

Public Document Pack

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



**Belfast
City Council**

8th February, 2024

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, 13th February, 2024 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 Visits**
 - (a) Note of Committee Site Visits

- (b) Proposed briefing and pre-emptive Committee Site Visit for:
LA04/2023/2459/F - Redevelopment of the NICSSA pavilion complex within the Stormont Estate creating a centre of excellence for sport. The development will comprise of demolition of the existing pavilion building and replacement with new 2 storey building providing state of the art indoor sports halls, changing accommodation, function/meeting space offering improvements to the existing offering. Site works will include the demolition and site clearance of the Dundonald House site to facilitate the extension and development of new international standard outdoor multi-sports playing, training and ancillary facilities. Day to Day operation of the site will be improved by way of improvements to internal road network via new access/egress arrangements from the existing Stoney Road junction, additional car and cycle parking and new waste/recycling areas. (Further Information received). Lands within the Stormont Estate to include
 - (c) Proposed pre-emptive Committee Site Visit for:
LA04/2023/3778/F - Demolition of existing Russell Court buildings and re development of existing surface car park to accommodate two new buildings for the QUB Institute of Research Excellence for Advanced Clinical Healthcare (iREACH Health), including landscaping, parking, and servicing. 38-52 Lisburn Road, Malone Lower, Belfast, BT9 6AA.
3. **Notifications of Provision/Removal of Accessible Parking Bays**
- (a) Provision of 22B Cloghan Park (Pages 1 - 4)
 - (b) Provision of 34 Lothair Avenue (Pages 5 - 8)
 - (c) Provision of 4 Paxton Street (Pages 9 - 12)
 - (d) Provision of 30 Hillview Avenue (Pages 13 - 16)
4. **Notifications from Statutory Bodies: Abandonment and Extinguishment**
- (a) Abandonment at Cairnmartin Crescent (Pages 17 - 30)
 - (b) Abandonment at Parkgate Avenue (Pages 31 - 44)
5. **Planning Appeals Notified (Pages 45 - 46)**
6. **Planning Decisions Issued (Pages 47 - 66)**
7. **Miscellaneous Reports**
- (a) Delegation of Local Applications with NI Water Objections (Pages 67 - 72)
 - (b) DFI Consultation on review of the Development Management Regulations (Pages 73 - 122)
8. **Planning Applications Previously Considered**

- (a) **LA04/2022/0646/F** - Application under Section 54 of the planning (Northern Ireland) Act 2011 to vary Condition 2 of planning permission LA04/2017/2753/F (relating to details of public realm improvements) - 30-44 Bradbury Place (Pages 123 - 160)
- (b) **LA04/2023/2418/F** - Demolition of existing retail units and vehicle drop off area of 215-225 Castlereagh Road, Belfast and erection of 4 storey apartment building containing, 16 no apartments with associated development and ancillary works. - 215-225 Castlereagh Road (Pages 161 - 176)
- (c) **LA04/2022/0097/F** - Proposed three and a half storey residential development comprising of 18no. units (3no. wheelchair apartments and 15no. Category 1 - Social Housing) and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping works (Amended Drawings) - 22-30 Hopefield Avenue (Pages 177 - 194)
- (d) **LA04/2023/4021/F** - Change of use from dwelling to 5 Bed House in Multiple Occupation (amended description). - 166 Upper Newtownards Road (Pages 195 - 204)

9. **New Planning Applications**

- (a) **LA04/2020/0568/F** and **LA04/2020/0569/LBC** - Change of use (including refurbishment of and 9 storey extension to rear) of former police station to 74 bedroom hotel with associated restaurant, bar & ancillary facilities. - 21 Queen Street (Pages 205 - 224)
- (b) **LA04/2022/1384/F** - Residential development of 10 no. apartments within a single building, including demolition of existing structures, car parking and relocation of existing access, and all other associated siteworks. - Lands at 12 Inverary Avenue (Pages 225 - 240)
- (c) **LA04/2023/4219/F** - Single storey extension to rear and side. Changes to side elevation. Demolition of existing garage (amended description). - 6 Haddington Gardens (Pages 241 - 246)
- (d) **LA04/2023/3319/F** - Proposed change of use from an existing dwelling to a house of multiple occupancies - 27 Ponsonby Avenue (Pages 247 - 256)
- (e) **LA04/2023/3481/F** - Change of use from dwelling to 6 bed HMO (sui generis) - 272 Limestone Road (Pages 257 - 266)
- (f) **LA04/2023/4592/F** - Change of use from Retail (A1) to Community facility (D1) - Ground Floor 102 Royal Avenue (Pages 267 - 272)
- (g) **LA04/2023/3646/F** - Proposed outbuilding to provide ancillary office space and meeting room - The Stableyard, Barnett's Demesne Malone Road (Pages 273 - 280)



Department for
Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

www.infrastructure-ni.gov.uk

Network Traffic, Street Lighting and
Transportation

Eastern Division

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

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

Date: 30 January 2024

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY AT 22B CLOGHAN 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.

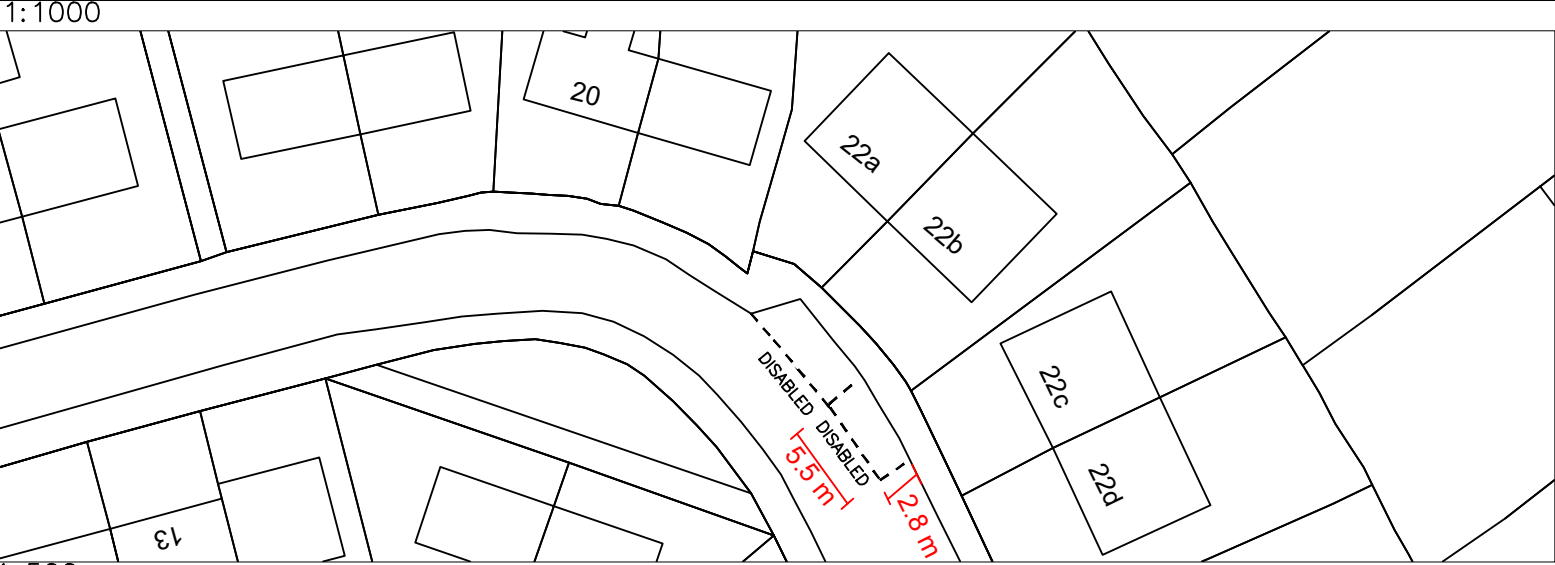
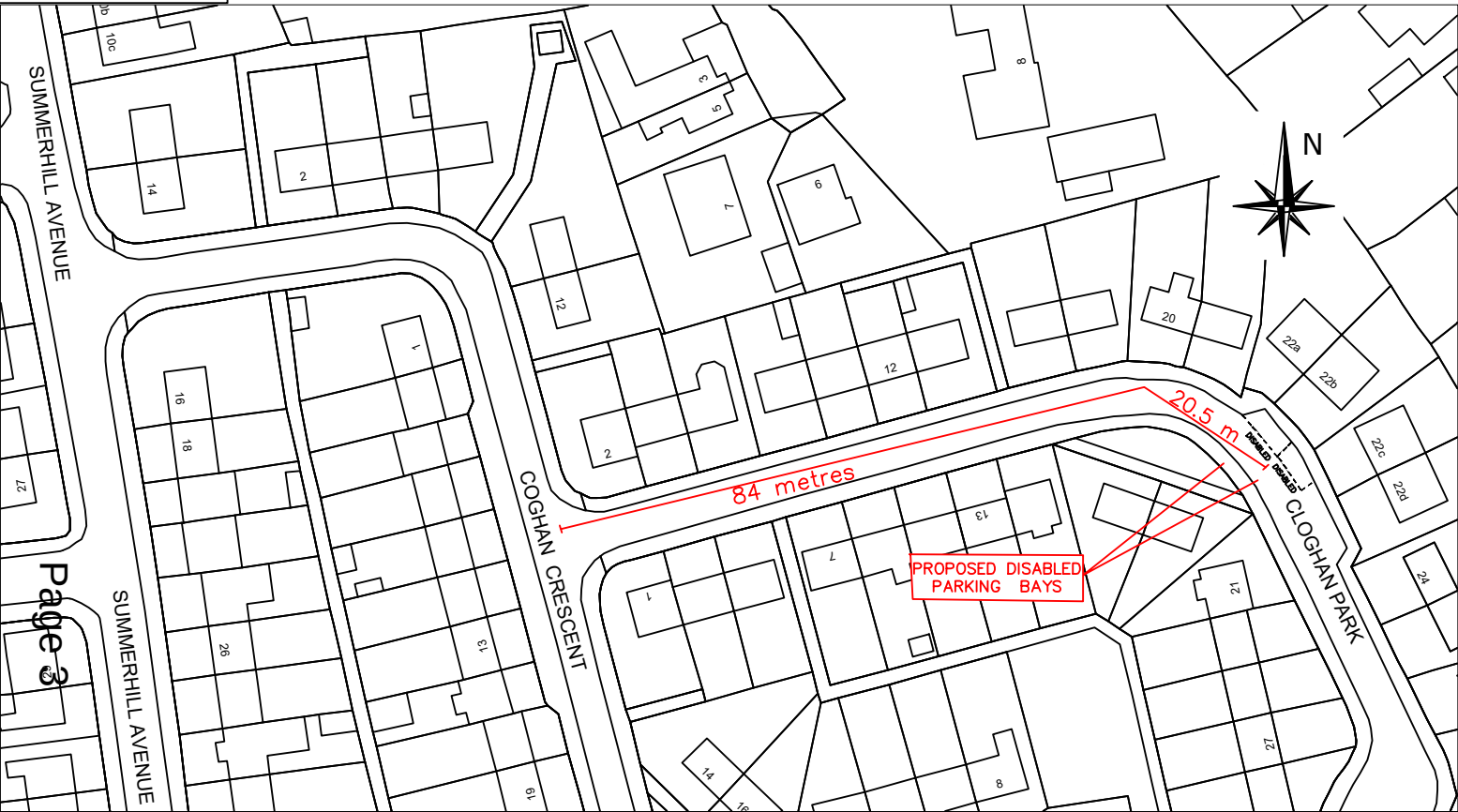
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

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Drg. No. Cloghan Park, Belfast (north-east side) – from a point 84 metres north-east of its junction with Cloghan Crescent then 20.5 metres south-east for a distance of 5.5 metres in a south-easterly direction.



NO.	REVISION	DATE
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Project		
ACCESSIBLE/DISABLED PARKING BAY		
Title		
22B CLOGHAN PARK BELFAST		
FILE NO.	DESIGNED	AO'H
date	JAN'24	
DRAWN	CHECKED	
date		
TRACED	APPROVED	
date		
Drg. No.		Revision
TM2/BEL/JAN/24/01/A		

Scales AS SHOWED

Eastern Division

Annex 7
 Castle Buildings
 Stormont Estate
 Belfast
 BT4 3SQ

Telephone: 0300 200 7893
 Textphone: 028 90540022


 Infrastructure
 Department for
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Network Traffic, Street Lighting and
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City Hall
BELFAST
BT1 5GS

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 164507-24

Date: 22 January 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)

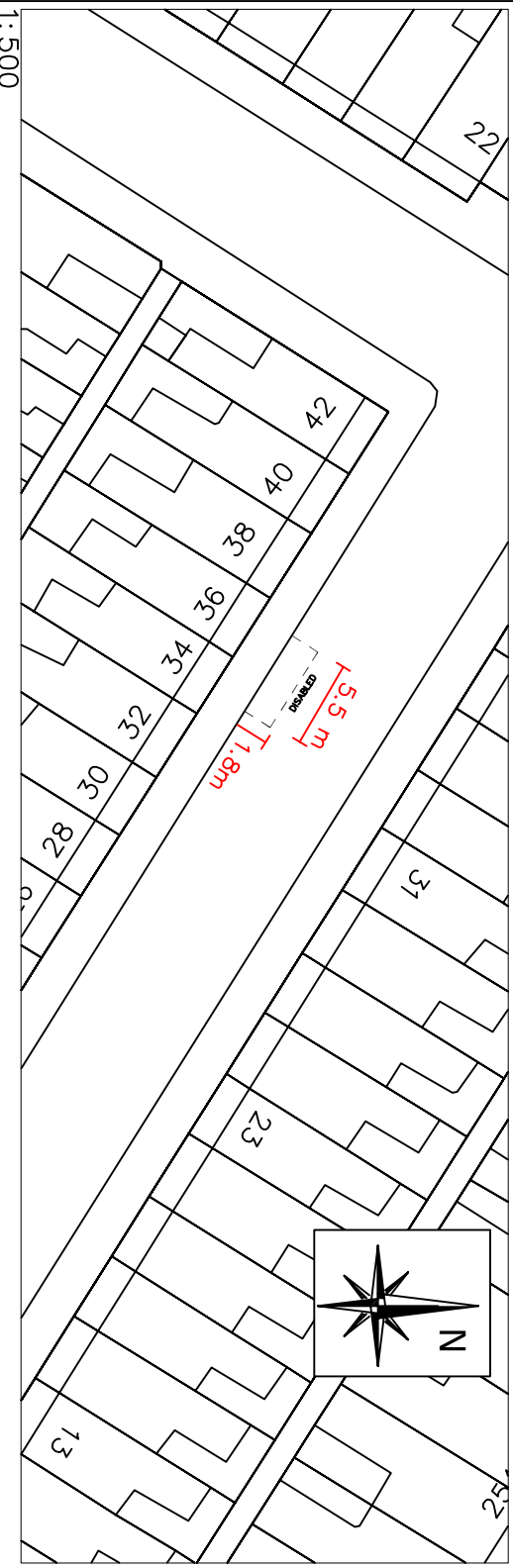
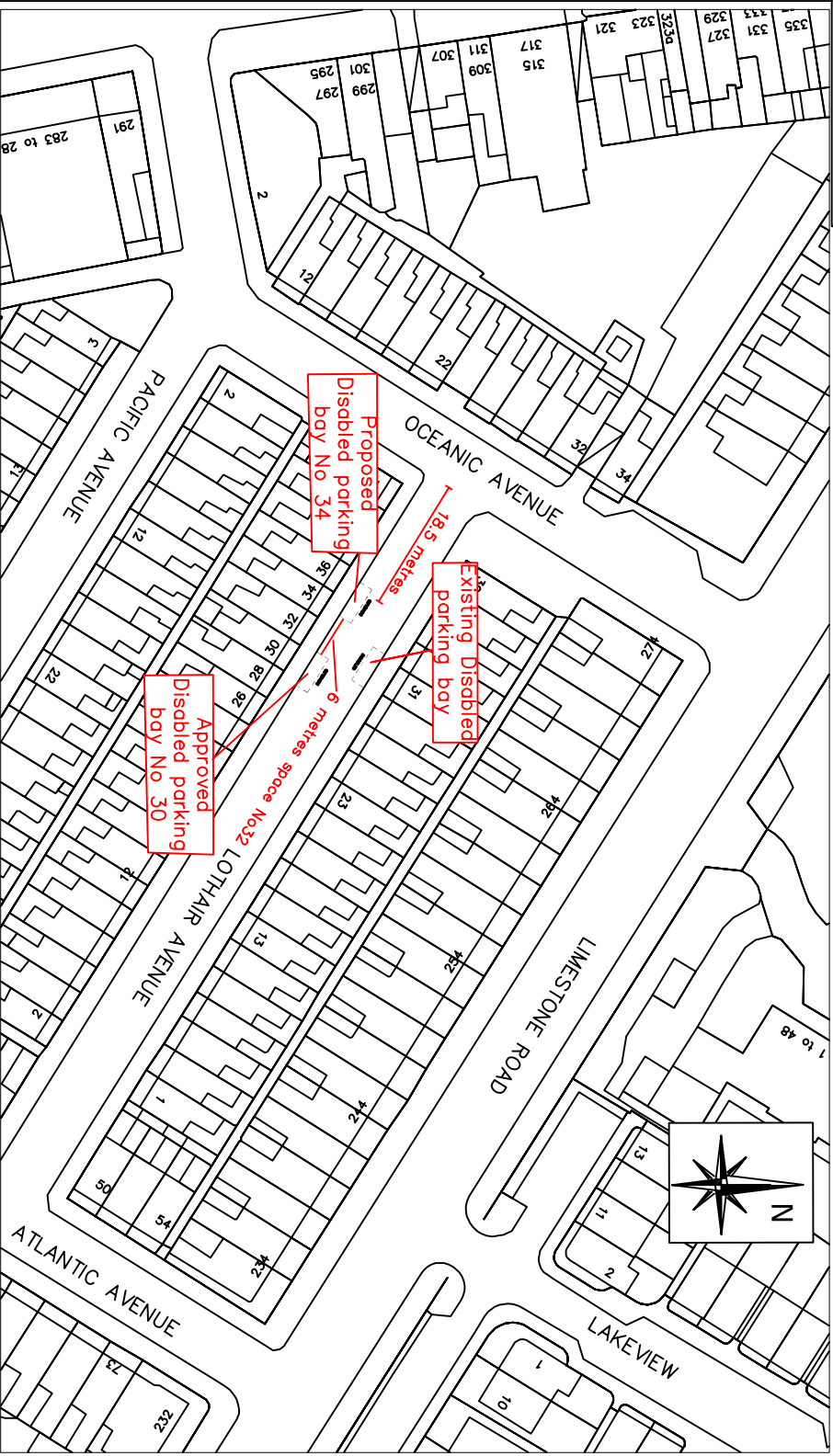
We would welcome your comments on this proposal.

Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

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Project
PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

Title
34 LOTHAIR AVENUE
BELFAST

FILE NO.

DESIGNED LG date JAN 24

DRAWN CHECKED date

TRACED APPROVED date

Dwg. No.
TM2/BEL/JAN/24/02/LG

Revision

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



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Network Traffic, Street Lighting and
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Eastern Division

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

Annexe 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

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

Being Dealt With By: Mr Alfie O'Hare

Direct Line: 02890526241

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: TM 2

Date: 30 January 2024

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 4 PAXTON STREET, BELFAST

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

We would welcome your comments on this proposal.

Yours sincerely

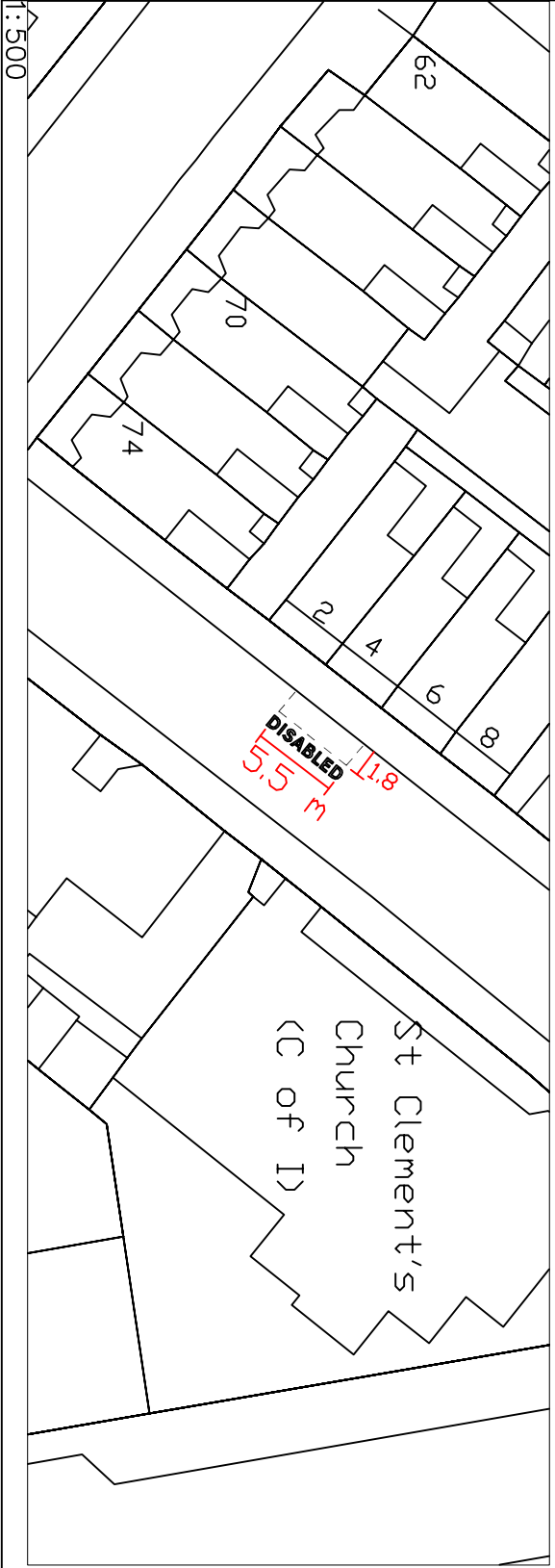
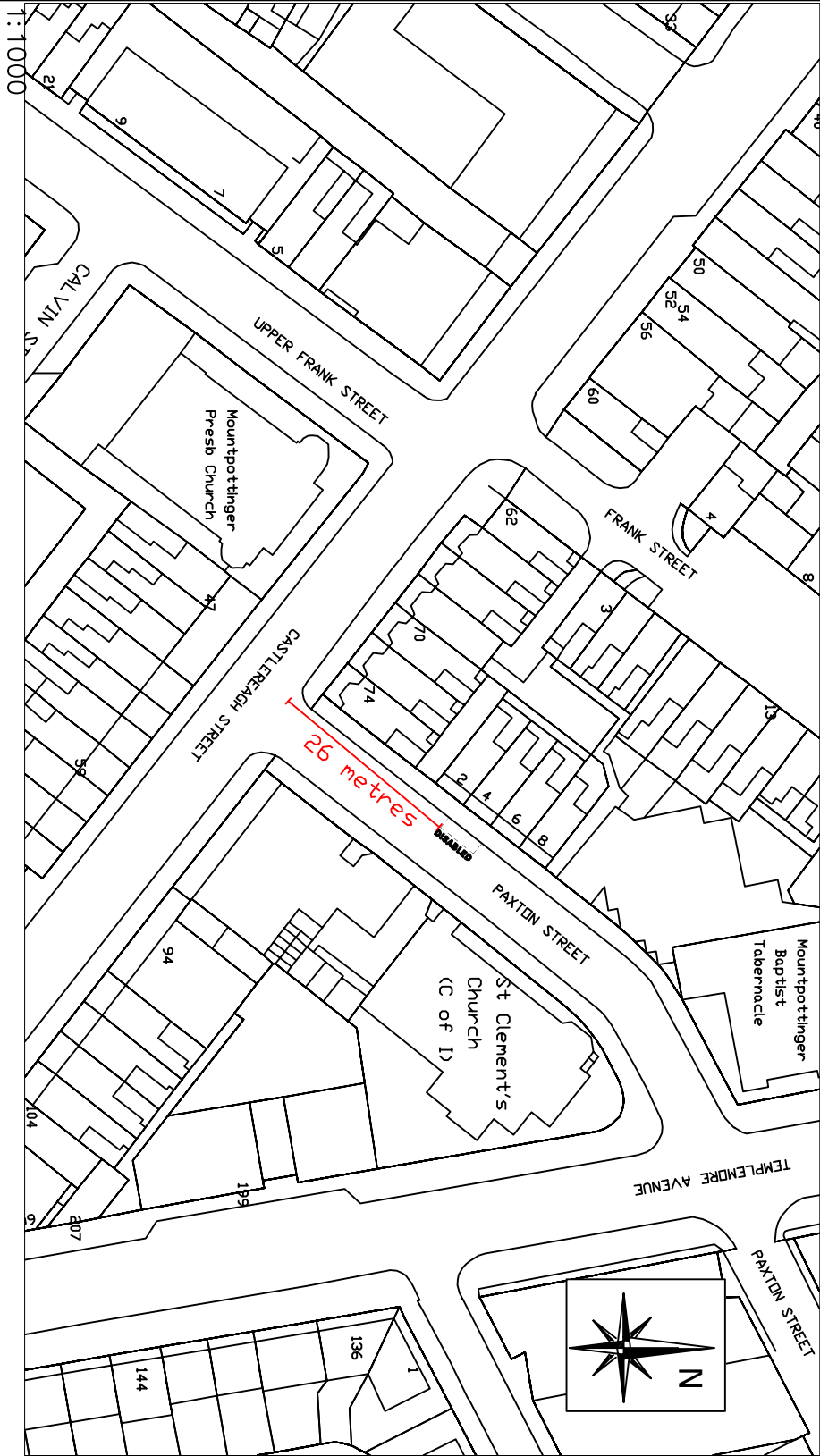
PP Alfie O'Hare

Noel Grimes
Traffic Management

ENC

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Paxton Street, Belfast (north-west side) – from a point 26 metres north-east of its junction with Castlereagh Street, for a distance of 5.5 metres in a north-eastern direction.



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Project			
ACCESSIBLE/DISABLED PARKING BAY			
Title			
4 PAXTON STREET BELFAST			
FILE NO.	DESIGNED	AO'H	date JAN'24
DRAWN	CHECKED		date
TRACED	APPROVED		date
Dwg. No.	Revision		
TM2/BEL/JAN/24/04/A			

Scales AS SHOWN

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

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Network Traffic, Street Lighting and
Transportation

Eastern Division

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

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 5 February 2024

Dear Mr Walsh

**PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY AT 30
HILLVIEW 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.

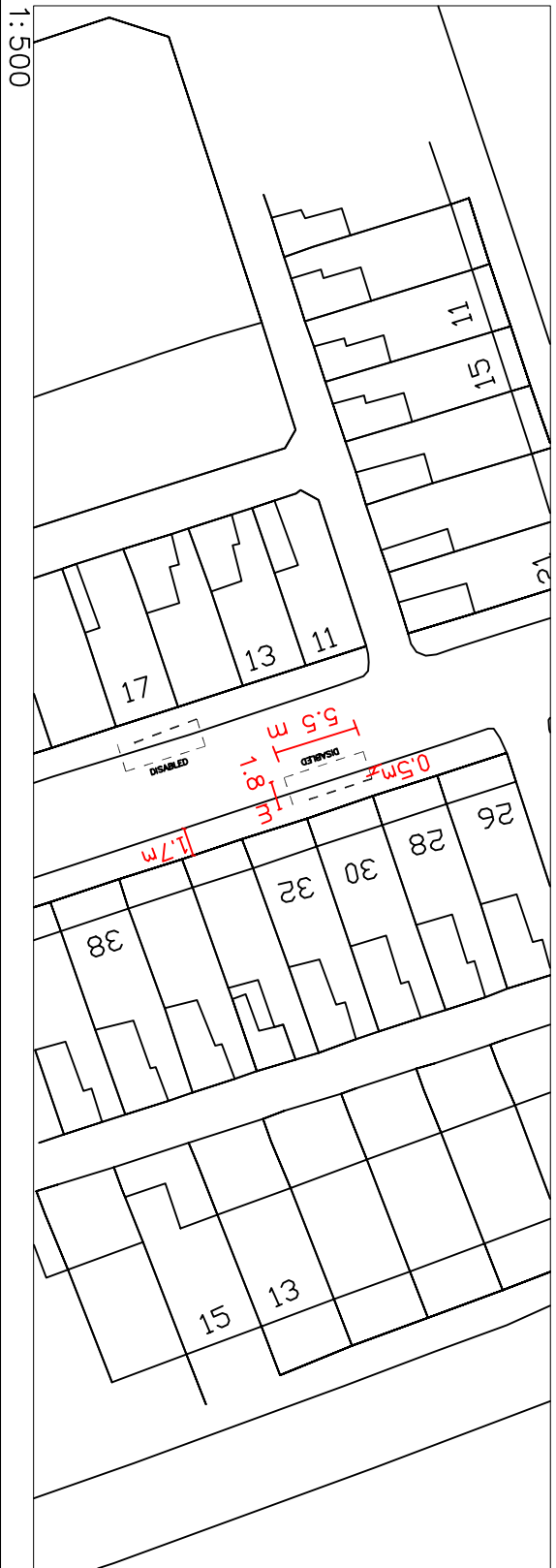
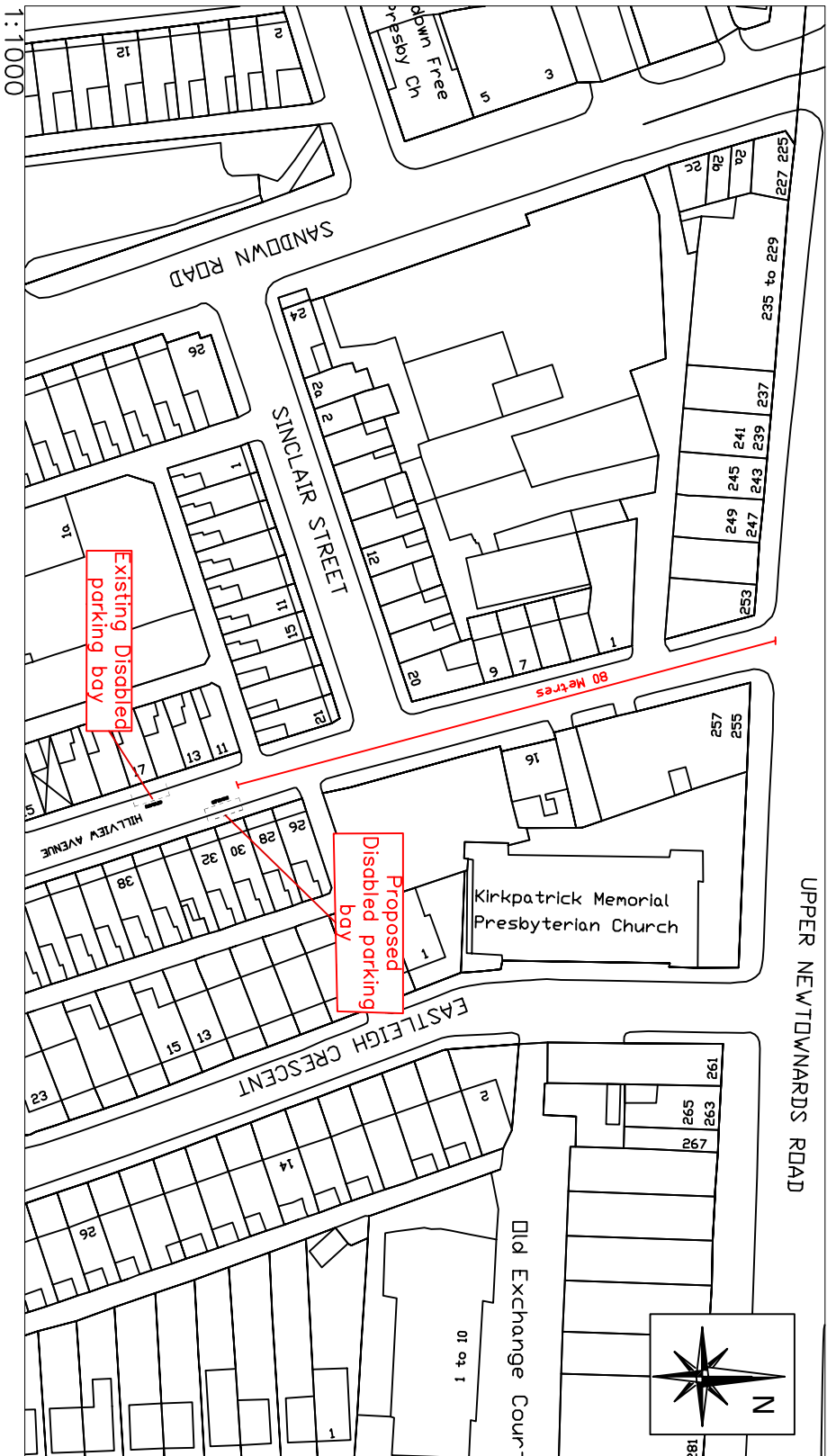
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

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Hillview Avenue, Belfast (north-east side) – from a point 80 metres south-east of its junction with Upper Newtownards Road, for a distance of 5.5 metres, in a south-easterly direction.



NO.	REVISION	DATE

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Project

PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

Title

30 HILLVIEW AVENUE
BELFAST

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

Dwg. No. TM2/BEL/FEB/24/05/L

Scales

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Eastern Division

Annex 7
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

Telephone: 0300 200 7893
Textphone: 028 90540022



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Subject:	Notifications from statutory bodies (Abandonments)
Date:	13 th February 2024
Reporting Officer:	Kate Bentley, Director of Planning & Building Control
Contact Officer:	Keith Sutherland, Planning Manager (Plans & Policy)

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	To bring to the attention of the Planning Committee two notifications relating to abandonments received from the Department for Infrastructure (DfI) (see Appendix 1&2).
2.0	Recommendation
2.1	The Committee is asked to note the notification correspondence received.
3.0	Main Report
3.1	The Council has received the following two notifications from DfI:
3.2	Proposed abandonment at Parkgate Avenue, Belfast Received on 22nd January 2024 this notification concerns a request for a proposed abandonment under The Roads (NI) Order 1993 of an area of 23 square metres of road to the rear of the footway adjacent to No. 12 Parkgate Avenue, Belfast (Appendix 2). The proposed abandonment relates to a social housing scheme for 14 dwelling units (LA04/2020/1377/F) which was approved by the Council on 22nd February 2022. The Department considers that the area of road to be abandoned is not necessary for road traffic.
3.3	In considering this notification other services within the Council were consulted – City & Neighbourhood Services, Estates and City Regeneration & Development and no concerns were raised.
3.4	Confirmation of abandonment at Cairnmartin Crescent, Belfast Received on 25th January 2024 this notification confirms an abandonment under The Roads (NI) Order 1993 of an area of land (546 square metres) at Cairnmartin Crescent, Belfast (Appendix 1). The abandonment, noted by the Planning Committee on 21st October 2023, relates to a social housing scheme for 26 dwelling units (LA04/2019/2372/F) which was approved on 2nd September 2020. The abandonment comes into operation on 4th March 2024.

3.5	There is no requirement for the Council to respond to these notifications and it is recommended that the Committee notes this report. <u>Financial & Resource Implications</u> There are no resource implications associated with this report. <u>Equality implications or Good Relations implications / Rural needs assessment</u> None.
4.0	Appendices – Documents Attached
	Appendix 1: Proposed abandonment at Parkgate Avenue Belfast. Appendix 2: Confirmation of abandonment at Cairnmartin Crescent, Belfast..

Road Asset Development

By e-mail

The Chief Executive
Belfast City Council

LargeyN@BelfastCity.gov.uk

Room 3-21A
Clarence Court
10 -18 Adelaide Street
Belfast
BT2 8GB
Tel: (028) 90 540092
lynsey.wilson@infrastructure-ni.gov.uk

Your reference:
Our reference: IN1-24-333

22 January 2024

Dear Sir/Madam

The Parkgate Avenue, Belfast (Abandonment) Order (Northern Ireland) 2024

In accordance with the provision of Schedule 8 to the Roads (Northern Ireland) Order 1993, I enclose a copy of the above-mentioned draft Order and related map together with a copy of the statutory notice which will be published in the Belfast Gazette, Belfast Telegraph, Irish News and News Letter.

Yours faithfully

Lynsey Wilson

Lynsey Wilson
Transport Legislation Branch

ABANDONMENT – PARKGATE AVENUE, BELFAST

The Department for Infrastructure (DfI), gives notice of its intention to make an Order under Article 68 of the Roads (Northern Ireland) Order 1993, the effect of which would be to abandon an area of 23 square metres of road to the rear of the footway adjacent to No. 12 Parkgate Avenue, Belfast.

The area of road proposed to be abandoned is delineated on a map which, together with a copy of a draft Order, may be inspected free of charge during office hours within the period 31 January 2024 to 12 March 2024 at DfI Roads Eastern Division, Annexe 7, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast, BT4 3SQ or viewed online at www.infrastructure-ni.gov.uk/consultations

Inspection of the draft Order and map is by appointment only which can be arranged either by e-mail using the office e-mail address below or by telephone during office hours (Monday to Friday 9.00 a.m. to 5.00 p.m.) on 0300 200 7899.

Any person may, within the period above, object to the proposal by writing to the Department at the address above or by emailing landseastern@infrastructure-ni.gov.uk stating the grounds of the objection. The information you provide in your response to this consultation, excluding personal information, may be published or disclosed in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations (EIR). If you want the information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA/EIR, we cannot guarantee confidentiality.

For information regarding the Departmental Privacy Notice following the introduction of GDPR please go to the following link www.infrastructure-ni.gov.uk/dfi-privacy or phone the Data Protection Office on 028 90540540. For further details on confidentiality, the FOIA and EIR please refer to www.ico.org.uk

2024 No.

ROADS

The Parkgate Avenue, Belfast (Abandonment) Order (Northern Ireland) 2024

Made - - - - 2024

Coming into operation - 2024

The Department for Infrastructure^(a) makes the following Order in exercise of the powers conferred by Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993^(b) and now vested in it^(c).

The Department in accordance with Article 68(4) of that Order proposes to abandon the area of road described in the Schedule as it is not necessary for road traffic.

Notice has been published, served and displayed in compliance with paragraphs 1, 2 and 3 of Schedule 8 to that Order.

(Here will follow, where appropriate, recitals of the fact of any objection received or inquiry held and the outcome thereof).

Citation and commencement

1. This Order may be cited as the Parkgate Avenue, Belfast (Abandonment) Order (Northern Ireland) 2024 and shall come into operation on 2024.

Application

2. The area of road described in the Schedule is abandoned.

3.—(1) All existing cables, wires, mains, pipes or other apparatus placed along, across, over or under the abandoned area of road shall be retained.

(2) All existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

(b) S.I. 1993/3160 (N.I. 15)

(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

Sealed with the Official Seal of the Department for Infrastructure on 2024

(L.S.)

A senior officer of the Department for Infrastructure

SCHEDULE

Article 2

AREA OF ROAD TO BE ABANDONED

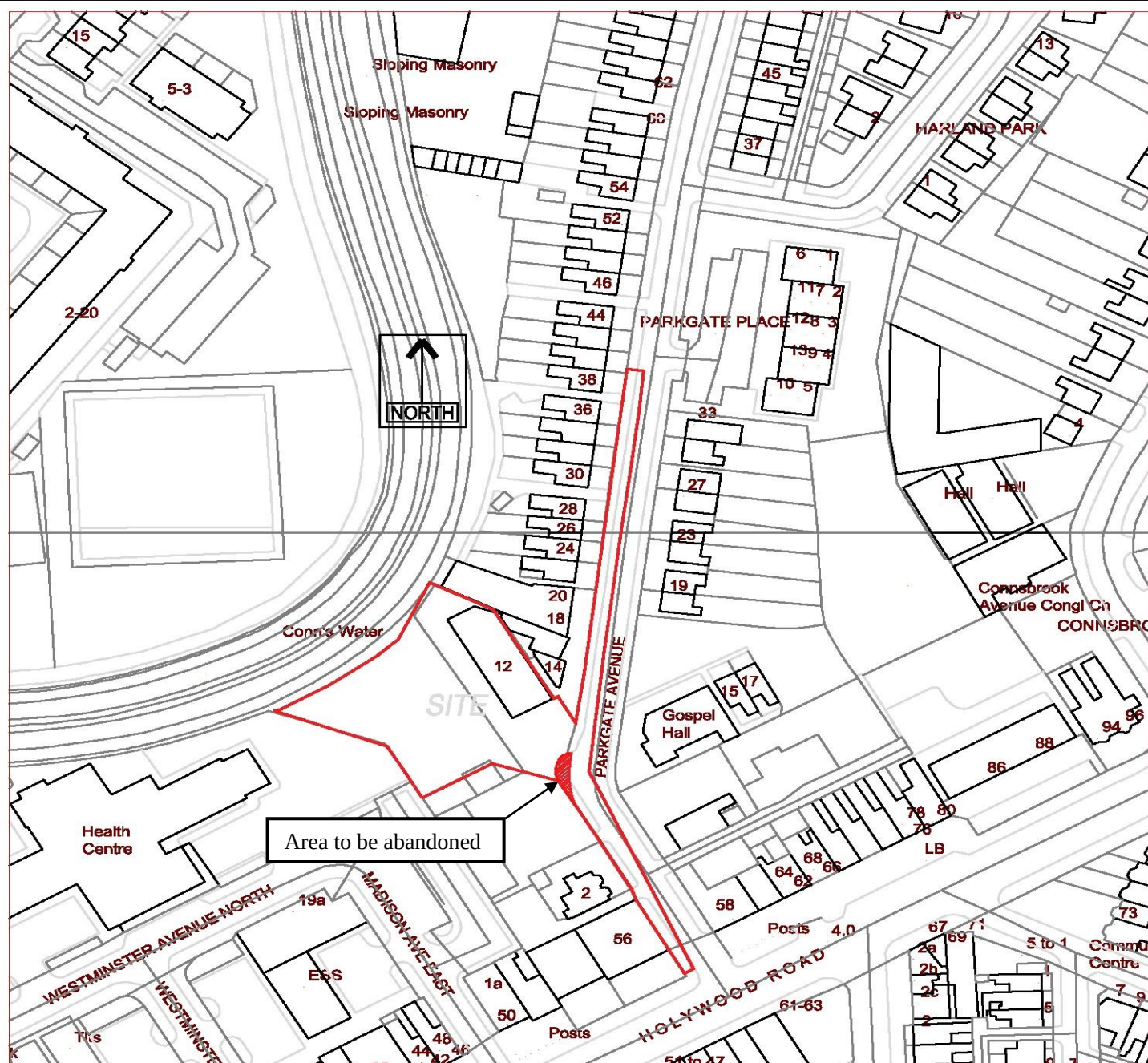
An area of 23 square metres of road to the rear of the footway adjacent to No. 12 Parkgate Avenue more particularly delineated and shown hatched and coloured red on map number IN1/24/10663.

A copy of the map has been deposited at the Department's Headquarters, Room 3-09, Clarence Court, 10-18 Adelaide Street, Belfast and at DfI Roads Eastern Division, Annexe 7, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abandons the area of road described in the Schedule.



Proposed Location Plan
Scale 1:1250



Hatched area indicates proposed area of DfI Roads abandonment (12m linear length/23m²)

DEPARTMENT FOR INFRASTRUCTURE

Map No. IN1/24/10633 referred to in "The Parkgate Avenue, Belfast (Abandonment) Order (Northern Ireland) 2024" made by the Department on 2024 and coming into operation on 2024.

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SCALE 1:1250

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Road Asset Development Division

largeyn@belfastcity.gov.uk

Nora Largey
Belfast City Council
Legal Services
City Hall
BELFAST
BT1 5GS

Room 3-09
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Tel: (028) 90540496
Email: alex.ferguson@infrastructure-ni.gov.uk
Your reference:
Our reference: IN1-22-1345

25th January 2024

Dear Nora

The Cairnmartin Crescent, Belfast (Abandonment) Order (Northern Ireland) 2024

Please find attached a copy of the above named Statutory Rule and related documents for your information.

Yours sincerely

Alex Ferguson

Alex Ferguson
Transport Legislation Branch

ABANDONMENT – CAIRNMARTIN CRESCENT, BELFAST

The Department for Infrastructure (DfI) has made a Statutory Rule entitled “The Cairnmartin Crescent, Belfast (Abandonment) Order (Northern Ireland) 2024”, (S.R. 2024 No. 13), which comes into operation on 4th March 2024.

The Rule will abandon an area of 546 square metres of Cairnmartin Crescent, Belfast, consisting of two turning heads at the end of the south-western and north-eastern carriageways.

A copy of the Rule may be viewed at DfI offices during office hours (Monday to Friday 9.00 a.m. to 5.00 p.m.) by appointment only. Appointments can be arranged either by email at lands.eastern@infrastructure-ni.gov.uk or by telephone on 0300 200 7899. The Rule may also be viewed online at <http://www.legislation.gov.uk/nisr>



2024 No. 13

ROADS

**The Cairnmartin Crescent, Belfast (Abandonment) Order
(Northern Ireland) 2024**

Made - - - - *24th January 2024*

Coming into operation - *4th March 2024*

The Department for Infrastructure^(a) makes the following Order in exercise of the powers conferred by Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993^(b) and now vested in it^(c).

The Department in accordance with Article 68(4) of that Order proposes on the completion of works providing alternative facilities for road traffic to abandon the areas of road described in the Schedule.

Notice has been published, served and displayed in compliance with paragraphs 1, 2 and 3 of Schedule 8 to that Order.

No objection has been received.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Cairnmartin Crescent, Belfast (Abandonment) Order (Northern Ireland) 2024 and shall come into operation on 4th March 2024.

(2) In this Order “the developer” means Choice Housing Association whose registered office is situated at Leslie Morrell House, 37-41 May Street, Belfast, BT1 4DN.

Application

2. The developer shall carry out such works as the Department considers necessary for the extension of Cairnmartin Crescent and turning facilities for road traffic and on completion of the works the areas of road described in the Schedule shall be abandoned.

3.—(1) All existing cables, wires, mains, pipes or other apparatus placed along, across, over or under the abandoned areas of road shall be retained.

(2) All existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

(a) Formerly the Department for Regional Development: see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

(b) S.I. 1993/3160 (N.I. 15)

(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

Sealed with the Official Seal of the Department for Infrastructure on 24th January 2024

(L.S.)

M Toner

A senior officer of the Department for Infrastructure

SCHEDULE

Article 2

AREAS OF ROAD TO BE ABANDONED

Two areas of road at Cairnmartin Crescent, Belfast totalling 546 square metres consisting of —

- (a) 273 square metres of turning head marked No. 1 at the end of the south-western carriageway; and
- (b) 273 square metres of turning head marked No. 2 at the end of the north-eastern carriageway;

more particularly delineated and shown crosshatched and coloured blue on Map No. IN1/22/106115.

A copy of the map has been deposited at the Department's Headquarters, Room 301, Clarence Court, 10-18 Adelaide Street, Belfast and at DfI Roads Eastern Division, Annexe 7 Block 2, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast.

