

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



**Belfast
City Council**

13th January, 2022

MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet remotely, via Microsoft Teams, on Tuesday, 18th January, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

SUZANNE WYLIE

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes (Pages 1 - 16)
 - (c) Declarations of Interest
2. **Committee Site Visit (Pages 17 - 18)**
3. **Planning Decisions Issued (Pages 19 - 40)**
4. **Planning Appeals Notified (Pages 41 - 44)**
5. **DFI Provision of an Accessible/Disabled Parking Bay (Pages 45 - 46)**
6. **Planning Applications**

- (a) (Reconsidered Item) LA04/2019/0775/F - 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works on lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally (Pages 47 - 80)
- (b) (Reconsidered Item) LA04/2019/1886/F - 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works at 42-50 Ormeau Road (Pages 81 - 98)
- (c) (Reconsidered Item) LA04/2020/0493/F - Alteration and extension of existing building to provide 4 No one bed apartments at 23 Glandore Avenue and 2 Glanworth Gardens (Pages 99 - 116)
- (d) LA04/2020/2615/F - Hot Food Take Away Unit on lands opposite junction of Stewartstown Road and Suffolk Road - ITEM WITHDRAWN (Pages 117 - 128)
- (e) LA04/2021/1242/F - Change of use from coffee shop to extension of amusements arcade on the ground floor - ITEM WITHDRAWN
- (f) LA04/2020/0844/F & LA04/2020/0840/LBC - Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area at vacant Warehouse at Rathbone Street & former St Malachy's School at Sussex Place (Pages 129 - 162)
- (g) LA04/2020/2042/F - 12 social housing units - 10 general needs and 2 complex needs at Alloa Street / Manor Street (Pages 163 - 178)
- (h) LA04/2021/2520/F & LA04/2021/2736/LBC - Lighting Project on Church Lane (Pages 179 - 188)

7. **Miscellaneous Items**

- (a) AgendaNI Conference (Pages 189 - 194)
- (b) Update on Regulation 6 Direction to Withdraw Deemed Consent Rights for the Display of Residential Rental Signage in the University Area (Pages 195 - 254)
- (c) Review of Strategic Planning Policy on Renewable & Low Carbon Energy (Pages 255 - 284)
- (d) Request for a Special Meeting - Verbal report from the Director of Planning and Building Control

8. **Restricted Item**

- (a) Revenue Estimates & District Rate 2022/2023 (Pages 285 - 292)

This page is intentionally left blank

Planning Committee

Tuesday, 14th December, 2021

HYBRID MEETING OF THE PLANNING COMMITTEE

Members present: Councillor Carson (Chairperson);
Councillors Brooks, Matt Collins,
Garrett, Groogan, Hanvey, Hussey,
Hutchinson, Maskey, McMullan, Murphy,
O'Hara, Spratt and Whyte.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Mr. E. Baker, Planning Manager (Development Management);
Mr. K. Sutherland, Planning Manager (Policy);
Ms. N. Largey, Divisional Solicitor;
Ms. C. Donnelly, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

No apologies were reported.

Minutes

The minutes of the meeting of 16th November were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st December, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Spratt declared an interest in item 6h, namely LA04/2020/1126/F - Demolition of existing buildings and construction of 13 no. dwelling houses and 10 no. apartments with car parking, landscaping and associated site works at 30, 32 and 34 Corrib Avenue, in that he was related to one of the agents for the application, and he left the meeting for the duration of the item and did not participate in the vote.

DFI Roads Notifications - Waiting times

The Committee considered a proposal from DFI Roads to introduce additional waiting restrictions (double yellow lines) on Collingwood Road, between Carmel Street & Damascus Street.

The Committee noted the proposal.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

Planning Appeals Notified

The Committee noted the receipt of correspondence in respect of a number of planning appeals which had been submitted to the Planning Appeals Commission, together with the outcomes of a range of hearings which had been considered by the Commission.

