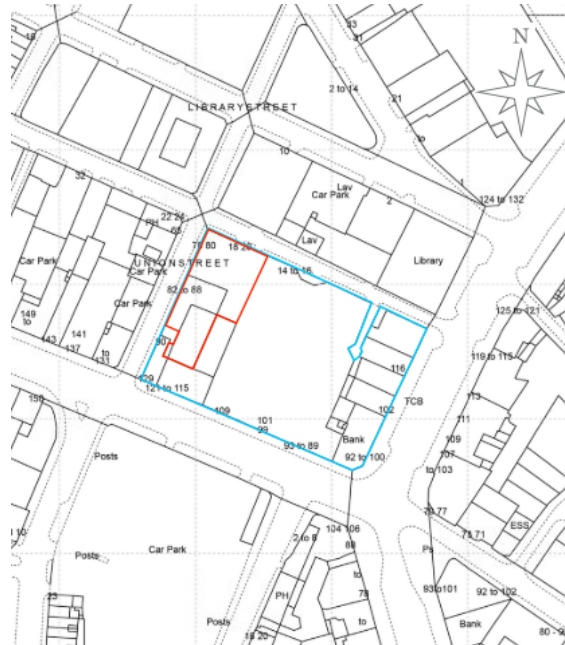
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Committee Application

Development Management Report	
Application ID: LA04/2023/3822/F	Date of Committee: 17 th October 2023
Proposal: Temporary permission for two years for community facility containing green and grow space to include raised beds, pollinator towers, rainwater harvesting containers, compost bins, solar panels, seating and toilets. Space to be partly covered by a stretch tent and proposed shipping container to provide ancillary office space.	Location: Belfast Stories - Site 10 78-90 Union Street & 14-20 Kent Street, Smithfield and Union, Belfast, BT1 2JA
Referral Route: Referral to the Planning Committee under section 3.8.5 (d) of the Scheme of Delegation	
Recommendation:	Approve
Applicant Name and Address: Gawain Morrison Brink! Stories CIC 18 Ravenhill Park Gardens BT6 0DH	Agent Name and Address: Gawain Morrison Brink! Stories CIC 18 Ravenhill Park Gardens BT6 0DH
Executive Summary: The site is located at 78-90 Union Street and 14-20 Kent Street. The land is a corner plot of vacant land accessed from both Kent Street and Union Street. Kent Street is comprised of 7-10 storey buildings used as offices of apartments. Union Street contains low rise buildings with the Sunflower Public House opposite as well as warehouse and offices/retail. The proposal is for temporary permission for two years for a community facility containing green and grow space to include raised beds, pollinator towers, rainwater harvesting containers, compost bins, solar panels, seating and toilets. Space to be partly covered by a stretch tent and proposed shipping container to provide ancillary office space. The key issues to be considered are: • Principle of the Temporary Use • Impact on the Setting of a Listed Building • Impact on Neighbouring Amenity • Environmental Policies The application site is located in area of vacant land which will bring regeneration benefits and is considered a complimentary use within the city centre which supports the evening and night time economy as well as the community. Recommendation It is recommended that temporary planning permission be granted for two years. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.	

Case Officer Report

Site Location Plan



Proposed Block Plan



Characteristics of the Site and Area	
1.0	Description of Proposed Development Temporary permission for two years for community facility containing green and grow space to include raised beds, pollinator towers, rainwater harvesting containers, compost bins, solar panels, seating and toilets. Space to be partly covered by a stretch tent and proposed shipping container to provide ancillary office space.
2.0	Description of Site The site is located at 78-90 Union Street and 14-20 Kent Street. The land is a corner plot of vacant land accessed from both Kent Street and Union Street. Kent Street is comprised of 7-10 storey buildings used as offices of apartments. Union Street contains low rise buildings with the Sunflower Public House opposite as well as warehouse and offices/retail. The site is located within whiteland in BUAP and within the Belfast City Centre boundary in dBMAP (v2004 and 2014)
Planning Assessment of Policy and other Material Considerations	
3.0	Site History Application Number: LA04/2019/0938/F Decision: Withdrawal Decision Date: 22 July 2019 Proposal: Temporary surface-level car park. Application Number: LA04/2020/0354/PAN Decision: PAN Concluded Decision Date: 25 February 2020 Proposal: The proposed mixed use re-development of the site, ranging between 5-9 stories over ground, will comprise new build floorspace of Class B1(a) office, Class C1 residential apartments, a hotel (sui generis), active ground floor uses including retail (A1), restaurants, cafes and bars (sui generis), with associated parking and related access for the redevelopment. Application Number: LA04/2019/2582/F Decision: Permission Refused Decision Date: 01 December 2020 Proposal: Retrospective application for temporary surface-level car park
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	
4.3	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 The following policies in the Plan Strategy are relevant to consideration of the application: SP2 Sustainable Development DES1 Principles of Urban Design BH1 Listed Buildings RET 6 Temporary and Meanwhile Uses TRAN 8 Car Parking and Servicing Arrangements ENV 1 Environmental Quality ENV 2 Mitigating Environmental Change ENV3 Adapting to Environmental Change ENV 5 Sustainable Drainage Systems (SuDS)