EXPLANATORY NOTE

(This note is not part of the Order)

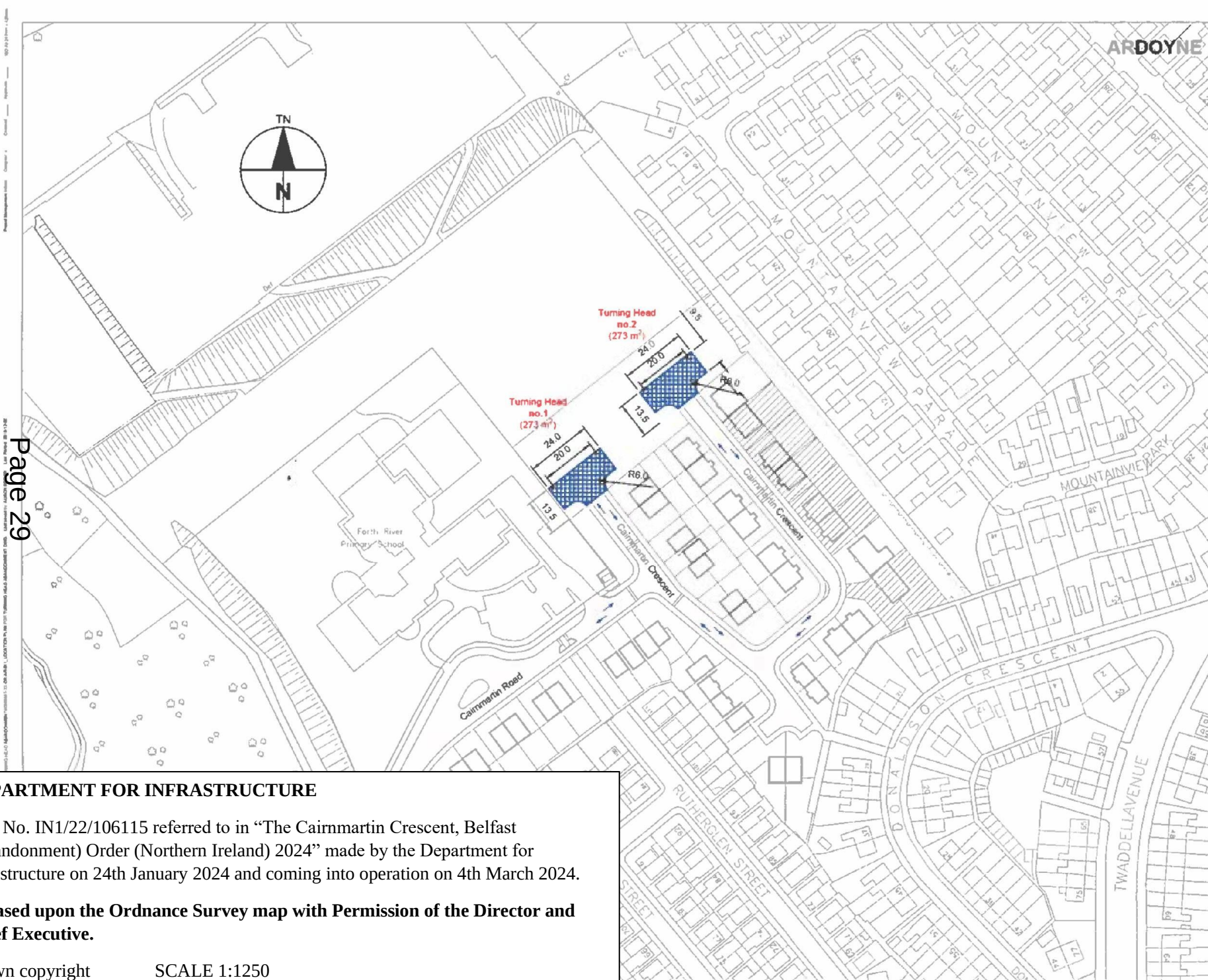
This Order abandons the areas of road described in the Schedule.

KEY

 Turning heads
to be abandoned.

→ 2-way traffic

FOR APPROVAL



DEPARTMENT FOR INFRASTRUCTURE

Map No. IN1/22/106115 referred to in “The Cairnmartin Crescent, Belfast (Abandonment) Order (Northern Ireland) 2024” made by the Department for Infrastructure on 24th January 2024 and coming into operation on 4th March 2024.

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SCALE 1:1250

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Subject:	Notifications from statutory bodies (Abandonments)
Date:	13 th February 2024
Reporting Officer:	Kate Bentley, Director of Planning & Building Control
Contact Officer:	Keith Sutherland, Planning Manager (Plans & Policy)

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	To bring to the attention of the Planning Committee two notifications relating to abandonments received from the Department for Infrastructure (DfI) (see Appendix 1&2).
2.0	Recommendation
2.1	The Committee is asked to note the notification correspondence received.
3.0	Main Report
3.1	The Council has received the following two notifications from DfI:
3.2	Proposed abandonment at Parkgate Avenue, Belfast Received on 22nd January 2024 this notification concerns a request for a proposed abandonment under The Roads (NI) Order 1993 of an area of 23 square metres of road to the rear of the footway adjacent to No. 12 Parkgate Avenue, Belfast (Appendix 2). The proposed abandonment relates to a social housing scheme for 14 dwelling units (LA04/2020/1377/F) which was approved by the Council on 22nd February 2022. The Department considers that the area of road to be abandoned is not necessary for road traffic.
3.3	In considering this notification other services within the Council were consulted – City & Neighbourhood Services, Estates and City Regeneration & Development and no concerns were raised.
3.4	Confirmation of abandonment at Cairnmartin Crescent, Belfast Received on 25th January 2024 this notification confirms an abandonment under The Roads (NI) Order 1993 of an area of land (546 square metres) at Cairnmartin Crescent, Belfast (Appendix 1). The abandonment, noted by the Planning Committee on 21st October 2023, relates to a social housing scheme for 26 dwelling units (LA04/2019/2372/F) which was approved on 2nd September 2020. The abandonment comes into operation on 4th March 2024.

3.5	There is no requirement for the Council to respond to these notifications and it is recommended that the Committee notes this report. <u>Financial & Resource Implications</u> There are no resource implications associated with this report. <u>Equality implications or Good Relations implications / Rural needs assessment</u> None.
4.0	Appendices – Documents Attached
	Appendix 1: Proposed abandonment at Parkgate Avenue Belfast. Appendix 2: Confirmation of abandonment at Cairnmartin Crescent, Belfast..

Road Asset Development

By e-mail

The Chief Executive
Belfast City Council

LargeyN@BelfastCity.gov.uk

Room 3-21A
Clarence Court
10 -18 Adelaide Street
Belfast
BT2 8GB
Tel: (028) 90 540092
lynsey.wilson@infrastructure-ni.gov.uk

Your reference:
Our reference: IN1-24-333

22 January 2024

Dear Sir/Madam

The Parkgate Avenue, Belfast (Abandonment) Order (Northern Ireland) 2024

In accordance with the provision of Schedule 8 to the Roads (Northern Ireland) Order 1993, I enclose a copy of the above-mentioned draft Order and related map together with a copy of the statutory notice which will be published in the Belfast Gazette, Belfast Telegraph, Irish News and News Letter.

Yours faithfully

Lynsey Wilson

Lynsey Wilson
Transport Legislation Branch

ABANDONMENT – PARKGATE AVENUE, BELFAST

The Department for Infrastructure (DfI), gives notice of its intention to make an Order under Article 68 of the Roads (Northern Ireland) Order 1993, the effect of which would be to abandon an area of 23 square metres of road to the rear of the footway adjacent to No. 12 Parkgate Avenue, Belfast.

The area of road proposed to be abandoned is delineated on a map which, together with a copy of a draft Order, may be inspected free of charge during office hours within the period 31 January 2024 to 12 March 2024 at DfI Roads Eastern Division, Annexe 7, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast, BT4 3SQ or viewed online at www.infrastructure-ni.gov.uk/consultations

Inspection of the draft Order and map is by appointment only which can be arranged either by e-mail using the office e-mail address below or by telephone during office hours (Monday to Friday 9.00 a.m. to 5.00 p.m.) on 0300 200 7899.

Any person may, within the period above, object to the proposal by writing to the Department at the address above or by emailing landseastern@infrastructure-ni.gov.uk stating the grounds of the objection. The information you provide in your response to this consultation, excluding personal information, may be published or disclosed in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations (EIR). If you want the information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA/EIR, we cannot guarantee confidentiality.

For information regarding the Departmental Privacy Notice following the introduction of GDPR please go to the following link www.infrastructure-ni.gov.uk/dfi-privacy or phone the Data Protection Office on 028 90540540. For further details on confidentiality, the FOIA and EIR please refer to www.ico.org.uk

2024 No.

ROADS

The Parkgate Avenue, Belfast (Abandonment) Order (Northern Ireland) 2024

Made - - - - 2024

Coming into operation - 2024

The Department for Infrastructure^(a) makes the following Order in exercise of the powers conferred by Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993^(b) and now vested in it^(c).

The Department in accordance with Article 68(4) of that Order proposes to abandon the area of road described in the Schedule as it is not necessary for road traffic.

Notice has been published, served and displayed in compliance with paragraphs 1, 2 and 3 of Schedule 8 to that Order.

(Here will follow, where appropriate, recitals of the fact of any objection received or inquiry held and the outcome thereof).

Citation and commencement

1. This Order may be cited as the Parkgate Avenue, Belfast (Abandonment) Order (Northern Ireland) 2024 and shall come into operation on 2024.

Application

2. The area of road described in the Schedule is abandoned.

3.—(1) All existing cables, wires, mains, pipes or other apparatus placed along, across, over or under the abandoned area of road shall be retained.

(2) All existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

(b) S.I. 1993/3160 (N.I. 15)

(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

Sealed with the Official Seal of the Department for Infrastructure on 2024

(L.S.)

A senior officer of the Department for Infrastructure

SCHEDULE

Article 2

AREA OF ROAD TO BE ABANDONED

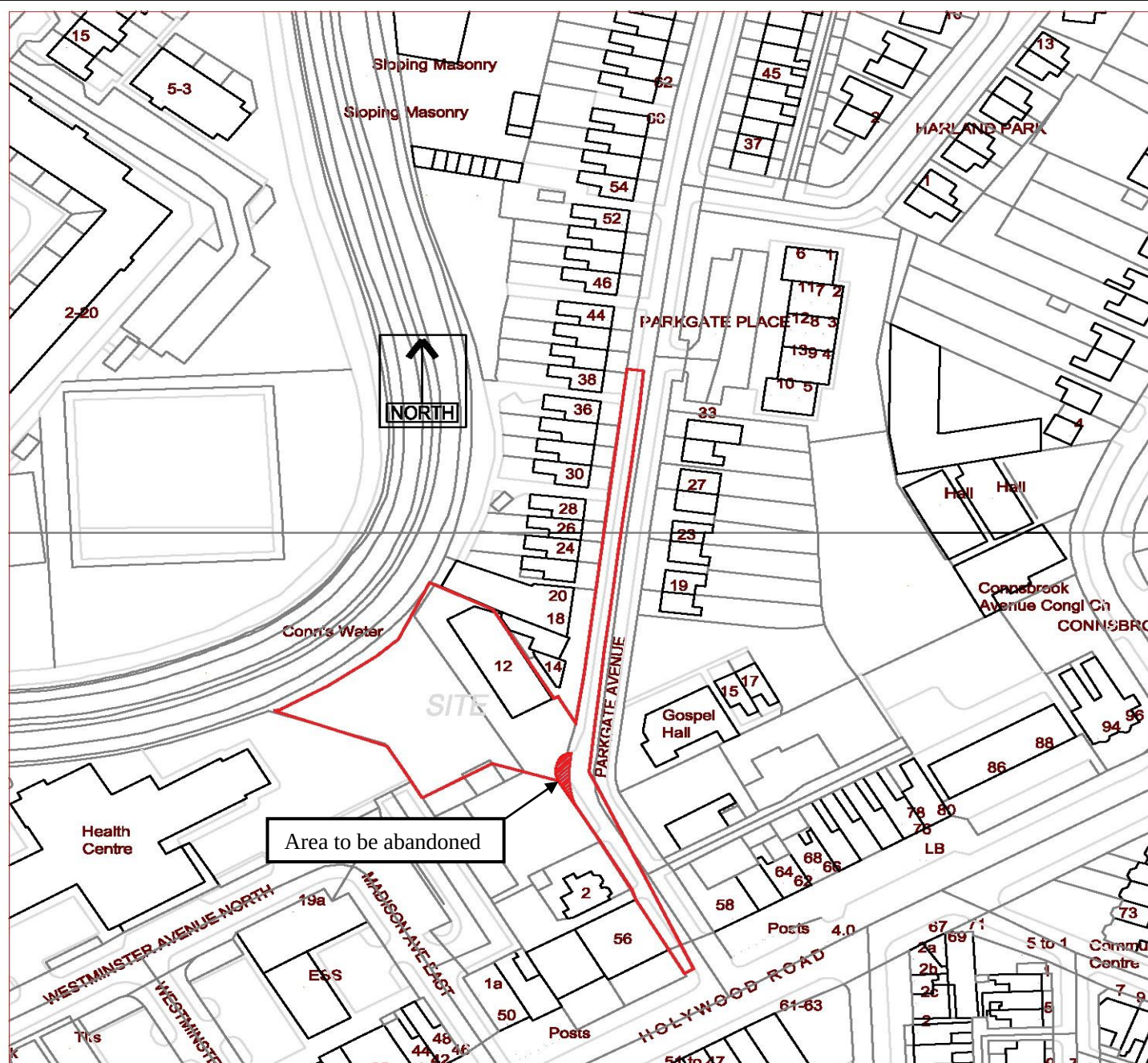
An area of 23 square metres of road to the rear of the footway adjacent to No. 12 Parkgate Avenue more particularly delineated and shown hatched and coloured red on map number IN1/24/10663.

A copy of the map has been deposited at the Department's Headquarters, Room 3-09, Clarence Court, 10-18 Adelaide Street, Belfast and at DfI Roads Eastern Division, Annexe 7, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abandons the area of road described in the Schedule.



Proposed Location Plan
Scale 1:1250



Hatched area indicates proposed area of DfI Roads abandonment (12m linear length/23m²)

DEPARTMENT FOR INFRASTRUCTURE

Map No. IN1/24/10633 referred to in "The Parkgate Avenue, Belfast (Abandonment) Order (Northern Ireland) 2024" made by the Department on 2024 and coming into operation on 2024.

©Based upon the Ordnance Survey map with the Permission of the Director and the Chief Executive.

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SCALE 1:1250

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Road Asset Development Division

largeyn@belfastcity.gov.uk

Nora Largey
Belfast City Council
Legal Services
City Hall
BELFAST
BT1 5GS

Room 3-09
Clarence Court
10-18 Adelaide Street
Belfast
BT2 8GB

Tel: (028) 90540496
Email: alex.ferguson@infrastructure-ni.gov.uk
Your reference:
Our reference: IN1-22-1345

25th January 2024

Dear Nora

The Cairnmartin Crescent, Belfast (Abandonment) Order (Northern Ireland) 2024

Please find attached a copy of the above named Statutory Rule and related documents for your information.

Yours sincerely

Alex Ferguson

Alex Ferguson
Transport Legislation Branch

ABANDONMENT – CAIRNMARTIN CRESCENT, BELFAST

The Department for Infrastructure (DfI) has made a Statutory Rule entitled “The Cairnmartin Crescent, Belfast (Abandonment) Order (Northern Ireland) 2024”, (S.R. 2024 No. 13), which comes into operation on 4th March 2024.

The Rule will abandon an area of 546 square metres of Cairnmartin Crescent, Belfast, consisting of two turning heads at the end of the south-western and north-eastern carriageways.

A copy of the Rule may be viewed at DfI offices during office hours (Monday to Friday 9.00 a.m. to 5.00 p.m.) by appointment only. Appointments can be arranged either by email at lands.eastern@infrastructure-ni.gov.uk or by telephone on 0300 200 7899. The Rule may also be viewed online at <http://www.legislation.gov.uk/nisr>



2024 No. 13

ROADS

**The Cairnmartin Crescent, Belfast (Abandonment) Order
(Northern Ireland) 2024**

Made - - - - *24th January 2024*

Coming into operation - *4th March 2024*

The Department for Infrastructure^(a) makes the following Order in exercise of the powers conferred by Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993^(b) and now vested in it^(c).

The Department in accordance with Article 68(4) of that Order proposes on the completion of works providing alternative facilities for road traffic to abandon the areas of road described in the Schedule.

Notice has been published, served and displayed in compliance with paragraphs 1, 2 and 3 of Schedule 8 to that Order.

No objection has been received.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Cairnmartin Crescent, Belfast (Abandonment) Order (Northern Ireland) 2024 and shall come into operation on 4th March 2024.

(2) In this Order “the developer” means Choice Housing Association whose registered office is situated at Leslie Morrell House, 37-41 May Street, Belfast, BT1 4DN.

Application

2. The developer shall carry out such works as the Department considers necessary for the extension of Cairnmartin Crescent and turning facilities for road traffic and on completion of the works the areas of road described in the Schedule shall be abandoned.

3.—(1) All existing cables, wires, mains, pipes or other apparatus placed along, across, over or under the abandoned areas of road shall be retained.

(2) All existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

(a) Formerly the Department for Regional Development: see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))

(b) S.I. 1993/3160 (N.I. 15)

(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

Sealed with the Official Seal of the Department for Infrastructure on 24th January 2024

(L.S.)

M Toner

A senior officer of the Department for Infrastructure

SCHEDULE

Article 2

AREAS OF ROAD TO BE ABANDONED

Two areas of road at Cairnmartin Crescent, Belfast totalling 546 square metres consisting of —

- (a) 273 square metres of turning head marked No. 1 at the end of the south-western carriageway; and
- (b) 273 square metres of turning head marked No. 2 at the end of the north-eastern carriageway;

more particularly delineated and shown crosshatched and coloured blue on Map No. IN1/22/106115.

A copy of the map has been deposited at the Department's Headquarters, Room 301, Clarence Court, 10-18 Adelaide Street, Belfast and at DfI Roads Eastern Division, Annexe 7 Block 2, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abandons the areas of road described in the Schedule.

KEY

 Turning heads
to be abandoned.

→ 2-way traffic

DEPARTMENT FOR INFRASTRUCTURE

Map No. IN1/22/106115 referred to in “The Cairnmartin Crescent, Belfast (Abandonment) Order (Northern Ireland) 2024” made by the Department for Infrastructure on 24th January 2024 and coming into operation on 4th March 2024.

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PLANNING COMMITTEE – 13 FEBRUARY 2024

APPEALS NOTIFIED

COUNCIL: BELFAST

No new appeals received.

APPEAL DECISIONS NOTIFIED

ITEM NO	1	PAC REF:	2023/A0043
PLANNING REF:	LA04/2022/2064/F		
RESULT OF APPEAL:	WITHDRAWN		
APPLICANT:	Mr David Leatham		
LOCATION:	151 and 153 Belmont Church Road, Belfast, BT4 2DA		
PROPOSAL:	Erection of hoarding and access gates (retrospective)		
ITEM NO	2	PAC REF:	2021/A0223
PLANNING REF:	LA04/2021/1181/F		
RESULT OF APPEAL:	DISMISSED		
APPLICANT:	Brian Derby		
LOCATION:	116 Harberton Park, Belfast, BT9 6TU		
PROPOSAL:	Flat roof of existing single storey rear extension to be converted into rooftop terrace with access doors and balustrading		
ITEM NO	3	PAC REF:	2022/A0144
PLANNING REF:	LA04/2022/0030/O		
RESULT OF APPEAL:	DISMISSED		
APPLICANT:	Donna O'Neill		
LOCATION:	9 Summerhill Gardens, Belfast, BT17 0RB		
PROPOSAL:	Proposed dwelling in side garden		

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Decisions issued January 2024 - No. 120

<u>Application number</u>	<u>Category</u>	<u>Location</u>	<u>Proposal</u>	<u>Decision</u>
LA04/2020/2285/O	LOC	Land adjacent to 39 & 40 Stirling Road Belfast BT6 9LX	Two Storey detached dwelling with garden and associated parking.	Permission Granted
LA04/2021/2811/F	MAJ	Corner site between Mayo Street and Mayo Link off Lanark Way Shankill Road Belfast.	Application under section 54 of the Planning Act (NI) in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary condition No.6 (seeking to remove requirement for archaeological works set out in the approved programme of works to be implemented prior to commencement of any site works or development).	Permission Granted
LA04/2022/1028/F	LOC	33a Malone Park Belfast BT9 6NL	Provision of new vehicular access to dwelling from Malone Park Central with new gates and posts. (Amended Plans)	Permission Granted
LA04/2022/1868/F	LOC	18 Windsor Avenue Belfast BT9 6EE.	Proposed partial demolition (removal of roof) and extension to existing office building creating additional 457 sq m of office floorspace amended parking layout, provision of covered cycle stand and ancillary development.	Permission Granted

LA04/2021/0691/F	LOC	1D Malone Park Belfast Bt9 6NH	Demolition of existing dwelling in erection of a new detached dwelling and associated siteworks	Permission Granted
LA04/2021/0915/DCA	LOC	1D Malone Park Belfast BT9 6NH.	Demolition of existing dwelling	Consent Granted
LA04/2021/1633/DC	LOC	Lands at the junction of North Street Carrick Hill and Peters Hill; 1-3 Carrick Hill; 20-152 Peters Hill; 61 Boundary Street; 6-18 Shankill Terrace; 4-160 Shankill Road; and from 32 Townsend Street to the junction with the Shankill Road Belfast.	Discharge of condition no.5 of planning approval LA04/2019/0200/F (Landscape Management Plan)	Condition Discharged
LA04/2021/2488/F	MAJ	Corner site between Mayo Street and Mayo Link off Lanark Way Shankill Road Belfast	Application under Section 54 of the Planning Act (NI) 2011 in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary Condition No. 11 (seeking to amend timing for approval of the scheme for the discharge of surface water from the site prior to operation of the development).	Permission Granted
LA04/2022/1515/LDE	LOC	35 Brookvale Avenue Belfast BT14 6BW.	House in multiple occupancy (HMO).	Permitted Development
LA04/2022/1869/DCA	LOC	18 Windsor Avenue Belfast BT9 6EE.	Proposed removal of the roof covering and structure and minor demolitions of the side elevations of the rear return to create new window and door openings.	Consent Granted

LA04/2022/2193/F	LOC	10 CROMAC STREET TOWN PARKS BELFAST ANTRIM BT2 8JL	The scheme proposes a change of use from licensed entertainment venue to gym. The scheme also proposes removing one set of glazed double doors to the Cromac St face & replacing it with a fixed, glazed panel.	Permission Granted
LA04/2023/2391/DC	LOC	1 HOSPITAL ROAD BALLYDOLLAGHAN BELFAST DOWN BT8 8JP	External works (Admin Building - Condition 27 of LA04/2018/1219/F and Condition No 06 of LA04/2018/2391/DC	Condition Discharged
LA04/2023/2568/F	LOC	16B GILNAHIRK ROAD TULLYCARNET BELFAST DOWN BT5 7DG	Erection of 3 dwellings - 1 detached and two semi-detached - together with improved access arrangements, incurtilage car parking, private amenity space and all ancillary development	Permission Granted
LA04/2023/2692/F	LOC	118 STRANMILLIS ROAD MALONE LOWER BELFAST ANTRIM BT9 5AE	Single storey rear extension. Second storey rear extension. Elevation changes and replacement dormer window to rear and erection of 3 metre boundary wall to rear. (Renewal of Approval LA04/2017/1470/F)	Permission Granted
LA04/2023/2695/DCA	LOC	118 STRANMILLIS ROAD MALONE LOWER BELFAST ANTRIM BT9 5AE	Part demolition to facilitate alterations to flats 1,2 & 4. (Renewal of Approval LA04/2017/1471/DCA)	Consent Granted
LA04/2023/2724/F	LOC	Young ones nursery, Church Road, Belfast, BT6 9SA	Placement of a mobile classroom	Permission Granted
LA04/2023/2768/F	LOC	11 Meadowhill, Belfast, BT11 8QR	Proposed Double Storey Extension to Side including internal garage and upstairs bedroom	Permission Granted

LA04/2023/2880/F	LOC	7 Mayfield Street, Belfast, BT9 7HF	Two-storey and single story extension to the rear	Permission Refused
LA04/2023/2935/F	LOC	21 and 23 Lagmore View Way, Belfast, BT17 0FP	Proposed Single Storey Rear Extensions and Interior Alterations to existing dwellings at 21 & 23 Lagmore View Way	Permission Granted
LA04/2023/3011/F	LOC	666 OLDPARK ROAD OLD PARK BELFAST ANTRIM BT14 6QN	Demolition of existing single storey rear extension to allow a replacement single storey rear extension. Solar panels & Velux roof light to the existing house rear roof. New 1.2m high gate, ramped approach and decking to the side of the house.	Permission Granted
LA04/2023/3023/F	LOC	107 St James Road, Belfast, BT12 6EB	Retrospective permission for the extension to curtilage of dwelling and retention of domestic outbuildings.	Permission Granted
LA04/2023/3063/A	LOC	461 Donegall Road, Belfast, BT12 6FS	Replacement of 3 no.existing illuminated 48 sheet poster panel displays with 1 no.48 sheet LED digital display. (Amended proposal description)	Consent Refused
LA04/2023/3045/CLEUD	LOC	Flat 2, 98 Eglantine Avenue, Belfast, BT9 6EU	Existing use: HMO	Permitted Development
LA04/2023/3164/F	LOC	13 Mount Merrion Park, Belfast, BT6 0GA	Two storey extension to side and rear	Permission Granted
LA04/2023/3313/F	LOC	83 Somerton Road, Belfast, BT15 4DG	Single storey rear extension, elevational changes and conversion of existing garage to gym and study.	Permission Granted
LA04/2023/3434/F	LOC	18 Lislea Drive, Belfast, BT9 7JG	Relocation of an empty store on existing carpark.	Permission Granted

LA04/2023/3392/DC	LOC	Nos. 41-49 Tates Avenue, Belfast, BT9 7BY	Discharge of Condition no.3 - LA04/2021/2544/F Drainage Assessment	Condition Discharged
LA04/2023/3378/DC	LOC	1-21 Castlereagh Road, Belfast, BT5 5FB	Discharge condition 14 LA04/2017/2102/F Drainage Assessment and NI Water Letter	Condition Discharged
LA04/2023/3418/F	LOC	11 Waterloo Park North, Belfast, BT15 5HW	Single storey extension to rear & alterations to existing dwelling + site works.	Permission Granted
LA04/2023/3419/DCA	LOC	47 Osborne Drive, Belfast, BT9 6LH	Demolition of existing chimney (NW Gable)	Consent Granted
LA04/2023/3473/F	LOC	8a North Parade, Belfast, BT7 2GG	Proposed renovation and 2.5 storey rear extension to terraced house with associated site works.	Permission Granted
LA04/2023/3547/F	LOC	149-151, Sandy Row, Belfast, BT12 5ET	Three storey side extension to existing Community Building to provide, Artist's Studio, Gallery Space, Digital Hub on ground and 1st floor and apartment to provide Artist's Residence on 2nd floor.	Permission Granted
LA04/2023/3522/F	LOC	41 Boucher Road, Belfast, BT12 6HR.	Change of use of existing building from previous tile showroom and retail unit to indoor climbing wall and associated facilities including shop, coffee dock and training rooms.	Permission Granted
LA04/2023/3535/DC	LOC	A Wing, Crumlin Road Gaol 53-55 Crumlin Road, Belfast, BT14 6ST	Discharge of condition 11 LA04/2019/2756/F Material Finish Samples	Condition Discharged

LA04/2023/3562/F	LOC	133 Northbrook Street, Belfast, BT9 7DJ	Application for a Change of Use from dwelling to House in Multiple Occupancy (HMO)	Permission Refused
LA04/2023/3556/F	LOC	11 Massey Court, Belfast, BT4 3GJ	First floor extension including 2 side dormers to form 2 storey dwelling, including solar panels, flue and external alterations. (Amended Proposal Description).	Permission Granted
LA04/2023/3625/PAN	MAJ	R J Hall Industrial Estate 1-4 Wilson Street, Belfast, BT13 2GA	Demolition of existing building (former RJ Hall factory/office building) on site and construction of a new residential development within a 5-storey building with an additional 2 stories set back to the rear. The development consists of 86 residential units with associated car and cycle parking at ground floor and external amenity spaces and associated works.	Proposal of Application Notice is Acceptable
LA04/2023/3637/F	LOC	7 Lower Crescent, Belfast, BT7 1NR	Proposed Change of use from offices to café on the ground floor and 1 bed residential flat on ground and first floor	Permission Granted
LA04/2023/3667/F	LOC	29 Castlereagh Road, Belfast, BT5 5FB	Retention of ground floor commercial unit with change-of-use of first floor to a 1-bed apartment with two storey rear extension and elevational changes.	Permission Granted
LA04/2023/3717/LBC	LOC	7 Lower Crescent, Belfast, BT7 1NR	Proposed Change of use from offices to café on the ground floor and 1 bed residential flat on ground and first floor with internal alterations	Consent Granted
LA04/2023/3736/CLEUD	LOC	31 Rugby Avenue, Malone Lower, Belfast, BT7 1RD	Existing use: House in Multiple Occupancy (HMO)	Permitted Development

LA04/2023/3744/CLEUD	LOC	26 Cromwell Court Block B, Apartment 26 110 Cromwell Road Belfast BT7 1NE	Existing use: Change of use from residential apartment to short term holiday let accommodation	Permitted Development
LA04/2023/3743/CLEUD	LOC	Apartment 31 Block B Cromwell Court, 110 Cromwell Road, Belfast, BT7 1NE	Existing use: Change of use from residential apartment to short term holiday let accommodation.	Permitted Development
LA04/2023/3745/DC	LOC	60 St Mark's Nursery Gardenmore Road, Dunmurry, Belfast, BT17 0DF	Discharge of condition 9 LA04/2021/0690/F Landscape Management and Maintenance Plan. Landscaping Proposals.	Condition Discharged
LA04/2023/3803/CLEUD	LOC	70 Carmel Street, Belfast, BT7 1QF	Existing use: Use as a HMO (House in Multiple Occupancy) 3 Occupants.	Permitted Development
LA04/2023/3796/DETEIA	LOC	Stewartstown Road, Belfast, BT17 0SB	EIA Determination.	Environmental Statement Not Required
LA04/2023/3824/F	LOC	65 Martinez Avenue, Ballyhackamore, Belfast, BT5 5LY	Demolition of existing detached garage and erection of new garage (retrospective) and single storey extension to rear of dwelling.	Permission Granted
LA04/2023/3869/F	LOC	32 Ormiston Crescent, Belfast, BT4 3JQ	Addition of a two-storey side extension.	Permission Granted
LA04/2023/3890/F	LOC	1 FINAGHY PARK CENTRAL BALLYFINAGHY BELFAST ANTRIM BT10 0HP	Demolition of rear return. Proposed Single storey extension to Rear. Attic conversion with Dormer to rear. Proposed new garage.	Permission Granted
LA04/2023/3880/F	LOC	11 Kensington Park, Belfast, BT5 6NR	Single Storey Side and Rear Extension with Single Storey Front Bay Windows and Roofspace Conversion	Permission Granted

LA04/2023/3903/F	LOC	120 Colinvale, Dunmurry, Belfast, BT17 0JW	Installation of new dormer to rear of dwelling and raise the pitch of existing roof profile (amended description)	Permission Granted
LA04/2023/3933/A	LOC	Vacant lands adjacent to No. 3 Upper Dunmurry Lane, Dunmurry, Belfast BT17 0AA.	Replacement of two existing standard 48 sheet advertisement hoardings with one digital screen	Consent Refused
LA04/2023/3941/DC	LOC	57-59 & 61-63 Dublin Road, Belfast, BT2 7HE	Discharge of condition No. 2 LA04/2020/0761/F Hard Landscaping Samples	Condition Discharged
LA04/2023/3946/F	LOC	25a Connsbrook Drive, Belfast, BT4 1LU	Retrospective application for the erection of a 3m high fence to the boundary of land to the rear of 25 to 37 Connsbrook Drive, Belfast	Permission Granted
LA04/2023/3950/CLEUD	LOC	Flat No. 1, 103 Fitzroy Avenue, Belfast, BT7 1HU	Change of Use to HMO	Permitted Development
LA04/2023/4146/F	LOC	51 Lisburn Road, Belfast, BT9 7AB	Internal reconfiguration of former lecture theatre to create ancillary offices along with a new escape stair, external windows and associated site works. AMENDED DESCRIPTION	Permission Granted
LA04/2023/3976/F	LOC	1 Cloghan Crescent, Belfast, BT5 7HG	Proposed external and internal refurbishment works to property.	Permission Granted
LA04/2023/3977/F	LOC	21 Ardgreenan Crescent, Belfast, BT4 3FP	Proposed interior and exterior refurbishments to dwelling.	Permission Granted
LA04/2023/3978/F	LOC	21 Ardgreenan Drive, Belfast, BT4 3FQ	Proposed internal and external refurbishment to dwelling.	Permission Granted
LA04/2023/3979/F	LOC	34 SUMMERHILL AVENUE BALLYCLOGHAN BELFAST DOWN BT5 7HD	Refurbishment of dwelling, works include increased ridge height and roof materials.	Permission Granted

LA04/2023/4051/DC	LOC	Lands At and Immediately North West of 13-29 Hazel View and 21 Hazel Crescent, Dunmurry, Belfast	Discharge Condition 8 LA04/2022/1585/F Final Drainage Assessment	Condition Discharged
LA04/2023/4038/F	LOC	16 Salisbury Gardens, Belfast, BT15 5EL	Single storey rear extension with first floor bathroom extension, roofspace conversion with rear dormer window, juliet balconies to rear first floor windows, ground floor gable windows and internal configuration.	Permission Granted
LA04/2023/4095/F	LOC	35 Knockbracken Park, Belfast, BT6 0HL	Single storey rear and side extension.	Permission Granted
LA04/2023/4094/A	LOC	METHODIST COLLEGE 1 MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 6BY	2x illuminated totems, 1x non illuminated totem, 6x non illuminated directional signs and 5x non illuminated CCTV signs to mount below CCTV cameras on site	Consent Granted
LA04/2023/4091/F	LOC	73 Ladybrook Crescent, Belfast, BT11 9EU	Two storey rear extension	Permission Granted
LA04/2023/4163/F	LOC	12 Kingsmere Avenue, Belfast, BT14 6ND	Ground floor rear extension and rear infill extension and minor alterations to garage.	Permission Granted
LA04/2023/4114/NMC	LOC	Site abutted by Ibis Hotel and College Central apartments at King Street, Belfast, BT1 6AD	Change to stairs and lift positions to provide smoke lobbies for fire protection. Amendments to elevations incorporating amended windows on 10th and 11th floors (Non material change to LA04/2019/0911/F).	Non Material Change Granted
LA04/2023/4141/F	LOC	130 Sydenham Avenue, Belfast, BT4 2DT	Proposed conversion of garage to study to include provision of window to front elevation and door to gable wall	Permission Granted

LA04/2023/4150/DC	LOC	333-339 Albertbridge Road, Ballymacarret, Belfast, BT5 4PY	Discharge Condition 8 LA04/2016/2183/F Schedule 6 consent	Condition Discharged
LA04/2023/4167/DC	LOC	Former NI Water Ltd Sewage Treatment Works Blackstaff Road, Belfast, Belfast, BT11 9DT	Discharge Condition 8 LA04/2022/1479/F Detailed Remediation Strategy	Condition Discharged
LA04/2023/4168/DC	LOC	423-427 Ormeau Road, Belfast, BT7 3GQ	Discharge condition 6 LA04/2019/0896/F Construction Mangement Plan	Condition Discharged
LA04/2023/4197/F	LOC	HOUSE OF SPORT 2A UPPER MALONE ROAD (125m south of no. 2B Upper Malone Road) BT9 5LA	Proposed 22.5m telecommunications column, with 6No. antennae, 5No. radio units and 2No. radio dishes. Proposal includes the provision of 4No. new equipment cabinets, site compound and associated ancillary development.	Permission Granted
LA04/2023/4253/F	LOC	38 Clonelly Avenue, Belfast, BT11 8LG	Change of use from dwelling house to House in Multiple Occupancy (HMO)	Permission Granted
LA04/2023/4207/F	LOC	22 THORNHILL PARK BALLYCLOGHAN BELFAST DOWN BT5 7AR	Demolition of existing single-storey garage and addition of new two-storey side extension with internal modifications, landscaping proposals and new gates to front boundary.	Permission Granted
LA04/2023/4198/F	LOC	109 SICILY PARK BALLYFINAGHY BELFAST ANTRIM BT10 0AP	Single Storey extension to rear with internal alterations.	Permission Granted
LA04/2023/4214/F	LOC	103 Circular Road, Belfast, BT4 2GD	Construction of a new garden room and associated site works.	Permission Granted

LA04/2023/4221/DC	LOC	158 Holywood Road, Belfast, BT4 1PB	Discharge condition 17 LA04/2021/0493/F Updated Noise Impact Assessment	Condition Discharged
LA04/2023/4224/F	LOC	2a Downshire Road, Belfast, BT6 9JL	Construction of timber fence top to existing wall along front and side boundary of site	Permission Granted
LA04/2023/4265/A	LOC	229 Donegall Road, Belfast, BT12 5NB	Proposed replacement of existing 48 sheet advertisement hoarding with digital screen	Consent Granted
LA04/2023/4298/F	LOC	9 Kingsland Park, Belfast, BT5 7FB	Single storey rear extension, patio to rear and x2 parking spaces to front.	Permission Granted
LA04/2023/4302/CLEUD	LOC	11b Ulsterville Place, Belfast, BT9 7BH	Existing use: Use as a HMO	Permitted Development
LA04/2023/4314/A	LOC	Great Northern Car Park Glengall Street, St Andrew's Square North, Belfast, BT12 5EE	Installation of 2 new static illuminated signage	Consent Granted
LA04/2023/4365/F	LOC	22 22 Glendowan Avenue, Belfast, BT17 0XG	Proposed single storey extension to rear of property with internal alterations and level access shower adaptation within first floor bathroom.	Permission Granted
LA04/2023/4372/CLEUD	LOC	12 St Ives Gardens, Belfast, BT9 5DN	Existing use: Use of dwelling as short term let accommodation (retrospective)	Permitted Development
LA04/2023/4337/CLEUD	LOC	Flat 2, 1st Floor, 8 Cameron Street, Belfast, BT7 1GU	HMO	Permitted Development
LA04/2023/4362/A	LOC	45 KENNEDY WAY BELFAST ANTRIM BT11 9AP	Proposed replacement of existing 48 sheet hoarding with one digital screen.	Consent Granted
LA04/2023/4363/F	LOC	60 Glenbank Place, Ballysillan, Belfast, BT14 8AN	Partial demolition of existing Utility and WC, replacing with a new rear extension (same footprint).	Permission Granted

LA04/2023/4374/F	LOC	4 ORPEN PARK BALLYFINAGHY BELFAST ANTRIM BT10 0BN	Demolition of existing rear return and garage and erection of new single-storey side and rear extension	Permission Granted
LA04/2023/4391/DC	LOC	Lands at 13-23 Clarence Street and 26-28 Linenhall Street, Belfast, BT2 8ED	discharge of condition 7 Archaeological Programme of Works produced by Gahan and Long LTD (dated 11/09/2023)	Condition Partially Discharged
LA04/2023/4451/CLEUD	LOC	237-239 Shankill Road, Belfast, BT13 1FR	1st floor smoking area.	Permitted Development
LA04/2023/4422/F	LOC	45 Andersonstown Park West, Belfast, BT11 8FN	Single Storey Rear Extension	Permission Granted
LA04/2023/4410/F	LOC	Unit 12 Boucher Crescent, Boucher Retail Park, Belfast, BT12 6HU	Insertion of a first floor window to existing shop front	Permission Granted
LA04/2023/4413/CLEUD	LOC	Flat 2, 103 Fitzroy Avenue, Belfast, BT7 1HU	Change of use to HMO.	Permitted Development

LA04/2023/4420/DC	LOC	10-16 Hill Street, Belfast, BT1 2LA	Discharge of condition 7 LA04/2023/2685/F. 7. No works shall commence on site unless a Detailed Method Statement for the following works or activities been submitted to and agreed in writing by the Council. a. Recessed Lobby – Floor/ground and wall finishes - Quarry tile - red brick - laid in a stack bond - Black 'charred' vertical timber cladding to walls of recessed lobby - staggered pattern b. External Glazing/Doors Frames – Frame material & colour - Anodic bronze smooth matt finish (Y2214F) to aluminium framed glazing (curtain walling/windows/doors) to Hill Street Drawings to show floor finish & cladding set-out to Recessed Lobby: 19077 -1.102 -REV C -HILL ST -	Condition Discharged
LA04/2023/4432/F	LOC	210 Roden Street, Belfast, BT12 5QE	Single storey rear extension to include accessible bedroom and shower room facilities.	Permission Granted

LA04/2023/4464/A	LOC	461 Donegall Road, Belfast, BT12 6FS	Hoarding Singage	Consent Granted
LA04/2023/4466/DC	LOC	Lands to NE of 265 Whiterock Road, Ballymurphy, Belfast, BT12 7FZ	Discharge of condition 14 LA04/2021/1447/F Archaeological Plan of Work	Condition Discharged
LA04/2023/4461/DC	LOC	1 Administration Building Hospital Road, Belfast, BT8 8JP	discharge of condition 14 on LA04/2022/2098/F Bat Mitigation Plan	Condition Discharged
LA04/2023/4468/A	LOC	Unit 2A, 21-59 Boucher Crescent, Boucher Retail Park, Belfast, BT12 6HU	Retrospective High Level illuminated shop sign	Consent Granted
LA04/2023/4481/F	LOC	2 Glencolin Close, Belfast, BT11 8PE	Single storey side extension to dwelling	Permission Granted

LA04/2023/4498/DC	LOC	30 Wellington Park, Belfast, BT9 6DL	Discharge of condition Nos 2, 3, 5 and 6 from planning permission LA04/2018/0049/LBC. Details of works to the walls, floors, ceiling and roofs of 30 Wellington Park. The skirting & architrave matched the existing and was developed using a tulip wood with a special mould from the existing skirting board being produced by JP Corry. Demonstration that internal doors are replicates of historic four panelled door. The doors on the 2nd floor are not original, they are panelled, 1 hour rated fire doors as specified by Building Control to match the existing doors. Lime mortar was used for bedding and pointing.	Condition Not Discharged
LA04/2023/4500/DC	LOC	30 Wellington Park, Belfast, BT9 6DL	Discharge of conditions Nos. 6,7,9 & 10 of approval LA04/2016/2649/F	Condition Not Discharged
LA04/2023/4508/CLEUD	LOC	3 Sandhurst Drive, Belfast, BT9 5AY	Existing use: House in Multiple Occupation (HMO)	Permitted Development
LA04/2023/4488/WPT	LOC	Methodist College,1 Malone Road, Belfast, BT9 6BY	Works to TPO protected trees, Works to trees in a Conservation Area	Works to Trees in CA Agreed
LA04/2023/4502/CLEUD	LOC	48 Agincourt Avenue, Belfast, BT7 1QB	Existing use: House in Multiple Occupation	Permitted Development
LA04/2023/4533/DC	LOC	140 Donegall Street, Belfast, BT1 2FJ	Roof specification samples - Condition 3 LA04/2021/0516/F	Condition Discharged

LA04/2023/4537/DC	LOC	The Kings Hall Lisburn Road Belfast BT9 6GW	Discharge of condition 11 LA04/2020/0845/O Details of finish materials, street furniture, wayfinding signage and lighting fixtures. Samples of all finishes are available on site for inspection.	Condition Partially Discharged
LA04/2023/4538/NMC	LOC	The Kings Hall, Royal Ulster Agricultural Soc Lisburn Road, Malone Lower, Belfast, BT9 6GW	Internal layout changes to ground floor (removal of WCs, lounge reconfigured, boiler room replaced with store and gas meter room) 1 no. fire door reposition 1 no. additional door to gas meter room Second entrance door at main reception replaced with curtain walling Reduction in balcony extents and revisions to balustrade detail Steel capping to chimneys replaced with recon stone Curtain walling separating red brick from render adjusted to allow for AOV parapet at 2nd floor roof over reception raised to provide upstand Additional glazing to ground floor brick clad bay Commercial risers and roof access indicated Vents, gas flues, dry riser inlet boxes and rainwater pipes indicated	Non Material Change Granted

LA04/2023/4541/NMC	LOC	Nrs. 148-158 (Evens) Kingsway Dunmurry and Nrs. 3-11 (odds) Dunmurry Lane, Belfast, BT17 9AA	Minor alterations to fenestration and external materials and internal reconfiguration of apartment units approved via LA04/2017/1784/F. Please refer to supporting statement for details.	Non Material Change Granted
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LA04/2023/4567/PAN	LOC	Lands at the Waterworks Park and Alexandra Park (see detailed description below), Belfast, BT15 2HF	Refurbishment and safety works to the Waterworks upper and lower reservoirs and Alexandra Park lake reservoir, to be complemented with wider environmental, landscape and connectivity improvements. Proposed reservoir works comprise construction of wave wall embankment reinforcement and protection, a new inlet control structure at Waterworks upper reservoir; embankment reinforcement and a new spillweir at Waterworks lower reservoir; and removal of an existing parapet wall and embankment reinforcement at Alexandra Park Lake Reservoir. Improvements to Waterworks Park comprise refurbishment and extension of the existing Waterworks Bothy to include WC and Changing Places and Café facilities; new public plaza with entrance improvements; new events space including multipurpose decking; landscape terraces; resurfacing of footways; new pedestrian lighting along key routes; a dog park; replacement of fishing stands; community project area facilitate possible tree nursery and forest school or similar; public art along boundary with existing football ground (Solitude); new basketball court and upgrades to	Proposal of Application Notice is Acceptable
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LA04/2023/4591/PAN	MAJ	38-52 Lisburn Road, Malone Lower, Belfast, BT9 6AA	Redevelopment of the site for the erection of a mixed-use development comprising Use Class B1: Business and Use Class, D1: Community and Cultural Uses, including landscaping, parking, and servicing.	Proposal of Application Notice is Acceptable
LA04/2023/4606/A	LOC	1 Glenmachan Place, Belfast, BT12 6QH	2 Hoarding, 3 Shop sign, 1 Other - Totem Sign	Consent Granted
LA04/2023/4617/DC	LOC	Agnes Street Industrial Estate, Unit 4 Agnes Street, Belfast, BT13 1GB	Details of foul and surface water drainage and sewerage. Condition 4 LA04/2020/2218/F	Condition Discharged
LA04/2023/4618/DC	LOC	Land at King's Hall and RUAS site, south of Upper Lisburn Road/Balmoral Avenue, West of Harberton Park and north-east of Balmoral Golf Club.	Discharge of Condition 12 on LA04/2020/0845/O, Verification Report	Condition Discharged
LA04/2024/0003/A	LOC	53 BOUCHER ROAD BALLYMURPHY BELFAST ANTRIM BT12 6HR	1 Other - Totem Sign	Consent Granted
LA04/2024/0001/DC	LOC	423-427 Ormeau Road, Belfast, BT7 3GQ	Discharge of Condition no 2 on LA04/2019/0896/F , material specification	Condition Discharged
LA04/2024/0045/A	LOC	Premier Inn, Alfred Street, Belfast	3 Shop signs, 1 Projecting sign	Consent Granted
LA04/2023/0068/CLEUD	LOC	Flat 1,16 Fitzroy Avenue, Belfast, BT7 1HW	Existing HMO Use	Permitted Development
LA04/2023/0069/CLEUD	LOC	Flat 2, 16 Fitzroy Avenue, Belfast, BT7 1HW	Existing HMO Use	Permitted Development
LA04/2024/0109/CLEUD	LOC	58 Melrose Street, Belfast, BT9 7DN	HMO use	Permitted Development

			<u>Total Decsions</u>
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Subject:	Delegation of Local applications with NI Water objections
Date:	13 February 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, 15 August 2023 17 October 2023 and 12 December 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 15 August 2023 17 October 2023 and 12 December 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 179 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 and remain 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 (February 2024)