Planning Decisions Issued

The Committee noted a list of decisions which had been taken under the delegated authority of the Strategic Director of Place and Economy, together with all other planning decisions which had been issued by the Planning Department between 8th November and 7th December 2021.

Planning Applications

**THE COMMITTEE DEALT WITH THE FOLLOWING ITEMS IN PURSUANCE OF THE
POWERS DELEGATED TO IT BY THE COUNCIL UNDER STANDING ORDER 37(e)**

**(Reconsidered Item) LA04/2020/2280/F –
Mixed use development comprising 1no.
ground floor retail unit and 13 apartments,
associated amenity space, landscaping and
all other site works at 93-95 Falls Road**

The Principal Planning Officer reminded the Members that the application had previously been deferred by the Committee, on 17th August, for a site visit in order that Members could better familiarise themselves with the site and area. The site visit had taken place on 9th September. The application was subsequently deferred for a second time by the Committee, on 14th September, to allow the developer time to undertake further engagement with local residents who were opposed to the apartment development at the location in respect of parking and other issues. As the application had not yet been presented to the Committee, all Members present were entitled to participate in its consideration.

The Committee was advised that a meeting was held on 26th May at Davitts Gaelic Athletic Association on the Falls Road. The meeting was arranged and chaired by the Chairman of the Clonard Residents Association, the developer, local residents and a local Councillor were in attendance. The agent had advised that residents had raised three issues of concern, namely, exiting parking and congestion issues, end user of the apartments and timescales for the development and potential construction works impact on the local residents.

The Committee was advised that the agent had confirmed that, since the Planning Committee of 14th September, there had been ongoing discussions between the applicant and representatives of the local community. The applicant had stated that there had been regular contact with the Chair of the Clonard Residents Association. The agent had also advised that community representatives were present at pre-application meetings whereby the design of the proposed development was discussed and that no changes to the scheme were proposed.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

The Principal Planning Officer outlined that six letters of objection had been received, including a representation from the Clonard Residents Association, citing concerns with the following:

- disruption and noise pollution during construction;
- parking pressure/ lack of availability;
- highway safety;
- loss of light / overshadowing;
- overlooking / loss of privacy;
- lack of amenity space;
- no prior consultation with local area; and
- anti-social behaviour.

The Principal Planning Officer advised the Members that, since consultation with the residents' group, the Planning Service had received no further objections to the proposal. The applicant had advised that the proposed end user for the development was to be Category 1 Social Housing apartments for the active elderly. Whilst that was welcomed by officers, there was no planning policy requirement for the apartments to be restricted solely to social housing and therefore no planning condition was recommended.

She outlined to the Members that the site was unzoned whiteland in the BUAP. In Draft BMAP 2004 and 2015, it was located along an arterial route in a designated commercial area. She explained that the redevelopment of the brownfield site and the principle of apartments at that location were considered acceptable. The provision of the retail unit was compliant with dBMAP and the proposed development would not adversely impact the character and appearance of the surrounding area. The proposal was considered to be sympathetic in its built form, scale, massing and appearance with the surrounding area and neighbouring properties. It was considered that the proposal would not raise any unacceptable issues in relation to residential amenity including overshadowing, loss of light or overlooking.

The Principal Planning Officer explained that the proposal was unlikely to have a significant impact on the local road network in terms of traffic, road safety and parking. She explained that no provision for parking had been incorporated but that the reduced standard was considered acceptable due to the sites highly sustainable location along an arterial route with the provision of Green Travel Measures. She explained that the developer had agreed to provide a travel card for each unit for three years, as well as the provision of a cycle user subsidy scheme (e.g. Belfast Bikes) for the same period, should approval be granted.