	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) Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Other material considerations None
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	Statutory Consultees Responses DFI Roads- No objection
6.0	Non Statutory Consultees Responses HED- No Objection Environmental Health- No objection
7.0	Representations The application was advertised on the 1 st September 2023 and neighbour notified on 3rd October 2023. One representation was received from BCC City Centre Regeneration and Development Team supporting the proposal.
8.0	Other Material Considerations None
9.0	Assessment
9.1	The proposal is considered to be in compliance with the Development Plan.
9.2	Assessment The key issues to be considered are: • Principle of the Temporary Use • Impact on the Setting of a Listed Building • Impact on Neighbouring Amenity • Environmental Policies
9.3	Principle of the Temporary Use The application is considered to comply with policy RET6 in that the proposal is an appropriate use of benefit to the local community. The proposal is a complimentary use within the city centre which supports the evening and night time economy and aids in regenerating a vacant plot of land. The proposed temporary buildings are of a low scale which are acceptable on a temporary basis given the regeneration benefits. The policy states that temporary uses will not be permitted for more than one year, however given that there is currently no extant permission or live application to redevelop the site a two year permission is considered on balance appropriate.
9.4	Impact on the Setting of the Listed Building Section 91 (2) of the Planning Act (Northern Ireland) 2011 states that ‘the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.’
9.5	

9.6	Paragraph 6.12 of the SPPS states Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.
9.7	The proposal is located within close proximity of Belfast Central Library at 126 Royal Avenue. The proposal is considered to comply with policy BH 1 in that key views of the listed building will be retained and the scale and height of the temporary proposal is sympathetic to the listed building.
9.8	DfC Historic Environment Division were consulted and had no objections.
9.9	Impact on Neighbouring Amenity The proposal is within close proximity to an apartment building located to the North West of the site. There is no noise generating equipment associated with the proposal and it is considered that given the size of the site which will restrict the numbers that can visit there will not be an unacceptable impact in terms of noise to neighbouring amenity. Environmental Health were consulted and had no objections. Environmental Policies The proposal incorporates a number of measures to adapt to environmental change in order to support sustainable development. Examples include using solar panels for energy as well as harvesting the rainwater to use for the raised beds and grow spaces.
10.0	Summary of Recommendation: It is recommended that temporary planning permission be granted for two years. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.
11.0	Draft Conditions 1. The use and buildings hereby permitted shall cease and the land restored to its former condition on or before 2 years from the date of this permission. Reason: The development has only been granted temporary permission because the proposed use and buildings are of a temporary nature. 2. Con Land Condition.
Notification to Department (if relevant) N/A	

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Development Management Officer Report Committee Application

Development Management Officer Report	
Case Officer: Peter McKeeman	Committee Date: Tuesday 17 th October
Application ID: LA04/2023/3460/F	Target Date:
Proposal: Single storey rear and side extension, roof space conversion to include front and rear dormers, covered garden storage to rear.	Location: 93 Somerton Road, Belfast, BT15 4DH
Applicant Name and Address: Sean Doherty 93 Somerton Road Belfast BT15 4DH	Agent Name and Address: Colm Donaghy 43 Dungannon Street Moy
Referral Route: Referral to the Planning Committee under section 3.8.5 (b) of the Scheme of Delegation	
Recommendation: Approve	
Executive Summary: The application seeks full planning permission for Single storey rear and side extension, roof space conversion to include front and rear dormers, covered garden storage to rear. The site falls within Somerton Road ATC. The scheme was amended to remove a previously proposed rear extension therefore the scheme now comprises a side extension, dormer and covered garden storage to the rear. The key considerations are: - Scale, Massing & Design - Impact on Somerton Road ATC - Impact on amenity Due to the minor nature of the proposals, no consultation was necessary and there were no representations from third parties including neighbours. Recommendation- Approval Having regard to the policy context, the proposal is considered to be acceptable and planning permission is recommended for approval.	