	DEA	REFERENCE	DATE RECEIVED	PROPOSED	ADDRESS
1	Clonard Woodvale	LA04/2023/3106/F	20/04/2023	Erection of 2no. multi use workshop, warehousing, storage units and associated siteworks and carparking.	97 LANARK WAY EDENDERRY BELFAST ANTRIM BT13 3BH
2	Botanic	LA04/2023/4607/F	20/12/23	Removal of existing temporary sectional buildings and construction of new three storey childcare building with external play area, associated landscaping and alterations to existing access.	284 A Parkmore Building Ormeau Road, Ballynafoy, Belfast, BT7 2GB
3	Court	LA04/2023/4303/F	01/11/2023	Proposed 4-5 Storey Hostel Accommodation with 30 No Bedrooms, associated Shower/WC Facilities, Reception, Luggage Storage, Bin Store and Cycle Parking	4 College Square North, Belfast, BT1 6AR
4	Ormiston	LA04/2023/4412/RM	21/11/2023	Erection of a Detached Dwelling in Side Garden	Lands approx. 2m South east of 112 Orangefield Road, Belfast, BT5 6DD
5	Titanic	LA04/2023/3854/F	15/08/2023	2 terraced in-fill dwellings	Land adjacent to no.15 Batley Street, Belfast, BT5 5BW
6	Falls	LA04/2023/2778/O	28/02/2023	5 Dwellings	21A Ross Road Belfast, BT12 4JR
7	Falls	LA04/2023/3220/F	05/05/2023	Two storey rear extension to facilitate a change of use from dwelling to ground floor retail unit and 1 st floor apartment	9 Glen Road, Belfast, BT11 8BA
8	Blackstaff	LA04/2023/3544/F	22/06/2023	Construction of a single storey café unit with associated hard landscaping and car parking	North of 55 Boucher Road, BT12 6HR
9	Malone	LA04/2023/3874/F	22/08/2023	Proposed Change of Use of 1st & 2nd Floors from Office Use Self Contained 2 Bedroom Apartment	677 A Lisburn Road, BT9 7GT
10	Botanic	LA04/2023/3958/F	24/08/2023	Renovation and conversion of 1no. domestic apartment to 2no. domestic apartments.	83 Botanic Avenue, BT7 1JL
11	Balmoral	LA04/2023/4380/F	13/11/2023	Demolition of existing garage and construction of new two storey dwelling adjacent to existing dwelling.	36 Weston Drive, BT9 7JF
12		LA04/2023/2986/F	31/03/2023	Erection of 6No. Apartments including landscaped communal areas and car and cycle parking	1 - 7 Andersonstown Road, Belfast, BT11 9AJ

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Subject:	Public consultation by the Department for Infrastructure on its Review of the Development Management Regulations
Date:	13 th February 2024
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 report on the Department for Infrastructure's public consultation on its review of the Development Management Regulations.
1.2	The Committee is asked to agree the Council's response to the consultation.
2.0	Recommendation
2.1	That the Committee gives delegated authority to the Director of Planning and Building Control to respond to the public consultation as per the "Assessment" section of this report (pars. 3.7 to 3.30).
3.0	Main Report
	<u>Background</u>
3.1	The Planning (Development Management) Regulations (Northern Ireland) 2015 ("Development Management Regulations") set out the following provisions:

	• Hierarchy of development – the definition of Major development • Regionally significant applications – to require consultation with DfI on applications for Major development of a certain scale to ascertain whether they will be “called in” and determined by DfI as regionally significant • Proposal of Application Notices (PANs) – the content of PAN applications required to be made to the Council. PAN applications set out the proposals for Pre-application Community Consultation relating to applications for Major Development • Pre-application Community Consultation – requirements for Pre-application Community Consultation including holding a public event and publicising the proposal in a newspaper • Duty to decline to determine applications where section 27 is not complied with – specifying a period of 21 days for the Council requiring additional information before declining to determine an application for Major development where the requirements of the PAN process were not followed • Pre-Determination Hearings – the requirement to hold a Pre-Determination Hearing for applications notified to DfI but which it returns to the council for determination • Schemes of delegation – requirement for Councils to prepare a scheme of delegation that sets out the classes of Local development that are to be determined by officers. Prevention of such applications being determined by an officer where the application is made by the council or an elected member, or the council has an estate in the land. Requirement to send a copy of the scheme of delegation to DfI and not to adopt it until it has been approved by DfI. Requirement to publish the scheme of delegation, making it available in the office and publishing it on the council’s website. Requirement for the council to prepare a scheme of delegation at intervals of no greater than 3 years. • Transition provisions – the requirement for Pre-Application Community Consultation to only apply to applications for Major development submitted on or after 1st July 2015.
3.2	A copy of the Development Management Regulations is provided at Appendix 1. <u>Public Consultation</u>
3.3	The Department for Infrastructure (“DfI”) is consulting on its review of the Development Management Regulations as part of the regional Planning Improvement Programme (PIP). The PIP is a response to recommendations of the Northern Ireland Audit Office and Public Accounts Committee reports published in 2022, which seek significant improvement of the NI planning system.
3.4	The consultation proposes changes in three areas: • a review of the classes of development to ensure they reflect current and future development trends and that the associated thresholds take a balanced approach to community consultation in planning applications for major development; • proposals to make pre-determination hearings discretionary for councils which will help focus resources and reduce delays in issuing planning decisions for some planning applications; and

	proposals to introduce online/digital methods into the pre-application community consultation (PACC) process, to enhance accessibility and encourage participation in the planning process by a broader range of people.
3.5	DfI announced the public consultation in December 2023 with the closing date for comments of 3 rd March 2024.
3.6	A copy of the public consultation document can be found at Appendix 2 .
	<u>Assessment</u>
3.7	It is proposed that the Council responds to the public consultation as set out below.
	Review of classes of development
3.8	The consequence of development being classified as “Major” is twofold. Firstly, that the applicant is required to carry out formal pre-application community consultation before submitting the application to the council. Secondly, that the decision on the application cannot be delegated to officers but must be made by the planning committee.
3.9	In its consultation, DfI suggests that proposals for Major development ‘...require considerably more assessment and processing resources than local developments which, by comparison, are less complex and, on the whole, raise fewer public interest issues.’ (par. 2.2).
3.10	However, this is not always the experience of the Planning Service. Applications for Local development, such as housing schemes of less than 50 residential units, can often be equally complex and raise more public interest issues than Major applications. Whilst the current thresholds for Major development are generally considered to be appropriate, consideration should be given to the requirement for secondary “lighter touch” mandatory pre-application community consultation on certain scale Local applications. Local applications can have a significant impact on local people, particularly in locations such as Belfast which comprise many areas of tight-knit and dense communities where changes to the built environment can have considerable consequences. There should be a formal opportunity for those communities to engage with developers to help shape proposals for the better.
3.11	Conversely, there are examples of Major development proposals, such as larger commercial buildings on industrial estates, where the value of mandatory pre-application community consultation is questionable. There should be the provision for the council to advise that pre-application community consultation is not required in specific cases or for a council to be able to publish “local guidance” on when pre-application community consultation is necessary (this would be criteria based similar to a scheme of delegation).
3.12	Officers recognise that consideration of these issues cannot be separated from the work to date of the regional Planning Engagement Partnership , which published its report: Planning Your Place: Getting Involved in March 2022. The report made various recommendations on how to improve public engagement in the planning process including the pre-application community consultation process.
3.13	It is noteworthy that BCC’s Planning Service no longer places emphasis on whether a proposal falls under the “Major” or “Local” development categories, but whether a proposal is of “strategic” importance to the city. For example, there are many examples of Local applications which are of strategic significance to Belfast and Major applications which are

	not necessarily of strategic importance, classified as “technical Major applications” by virtue of their scale, particularly those relating to change of use of a large area of land.
3.14	Nevertheless, there is often a perception of the importance of a Major application and in this regard, the Department may wish to consider increasing the types of energy infrastructure development, particularly renewables, that fall within the Major development category in order that they are prioritised. Although this needs to be balanced against the commercial disadvantages of making applicants have to go through the 12-week Proposal of Application (PAN) process in terms of added time to the process when the regional objective is to facilitate such proposals in an efficient and timely manner.
3.15	Officers welcome the proposed introduction of a “mixed development” category of Major development for the avoidance of any doubt – the Planning Service has experience of applicants trying to argue that their proposal is not Major development because it is a mixed-use scheme which does not fall within any of the specific current categories even though it is of considerable scale.
3.16	Clarification should be provided in the updated regulations of the category of development that Battery Energy Storage Systems (BESS) fall under to avoid future potential confusion.
3.17	In relation to category 6 ‘Housing’, a significant upward change in the threshold for definition of major housing developments could result in virtually all residential developments proposed being classified as ‘local’ with resultant implications for the time available for processing and the removal of the need for pre-engagement processes such as PAD and PAN along with the requirement to consider masterplanning under Policy DES2 of the Belfast LDP Plan Strategy 2035. This would therefore not be supported.
3.18	Regarding category 7 ‘Retailing, Community, Recreation & Culture’, consideration should be given to splitting ‘Retailing’ into a separate category since retail development presents distinct issues from the other forms of development in this category including retail impact.
3.19	Consideration should be given to increasing the 1 ha threshold for Major developments to 2 ha as some Major applications are considered “technical Major applications” because of their scale but not their impact. Typically, this relates to proposals for a change of use of land or proposals such as “environmental improvements” relating to public realm.
3.20	Officers have no observations in relation to the current thresholds for consulting DfI on potentially regionally significant planning applications.
	Pre-application Community Consultation
3.21	Officers recognise the significant merits of online and digital consultation in reaching a wider and in some cases younger population. However, this it is not considered that this should be a substitute for face-to-face public events because of the value of in-person communication and commitment to genuine engagement that face to face meetings can demonstrate. The Council should therefore support “Option 1” of the consultation, which is to require both an in-person public event <u>and</u> online/digital consultation. Option 2, which is to give the developer discretion as to whether to carry out in-person consultation <u>or</u> online/digital consultation is not considered appropriate.
3.22	The requirements of the pre-application community consultation process should be re-examined having regard to the <i>Planning Your Place: Getting Involved</i> report. Consideration should be given to prescribing further publicity requirements including “leaflet drops” to local property and site notices to be erected by the applicant.

3.23	It is also essential that pre-application community consultation is much more than a simple “tick box” exercise carried out by the applicant. The bar for Pre-Application Community Consultation (PACC) reports submitted with applications is arguably low. There must be a mandatory requirement for applicants to set out the views of local people and interested parties in the report, how they have responded to each of the points, and where changes were not made to address them, to clearly explain and justify the reasons why.
3.24	There should also be an automatic requirement for the applicant to notify the locally Elected Members for the area of the pre-application community consultation.
	Pre-Determination Hearings
3.25	DfI is proposing to remove the requirement for councils to hold a Pre-Determination Hearing (which in turn requires a further meeting of the Committee to retake the decision) when an application is returned to the council for determination following notification to DfI. The current requirement is an unnecessary administrative burden which adds to delays to the application process and creates considerable uncertainty for applicants, an anathema for investors.
3.26	The proposal to remove the requirement for statutory Pre-Determination Hearings under such circumstances and to instead give councils the power to hold a discretionary Pre-Determination Hearing is very much welcomed with officers having lobbied DfI for this change for many years.
	Other points
3.27	Officers welcome the proposal for a third category of development, perhaps titled “Minor” development, for smaller scale proposals such as householder, advertisement, Listed Building Consent and Conservation Area Consent applications. This recognises that the definition of “Local” development is currently far too wide, ranging for an application for single storey extension or satellite dish to 49 dwelling units, and does not permit meaningful interrogation of performance. There should in turn be an even shorter statutory target for determination of such Minor applications, which is less than the 15 weeks average processing time currently prescribed to Local applications.
3.28	Consideration should also be given to removing the requirement for all applications for Major development to be decided by a planning committee. This should be a matter for each council to decide and set out in its scheme of delegation.
3.29	The regulations relating to schemes of delegation should also be amended. Unlike in NI, there is no requirement in England and Wales for councils to have their schemes of delegation approved by central government. This is a localised decision-making matter and the current requirements are one of too many examples of the Department’s over-interventionalist role in the planning system in NI. DfI could perhaps amend the legislation to enable it to intervene if it considers an individual council’s scheme of delegation to be inappropriate. In practice, it is questioned how many times the Department has <u>not</u> approved a council’s scheme of delegation since 2015.
3.30	Importantly, the Council’s proposed response to this focused consultation should not be considered to conclude that these regulations (and others applicable to the development management process) do not need further consideration and potential amendment.
4.0	Financial & Resource Implications
4.1	The changes proposed by the consultation have the potential to streamline legislative processes and in turn have a positive impact on finances, resources and performance.

5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	There are no equality or good relations / rural needs implications associated with this report.
6.0	Appendices – Documents Attached
	Appendix 1 – current Development Management Regulations. Appendix 2 – public consultation document

2015 No. 71

PLANNING

**The Planning (Development Management) Regulations
(Northern Ireland) 2015**

Made - - - - *25th February 2015*

Coming into operation - *1st April 2015*

The Department of the Environment makes the following Regulations in exercise of the powers conferred by sections 25(2), 26(1), 27(4) and (5), 30(1), 31(1) and (3), 50(2) and 247(1) and (6) of the Planning Act (Northern Ireland) 2011(a).

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Planning (Development Management) Regulations (Northern Ireland) 2015 and come into operation on 1st April 2015.

(2) In these Regulations a reference to a section is a reference to a section of the Planning Act (Northern Ireland) 2011.

(3) In these Regulations—

“the GDPO” means the Planning (General Development Procedure) Order (Northern Ireland) 2015(b);

“appointed officer” means a person appointed by the council for the purposes of section 31(1)(a);

“appropriate council” means the council for the district in which the land to which the application relates is situated;

“council” means a district council;

“EIA development” has the same meaning as in regulation 2 of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015(c).

Hierarchy of Developments

2.—(1) For the purposes of section 25(1)(hierarchy of developments) the classes of development belonging to the category of major development are—

- (a) development described in Column 1 of the table in the Schedule, where any applicable threshold or criterion in the corresponding entry in Column 2 of that table is met or exceeded; and

(a) 2011 c.25 (N.I.).

(b) SR 2015 No.72.

(c) SR 2015 No.74.

- (b) any change to or extension of development of a class described in paragraphs 1 to 9 of Column 1 of the table in the Schedule where that change or extension itself meets or exceeds the threshold or criterion in the corresponding entry in Column 2 of that table.
- (2) All other development belongs to the category of local development.

Department's jurisdiction in relation to developments of regional significance

3. The major development prescribed for the purposes of section 26(1) is—
- (a) development described in Column 1 of the table in the Schedule, where any applicable threshold or criterion in the corresponding entry in Column 3 of that table is met or exceeded; and
 - (b) any change to or extension of development of a class described in paragraphs 1 to 5 of Column 1 of the table in the Schedule where that change or extension itself meets or exceeds the threshold or criterion in the corresponding entry in Column 3 of that table.

Content of proposal of application notice

4. A proposal of application notice must be in writing and must, in addition to those matters required by section 27(4), also contain—
- (a) a copy (where applicable) of any determination made under regulation 7(1)(a) of the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015 in relation to the development to which the proposal of application notice relates;
 - (b) a copy of any notice served by the Department under section 26(4) or (6); and
 - (c) an account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take.

Pre-application community consultation

5.—(1) Where the prospective applicant has been served with a notice under section 26(4), the Department must consult the appropriate council as respects a proposed application and in doing so, must give a copy of the proposal of application notice to that council.

- (2) The prospective applicant must—
- (a) hold at least one public event in the locality in which the proposed development is situated where members of the public may make comments to the prospective applicant as regards the proposed development; and
 - (b) publish in a newspaper circulating in the locality in which the proposed development is situated a notice containing—
 - (i) a description of, and the location of, the proposed development,
 - (ii) details as to where further information may be obtained concerning the proposed development,
 - (iii) the date, time and place of the public event,
 - (iv) a statement explaining how, and by when, persons wishing to make comments to the prospective applicant relating to the proposal may do so, and
 - (v) a statement that comments made to the prospective applicant are not representations to the council or as the case may be the Department and if the prospective applicant submits an application there will be an opportunity to make representations on that application to the council or as the case may be the Department at a later stage.

(3) A public event held by the prospective applicant in accordance with paragraph (2)(a) must not be held earlier than 7 days after notification of the date, time and place of such event is given under paragraph (2)(b)(iii).

Duty to decline to determine application where section 27 not complied with

6. The period prescribed for the purposes of section 50(2) is the period of 21 days beginning with the day on which the additional information referred to in that subsection was requested.

Pre-determination hearings

7.—(1) The classes of development prescribed for the purposes of section 30(1) are those developments to which a direction under Article 17 of the GDPO applies where the Department has notified the council that it does not intend to determine the application under section 29(1).

(2) The persons who submit representations to the council in respect of the application in accordance with paragraph (1) are prescribed for the purposes of section 30(1), as persons to whom the council are to give an opportunity of appearing before and being heard by a committee of the council.

Content of scheme of delegation

8.—(1) A scheme of delegation must—

- (a) describe the classes of local development to which the scheme applies; and
- (b) state with respect to every such class which of the applications mentioned in paragraph (2) are to be determined by an appointed officer and, if such application is only to be so determined in particular circumstances, specify those circumstances.

(2) The applications are—

- (a) an application for planning permission; or
- (b) an application for consent, agreement or approval required by a condition imposed on a grant of planning permission.

(3) A scheme of delegation must include provision that prohibits an appointed officer from determining an application for planning permission in the circumstances mentioned in paragraph (4).

(4) The circumstances are that—

- (a) the application is made by the council or an elected member of the council; or
- (b) the application relates to land in which the council has an estate.

Procedure for the preparation and adoption of scheme of delegation

9. The council must send a copy of the scheme of delegation to the Department and must not adopt the scheme until the scheme has been approved by the Department.

Publication of the scheme

10. On adoption of the scheme the council must—

- (a) make a copy of the scheme of delegation available for inspection at an office of the council; and
- (b) publish the scheme of delegation on the website of the council.

Subsequent schemes of delegation

11. The council must prepare a scheme of delegation at intervals of no greater than three years.

Transitional provision

12. Section 27 (pre-application community consultation) applies only to applications for planning permission made on or after 1st July 2015 and the requirement in Article 3(3)(e) of the GDPO shall not apply before that date.

Sealed with the Official Seal of the Department of the Environment on 25th February 2015



Angus Kerr
A senior officer of the
Department of the Environment

SCHEDULE

Regulations 2 and 3

Major Development Thresholds

1. In the Table below—

“airport” has the meaning assigned to it in Article 2(2) of the Airports (Northern Ireland) Order 1994^(a)

“area of works” includes any area occupied by apparatus, equipment, machinery, materials, plant, spoil heaps or other facilities or stores required for construction or installation;

“floor space” means floor space in a building or buildings;

2. The Table below sets out the classes of development belonging to the category of major development.

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
<u>1.EIA development</u>	Development of a description in paragraphs; 1, 3, 4, 5, 6, 11, 12, 15, 17, 18, 22, 23 and 24; mentioned in Schedule 1 to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.	Development of a description in paragraphs 1, 3, 22, 23 and 24 mentioned in Schedule 1 to the Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2015.
<u>2. Energy Infrastructure</u>		
Electricity generating stations	1. The construction of an electricity generating station where its capacity is or exceeds 5 megawatts. 2. All onshore development associated with the construction of an offshore electricity generating station.	1. The construction of an electricity generating station where its capacity is or exceeds 30 megawatts. 2. All onshore development associated with the construction of an offshore electricity generating station with a capacity which is or exceeds 30 megawatts.
Electrical power lines	The installation of an electrical power line where the voltage exceeds 33 kilovolts if the purpose of the line is the provision of a supply to more than one customer.	The installation of an electrical power line where the voltage: -is 110 kilovolts double circuit overhead line; or -is or exceeds 275 kilovolts, and a length of more than 15 kilometres.

^(a) S.I. 1994/426 (N.I.1).

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
Storage	1. Installations for the storage of petroleum, petrochemical, chemical products or natural gas where the storage capacity of the facility is expected to be 30,000 tonnes or more. 2. Installations for the underground geological storage of petroleum, natural gas, carbon dioxide or compressed air energy storage.	1. Installations for the storage of petroleum, petrochemical, chemical products or natural gas where the storage capacity of the facility is expected to be 200,000 tonnes or more. 2. Installations for the underground geological storage of petroleum, natural gas, carbon dioxide or compressed air energy storage.
Extraction	1. Any proposal relating to the extraction of unconventional hydrocarbons. 2. The extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 250 tonnes per day in the case of petroleum and 250,000 cubic metres per day in the case of gas.	1. Any proposal relating to the extraction of unconventional hydrocarbons. 2. The extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes per day in the case of petroleum and 500,000 cubic metres per day in the case of gas.
Pipelines	Pipelines with a diameter of more than 400 millimetres or more than 20 kilometres in length: -for the transport of gas, oil or chemicals, or -for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.	Pipelines with a diameter of more than 800 millimetres or more than 40 kilometres in length: -for the transport of gas, oil or chemicals, or -for the transport of carbon dioxide streams for the purposes of geological storage, including associated booster stations.
<u>3. Transport infrastructure.</u> Construction of new or replacement railways, airports, harbours and ports, waterways, transit ways.	The areas of work is or exceeds 1 kilometre in length or 1 hectare.	a) construction of lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more; b) inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes; or c) trading ports, piers for loading and unloading connected to land outside ports (excluding ferry piers) which

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
		can take vessels of over 1,350 tonnes.
<u>4. Waste infrastructure.</u>		
Construction of facilities for use for the purpose of waste management, disposal or treatment.		
Waste Management Facilities	1. An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of or more than 25,000 tonnes. 2. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9(a)) of non-hazardous waste with a capacity exceeding 100 tonnes per day.	1. An installation for the disposal, treatment or recovery of hazardous waste with a capacity for an annual intake of or more than 100,000 tonnes. 2. Waste disposal installations for the incineration or chemical treatment (as defined in Annex I to Directive 2008/98/EC under heading D9) of non-hazardous waste with a capacity for an annual intake exceeding 100,000 tonnes.
Waste Water	Waste water treatment plants with a capacity exceeding 50,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC.	Waste water treatment plants with a capacity exceeding 150,000 population equivalent as defined in Article 2 point (6) of Directive 91/271/EEC(b).
<u>5. Minerals</u>		
Extraction of minerals	The area of the site is or exceeds 2 hectares.	a) development involving quarries or open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction where the surface of the site exceeds 150 hectares; or b) development involving underground mining where the surface of the site exceeds 2 hectares.
<u>6. Housing.</u>		
Construction of buildings structures or erections for use as residential accommodation;	a) development that comprises 50 units or more; or b) the area of the site is or exceeds 2 hectares.	

(a) O.J. No.L312, 22.11.08, p.3.

(b) O.J. No. L135, 30.5.91, p.40.

<i>Description of Development</i>	<i>Major Developments Threshold or Criteria</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011</i>
includes private schemes.		
<u>7. Retailing, Community, Recreation and Culture.</u> (according to Parts A and D of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015 ^(a)). Including shops, financial, professional and other services, community and cultural uses, and assembly and leisure.	a) development that comprises 1,000 square metres or more gross floor space outside town centres; or b) the area of the site is or exceeds 1 hectare.	
<u>8. Business, Industry (Light and General), Storage and Distribution.</u> (according to Part B of the Schedule to the Planning (Use Classes) Order (Northern Ireland) 2015	a) development that comprises 5,000 square metres or more gross floor space; or b) the area of the site is or exceeds 1 hectare.	
<u>9. All other development.</u> Any development not falling wholly within any single class of development described in Parts 1 to 8 above.	a) development that comprises 5,000 square metres or more gross floor space; or b) the area of the site is or exceeds 1 hectare.	

(a) S.R. 2015 No. 40.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations make provision for the new development management processes for determining planning applications. The statutory rule puts in place the regulatory framework required to implement the development management provisions in Part 3 of the Planning Act (Northern Ireland) 2011 (“the 2011 Act”).

Regulation 2 prescribes the classes of major development.

Regulation 3 prescribes the classes of major development that are considered to potentially be developments of regional significance.

Regulation 4 makes provision regarding the content of the proposal of application notice required under section 27(4) of the 2011 Act.

Regulation 5 sets out the prescribed manner of pre-application community consultation which an applicant will have as a minimum to undertake. This requires the holding of a public event and publication of the proposed event in a local newspaper.

Regulation 6 prescribes the time period for requesting additional information where section 27 of the 2011 Act may not have been complied with.

Regulation 7 prescribes the classes of development in respect of applications for which a council must hold a hearing before reaching a decision and provides who is to be given an opportunity to appear before the committee of the council.

Regulations 8-11 relate to schemes of delegation. Section 31 of the 2011 Act requires a council to prepare a scheme of delegation by which applications for planning permission for local development and for consent, agreement or approval required by a condition imposed on a grant of planning permission are to be determined by an appointed person. This person is defined in regulation 1 as the “appointed officer”. Regulation 8 makes provision in relation to the content of the scheme of delegation and prescribes the circumstances that prohibit an appointed officer from determining an application for planning permission. Regulation 9 requires the council to send a copy of the proposed scheme of delegation to the Department and it may not adopt the scheme until it has been approved by the Department. Regulation 10 sets out the manner of publication of the adopted scheme. Section 31(1)(a)(ii) of the 2011 Act requires a council to prepare a scheme of delegation at such intervals as may be provided for in regulations and regulation 11 sets this period at no greater than every 3 years.

Regulation 12 makes a transitional provision.

The Schedule to these Regulations prescribes the classes of development for the purposes of regulations 2 and 3.

A regulatory impact assessment has been prepared in relation to these Regulations. A copy may be obtained from the Department of the Environment, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG or accessed at www.doeni.gov.uk

The Explanatory Memorandum is available alongside the Regulations on the government’s website www.legislation.gov.uk

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2015 No. 71

PLANNING

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(Northern Ireland) 2015**

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PUBLIC CONSULTATION

Review of The Planning (Development Management) Regulations (Northern Ireland) 2015

Date: December 2023



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Responding to this consultation document

The Department for Infrastructure would like to invite views from the public and stakeholders on potential changes to **The Planning (Development Management) Regulations (Northern Ireland) 2015** (the Development Management Regulations), as set out in this document.

Consultation Period

The consultation will run for 12 weeks from **11th December 2023** until **3rd March 2024**.

How to Respond

The best way to respond to this consultation is **online** via the **NI Direct - Citizen Space** website using the link below:

<https://consultations2.nidirect.gov.uk/dfi-1/review-of-the-planning-development-management-regu>

Copies in other languages and formats, (including Braille, large print etc.), can be made available on request. If it would assist you to access this document in an alternative format or language other than English, please contact us using the e-mail or postal address below or by calling 0300 200 7830.

General written responses should reflect the structure of the consultation document as far as possible with references to question numbers where relevant. Where these cannot be submitted via Citizen Space, they can be sent to us by:

1. E-mail:
Legislation.Planning@infrastructure-ni.gov.uk

2. Post:
Public Consultation
Review of The Planning (Development Management) Regulations (NI) 2015
Regional Planning Governance and Legislation
Room 1-08, Clarence Court
10-18 Adelaide Street
Belfast BT2 8GB

The Department will not accept any submissions or comments received after **3rd March 2024**.

If you have any comments or complaints about the consultation process itself (rather than the content of this document), these should be directed to the postal or e-mail address above.

Freedom of Information Act 2000 - Confidentiality of Responses

The Department may publish a summary of responses following the closing date for receipt of comments. Your response, and all other responses to this publication, may be disclosed on request and/or made available on the DfI website (redacted). The Department can only refuse to disclose information in exceptional circumstances. Before you submit your response, please read the paragraphs below on the confidentiality of responses as this will give you guidance on the legal position about any information given by you in response to this publication.

The Freedom of Information Act 2000 (FOIA) and Environmental Information Regulations 2004 (EIR) give the public a right of access to any information held by a public authority, namely, the Department in this case. This right of access to information includes information provided in response to a consultation. The Department cannot automatically consider as confidential information supplied to it in response to a consultation. However, it does have the responsibility to decide whether any information provided by you in response to this publication, including information about your identity, should be made public or treated as confidential. The Lord Chancellor's Code of Practice on the Freedom of Information Act provides that:

- The Department should only accept information from third parties in confidence if it is necessary to obtain that information in connection with the exercise of any of the Department's functions and it would not otherwise be provided.
- The Department should not agree to hold information received from third parties 'in confidence' which is not confidential in nature.
- Acceptance by the Department of confidentiality provisions must be for good reasons, capable of being justified to the Information Commissioner.

The information you provide in your response, excluding personal information, may be published, or disclosed in accordance with FOIA or EIR. Any personal information you provide will be handled in accordance with the UK-GDPR and will not be published. If you want the

non-personal information that you provide to be treated as confidential, please tell us why, but be aware that, under the FOIA or EIR, we cannot guarantee confidentiality.

For information regarding your personal data, please refer to the DfI Privacy Notice at www.infrastructure-ni.gov.uk/dfi-privacy.

For further details on confidentiality, the FOIA and the EIR please refer to www.ico.org.uk.

Impact Assessments

Government bodies are required to screen the impact of new policies and legislation against a wide range of criteria, including equality and human rights.

Equality Impact Assessment Screenings and an Initial Preliminary Regulatory Impact Assessment have been undertaken and are available to view or download from the Citizen Space web link or the Department's website at the link above.

The Department believes that there would be no differential impact in rural areas or on rural communities. It also considers that the proposals laid out in this document are fully compliant with the Human Rights Act 1998.

The Department welcomes views and comments on whether the conclusions contained in the above assessments are correct.

1 Introduction

1.1 This consultation invites views from the public and stakeholders on potential changes to **The Planning (Development Management) Regulations (Northern Ireland) 2015** (the Development Management Regulations). These potential changes focus on the following aspects of the Development Management Regulations:

- regulation 2 (Hierarchy of developments)
- regulation 3 (Department's jurisdiction in relation to developments of regional significance)
- regulation 5 (Pre-application community consultation)
- regulation 7 (Pre-determination hearings)
- Schedule (Major development thresholds)

1.2 Changes to the Development Management Regulations are part of a wider package of measures delivering change through the **Planning Improvement Programme**¹ (PIP), brought forward by the Department for Infrastructure (the Department), local government and other stakeholders. The aim is to create an efficient, effective and equitable planning system, trusted to deliver high quality, sustainable inclusive and healthy places.

1.3 The PIP includes actions and measures recommended through the review of the implementation of The Planning Act (Northern Ireland) 2011 (the 2011 Act), which was required under section 228 of the 2011 Act. The recommendations emerged from numerous proposals, suggested revisions and recommendations for change or improvement submitted following the Call for Evidence².

1.4 In relation to the Development Management Regulations, the Department confirmed in its Review Report³ it would undertake the following three actions:

(PT3-1) Classes of development & thresholds

The Department will review existing thresholds and categories of development to determine the need for revisions.

¹ <https://www.infrastructure-ni.gov.uk/topics/planning/planning-improvement-programme>

² <https://www.infrastructure-ni.gov.uk/consultations/review-implementation-planning-act-ni-2011-call-evidence>

³ <https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report>

(PT3-10) Pre-determination hearings (PDHs)

The Department will bring forward proposals to make all PDHs discretionary for councils in the exercise of their functions. This will require amendments to subordinate legislation.

(PT3-3) Provide for both in-person and on-line/electronic PACC public engagement

The Department will bring forward proposals to provide for both in-person and on-line/electronic Pre-Application Community Consultation (PACC) public engagement. This will include consideration of any recommendation to emerge from the work of the Planning Engagement Partnership.

Structure of the Consultation

- 1.5 This consultation sets out the aims and potential issues for each of these actions and seeks views and feedback on any potential changes that may or may not be required.
- 1.6 Section 2 of this consultation document explores the aims and key issues supporting regulations 2 and 3 relating to the hierarchy of development, which provide the thresholds and criterion for major development, and developments prescribed for the purpose of section 26(1) of the 2011 Act. It outlines a series of questions exploring whether the classes of development and their thresholds and criterion as set out in the Major Development Thresholds Schedule should be amended. The aim is to ensure they are relevant, fit for purpose and take account of future development trends.
- 1.7 Section 3 explores the aims and objectives of the PACC process outlined in regulation 5 of the Development Management Regulations. It outlines proposals to introduce online / digital techniques into the PACC process and invites feedback accordingly.
- 1.8 Section 4 explores the objectives for PDHs which are provided for in regulation 7 of the Development Management Regulations. It outlines the key issues highlighted through the review of the implementation of the 2011 Act and the Department's proposal to makes these hearings discretionary.

Details of the Respondent

Q.1: Respondent Information:

Are you responding as an individual or an organisation?

Individual

☐

Organisation

☐

Please provide your organisation's name:

2 Review of regulations 2 and 3, and the Schedule (Major Development Thresholds)

Introduction

- 2.1 Section 25 of the 2011 Act introduced a hierarchy of development within the planning system, establishing development as one of two categories, major or local. The aim of the hierarchy is to encourage a more proportionate and responsive approach to processing planning applications, with resources and decision-taking mechanisms tailored according to the scale and complexity of the proposed development⁴.
- 2.2 Proposals for major development, which tend to be more economically and socially significant are likely to require considerably more assessment and processing resources than local developments which, by comparison, are less complex and, on the whole, raise fewer public interest issues.
- 2.3 The Development Management Regulations set out the classes of development and the relevant thresholds or criterion for each category. The thresholds provide clarity for prospective applicants and councils about which process a proposed development should follow and which developments require consultation with the community during the pre-application phase.
- 2.4 In the Development Management Regulations, there are nine classes of development identified in Column 1 of the table in the Schedule (Major Development Thresholds) each with a threshold or criterion to establish major development. They also identify major development which may be considered regionally significant under section 26(1) of the 2011 Act.

Major Development

- 2.5 Major developments have important economic, social, and environmental implications for a council area. With potential to deliver important benefits for the local community, planning applications for major development will be given appropriate priority to avoid undue delay and risk to investment decisions⁵.

⁴ Para 5.40 Strategic Planning Policy Statement (SPPS)

⁵ Para 5.45 Strategic Planning Policy Statement (SPPS)

- 2.6 Regulation 2 of the Development Management Regulations confirms that major development is the relevant class of development which meets or exceeds the threshold or criterion outlined in Column 2 of the table in the Schedule. Planning applications for major development are submitted to the appropriate council, however they can also be called-in for determination by the Department under section 29 of the 2011 Act.
- 2.7 All major development is subject to section 27 of the 2011 Act and PACC must be undertaken prior to the submission of the planning application. In defining the classes and thresholds for major development, the aim is to achieve a balanced approach to the types of application that would most affect the community without over-burdening users of the system or the public by over-consultation.
- 2.8 Community consultation is an essential part of an effective and inclusive planning system. The aim of PACC is to inform local communities about forthcoming development proposals and allow them the opportunity to view and comment on the emerging design proposals before a formal planning application is submitted. The intention is to add value and improve the quality of the proposed development, by addressing community issues, improving understanding, and mitigating potential negative impacts, where possible⁶. The process aims to encourage trust and more open, positive working relationships from the earliest stages in the development management process.

Major Development of regional significance

- 2.9 Regionally significant developments form the top tier of development proposals which have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They also include developments which potentially have significant effects beyond Northern Ireland or involve a substantial departure from a local development plan (LDP)⁷.
- 2.10 Regulation 3 of the Development Management Regulations confirms that development prescribed for the purposes of section 26(1) of the 2011 Act is major development which meets or exceeds the threshold or criterion outlined in Column 3 of the relevant class of development within the Schedule to the Development Management Regulations. Where the thresholds are met or exceeded it does not automatically equate to the application

⁶ Development Management Practice Note 10 - <https://www.infrastructure-ni.gov.uk/publications/development-management-practice-notes>

⁷ Para 5.44 Strategic Planning Policy Statement (SPPS)

being considered regionally significant, it is a prompt to enter into consultations with the Department and follow the procedures outlined in section 26 of the 2011 Act.

2.11 Planning applications for major development deemed regionally significant⁸ are submitted to and determined by the Department. They are also subject to section 27 of the 2011 Act and require PACC.

Local Development

2.12 Local developments comprise of all other developments (other than permitted development⁹) that do not fall within the classes described for major or for regionally significant developments in the Schedule to the Development Management Regulations. The vast majority of local development proposals are for residential and minor commercial applications and are determined by councils.

Key Issues

2.13 Through the Call for Evidence for the review of the implementation of 2011 Act respondents raised several issues in relation to regulations 2 and 3 and the Schedule to the Development Management Regulations, namely:

- the current hierarchy of development should be reviewed;
- the classes of development and the corresponding thresholds / criterion for major and regionally significant development should be reviewed to ensure they take account of current and future development trend; and
- the review should also consider a third category, sub-dividing the 'local' category.

2.14 In response to these issues, the Department confirmed in its January 2022 Review Report¹⁰ that it would review the existing thresholds and categories of development to determine the need for revisions.

Potential Changes

2.15 The objective of the consultation is to explore what revisions may be required, if any, to the classes of development and the corresponding thresholds in the Schedule for major and regionally significant development, to ensure they remain fit for purpose and relevant for current and future development trends. The questions on classes and thresholds

⁸ Confirmed by a notice issued under section 26(4) of the Planning Act (NI) 2011

⁹ <https://www.legislation.gov.uk/nisr/2015/70/contents/made>

¹⁰ <https://www.infrastructure-ni.gov.uk/publications/review-planning-act-ni-2011-report>

focus on gathering key issues and concerns in the operation of the development hierarchy. Building on the information received through the Call for Evidence referred to above, an important part of this focused public consultation is garnering views, feedback and user experiences from the public to identify and inform any potential changes that may be required.

2.16 In addition, since the Development Management Regulations were introduced in 2015, new technologies and types of developments have been emerging which do not fall clearly into the current classes of development. Similarly, it is timely to evaluate whether the current thresholds are reasonable and proportionate to enable local communities to engage on complex development proposals which may impact them, whilst ensuring there is a balanced approach to timely decision-making. Recent legal proceedings have also highlighted operational issues which need to be addressed, to ensure that local communities are given an opportunity to engage in the pre-application planning process.

2.17 To assist in preparing this consultation, a targeted pre-engagement exercise was undertaken in June 2023 with the councils and the Department for the Economy (DfE) to explore their operational experience of the classes of development and thresholds to date. The respondents provided useful feedback, which has helped shape some of the questions in this consultation.

2.18 The Department is also examining the current categories within the hierarchy of development to establish whether the category of local development should be sub-divided further to reflect performance targets more appropriately for councils in determining planning applications. Performance of a council's planning functions is principally measured against the processing of major and local applications. However, there is a considerable variation in the types of development proposal within the local category which can distort resource requirements, processing times, and performance targets. Work being conducted by councils on development management processes and procedures should provide further clarity on this issue. As such, it does not form part of this public consultation.

2.19 The Department welcomes comments on any aspect of regulations 2 and 3, and the Schedule (together with other information and evidence that may assist with the review), however having distilled the key issues from the pre-engagement exercise, it is

particularly keen to hear views on the following key questions relating to Classes 2, 7, and 9 in the Schedule.

Class 2 Energy Infrastructure

Energy infrastructure currently incorporates several sub-classes of development including electricity generating stations, electrical power lines, storage, extraction, and pipelines. Each sub-class has a different threshold for both major development and consideration as regionally significant development under section 26(1) of the 2011 Act.

It is anticipated that new and improved energy infrastructure will be required to meet Northern Ireland's net zero climate change commitments. The Northern Ireland Energy Strategy 'Path to Net Zero Energy'¹¹ set a target of at least 70% electricity consumption from renewable sources. The Climate Change Act (Northern Ireland) 2022¹² set a target of at least 80% electricity consumption from renewable sources by 2030.

Whilst the growth in traditional renewable energy technologies, such as wind and solar is likely to continue, new viable energy technologies and solutions may emerge in the coming years which merit new or adapted energy infrastructure sub-classes. In tandem, it is likely that new electricity support technologies and infrastructure may also be required to support a flexible and resilient renewables-based electricity network.

Q.2: Do you consider that the *current sub-classes* and associated *definitions* within the class of Energy Infrastructure remain relevant, and encompass emerging technologies and future development trends?

Yes ☐ No ☐

If no, please provide information on suggested changes to the sub-classes and their descriptions, including where relevant potential technologies, proposed thresholds / appropriate measurements to identify these as major and regionally significant development.

¹¹ <https://www.economy-ni.gov.uk/articles/northern-ireland-energy-strategy-path-net-zero-energy>

¹² <https://www.legislation.gov.uk/nia/2022/31/enacted>

In relation to **electricity generating stations**, the pre-engagement with councils and DfE indicates a strong support for a review of the current megawatts (MW) thresholds, to ensure that they remain relevant, take account of emerging energy technologies, and support renewable energy targets. Submissions received through the Call for Evidence and some councils have suggested that the current MW thresholds for electricity generating stations could be increased.

Q.3: Do you consider that the current MW thresholds for electricity generating development should be revised?

Yes ☐ No ☐

If yes, please outline suggestions for change and explain your reasoning.

In England, there are separate thresholds for wind energy proposals and all other onshore electricity generation stations. The technology for wind energy infrastructure has been developing at pace in recent years as more powerful and efficient turbines are able to enhance generation capacity. In their pre-engagement feedback, some councils and DfE felt this approach should be considered as part of this review.

In considering wind energy developments, it is important to establish clear and robust thresholds for identifying proposals as either major or regionally significant development. A simple MW threshold is only an approximation of the size and visual impact of a wind

energy development. Following pre-engagement advice from DfE, additional or alternative threshold criteria and measurements are being considered, for example the number of turbines or geographical extents, which may better reflect potential impacts on local communities.

Q.4: Do you consider that separate thresholds for wind energy and electricity generation stations would be beneficial?

Yes ☐ No ☐

If yes, please provide suggestions on thresholds and the appropriate measurements to identify major and regionally significant development and explain your reasoning.

Within Energy Infrastructure the **Storage** sub-class outlines descriptions for various types of products and chemicals/materials and associated thresholds for above ground and sub-surface storage installations. This encompasses the traditional containment of fuels, such as petrol, oils and other petrochemical products, as well as chemical and natural gas storage. There may be merit in adapting this sub-class to incorporate a wider range of gases and chemicals, such as ammonia and hydrogen to acknowledge the growth and development of clean energy solutions.

There may also be merit in developing this sub-class further to encompass a broader range of energy storage options which are likely to come forward in the coming years. At present, storage technologies and systems can range from chemical, electrical, thermal, electro-chemical and electro-mechanical incorporating projects such as battery energy storage systems (BESS), compressed air and liquid air storage, molten salt storage and aquifer thermal energy storage.

The various forms of storage are likely to have different characteristics and capabilities, and as such, may have different planning considerations and thresholds. For example, certain systems can be measured by both their power capacity (MW) which is the maximum amount of power which the installation can produce, and their energy capacity (megawatt-hour (MWh)) which is the amount of electrical energy which can be stored in the installation.

It is also acknowledged that some technologies and systems will have multifunctional roles – for example, battery energy storage systems can both store electrical energy and generate electricity. Such technologies may fall into more than one of the sub-classes within Energy Infrastructure.

Q.5: Do you consider it beneficial to adapt the sub-class of Storage to encompass emerging clean energy solutions and storage options which are likely to come forward in support of a decarbonised energy sector?

Yes ☐ No ☐

If yes, please provide suggestions on potential options, proposed thresholds and the appropriate measurements to identify major and regionally significant development. If no, please explain your reasoning.

Q.6: For those energy technologies and systems which have multifunctional roles, please state below how these should be categorised within Energy Infrastructure and provide thresholds and appropriate measurements to identify major and regionally significant development.

Within the Energy Infrastructure sub-classes of **Extraction and Pipelines**, there are detailed definitions and associated thresholds for various types of proposals for above ground and sub-surface installations. This sub-class encompasses development descriptions and thresholds for the extraction of unconventional hydrocarbons, fuels such as petroleum, and natural gas. It also includes pipelines for the transport of a wide range of products. In recent years, there has been a focus on exploring geothermal heat as a potential clean energy source. Planning applications for development proposals within this sub-class are usually small in number however can be controversial.

Q.7: Do you consider that the current descriptions, thresholds and measurements for the sub-classes of Extraction and Pipelines, remain relevant and encompass emerging technologies and future development trends?

Yes ☐ No ☐

If no, please provide suggestions for change, proposed thresholds and the appropriate measurements to identify major and regionally significant development.

Class 7 Retailing, Community, Recreation & Culture

The Development Management Regulations provide two sub-thresholds for major development for Use Classes A and D of the Planning (Use Classes) Order (Northern Ireland) 2015 (Use Classes Order), which cover shops, financial professional and other services, community, and cultural uses, as well as assembly and leisure. These thresholds were originally aligned with paragraph 36 of Planning Policy Statement 5 – Retailing and Town Centres (PPS5). The Strategic Planning Policy Statement (SPPS) supersedes PPS5 and indicates at paragraph 6.283 a similar threshold of 1000 square metres for out of centre development proposals.

The pre-engagement feedback from councils confirmed there was merit in revisiting the definition of this class of development and the corresponding threshold criteria.

Q.8: Do you consider that the current definition of Class 7 and the corresponding thresholds and criterion for major development are appropriate and relevant?

Yes ☐ No ☐

If no, please suggest changes and explain your reasoning.

Q.9: Do you believe there is merit in amending this Class to relate solely to proposals for retail development (Part A, Use Classes Order), with a threshold of 1000 sqm or more of gross floor space outside the town centre?

In this scenario, proposals for the development of community, recreation and cultural uses would be considered under the Class ‘All other development’.

Yes ☐ No ☐

Please explain your reasoning.

Class 9: All Other Development

Class 9 currently provides a general class for all other development which does not fall wholly within the Classes 1-8.

Following the judgment from Judicial Review 2021/NIQB96¹³, consideration has been given to clarifying the application of **Class 9 All other development**, in relation to mixed class development and all other development not currently within classes 1-8. Mixed class proposals comprise multiple elements which fall into more than one of the current classes 1-8 of the Schedule (Major Development Thresholds).

It is important that development proposals are correctly categorised within the Hierarchy of Development at the outset of the planning process. This provides applicants with clarity on the correct procedures to be followed, and it also enables local communities to engage with developers early in the planning process on those development proposals which are likely to impact them. In their pre-engagement feedback, councils also indicated support for clarification on the approach to mixed class or mixed-use development proposals.

To clarify the categorisation of all other classes of development, the Department is considering replacing the description of development in Column 1 of Class 9 (All other development) with the following text as set out below in Table 1:

¹³ <https://www.judiciaryni.uk/judicial-decisions/2021-niqb-96>

Table 1: Proposed amendment to Column 1 of Class 9 in the Schedule

<i>Description of Development (Column 1)</i>	<i>Major Developments Threshold or Criteria (Column 2)</i>	<i>Major Developments prescribed for the purpose of section 26(1) of the Planning Act (Northern Ireland) 2011 (Column 3)</i>
9. All other development Any development not falling within a class of development described in Parts 1 – 8 above.	a) development that comprises 5000 square meters or more gross floor space; or b) the area of the site is or exceeds 1 hectare.	

It should be noted that the thresholds and criteria in Column 2 of Class 9 will be considered following the feedback and views received through this public consultation.

The Department also intends to state that a mixed class development (consisting of two or more classes or sub-classes of development) will be categorised as major development where any part of that development meets or exceeds the applicable threshold or criterion for that class of development in the Schedule.

Q.10: Do you consider that the potential changes to Class 9, including the approach to mixed class development, will create a consistent, clear and robust approach to establishing major development?

Yes ☐ No ☐

If no, please explain your reasoning.

Other Comments

Q.11: Do you have comments on any other aspect of regulations 2 and 3, and the Schedule (classes of development and corresponding thresholds or criterion)?

Yes ☐ No ☐

If yes, please provide any comments and/or suggestions for change and explain your reasoning.