The Chairperson welcomed Mr. T. Stokes, agent, Mr. T. Donnelly, on behalf of the applicant, Mr. P. Turley, architect, to the meeting. Mr. Stokes outlined to the Committee that:

- the site had lain vacant for more than 5 years;
- the vision for the site was to regenerate it and deliver much needed social housing in a part of the City with a huge growing social housing need;
- according to a 2020 NIHE report, there were 3,834 applicants in total seeking social housing and 3,047 applicants on the housing stress list in West Belfast;

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

- the scheme was designed for 13 “Category 1 over 55s” and 1 wheel chair accessible Social Housing units, and included a retail unit at ground floor level;
- one of the concerns raised by some of the local residents had been car parking;
- the proposed scheme design was supported by a Travel Plan and the site itself was located on an Arterial Route and the Glider Route;
- therefore it benefitted from easy access to a number of sustainable modes of transport, and there were a number of local amenities within walking distance;
- the Travel Plan included that each apartment, and the retail unit operator, would be provided with:
 - a 3-year Residential Travel Card for each apartment and 2 full-time members of staff within the retail unit;
 - supply of a Cycle User Scheme Group Membership for a period of 3 years; and
 - provision of secure and covered cycle parking facilities.
- DfI Roads had offered no objection to the scheme and had proposed conditions for approval;
- in order to give the Committee additional assurance, all measures would be secured via a Section 76 Planning Agreement instead of through conditions;
- they had worked closely with Planning officers and the Urban Designer through the PAD and application stage to bring forward what they felt was a high quality proposal. The scheme was significantly reduced and re-designed from a previous application from a different applicant; and
- all consultees had offered approval subject to conditions.

A Member asked what further level of engagement had taken place with the local residents in respect of the application since the Committee meeting of 14th September.

Mr. Stokes advised the Committee of the discussions which had taken place with the residents to date. He stated that, while they recognised that the residents had expressed concerns regarding the level of on-street parking in the area, particularly from users of the Royal Victoria Hospital, they could not resolve that wider problem but had sought to include a number of green travel measures in respect of the application.

Mr. Donnelly added that he had spoken with some of the immediate neighbours regarding the proposal. He advised the Members that a neighbour was pleased that the proposal would, in fact, allow more light into the side of their property. He explained that there had also been almost weekly communication with the Clonard Residents’ Association in respect of preventing anti-social behaviour at the site during construction, the prospective tenants and the recurrent parking issues in the side streets. He explained that he had been informed that the NI Assembly was currently considering a residents’ parking scheme for the streets surrounding the Royal Victoria Hospital (RVH) site.

A Member stated that, while he welcomed social housing in the area, he had serious concerns regarding the parking issues at the site. He expressed concern that DfI Roads had conducted a desktop exercise in respect of parking at the site. He added that, when the

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

Committee had undertaken its site visit to inspect the location at first hand, all Members had difficulty finding a parking space close to the site. The Member stated that the proposal of creating an area parking within the RVH site for some residents to use did not make sense, as the on street parking issues were largely from staff working in the RVH.

He stated that he did not believe that the policy tests were being met, in that the application fell short of the recommended parking standards, and that the proposal would, in fact, have a negative impact on the character of the area. He stated that the justification for reduced parking standards did not exist within the surrounding area of the site.

A number of Members agreed that the level of available parking within the surrounding streets was concerning and also queried the effectiveness of the DFI Roads consultation response.

The Planning Manager (Development Management) advised the Committee that Policy AMP7 of PPS3 stated that a reduced level of parking could be considered acceptable in areas of a highly accessible nature and that the Members were asked to note that the site in question was on a main arterial route with access to city centre via the Glider service.

Moved by Councillor Garrett,
Seconded by Councillor Collins and

Resolved - That the Committee agrees to refuse the application as it is contrary to AMP7 (Access, Movement and Parking) of PPS3 in providing insufficient parking and would lead to an unacceptable negative impact on the character of the area, supported by QD1 (Quality Residential Developments) of PPS7.

**LA04/2021/1878/F - Two storey extension
to the rear of the building, amendments to
windows to the front elevation to include
double height glazing and garage conversion
at 9 Coolnasilla Gardens**

The Principal Planning Officer provided the Committee with the details of the application which had been referred to the Committee by a Member.