Case Officer Report

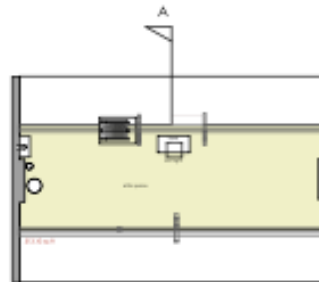
Site Location Plan:



Existing Floor Plans

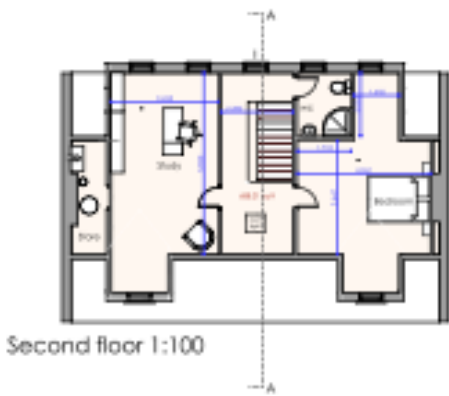


Ground floor 1:100



Second floor 1:100

Proposed Plans	
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Proposed Elevations



Characteristics of the Site and Area	
1.0	Description of Proposed Development Single storey rear and side extension, roof space conversion to include front and rear dormers, covered garden storage to rear.
2.0	Description of Site and Area The dwelling is a 2.5 storey, red brick, detached property with rendered bay windows to the front. The site is situated just outside the boundary of BT052 Somerton Road ATC. The prevailing area is predominantly detached houses finished in a mixture of red brick and render. The rear gardens in the area are of generous plot sizes, primarily bound by privet hedging.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History Z/2003/1516/F. Conversion of roof space providing 3no dormer windows to rear and to include side extensions to provide garage and utility room. Approved.
4.0	Policy Framework
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035 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) Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Other Policies Belfast Agenda
4.2	Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	Statutory Consultations None required

6.0	Non-Statutory Consultations None required
7.0	Representations None received
8.0	Other Material Considerations None
9.0	Assessment
9.1	Section 45(1) of the Planning Act Northern Ireland 2011 requires regard to be had to the development plan insofar as it is material to the application and to any other material considerations. Section 6(4) states that the determination must be made in accordance with the developmental plan unless material considerations indicate otherwise. The proposal is considered to be in compliance with the Development Plan.
9.2	Assessment The key issues to be considered are: - Scale, Massing & Design - Impact on Somerton Road ATC - Impact on amenity
9.3	Scale, Massing, Design Policy RD2 of the Belfast Plan Strategy 2035 states that planning permission will be granted for extensions or alterations to an existing residential property where the scale, massing, design and external materials of the proposal are appropriate to the built form and appearance of the existing property and will not detract from the character of an established residential area.
9.4	The proposal seeks to create a single storey side extension on the gable of No. 93. Paragraph 4.1.1. of SPG. 2023 Residential extensions and alterations states that it is important that an extension or alteration does not upset the balance of a property, particularly the front elevation. It is also good practice to reinforce the existing form and proportions of the host building. Paragraph 4.1.8 (iii) also states that the roof of the extension should be appropriately integrated with the existing property normally by using a similar pitch on the roof of the extension.
9.5	As the proposed side extension is finished with a pitched roof and red brick, it is considered to complement the host dwelling. The side extension will be stepped in from the front elevation by approximately 1.6 metres. The proposal will come off the gable by 2.7 metres, leaving 0.6 metres between the extension and the shared property boundary. Whilst 4.1.4.(iii) of the SPG recommends at least 1 metre separation from plot boundary in the case of side extensions, the dwelling is a large, detached property and 0.6 metres is considered sufficient given the design and layout of the proposal.
9.6	The proposal also seeks to incorporate front and rear dormers to accommodate an attic conversion. SPG. 4.1.21 states that choosing a dormer roof type that mirrors the existing roof is a good way to ensure that the dormer appears in keeping with the original