3 Potential Changes to regulation 5 Pre-application Community Consultation

Introduction

- 3.1 Section 27 of the 2011 Act introduced a requirement to undertake PACC before submitting a planning application for major development, as prescribed by the Development Management Regulations. It requires prospective applicants to submit a Proposal of Application Notice (PAN) outlining details of the applicant, the proposed development, its location and contact details. The council, or Department, may request further circulation of the PAN or additional consultation within 21 days of receipt. Section 27 of the 2011 Act also states that a planning application for major development must not be submitted until a minimum of 12 weeks have elapsed since submission of the PAN.
- 3.2 The Development Management Regulations specify that the PAN must include certain information, including the details of the consultation that the applicant proposes to undertake, with whom and in what form. It also requires prospective applicants to:
- hold at least one in-person public event in the locality of the proposed development;
 - publish a newspaper notice no earlier than 7 days before the public event; and
 - provide details of the proposed development, public event, how to provide feedback/comments, and how to obtain further information in the newspaper notice.
- 3.3 The objective of PACC is to inform local communities about forthcoming development proposals and allow them the opportunity to view and comment on the emerging design proposals before a formal planning application is submitted. The intention is to add value and improve the quality of the proposed development, by addressing community issues, improving understanding, and mitigating potential negative impacts, before the start of the statutory development management process. It aims to encourage trust and open working relationships from the outset of the planning application process. Engaging with communities is an essential part of an effective and inclusive planning system.
- 3.4 It is recognised that effective PACC with local communities can also lead to planning applications which are better developed, and in which the important issues have been clearly set out and considered, as far as possible, in advance of submitting the application to the council or Department.

Key Issues

- 3.5 In 2020, response to the COVID-19 pandemic, the Department made a legislative amendment to the Development Management Regulations¹⁴ which temporarily removed the requirement to hold an in-person public event as part of the PACC, during the emergency period. Alternative consultation methods included web/online based engagement, online consultation events, and an increased use of social media.
- 3.6 Feedback received through the Planning Engagement Partnership¹⁵ (PEP) indicated generally that the introduction of electronic / online options during the PACC process were a positive addition to the community engagement. It was felt that during the pandemic the online display of development proposals yielded numerous benefits, including:
- widening the sphere of community engagement by raising awareness of the proposals to a wider geographical audience;
 - altering the profile of those getting involved in planning to a younger demographic;
 - enhancing access to proposals for major development;
 - improving accessibility for those wishing to feedback comments to an applicant on a development proposal; and
 - using social media as a tool for signposting consultations and development proposals.
- 3.7 Through the Call for Evidence for the review of the implementation of the 2011 Act, respondents raised several issues in relation to online / digital engagement, endorsing the findings of PEP that consideration should be given to a 'blended' in-person and online approach to PACC following greater digital availability engagement.
- 3.8 The Department acknowledged that the temporary regulations introduced during the COVID-19 pandemic encouraged a greater use of digital technology, to provide information on development proposals and ultimately improve opportunities to participate and engage with the public and local communities. It committed to bringing forward proposals to provide for both in-person and online/electronic public engagement as part of the PACC process.

¹⁴ The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020
<https://www.legislation.gov.uk/nisr/2020/72/contents/made>

¹⁵ Report produced by the Planning Engagement Partnership [Planning Your Place: Getting Involved | Department for Infrastructure \(infrastructure-ni.gov.uk\)](#)

3.9 In March 2022, PEP published a report '*Planning your Place: Getting Involved*' setting out practical recommendations to enhance the quality and depth of community engagement within the planning system. In association with PEP and Community Places, the Department has been exploring options to improve the PACC process. The focus is on understanding how more modern, inclusive and digital techniques can help raise awareness of future development proposals in local areas and provide greater opportunities for the public and stakeholders to participate in the pre-application process to influence decision making. The options proposals outlined in this section have been further informed by research undertaken by MSc Planning and Development students.

The Proposed Options

- 3.10 The importance of encouraging community participation in the planning process and enhancing opportunities to engage in the pre-application stage of developing proposals cannot be underestimated. Involving the community and enabling them to contribute their views to the development process can highlight important issues, address misunderstandings, and improve the quality of planning applications.
- 3.11 Following the COVID-19 pandemic, it is clear that the internet and digital media can facilitate online community engagement and playing an important role in enhancing community participation. Evidence from PEP has shown that it has facilitated greater participation by younger people in the planning process and it has helped raise awareness of development proposals beyond geographical boundaries.
- 3.12 This consultation seeks your views on two potential options for incorporating digital / online engagement into the PACC process, alongside in-person consultation events. The overall objective is to improve the pre-application process, by encouraging methods which will increase awareness of development proposals and enable greater opportunities for the public and stakeholders to participate in the pre-planning process. Garnering views and feedback from the public in relation to both options is an important part of developing the policy.

Option 1

- 3.13 Currently, regulation 5 of the Development Management Regulations requires an applicant to hold at least one public event in the locality in which the proposals are located. This option would place an additional requirement for prospective applicants to

display information on major developments and development subject to a notice under section 26(4) of the 2011 Act i.e., regionally significant development on a website during the pre-application phase.

- 3.14 The information would be displayed on a website maintained by the prospective applicant for a specified period of time during the pre-application consultation phase, prior to submission of the associated planning application. The newspaper advertisement and other media would be required to include the website address, in addition to all other requirements currently outlined in regulation 5(2) of the Development Management Regulations, including applicant details, information on the proposed development, site location, how to provide feedback, and the timelines for submitting comments.
- 3.15 The displayed information would include draft planning proposals, including drawings, site location, environmental reports, and design & access statement for the public to view and consider. The website would also have the facility to accept comments and feedback online and would provide information on how to contact the applicant in relation to queries.
- 3.16 It is anticipated that the date of the in-person public event would coincide with the live website. This would enable members of the public to view and consider the proposals online, with the option of attending the public event and engaging with the applicant to provide comments in person.
- 3.17 With this option, section 27(6) of the 2011 Act will remain unchanged. Councils and the Department retain the option of requesting additional consultation and notification within 21 days following receipt of the PAN, where deemed necessary.

Option 2

- 3.18 At present, regulation 5 of the Development Management Regulations requires an applicant to hold at least one public event in the locality in which the proposals are located. Option 2 seeks to vary this provision to introduce flexibility to the public event and places an additional requirement on prospective applicants to display information on all major developments on a website during the pre-application phase.
- 3.19 Option 2 retains the requirement for a public event, however, proposes to introduce an element of flexibility enabling it to be facilitated either as:

- a) an *in-person* consultation event held in the locality of the proposed development; or
- b) an *online* consultation event, where members of the public can attend virtually to engage with the applicant and provide comments on the proposed development.

3.20 In practice, the prospective applicant would propose the type of public event it believes to be the most appropriate based on the detail of the proposed development and its site location, and agreement would be sought from the council or Department as part of the PAN process. The requirements for publicity, advertising, and timelines set out elsewhere in regulation 5 would be adjusted accordingly within amended legislation.

3.21 This option also requires the pre-application consultation strategy to incorporate an element of online consultation. This online consultation would comprise the display of the draft development proposals on a website for a specified period of time, during the pre-application consultation phase, as outlined in sections 3.14 – 3.16 of this document. This would be added into regulation 5 of the Development Management Regulations and would apply to all proposed major development and development subject to a notice under section 26(4) of the 2011 Act i.e., regionally significant development.

3.22 With this option, section 27(6) of the 2011 Act will remain unchanged. Councils and the Department retain the option of requesting additional consultation and notification within 21 days following receipt of the PAN, where deemed necessary.

Q.12: Please indicate your preferred option and explain your reasoning below.

Option 1 ☐ Option 2 ☐ Neither Option ☐

Q.13: Do you consider there to be an alternative option for incorporating online / digital engagement into the PACC process, which may be more beneficial?

Yes ☐ No ☐

If yes, please provide outline this option and explain your reasoning.

4 Potential Changes to regulation 7 Pre-Determination Hearings

Introduction

- 4.1 Section 30(1) of the 2011 Act enables the Department to make regulations requiring councils to provide an applicant or third party the opportunity to appear before and be heard by the council prior to determination of a planning application.
- 4.2 Regulation 7(1) of the Development Management Regulations states that section 30(1) applies to developments subject to a direction under Article 17 of The Planning (General Development Procedure) Order (Northern Ireland) 2015, but where the Department has notified the council that it does not intend to determine the application under section 29(1) of the 2011 Act. The council facilitates a hearing following receipt of the Departmental notification, and prior to the council formally determining the planning application.
- 4.3 The objective of a PDH is to make the planning application process more inclusive and transparent. It allows an applicant and those who have submitted representations to a planning application the opportunity to appear before and be heard by the council before it reaches a decision. The meeting focuses on the material planning considerations and explores these to help the planning committee make its determination on the application.
- 4.4 In practice, PDHs are commonly convened for those planning applications which have a variety of complex issues, include wide-ranging policy considerations, have issues which are of interest to a substantial proportion of the population in the council area and/or attract large numbers of objections.
- 4.5 Under section 30(4) of the 2011 Act, councils also have the discretion to convene a PDH for any planning application that they will determine.

Key Issues

- 4.6 Through the Call for Evidence for the review of the implementation of the 2011 Act, respondents raised several issues in relation to regulation 7 of the Development Management Regulations and mandatory PDHs in particular. In summary, comments highlighted that the mandatory PDH hearings process added delay, increased cost and hindered council's performance.
- 4.7 In addition, responses also highlighted that:

- they should be a discretionary function only for councils to decide where, in their view, they would add value to the decision-making process;
- they add unnecessary administration and can add delay and cost to the process.
- the wording in section 30(1) of the 2011 Act is complicated and confusing;
- they extend the timeframe for a planning decision to be issued; and
- the requirement should be removed where the Department has returned a notifiable application, a previous PDH has been held, and there are no new material planning considerations.

4.8 The Department committed to bringing forward proposals to make pre-determination hearings discretionary for councils in the exercise of their functions.

The Proposal

4.9 The purpose of this consultation is to seek your views on the Department's proposal to remove the requirement for mandatory PDHs. Garnering views, feedback and user experiences from the public in relation to this proposed change is an important part of policy development.

4.10 The Department's overall objective for the proposed removal of mandatory pre-determination hearings, is to enable councils to have greater flexibility and control over when and how a PDH takes place which should ultimately lead to a more efficient, effective, transparent and inclusive planning service.

4.11 It is proposed that section 30(4) of the 2011 Act will remain to provide councils with the legislative mechanism to hold discretionary PDH for any planning application they will determine. Section 30(2) and (3) of the 2011 Act are referenced in section 30(4) in the context of providing the legislative requirement to provide procedures for PDH. In practice, the proposal would require regulation 7 of the Development Management Regulations to be revoked.

Q.14: Do you agree with the proposal to make Pre-Determination Hearings discretionary for councils?

Yes ☐ No ☐

If no, please explain your reasoning.

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ADDENDUM REPORT	
Committee Meeting Date: Tuesday 13 th February 2024	
Application ID: LA04/2022/0646/F	
Proposal: Application under Section 54 of the planning (Northern Ireland) Act 2011 to vary Condition 2 of planning permission LA04/2017/2753/F (relating to details of public realm improvements).	Location: 30-44 Bradbury Place Belfast BT7 1RT
Referral Route:	Major development
Recommendation:	Approval subject to conditions and s76 planning agreement
Applicant Name and Address: Bradbury Student Properties Ltd	Agent Name and Address: Laura McCausland
Background 1. This report relates to a Section 54 application to vary condition 2 (public realm) of planning permission LA04/2017/2753/F. The planning permission is for demolition of buildings and erection of Purpose Built Managed Student Accommodation (156 bedrooms), granted on 01 August 2019. The development is near completion and was expected to be occupied by the end of March 2024, although this may be pushed back. Condition 2 requires approval of details and implementation of the public realm improvements to the footway to the frontage of the site on Bradbury Place 2. The Section 54 application was approved at the August 2022 Planning Committee. The Committee approved the application and granted delegated authority to the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement. 3. The Section 76 planning agreement has since been signed, however, the decision has yet to issue because of the need to resolve the details of the proposed public realm improvements, as well as the timing of the submission of the details and their implementation for the purposes of the updated condition 2. 4. The application is reported back to the Committee for re-assessment against the Belfast Local Development Plan: Plan Strategy 2035 and for agreement of a revised date for the implementation of the public realm. 5. The Plan Strategy was adopted in May 2023. This provides a new policy framework for decision-making. In accordance with the advice given to Members at the April 2023 Planning Committee, the application is required to be re-assessed having regard to the policies in the Plan Strategy. 6. This report should be read in conjunction with the original case officer report to the August 2022 Committee, appended.	

Updated Policy Context

7. 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. Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
9. The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan ("Departmental Development Plan") until the Local Policies Plan is adopted.
10. **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 previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).
11. **Proposals Maps** – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.

Relevant Planning Policies

Plan Strategy

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

Policy SP5 – positive placemaking

Policy SP7 – connectivity

Policy DES1 – Principles of urban design

Policy TRAN1 – Active travel – walking and cycling

Policy TRAN 2 – Creating an accessible environment

Policy TRE1 – Trees

Supplementary Planning Guidance
Placemaking and Urban Design

Updated Assessment

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

Consultation responses

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

Placemaking

15. The details of the proposed public realm required by condition 2 of the original planning permission, LA04/2017/2753/F, have now been approved (LA04/2021/0917/DC). It was necessary to resolve this matter first because the Section 54 application, if approved, will create a standalone new planning permission. The conditions attached to the original planning permission will need to be re-applied as appropriate.

16. The Section 54 application seeks permission to vary condition 2 of the original planning permission to vary the timing of the submission of the details of the public realm. In August 2022, the Committee agreed that the submission of the details of the public realm could be pushed back from prior to commencement of development to by June 2023. The reasoning was that by that time details of the Streets Ahead 5 public realm project should be known and the specification of the public realm would subsequently be designed to complement Streets Ahead 5. However, Streets Ahead 5 has been delayed. The approved PBSMA scheme is near completion and is expected to be occupied by the end of March 2024, although this date could be pushed back further. It was not possible to delay approval of the details of the public realm any further because the applicant needs to order the approved materials and so application LA04/2021/0917/DC has been approved.

17. In August 2022, the Committee agreed to vary condition 2 to the following:

‘Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.’

18. Acceptable public realm details were not submitted until November 2023 and so the condition will need to be updated accordingly, cross referencing the approved details. In terms of the timing of the implementation of the public realm works, officers are waiting on confirmation from the applicant as to when they

are realistically able to carry out and complete the works. Factors will likely include the ordering and supply of the materials, securing the appropriate license from DfI (and any partial road closures), programming of contractors etc.

19. The following recommended wording for condition 2 is therefore provisional and subject to discussions with the applicant – it is expected that officers will be able to provide an update to the Committee on these discussions via late items.

'The public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A shall be implemented in accordance with the details approved under discharge of condition application LA04/2021/0917/DC approved on [X] and completed prior to [31st July 2024].

Other considerations

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

Recommendation

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

DRAFT CONDITIONS:

1. The development hereby permitted must be begun by 31st July 2024.
Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.
2. The public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A shall be implemented in accordance with the details approved under discharge of condition application LA04/2021/0917/DC approved on [X] and completed prior to [31st July 2024].

Reason: In the interests of connectivity and good place making.
3. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 04B 'Proposed Ground Floor Level' bearing the Belfast City Council Planning Office date stamp 30th November 2018 to provide adequate facilities for servicing and parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for parking, cycle storage and servicing.

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

4. A minimum of 36 no. cycle parking spaces shall be provided and permanently retained in accordance with approved plan drawing No.04B date stamped 30th November 2018. The access shall be available at all times for residents, staff and visitors to the development.

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

5. The development hereby permitted shall operate in accordance with the approved Travel Plan bearing the Belfast City Council Planning Office date stamp 07 December 2017. This includes provision of the Translink Corporate Commuter Initiative, the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed in writing in advance by the Council. No variation to the approved Travel Plans shall be implemented without the prior consent of the Council.

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

6. The development hereby permitted shall operate in accordance with the Servicing and Waste Management Plan bearing the Belfast City Council Planning Office date stamp 28 August 2018.

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

7. Prior to the occupation of the proposed development, the applicant must submit to the Local Planning Authority for approval a Noise Verification Report which demonstrates that the mitigation/design measures outlined in the KRM Acoustics report titled "Noise Assessment Proposed Mixed use commercial and residential Accommodation, 30-44 Bradbury Place, Belfast dated 27th November 2018 and the additional KRM acoustics information dated 12th February 2018 PL Ref: LA04/2017/2753/F" have been implemented and it must demonstrate that the glazing and ventilation units approved by the Local Planning Authority have been installed. The verification report must be carried out by a competent acoustic consultant and demonstrate that suitable internal noise targets are not exceeded within the habitable rooms within the proposal with the windows closed and the alternative means of ventilation provided in accordance with current building regulation requirements.

Reason: In the interests of residential amenity

8. Prior to and during the operation of the proposal the Rating Level (dB LAr) of sound from all combined building services plant associated with the development shall not exceed the background sound level (for both day time and night time) at the nearest sound sensitive premises when measured in accordance with the assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.

The noise level shall not exceed 82dBL_{aeq}, 15 minute, within the internal plant rooms.

Reason: In the interests of residential amenity

9. The external courtyard areas must not be used as a communal space by students between the hours of 23.00hrs and 07.00hrs.

Reason: In order to protect future occupants of the proposed development against noise disturbance.

10. No deliveries to or collections from the retail unit shall take place between the following hours 23.00hrs and 07.00hrs.

Reason: In the interests of amenity

11. Prior to commencement of any part of the development, a construction dust, noise and vibration management plan shall be submitted to and agreed with by the Local Planning Authority. This plan shall outline the methods to be employed to minimise any dust, noise and vibration impact of construction operations demonstrating 'best practicable means'. The plan shall be in accordance with BS5228:2009 Noise and Vibration Control on Construction and open sites and IAQM Guidance on the Assessment of dust from demolition and construction 2014. Demolition and construction works should be carried out in line with the approved plan. No variation implemented without consent of the Local Planning Authority.

Reason: Protection of amenity

Informatives:

NOT02 Drawing Numbers

This decision relates to the following approved drawing numbers: 01A

NOT03 Compliance with planning permission

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

NOT04 Discharge of condition(s)

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

NOT05 Section 76 planning agreement

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 201, which secures a student management plan. This decision should be read in conjunction with the planning agreement.

NOT06 Non-planning requirements

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

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: Tuesday 16 th August 2022	
Application ID: LA04/2022/0646/F	
Proposal: Application under Section 54 of the planning (Northern Ireland) Act 2011 to vary Condition 2 of planning permission LA04/2017/2753/F (relating to details of public realm improvements).	Location: 30-44 Bradbury Place Belfast BT7 1RT
Referral Route:	Major development
Recommendation:	Approval
Applicant Name and Address: Bradbury Student Properties Ltd	Agent Name and Address: Laura McCausland
Executive Summary: This Section 54 planning application seeks to vary condition 2 of planning permission LA04/2017/2753/F to amend the trigger point for the approval of details of public realm improvements to the footway along the frontage of the site. The applicant submitted details of proposed public realm improvements in order to discharge condition 2 under reference: LA04/2021/0917/DC. The Department for Communities (DfC) was consulted and raised a concern that the proposals at this location would need to align with the design specification for Streets Ahead Phase 5, but these details have not yet been agreed. To agree the public realm improvements in advance of that would likely result in the applicant/developer carrying out works that may need to be replaced. It was therefore not possible to agree the details and the condition was not discharged. Instead, it was agreed that a Section 54 application should be submitted to amend the trigger point for submission of details of the proposed public realm improvements until the specification of Streets Ahead 5 is agreed. DfI Roads and DfC, Belfast Regeneration Directorate were consulted. DfI Roads offers no objection to this Section 54 application. DfC has advised that concept designs for the Belfast Streets Ahead Phase 5 Project (BSA 5) will not be available until the end of 2022/early 2023. In relation to delivery of the scheme, there is not a confirmed date at present but expect construction to start in the 2025/26 year, subject to approval of a business case, planning approval and funding availability. Accordingly, officers recommend the following wording for the revised condition: <i>Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</i>	

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

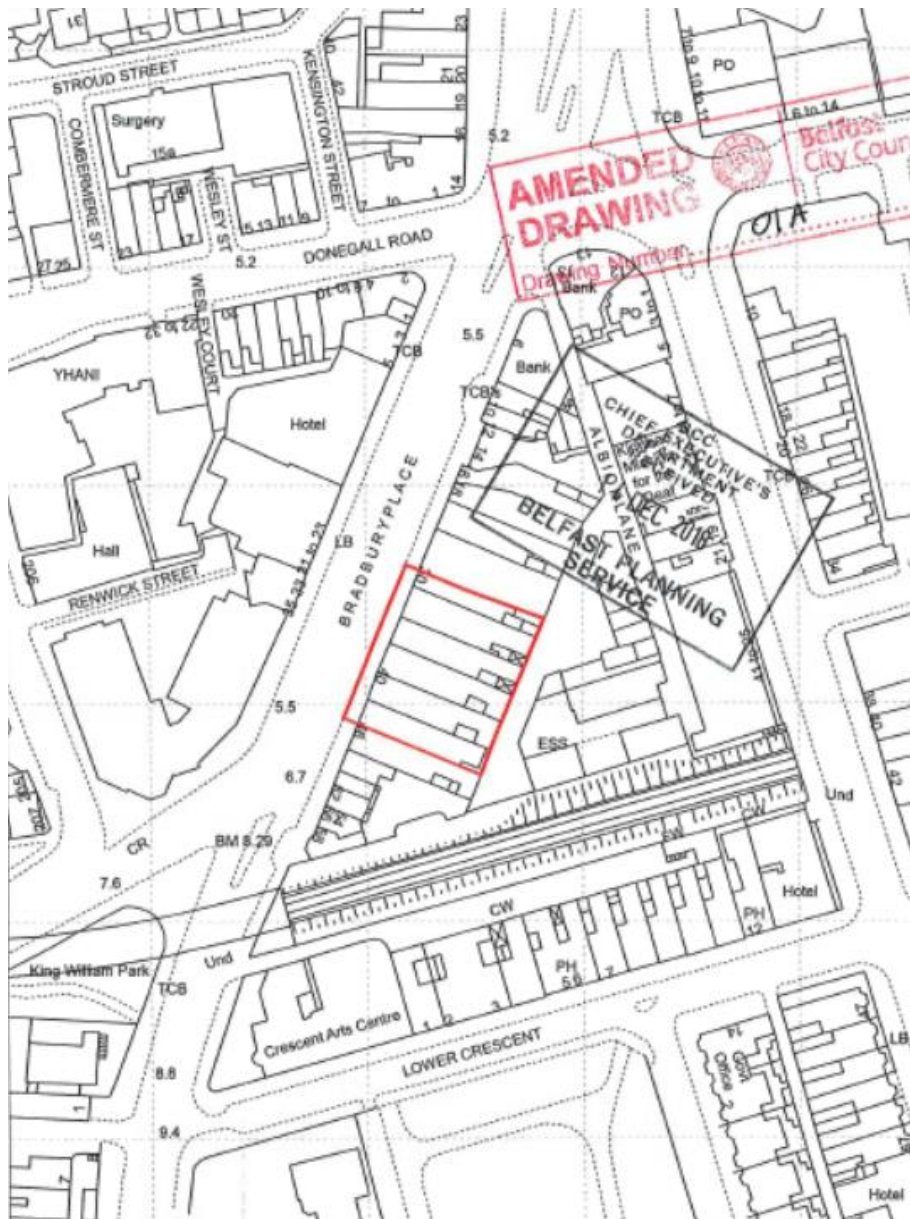
It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate. The original permission was also subject to a Section 76 Planning Agreement (S76) to secure the management of the student accommodation and accordingly this Section 54 permission will also require a S76.

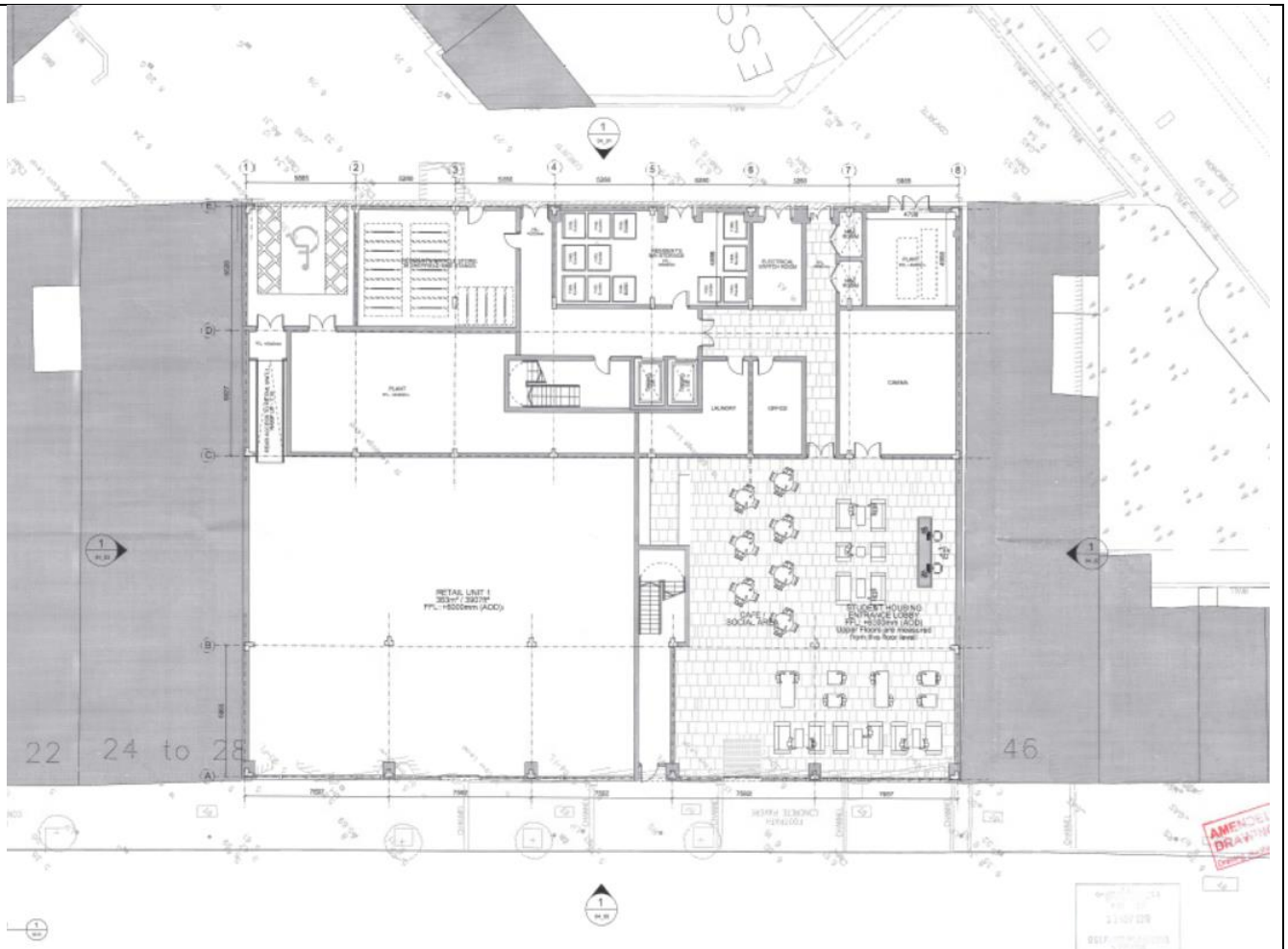
Having regard to the Development Plan, and relevant material considerations, including the responses from DfI Roads and DfC, Belfast Regeneration Directorate, the proposed amendment to condition 2 of the original planning permission is considered acceptable.

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 a Section 76 Planning Agreement.

Case Officer Report

Site Location Plan/Approved Site Layout





Ground Floor Plan



Front Elevation

Characteristics of the Site and Area	
1.0	<u>Description of Proposed Development</u>
1.1	On 1 st August 2019, full planning permission was granted under application LA04/2017/2753/F for Demolition of buildings and erection of a mixed-use development to include purpose built managed student accommodation with 100 en-suite cluster bedrooms and 56 studios (156 total) and ancillary facilities with ground floor retail unit. 5 storeys addressing Bradbury Place and 6 storeys addressing Albion Lane to rear at 30-44 Bradbury Place, Belfast.
1.2	On 4 th April 2022, the current application was submitted seeking to vary Condition 2 of planning approval LA04/2017/2753/F.
1.3	Condition 2 as approved states: <i>Prior to commencement of the development the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</i> <i>Reason: In the interests of the character and appearance of the area.</i>
1.4	The application to vary Condition 2 is seeking to amend the timing for submission of details of the public realm improvements. As approved, the condition requires this to be submitted prior to commencement of development and carried out prior to occupation. The change sought is to delay the submission of public realm details until such time as the specification for the Streets Ahead Project Phase 5 is agreed. The revised wording also allows the commencement of development in advance of agreeing the public realm improvements. And, taking into account the timeline for construction, it will still require the agreed public realm works to be carried out prior to occupation of the hereby approved development.
2.0	<u>Description of Site and Area</u>
2.1	The site comprises of a relatively flat, cleared site on the eastern frontage of Bradbury Place. To the north, west and south there are a mix of commercial and residential land uses, including apartments diagonally opposite on Bradbury Place and a new student accommodation building under construction over the railway line to the south-east of the site.
Planning Assessment of Policy and other Material Considerations	
3.0	<u>Planning History</u>
3.1	Full details of relevant historical applications are provided in the case officer report to the original planning application at Appendix 1.
4.0	<u>Policy Framework</u>
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.2	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPSS)

	Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking Planning Policy Statement 4 (PPS 4) – Planning and Economic Development Planning Policy Statement 13 (PPS 13) – Transportation and Land Use Planning Policy Statement 15 (Revised) (PPS 15) – Planning and Flood Risk Developer Contribution Framework 2020
5.0	<u>Statutory Consultees</u> DfI Roads - No objections.
6.0	<u>Non-Statutory Consultees</u> DfC, Belfast Regeneration Directorate – no objection.
7.0	<u>Representations</u>
7.1	No representations were received.
8.0	<u>ASSESSMENT</u>
8.1	<u>Development Plan</u>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 (v2014) had reached pre-adoption through a period of independent examination, the policies within it 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.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, dBMAP 2015 (v2014) is considered to hold significant weight. dBMAP 2015 (v2004) also carries weight.
8.1.4	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
8.1.5	The principle of a proposed student accommodation building on this site was established under the existing extant consent and this application does not amend the design of the approved building.

8.2	<u>The acceptability of the proposed amendments to the conditions</u>
8.2.1	DfI Roads and DfC, Belfast Regeneration Directorate were consulted and that they had no objections to the proposed amendment to condition 2.
8.2.2	Officers consider that the proposed variation of condition 2 is acceptable and recommend that Condition 2 should read as follows: <i>Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.</i> <i>Reason: In the interests of the character and appearance of the area.</i>
8.3	<u>Public Consultation</u>
8.3.1	The application was advertised on 12 th November 2021 and neighbour notifications were issued on 10 th November 2021. No representations have been received.
8.4	<u>Conclusion</u>
8.4.1	The proposal to vary condition 2 is considered reasonable and acceptable having had regard to the consultation responses from DfI Roads and DfC, Belfast Regeneration Directorate. Both have no technical objections to the application. Having regard to the planning policy context and relevant material considerations, the variation of the condition is considered acceptable.
9.0	Summary of Recommendation:
9.1	Having regard to the policy context and other relevant material considerations, the proposal is considered acceptable.
9.2	The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision. The original permission was also subject to a Section 76 Planning Agreement to secure the management of the student accommodation. A Section 76 will also be required for this new permission. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 agreement.
10.0	Draft Conditions:
	*Please note that the other original conditions will need to 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 LA04/2017/2753/F have been discharged and final wording will make reference to this.
10.1	The development hereby permitted shall be begun before 15 th April 2024. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011,
10.2	Prior to the end of June 2023 the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No.01A which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development. Reason: In the interests of the character and appearance of the area.

11.0	Representations from Elected Representatives (if relevant) N/A
12.0	Referral to DfI (if relevant) N/A
ANNEX	
Date Valid	5th April 2022
Date First Advertised	15th April 2022
Date Last Advertised	6th May 2022
Details of Neighbour Notification (all addresses) The Owner/Occupier, 15 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 17 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 19 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 19a ,Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 1st Floor,19 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 21 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 23 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 23 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 23-31 ,Bradbury Place,Belfast,Antrim,BT7 1RR The Owner/Occupier, 24-28 ,Bradbury Place,Belfast,Antrim,BT7 1RS The Owner/Occupier, 25-41 ,Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 27 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 29 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 33 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 35 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 35 Botanic Avenue,Belfast,Antrim,BT7 1JG The Owner/Occupier, 36 Bradbury Place,Belfast,Antrim,BT7 1RT The Owner/Occupier,	

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The Owner/Occupier,
Flat 9,Tollgate House,Bradbury Place,Belfast,Antrim,BT7 1PH

Date of Last Neighbour Notification	8th June 2022
Date of EIA Determination	N/A

ES Requested	No
Notification to Department (if relevant) N/A Date of Notification to Department: Response of Department:	

Appendix 1: Development Management Officer Committee Report for LA04/2017/2753/F

Development Management Report Committee Application

Summary	
Committee Meeting Date: 15 th January 2019	
Application ID: LA04/2017/2753/F	
Proposal: Demolition of buildings and erection of a mixed-use development to include purpose built managed student accommodation with 100 en-suite cluster bedrooms and 56 studios (156 total) and ancillary facilities with ground floor retail unit. The proposed building has 5 storeys addressing Bradbury Place and 6 storeys addressing Albion Lane to the rear.	Location: 30-44 Bradbury Place Belfast BT7 1RT
Referral Route: Major Application	
Recommendation:	Approval subject to S76 agreement
Applicant Name and Address: Rojem Properties Belfast Limited The Farmhouse Balgone Barns North Berwick East Lothian EH39 5NY	Agent Name and Address: Laura McCausland 8 Edgar Avenue Carryduff BT8 8DG
Executive Summary: The application seeks planning permission for purpose built managed student accommodation (PBMSA) - 156 beds - in a building ranging in height from 5 storeys to 6 storeys. The key issues in the assessment of the proposed development include: • Demolition of existing buildings; • The principle of the development at this location; • HMO Subject Plan and PBMSA guidance document • Design and layout including the height, scale, massing • Impact on listed buildings and the setting of listed buildings • Impact on archaeological monuments • Impact on amenity Environmental Health • Traffic Movement and Parking; • Drainage and Flooding; • Other considerations The site is located within the development limits of Belfast as defined in the Belfast Urban Area Plan and the Draft Belfast Metropolitan Area Plan (BMAP) and version of BMAP purported to be adopted. It is not subject to any zoning in these plans and is therefore 'Whiteland'. The site falls within the Shaftesbury Square character area as designated in draft BMAP (CC016). This sets out a general criteria that proposals shall take account of the height of adjoining buildings and that <i>any development which fronts onto Dublin Road or Bradbury Place shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7</i>	

storeys. The height of the proposal complies with these criteria and on balance the design, scale and massing is considered acceptable at this location.

Planning permission was refused (LA04/2016/9000/F) for a previous proposal for PBMSA) on the site. The proposal has significantly changed for the better when compared to the scale and massing of the building refused under LA04/2016/0900/F (previously proposed was a 7 and 11 storey building with 271 units). The current application has been revised from the original submission with the removal of a floor from the front and rear blocks and a reduction in unit numbers from 172 to 156. The amended scheme comprises a layout of two blocks – a front block of 4 storeys plus one set back in height, with a rear block of 6 storeys in height (ridge 18.6m). The building would occupy the entire site, with a retail unit, a reception area, student social area, 1 disabled car parking space to the rear, bin and cycle storage space at ground floor, with two outdoor amenity areas at second floor and a roof terrace. On balance the reduced scheme is considered acceptable.

The proposed development involves the demolition of existing buildings (30-44 Bradbury Place). The buildings are not listed and are not located within a Conservation Area or Area of Townscape Character. As the buildings are not protected, their demolition is considered acceptable in principle.

The principle of purpose built student accommodation is considered acceptable at this location. The site is located on unzoned (white) land close to the Queens University campus and is not located in or adjacent to a primarily residential area. The area is characterised by mixed commercial use with a number of shops, hot food bars, restaurant/cafes and public houses. Therefore, there are no restrictions on the land use providing it is a compatible land use and does not conflict with relevant policy and other material considerations.

There are a number of listed buildings within close proximity to the site including Bradbury Buildings 2-6, Bradbury Place, Crescent Arts Centre, Moravian Church, The Crescent Church and deconsecrated Methodist Church (which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011. HED was consulted and has no objections.

4 representations have been received objecting on the basis of the loss of light to offices, access issues for neighbouring offices, impact on historic buildings and character of the area, traffic, impact on existing businesses who occupy the buildings which are proposed to be demolished.

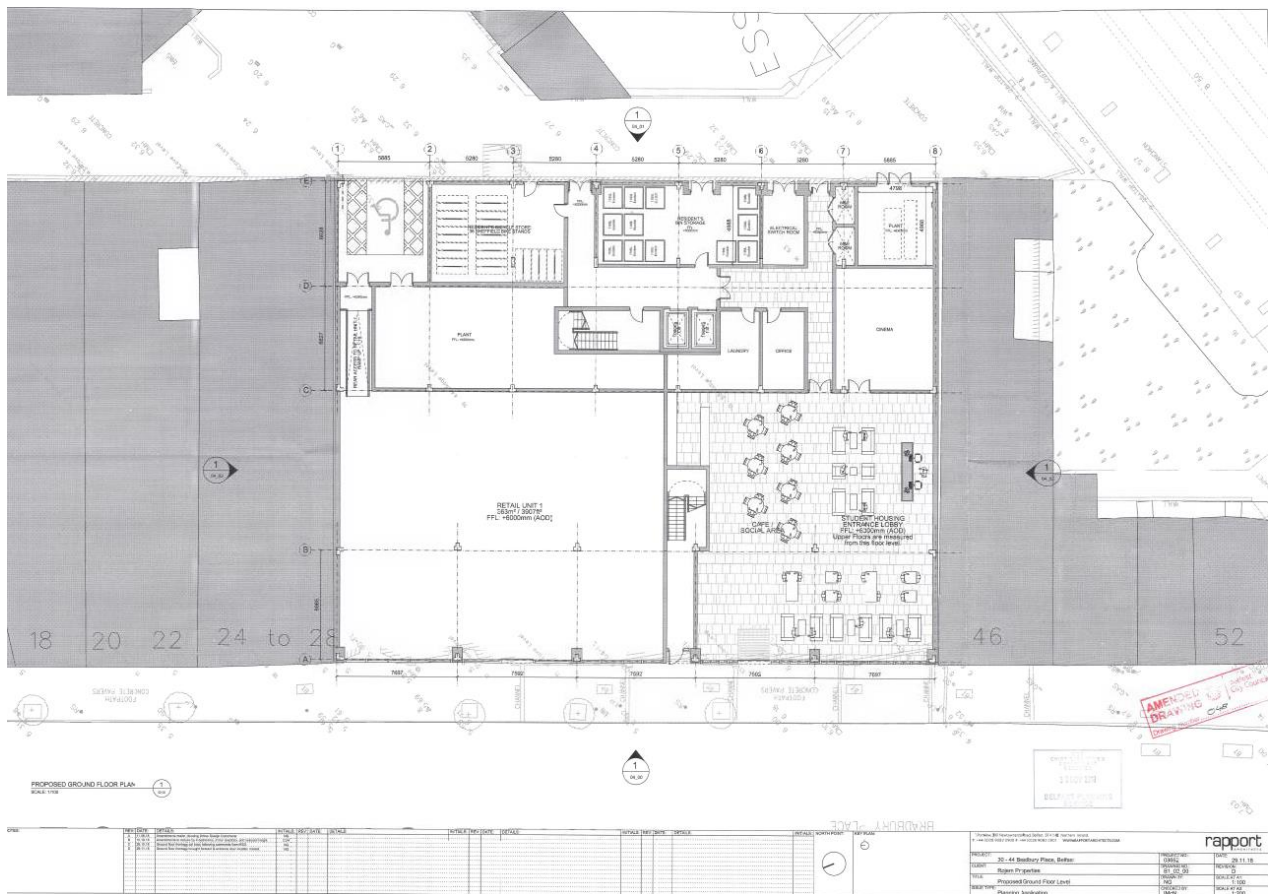
308 letters of support have been received highlighting the positive impact the proposal would have in terms of economic benefits, the need for student housing in close proximity to Queens University, urban regeneration, reduce anti-social behaviour in the area.

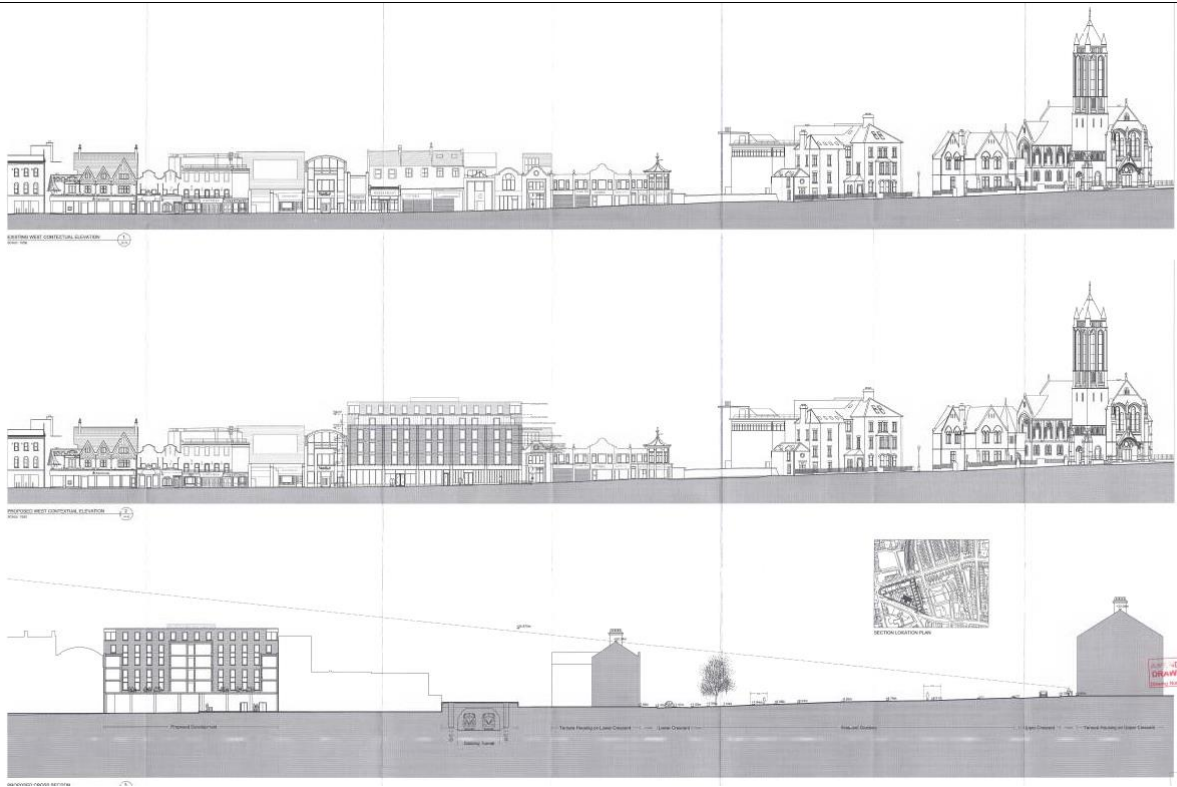
All matters highlighted by representations have been fully considered within the report

All consultees have offered no objections to the proposal, subject to conditions.

Recommendation

Having had regard to the development plan, relevant planning policies and other material considerations it is considered that the proposal complies with the development plan, regional planning policy and other material considerations. It is recommended that the proposal should be approved subject to conditions and completion of an agreement under Section 76 of the Planning Act (NI) 2011. The Committee is requested to delegate authority to the Director of Planning and Building Control to finalise the wording of conditions and to enter into the Section 76 and to finalise the wording of conditions to be agreed.



	
Representations:	
Letters of Support	308
Letters of Objection	4
Neighbour Notification Checked: Yes	

1.0	Description of Proposed Development The proposed development involves the demolition of buildings (30-44 Bradbury Place) and the erection of a mixed-use development to include purpose built managed student accommodation with 100 en-suite cluster bedrooms and 56 studios (156 total) and ancillary facilities with ground floor retail unit. The building will have 5 storeys addressing Bradbury Place and 6 storeys addressing Albion Lane to the rear.
2.0	Description of Site The site is located at 30-44 Bradbury Place and the site area is 0.116 hectares. The existing buildings on the site generally address onto Bradbury Place with a two storied frontage. A taller block addresses Albion Lane located to the rear. The site has a continuous frontage comprised of six separate buildings each with individual access to the front and rear. These buildings will be demolished as part of the proposal. The majority of units appear to be used as fast food take away units. The site is not subject to any zoning in BUAP or DBMAP and is identified as 'Whiteland'. The site falls within a character area – Shaftesbury Square under designation CC016.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History
3.1	LA04/2016/0900/F- 30-44 Bradbury Place, Belfast, BT7 1RT- Demolition of existing buildings and erection of 6 and 11 storey blocks in a mixed-use development to include purpose-built, managed student accommodation with 271 studios, shared communal areas and landscaped roof terraces. Ground floor includes reception, 2 retail units, car parking and cycle storage (amended scheme). Planning permission refused-21.11.2016 on the basis of the following refusal reasons.