The main issues which had been considered during the assessment of the application included the impact on the character and appearance of the area; design, scale and mass; the impact on residential amenity and landscaping, trees and parking.

The Principal Planning Officer advised that 14 representations been received from five addresses in relation to the application, raising issues including scale, massing and design, overlooking and loss of privacy, overshadowing and dominance, overdevelopment, loss of amenity, parking and other matters which were outside of the remit of Planning. She drew the Members attention to the officers' consideration of each issue within the case officer report.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

She outlined to the Committee that it was considered that, on balance, the proposal would integrate well with the existing dwelling and would not detract or harm the character and appearance of the surrounding area. She confirmed that the extension met the angles test and was sufficiently separated from properties both to the sides and to the rear. The Members were advised that, due to its orientation, it would not be dominant or result in any significant impact on residential amenity in terms of dominance, loss of light or overshadowing.

The Members were advised that the proposal was considered to be in accordance with Policy EXT1 of PPS7 (Addendum) Residential Extensions and Alterations and the SPPS.

The Committee granted approval the application, subject to conditions, with the final wording of conditions delegated to the Director of Planning and Building Control.

LA04/2021/1492/F - Energy centre including ancillary development, access, landscaping and associated miscellaneous works at Royal Victoria Hospital, Grosvenor Road

The Committee was presented with the details of the application at the Royal Hospital Belfast in respect of an existing boiler plant which was nearing the end of its useful life. The Principal Planning Officer outlined that a new Energy Centre was required to meet and safeguard the growing energy demand at the hospital to serve current, proposed and future developments.

The Members were advised that the proposed development had been the subject of a pre-application discussion (PAD) with the Council.

He outlined the key issues which were considered in the assessment of the application including:

- the acceptability in principle of the proposed development at the location;
- scale, height and design of the energy centre building;
- impact on the surrounding area;
- access, parking and traffic management; and
- drainage, contamination, air quality, noise and dust management.

The Committee was advised that DFI Roads, Rivers Agency, NI Water, NIEA Water Management Unit, HED and Belfast City Airport had all been consulted and were content with the proposed development subject to conditions. Environmental Health, BCC Economic Development Unit, the Tree Officer and the Urban Design Officer had also been consulted and offered no objections. The Principal Planning Officer added that no third party objections were received in respect of the application.

The Committee granted approval to the application, subject to conditions, with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive issues being raised.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

LA04/2021/0117/F - Upgrade of existing access, footways and cycle path through existing Bog Meadows Nature Site (Section 4 Forth Meadow Community Greenway) including lighting columns, enhanced entrances and street furniture on site bounded by the M1 to the east of Milltown Cemetery to the south of St. Louise's Comprehensive College to the north-south of nos 11 to 79 St. Katherine's Road, east of Rodney Parade and adjacent to nos. 506 and 508 Donegall Road

The Principal Planning Officer presented the details of the Council application to the Committee, which constituted Section 4 of the proposed wider Forth Meadow Community Greenway.

He detailed the issues which officers had considered during the assessment of the proposal, including:

- The principle of development;
- impact on the character and appearance of the area;
- impact on natural heritage;
- access, movement and parking, including road safety;
- impact on built heritage;
- flood risk; and
- other environmental matters

He explained that the area comprised a mix of uses. The site included an existing path network and pockets of open space immediately adjacent to the paths used for walking and cycling. The site was adjacent to residential housing, St Gall's GAA and St Louise's Comprehensive school. He outlined that it ran through the Bog Meadows which was owned/managed by Ulster Wildlife and areas of existing mature trees.

The Committee was advised that, within BUAP 2001, the application site was located within undesignated whiteland and was adjacent to an important natural habitat and a housing action area. Within dBMAP the site was located within an area of existing open space; urban landscape wedge and BT162/05 Community Greenway. It was also adjacent to BT102/10 SLNCI. The site was within the development limits of Belfast.