	house. The rear dormer is stepped in from the eaves and ridge by approx. 0.1 metre and from both gables by 1.7 metres. It is therefore considered that the rear dormer is of an appropriate scale and will not dominate the roof profile. In terms of the front dormers, they are also of an appropriate scale and coincide with the front elevation well. They are well aligned with the windows beneath and will only look onto the Somerton Road.
9.7	The covered garden storage is considered to be acceptable as it is subordinate to the host dwelling in that it is 3 metres in height at the highest point of the monopitch roof. The storage will sit to the rear of the side extension, will be well screened and will have no impact on the surrounding area.
9.8	Overall, it is considered that the side extension, outdoor covered area and front and rear dormers are appropriately designed to complement the host dwelling and are of an appropriate scale, massing and design.
9.9	Impact on Somerton Road ATC The proposal falls within the boundary of BT052 Somerton Road ATC, and therefore Policy BH3 Areas of Townscape character applies. Policy BH3 Areas of Townscape character states that planning permission will be granted within an ATC where locally distinctive features are retained and sympathetic materials are used that respect surrounding buildings. As noted above, the side extension is finished in a way that will match the existing dwelling. It is considered that the rear dormer, finished in a grey zinc cladding, will integrate with the roof on the rear elevation well, blending in with the grey roof slates. Furthermore, there are no public views of the rear dormer from the front. The front dormers are also considered to be acceptable as they integrate well with the front elevation due to their pitch and they are aligned with the first-floor windows. Whilst there are no examples of front dormers in the prevailing area, the council is content that they complement the host dwelling and do not detract from the character of the ATC.
9.10	Impact on Neighbouring Amenity Paragraph 4.3.8. of SPG. 2023 Residential Extensions and Alterations states that the protection of the privacy of occupants of residential properties is an important element of the quality of a residential environment. It is therefore recognised that dormers, if situated and designed poorly, can constitute overlooking to an unacceptable degree. In this case however, it is considered that the rear dormer will not constitute overlooking to an unacceptable degree. Paragraph 4.3.1 of the SPG states that in the case of dormer windows, restricting the size of the windows and setting it back from the eaves is usually an adequate solution that can protect neighbouring amenity. It is considered by the council that the small window sizes on the rear dormer, the large plot sizes, vegetation and the 15-metre-long rear garden of No. 93 will significantly reduce any potential adverse impact from the rear dormer. The front dormers will onlook onto the Somerton Road and are therefore not considered to be an issue.
9.11	Landscaping/Boundary Treatments Appropriate landscaping and boundary treatments are vital considerations in all development and should form an integral part of any proposal. The new fencing to the side elevation will be 1.7 metres in height. Permitted development would allow up to 2 metres, therefore, the council consider that the proposed fencing is acceptable.

10.0	Summary of Recommendation: It is recommended that full planning permission be granted and delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.
11.0	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.

ANNEX	
Date Valid	16.06.2023
Date First Advertised	30.06.2023
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses) 11 LANSDOWNE ROAD, LOW-WOOD, BELFAST, ANTRIM, BT15 4DB 12 LANSDOWNE ROAD, LOW-WOOD, BELFAST, ANTRIM, BT15 4DB 13 LANSDOWNE ROAD, LOW-WOOD, BELFAST, ANTRIM, BT15 4DB 18 LANSDOWNE ROAD, LOW-WOOD, BELFAST, ANTRIM, BT15 4DB 20 LANSDOWNE ROAD, LOW-WOOD, BELFAST, ANTRIM, BT15 4DB 4 ASHLEY GARDENS, LOW-WOOD, BELFAST, ANTRIM, BT15 4DN 95 SOMERTON ROAD, LOW-WOOD, BELFAST, ANTRIM, BT15 4DH 97 SOMERTON ROAD, LOW-WOOD, BELFAST, ANTRIM, BT15 4DH	

By virtue of paragraph(s) 3 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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