3.2	<i>1: The proposal is contrary to the Strategic Planning Policy Statement for N. Ireland, Belfast Metropolitan Area Plan 2015, the Belfast HMO Subject Plan, and Policy QD1 of Planning Policy Statement 7 'Quality Residential Environments' in that it would, if permitted, cause unacceptable damage to the character of the area due to the uncharacteristic and inappropriate height, scale, massing and design and fails to provide an adequate living environment due to a poor outlook, inadequate amenity space arrangements due to overshadowing, dominance, and inadequate provision for prospective residents.</i> <i>2: The proposal fails to satisfy the policy requirements of BH11 (Development affecting the Setting of a Listed Building) and criteria (e) of BH12 of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, in that the proposal, if permitted would adversely impact the setting of listed buildings in the locality of the site and views into and out of the Queens Conservation Area due to inappropriate scale, height, massing and design.</i> <i>3: The proposal is contrary to policy BH11 of the Planning Policy Statement 6: Planning, Archaeology and the Built Heritage, in that insufficient detail have been provided to determine if the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the listed buildings in the locality.</i> LA04/2017/1393/PAN 30-44 Bradbury Place, Belfast, BT7 1RT Demolition of existing vacant and partially occupied buildings and construction of new build managed student accommodation for mix of cluster bedrooms and studios above new retail units. PAN considered acceptable-5th July 2017.
4.0	Policy Framework
	Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 Strategic Planning Policy Statement (SPPS) House in Multiple Occupancy Subject Plan 2015 HMO 7- Large Scale Purpose Built Student Accommodation Planning Policy Statement 3 (PPS 3) - Access, Movement and Parking Planning Policy Statement 6 (PPS 6)- Planning, Archaeology and the Built Heritage Planning Policy Statement 7 (PPS 7) – Residential Development Planning Policy Statement 13 (PPS 13) – Transportation and Land Use Planning Policy Statement 15 (PPS 15) - Planning and Flood Risk
5.0	Statutory Consultee Responses
	DFI Roads- No objections subject to conditions NI Water- No objections; Historic Environment Division- No objections Rivers Agency- No objections
6.0	Non Statutory Consultee Responses
	Belfast City Council EHO- No Objections subject to conditions Belfast City Council Building Control – No objections- sufficient opportunity to comply with regulations re: fire safety and access. Belfast City Council Urban Design Officer-No objections

7.0	Representations The application has been neighbour notified and advertised in the local press. 4 letters of objection were received and 308 letters of support were received. No representations from elected representatives have been received.
8.0	Other Material Considerations
8.1	Belfast Agenda Planning and Place Advice Note: Purpose Built Managed Student Accommodation BELFAST: A LEARNING CITY A framework for student housing and purpose built student accommodation Living Places
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include: • Demolition of existing buildings; • The principle of the development at this location; • HMO Subject Plan and PBMSA guidance document • Design and layout including the height, scale, massing • Impact on listed buildings and the setting of listed buildings • Impact on archaeological monuments • Impact on amenity Environmental Health • Traffic Movement and Parking; • Drainage and Flooding; • Other considerations
9.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements' including PPS3 and PPS7.
9.3	Article 6 (4) of the Planning (NI) Act 2011 states that in making any determination under the said act regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
9.4	Following the recent Court of Appeal decision on BMAP, the extant development plan is now 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.
9.5	The proposal has also been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality or residential amenity of these areas. PPS6 is also a significant consideration in this case as there are a number of listed buildings within close proximity to the site including Bradbury Buildings (HB26/30/074), 2-6 Bradbury Place, (HB26/30/075), Crescent Arts Centre (HB26/27/016), Moravian Church

	(HB26/28/004) the Crescent Church (HB26/27/010) and deconsecrated Methodist Church (HB26/28/006), which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011. Due to the student housing nature of the proposal, the Belfast HMO subject plan, Planning and Place Advice Note: Purpose Built Managed Student Accommodation, BELFAST: A LEARNING CITY A framework for student housing and purpose built student accommodation are also material considerations.
9.6	<u>Demolition of existing buildings;</u> The existing buildings are not listed or located within a Conservation Area or Area of Townscape Character. They are also not of any architectural merit. The demolition of the buildings is therefore acceptable in principle subject to other material considerations.
9.7	<u>The principle of the development at this location;</u> The site is located on an unzoned land within the development limits of the Belfast Urban Area Plan (BUAP) and Draft Belfast Metropolitan Area Plan (dBMAP) 2015. The site is within walking distance to Queens University and Belfast City Centre and is not located or adjacent to a residential area. The presumption is therefore in favour of a purpose built managed student accommodation development subject to the planning considerations detailed below.
9.8	The proposal also includes a retail unit on the ground floor. The principal policy considerations are set in the SPSS, BUAP and dBMAP. The site, whilst within the city centre, is located outside of the primary retail core. Given the historic retail uses in this locality and city centre location, retail use is considered acceptable. The loss of the take away units is considered to be acceptable. There is a large amount of eateries in the nearby vicinity.
9.9	<u>HMO Subject Plan 2015</u> The site is located outside of any HMO Policy nodes or policy areas identified within the subject plan. However, the principle of HMO development must be assessed against the criteria set out in Policy HMO 7 Large Scale Purpose Built Student Accommodation of the HMO Subject Plan. This policy sets out 5 criteria which must be met in order to be acceptable. All the criteria are met except for the landscaping. However the proposal provides sufficient amenity space throughout the building for users. The scheme provides 156 units which is well in excess of the minimum standard of 50 units. All units are self-contained and the proposal is not located within a primarily residential area. Provision is made for the management of the building which will be served by a ground floor reception area.
9.10	<u>Assessment against Planning and Place on PBMSA</u> Planning and Place's advice note document titled 'Purpose Built Managed Student Accommodation in Belfast' January 2016 is Belfast City Council's first step as a planning authority to respond to the SPSS stated objective that the planning system should secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. Whilst guidance and not planning policy, it is still a material consideration. The policy sets out six criteria which all applications for PBMSA proposals should adhere to.
9.11	These include: Criterion (a) states that the development should be at a location which is easily accessible to University/College campuses by sustainable transport modes. In regards to the first criterion the development is approximately 800 metres from the Queens University. The site is within walking distance of Great Victoria Street transport hub, is close to numerous bus stops and Botanic train station. The immediate area is also

	served by a Belfast Bikes docking station located within 50 metres of the site. The proposal is considered to be suitably located and therefore complies with criterion (a).
9.12	Criteria (b) requires the need to assess the proposal in relation to policy designations specific to the City Centre. The proposal is located within the City Centre, and the Shaftesbury Square Character Area. The proposal, as detailed under paragraph 9.19, is considered to be designed in a manner that is sympathetic to the existing urban grain. The proposal is not located in a Conservation Area. The design has evolved considerably with the reduction in the number of proposed storeys. The proposal would not compromise the setting of listed buildings. The proposal complies with the criteria set out for the Shaftesbury Square Character Area. In regards to other policy designations in the city centre the site is not located within a wholly residential area given the surrounding land uses. The proposal complies with criterion (b).
9.13	In regards to criteria (c) PBMSA should have a layout, design and facilities provided within the development which are of high standards. It is considered that the layout, design and facilities provided within the development are of high standards and also comply with PPS 7 Policy QD 1 requirements. This view is supported by the Urban Design Officer. In relation to the internal layout, all units would have an outlook to either Bradbury Place, Albion Lane and/or to the internal courtyards. Separation distances between the front and higher rear block is 9.6 metres and will ensure that units will receive adequate daylight.
9.14	In terms of open space provision, Creating Places - Achieving Quality in New Residential Developments' advises that in the case of apartment or flat developments that private communal space would be acceptable in the form of landscaped areas, courtyards or roof gardens ranging from 10-30m ² with developments in inner urban locations tending towards the lower figure. At present two areas of shared terrace amenity space are proposed in the form of courtyards at Level 01 (204m ²) with a roof terrace of 89m ² provided at Level 05. This gives a total of 293m ² . The scheme also includes a large entrance lobby and café/social area with seating as well as a separate cinema room, all of which combined provides a further 302m ² of communal space, bringing the total to around 595m ² . The proposal is also within 10 minutes' walk from Botanic Gardens. The level of amenity space provision in this high density development along an arterial route on balance is considered to be adequate.
9.15	The accommodation proposed is in accordance / generally exceeds the standards set out in NI Housing Executive HMO standards. The smallest single rooms are approximately 12.3 m ² and increase to 23.3 m ² . NIHE standard is a minimum of 6.5 m ² and provision is therefore compliant with space standards. It is therefore considered that the proposal is compliant with criterion (c).
9.16	Criterion (d) states that development should be designed in a way that does not conflict with adjacent properties or the general amenity of the surrounding area. The development is not located within a predominately residential area. The proposal would not compromise the amenity of neighbouring properties given their non-residential use. The proposal would not compromise the visual amenity of the immediate locality and setting of listed building as the scale, massing, materials and detailing are sympathetic to the local streetscape. The guidance document refers to the cumulative impact and how an overconcentration of student housing relative to the wider community can lead to an imbalance, ultimately resulting in harm to residential amenity. It is not considered that the proposal will result in an unacceptable level of intensification in the locality in this case.
9.17	Criteria (e) requires that the development has appropriate management in place to create a positive and safe living environment or students whilst minimising any

	potential negative impact from occupants. The management plan sets out the procedures to be put in place. The management plan addresses main points raised under criterion (e). It could be secured by a Section 76 Agreement. The management plan includes the staffing and management of the development; allocation procedures; ingress and exit policy for students at commencement and end of tenancy period; student behaviour; fire strategy; maintenance and complaints strategy. With use of a Section 76 Agreement it is considered that the management plan could be sufficiently comprehensive to ensure that impacts to neighbouring land uses and prospective residents will be minimal.
9.18	Criteria (f) requires that planning applications should be accompanied by evidence supporting the need for the type and quantum of PBSMA proposed. Reference is made in the supporting planning statement to the <i>Belfast: a learning City framework</i>. The applicant has also referred to Knight Frank's Belfast Market Report on student accommodation. This highlights that University campuses in Belfast have nearly 29000 students but are only in a position to offer 3,384 students accommodation in halls of residence, representing just 11.7% of the total student population. A further 614 students are accommodated by the private sector, representing 2.1% of the student population. A combined total of 3,998 (13.8%) students are accommodated in purpose built accommodation, which leaves 24,889 (86.2%) students unable to access university or private sector accommodation and illustrates significant structural undersupply. Even if the 4,126 consented beds in the pipeline are built, then 20,763 (71.9%) of the students will still be unable to access university or private rental sector accommodation.
9.19	No formal correspondence highlighting the need for purpose built student accommodation has been provided by any of the Universities for this proposal. No University support appears to be provided or details of waiting lists for accommodation. The applicant provided information relating to wider regional (Programme for government) and local strategies (Belfast Regeneration and Investment Strategy) to emphasise the need for the proposal. Their overview of student numbers across Universities and student beds available in PBSMA does highlight a need for additional units in the city.
9.20	The proposal is in keeping with the Belfast Agenda seeking an increase in the new resident population within the city centre, It is also in line with the objective to grow the reputation of Belfast as a learning city, will provide greater choice of accommodation, and reduce pressure on HMO areas within South Belfast. On balance it is considered there is a need for PBSMA and determining weight in this regard is afforded to compliance with policies to increase city centre residential provision and that the PBSMA acknowledges an unmet need. It is also considered reasonable that the proposal could offset demand within HMO policy areas.
9.21	<u>Belfast City Centre Regeneration and Investment Strategy</u> The Belfast City Centre Regeneration and Investment Strategy (September 2015) sets out a strong vision for the future development of the City Centre to deliver the Council's aspirations for the continued growth and regeneration of the city core and its surrounding areas. In relation to the provision of PBSMA, the Strategy seeks to increase the residential population in the City Centre, including "appropriate student housing" in "suitable locations." It argues that "student housing should be carefully directed, located and managed" and outlines the Council's commitment to build on the criteria-based approach outlined within the Framework Document to develop a balanced approach to student housing in the city. The proposal contributes to the philosophy set out in this framework.
9.22	

	<u>Design including PPS7, height, scale, massing and impact on the character of the area</u>
9.23	PPS 7- Quality Residential Development Policy QD 1 The proposal has been assessed against QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment.
9.24	The design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light or overshadowing. An objection from 9 Lower Crescent claimed that the proposal would have a negative impact by way of loss of light to their office. There is at least a 50m separation distance between the two buildings. Given this level of separation there should be no significant overbearing impact on the loss of light to the office at No. 9 Lower Crescent, Belfast.
9.25	Scale and massing The site falls within the Shaftesbury Square Character Area (CC016) as designated within draft BMAP, where the following relevant urban design criteria is applicable: • <i>General</i> Development proposals shall take account of the height of adjoining buildings; • <i>Street Frontages</i> That part of any development which fronts Dublin Road or Bradbury Place shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys; Shopfronts shall be of high quality materials consistent with Conservation Area policy (where applicable).
9.26	The current application has been revised with regards to scale, height and massing following several positive collaborative workshops with the architect and agent. As a result the initial scheme which saw a 6 storey block (5+1 setback) along Bradbury Place and an interconnected 8 storey block to the rear, has now been reduced in height to a 5 storey block (4+1 setback) along Bradbury Place with an interconnected 6 storey block to the rear. These changes see a reduction in total units from 185 (112 en-suite cluster bedrooms and 73 studios) to 156 (100 en-suite cluster bedrooms and 56 studios).
9.27	It is noted that planning permission was refused on 21 November 2016 (LA04/2016/0900/F) for a scheme which included the demolition of the same six commercial properties and the construction of a 6 storey block along Bradbury Place and an 11 storey block to the rear as part of a mixed use development including purpose-built managed student accommodation (271 studios). Reasons cited in this refusal referred to the unacceptable damage to the character of the area by the proposal due to the uncharacteristic and inappropriate height, scale, massing and design and that insufficient information had been submitted to demonstrate that the proposal would not adversely affect the setting of a listed building. The planning history on the site is an important material consideration and highlights how the latest proposal marks a significant change in design approach for the development.
9.28	<i>Bradbury Place elevation</i> The site spans a total of six properties within an existing terrace along the eastern side of Bradbury Place. This terrace comprises around twenty units which are for the most

	part two storeys in height, with a few three storey properties within the northern section including the Tearooms, Lavery's Bar and the Santander Bank at the junction of Bradbury Place and Albion Lane. While there is a predominant height of two storeys to this terrace which is bookended by two listed buildings, it is also punctuated with a few three storey frontages. Four storey buildings are also present within a large extent of the terrace on the opposite side of Bradbury Place, between Lisburn Road and Donegall Road. This includes the student accommodation at the junction of Bradbury Place, Lisburn Road and Sandy Row, which includes a narrow five storey frontage to the main accommodation entrance. Due to the shorter floor to ceiling heights proposed, the revised four storey shoulder height of the proposed development equates approximately to the average datum height of those taller three storey properties within the terrace and is considered appropriate. Changes have also been made to raise the brickwork at 3F level by a few courses, which together with the 2.0m setback and 2.5m setbacks either side, reduces the visual impact of this floor giving it a subservient appearance. The view south from Shaftsbury Square along Bradbury Place is important in that the skyline is dominated by the three spires/towers of the Moravian Church, Deconsecrated Methodist Church and Crescent Church. It is considered that the changes made to the Bradbury Place elevation which sees the scheme being reduced by one storey and the incorporation of a deeper setback at 4F level (increased from 1.0m to 2.0m), will not result in a detrimental impact on this key view. <i>Albion Lane elevation</i> The development proposes a total of 6 storeys to the rear along Albion Lane (GF+5) which sees this element of the scheme being reduced by two storeys. While some additional massing is required above, to house plant/lift motor room, it is noted that this element is limited to a small central section of the building above the lift/stair lobby, lifts and staircase. This element will only rise a further 900mm above the upper height of this part of the building and will be setback 2.5m from its front edge so will only be visible from long distance views. The reduction in height of this rear element of the building will also ensure that the proposed development will not be visible when viewed from Upper Crescent along the southern side of Crescent Gardens Park (Queen's Conservation Area). Articulation of facades The building's Bradbury Place elevation incorporates five bays which picks up on visual cues that are cognisance of historic plot widths, scale and proportion within the terrace. This has also been accentuated by variations in the tone and bond of facing brick and the proportions of windows with spandrels between those windows on lower floors which picks up on the hierarchy of windows elsewhere along the street. The ground floor retail unit along Bradbury Place now takes cognisance of existing fascia depths along this terrace, similarly the unit now incorporates a modest stall riser which reflects those of adjacent units. While a uniform building line is proposed at GF a different treatment has been applied to the student housing component which helps to improve the legibility of the building and differentiates from the more traditional shopfront arrangement of the retail unit. Materials While the predominant material in the area is red brick, the opportunity has been taken to use slight variations in brick tone, type and bond in order to help break up the wide elevation and add visual interest. The incorporation of standing seam cladding on the setback 4F level along Bradbury Place is welcomed as this will visually give the appearance of an attic extension, particularly given the deeper 2.0m setback and marginally raised brickwork at 3rd floor level. Likewise the use of sections of standing seam cladding at either end of the rear sixth floor, along with increased glazing at the
9.29	
9.30	
9.31	

9.32	common room at these corner locations, will help to soften this component of the scheme particularly when viewed from the Lisburn Road. It's recommended that a condition should be attached relating to materials which stipulates that samples are made available for inspection (preferably on site) and are approved in writing by the Local Planning Authority. This would relate to samples of clay facing brick, windows, spandrel panels, ppc window surrounds and standing seam cladding on the upper floors and at ground floor information in relation to the proposed shop framing, fascia material, stall risers and louvres fronting the student housing entrance lobby.
9.32	Local Environmental Improvements Contributions to local environmental improvements could primarily take the form of public realm improvements to the streetscape to the front of the building along Bradbury Place in order to enhance the pedestrian environment which sits approximately halfway between Queens University and Belfast City centre. This will be secured through the use of planning conditions.
9.33	In summary, the scale, massing and proportions of the building are considered to be acceptable and in keeping with the existing character of the area. The proposed design is therefore compliant with criteria [g] of PPS7. Accordingly, it is considered that the proposal would not adversely affect the character of the area, which is a wide mix of building designs and finishes.
9.34	<u>Impact on listed buildings and the setting of listed buildings</u> The site is in proximity to a number of listed buildings including Bradbury Buildings (HB26/30/074), 2-6 Bradbury Place (HB26/30/075), Crescent Arts Centre (HB26/27/016), Moravian Church (HB26/28/004) the Crescent Church (HB26/27/010) and deconsecrated Methodist Church (HB26/28/006), which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011. HED Historic Buildings (HED: HB) has considered the effects of the proposal on the setting of listed buildings and on the basis of the information provided give the following advice: HED : HB is content the proposal satisfies the policy requirements of SPPS 6.12 and BH11 PPS6, without conditions. Following comments from HED and the Council, the applicants positively engaged with BCC Planning Service and revised their proposal. The applicants removed a storey from the building thus reducing the height, scale and overall massing of the building. They provided a set back to the upper floors of the front element of the building, reduced the height of the attic floor and incorporated a suitable palate of materials as well as reorganising the shop front. The detailed design respects the nearby listed buildings in terms of scale, height, massing. The works proposed make use of sympathetic building materials and techniques which respect those found in the wider area thus respecting the character of the setting of the buildings in the area. Following the submission of revised visuals and consultation with HED, BCC Planning Service consider that the proposal is compliant with Policy BH 11 of PPS 6.
9.35	<u>Impact on monuments</u> Munday's Well is a scheduled monument under HED's database and is approx. 230 metres south west of the site. There are no visible remains of this well which has probably been built over and destroyed. HED Historic Monuments has assessed the application and on the basis of the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements. <u>Noise / Public Health</u> BCC Environmental Health requested a noise impact assessment and following assessment of these details Environmental Health offered no objections to the proposal

9.36	subject to conditions. The proposal is also considered acceptable in terms of air quality, odour, and related matters.
9.37	<u>Land Contamination</u> A preliminary risk assessment has been submitted in support of the application. Consultees have no objections to the proposed development subject to conditions. <u>Traffic and Parking</u> The proposal has been assessed against Policy AMP 7 of PPS 3: Access, Movement and parking and associated policy. DFI Roads has accepted that the proposal will not prejudice road safety or inconvenience the flow of traffic and there is adequate sustainable transport modes within the vicinity and offered no objections. The absence of car parking in the city centre is considered to be a positive feature of this high density scheme as it will encourage users to walk, cycle and use public transport. A single disabled car parking space is located to the rear of the development. Cycle parking provision has been provided internally on the ground floor. DFI Roads did not highlight any issues with access arrangements for neighbouring properties. <u>Drainage and Flooding</u> A drainage assessment was submitted as per PPS 15 Policy FLD 3 (Development and Surface Water (Pluvial) Flood Risk Outside Flood Plains) requirement for proposals exceeding 10 or more residential units. DFI Rivers have reviewed the content of the drainage assessment and have concluded that the applicant has provided adequate drainage calculations to support their proposal and offer no objections. Furthermore, the applicant has received consent from NI Water to discharge 1.2l/s of storm water runoff from the proposal site to an existing combined sewer located within Bradbury Place. <u>Fire Safety, Waste Management and Access for disabled people</u> Building Control confirm that there appears to be sufficient development opportunity within the footprint of the proposed building to comply with the Building Regulations (NI) 2012 in respect to Fire Safety, solid waste in buildings and access and facilities for disabled people. The bin storage is defined within an area within the lower ground floor layout and is considered to be an acceptable arrangement. The applicant also provided an adequate waste management strategy which indicates that waste will be managed and collected by a private operator. <u>Representations:</u> 4 representations have been received objecting on the basis of the loss of light to offices, access issues for neighbouring offices, impact on historic buildings and character of the area, traffic, impact on existing businesses who occupy the buildings which are proposed to be demolished. 308 letters of support have been received highlighted the positive impact the proposal would have in terms of economic benefits, the need for student housing in close proximity to Queens University, urban regeneration, reduce anti-social behaviour in the area. These issues have all been considered in the above assessment. <u>Developer Contributions</u> It is considered appropriate that any planning approval should be subject to the developer entering a Section 76 legal agreement with Belfast City Council to provide certainty around the management of the accommodation. Pre-Application Community Consultation
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9.43	For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application. Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2017/1393/PAN) was submitted to the Council on 22nd June 2017. Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application. A Pre Community Consultation Report has been submitted in support of this application. It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
10.0	Recommendation
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended subject to conditions and completion of a legal agreement under Section 76 of the Planning Act (NI) 2011.

Draft Conditions (Delegation of final conditions to Director of Planning & Building Control Requested):

1. As required by Section 61 of the Planning Act (N. Ireland) 2011, the development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.

Reason: Time limit

2. Prior to commencement of the development the applicant shall submit details of public realm improvements along the Bradbury Place frontage as highlighted in yellow on Drawing No. xx which shall be agreed in writing with the Council and shall be carried out as agreed prior to occupation of the hereby approved development.

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

3. The development hereby permitted shall not become operational until hard surfaced area have been constructed in accordance with the approved layout Drawing No. 04B 'Proposed Ground Floor Level' bearing the Belfast City Council Planning Office date stamp 30th November 2018 to provide adequate facilities for servicing and parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for parking, cycle storage and servicing.

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

4. A minimum of 36 no. cycle parking spaces shall be provided and permanently retained in accordance with approved plan drawing No.04B date stamped 30th November 2018. The access shall be available at all times for residents, staff and visitors to the development.

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

5. The development hereby permitted shall operate in accordance with the approved Travel Plan bearing the Belfast City Council Planning Office date stamp 07 December 2017. This includes provision of the Translink Corporate Commuter Initiative, the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by DfI Roads. No variation to the approved Travel Plans shall be implemented without the prior consent of the Local Planning Authority. Reason: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles.

6. The development hereby permitted shall operate in accordance with the Servicing and Waste Management Plan bearing the Belfast City Council Planning Office date stamp 28 August 2018.

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

7. Prior to the commencement of construction of the proposal we would request that details are provided to Belfast Planning Authority for review and to be approved in writing by Belfast Planning Authority on the specification including the acoustic attenuation of the proposed glazing and ventilation system(s) to all the habitable rooms on the facades of the proposal. The information submitted must demonstrate that the proposed glazing and ventilation units will provide suitable internal noise targets and that the relevant recommendations outlined in the KRM Acoustic's Noise Impact Assessment dated 27th November 2018 and KRM report dated 12/2/18 have been incorporated.

Reason: In the interests of residential amenity

8. Prior to the occupation of the proposed development, the applicant must submit to the Local Planning Authority for approval a Noise Verification Report which demonstrates that the mitigation/design measures outlined in the KRM Acoustics report titled "Noise Assessment Proposed Mixed use commercial and residential Accommodation, 30-44 Bradbury Place, Belfast dated 27th November 2018 and the additional KRM acoustics information dated 12th February 2018 PL Ref: LA04/2017/2753/F" have been implemented and it must demonstrate that the glazing and ventilation units approved by the Local Planning Authority have been installed. The verification report must be carried out by a competent acoustic consultant and demonstrate that suitable internal noise targets are not exceeded within the habitable rooms within the proposal with the windows closed and the alternative means of ventilation provided in accordance with current building regulation requirements.

Reason: In the interests of residential amenity

9. Prior to and during the operation of the proposal the Rating Level (dB LAr) of sound from all combined building services plant associated with the development shall not exceed the background sound level (for both day time and night time) at the nearest sound sensitive premises when measured in accordance with the assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'no adverse impact' shall be maintained thereafter.

- The noise level shall not exceed 82dBL_{aeq}, 15 minute, within the internal plant rooms.

Reason: In the interests of residential amenity

10. The external courtyard areas must not be used as a communal space by students between the hours of 23.00hrs and 07.00hrs.

Reason: In order to protect future occupants of the proposed development against noise disturbance.

11. No deliveries to or collections from the retail unit shall take place between the following hours 23.00hrs and 07.00hrs.

Reason: In the interests of amenity

12. Prior to commencement of any part of the development, a construction dust, noise and vibration management plan shall be submitted to and agreed with by the Local Planning Authority. This plan shall outline the methods to be employed to minimise any dust, noise and vibration impact of construction operations demonstrating 'best practicable means'. The plan shall be in accordance with BS5228:2009 Noise and Vibration Control on Construction and open sites and IAQM Guidance on the Assessment of dust from demolition and construction 2014. Demolition and construction works should be carried out in line with the approved plan. No variation implemented without consent of the Local Planning Authority.

Reason: Protection of amenity

Informative

Under Section 76 of the Planning Act (Northern Ireland) 2011 the applicant has agreed that prior to commencement of operation of the development, the applicant must submit a Final Management Plan to be agreed and approved by the Council in writing. Evidence must be submitted that the Management Plan will be delivered by a competent PBSA operator with a proven track record in managing this type of accommodation. The Final Management Plan must demonstrate compliance with a government approved accreditation scheme for purpose built student accommodation such as ANUK/UNIPOL National Code of Standards or the Universities UK/HE Guild Management code and provide detailed arrangements to address the following matters:

Noise Control and tenant behaviour;

Measures for controlling hours of use and potential noise disturbance from the use of the proposed external amenity space;

Proposed Liaison arrangements with the relevant education institutes, the Council and the PSNI in relation to tenant behaviour;

Travel Plan for staff and students;

General management operations;

Servicing; security features; CCTV; Lighting; Intercoms; Soundproofing.

Under Section 76 of the Planning Act (Northern Ireland) 2011 the applicant has agreed that within the first year of commencement of operation of the development the Applicant must submit to Belfast City Council evidence to demonstrate that the development has obtained accreditation under a government approved accreditation scheme for purpose built student accommodation such as the ANUK/UNIPOL National Code of standards or the Universities UK/HE Guild Management Code. Continued operation of the development thereafter will be subject to accreditation under a government approved accreditation scheme being maintained.

ANNEX	
Date Valid	8 th December 2017
Date First Advertised	29 th December 2017
Date Last Advertised	14 th December 2018
Date of Last Neighbour Notification	6 th December 2018
Date of EIA Determination	
ES Requested	No
Planning History LA04/2016/0900/F- 30-44 Bradbury Place, Belfast, BT7 1RT- Demolition of existing buildings and erection of 6 and 11 storey blocks in a mixed-use development to include purpose-built, managed student accommodation with 271 studios, shared communal areas and landscaped roof terraces. Ground floor includes reception, 2 retail units, car parking and cycle storage (amended scheme). Planning permission refused: 21.11.2016	
Notification to Department (if relevant): N/A Date of Notification to Department: Response of Department:	

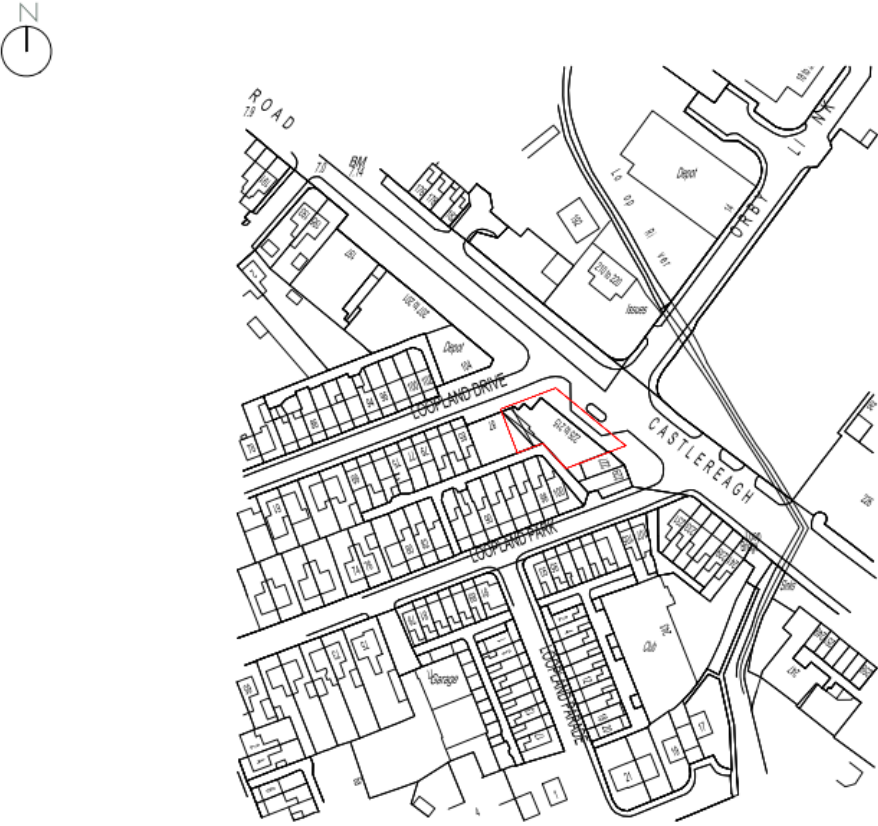
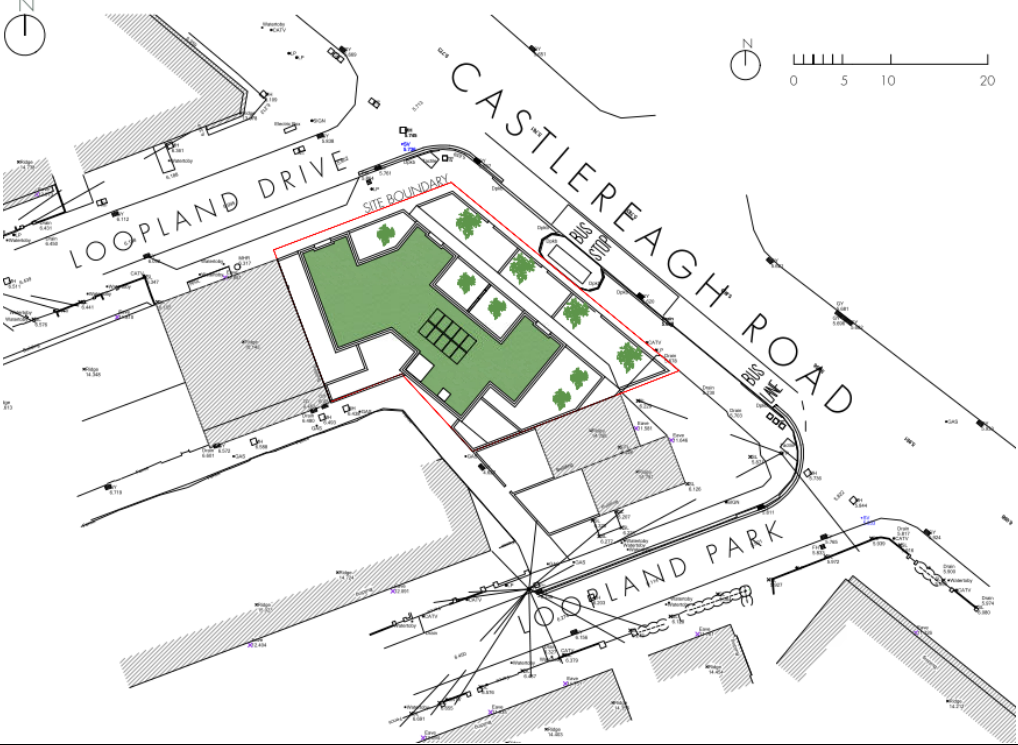
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Development Management Officer Addendum Report Committee Application

Addendum Report 1	
Application ID: LA04/2023/2418//F	Date of Committee: 13 th February 2024
Proposal: Demolition of existing retail units and vehicle drop off area of 215-225 Castlereagh Road, Belfast and erection of 4 storey apartment building containing, 16 no apartments with associated development and ancillary works.	Location: 215-225 Castlereagh Road, Belfast, BT5 5FH
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: Approve with conditions	
Applicant Name and Address: Richard Steenson 32-38 Linenhall St Belfast BT2 8BG	Agent Name and Address: Ciaran Shields 1 Church Square Banbridge BT32 4AS
Addendum Report This full application was presented to Planning Committee on Tuesday 16 th January 2024 and was deferred to allow members of the Committee to visit the site. The site visit will take place on Wednesday 7 th February 2024. Recommendation The case officer recommendation is unchanged. 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 the conditions and Section 76 Planning Agreement, and deal with any other issues that arise provided that they are not substantive.	

Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2023/2418/F	Committee Meeting Date: 16 th January 2024
Proposal: Demolition of existing retail units and vehicle drop off area of 215-225 Castlereagh Road, Belfast and erection of 4 storey apartment building containing, 16 no apartments with associated development and ancillary works.	Location: 215-225 Castlereagh Road, Belfast, BT5 5FH
Referral Route: Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
Recommendation: Approval	
Applicant Name and Address: Richard Steenson 32-38 Linenhall St Belfast BT2 8BG	Agent Name and Address: Ciaran Shields 1 Church Square Banbridge BT32 4AS
Executive Summary: This application seeks full planning permission for the demolition of existing units and vehicle drop off area of 215-225 Castlereagh Road, Belfast and erection of 4 storey apartment building. The key issues are: - Principle of development - Design, scale, layout and impact upon the character and appearance of the area including residential amenity - 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, including the extant planning permission, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement being entered into to secure affordable housing. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise, including consideration of the outstanding Rivers Agency consultation, provided that 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 site is located at 215-225 Castlereagh Road. The current building on site is single storey and is occupied by retail businesses. There is a drop off area to the front of the site for cars included in the application site. Further in front of this is a bus stop. Loopland Drive and Loopland Park are adjacent to the site and are predominantly residential, with a takeaway and patisserie immediately adjacent to the site on the Castlereagh Road. Opposite the site there is a large retail park and an apartment complex. Boundary treatments in the area are comprised of low brick walls with metal railings and hedgerows.
3.0	Description of Proposal
3.1	Demolition of existing retail units and removal of vehicle drop off area at 215-225 Castlereagh Road, and erection of a 4 storey apartment building containing 16 no apartments with associated development and ancillary works.
3.2	The proposed building will range in height from three to four storeys along the front elevation facing onto the Castlereagh Road.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	Relevant Planning History
4.6	No significant recent history on the application site.
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – Content subject to conditions DfI Rivers – Content NI Water – Approval
5.2	Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC 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: 6 The objections raise issues regarding the below: - Loss of privacy - Loss of light - Scale and massing of the proposal - Parking and traffic - Disruption during construction - Contamination - Air quality - Sewage and drainage
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. 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. These are listed in the report. 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 The following policies in the Plan Strategy are relevant to consideration of the application.

6.7	Strategic Policies 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 Spatial Development Strategy Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas Shaping a Liveable Place 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 Transport 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 Building a Smart Connected and Resilient Place 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) Promoting a Green and Active Place Policy OS1 – Protection of Open Space Policy OS3 – Ancillary Open Space Policy TRE1 – Trees Policy LC1 – Landscape Supplementary Planning Guidance Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development
6.8	Key Issues The key issues are: • Principle of development

	• Design, scale, layout and impact upon the character and appearance of the area including residential amenity • 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.
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.
6.11	<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 site is also designated as shopping/commercial area within the draft Belfast Metropolitan Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below.
6.12	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 BMAP 2004 and 2015 versions. The proposed scheme is considered to be a suitable site for an apartment scheme, it is accessible and convenient to public transport and walking and cycling infrastructure.
6.13	<u>Design, layout and impact upon the character and appearance of the area including residential amenity:</u> 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:
6.14	<i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i> The site is located within an area which has a mix of residential and commercial units. The proposal is for 16 apartments. There are four storeys in height with the GF, 1F and 2F comprising four apartments per floor with three apartments proposed at the upper 3F.

6.15 6.16 6.17	The proposed elevations, at the upper parapet height at 3F level equates to 12.45m with the parapet at 2F level measuring approximately 9.45m. Due to the proposed design approach whereby the upper 3F apartments include generous private terraces in addition to a larger communal terrace, the building will visually read as being predominately three storeys in height with intermittent 'bays' rising to four storeys. This is illustrated in the proposed elevation and upper floor plan. Along the Castlereagh Road elevation the proposal drops to three and then to two storeys where it meets the adjacent two storey terrace at Loopland Park. Along Loopland Drive the building drops to three storeys and reflects the eaves of the adjacent three storey building. It is considered that the scale, height and massing of the building are contextually appropriate and are keeping with the surrounding area. <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> Concerns have been raised with regards to overlooking and loss of privacy. However, the layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. The front elevation facing onto the Castlereagh Road is approximately 58m to the apartment development on the opposite side of the road. With regards to the Loopland Drive elevation the proposed window openings are not considered to cause any unacceptable overlooking to the neighbouring properties with the separation distance remaining the same to what already exists on the street. The rear elevation of the proposed scheme has no window openings and therefore there will be no unacceptable overlooking or loss of privacy to those residents at Loopland Park. The proposed terrace on this elevation is considered acceptable as it will not overlook directly into the surrounding resident's' properties or their private amenity space. 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. <i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i> The development site is located on a major arterial route linking to Belfast and the outer ring, with regular bus services along the Castlereagh Road. <i>d. Provides adequate open space:</i> Each apartment is provided with private amenity space in the form of a terrace/terraced balcony ranging from approximately 4sqm-17/5sqm, with the exception of apartment nos 9, 11, 12 and 13 not availing from their own private amenity space. Although the abovementioned apartments do not have their own private amenity, there is the provision of a communal terrace area of approximately 43.5sqm which would provide approximately 10.8sqm of open space for the four apartments which do not avail of their own private amenity space. Creating Places states that the appropriate level of provision should be determined by having regard to the context. Taking this into account, there is a park (Greenville Park) approximately 0.5 miles (10 min walk on google maps) to the proposal also which is easily accessed and links to the Connswater Greenway. Therefore, on balance, it is considered that there an appropriate amount of private and private communal space to create a quality residential environment.
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6.18	<i>e. Keeps hard surfacing to a minimum</i> Car parking is considered to not dominate the residential development as parking is provided on street
6.19	<i>f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i> There are twelve proposed 1 person 2 bed apartments ranging from 47sqm-66sqm and four 2 bed, 2 person apartments ranging from 63.5sqm-85sqm. The proposed scheme is in keeping with the space standards as set out in appendix C.
6.20	<i>g. Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street; and</i> The entrances to the properties are from the Castlereagh Road elevation allowing for safe access from the footpath. The ground floor apartments avail from defensible structures to the front and sizable terraces, providing a sense of security and safety for residents and visitors, maximising opportunities for natural surveillance.
6.21	<i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> In terms of prospective residents, each unit has adequate outlook. All apartments benefit from adequate outlook and access to natural light.
6.22	Further to policy RD1, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.
6.23	<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.
6.24	ENV2 also states that development proposals should, where feasible, seek to avoid demolition and should consider how their main structures could be reused. The proposal involves the demolition of an existing building, which was previously occupied by commercial businesses. It is single storey in height and opportunities to reuse and extend the existing structures were considered but their design precluded their reuse.
6.25	On balance, the council are satisfied that the existing building is not fit for the purpose of a new residential apartment scheme. In conclusion, the existing building is not viable or suitable for redevelopment. The proposed demolition is necessary to facilitate the proposal.
6.26	The applicant has submitted a Climate Change Statement setting out that the following features are incorporated into the design: • Sustainable design features to include photovoltaic panels and a sedum roof which will provide habitat for insects and bird life and will assist and reduce the surface

	run off of rainfall. Energy from the PV panels will contribute towards the running of air source heat pumps. • All apartments will be designed to exceed the new building regulations requirements and will therefore be highly efficient. • Glazing and ventilation systems will be designed to ensure all dwellings do not overhear and therefore no air conditioning systems should be required.
6.27	There will a net gain 9 trees, on the proposed private and public terrace areas. Therefore, on balance the proposal is considered to mitigate and adapt to climate change and comply with Policy TRE1.
6.28	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.
6.29	<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.
6.30	The site is located within on an arterial route, the Castlereagh Road as designated in 2014 version of draft BMAP and therefore in terms of Policy HOU4 the assigned average density band of 100-175 would apply within the inner-city corridor. At approximately 0.06 ha, the provision of 16 units represents a density of over 266 units, which is above the density threshold. However, given the location of the development, the surrounding residential context and the ability to meet other the design requirements, of policies DES1 and RD1, the density is considered acceptable in this instance.
6.31	<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.
6.32	The applicant has provided two 1 bed apartments and one 2 bed apartment as discount market rented price which meets the definition of affordable housing. The delivery and monitoring of the DMR units will require a Section 76 planning agreement and delegated authority is requested to allow officers to finalise this.
6.33	The application is considered to comply with HOU5 of the Plan Strategy subject to the S.76.
6.34	Policy HOU6 applies. It requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of: a. Up to date analysis of prevailing housing need in the area; b. The location and size of the site; c. Specific characteristics of the development; and d. The creation of balanced and sustainable communities

6.35	The development contains a mix of one- and two-bedroom apartments. A total of sixteen units are proposed with twelve one-bedroom units proposed on the ground, first, second and third floors. The four two-bedroom apartments are proposed at ground first and second floor levels. The apartment building design and layout was informed by the surrounding urban context and the desire to develop a relatively high-density development in a sustainable location on one of Belfast's main arterial routes. Taking these considerations into account, on balance, the proposed housing mix is acceptable.
6.36	<u>Adaptable and Accessible Housing</u> Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet. The applicant has provided evidence to demonstrate that the proposal is in accordance with criteria a. to f.
6.37	The four-ground floor apartments are all wheelchair accessible. A lift is also provided in the centre of the apartment building to allow access to the upper floors for wheelchair users. Three of the apartments (10%) are designed to meet 'Lifetime Homes' standards. These standards have been developed to ensure that a home is flexible, adaptable and accessible. The applicant also provided a response to each of the criteria a-o. . Criteria h. stipulates that in-curtilage or designated car parking meets disabled parking standards. The proposal is "car free" development with no dedicated parking proposed. However, future occupants of the development will be able to avail of a car parking space within the immediate area as the parking survey demonstrated there were available spaces.
6.38	<u>Access, movement, and parking</u>
6.39	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.
6.40	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. 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.
6.41	<u>Drainage</u>
6.42	Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The council will have regard to guidance publications produced by other authorities and prospective developers/applicants are advised to liaise early in the formulation of their proposals with DfI Rivers to clarify flooding or flood plain issues that may affect particular sites. In all circumstances, the council will adopt a precautionary approach in assessing development

6.43	proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.
6.44	According to Flood Maps NI an area along the northeast of the site may be affected by surface water flooding. However, the Council advised DfI Rivers that this site should be treated as an exception under ENV4, as the site is previously developed/brownfield land. We are awaiting a final response from DfI Rivers and delegated authority is sought for the Director of Planning and Building Control to resolve these outstanding issues.
6.45	The proposal is deemed compliant to ENV4.
6.46	<u>Waste-water infrastructure</u> NI Water has offered no objection to the proposal; therefore, it is acceptable having regard to Policy SP1A of the Plan Strategy.
6.47	NIEA Regulation were consulted and identified no unacceptable risks to the ground water environment from RSKs' PRA. The Land and Groundwater Team have no objections to the development.
6.48	The proposal is also 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.
6.49	<u>Noise, odour and other environmental impacts including Contamination</u> Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations.
6.50	<u>Contaminated land</u> Environmental Health (EH) has reviewed the information within the Preliminary Risk Assessment. EH recommends conditions in the event that planning permission is granted. The proposal is therefore considered to accord with Policy ENV1.
6.51	<u>Air quality</u> EH has reviewed the Air Quality Impact Assessment and find that both sufficiently demonstrate that future occupants of the development will not be exposed to air quality concentrations exceeding UK air quality objectives. In terms of potential operational air quality impact from combustion plant, EH has no concerns given the information presented that ASHPs are to be installed. If the proposal changes whereby ASHPs are no longer proposed to serve hot water heating needs of the development, the applicant shall present details to the planning service for review and approval. The proposal is therefore considered to accord with Policy ENV1.
6.52	<u>Noise and vibration</u> Having considered the applicant's noise impact assessment, EH is content that the proposal is acceptable subject to conditions. The proposal is therefore considered to accord with Policy ENV1.
6.53	<u>Representations:</u> Six objection raises issues regarding overlooking and loss of privacy, traffic and parking, contamination and air quality, drainage and sewage, scale and massing of the proposal and disruption during construction. These issues have been fully assessed above;

	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 20% affordable housing.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise, including consideration of the outstanding Rivers Agency consultation, 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. 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.

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

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

4. The development shall operate in accordance with the Service Management Plan.

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

5. 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.

6. 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.

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

7. Prior to commencement of development the applicant shall submit to the Planning Service for review and approval, the final details of the ventilation strategy to habitable rooms. The final details shall confirm that any vents (when in the open position) have a sound reduction equivalent to or greater to the sound reduction achieved by the glazing. Where any element of mechanical or active means of ventilation is proposed, the final details shall include a Noise

Impact Assessment that confirms that the noise associated with its operation will not exceed internal target levels for habitable rooms in line with BS 8233:2014 Guidance on sound insulation and noise for buildings/ProPG 2017.

Reason: To safeguard the amenity of occupants of the building hereby approved. Approval is required upfront because the ventilation strategy may be integral to the overall design of the development.

8. Prior to the occupation of the development the approved ventilation strategy to habitable rooms (*in addition to that provided by open windows*) shall be installed as approved and retained at all times.

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

9. Prior to occupation of the development, glazing of a sound reduction specification identified as necessary by the acoustic consultant Irwin Carr Consulting shall be installed. The specification must be installed in habitable rooms at various receptors as per the colour coded plan in appendix C of the submitted Irwin Carr Consulting letter, dated 21 September 2023 referenced LT001N 2022255 (Castlereagh Road). The colour coded plan in appendix C shall be cross referenced with the technical sound reduction specification for each receptor identified as necessary within Table 7 of the Irwin Carr Consulting report titled 'A noise impact assessment Castlereagh Road, Belfast', referenced Rp001N2022255 (Castlereagh Rd) dated 21 December 2022.

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

10. Prior to occupation of the hereby permitted development. Vibration isolation mounts shall be installed to all the air source heat pumps and be retained at all times.

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

11. Prior to occupation of the hereby permitted development, the glazed barriers to external amenity areas shall be of a height, mass and specification recommended in Section 3.3 of the submitted Irwin Carr Consulting Letter, dated 21 September 2023 referenced LT001N 2022255 (Castlereagh Road). The glazing barriers as approved shall be retained thereafter.

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

12. Prior to occupation of the hereby approved development the applicant shall submit to the planning service, for review and approval in writing, a verification report to demonstrate that the rating level (dBLar, T) from the combined operation of the ASHPs does not exceed the representative daytime or night time background sound level (dBLA90) to the rear of the development)

Reason: Protection of residential amenity

13. Prior to the occupation 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 measure outlined in the RSK report entitled-Killutagh Estates Preliminary Risk Assessment 215 to 225 Castlereagh Road, Belfast BT5 5FH 604438- R1 (00) A Dated November 2022, have been implemented and contain an affirmative statement that no unexpected contamination was encountered during the development.

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

(residential without plant uptake). 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.

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

14. 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.

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

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

Reason: In the interests of mitigating against environmental change.