The Members were advised that Environmental Health, NI Water, Rivers Agency, Historic Environment Division (Historic Monuments); DAERA Water Management Unit, DAERA Regulation Unit; Shared Environmental Services and DAERA Natural Environment Division were consulted in respect of the proposal and had raised no issues of concern subject to conditions.

However, at the time of publishing the report, final responses were outstanding from the Council's Tree Officer and the Landscape, Planning and Development team. They had been re-consulted with amended plans which addressed issues raised in the initial DFI Roads and Tree officer responses.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

The Principal Planning Officer explained that the proposal had been assessed against the Strategic Planning Policy Statement for Northern Ireland (SPPS), the Belfast Urban Area Plan 2001 (BUAP), dBMAP v2004, dBMAP v2014, PPS 2, PPS 3, PPS 6, PPS8, and PPS 15. Having regard to the assessment of the Development Plan and relevant material considerations, he explained that the proposal was considered acceptable.

The Committee's attention was drawn to the Late Items pack, whereby the Natural Environment Division (NED) had confirmed that the approach of a negative condition relating to the Construction Environmental Management Plan (CEMP) was acceptable to them. A final response had also been received from DFI Roads confirming that they had no objections.

The Committee granted approval to the application, subject to conditions, with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive issues being raised by consultees and third parties.

LA04/2021/1860/F - Public realm environmental improvement to include new paving, kerbing, and soft landscaping. Improvements to shop frontages/signage on Albertbridge Road from Lord Street to junction with Newtownards Road and Newtownards Road from Ribble Street to Connswater Street

The Committee was apprised of the details of the application.

The main issues which officers had considered during their assessment of the application included the principle of development; access, movement, and road safety; impact on built heritage; flood risk; landscaping and other environmental matters.

The Principal Planning Officer explained that the area was defined by retail, terraced residential dwellings and church buildings. He outlined that the BUAP 2001 defined most of the northern side of the site as part of a Housing Renewal Area while the southern side was unzoned whiteland. dBMAP (both versions) defined the Albertbridge Road as an arterial route and the site ran adjacent to a number of Shopping/Commercial Areas. He explained that the proposal had been assessed against and was considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (dBMAP both versions), PPS 3, PPS 6, and PPS 15.

The Committee was advised that Environmental Health, the Tree Officer, BCC Landscape and Development, NI Water, HED Historic Monuments, HED Historic Buildings, Rivers Agency, DAERA Regulation Unit and DFI Roads were consulted and had raised no issues of concern.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

The Committee granted approval the application, subject to conditions, with the final wording of conditions delegated to the Director of Planning and Building Control.

**LA04/2021/2242/F - 15 storey purpose built
student accommodation building and associated
development (amended scheme from that
previously approved under application reference
LA04/2018/2602/F) on lands bounded by
Little Victoria Street Bruce Street and Holmes Street**

The Principal Planning Officer presented the details of the application to the Committee. He explained that it followed a brief Pre Application Discussion process.

He outlined the key issues which officers had considered in assessing the application, including the principle of development and use; the principle of demolition; scale, massing and design; amenity and open space; access, movement, parking and transportation, including road safety; flood risk; other environmental matters; and developer contributions.

The Members were advised that the application related to a cleared brownfield site within the development limits and within the city centre of Belfast in BUAP, and both versions of Draft BMAP (2004 and 2014). The site was unzoned whiteland within BUAP, unzoned whiteland but also within the main office area/ Commercial District Character Area in dBMAP (2004); and unzoned whiteland but also within the Commercial District Character Area in dBMAP (2015). The site was also in the vicinity of the Linen Conservation Area.

He explained that the proposal had been assessed against and was considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (BMAP), PPS3, PPS6, PPS7, PPS8, PPS12, PPS13 and PPS15.

No objections had been raised by consultees, however, a response from the Council's Waste Management Unit was outstanding. He confirmed that following advertisement in the local press and neighbour notification, no written representations were received.

The Principal Planning Officer drew the Members' attention to the Late Items pack. The agent had requested that the wording of condition no.11, relating to submission of details of materials, is changed from "prior to commencement of works on site" to read "prior to commencement of elevational work on site". He explained that there was pressure on the applicant to deliver the scheme by August 2023, in advance of the new academic year, and therefore a need for construction commencement in January 2022. He outlined that the agent was seeking amended wording to allow works to commence on site before the condition was discharged.

He explained that officers, having regard to the nature of the proposal which was essentially an amendment to a previously approved scheme, advised that the Council, as Planning Authority, had a very significant role to play in the delivery of new development and hence it had been considered appropriate to bring the application before the Planning Committee.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

The Principal Planning Officer also advised the Committee that the report stated that public realm enhancements to the adjacent pavements would be required in line with the original approval in accordance with details to be agreed by the Council. The agent had confirmed that the applicant would be agreeable to such a condition, worded to require the public realm works details prior to occupation and worded to be in reference to the extant permission.

He outlined to the Members that Environmental Health had raised concerns around the 5mm per second peak particle velocity (ppv) vibration limit in the submitted Construction Environmental Management Plan (CEMP), given a lack of evidence to support it. They stated that a lower vibration limit of 3mm/sec ppv, quoted in an initial CEMP, was considered more appropriate as an absolute upper limit to those other commercial premises in the vicinity if unreasonable disturbance to the day to day working operation of those premises was to be avoided. Environmental Health had also referred to guidance in Relevant British Standard BS5228-2:2009 'Code of Practice for the Control of Noise and Vibration on Construction and open sites', particularly that the contractor should ensure good engagement and communication with all commercial premises in the vicinity in advance of the works commencing and throughout the construction phase. The Principal Planning Officer explained that, since the Late Items pack had been circulated, a further updated CEMP had been submitted by the applicant, which included a lower vibration level of 3mm per second, which was in line with Environmental Health's response.

The Committee granted approval to the Director of Planning and Building Control to grant conditional planning permission, subject to receipt of final comments from consultees, finalising the wording of conditions and the completion of a Section 76 planning agreement to secure a management plan in the interests of the amenities of the area.

LA04/2020/1126/F - Demolition of existing buildings and construction of 13 no. dwelling houses and 10 no. apartments with car parking, landscaping, associated site works and access arrangements from Corrib Avenue (23 social housing units) at 30,32 & 34 Corrib Avenue

(Councillor Spratt, having declared an interest in this item, left the meeting and did not participate in the discussion or vote)

The Committee was presented with the details of the application for full planning permission for the demolition of 3no. existing blocks of flats (30 units) and the construction of 23 dwelling units (10 houses and 13 apartments) with associated site works for the provision of social housing. The Principal Planning officer explained that the application was in front of the Committee for consideration as a statutory consultee, DFI Roads, had submitted an objection to it which was contrary to the officers' recommendation.

She outlined the main issues which had been considered in the assessment of the proposal which included:

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

- the principle of development;
- design, impact on character and appearance of the area;
- impact on amenity;
- access, movement and parking;
- flooding; and
- infrastructure capacity.

The Principal Planning officer explained that the site was located on unzoned whiteland in the BUAP, draft BMAP 2004 and dBMAP 2015. The redevelopment of the brownfield site and the principle of social housing at the location was long established and considered acceptable.

The Members were advised that the proposed development would not adversely impact the character and appearance of the surrounding area. She explained that it was considered to be sympathetic in its built form, scale, massing and appearance with the surrounding area and neighbouring properties. It was considered that the proposal would not raise any unacceptable issues in relation to residential amenity including overshadowing, loss of light or overlooking.