16. All hard and/or soft landscaping works shall be carried out in accordance with the above 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: 01 02 03A 04A 05A 07A 08A 09A 10A 11A 17 18 19 20 24
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	21/12/2022
Date First Advertised	17/02/2022
Date Last Advertised	17/02/2022
100 LOOPLAND PARK 104 LOOPLAND DRIVE 188-204 CASTLEREAGH ROAD 192 CASTLEREAGH ROAD 210-220 CASTLEREAGH ROAD 227 CASTLEREAGH ROAD 229 CASTLEREAGH ROAD 87 LOOPLAND DRIVE 89 LOOPLAND DRIVE 96 LOOPLAND PARK 98 LOOPLAND PARK 1 to 47 THE COURTYARD, 222 CASTLEREAGH ROAD	

Development Management Officer Addendum Report Committee Application

Addendum Report 2	
Application ID: LA04/2022/0097/F	Date of Committee: 14 th February 2024
Proposal: Proposed three and a half storey residential development comprising of 18no. units (3no. wheelchair apartments and 15no. Category 1 Social Housing) and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping works (Amended Drawings)	Location: 22-30 Hopefield Avenue Belfast BT15 5AP
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: Approve with conditions	
Applicant Name and Address: NB Housing 282-290 Crumlin Road Belfast BT14 7ED	Agent Name and Address: Rolston Architects 49 Lisleen Road Belfast BT5 7SU
Addendum Report This full application was presented to Planning Committee on Tuesday 12 th December 2023 and was deferred to allow members of the Committee to visit the site. The site visit took place on Wednesday 10 th January 2024. Prior to the January Planning Committee meeting, a clerical issue was noted in relation to an objection previously submitted, whereby the issues raised by an objector were not available for consideration by the case officer. Following further correspondence with the objector, the objection letter was re-submitted to the Council. Consequently, additional issues have been raised, however the number of objections remains the same at 4. Representations Additional issues have been raised by the objector. The issues raised and case officer response are highlighted below: <u>Dominance and loss of light</u> <i>The proposed building extends approx. 4.7 m from the rear elevation of the adjacent dwelling at No. 20 (Objector's dwelling). The footprint of the proposed building is constructed up to the site boundary, however from floors 1-3, the proposed building is set back approximately 1.45 metres from the site boundary, which provides relief to the occupants of the neighbouring dwelling and address potential dominance issues.</i> <i>The rear elevation of both No. 20 and the proposal are south facing therefore benefit from significant light throughout the day. The proposed building is 4 storeys in height with the upper floors set back from the party boundary. There is also a three storey rear return proposed, approximately 5.5 metres from the party boundary. It is acknowledged that the rear return will potentially impact on the neighbouring dwelling, particularly in the evening time and during winter. However, given the south facing orientation of No. 20, on balance, it is not considered that the loss of light / overshadowing will lead to an unacceptable detrimental impact.</i>	

- Lack of space between proposed building and objector's dwelling, resulting in air flow / damp issues
The proposed drawings show the proposed development results in an extension to the existing terrace. It is not considered that this will result in air flow / damp issues, however it is considered that these issues will be assessed with the associated building control application.
- Potential noise issues with 4 apartments directly attached to objector's property.
With regards to noise, Environmental Health have recommended a condition that in the event that any centralised combustion sources (boilers, CHP or biomass) are proposed further details are to be submitted for review and approval. Furthermore, they have advised of an informative as there is residential accommodation in close proximity to the site. The informative relates to noise control advice during construction phase of the development. It is not considered that nearby apartments will give rise to a noise nuisance issue.
- Lack of due diligence by planning agent.
The objector notes the use of old photographs / streetview images within the planning submission. The Case officer and Planning Committee have visited the site therefore the current situation on site can be assessed fully.
- Proposal is for Category 1 (active elderly) social housing. Objector concerned that this may change to general use housing, which could lead to Anti-Social behaviour.
Although the proposal relates to Category 1 social housing, the application was assessed on the basis of residential development and is considered acceptable on this basis.

Recommendation

The case officer recommendation is unchanged. 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 the conditions and Section 76 Planning Agreement, and deal with any other issues that arise provided that they are not substantive.

Development Management Officer Addendum Report Committee Application

Addendum Report 1	
Application ID: LA04/2022/0097/F	Date of Committee: 16 th January 2024 (withdrawn from agenda)
Proposal: Proposed three and a half storey residential development comprising of 18no. units (3no. wheelchair apartments and 15no. Category 1 Social Housing) and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping works (Amended Drawings)	Location: 22-30 Hopefield Avenue Belfast BT15 5AP
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: Approve with conditions	
Applicant Name and Address: NB Housing 282-290 Crumlin Road Belfast BT14 7ED	Agent Name and Address: Rolston Architects 49 Lisleen Road Belfast BT5 7SU
<u>Addendum Report</u> This full application was presented to Planning Committee on Tuesday 12 th December 2023 and was deferred to allow members of the Committee to visit the site. The site visit takes place on Wednesday 10 th January 2024. Shared Environmental Services (SES) Consultation SES provided a consultation response on 20 th December 2023. SES advised that following an appropriate assessment in accordance with the Conservation (Natural Habitats, etc) Regulations (NI) 1995 (as amended) and having considered the nature, scale, timing, duration and location of the project, they were content that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. SES advised that this conclusion is subject to mitigation measures in relation to sewage disposal being conditioned in the event of approval. Recommendation The case officer recommendation is unchanged. 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 the conditions and Section 76 Planning Agreement, and deal with any other issues that arise provided that they are not substantive.	

Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2022/0097/F	Committee Meeting Date: 12th December 2023
Proposal: Proposed three and a half storey residential development comprising of 18no. units (3no. wheelchair apartments and 15no. Category 1 Social Housing) and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping works (Amended Drawings)	Location: 22-30 Hopefield Avenue Belfast BT15 5AP
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: Approve with conditions	
Applicant Name and Address: NB Housing 282-290 Crumlin Road Belfast BT14 7ED	Agent Name and Address: Rolston Architects 49 Lisleen Road Belfast BT5 7SU
Executive Summary: This application seeks full planning permission for a proposed three and a half storey residential development comprising of 18no. units and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping works. The key issues are: - Principle of development - Affordable housing and Housing Mix - Design, layout and impact on the character and appearance of the area of townscape character - Climate change - Accessible and adaptable accommodation - Access and parking - Drainage - Noise, odour and other environmental impacts including contamination 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 conditions and the Section 76 Planning Agreement, and deal with any issues arising from the outstanding SES response if necessary.	

Officer Report

1.0	Drawings
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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 situated on Hopefield Avenue, Belfast, which connects to both the Antrim Road and Cavehill Road. The surrounding area is characterised largely by residential terraces dating from the Victorian and Edwardian period.
2.2	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 site is a sustainable location for new housing with good access to amenities, shops, services, employment and public transport. The proposed development makes effective use of previously developed land, land being a finite resource.
2.3	

	The site is un-zoned in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The site is located within the Lower Cavehill Area of Townscape Character, in accordance with dBMAP.
3.0	Description of Proposal
3.1	Proposed three and a half storey residential development comprising of 18no. units (3no. wheelchair apartments and 15no. Category 1) and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping 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 - Z/2003/1206/F - Refurbishment of building as office and storage as existing use. Permission granted. - Z/2006/2781/F - Demolition of existing commercial buildings and erection of 16No. apartments and associated sitework. Permission granted. - Z/2008/0799/F - Demolition of existing commercial buildings and erection of 24No. apartments and associated site works. Permission granted.
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – Content subject to conditions DfI Rivers – Content subject to conditions NI Water – Refusal DAERA NIEA – Content subject to conditions
5.2	Non-Statutory Consultations BCC Environmental Health – Content subject to conditions BCC Plans & Policy team – Advice provided Shared Environmental Services (SES) – Outstanding. NIHE – In support of the application
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 four objections to the proposal.

5.5	Objections: 4 The objections raised the following issues: • Impact on character and appearance of the Area of Townscape Character • Overdevelopment • Parking arrangements • Loss of light • Damage to street trees
5.6	These issues have been fully assessed within the planning assessment section of the report, however the application is considered acceptable for the reasons set out in the below assessment.
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. • Policy SD2 – Settlement Areas • Policy HOU1 – Accommodating new homes • Policy HOU2 – Windfall housing • Policy HOU4 – Density of residential development • Policy HOU5 – Affordable housing • Policy HOU6 – Housing mix

6.7 6.8 6.9 6.10 6.11	• Policy HOU7 – Adaptable and accessible accommodation • Policy DES1 – Principles of urban design • Policy RD1 – New residential developments • Policy TRAN6 – Access to public roads • Policy TRAN8 – Car parking and servicing arrangements • Policy TRAN10 – Design of car parking • Policy ENV1 – Environmental quality • Policy ENV2 – Mitigating environmental change • Policy ENV3 – Adapting to environmental change • Policy ENV5 – SuDS • Policy OS3 – Ancillary open space • Policy NH1 – Protection of natural heritage resources • Policy BH3 – Area of townscape character • Policy TRE1 – Trees Key Issues The key issues are: • Principle of development • Affordable housing and Housing Mix • Design, layout and impact on the character and appearance of the area of townscape character • Climate change • Accessible and adaptable accommodation • Access and parking • Drainage • 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 provided a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal. The applicant has subsequently provided a Plan Strategy Statement, which seeks to demonstrate compliance with the relevant policies. The Planning Service’s Plans and Policy team has been consulted on the applicant’s Plan Strategy and have provided advice. No further consultations have been considered necessary following adoption of the Plan Strategy. <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 presumption is therefore in favour of development subject to planning considerations detailed below. The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in Belfast City. Policy HOU2, Windfall Housing is also met as the proposal is situated on previously developed land. <u>Design, layout and impact on the character and appearance of the area</u>
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The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:

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

The site is in a primarily residential area and the proposed layout will not conflict with the established uses in the surrounding area. There is a total of 18 social housing units proposed, comprising of 3person/2bed accommodation. The principal elevation is 3 storey with an additional floor above (attic) that is adjoined to a 3 storey terrace stretch and is therefore in keeping with the surrounding housing units. The proposed finishes are to consist of grey/black coloured roofs with red facing brick indicated on elevation drawings, which is in keeping with the surrounding area. The finishes reflect that of the surrounding area and compliment the traditional built form. The proposed development will be enhanced by quality hard and soft landscaping around the buildings.

It is considered that the overall design, scale and massing will not create conflict with adjacent land uses. The proposal will create a quality residential environment that creates an attractive, locally distinctive and appropriate design in relation to the surrounding area.

- b. *Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:*

The layout/aspect of all buildings within the site is such that there will be no significant overlooking into neighbour properties. There is a separation distance of approximately 15m from the rear wall of the proposed 2 storey element to the rear gable of the flats at Marsden Gardens. The separation distance is considered acceptable and in keeping with the guidance in Creating Places. There is also a similar separation distance between the existing properties located at Loughrey Court and those terraces situated on Marsden Gardens. The separation distance will ensure that dominance and overshadowing will not occur to an acceptable degree.

- c. *Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure*

The development site is approximately 1-200m from Bus Links that are situated on the on both the Antrim and Cavehill Road. The bus links form connections to all areas beyond the city centre. The surrounding area does not provide adequate cycling infrastructure, however there is accessibility to bus lanes to cycle to destinations within the city.

- d. *Provides adequate open space:*

The proposed units benefit from the provision of private rear amenity space bound by a 1800mm boarded fence and an area of private amenity space to the front bound by a red brick wall and metal railing at approximately 1350mm. The rear gardens are approximately 170sqm (not including gardens to the front) in size, this level of provision is in accordance with the standards set out in the Creating Places guidance document.

- e. *Keeps hard surfacing to a minimum*

Car parking is considered to not dominate the residential development as the rear of the property contains an abundance of soft landscaping.

- f. *Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.*

6.12	The proposed scheme is in keeping with the space standards as set out in appendix C. The proposal consists of 3-person/ 2-bedroom apartments which are required to be 60sqm. The applicant's PS statement claims that all wheelchair units are between 80-85m², and all other units are between 60-65m². <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> Whilst a number of the apartments are to the rear these can be accessed securely from the public street and from the private communal gardens. <i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> All units provide ample light through to living rooms, bedrooms and kitchens.
6.13	Further to policy RD1, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.
6.14	The proposal falls within the Lower Cavehill Area of Townscape Character. The area is largely residential with a townscape dating from the Victorian and Edwardian period with terraces hard to building edge or behind small front plots. Front facades are articulated with bay windows and cornice detailing. It is considered that the replacement building is sympathetic to the characteristics of the area and is an enhancement from what previously existed. Therefore, the proposal is in compliance with Policy BH3. <u>Climate change</u> The proposal maximises opportunities to incorporate sustainable design features where feasible. The applicant submitted a Climate Change Compliance Statement outlining the following features: • A fabric first approach will be taken in choosing of materials and products within the development. This improves thermal comfort for the occupiers and reduced energy usage. • High performance insulation and energy efficient windows to improve the thermal envelope. • Lighting within stores, stairwells, communal hallways, and 'unpopulated' areas will be by means of movement sensor, thus minimising usage and wastage. • All white goods will be rated 'E' or above. • Each of the new apartments will be equipped with a 'pack' to inform occupiers about the efficient use of their heating and lighting systems. • Each of the new apartments will be equipped with an independent heating system, with individual time and temperature controls. • The 'common' entrance hallway leading from the main entrance and entrance stairwell, will be equipped with a separate independent heating system, with a separate temperature control system. • We 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.
6.15	It is accepted that the existing structure on site is unlikely to be beneficially changed to alternative uses and that the proposal has merit in terms of providing more sustainable/efficient buildings and uses.
6.16	By prioritising energy efficiency, sustainable materials, water conservation, waste management, and community engagement the proposal is compliant to Policy ENV 2-

6.17	Mitigating Environmental Change in that it demonstrates opportunities to incorporate sustainable design features where feasible. It is considered that the proposal incorporates measures to adapt to environmental change including part d and h of Policy ENV3 of the Plan Strategy.
6.18	Furthermore, the submission states that there will be a considerable increase in trees and landscaping which will help improve the surface drainage and reduce run-off, as well as increase green infrastructure on site complying with Policy ENV2 and TRE1.
6.19	The LDP Environment team has accepted that the open space landscaped areas are an appropriate response to SuDS features but highlight that there are further opportunities to include more measures. However, the proposal on balance complies with Policy ENV5.
6.20	<u>Affordable housing and Housing Mix</u>
6.21	HOU5- Affordable Housing of the of the Plan Strategy 2035 states that planning permission will be granted for residential development on sites greater than 0.1 hectares and or more dwelling units where a minimum of 20% of units are provided as affordable housing. All 18 of the proposed units will be provided as affordable housing (100% provision).
6.22	However, Policy HOU5 requires that affordable housing should contain a mix of social rented housing/ and or intermediate housing. The affordable and housing mix SPG recognises at section 3.2.1 that a small-scale development involving 100% social housing may be deemed to meet the requirements of Policy HOU5 where an identified need is addressed and the proposal is able to contribute towards balanced communities and paragraph 4.4.11 notes that 'proposals for single tenure social housing consisting of 12 units or more, will only be permitted in exceptional circumstances'. Section 4.4.14 continues to state that whether a proposal for mono-tenure social housing is deemed to deliver sustainable and balanced communities will be assessed on a case-by case basis using the following factors: - The level of social housing need in the vicinity of the site and the availability of land to address such needs; - The wider tenure and characteristics of and are, in order to minimise large areas of single tenure social housing; and - Whether a scheme is proposed as 'sharing housing'
6.23	NIHE have confirmed a need for social housing in this location based on the waiting list through a consultation response and are supportive of the proposal. Although there does appear to be other land available in the general area, the surrounding area is not dominated by social housing. Therefore, the proposal is compliant with Policy HOU5.
6.24	The proposed housing mix has been informed by an analysis of the prevailing housing need in the area. Support for the proposed housing mix has been confirmed by NIHE for social housing through consultation stating that there is a need for two-bedroom houses in the area. Therefore, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.
6.25	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.
	Whilst the Settlement Areas are yet to be fully established in advance of the LPP, the site most logically aligns with the inner city character area and therefore in terms of Policy HOU4 the assigned average density band of 75-150dph applies. The current application indicates that the number of residential units to be accommodated within the proposed

6.26	scheme totals 18 units. Given the site area, the proposed density equates to around 151dph which is at the top end of the average density band for Inner city Belfast. Therefore, the proposal is compliant to Policy HOU4. <u>Adaptable and Accessible Housing</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. The scheme contains 18 total units, meaning under HOU7, 2 of these would need to meet wheelchair accessible criteria. The proposal contains 3No. wheelchair accessible units, which appear to meet criteria g. to o., so HOU7 has been met in this case.
6.27	<u>Access, movement, and parking</u> DFI Roads have been consulted on the application and provide no objection subject to conditions. Therefore, Policy TRAN 6/8/10 have been complied with.
6.28	<u>Drainage</u> Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and resolve any matters arising from the outstanding consultation response from SES in the event this is not received prior to Committee.
6.29	<u>Waste-water infrastructure</u> NI Water has objected to the proposal on grounds of insufficient capacity at the local war-water treatment plan. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all. For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy.
6.30	Accordingly, it has been necessary to consult SES and DAERA. SES are still outstanding, however should their response be 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, mitigation in the form of a planning condition can be added to prevent commencement of development until the method of sewage disposal has been agreed with NI Water. Delegated authority is requested to deal with any issues arising from the SES response when receive, and the additional of any necessary conditions.
6.31	<u>Noise, odour and other environmental impacts including Contamination</u> The proposed site for social housing has been assessed by Environmental Health. Environmental Health have concluded that the remediation solutions to previously identified contaminated sources identified through a GQRA are acceptable. Conditions relating to contamination will be attached to an approved scheme.
6.32	With regards to air quality and noise, Environmental Health have recommended a condition that in the event that any centralised combustion sources (boilers, CHP or biomass) are proposed further details are to be submitted for review and approval. There were no concerns raised relating to general amenity and odour.
7.0	<u>Recommendation</u>

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 and a section 76 to secure the social housing on the site.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the S.76, 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. 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.

3. 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.

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

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

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

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

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

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

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

8. Prior to the occupation 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 report entitled Hopefield Avenue, Belfast Detailed Remedial Strategy 787-B038678 First Issue Causeway Geotech Document prepared on behalf of Tetra

Tech Consulting (Northern Ireland) Limited: No. NI667243. Dated June 2023 and the Tetra Tech cover letter entitled- Response to Belfast City Council Letter. Ref ST/JC/607104, 13th January 2022. Including Submission of Detailed Remediation Strategy. Ref: 787-B038678. Dated the 7th of June 2023.

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, residential without plant. 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 (C748 CIRIA & C735) and British Standards BS8485:2015+ A1:2019.

In particular, the Verification Report must demonstrate that:

- a) The final site layout is as per the drawing entitled- ROLSTON Architects, Proposed Site Layout Plan and Ground Floor Plan dwg.no. 21.1064 SK01G. Included in Detailed Remedial Strategy 787-B038678
- b) All fuel storage tanks, and associated infrastructure have been fully decommissioned and removed from the site in line with Guidance for Pollution Prevention (GPP2) and the Pollution Prevention Guidance (PPG27)
- c) All remaining soils beneath the tank locations are to be proven suitable for the proposed end-use (Residential without Plant Uptake).
- d) A minimum 500mm capping system has been emplaced in all communal landscaped areas formed from material that is demonstrably suitable for use (residential without plant uptake).
- e) Gas and VOC protection measures installed as per BS 8485:2015+A1:2019:
 - Cast in situ monolithic reinforced ground bearing raft with minimal penetrations or Precast suspended segmental subfloor
 - A gas resistant membrane which meets all requirements of Table 7 of BS 8485:2015+A1:2019.
 - Ventilation protection in the form of a 150mm passive sub floor void which provides at least good performance.
 - Gas protection measures must be verified in line with the requirements of CIRIA C735.
 - VOC vapour protection measures shall be installed and verified in accordance with the requirements of CIRIA C748.

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

9. If during the carrying out of the development, new contamination is encountered that has not been previously identified, all related works shall cease immediately, and the Council shall be notified immediately in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. The Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

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

10. No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has

been granted under the terms of the Water (NI) Order 1999.

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

11. All fuel storage tanks (and associated infra-structure) must be 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 verified. Should contamination be identified during this process, Conditions 13 and 14 will apply.

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

12. 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 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.

13. 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 Regulation Unit 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.

14. After completing the remediation works under Condition 13; 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.

SES conditions to be added on receipt of consultation responses.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
 01 – Site location plan
 02e – Proposed site layout and GF plan
 03b – Proposed first and second floor plan
 04c – Proposed third floor plan
 05c – Proposed front elevation and section
 06c – Proposed rear elevation and section
 07a – Proposed gable elevation and section
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	04/04/2022
Date First Advertised	12/04/2022
Date Last Advertised	12/04/2022
Details of Neighbour Notification (all addresses) 5 Marsden Gardens Flats, Belfast, Antrim, BT15 5AN 2 Marsden Gardens Flats, Belfast, Antrim, BT15 5AN 10 Marsden Gardens Flats, Belfast, Antrim, BT15 5AN 8 Loughrey Court, Belfast, Antrim, BT15 5AU 20 Hopefield Avenue, Belfast, Antrim, BT15 5AP 13 Hopefield Avenue, Belfast, Antrim, BT15 5AP 10 Loughrey Court, Belfast, Antrim, BT15 5AU 11 Hopefield Avenue, Belfast, Antrim, BT15 5AP 22-30 Catherwood House, Hopefield Avenue, Belfast, Antrim, BT15 5AP Unit 1, 22-30 Catherwood House, Hopefield Avenue, Belfast, Antrim, BT15 5AP 8 Marsden Gardens Flats, Belfast, Antrim, BT15 5AN Unit B - Rear Yard, 22-30 Catherwood House, Hopefield Avenue, Belfast, Antrim, BT15 5AP 7 Marsden Gardens Flats, Belfast, Antrim, BT15 5AN 4 Marsden Gardens Flats, Belfast, Antrim, BT15 5AN	

5 Hopefield Avenue,Belfast,Antrim,BT15 5AP
7 Loughrey Court,Belfast,Antrim,BT15 5AU
9 Hopefield Avenue,Belfast,Antrim,BT15 5AP
6 Marsden Gardens Flats,Belfast,Antrim,BT15 5AN
7 Hopefield Avenue,Belfast,Antrim,BT15 5AP
1 Marsden Gardens Flats,Belfast,Antrim,BT15 5AN
11 Marsden Gardens Flats,Belfast,Antrim,BT15 5AN
9 Loughrey Court,Belfast,Antrim,BT15 5AU
22-30 Catherwood House,Hopfield Avenue,Belfast,Antrim,BT15 5AP
3 Marsden Gardens Flats,Belfast,Antrim,BT15 5AN
9 Marsden Gardens Flats,Belfast,Antrim,BT15 5AN
Unit A - Rear Yard,22-30 Catherwood House,Hopfield Avenue,Belfast,Antrim,BT15 5AP
18 Hopefield Avenue,Belfast,Antrim,BT15 5AP
12 Marsden Gardens Flats,Belfast,Antrim,BT15 5AN
16 Hopefield Avenue,Belfast,Antrim,BT15 5AP

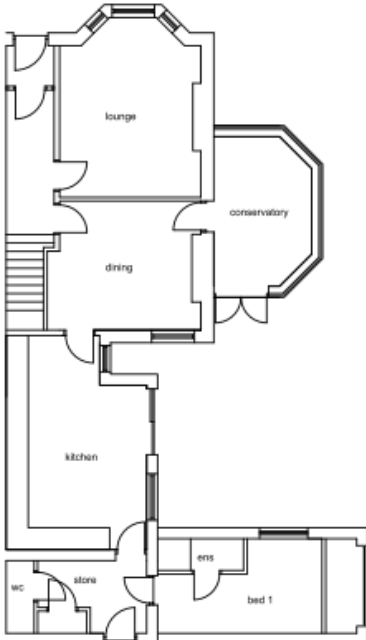
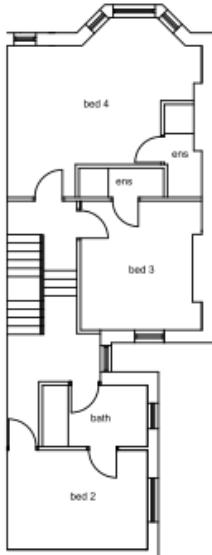
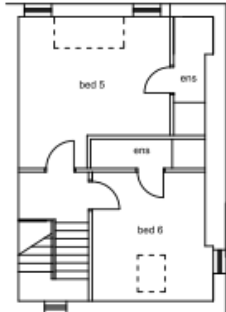
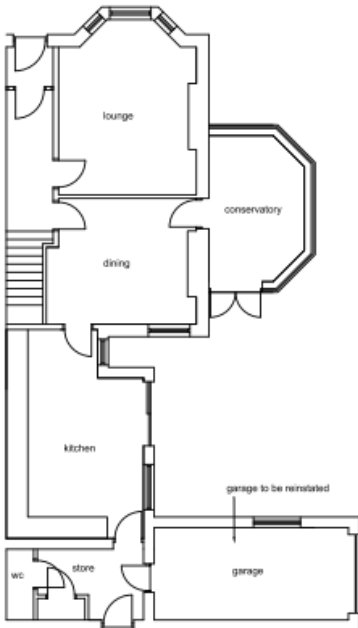
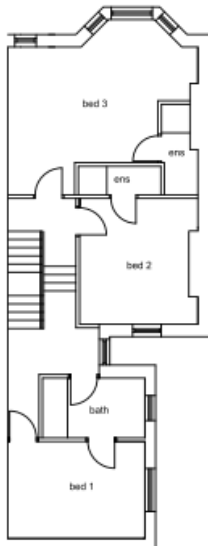
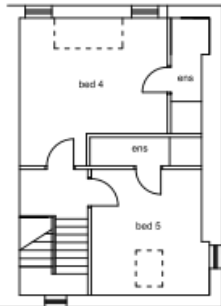
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Development Management Officer Report Committee Application

Addendum	
Application Ref: LA04/2023/4021/F	Committee Meeting Date: 13 th February 2024
Proposal: Change of use from dwelling to 5 Bed House in Multiple Occupation.	Location: 166 Upper Newtownards Road, Belfast, BT4 3ES
Referral Route: Request to be presented to Planning Committee by Elected Member (Cllr Anthony Flynn)	
Recommendation:	Approval
Applicant Name and Address: Sikkim Properties 34 Dufferin Ave Bangor BT20 3AA	Agent Name and Address: Gravis Planning Unit 1, Pavilions Office Park Kinnegar Drive Holywood
<u>Addendum Report</u> This full application was presented to Planning Committee on Tuesday 16th January 2024 and was deferred to allow members of the Committee to visit the site. The site visit will take place on Wednesday 7th February 2024. Recommendation The case officer recommendation is unchanged. 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 the conditions and Section 76 Planning Agreement, and deal with any other issues that arise provided that they are not substantive.	

Development Management Officer Report Committee Application

Summary	
Application Ref: LA04/2023/4021/F	Committee Meeting Date: 16 th January 2024
Proposal: Change of use from dwelling to 5 Bed House in Multiple Occupation.	Location: 166 Upper Newtownards Road, Belfast, BT4 3ES
Referral Route: Request to be presented to Planning Committee by Elected Member (Cllr Anthony Flynn)	
Recommendation:	Approval
Applicant Name and Address: Sikkim Properties 34 Dufferin Ave Bangor BT20 3AA	Agent Name and Address: Gravis Planning Unit 1, Pavilions Office Park Kinnegar Drive Holywood
Executive Summary: This application seeks full planning permission for Change of use from dwelling to 5 Bed House in Multiple Occupation. The key issues are: - The principle of an HMO at this location; - Impact on surrounding residential amenity/character including policy analysis - Traffic, Parking and Access - Waste and refuse collection - Over-occupation/anti-social behaviour - Climate change 22 objections have been received with the issues raised addressed within the main report. Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.	

Officer Report											
1.0	Drawings										
1.1	Existing Floor Plans										
 Ground Floor Plan 114.1sqm  First Floor Plan 73.5sqm  Second Floor Plan 48.1sqm <table><tr><td>Project</td><td>CHANGE 166 UPP BELFAS</td></tr><tr><td>Drawing</td><td>EXISTING</td></tr><tr><td>Orig.No:</td><td></td></tr><tr><td>Scale:</td><td></td></tr><tr><td colspan="2">1 Bramble Cr BT20 1GE</td></tr></table> Proposed Floor Plans  Ground Floor Plan 114.1sqm  First Floor Plan 73.5sqm  Second Floor Plan 48.1sqm Please note there are no external alterations and therefore elevations have not been shown here.		Project	CHANGE 166 UPP BELFAS	Drawing	EXISTING	Orig.No:		Scale:		1 Bramble Cr BT20 1GE	
Project	CHANGE 166 UPP BELFAS										
Drawing	EXISTING										
Orig.No:											
Scale:											
1 Bramble Cr BT20 1GE											

2.0	Characteristics of the Site and Area
2.1	The application site is located at 166 Upper Newtownards Road, a corner plot that adjoins Oakland Avenue.
2.2	The building is three storey semi-detached dwelling finished in white render. There is a small amount of amenity space to the front with pedestrian access, characterised by vegetation which screens the site from the road. There is a small amenity space to the rear/side between the rear return and the side boundary which also hosts an in-curtilage garage.
2.3	The site falls within houses in multiple occupation (HMOS) subject plan for Belfast city council area 2015 - zoning HMO 4/10 HMO development node.
3.0	Description of Proposal
3.1	The application is seeking full planning permission for change of use from dwelling to 5 Bed House in Multiple Occupation (amended description).
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 N/A
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – No objections
5.2	Non-Statutory Consultations BCC Plans & Policy team – No objections
5.3	Representations The application has been advertised and neighbours notified. The Council has received 22 objections which are summarised as follows: 1. Parking, traffic, road safety and enforcement 2. Waste and refuse collection 3. Adverse impact on the sewage network 4. Anti-social behaviour/noise 5. Negatively impact on the character of the area

	6. Non-compliance with Policy RD2 7. Lack of cycle parking provision 8. Additional guests staying over/anti-social behaviour 9. Precedent for further HMOs in the area 10. Alleged previous internal works to the property 11. Impact on the provision of family homes in the area Issues 1-8 are covered in the main body of the report. Additional points are considered as follows: 9. Precedent for further HMOs in the area/domino effect - Each application is decided on its own merit. Officers consider that this scheme is compliant with policy considerations. 10. Alleged previous internal works to the property - This would be outside the remit of planning and not relevant to the assessment of the application as internal works do not require planning permission. 11. Impact on the provision of family homes in the area - This HMO is for 5 bedrooms, the licensing process will determine how many persons the home can accommodate. HMO's can meet high demand for housing and the application site is located within one of three HMO Development Nodes on the Upper Newtownards Road which are designated due to their proximity to services and access to public transport.
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.
6.1.1	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.
6.1.2	The Development Plan is the Belfast Local Development Plan, which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The Belfast LDP is in two parts: Part 1 is the Plan Strategy, which was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals map for Belfast and has yet to be published. For this reason, the assessment of this application still considers that the property is in an HMO Node, as designated under the HMO Subject Plan (2015) and will remain so until the LPP is adopted.
6.2	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.3	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.

6.4	Key Issues The key issues are: • The principle of an HMO at this location; • Impact on surrounding residential amenity/character including policy analysis • Traffic, Parking and Access • Waste and refuse collection • Over-occupation/anti-social behaviour • Climate change
6.5	Principle of development The Upper Newtownards Road is not within a HMA however the site is located within the Upper Newtownards Road HMO Development Node (HMO 4/10) as designated in the HMO Subject Plan for Belfast City Council Area 2015.
6.5.1	Policy HOU11 states “Within designated intensive housing nodes, planning permission will be granted for HMOs and flats/apartments. This will be subject to meeting all other policy requirements.”
6.5.2	Para 7.1.76 of Policy HOU 11 states that proposals for HMOs and flats/apartments within intensive housing areas will still be carefully assessed against the relevant residential design requirements set out in policies RD1, RD2 and RD3.
6.6	Impact on surrounding amenity/character of the area When considering the policy context, the proposed development in terms of scale, layout, design and materials must be in keeping with the site and its surrounding area. The character and appearance of the area in this case would be preserved. Appropriate open space is provided and/or the site has good access to existing open space infrastructure. The proposal complies with the HMO space standards for a 5 bed HMO as set out within Belfast Local Development Plan: 2035. The proposal would provide a quality and sustainable residential environment. The HMO will further require to be licensed with BCC which mitigates amenity concerns by enforcing an anti-social behaviour plan and ensuring the HMO operator runs the property effectively.
6.6.1	The property is a large three-storey dwelling which has been extended over the years and is an appropriate size to accommodate an HMO, comfortably providing accommodation for 5 people whilst still meeting the space standards.
6.6.2	The proposal is compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties, including unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The policy context is set out in Policies HOU 11, RD1, RD3 and TRAN8 below.
6.7	Policy HOU 11 Policy HOU 11 para 7.1.76 states that proposals for HMOs and flats/apartments within intensive housing areas will still be carefully assessed against the relevant residential design requirements set out in policies RD1, RD2 and RD3, which have been addressed above. Policy RD2 is not relevant to this application as no extensions are proposed.
6.7.1	Local character, environmental quality and residential amenity, privacy of existing residents and scale and massing will continue to be particularly important considerations within intensive housing areas.
6.7.2	The proposed change of use of an existing dwelling into a HMO is located within an intensive housing node where HMOs are acceptable in principle under policy HOU11 of

	the BPS. The use is therefore considered appropriate to the local character and surrounding area.
6.8	Policy RD1 Policy RD1 states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal:
6.8.1	a) Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential areas - Officers consider that the use does not conflict with adjacent land uses. The scheme meets the policy requirements set out in HOU 11 and RD1 & RD3. The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and sufficient bin storage.
6.8.2	b) Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance - Officers consider that the scheme will not give rise to any of the issues listed in criterion B. Overlooking, loss of light, overshadowing and dominance will not be changing from what is existing. Noise or other disturbance will be addressed by the anti-social behaviour plan.
6.8.3	c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure - The proposal is located on a glider bus stop and has good access to services and amenities. There is sufficient space for cycle parking.
6.8.4	d) Provides appropriate open space - The proposal maintains the current level of open space, and in addition, the area has good access to open space such as the Comber Greenway.
6.8.5	e) Keeps hard surfacing to a minimum - No hard standing is proposed as part of this application.
6.8.6	f) Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C - The proposal exceeds the requirements set out in the space standards and provides a significant amount of living space for the occupants of the 5 bedrooms.
6.8.7	g) Does not contain any units which are wholly in the rear of the property without direct, safe and secure access from the public street - All units have safe and secure access from the front door of the dwelling.
6.8.8	h) Ensures that living rooms, kitchens and bedrooms have access to natural light - All habitable rooms in the dwelling have access to natural light.
6.9	Policy RD3 Policy RD3 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:
6.9.1	a) Any units are self-contained - Officers consider that this criterion is met.
6.9.2	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 - Officers consider that this criterion is met. The property will provide 3 refuse bins for general waste, recycling and food waste.
6.9.3	c) The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling - The property is 237.5 sq metres in total.
6.9.4	d) Conversions above commercial premises do not prejudice the commercial functions of the business - This criterion is not relevant to this application.
7.0	Traffic, Parking and Access Officers acknowledge the objections to parking. DFI Roads have no objections to the scheme. Whilst the various policy requirements of HOU11 seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy. Policy TRAN8 – Car parking and servicing arrangements states, ‘Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements’. However, existing Regional Planning Policy and supplementary planning guidance, including the published ‘Parking Standards’, do not incorporate car parking as a requirement for HMO development. The applicant has however, following amendments, retained the in-curtilage parking space to the rear in the garage and there is ample space for cycle storage. Furthermore the site is located in an extremely sustainable location with the glider service running alongside the site. In this context adequate provision is considered provided to meet TRAN8.
7.0.1	Objectors raised concern regarding parking and parking enforcement, both the PSNI and DFI would be responsible for dealing with any congestion or enforcement issues.
7.1	Waste and Refuse Collection Objectors have alluded to previous issues with bin lorries getting down Oakland Avenue, builders’ vehicles which will block the street during construction and build-up of waste in the alleyway to the rear of the site which is the main refuse collection point on Oakland Avenue.
7.1.1	Policy RD3 criterion B, states that 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. Officers consider that this policy is complied with. The alleyway to the rear will continue to host the bins as before. The disposal of rubbish is the responsibility of tenants and the landlord. The premises will continue to be served by three Council refuse bins for general waste, recycling and food. These three bins should be collected in the same manner as before.
7.2	Impact on the sewage network There is no evidence that change of use from a dwelling to a HMO will cause any issues as the dwelling will continue to avail of the main sewage network like other houses in the street.
7.3	Over-occupation/anti-social behaviour Officers consider that the scheme complies with space standards and provides a suitable number of bedrooms. The HMO licensing scheme is in place to regulate HMOs. An anti-social behaviour plan will therefore be in place, and it is the landlord’s responsibility to ensure compliance with licensing requirements. Tenants also have responsibilities to make sure the landlord can carry out their duties.
7.3.1	The NIHMO Unit within BCC has developed a guide highlighting ways to tackle antisocial behaviour linked to their properties. The guide provides preventative measures that landlords can take to manage antisocial behaviour, highlights how to demonstrate

7.3.2	compliance by record keeping and intervention, and details how to develop an antisocial behaviour plan. The HMO legislation in Northern Ireland has the potential to have a positive impact on the lives of those living in HMOs, the owners of HMOs, and the residents surrounding HMO properties. Climate Change The proposal will incorporate measures such as improved insulation which will increase the energy efficiency of the building. The proposal is also located in a prime location with access to public transport.
7.4	Summary The proposal is acceptable having regard to policies within the Belfast local development plan: plan strategy 2035; and paragraphs 6.135, 6.136 and 6.137 of the Strategic Planning Policy statement for Northern Ireland 2015 and taking account of all material planning considerations.
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 the conditions and deal with any other issues that arise 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. DRAFT INFORMATIVES: - 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.	

ANNEX	
Date Valid	25/09/2023
Date First Advertised	06/10/2023
Date Last Advertised	15/12/2023
Details of Neighbour Notification (all addresses)	
1 OAKLAND AVENUE 164 UPPER NEWTOWNARDS ROAD 168 UPPER NEWTOWNARDS ROAD 170 UPPER NEWTOWNARDS ROAD 172 UPPER NEWTOWNARDS ROAD 2 OAKLAND AVENUE 2A OAKLAND AVENUE 2B OAKLAND AVENUE 3 OAKLAND AVENUE 5 OAKLAND AVENUE 7 OAKLAND AVENUE	

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 13 th February 2024	
Application ID: LA04/2020/0568/F and LA04/2020/0569/LBC	
Proposal: LA04/2020/0568/F – Change of use (including refurbishment of and 9 storey extension to rear) of former police station to 74 bedroom hotel with associated restaurant, bar & ancillary facilities (amended description) LA04/2020/0569/LBC – Demolition of building and structures at rear, part demolition to internal features, refurbishment and extension to listed building (amended description).	Location: 21 Queen Street Belfast BT1 6EA
Referral Route: Paragraph 3.8.2(a) of the Scheme of Delegation for Planning (proposed hotel exceeding 30 bedrooms)	
Recommendation:	Approval
Applicant Name and Address: Big Top Productions 13 Union Street Belfast BT1 2JF	Agent Name and Address: Barry Owens Consulting 38 Highfields Avenue Dublin Road Newry BT35 8UG
Executive Summary: These applications seek full planning permission and Listed Building Consent for change of use, refurbishment, 9 storey rear extension, part demolition and alterations of buildings at the former police station at No. 21 Queen Street to 74-bedroom hotel with associated restaurant, bar and ancillary facilities. The main issues to be considered are: • The principle of a hotel at this location • Impact on the character and appearance of the Conservation Area; • Impact on the special architectural and historic qualities of the Listed Building • Archaeology • Ancillary open space • Climate change • Traffic, movement and parking • Environmental impacts • Drainage and flood risk • Natural heritage	

The building is Grade B1 Listed and on the heritage risk register. The site is located within the City Centre Conservation Area. The building was previously used as a police station. The proposal seeks to convert and extend the existing building into a hotel. The buildings to the rear are to be demolished to create the space for the new 9 storey new build element.

The site is within the City Centre and the principle of hotel use in this location is considered acceptable. The proposal will help to secure the future of the Listed Building at risk. The alterations to the Listed Building are considered sympathetic. On balance, the scale, height, massing and design of the new build element at the rear are considered acceptable. The special qualities of the Listed Building and its setting would be safeguarded.

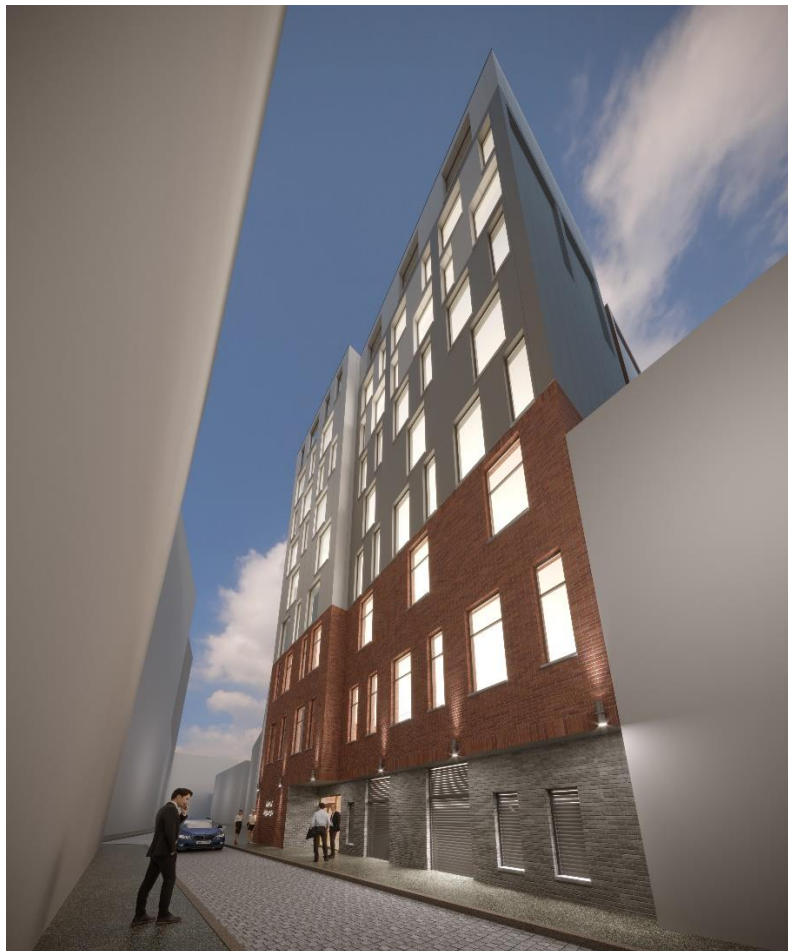
Consultees including DfI Roads, DfC Historic Environment Division, DfI Rivers, NI Water and BCC Environmental Health offer no objection. The Urban Design Officer and internal conservation advice express concerns about some aspects of the design.

No objections have been received from third parties.

Having regard to the Development Plan, and other material considerations, the proposal is considered acceptable. It is recommended that planning permission and Listed Building Consent are granted subject to conditions.

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

CGIs:



Characteristics of the Site and Area	
1.0	<u>Description of Proposed Development</u>
1.1	The application seeks full planning permission and Listed Building Consent for the conversion and extension of the former police station at No. 21 Queen Street to a 74 bedroom hotel. The description of each application is set out below: LA04/2020/0568/F – Change of use (including refurbishment of and 9 storey extension to rear) of former police station to 74 bedroom hotel with associated restaurant, bar & ancillary facilities (amended description). LA04/2020/0569/LBC – Demolition of building and structures at rear, part demolition to internal features, refurbishment and extension to listed building (amended description).
1.2	Planning permission was previously granted for the conversion and extension of the building, including 7 storey new build element at the rear, to accommodate a 36-bedroom apartment/hotel, bar, restaurant and conference rooms. The new proposal retains the Listed Building at the front whilst incorporating a 9 storey new building element at the rear. Both schemes include demolition of the existing ancillary buildings to the rear.
2.0	<u>Description of Site and Area</u>
2.1	The site forms part of the continuous built frontage of the west side of Queen Street, which comprises an eclectic mix of buildings of various ages, height and design. The site comprises a four storey historic building (Grade B1 Listed) at the front with ancillary buildings at the rear. The building was formerly used as a police station.
2.2	To the immediate north on Queen Street is a two storey building used as amusement arcade. To the immediate south is a four storey building with shop at ground floor and faux floors above. The site backs onto the narrow College Court to the rear beyond which is student and residential accommodation to the west. To the opposite side of Queen Street to the east are further commercial buildings.
2.3	The building is Grade B1 Listed and on the heritage risk register. The site is located within the City Centre Conservation area the was previously used as a police station.
Planning Policy and other Material Considerations	
3.0	<u>Planning History</u>
3.1	Z/2006/1782/F – Refurbishment of existing front building. Demolition of rear building and construction of new apartment/hotel – 36 no. bedrooms, bars, restaurant, lounges, conference rooms and ancillary accommodation. Application approved April 2007.
3.2	Z/2006/1873/LBC – Refurbishment of existing B2 listed building and erection of bedroom/apartment at rear of site. Application approved April 2007.
3.3	Z/2006/0331 – Refurbishment of existing front building. Demolition of rear building and construction of new apartment/hotel – 36 bedrooms, bars, restaurant, lounges, conference rooms and ancillary accommodation. Application approved February 2006.
3.4	Z/2002/1935/F - Refurbishment of existing police station and change of use to retail outlet and restaurant. Application approved March 2003.

3.5	Z/2002/1948/LB – Refurbishment of existing police station and change of use to retail outlet and restaurant. Application approved March 2003.
4.0	Policy Framework
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)
5.0	Consultations
5.1	Statutory Consultees DfI Roads – no objections in principle, subject to conditions DfC Historic Environment Division – no objection DfI Rivers – no objection NI Water – no objection
5.2	Non-Statutory Consultees Environmental Health – no objection, subject to conditions Urban Design Officer – concerns remain regarding height (see main assessment) Conservation Officer – concerns about scale, height, architectural treatment and demolition of the buildings at the rear, which are considered to make a positive contribution to the character and appearance of the Conservation Area (see main assessment).
6.0	<u>Representations</u>
6.1	The application has been advertised and neighbour notified. No third-party representations have been received.
7.0	<u>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 (“Departmental 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, which are set out in the following section of this report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).
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 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.
7.6	The site is un-zoned “white land” and within the city development limits in the Belfast Urban Area Plan 2001 and both versions of dBMAP 2015 (v2004 and v2014). The site is within the City Centre in both versions of dBMAP 2015. The site falls within the City Centre Conservation Area. Relevant Planning Policies and Supplementary Planning Guidance
7.7	The following policies in the Plan Strategy are relevant to consideration of the applications. Policy SP2 – Sustainable development Policy DES1 – Principles of Urban design Policy DES3 – Tall Buildings Policy BH1 – Listed Buildings Policy BH2 – Conservation Areas Policy BH5 – Archaeology Policy EC1 – Delivering inclusive economic growth Policy TC1 – Supporting tourism leisure, and cultural development Policy TLC3 – Overnight visitor accommodation Policy TRAN1 – Active travel: walking and cycling Policy TRAN 2 – Creating an accessible environment Policy TRAN 3 – Transport assessment Policy TRAN4 – Travel Plan Policy ENV1 – Environmental Quality Policy ENV2 – Mitigating Environmental Change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable Urban Drainage Systems Policy OS3 – Ancillary open space Policy NH1 – Natural Heritage
7.8	The following Supplementary Planning Guidance is relevant. Supplementary Planning Guidance – Place making urban design Supplementary Planning Guidance – Tall Buildings

7.9	The main issues to be considered are: • The principle of a hotel at this location • Impact on the character and appearance of the Conservation Area • Impact on the special architectural and historic qualities of the Listed Building • Archaeology • Ancillary open space • Climate change • Traffic, movement and parking • Environmental impacts • Drainage and flood risk • Natural heritage The principle of a hotel at this location
7.10	Policy EC1 of the Plan Strategy seeks to support development from business sectors with strong growth potential with hospitality and tourism being one of the key areas listed within the policy. The proposal is consistent with the aims of this policy.
7.11	Policy TLC1 relates to support for tourism, leisure and cultural development. It states that it will support such development that contributes to: a. Extending the offer across the daytime and night-time for a broad range of visitors; and b. Improving the quality, and accessibility of tourism, leisure, and culture facilities and assets to support Belfast's reputation as an attractive tourism destination.
7.12	It is considered that the proposal satisfies the above criteria.
7.13	The proposal satisfies Policy TLC3, which states that planning permission will be granted for development proposals for new overnight visitors' accommodation within the city centre boundary.
7.14	Regard is also had to the previous permission for a hotel on the site granted in 2007 (Z/2006/1782/F).
7.15	Having regard to these factors, the site is considered a suitable location in principle for a hotel. Impact on the character and appearance of the Conservation Area
7.16	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
7.17	Policy BH2 of the Plan Strategy lists criteria for the consideration of proposals in a Conservation Area, including amongst others that development should preserve or enhance the character and appearance of a Conservation Area. Regarding demolition in a Conservation Area, demolition will only be acceptable where the building makes either a negative or no material contribution to the character of the area and the design quality is considered to enhance the overall character.

	<i>New build, extensions and alterations</i>
7.18	The scheme has evolved with input from the Urban Design Officer and internal conservation advice. This has included requiring further CGIs, VU.CITY images and contextual information, and improvements to the design of the new build rear section including the elevation onto College Street and external cladding materials.
7.19	Notwithstanding, the conservation advice expresses concerns about the scale of the 9 storey new build extension at the rear and the lack of “architectural unity” with the base of the building on the College Court being different to the design of the rest of the rear extension. The conservation advice is that the proposal would result in “substantial harm” to the character and appearance of the Conservation Area. However, the conservation advice also states that should an enabling case be made that the extension is necessary to fund the refurbishment of the Listed Building at risk, then one material is recommended for the middle section of the rear extension which is tonally in keeping with the brick proposed for the base of the building. The upper part of the building should be faced in a material reflective of traditional tones for attic floors within the Conservation Area to assist in visually breaking up the mass of the proposal.
7.20	The Urban Design Officer has a contrary view in terms of the architectural treatment of the rear of the building. They advise that the use of red brick across the lower three floors echoes that of adjacent buildings along College Court and a slight emphasis above 2F strengthens this lower ‘shoulder’ height which picks up on the eaves heights of buildings either side. Furthermore, the proposed arrangement and proportions of windows across the lower floors to the rear are also welcomed and reflect the hierarchy and rhythm of windows in adjacent buildings.
7.21	However, the Urban Design Officers agrees with the concerns of the conservation advice in relation to the scale and height of the 9-storey new build extension, albeit it is the top upper half floor which tips the balance. The Urban Design Officer advises that the impact of this upper half floor can be seen from views opposite the site along Queen Street where this element breaks the decorative roofscape of the listed asset. The impact of this upper floor is also notable in views from Castle Street south along College Court where again this element dominates the collective roofscape of what should be subservient rear additions. Removal of this top floor would allow the proposed extension to sit more comfortably in its context. They also have concerns in relation to any required rooftop equipment such as lift/stair overruns and air handling units. From experience these elements can often add additional massing at roof level which adds to the overall visual impact of the building in terms of scale, height and massing.
7.22	In terms of materials, the Urban Design Officer was critical of the original vertical column of grey cladding wrapped around from the rear elevation onto the two side elevations (north and south) of the rear extension. However, this has since been changed to a red tone to better complement the predominant red brick in the area.
7.23	The concerns of Urban Design Officer and conservation advice are acknowledged. However, in relation to the scale and height of the rear extension, it would be read against the backdrop of the larger and taller 11 storey buildings to the opposite side of the narrow College Court to the immediate west, and office development under construction on Queen Street to the south. In this context, and on balance, the 9-storey scale of the rear extension is considered acceptable. Whilst the proposed extension is not “subservient”, therefore, in conflict with criterion f. of Policy BH2, for the reasons stated its scale and height are considered acceptable.

7.24	In conclusion, it is considered that the character and appearance of the Conservation Area would overall be preserved. The restoration of the Listed Building at risk will also represent an enhancement of the Conservation Area. <i>Demolition</i>
7.25	In terms of the demolition, the conservation advice is that the rear block proposed to be demolished makes a positive contribution to the character and appearance of the Conservation Area through age, style and materials, functional use and its narrative quality in that one can read the improvements in glass making technology of its date of construction (1880) with cheaper 6 over 6 sashes to the rear, more expensive full paned sashes restricted to the front elevation; and, reflecting the historic hierarchy of place with civic status of the building. The conservation advice is that the existing buildings make a better contribution to the character and appearance of the Conservation Area than the proposed 9 storey hotel.
7.26	Officers disagree with the views of the conservation advice. The existing buildings at the rear are considered to be of a modest and ordinary design, which makes no material contribution to the character and appearance of the Conservation Area. Moreover, the design quality of the proposed building is considered to enhance the overall character of the conservation area, allowing the retention and restoration of the Listed Building. It is also noteworthy that DfC HED offers no objection to the demolition of these buildings in terms of their value or impact on the setting of the Listed Building at the front. The proposal is considered compliant with Policies BH2, DES1 and DES3. Impact on the special architectural and historic qualities of the Listed Building
7.27	The site comprises a Grade B1 listed building of special architectural and historic interest. The building is in poor condition and on the at risk register.
7.28	Following amendments to the proposal and site inspection, DfC HED offers no objection to the applications, recommending conditions in the event that permissions are granted.
7.29	The proposal will facilitate the restoration and re-use of the redundant Listed former police station, a building at risk, which is welcomed. In this regard, a condition is recommended to ensure that the works to the Listed Building are carried out prior to the use of the hotel. A further condition is recommended that requires a phasing plan for the works, again to ensure the appropriate timing of works to the Listed Building. The proposal is considered compliant with Policy BH1 and relevant provisions of the SPPS. Archaeology
7.30	DfC HED: Historic Monuments state in their response that the site is adjacent to a 17th century town ditch and recommends archaeology related conditions. These conditions are recommended and the proposal is considered compliant with Policy BH5 and relevant provisions of the SPPS. Ancillary open space
7.31	Policy OS3 requires the provision of ancillary open space for all new development to include both hard and soft landscaping areas to serve the needs of the development. It is normally to be expected that 10% of the site is given over to open space. The proposal provides circa 8% (45sq/m) of open space to the front of the listed building. The proposal also provides a first-floor terrace area circa 13% (80sq/m). Whilst the Queen Street frontage area is compromised in terms of its amenity value by reason of it being the main entrance to the hotel from Queen Street, regard is had to the much more significant

	benefits of bringing the Listed Building at risk back into use. The proposal is considered acceptable having regard to Policy OS3. Climate change
7.32	Policy ENV2 requires development to incorporate measure to mitigate environmental change and reduce Green House Gases by promoting of sustainable development. The policy requires, where feasible, to avoid demolition and seek structures reuse. In these regards, the demolition of the buildings at the rear is necessary to facilitate the overall hotel concept and bring the Listed Building at risk back into use.
7.33	Policy ENV3 requires the design to minimise the reliance on fossil fuels for heating and minimise building overheating and therefore reduce the need for air-conditioning. The proposal will include insulation measure to the walls, the windows will have low transmitting glazing to minimise air conditioning needs. The proposal will also incorporate solar control principles, low energy lighting and high efficiency heat pumps and so forth, all designed to reduce operating costs but having the additional benefit of reducing the need for energy to maintain comfortable conditions within the hotel. It is recommended that these climate control measures are secure by condition.
7.34	Policy ENV5 requires, where appropriate, sustainable drainage systems (SuDS) to manage surface water runoff and flooding is not increased elsewhere. The site is confined within an existing built-up area limiting the scope to employ SuDS methods. The footprint of the proposed building utilises all available ground space, this space is already covered with existing buildings and hard-standing therefore there will be no increase in the level of hard-standing that would contribute to additional surface water run-off. Whilst no specific SuDS measures are proposed, regard is had to the much benefit of bringing the Listed Building at risk back into use. Traffic, Movement and Parking
7.35	No dedicated parking is provided but this is considered acceptable given the sustainable and highly accessible location of the site.
7.36	DfI Roads advises no objections subject to conditions and the proposal is considered acceptable in terms of traffic, moving and parking. The proposal is considered to comply with Policies TRAN 1, TRAN 2, TRAN 3, TRAN 4 and TRAN 8 and relevant provisions of the SPPS, and in these regards is acceptable. Environmental impacts <i>Contamination:</i>
7.37	The application is supported by a Preliminary Risk Assessment, concluding low risk from contaminants. Following receipt of further information, Environmental Health advises no objection subject to conditions. This includes a Grampian condition to require submission and approval of the Generic Quantitative Risk Assessment (GQRA). Officers note that the existing buildings on the site will need to be removed to allow bore hole testing to take place for the completion of the GQRA.
7.38	The proposal is considered acceptable in respect of land contamination and compliant with Policy ENV1.

7.39 7.40 7.41 7.42	<i>Noise and odour:</i> Environmental Health has advised conditions for the control of noise and odour associated with the proposed development. These conditions are recommended. In this regard, the proposal is considered compliant with Policy ENV1. <i>Air Quality:</i> Environmental Health has reviewed the Air Quality Assessment provided with the application and advises that it meets the relevant requirements. In this regard, the proposal is considered compliant with Policy ENV1. Drainage and flood risk DfI Rivers has advised that the drainage proposals are acceptable providing the applicant receives discharge permission from NI Water (it is understood that the applicant has entered into a pre-development enquiry with NI Water). No unacceptable drainage or flood risk issues have been identified and the proposal is considered to accord with Policy ENV4. Natural heritage The applicant has completed a biodiversity checklist which confirms no impacts. It has been unnecessary consult DAERA in this case, however, the applicant will be reminded of their legal responsibilities under the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended) by way of an informative.
8.0 8.1 8.2	Summary of Recommendation: Having regard to the Development Plan, and other material considerations, the proposal is considered acceptable. It is recommended that planning permission and Listed Building Consent are granted subject to conditions. Delegated authority is requested for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other matters that arise, provided that they are not substantive.
	DRAFT CONDITIONS Full planning permission (LA04/2020/0568/F) 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. Notwithstanding the submitted details, no development shall commence on site unless a Phasing Plan has been submitted to and approved in writing by the Council. The development shall not be carried out or sequenced unless in accordance with the approved Phasing Plan. Reason: The Listed Building is at risk and the development has been permitted to enable the restoration of the Listed Building. 3. The hotel use hereby permitted shall not be carried out or the building occupied until the works to the Listed Building have been fully implemented in accordance with Listed Building Consent LA04/2020/0569/LBC and written evidence of such

has been submitted to and approved in writing by the Council. The Council and DfC Historic Environment Division shall at all reasonable times be afforded access to the Listed Building to inspect the works as part of the authorisation process.

Reason: The Listed Building is at risk and the development has been permitted to enable the restoration of the Listed Building.

4. No demolition shall commence on site unless a contract has been agreed for the redevelopment of the site in accordance with planning permission [LA04/2020/0568/F] and evidence of that contract has been submitted to and approved in writing by the Council]. The development shall not be carried out unless in accordance with planning permission LA04/2020/0568/F.

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

5. Notwithstanding the approved details, no development shall commence unless details of climate change measures to manage and/or mitigate climate change have been submitted to and approved in writing by the Council. The development shall not be occupied unless the approved climate change measures have been implemented. The climate change measures shall be retained in accordance with the approved details at all times.

Reason: To manage and mitigate climate change having regard to Policies ENV2 and ENV3 of the Belfast LPD Plan Strategy 2035.

6. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of 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.

Reason: To ensure appropriate 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 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.

8. 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 7.

These measures shall be implemented, and a final archaeological report shall be submitted to the Council within 6 months of the completion of archaeological programme of works.

Reason: To ensure that the archaeological remains and features are properly analysed and recorded.

9. No development shall commence on site unless details of windows and external doors have been submitted and approved in writing by the Council. The details shall include cross sections, elevations, cill detail / material, the actual glazing material and panes and colour and finish, with a sample provided for each different window type. The windows and external doors shall not be installed unless in accordance with the approved details.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

10. No new plumbing, pipes, soil-stacks, flues, vents, ductwork, lighting, security cameras or mechanical and electrical services of any description shall be fixed on the external faces of the building other than those shown on the approved drawings.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

11. No development shall commence on site unless a detailed specification and samples of all new materials to be used in the elevations of the building, including samples of materials for the rain screen cladding and new window materials, have been submitted to and agreed in writing by the Council. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

12. The hotel shall not be operated or occupied unless secure cycle parking facilities have been provided in accordance with the approved plans. The secure cycle parking shall be retained as such at all times.

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

13. The development shall operate in accordance with the Service Management Plan.

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

14. The development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan **[dated stamped on X and uploaded to the Planning Portal on Y]**.

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

15. No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition) unless a Quantitative Risk Assessment has been submitted to and approved in writing by the Council.

A detailed site investigation shall be carried out in line with Business Support 10175:2011+A2:2017 (or any standard that reproduces or replaces this standard).

Any ground gas investigations shall be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019 (or any standard that reproduces or replaces this standard).

A satisfactory assessment of the risks (including a Revised Conceptual Site Model), shall be conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665 (or any standard that reproduces or replaces this standard).

Based on the outcome of this risk assessment, a Remediation Strategy may be required. If necessary, the Remediation Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.

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

Reason: In the interests of human health

16. The plant and equipment associated with the development hereby permitted shall achieve a rating level (LAr) no greater than the Background Sound Level, LA90, during the daytime and during night-time when measured or determined at the nearest noise sensitive premises. All measurements and calculations must be conducted in line with the methodology outlined in BS4142:2014+A1 2019 Methods for rating and assessing industrial and commercial sound.

Reason: In the interests of residential amenity

17. Deliveries and collections to and from the hereby permitted development are not permitted outside the hours of 07:00 and 23:00hrs.

Reason: In the interests of residential amenity

18. No kitchen or extraction and odour abatement system shall be installed unless it is capable of achieving a 'very high level' of odour control in accordance with the measures outlined in Section 2 of the AONA Environmental Consulting Ltd report titled: Updated Odour Impact Assessment. Date: April 2022.

Reason: Protection of amenity against adverse odour.

19. All gas boilers shall meet the technical specification as detailed within the letter Ref.: ENV-6045 Queen Street Hotel Air Emissions, dated 9th October 2020

Reason: Protection of Human Health

20. During the construction phase, dust management measures shall be implemented in accordance with the IAQM Guidance on the Assessment of Dust from Demolition and Construction 2014.

Reason: Protection of residential amenity

Listed Building Consent (LA04/2020/0569/LBC)

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. Prior to commencement of any structural alterations, a method statement that demonstrates how the approved structural works will be undertaken, and outlining how the Listed Building will be protected, during construction (including foundations and any piling) and demolition work, shall be submitted and approved in writing by the Council. The work shall be carried out fully in accordance with the details approved.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

3. No works shall be undertaken until details of an accredited conservation professional who will oversee and certify the hereby approved conservation works have been submitted to approved in writing by the Council. The works shall be overseen and certified by the accredited conservation profession approved by the Council.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

4. Internal or external historic surviving decorative or functional features, including plasterwork, ironwork, fitted cupboards, bookcases, ceramic tiling, shelving, fireplaces and grates, pelmets, fitted furniture, doors, windows, staircases, staircase balustrading, joinery and decorative ironwork shall not be removed or altered unless expressly specified by the approved drawings. Retained features shall be fully protected during the course of any works on site, in accordance with details to be submitted to and approved in writing by the Council. Any missing stairway joinery, skirtings, cornices, architraves, window panelling and doors shall be copied, and subsequently replaced, to replicate exactly the existing in material and detailing.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

5. All new external finishes and works of making good to the retained fabric, shall match the existing original work adjacent in respect of methods, detailed execution and finished appearance unless otherwise approved in writing by the Council.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

6. No works shall commence on site unless details of windows and external doors have been submitted and approved in writing by the Council. The details shall include cross sections, elevations, cill detail / material, the actual glazing material and panes and colour and finish, with a sample provided for each different window type. The windows and external doors shall not be installed unless in accordance with the approved details.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

7. No works shall be undertaken unless details of the connections and interface between the new build and the existing façades have been submitted and approved in writing by the Council. The details shall be drawn to a minimum scale of 1:20 and shall include dimensioned set-backs, structure, flashings and allowance for movement. The works shall be carried out unless in accordance with the approved details.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

8. No new plumbing, pipes, soil-stacks, flues, vents, ductwork, lighting, security cameras or mechanical and electrical services of any description shall be fixed on the external faces of the building other than those shown on the approved drawings.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

9. No works shall be undertaken unless details of building services including mechanical, electrical, and audio installations routeways and installations impacting the architecture and detail of the listed building have been submitted to and approved in writing by the Council. The works shall be carried out unless in accordance with the approved details..

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

10. No works shall commence on site unless a detailed specification and samples of all new materials to be used in the elevations of the building, including samples of materials for the rain screen cladding and new window materials, have been submitted to and agreed in writing by the Council. The works shall not be carried out unless in accordance with the approved details.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

11. No works shall commence on site unless a detailed specification and samples of external paving to ramps, tactile paving, balustrading and external lighting have been submitted to and approved in writing by the Council. The works shall not be carried out unless in accordance with the approved details.

Reason: In the interests of the special architectural and historic qualities of the Listed Building.

Informatives

NOT03 Compliance with planning permission

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

NOT04 Discharge of condition(s)

This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know

when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.

NOT06 Non-planning requirements

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

NOT07 Protected Species

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

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

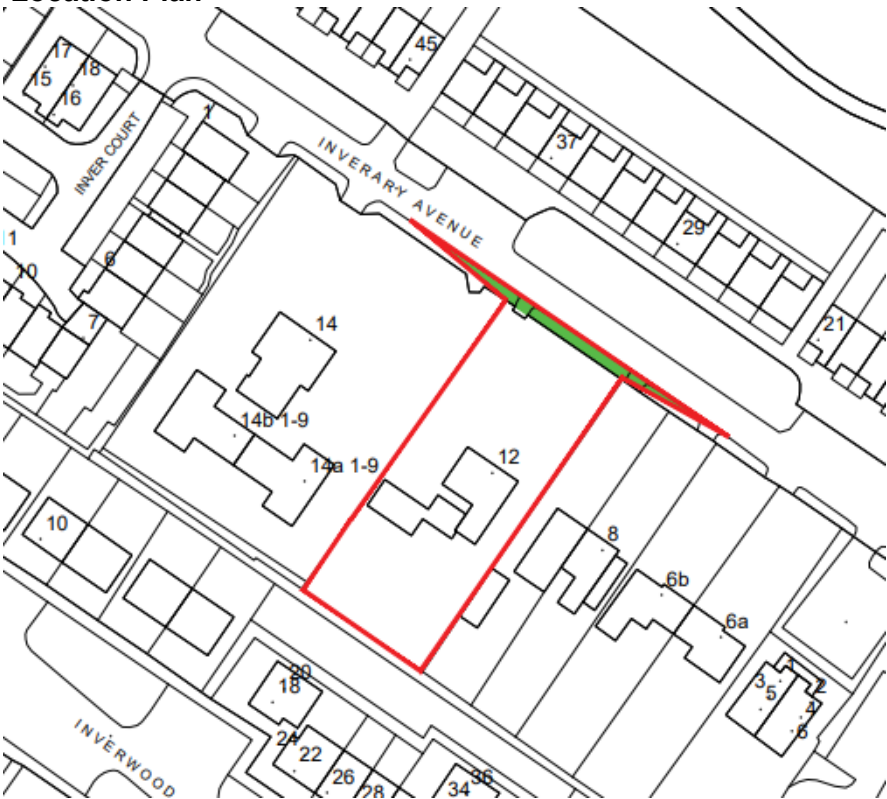
If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 9056 9605.

ANNEX A

Date Valid	11th February 2022
Date First Advertised	20th March 2020
Date Last Advertised	11 th Jan 2024
Date of Neighbour Notification(s)	23 rd March 2020 11 th Jan 2024
Number of Neighbour Notifications	25 letters issued – full details available on planning portal.
Date of EIA Determination	
ES Requested	No

Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2022/1384/F	Committee Meeting Date: 16 th February 2024
Proposal: Residential development of 10 no. apartments within a single building, including demolition of existing structures, car parking and relocation of existing access, and all other associated siteworks.	Location: Lands at 12 Inverary Avenue Sydenham Belfast BT4 1RN
Referral Route: Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
Recommendation: Approval	
Applicant Name and Address: MINT Properties 41 Donegall Street Belfast BT1 2FG	Agent Name and Address: Campbell Architects Ltd 50 High Street Holywood BT18 9AE
Executive Summary: This application seeks full planning permission for a residential development of 10 no. apartments within a single building, including demolition of existing structures, car parking and relocation of existing access, and all other associated siteworks. The key issues are: • Principle of development • Design, scale, layout and impact upon the character and appearance of the area including residential amenity • 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 wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise, including consideration of the outstanding Rivers Agency consultation, provided that 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 site is located at 12 Inverary Avenue. The application site is currently occupied by a 2 storey detached dwelling and ancillary domestic garage, set within a relatively large plot, with existing trees and other vegetation along its boundaries. An existing vehicular access from Inverary Avenue serves the site. The surrounding area contains a mix of house types and densities, which includes detached, semi-detached, terraced and apartment buildings. The application site is on the south side of Inverary Avenue and existing buildings on this side of the street are 2/2.5 storey in height, and predominately finished in render, red or buff brick with grey/blue slate or tiled roofs.
3.0	Description of Proposal
3.1	Residential development of 10 no. apartments within a single building, including demolition of existing structures, car parking and relocation of existing access, and all other associated sitework
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	Relevant Planning History
4.6	No significant recent history on the application site.
5.0	Consultations and Representations
5.1	Statutory Consultations • DfI Roads – Content subject to conditions • DfI Rivers – Content • NI Water – Approval • DAERA- Concerns raised from Water Regulation Unit and no concerns from the Natural Environment Division • Shared Environmental Services- Content subject to conditions
5.2	Non-Statutory Consultations • BCC Environmental Health – Content subject to conditions • BCC Senior Urban Design Officer– Advice. • BCC Trees and Landscape Team- Content subject to conditions
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

5.4	same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy. Representations The application has been advertised and neighbours notified. The Council has received the following representations in support and objection. Objections: 11 The objections raise issues regarding the below: • Increased traffic • Parking • Noise • Loss of light and overshadowing • Overdevelopment • Loss of privacy
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. 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. These are listed in the report. 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 The following policies in the Plan Strategy are relevant to consideration of the application.

6.7	<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 Policy TRAN10- Design of Car Parking <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 <u>Supplementary Planning Guidance</u> Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development
6.8	Key Issues The key issues are:

	• Principle of development • Design, scale, layout and impact upon the character and appearance of the area including residential amenity • 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
6.9	The adoption of the Plan Strategy requires the following updated assessment.
6.10	<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.
6.11	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.
6.12	<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 site is also designated as white land within the draft Belfast Metropolitan Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below.
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 BMAP 2004 and 2015 versions. The proposed scheme is considered to be a suitable site for an apartment scheme, it is accessible and convenient to public transport and walking and cycling infrastructure.
6.14	<u>Design, layout and impact upon the character and appearance of the area including residential amenity:</u> 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: <i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i> Inverary Avenue contains an eclectic range of development types and architectural styles. The scale of development on the southern side of the street is relatively consistent at 2 or 2.5 storey. Roof profiles vary but are mainly double pitched. The proposal is approximately 10.42m in height to the ridge and ties in with the

surrounding apartment developments. The proposal responds positively to the context and character of the area by respecting the established building line, scale and form of development found in the area. The materials to be used are select facing brick with a light grey colour to ground floor and off-white to first and second floor. This is considered to tie in with the surrounding area as there is a mix of red brick and rendered dwellings/apartment blocks.

- b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:*

Concerns have been raised with regards to overlooking and loss of privacy. However, the layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. No adverse impacts will incur on the amenity of the neighbouring residents, there are no upper floor windows on the south-eastern elevations looking towards No.10. Views from the north-eastern facing windows towards the neighbouring apartments on that side are screened by the retained vegetation. A separation distance of over 30m is provided to the dwelling to the rear, with mature vegetation acting as a natural buffer/screen between the two sites. 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.

- c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure*

The development site is located within walking distance from bus stops along Inverary Avenue and Holywood Road which are accessible through footpaths to the front of the site. There are also cycle lanes along the Holywood Road.

- d. Provides adequate open space:*

The proposal includes 222sqm of communal open space within the curtilage of the site, equating to 22.2sqm per unit which is in line with the guidance in Creating Places. In addition to this, private defensible space is located at ground floor level, directly adjacent to the building, to serve apartments 1-3, whilst additional private amenity areas are proposed to the rear boundary of the site, to offer areas to grow plants or vegetables to service the dwellings on the upper floors. In addition to this there are various public open space, recreation and leisure facilities within close proximity of the application site, including the Alderman Tommy Patton Memorial Park, an extensive area of open space with a children's play park, dog walking areas, and sporting facilities. This is approximately a 5-minute walk from the site (google maps).

- e. Keeps hard surfacing to a minimum*

Car parking is considered to not dominate the residential development as parking is provided on street

- f. Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.*

The apartment schedule is as follows:

APT 1- (3P2B) 63sqm
 APT 2- (3P2B) 63sqm
 APT 3- (2B1P) 64.3sqm
 APT 4- (3P2B) 63sqm

6.15	AP5 5- (3P2B) 63sqm APT 6- (3P2B) 62.4sqm APT 7- (3P2B) 66sqm APT 8- (2P1B) 55.2 sqm APT 9- (2P1B) 54.6sqm APT 10- (3P2B) 70.6sqm The proposed scheme is in keeping with the space standards as set out in appendix C. <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 apartments are accessed via the main parking area, which offers a safe private environment adjacent to the primary entrance. The area will be well supervised and dwellings that are positioned and orientated towards the rear of the plot benefits from a close relationship to adjacent amenity, whilst being surrounded by well-defined areas of landscaping, and in close proximity to active car parking areas. Each dwelling benefits from direct, safe and secure access via the private driveway within the scheme, from the public street. Suitable private lighting will be provided to ensure a well-lit, inviting access route to the building from the adopted road. <i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i> In terms of prospective residents, each unit has adequate outlook. All apartments benefit from adequate outlook and access to natural light.
6.16	Further to policy RD1, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.
6.17	<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.
6.18	ENV2 also states that development proposals should, where feasible, seek to avoid demolition and should consider how their main structures could be reused. The proposal involves the demolition of an existing property. The applicant has stated that the site could not feasibly accommodate 10 no. apartments on the existing site. The height and layout of the existing building would not lend itself to a conversion and an extension would not be capable of accommodating 10 no. apartments. Demolition of the existing building is therefore necessary to deliver the proposed development and to ensure the most efficient land use on site. The applicant has clearly demonstrated that waste materials from the demolition will be reused and recycled. This will range from the retention and reuse of material on site, to the removal of demolished material for use on other suitable schemes within the local area. On balance, the council are satisfied that the existing building is not fit for the purpose of a new residential apartment scheme. In conclusion, the existing building is not viable or

6.19	suitable for redevelopment. The proposed demolition is necessary to facilitate the proposal. The applicant has submitted a Climate Change Statement setting out that the following features are incorporated into the design to comply with both ENV2, ENV3 and ENV5: • The drainage assessment includes SuDs proposals- underground storage, permeable paving, porous surface finishes and trees and landscaping. The applicant has stated that the site is very limited in relation to the land available to provide surface-based SUDs features, and as such, these will be introduced where feasible. • The proposed building will be designed at detailed design stage, to be constructed using a fabric first approach aim to minimise the need for energy consumption through methods such as- maximising air-tightness, increased levels of insulation, optimising solar gain through the provision of openings and shading, optimising natural ventilation and using thermal mass of the building fabric.
6.20	
6.21	A total of 20 trees and shrubs are to be retained on site. Therefore, on balance the proposal is considered to mitigate and adapt to climate change and comply with Policy TRE1. 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.
6.22	
6.23	<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. The application is for a total of 10 units and given the site area, the proposed density equates to around 66dph which falls within the average density band for Inner City Belfast Character Area. The proposed density is therefore considered appropriate in the context of the lower density setting in the existing area.
6.24	
6.25	<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 applicant has provided one 2 bed 3 person, and one 1 bed 2 person apartments for social rented housing which meets the definition of affordable housing. The delivery and monitoring of the DMR units will require a Section 76 planning agreement and delegated authority is requested to allow officers to finalise this.
6.26	
6.27	The application is considered to comply with HOU5 of the Plan Strategy subject to the S.76. Further to this, Policy HOU6 applies. It requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of: a. Up to date analysis of prevailing housing need in the area;

6.28	b. The location and size of the site; c. Specific characteristics of the development; and d. The creation of balanced and sustainable communities The development contains a mix of one- and two-bedroom apartments. A total of ten units are proposed with seven 2-bed, 3 person units, two, 1 bed, 2 person units and one, 1 bed, 2-person unit as accessible. With regards to the affordable units as described above, the NIHE has informed the applicant that this area is in need of one and two bed apartments to meet the needs of single adults and small family occupants. The proposal offers a suitable mix of house types and sizes to promote choice and assist in the surrounding community needs.
6.29	
6.30	<u>Adaptable and Accessible Housing</u> Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet. The applicant has provided evidence to demonstrate that the proposal is in accordance with criteria a. to f. In addition to this, the applicant has provided one adaptable and accessible unit on the ground floor to comply with criteria g. to, o.
6.31	<u>Access, movement, and parking</u>
6.32	The proposal has been assessed against the following policies TRAN 1, TRAN 6, TRAN 8, TRAN 10.
6.33	TRAN 1 is met in that cycle parking has been provided to the rear of the apartment development. In addition, it is proposed that provision will be made to provide able routes for future introduction of EV charging points to each parking space.
6.34	Policy TRAN 6- 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. The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site.
6.35	Policy TRAN 8- Car Parking and Servicing Arrangements. It is considered that adequate parking has been provided for the proposal. 1 no. parking space has been provided per apartment, with the inclusion of one accessible parking space located in close proximity to the primary entrance to the apartment building. This is considered adequate, given the location and choice of other transport modes available and the Travel Plan, which will promote alternative forms of transport to the use of private cars. It has also been demonstrated in the submitted TAF and Parking Statement that there is also adequate spare capacity on-street available to accommodate any possible overspill of parking from the development. 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 as the majority of parking is to the rear of the building. The extent of parking retained at the front of the property is consider consistent with other development in the area and is screened by the retained vegetation along the site frontage. b. It will not adversely affect visual and residential amenity as it is extensively screened from view of the street scene. c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site as all parking is overlooked and located adjacent to, or within a short distance of, the entrance to the building.

6.36	d. Provision of one parking space has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility.
6.37	The proposal is considered compliant to Policies, TRAN 1, 2, 4, 6, 8 and 10.
6.38	<u>Drainage</u> Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The council will have regard to guidance publications produced by other authorities and prospective developers/applicants are advised to liaise early in the formulation of their proposals with DfI Rivers to clarify flooding or flood plain issues that may affect particular sites. In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions. DfI Rivers is currently considering additional information from the applicant. Delegated authority is therefore requested to the Director of Planning and Building Control to finalise any conditions and resolve any matters arising from the outstanding consultation response from DfI Rivers in the event this is not received prior to Committee.
6.39	
6.40	<u>Waste-water infrastructure</u> NI Water have advised that if a solution is agreed between the developer and NIW, they will be in a position to change their response to a positive one. The applicant has submitted further information to demonstrate that a solution has been found, however we are awaiting confirmation from NI Water. NIW is currently considering additional information from the applicant. 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 NIW in the event this is not received prior to Committee.
6.41	
6.42	<u>Noise, odour and other environmental impacts including Contamination</u> Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations. <u>Contaminated land</u> Environmental Health (EH) is of the opinion that past land-use on or in close proximity to this proposed development will not cause a potential impact on the health of the future occupants of the proposed development. <u>Air quality</u> EH has reviewed the proposal with regards to air quality and has requested that in order to determine if an Air Quality Impact Assessment will be required for the proposed development, the service would request that technical information on the proposed centralised combustion plant be provided to the Planning Service and therefore request that consideration is given to this through a condition. <u>Noise</u> EH offered no objection with regards to noise impacts from the development.
6.44	

6.45	The proposal is therefore considered to accord with Policy ENV1.
6.46	Representations: Eleven objections raise issues regarding increased traffic, parking, noise, loss of light and overshadowing, overdevelopment and loss of privacy. These issues have been fully assessed above; 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 20% affordable housing.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise, including consideration of the outstanding Rivers Agency consultation, 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. 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.
3. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development.
Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.
4. The vehicular access, including visibility splays, shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted
Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
5. The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site.
Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.

6. The development hereby permitted shall not be occupied until all existing redundant accesses have been closed off to the satisfaction of DfL Roads.

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

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

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

8. In the event that any centralised combustion sources (boilers, CHP or biomass) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-Use Planning & Development Control: Planning for Air Quality (January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted in writing to the Planning Authority for review and approval. Where the Air Quality Impact Assessment indicates exceedances of air quality objectives, appropriate mitigation measures shall be presented and these mitigation measures shall be installed and retained thereafter.

Reason: Protection of Human Health

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

Reason: In the interests of mitigating against environmental change.

10. All hard and/or soft landscaping works shall be carried out in accordance with the above 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.

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. All landscaping works shall be carried out in accordance with the approved details on drawing no 14, uploaded to the planning portal on 05/02/2024 . The works shall be carried out prior to

the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

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

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

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

Reason: To avoid compaction within the RPA.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers: 01 02 03A 04A 05 06 07 08 09 10 11 12 13 14 15 16
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.

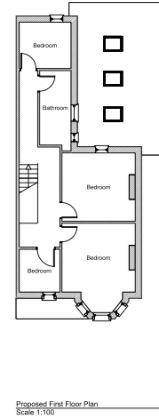
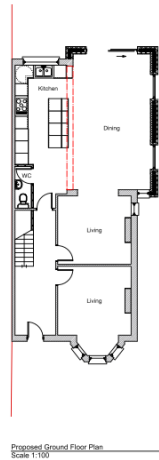
ANNEX	
Date Valid	05/08/2022
Date First Advertised	10/03/2023
Date Last Advertised	02/03/2023
Flat 8, 14a Inverary Avenue 39 Inverary Avenue 33 Inverary Avenue 24 Inverwood Gardens 24 Inverary Avenue Flat 1, 14b Inverary Avenue 3 Inverary Avenue 16 Inverwood Gardens Flat 6, 14a Inverary Avenue Flat 9, 14b Inverary Avenue 18 Inverwood Gardens 14 Inverwood Gardens Flat 3, 14a Inverary Avenue 12 Inverary Avenue 10 Inverary Avenue Flat 4, 14a Inverary Avenue 24a Inverary Avenue 2 Inverary Avenue 26 Inverwood Gardens 21 Inverary Avenue Flat 8 14b Inverary Avenue Flat 9 14a Inverary Avenue 14 Inverary Avenue 25 Inverary Avenue Flat 1, 14a Inverary Avenue 20 Inverwood Gardens Flat 6, 14b Inverary Avenue Flat 3, 14b Inverary Avenue Flat 5, 14a Inverary Avenue 6b Inverary Avenue 8 Inverary Avenue Flat 4, 14b Inverary Avenue 31 Inverary Avenue Flat 7, 14b Inverary Avenue Flat 7, 14a Inverary Avenue 20 Inverwood Gardens 41 Inverary Avenue Flat 5, 14b Inverary Avenue 27 Inverary Avenue 20 Inverary Avenue 1 Inverary Avenue 43 Inverary Avenue 23 Inverary Avenue Flat 2, 14a Inverary Avenue Flat 2, 14b Inverary Avenue 22 Inverwood Gardens	

37 Inverary Avenue
35 Inverary Avenue
19 Inverary Avenue
29 Inverary Avenue

Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2023/4219/F	Committee Date: Tuesday 12 th December
Referral Route:	Paragraph 3.8.5 (a) of the Scheme of Delegation (application by an Elected Member)
Proposal: Single storey rear and side extension and changes to the side elevation.	Location: 6 Haddington Gardens, Belfast, BT6 0AN
Recommendation:	Approve
Applicant Name and Address: 6 Haddington Gardens, Belfast, BT6 0AN	Agent Name and Address: Conor McKenna 16 Loughbeg Park Carryduff
Executive Summary: The application seeks full planning permission for a single storey rear and side extension and changes to the side elevation, located at 6 Haddington Gardens. The site falls under draft Belfast Metropolitan Area plan 2015 - designation BT 031 Area of Townscape Character: Ardenlee. The key issues to be considered are: - Scale, Massing & Design - Impact on Ardenlee ATC - Impact on amenity No consultation was required, and no representations were received from third parties including neighbours. Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.	

Site Location Plan:



Proposed Plans

Proposed Elevations



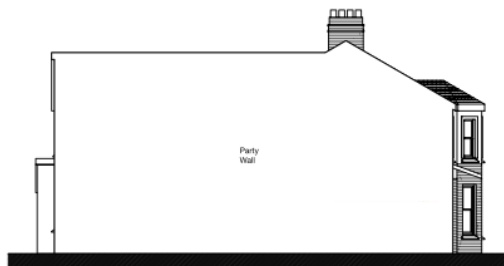
Front Elevation
Scale 1:100



Side Elevation
Scale 1:100



Rear Elevation
Scale 1:100



Side Elevation
Scale 1:100

1.0	Characteristics of the Site and Area The dwelling is a semi-detached, 2 storey dwelling finished in red brick and pebble dash, with two bay windows to the front and a pitched roof. The site is in Draft ATC Ardenlee. The prevailing area is predominantly semi-detached houses finished in a mixture of red brick and render. The rear garden hosts a detached garage on the shared boundary with No. 8 which is set to be demolished to make room for the extension. The boundaries are a mixture of mature hedging and timber fencing.
2.0	Description of Proposal Single storey extension to rear and side. Changes to side elevation. Demolition of existing garage.
3.0	Planning Assessment of Policy and Other Material Considerations 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.
4.0	Policy Framework 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.
5.0	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. The proposal seeks to create a single storey side and rear extension between the two-storey rear return and the shared boundary with No. 08. The detached garage will need to be demolished to accommodate this. A demolition statement has been provided which is considered to be acceptable in accordance with policy BH2. 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. The side/rear extension is finished with a monopitch roof and render and is considered to match the character of the area. The side extension will be stepped in from the front

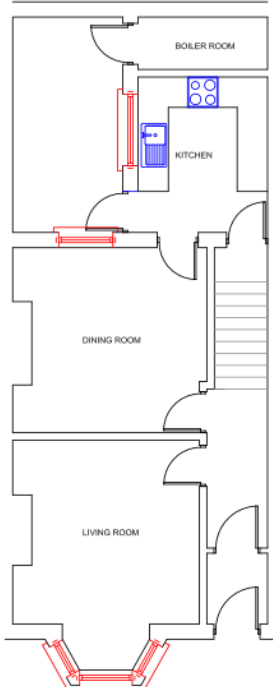
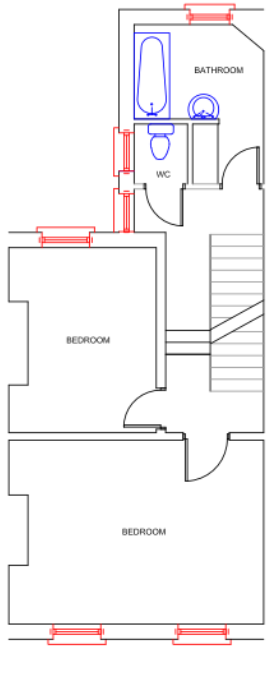
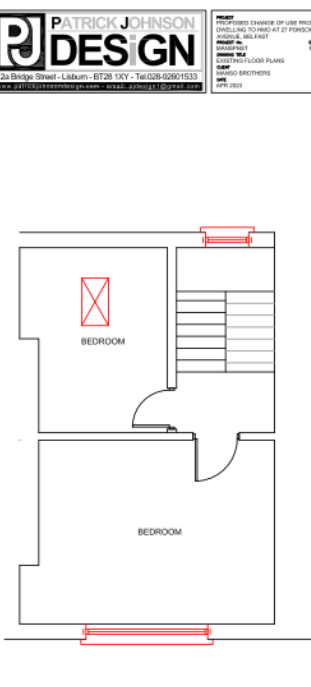
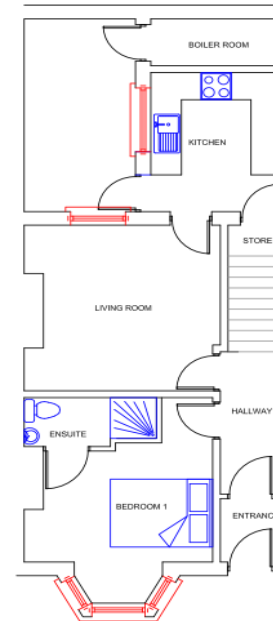
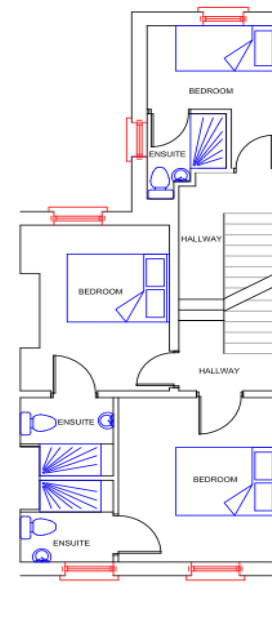
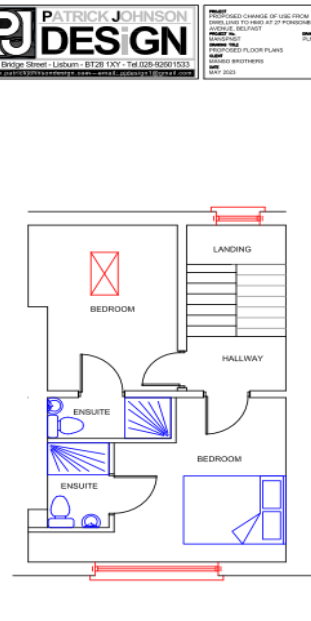
	elevation by approximately 6.9 metres. The proposal will come off the two-storey rear return by 4.1 metres, leaving approximately 1.1 metres between the extension and the shared property boundary. It should however be noted that the shared boundary is angled so this number varies. Paragraph 4.1.4.(iii) of the SPG recommends at least 1 metre separation from plot boundary in the case of side extensions, so 1.1 metres is considered sufficient when considered with the stepping back of the extension as well. Overall, it is considered that the side/rear extension is designed in a way that complements the host dwelling and is of an appropriate scale, massing and design. The prevailing area is material which displays a range of single and two storey extensions.
6.0	Impact on Neighbouring Amenity Paragraph 4.3.6. of the SPG states that extensions can cause problems for the enjoyment of a local area, particularly in neighbouring properties, through loss of privacy, dominance and overshadowing/loss of light. The council consider that this extension will respect neighbouring amenity and the character of the area. The two proposed windows on the side elevation of the new extension will not hinder the privacy of No. 08 due to the 1.8-metre-high close boarded fence on the shared boundary and the separation distance from the plot boundary. The proposed windows on the rear elevation will look rearward onto the site and are not a concern. Dominance is not considered to be an issue as both No. 04 & 06 Haddington Gardens have single storey rear extensions and this is an infill extension between the rear return and the plot boundary that protrudes only marginally further. Furthermore, the dwellings in this row of houses benefit from south facing rear gardens, benefitting from daylight/sunlight from the rear for most of the day. The extension is designed in a manner which respects the amenity of neighbours.
7.0	Impact on Ardenlee Draft ATC 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/rear extension is finished in a way that will match the existing dwelling. It is considered that the side/rear extension, finished in a zinc pitched roof and white render, will integrate with the site well, blending in with the host dwelling and sympathetic to the ATC. Render is prevalent in the surrounding area. Paragraph 4.1.9 of SPG 2023 Residential extensions and alterations states that where gaps between houses are a common feature of the street, proposals which close such gaps or create a terracing effect are likely to be unacceptable. In such instances, and in cases where a side extension does not provide enough additional space, a single storey side/ rear extension that wraps around the host property is more likely to be acceptable than a two-storey extension. The council therefore consider that with the significant stepping back from the front elevation and ample space left between the extension and the side boundary, the proposal is acceptable and will not have a detrimental impact on the character of the ATC.
8.0	The proposal also includes the demolition of the existing garage. This is not considered significant in the context of the ATC.

8.1	Climate Change A householder design statement has been provided which complies with ENV 1-4, delegated authority is requested should any issues arise requiring resolution post committee.
9.0	Summary of Recommendation: 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 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 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. Informatives 1. 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. 2. 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.

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Development Management Officer Report Committee Application

Summary	
Application Ref: LA04/2023/3319/F	Committee Meeting Date: 13 th February 2024
Proposal: Proposed Change of Use from dwelling to 6 bed House in Multiple Occupation (amended description).	Location: 27 Ponsonby Avenue Belfast BT15 2LS
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request for the application to be reported to the Planning Committee by an Elected Member (Cllr Conor Maskey)	
Recommendation:	Approval
Applicant Name and Address: Louise Johnson 2a Bridge Street Lisburn BT28 1XY	Agent Name and Address: Louise Johnson 2a Bridge Street Lisburn BT28 1XY
Executive Summary: This application seeks full planning permission for Change of use from dwelling to 6 Bed House in Multiple Occupation (HMO). The site is No. 27 Ponsonby Avenue. The key issues are: • The principle of an HMO at this location • Impact on the character and appearance of the Alexandra Park ATC • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection • Other matters 87 objections and 1 letter of support have been received with the issues raised addressed within the main report. The application has been called in for the following reasons: 1) The application may negatively effect parking and traffic in the street (and surrounding area) and; 2) The application may have a negative impact on the character of the street (and surrounding area). The scheme is compliant with Policy HOU10 in that the 10% threshold for HMO's on Ponsonby Avenue has not yet been reached. Officers consider that the scheme will not be harmful in terms of traffic, parking, impact on amenity of the surrounding area or the Alexandra Park Area of Townscape Character. 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 the conditions and deal with any other issues that arise, provided that they are not substantive.	

Officer Report	
1.0	Drawings
1.1	Existing Floor Plans
 EXISTING GROUND FLOOR PLAN  EXISTING FIRST FLOOR PLAN  EXISTING SECOND FLOOR PLAN  PROPOSED GROUND FLOOR PLAN  PROPOSED FIRST FLOOR PLAN  PROPOSED SECOND FLOOR PLAN Please note that no external alterations are proposed and therefore elevations have not been provided.	

2.0	Characteristics of the Site and Area
2.1	The application site is located at 27 Ponsonby Avenue in the Newington area of North Belfast.
2.2	The building is a 2.5 storey terraced dwelling finished in red brick. There is a small, enclosed amenity space to the front with pedestrian access. There is also a small amenity space to the rear which backs onto an alleyway.
2.3	The site does not fall within any of the existing HMO Policy Areas or Development Nodes, therefore the 10% threshold applies.
2.4	The site is in Draft Belfast Metropolitan Area Plan 2015 - Designation BT 030 Area of Townscape Character: Alexandra Park, Belfast.
3.0	Description of Proposal
3.1	The application is seeking full planning permission for change of use from dwelling to 6 Bed House in Multiple Occupation (amended description).
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 History There is no relevant planning history.
5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – No objections
5.2	Non-Statutory Consultations BCC Plans & Policy team – No objections. HMO considered acceptable at this location
5.3	Representations The application has been advertised and neighbours notified. The Council has received 87 objections, issues raised are summarised as follows: 1. Parking, traffic, road safety and enforcement 2. Waste and refuse collection 3. Anti-social behaviour/noise 4. Negatively impact on the character of the area 5. Anti-social behaviour Issues 1-5 are covered in the main body of the report. Additional points are considered as follows:

	6. Precedent for further HMOs in the area - Each application is decided on its own merit. Officers consider that this scheme is compliant with policy considerations. 7. Impact on the provision of family homes in the area - This HMO is for 6 bedrooms, the licensing process will determine how many persons the home can accommodate. HMO's can meet high demand for housing and the application site is located close to services and public transport. The policy considerations are dealt with in the main body of the report. 8. The dwelling does not have the appropriate fire safety measures This would be an issue for building control and licensing to deal with if the application is approved. 9. The consultation response from BCC Housing Team does not include No. 31 Ponsonby Avenue. This issue has been resolved with the housing team. The initial response alluded to No. 37 Ponsonby Avenue, which was a typographical error and should have said No. 31. 10. Over-occupation/anti-social behaviour Officers consider that the scheme complies with space standards and provides a suitable number of bedrooms. The HMO licensing scheme is in place to regulate HMOs. An anti-social behaviour plan will therefore be in place, and it is the landlord's responsibility to ensure compliance with licensing requirements. Tenants also have responsibilities to make sure the landlord can carry out their duties. The NIHMO Unit within BCC has developed a guide highlighting ways to tackle antisocial behaviour linked to their properties. The guide provides preventative measures that landlords can take to manage antisocial behaviour, highlights how to demonstrate compliance by record keeping and intervention, and details how to develop an antisocial behaviour plan. The HMO legislation in Northern Ireland has the potential to have a positive impact on the lives of those living in HMOs, the owners of HMOs, and the residents surrounding HMO properties.
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. 6.1.1 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. 6.1.2 The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan ("Departmental Development Plan") until the Local Policies Plan is adopted.