She advised the Committee that the proposal was unlikely to have a significant impact on the local road network in terms of traffic, road safety and parking. The Members were advised that provision for parking had been incorporated at a ratio of just over 1 space per dwelling unit - 27 spaces for 23 dwelling units. She outlined that a reduced standard was considered acceptable due to the site's sustainable location along with the provision of Green Travel Measures which included a travel card for each unit for a period of one year. It was considered that DFI Roads' request for three year travel cards for each unit would not be justified in this case now that there was a reduction in the number of dwelling units on site from 30 units to 23 units. She advised that the developer had agreed to provide a travel card for each unit for a period of one year, should approval be achieved and officers considered that to be reasonable. She outlined that DFI Roads had not yet responded to the alternative request, made formally on 6th October 2021, to provide Green Travel Measures for a period of one year and not three years.

The Committee was advised that Rivers Agency, Environmental Health and the Landscape Officer had offered no objections to the proposal.

NI Water had advised that, as there was a foul and storm sewer located within the site they would consider a connection to the drainage system where the applicant could demonstrate "like for like" development. The Principal Planning officer confirmed to the Members that the site was occupied by three apartment blocks, providing a total of 30 dwelling units, which were connected to the local sewer. As the current proposal was for 23 dwelling units it was considered that it constituted a significant reduction in the number of units served by the local foul sewer and therefore was a like for like scheme.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

The Committee was advised that no letters of objection were received and one letter of support was received from local Councillors.

The Committee granted approval the application, subject to conditions, with the final wording of conditions delegated to the Director of Planning and Building Control.

**LA04/2021/1581/A - 7x coloured 'Linen Quarter'
logos stencilled on the back of wooden planters,
1x 'FLAXX @ Linen Quarter' text cut out from/
painted on side steel canopy on land covering
the road surface on Brunswick Street between the
James Street South junction and Franklin Street Junction**

(Councillor Spratt re-joined the meeting at this point in proceedings)

The Committee was apprised of the details of the application.

The Members were advised that the proposed site fell within Belfast City Centre and Linen Quarter Conservation Area as outlined in the BUAP & dBMAP. The area provided both vehicular and pedestrian access to principle shopping and commercial areas in the City Centre.

The proposed signage was required in association with a temporary project, LA04/2020/2469/F which the Committee had approved in April 2021, to provide a pedestrianised public space to include cafe/bar/storage container/canopy areas, performance stage, outdoor seating and associated works.

The Members were advised that DFI Roads and the Historic Environment Division were consulted on the application and had no objections subject to conditions and/or informatives. No third party objections were received.

The BCC Conservation Officer had advised that they were unable to support part of the proposal insofar as it related to the signage, as the conservation team had offered an objection to the approval of the shipping container in the full application (LA04/2020/2469/F) due to its impacts on the character and setting of the Linen Quarter conservation area. Furthermore, it was the view of the Conservation Officer that the proposed signage on the shipping container was “inappropriate given its overly large size resulting in visual dominance of the area”, which was contrary to Policy BH13 of PPS 6. Officers generally agreed with that view, but considered that, on balance, given current issues presented by Covid19 and the Council’s proposals to provide safe and vibrant external seating areas for users of the area, that a temporary approval was acceptable.

The Committee granted approval the application for a temporary period of two years ending with the date of the permission for the use (as previously approved) with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

**LA04/2021/2580/F - Temporary (2 years)
change of use of the ground floor at the
former Tesco Metro store on Royal Avenue
Belfast from use class A1 to a community,
recreational and cultural space to facilitate multi-
disciplinary uses at 2 Royal Avenue**

(The Divisional Solicitor provided legal advice to the Members, in respect of the application which had been submitted by Belfast City Council. The Members were advised that those Members who had taken part in the Strategic Policy and Resources Committee meeting of 18th June 2021 and of the Special Council meeting of 1st July 2021, in respect of the purchase of the building, could still participate in the discussion and vote on the planning application with no conflict of interest. She advised that those Members who had participated in discussions regarding the meanwhile use of the building, at meetings of the City Growth and Regeneration Committee, were advised not to participate. As such, the following Members declared an interest, left the meeting and did not participate in the discussion or vote on the following item: Councillors Brooks, Groogan, Hanvey, Hussey, Maskey, McMullan, Murphy, O'Hara, Spratt and Whyte.)