6.2	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 previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).
6.3	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 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.
6.4	The site is designated within the limits of Belfast under both Draft and adopted Belfast Metropolitan Area Plan 2015 - Designation BT 001 Development Limit: Belfast City. The site is whiteland under Belfast Urban Area Plan 2015. Operational Policies • HOU10 – Housing Management Areas • BH3 – Areas of Townscape Character • RD1 – New Residential Developments • TRAN8 – Car Parking and Servicing Arrangements
6.5	Key Issues • The principle of an HMO at this location • Impact on the character and appearance of the Alexandra Park ATC • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection • Climate change • Other matters The principle of an HMO at this location
6.6	27 Ponsonby Avenue is not within a Housing Management Area (HMA) or HMO Development node, therefore Policy HOU 10 applies. Policy HOU10 states: <i>‘Outside of designated HMAs planning permission will only be granted for HMOs where the number of HMOs would not as a result exceed 10% of all dwelling units on that road or street. Where such a street is in excess of 600 metres in length, the 10% threshold will be calculated on the basis of existing residential units within 300 metres of either side of the proposal on that street.’</i> According to the LPS Pointer Address database there are 48 domestic properties on Ponsonby Avenue. Following the methodology outlined above, the HMO Licence Register and Planning records show there are 2 HMOs on the street (Nos. 31 and 57). Taking account of the number of dwelling units within Ponsonby Avenue, two further HMOs would

	be permitted before the 10% threshold would be exceeded. Therefore, the principle of an HMO at this location is acceptable. Impact on the character and appearance of the Alexandra Park ATC
6.7	When considering the prevailing area, the proposed development in terms of scale, layout, design and materials must be in keeping with the site and its surrounding area. The character and appearance of the ATC in this case would be preserved as the application is for change of use only and no external alterations to the property are proposed. The proposal is compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties, including unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The policy context is set out in Policies HOU 10, BH3, RD1 & TRAN8 below which further address amenity. Impact on residential amenity
6.8	The proposal generally complies with the HMO space standards for a 6-bed HMO as set out within Belfast Local Development Plan: 2035, Appendix C, table C3. Whilst one bedroom is marginally under 6.5m², although this bedroom has an ensuite which mitigates this and is deemed acceptable. The kitchen and dining room combined are 23.5m² whilst the LDP space standards recommend 19.5m². The proposal would provide a quality and sustainable residential environment. It is considered that there will be no adverse impact on the amenity of adjacent properties and the wider street. The HMO will further require to be licensed with BCC which mitigates amenity concerns by enforcing an anti-social behaviour plan and ensuring the HMO operator runs the property effectively. The property will be served by appropriate refuse storage which will be collected as normal. The property is a 2.5 storey dwelling and is an appropriate size to accommodate an HMO, comfortably providing accommodation for 6 people whilst still meeting the space standards.
6.9	Policy RD1 Policy RD1 states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal: a) Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential areas – it is considered that the proposed use does not conflict with adjacent land uses. The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and sufficient bin storage. b) Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance – it is considered that the scheme will not give rise to any of the issues listed in criterion b. Overlooking, loss of light, overshadowing and dominance will not be changing from the current situation. Noise or other disturbance will be addressed by the anti-social behaviour plan which is a licensing requirement. c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure – the proposal is located 1 minute from the Antrim Road which has several bus stops and has good access to services and amenities. There is sufficient space for cycle parking to the front and rear.

	d) Provides appropriate open space – the proposal maintains the current level of open space, and in addition, the area has good access to open space such as the Waterworks and Alexandra Park. e) Keeps hard surfacing to a minimum – no hard standing is proposed as part of this application. f) Creates a quality and sustainable residential environment in accordance with the space standards set out in Appendix C – as described, the proposal generally meets the requirements set out in the space standards and provides an appropriate amount of living space for the occupants of the 6 bedrooms. g) Does not contain any units which are wholly in the rear of the property without direct, safe and secure access from the public street – all units have safe and secure access from the front door of the dwelling. h) Ensures that living rooms, kitchens and bedrooms have access to natural light all habitable rooms in the dwelling have access to natural light. Policy RD3 7.0 Policy RD3 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 - Officers consider that this criterion is met. 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 - Officers consider that this criterion is met. The property will provide 3 refuse bins for general waste, recycling and food waste. c) The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling – No subdivision is occurring. d) Conversions above commercial premises do not prejudice the commercial functions of the business - This criterion is not relevant to this application. Traffic, Parking and Access 7.1 Officers acknowledge the objections to parking. Whilst the various policy requirements seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy. Policy TRAN8 ‘Car parking and servicing arrangements’ states: <i>‘Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements’</i>. However, existing Regional Planning Policy and supplementary planning guidance, including the published ‘Parking Standards’, do not incorporate car parking as a requirement for HMO development. Furthermore, the site is in a sustainable location with metro services running alongside the site. In this context adequate provision is provided to meet TRAN8. Notwithstanding, the applicant conducted a parking survey to assess parking demand in the area, which DfI Roads were consulted on and have no objection to. Officers consider that the survey is acceptable in that it displays a sufficient level of parking in the vicinity of the site. The parking survey concludes that the scheme will not be detrimental to on-street parking in the prevailing area. DfI Roads were consulted with the parking survey and responded to state that they are content with its findings.
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7.2	Objectors raise concerns regarding parking enforcement. The PSNI and DFI would be responsible for enforcing the Highways Act and parking regulations. Waste and Refuse Collection Objectors have alluded to previous issues with bin lorries getting down Ponsonby Avenue. Policy RD3 criterion B applies, it states that adequate refuse storage space must be 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. Officers consider that this policy is complied with. The yard to the rear will continue to host the bins as before. The disposal of rubbish is the responsibility of tenants and the landlord. The premises will continue to be served by three Council refuse bins for general waste, recycling and food. Bin storage is also a licensing requirement and the Council's website states that "during the period of the licence the licensee shall ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal in accordance with the Local Government Waste Storage Guide for Northern Ireland".
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 the conditions and deal with any other issues that arise 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. DRAFT INFORMATIVES: - 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	

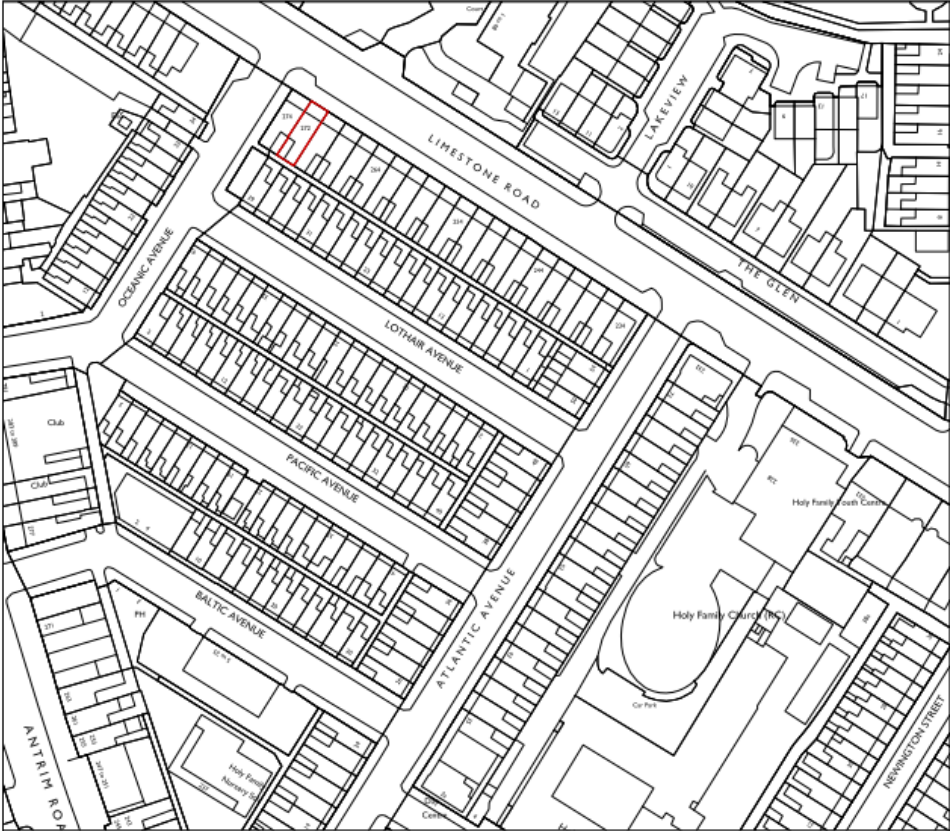
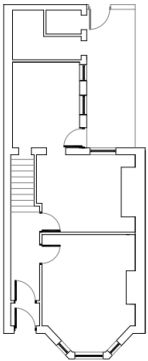
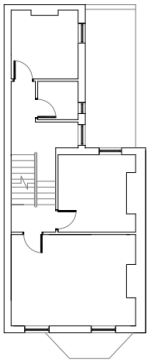
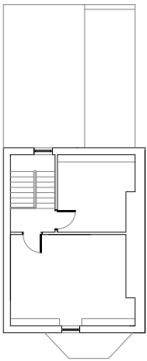
and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

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ANNEX	
Date Valid	09/06/2023
Date First Advertised	16/06/2023
Date Last Advertised	16/06/2023
Details of Neighbour Notification (all addresses) 16 Ponsonby Avenue 18 Ponsonby Avenue 20 Ponsonby Avenue 21 Ponsonby Avenue 22 Ponsonby Avenue 24 Ponsonby Avenue 25 Ponsonby Avenue 26 Ponsonby Avenue 29 Ponsonby Avenue 31 Ponsonby Avenue 33 Ponsonby Avenue Flat 42 229 Duncairn Gardens Flat 43 229 Duncairn Gardens Flat 44 229 Duncairn Gardens Flat 45 229 Duncairn Gardens Flat 46 229 Duncairn Gardens Flat 47 229 Duncairn Gardens Flat 48 229 Duncairn Gardens Flat 49 229 Duncairn Gardens Flat 50 231 Duncairn Gardens Flat 51 231 Duncairn Gardens Flat 52 231 Duncairn Gardens Flat 53 231 Duncairn Gardens Flat 54 231 Duncairn Gardens Flat 55 231 Duncairn Gardens Flat 56 231 Duncairn Gardens Flat 57 231 Duncairn Gardens Flat 58 233 Duncairn Gardens Flat 59 233 Duncairn Gardens Flat 60 233 Duncairn Gardens Flat 61 233 Duncairn Gardens Flat 62 233 Duncairn Gardens Flat 63 233 Duncairn Gardens Flat 64 233 Duncairn Gardens Flat 65 233 Duncairn Gardens	

Development Management Officer Report Committee Application

Summary	
Application Ref: LA04/2023/3481/F	Committee Meeting Date: 13 th February 2024
Proposal: Change of use from dwelling to 6 bed HMO (sui generis)	Location: 272 Limestone Road, Belfast, BT15 3AR
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member (Cllr Conor Maskey)	
Recommendation:	Approval subject to condition
Applicant Name and Address: JJ McWilliams Property LTD 113 Cavehill Road Belfast BT15 5BJ	Agent Name and Address: Ally Olphert Create Architecture Blick Studios 51 Malone Road Belfast
Executive Summary: This application seeks full planning permission for Change of use from dwelling to a 6 Bed House in Multiple Occupation. The site is No. 272 Limestone Road. The key issues are: • The principle of an HMO at this location • Impact on the character and appearance of the Alexandra Park ATC • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection 26 objections have been received with the issues raised addressed within the main report. 26 letters of support have been received and will be addressed within the main report. The application has been called in for the following reasons: 1) The application may negatively effect parking and traffic in the street (and surrounding area) and; 2) The application may have a negative impact on the character of the street (and surrounding area). The scheme is compliant with Policy HOU10 in that the 10% threshold for HMO's on this stretch of the Limestone Road has not yet been reached. Officers consider that the scheme will not be harmful in terms of traffic, parking, impact on amenity of the surrounding area or the Alexandra Park Area of Townscape Character. 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 the conditions and deal with any other issues that arise, provided that they are not substantive.	

Officer Report	
1.0	Drawings
1.1	Site Location
 SITE LOCATION MAP 1:1250  OS MAP REF: 13009 NE3 Existing Floor Plans and Elevations  EXISTING GROUND FLOOR 1:100  EXISTING FIRST FLOOR 1:100  EXISTING SECOND FLOOR 1:100  EXISTING FRONT ELEVATION 1:100	

	Proposed Floor Plans  PROPOSED GROUND FLOOR 1:100 PROPOSED FIRST FLOOR 1:100 PROPOSED SECOND FLOOR 1:100 PROPOSED FRONT ELEVATION 1:100 Please note there are no external alterations proposed.
2.0	Characteristics of the Site and Area
2.1	The application site is located at 272 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 is predominantly residential.
2.2	The site falls within the development limit as set out in the BUAP 2001 and draft BMAP 2015. In the draft BMAP 2015, the site is located within a proposed Area of Townscape Character, Alexandra Park. The site does not fall within any of the existing HMO Policy Areas or Development Nodes as designated in the Belfast HMO Subject Plan 2015.
3.0	Description of Proposal
3.1	The application is seeking full planning permission to change of use to dwelling to 6 bed HMO (sui generis).
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 History Z/2004/1765/F - 234-274 (evens only) Limestone Road, 1-39 (odds only) Lothair Avenue, 12-34 (evens only) Oceans Avenue, Belfast BT15 - Proposed group repair scheme to include provision of new dormers in place of rooflights and alterations to front bays. – Decision: Permission Granted.

5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – No objections
5.2	Non-Statutory Consultations BCC Plans & Policy Team – No objections. HMO considered acceptable at this location.
5.3	Representations
5.3.1	The application has been advertised and neighbours notified. The Council has received 52 letters of representations. 26 letters of objections and 26 letters of support have been received. The issues raised in the objections are summarised as follows: 1. Parking, traffic, road safety. 2. Waste and refuse collection 3. Adverse impact on the sewage network 4. Anti-social behaviour/noise 5. Negative impact on the character of the area 6. Adverse visual impact/anti-social behaviour/noise pollution 7. Precedent for further HMOs in the area 8. Impact on the provision of family homes in the area 9. 2 properties being potentially used as alternative uses. 10. Newington community being eroded. 11. Safety and Fire Hazard
5.3.2	Issues 1-3, 5-8 and 10 are addressed in the main body of the report.
5.3.3	Additional points are considered as follows: 4. Anti-social behaviour/noise Officers consider that the scheme complies with space standards and provides a suitable number of bedrooms. The HMO licensing scheme is in place to regulate HMOs. An anti-social behaviour plan will be in place as part of the HMO licensing process, and it is the landlord's responsibility to ensure compliance with licensing requirements. Tenants also have responsibilities to make sure the landlord can carry out their duties. The NIHMO Unit within BCC has developed a guide highlighting ways to tackle antisocial behaviour linked to their properties. The guide provides preventative measures that landlords can take to manage antisocial behaviour, highlights how to demonstrate compliance by record keeping and intervention, and details how to develop an antisocial behaviour plan. The HMO legislation in Northern Ireland has the potential to have a positive impact on the lives of those living in HMOs, the owners of HMOs, and the residents surrounding HMO properties. 9. 2 properties being potentially used as alternative uses- The representations refer to an application for a short term let, planning reference (LA04/2022/1831/F) This has been assessed against a different policy context, and is therefore not a like-like comparison for this proposed use. Use of this property as a short term let (suis generis use) would require planning permission in its own right. Planning application LA04/2022/1831/F for Change of Use from Residential to short term stay accommodation at 258 Limestone Road was refused on 04 December 2023, which is the subject of an appeal.

5.3.4	11.Fire and Safety Hazards: This is outside the remit of planning and not relevant to the assessment of the application as fire and safety hazards are dealt with under the Building Control regulations. 26 Letters of support were received. The issues raised in the letters of support are summarised as follows: 1. Brings benefits to the community. 2. Address housing demand/shortages. 3. Economic Benefits. 4. Creating local houses. 5. Lack of residential accommodation/ helps the housing crisis/flexible housing option. 6. HMOs are highly regulated. 7. Planning legislation/policy carefully considers over saturation.
6.0	PLANNING ASSESSMENT
6.1	Development Plan Context
6.1.1	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.
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 ("Departmental 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, which are set out in the following section of this report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).
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 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 site is located within the settlement development limit in the BUAP and is not zoned for any use. In draft BMAP 2015 (v2004) the site is located within the settlement development limits of Belfast and within a

	proposed Area of Townscape Character – Alexandra Park (Ref: BT 030). In draft BMAP 2015 (v2014) the site is also located within the settlement development limits of Belfast and within a proposed Area of Townscape Character – Alexandra Park (Ref: BT 013). The site is not located in a Housing Policy Area or a HMO Development Node in the Belfast HMO Subject Plan 2015.
6.2	Relevant Planning Policies
6.2.1	The following policies in the Plan Strategy are relevant to consideration of the application. • Policy SD2 – Settlement Areas • Policy HOU10 - Housing Management Areas • Policy RD1 – New residential developments • Policy TRAN8 – Car parking and servicing arrangements • Policy ENV1 – Environmental quality • Policy OS3 – Ancillary open space • Policy BH3 – Area of townscape character
6.3	Key Issues
6.3.1	The key issues to be considered in this application are: • The principle of an HMO at this location • Impact on the character and appearance of the Alexandra Park ATC • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection
6.4	The principle of an HMO at this location
6.4.1	The site is outside Housing Policy Areas and development nodes as designated in the Belfast HMO Subject Plan 2015. Policy HOU10 of the Plan Strategy is applicable and states that: <i>‘Outside of designated HMAs planning permission will only be granted for HMOs where the number of HMOs would not as a result exceed 10% of all dwelling units on that road or street. Where such a street is in excess of 600 metres in length, the 10% threshold will be calculated on the basis of existing residential units within 300 metres of either side of the proposal on that street’.</i>
6.4.2	The justification and amplification text to Policy HOU10 confirms at paragraph 7.1.66 that the level of HMOs outside a HMA will be measured by adding together: 1. The number of HMOs recorded under the HMO Licensing scheme; and 2. The number of planning approvals for HMOs not yet licensed, with the total then divided by the total number of dwelling units within the street. If a street is longer than 600, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street.
6.4.3	As Limestone Road is greater than 600m in length, the assessment is based on the stretch of road which falls between Antrim Road/Cliftonville Road (HMO 4/03) HMO Development Node and Mileriver Street, (excluding properties within Atlantic (HMO 2/02) Policy Area

6.4.4	where different policies apply) and the properties with addresses at Camberwell Terrace and The Glen.
6.4.5	The LPS Pointer Address database indicates that there are 88 domestic properties on this stretch of Limestone Road. Following the methodology outlined above, the HMO Licence Register and Planning records show there are no HMOs on this stretch of the street. The proposal for a change of use from dwelling to HMO would not result in an exceedance of the 10% threshold and is therefore considered compliant with Policy HOU 10 and is acceptable in principle at this location.
6.4.6	Concerns were raised that the proposals would set a precedent for further HMOs in the area. Each application is considered on its own merits. Officers consider that this scheme is compliant with relevant policy for the reasons stated in the report and any further applications for HMOs will be assessed in accordance with the relevant planning policy.
6.5	Paragraph 7.1.69. of HOU10 states that in all cases, intensive forms of housing whether within or outside HMAs will still be carefully assessed against the relevant criteria set out in Policies RD1, RD2 and RD3. The assessment of the proposal against these policies is set out below.
6.5.1	Impact on the character and appearance of the Alexandra Park ATC
6.6	The site is located within a draft ATC Alexandra Park which is characterised by inner city 2 and 3 bedroom Victorian red brick terraced dwellings. No external changes are proposed to the dwelling and the proposal will not create conflict with the character of Alexandra Park draft ATC and the overall character of the area will be maintained. The proposal is considered to comply with Policy BH3 - Areas of townscape character.
6.6.1	Impact on residential amenity
6.6.2	The property is a large 3 storey dwelling and is an appropriate size to accommodate an HMO, comfortably providing accommodation for 6 people whilst still meeting the space standards. The proposal complies with the HMO space standards for a 6 bed HMO as set out within Belfast Local Development Plan: 2035. The proposal would provide a quality and sustainable residential environment.
	Policy RD1 applies as set out above and states that <i>'planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal:</i> <i>a) Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential areas</i> - Officers consider that the use does not conflict with adjacent land uses. The scheme meets the policy requirements set out in HOU10 and RD1 & RD3. The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and provision of sufficient bin storage. <i>b) Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance</i> - Officers consider that the scheme will not give rise to any of the issues listed in criterion b. Overlooking, loss of light, overshadowing and dominance will not be changing from what is existing. Noise or other disturbance will be addressed by the anti-social behaviour plan which is a licensing requirement. <i>c) Makes provision for, or is, accessible and convenient to public transport and</i>

	<i>walking and cycling infrastructure</i> - There is sufficient space for cycle parking. Metro services are available along the Limestone Road. <i>d) Provides appropriate open space</i> - The existing rear amenity space is to be retained which is considered sufficient to serve the proposal. The site is located in close proximity and has good access to existing open space infrastructure at Alexandra Park and the Waterworks. <i>e) Keeps hard surfacing to a minimum</i> - No hard standing is proposed as part of this application. <i>f) Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C</i> - The proposal exceeds the requirements set out in the space standards and provides a generous amount of living space for the occupants of the 6 bedrooms. The proposal therefore complies with the HMO space standards for a 6 bed HMO as set out within Belfast Local Development Plan: 2035. <i>g) Does not contain any units which are wholly in the rear of the property without direct, safe and secure access from the public street</i> - All units have safe and secure access from the front door of the dwelling. <i>h) Ensures that living rooms, kitchens and bedrooms have access to natural light</i> - All habitable rooms in the dwelling have access to natural light.
6.6.3	Concerns were raised regarding the impact on the provision of family homes in the area. Concerns were also raised regarding the erosion of the Newington Community. The LDP plan Strategy seeks to facilitate sustainable housing growth in response to changing housing needs. Carefully managing the variety of house types, sizes and tenures will help to meet the diverse needs of all the community. This supports wider LDP aims of shaping quality and sustainable residential development, providing a mix of housing that create more balanced communities, increasing density without town cramming. HMOs are regulated by the relevant Policy set out in the LDP plan Strategy and the proposal has been found to comply with the relevant policies. This HMO comprises 6 bedrooms and will also be subject to the licensing process which will determine how many persons the home can accommodate. HMO's can meet high demand for housing and the application site is located in an accessible location close to services and public transport. It is considered that the proposal would not undermine the availability of family housing in the area nor of itself result in the erosion of the Newington Community.
6.6.4	As indicated above, the HMO will further require to be licensed with BCC which requires the implementation of an anti-social behaviour plan, ensuring the HMO operator runs the property effectively.
6.6.5	The proposal is considered compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties or result in unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The proposal is considered to comply with Policy RD 1.
6.6.6	Policy RD3 is applicable and 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: <i>a) Any units are self-contained</i> - This criterion is not applicable. <i>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</i>

	<i>visible from the amenity space / public realm</i> - Officers consider that this criterion is met (refer to section 6.7 below). c) <i>The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling</i> – This criterion is not applicable to this proposal. d) <i>Conversions above commercial premises do not prejudice the commercial functions of the business</i> - This criterion is not applicable to this proposal.
6.6.7	Taking account of the criteria set out above the proposal is considered to comply with Policy RD3.
6.7	Traffic, Parking and Access
6.7.1	Officers acknowledge the objections to parking. DfI Roads have no objections to the scheme. Whilst the various policy requirements of HOU10 seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy.
6.7.2	Policy TRAN8 – Car parking and servicing arrangements states that, ‘ <i>Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements</i> ’. Existing Regional Planning Policy and supplementary planning guidance, including the published ‘Parking Standards’, do not incorporate car parking as a requirement for HMO development.
6.7.3	However, to satisfy the concerns raised in relation to parking the Council requested a parking survey. The parking survey demonstrates that adequate parking is available within a radius of 150 metres walking distance from the application site to serve the proposal and concludes that the scheme will not be detrimental to on-street parking in the prevailing area. DfI Roads were consulted on the parking survey and advised that the survey has been carried out appropriately and that they are content with its findings. The parking survey demonstrates that adequate parking is available to serve the proposal which is considered to meet Policy TRAN8. Furthermore, the site is in a sustainable location with regular bus services operating in close proximity and accessible to services and amenities in the local and wider area.
6.8	Waste and Refuse Collection
6.8.1	Policy RD3 criterion b, requires that 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. Officers consider that this policy is complied with. The alleyway to the rear will continue to host the bins as before. The disposal of rubbish is the responsibility of tenants and the landlord. The premises will continue to be served by three Council refuse bins for general waste, recycling and food. Bin storage is also a licensing requirement and the Council’s website states that “during the period of the licence the licensee shall ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal in accordance with the Local Government Waste Storage Guide for Northern Ireland”.
6.9	Impact on the sewage network
6.9.1	There is no evidence that change of use from a dwelling to an HMO will cause any issues as the dwelling will continue to avail of the main sewage network like other houses in the street. As there is no evidence of significant impact on waste-water infrastructure, it has been unnecessary to consult NI Water as a statutory consultee.

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 the conditions and deal with any other issues that arise, 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. DRAFT INFORMATIVES: 1. 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. 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.	

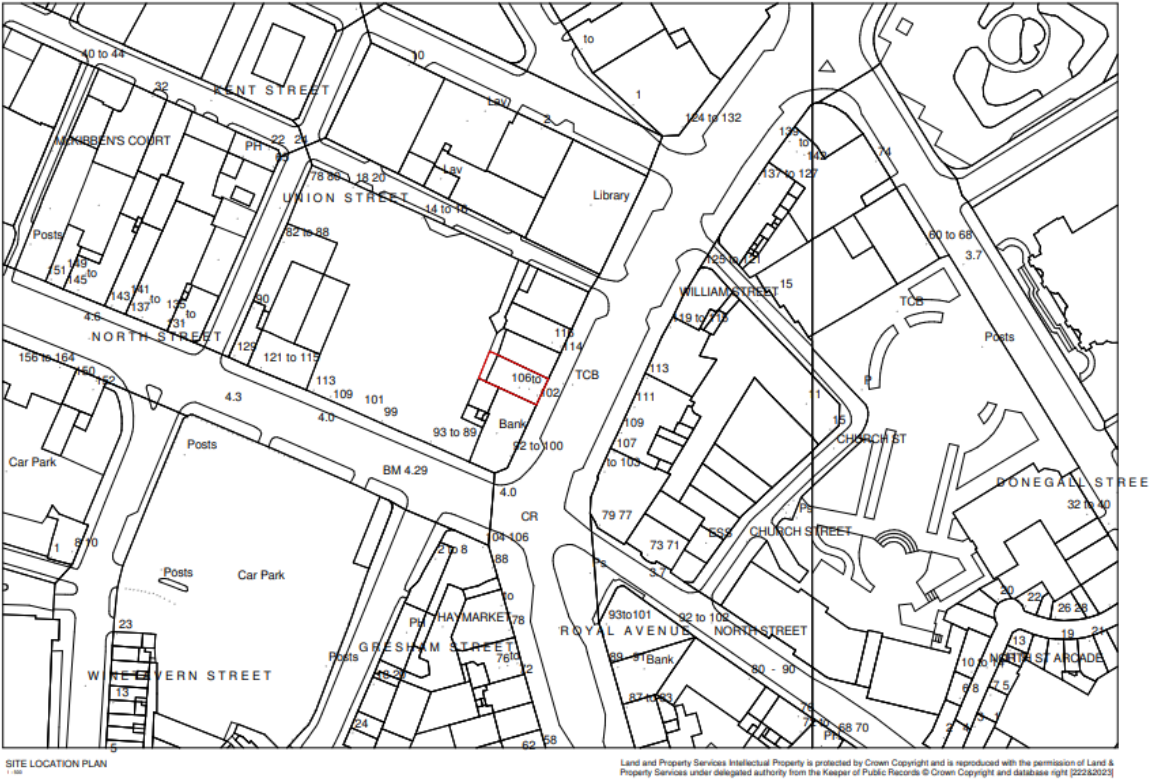
Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2023/4592/F	Committee Meeting Date: 13 th February 2024
Proposal: Temporary period for a change of use from Retail (A1) to Community facility (D1)	Location: Ground Floor 102 Royal Avenue, Belfast, BT1 1D
Referral Route: Referral to the Planning Committee under Section 3.8.5. (d) of the Scheme of Delegation i.e. Council having an estate in the land.	
Recommendation:	Approve with Conditions
Applicant Name and Address: Colin Hayburn Extern 188-122 Royal Avenue Belfast BT1 1DL	Agent Name and Address: Megan Ross Ostick & Williams 14 Edgewater Road Belfast BT3 9JQ
Executive Summary: This application seeks full planning permission for the Change of use of the ground floor of 102 Royal Avenue from Retail (A1) to Community Facility (D1). The change of use will facilitate a temporary harm Reduction Centre. The unit is currently vacant. This will bring a temporary use to a vacant building. There are no physical alterations or works proposed to the building and all installations are internal and temporary. The site is adjacent to the Cathedral and City Centre conservation areas. There is an associated advertisement consent under planning reference LA04/2024/0056/A. The key issues are: - Acceptability of the use in the city centre location. The site is located within Belfast City Centre as designated in the BUAP and both versions of draft BMAP 2015 (2004 and 2014). Due to the nature of the proposal i.e. change of use no consultations were considered necessary. Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.	

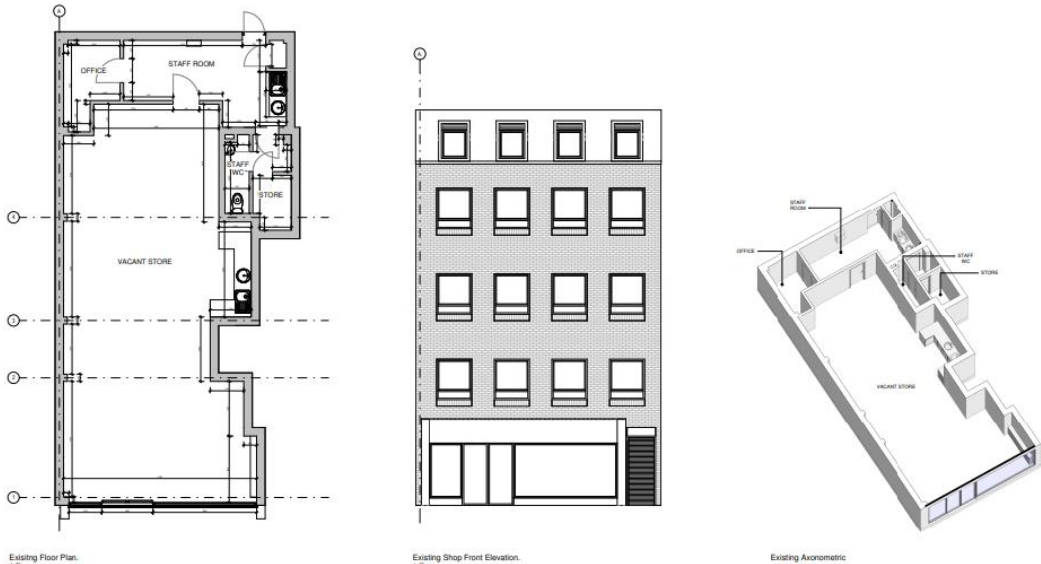
Officer Report

1.0 Drawings

1.1 Site Location Plan:



Existing Floor Plans and Elevations:



	Proposed Floorplans and Elevations Proposed Floor Plan 1:50 Proposed Shop Front Elevation 1:50 Proposal Axonometric OSTICK + WILLIAMS
2.0	Characteristics of the Site and Area
2.1	The site is part of an office/retail development which was granted permission in the 1970s. The five-storey vacant mixed-use building is characterised by red brick and directly adjoins the modern extension to the Listed Bank of Ireland Building (92- 100 Royal Avenue) (Grade B+) The site is located within the city centre boundary designation CC 001.
3.0	Description of Proposal
3.1	Temporary period for a change of use of the ground floor from A1 retail to Community Facility (D1) for a harm reduction centre.
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 Belfast Agenda

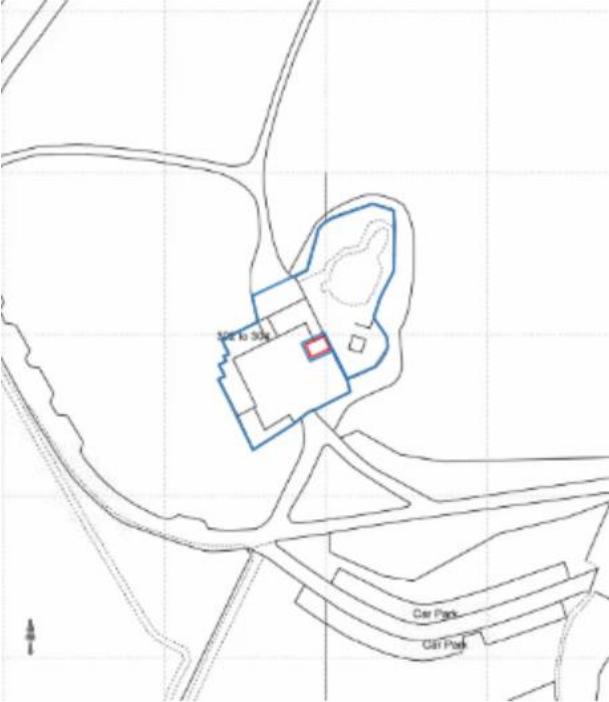
4.5	Relevant Planning History <u>Application Site</u> - Z/1975/0533 - 102-106 Royal Avenue - Erection of Shop and Offices – Decision: Permission Granted. - Z/1976/0812 - 102-106 Royal Avenue - Erection of Shop and Offices – Decision: Permission Granted. - Z/1979/0035- 102-106 Royal Avenue - Erection of Shop and Offices – Decision: Permission Granted. - Z/1980/1362 – 102 Royal Avenue – Shop Fascia Sign – Decision: Permission Granted - Z/1996/2357 – 102 Royal Avenue - Erection of illuminated fascia sign and projecting sign- Decision: Permission Granted – 16/10/1996. - Z/1996/2361 – 102 Royal Avenue – Replacement Shopfront – Decision: Permission Granted- 22/10/1996. - LA04/2020/0354/PAN - 92-106 Royal Avenue, 89-129 North Street + 78-90 Union Street - 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. – 05/02/2020.
5.0	Consultations and Representations
5.1	Statutory/Non-Statutory Consultations Due to the minor nature of the proposal consultations were not sought.
5.2	Representations The application has been advertised in the local press and neighbours notified. The Council has received no written representations to date.
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 Development Plan is the Belfast Local Development Plan, which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The Belfast LDP is in two parts: Part 1 is the Plan Strategy, which was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals map for Belfast and has yet to be published.
6.4	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

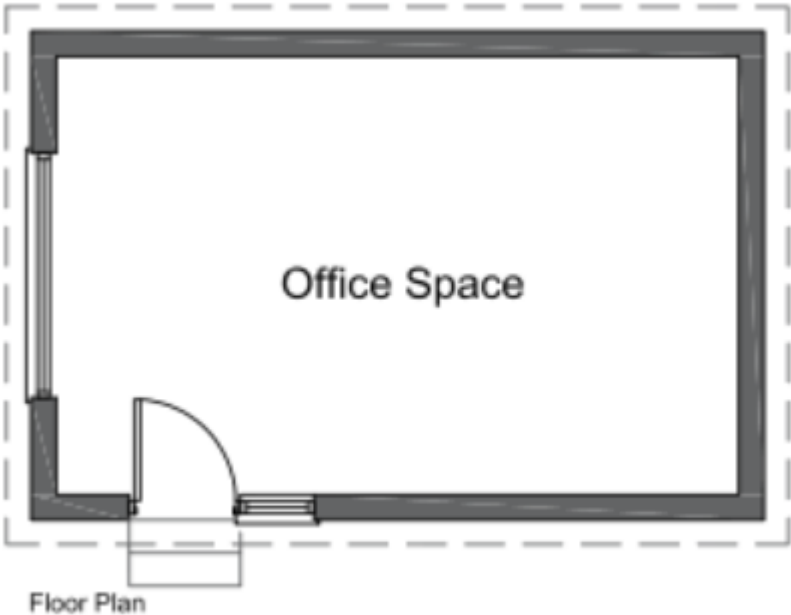
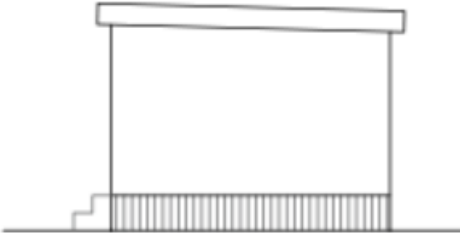
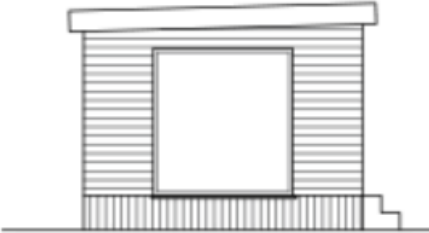
	weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Spruce field which remain contentious.
6.5	Key Issues
6.5.1	The key issues are: - Acceptability of the proposed use in the city centre location The key issue is assessed below.
6.6	Acceptability of the proposed use in the city centre location
6.6.1	The SPSS sets out five core planning principles for the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The site is located with Belfast City centre boundary in the BUAP and draft BMAP (v2014). The site falls outside the primary retail core and primary retail frontage as designated in draft BMAP (v2014). The proposed community use is a main town centre land use and is considered acceptable principle in this city centre location. Further assessment of the proposal is set out below.
6.6.2	Policy CI1- Community Infrastructure] of the Plan Strategy states that the council will seek to protect and provide development opportunities for community, health, leisure, nurseries and educational facilities based on local need in line with the projected population growth over the plan period.
6.6.3	The policy further states that <i>'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 to all, including pedestrians, cyclists and public transport.'</i> The site is not located near residential properties and there will be no unacceptable impact on residential amenity. The site sits adjacent to the listed Bank of Ireland building however there are no external amendments proposed and there will be no impact on the adjacent built heritage features. There are no natural heritage features within or adjacent to the site. The site is located within the city centre and is easily accessible by pedestrians, cyclists, and public transport. The proposal complies with Policy CI1.
6.6.4	The building façade is to be maintained with no external alterations beside the associated signage which is the subject of a separate advertisement consent (LA04/2023/LA04/2024/0056/A).
6.6.5	The development proposes the sustainable re-use of a vacant unit in the city centre and the proposed use seeks to improve the wellbeing of citizens through the provision of a community facility serving the needs of the city.
6.6.6	In summary the proposed change of uses complies with policy and is considered acceptable.
7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.

7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.
DRAFT CONDITIONS: 1. The use hereby granted shall be discontinued to the satisfaction of the Local Planning Authority on or before 31st January 2027. Reason: Temporary permission DRAFT INFORMATIVES: 1. This decision relates to the following approved drawing numbers 01,03 & 04 published to the Northern Ireland public Register on 15/01/2024. 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. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.	

Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2023/3646/F	Committee Meeting Date: 13 February 2024
Proposal: Proposed outbuilding to provide ancillary office space and meeting room	Location: The Stableyard, Barnett's Demesne Malone Road, Belfast, BT9 5PB
Referral Route: Referral to the Planning Committee under Section 3.8.5. (d) of the Scheme of Delegation i.e. Council having an estate in the land.	
Recommendation: Approve with conditions	
Applicant Name and Address: Sylvia Watson The Stableyard, Barnetts Demesne Malone Road, Belfast BT9 5PB	Agent Name and Address: Sylvia Watson The Stableyard, Barnetts Demesne Malone Road, Belfast BT9 5PB
Executive Summary: This application seeks Full planning permission for a Proposed outbuilding to provide ancillary office space and meeting room. The site is located at the Stableyard, within Barnetts Demesne and is accessed from Malone Road. The site is located to the rear of the existing Stableyard and is currently an area of hardstanding. The site is occupied by Belfast Activity Centre who are a charity that provide outdoor adventure and learning. The stableyard is located within the grounds of Barnetts Demesne, therefore is enclosed by a number of mature trees to the south and east of the site, and large open areas of green space to the north and west. The key issues in the assessment of the proposed development include: • Principle of development • Impact on Amenity • Impact on rural Character of the area and design • Lagan Valley Regional Park • Climate Change The proposal is for unit to provide an ancillary office and meeting space of approx. 20sqm. The proposal is ancillary to an existing use on the site for Belfast Activity Centre. This is deemed a suitable use within a parkland and demesne area. HED were consulted on the potential impact on the Historic Park, Garden and Demesne. Their response is still outstanding. The proposal was neighbour notified and advertised. No letters of representation were 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 they are not substantive.	

Officer Report	
1.0	Drawings
1.1	Site Location Map:  Proposed Site Plan 

	Proposed Plans and Elevations  Floor Plan  Rear Elevation - North  Side Elevation - East  Front Elevation - South  Side Elevation - West FINISHES: Roof - Tracel Membrane Walls - White Render / Cedar cladding board Windows/doors - UPVC Rain water goods - to match existing <tr><td>2.0</td><td>Characteristics of the Site and Area</td></tr> <tr><td>2.1</td><td> The application site is located within Barnetts Demesne, Belfast. The site is located to the rear of the Stableyard on an area of existing hardstanding. The site is currently operated by a charity called Belfast Activity Centre. The site is enclosed by mature trees to the east and south and is surrounded by open green space to the north. Further south of the site is Malone House. </td></tr>	2.0	Characteristics of the Site and Area	2.1	The application site is located within Barnetts Demesne, Belfast. The site is located to the rear of the Stableyard on an area of existing hardstanding. The site is currently operated by a charity called Belfast Activity Centre. The site is enclosed by mature trees to the east and south and is surrounded by open green space to the north. Further south of the site is Malone House.
2.0	Characteristics of the Site and Area				
2.1	The application site is located within Barnetts Demesne, Belfast. The site is located to the rear of the Stableyard on an area of existing hardstanding. The site is currently operated by a charity called Belfast Activity Centre. The site is enclosed by mature trees to the east and south and is surrounded by open green space to the north. Further south of the site is Malone House.				

2.2	A number of activities take place at the Stableyard with facilities for climbing and abseiling on site. Within the wider context of the area Barnetts Demesne is a public park with areas of parkland and woodland with a number of walking paths throughout. Malone House is also situated within the grounds of Barnetts Demesne.
3.0	Description of Proposal
3.1	This application seeks Full planning permission, for an outbuilding to provide ancillary office space and meeting room. The site is located at the Stableyard, within Barnetts Demesne and is accessed from Malone Road.
3.2	The proposal is comprised of a single detached unit measuring approx. 20sqm. The overall height of the proposed outbuilding is 3.2m. The outbuilding will be finished with a mixture of white render and boarded cladding, with the roof consisting of trocal membrane.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies
4.2	Belfast Local Development Plan, Plan Strategy 2035 • Policy DES1 • Policy LC2 • Policy HC1 • Policy BH6 • Policy DC1 • Policy DC13 • Policy ENV1 • Policy ENV2 • PolicyENV3 • PolicyENV4 • PolicyENV5
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	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Relevant Planning History No relevant planning history
5.0	Consultations and Representations
5.1	Statutory Consultations HED – currently outstanding. Non-Statutory Consultations None
5.2	Representations The application has been advertised and neighbour notified, no letters of representation were 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.
6.7	Key issues The main issues relevant to consideration of the application are set out below. • Principle of development • Impact on Amenity • Impact on rural Character of the area and design • Climate Change • Lagan Valley Regional Park • Access and parking
6.8	Principle of development The site is located outside 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 site is also located within Lagan Valley Regional Park.
6.9	The proposed outbuilding to provide an ancillary office and meeting space is on an area of existing hardstanding located to the rear of the existing stableyard. The proposal is ancillary to an established use on the site. The existing use of Belfast Activity Centre is considered suitable to the Parkland surroundings. Due to the scale and location of the proposal it does not have a significant adverse effect on, the character of the park, natural and built heritage, biodiversity, existing settlement, townscape character, landscape quality and visual amenity. This is compliant with criterion a of Policy LC2 of the Plan Strategy.

6.10	Therefore, principle of a small outbuilding to facilitate this use and provide an additional meeting room and office is considered acceptable subject to other material considerations considered below.
6.11	The SPSS requires development to cause no demonstrable harm to interests of acknowledged importance. Interests of acknowledged importance in this case are the surrounding rural character of the area; neighbouring amenity, climate change access and parking and the Lagan Valley Regional Park.
6.12	Rural Character of the area and design This application seeks Full planning permission for a proposed outbuilding to provide ancillary office space and meeting room. The site is located outside of the development limits and within Lagan Valley Regional Park as per draft BMAP 2015. The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area. The outbuilding is approx. 4m in width and has a depth of 6m. The overall height of the dwelling is 3.3m. This is considered an appropriate scale that will not be out of keeping with the surrounding area.
6.13	The location of the building to the rear of the existing Stableyard will ensure it is not readily visible from key vantage points within Barnetts Demesne Park. This ensures the overall quality and setting of the demesne will be maintained and will not impact the local landscape character. The rural and historic character of the Stableyards and surrounding area will be maintained.
6.14	The building is located on an area of hardstanding to the rear of the Stableyard therefore will not adversely impact the open green space within the park.
6.15	The character and appearance of the area would be preserved by way of the siting, scale, and design of the building. The dwelling is to be finished predominantly in white render and cladding this would be in keeping with the character and appearance of the surrounding area. The flat roof will also ensure the building is of an appropriate scale with an overall height of only 3.3m. This is not considered a dominant scale that will impact the character of the area.
6.16	All existing open and green space will be retained. The proposal will facilitate the existing use of an outdoor activity centre which is considered an appropriate use for the surrounding parkland setting.
6.17	The proposal is therefore compliant with Policy LC2, BH6 and DC1 of the Plan Strategy.
6.18	Impact on amenity The proposal is compatible with adjacent land-uses due to the scale and nature of the development. It would not harm the amenity of adjacent and nearby properties. The proposal is sited more than 150m from Malone house and is enclosed by a significant landscape buffer of mature trees to the south therefore is not considered to impact on the amenity or historic views of Malone House.
6.19	Climate Change Opportunities to adapt to environmental change and provide SuDs measures are constrained by the nature and scale of the development and in this case not considered appropriate, it is not therefore deemed necessary the proposal complies with policy ENV 5.

6.20	Transport The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site.
6.21	Lagan Valley Regional Park The site is located outside of the development limits and within Lagan Valley Regional Park therefore criteria a, b and c of Policy LC2 is applicable. The criteria state planning permission will only be granted for proposals when;
6.22	a. They are for a use appropriate to the character of the park and to the locality; b. They conserve or enhance the landscape quality and features of the LVRP; and c. They are of a scale & design that integrates with the sensitive landscape of the Park.
6.23	The proposal has been assessed against the context of each of these criteria above within the 'rural character of the area and design' section of the report and is deemed compliant.
6.24	Other issues Due to the scale of the proposal and the figure submitted on the application form showing no increase in the number of visitors to the site no consultation was deemed necessary with DFI Roads.
6.25	Due to the nature of the use of the building no consultation was deemed necessary with Environmental Health
7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that Full 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: 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 outbuilding hereby approved shall only be used as an office space or meeting room ancillary to the existing main use on the site of Belfast Activity Centre. Reason: To ensure the continued viability of the City Centre Office Provision.	

ANNEX	
Date Valid	14/07/2023
Neighbour Notified	24/07/2023
Date First Advertised	04/08/2023
Date Last Advertised	04/08/2023

Details of Neighbour Notification (all addresses)

Malone House, 300 Malone Road

Malone House, 300 Malone Road