The Principal Planning officer provided the Committee with the details of the application and explained that the application site contained a grade B+ listed building, namely, the former Provincial Bank of Ireland at 2 Royal Avenue.

He explained that the proposal was for a temporary change of use to community, recreation and cultural use for two years so that Belfast City Council (BCC) could pilot the concept of an "Imaginarium" – an immersive experience for visitors to learn about the city. There were no physical alterations or works proposed to the listed building as all installations would be temporary and reversible and, as such, no Listed Building Consent was required.

He outlined the main issues which had been considered in the assessment of the case, including:

- the principle of the temporary use at this location;
- the impact on Built Heritage and Archaeological interests;
- transportation including parking provision and impact on road safety;
- the impact on amenity of nearby residents and businesses; and
- human health.

The Committee was advised that the site was located within the development limits of Belfast in the BUAP 2001 and Draft BMAP 2015 (dBMAP, both versions). It was un-zoned, white land under dBMAP (both versions). In the dBMAP (both versions) the site lay within the City Centre Conservation Area, the Old City Character Area, the Primary Retail Core and Primary Retail Frontage.

The Members were advised that consultees including the Department for Communities (DfC), HED, and DfI Roads had been consulted and had no objections to the application. No third-party representations were received.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

The Principal Planning officer drew the Members' attention to the Late Items pack, whereby a response had been received from Environmental Health. The response recommended a condition to restrict the hours of operation to 10am to 11pm Monday to Saturday and 10am to 6pm on Sunday and that agent had confirmed that they were content with that condition.

The Chairperson welcomed Ms. S. McDowell, agent, to the meeting. She advised the Committee that:

- the temporary change of use of the former provincial Bank building to a multidisciplinary event space represented a significant "meantime" use on Royal Avenue;
- the temporary and flexible nature of the proposal was an example of the Council's commitment to rejuvenate and attract vitality back into the city centre by celebrating local produce and talent;
- it would provide a short-term positive legacy for the city centre by accommodating a vacant retail unit until a permanent future was decided for the historical building; and
- she hoped the Committee would approve the exciting temporary project, intended to deliver many of the ambitions of the City's Cultural Strategy. In doing so, it would mark the beginning of Council's upscaled programme of culture and creativity for the city.

The Committee granted approval to the application for a temporary change of use to community, recreation and cultural use, for two years, subject to conditions, with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive issues being raised.

Miscellaneous Items

**Listing of electrical service pillar
near Blanchflower Park, Hollywood Rd**

(Councillors Councillors Brooks, Groogan, Hanvey, Hussey, Maskey, McMullan, Murphy, O'Hara, Spratt and Whyte returned to the meeting at this point.)

The Committee was advised that correspondence had been received from the Historic Environment Division (HED) regarding the proposed listing of 1 no. electrical service pillar at a location near Blanchflower Park, Hollywood Road.

The Planning Manager (Policy) explained that Article 80 (3) of the Planning Act (NI) 2011 required that HED would consult with the Council before placing any building on the statutory list of buildings of special architectural or historic interest. He advised the Members that, should a structure be listed, that placed a certain responsibility on the owner, for example, a listed building had to be maintained in a way appropriate to its character and could not be altered or demolished without prior approval.

The Committee supported the proposed listing of the electrical service pillar.

**Meeting of Planning Committee,
Tuesday, 14th December, 2021**

Restricted Items

The information contained in the reports associated with the following two items is restricted in accordance with Part 1 of Schedule 6 of the Local Government Act (Northern Ireland) 2014.

Resolved – That the Committee agrees to exclude the members of the Press and public from the meeting during discussion of these items as, due to the nature of the items, there would be a disclosure of exempt information as described in Section 42(4) and Section 6 of the Local Government Act (Northern Ireland) 2014.

Quarter 2 Finance Update

The Committee was advised of the overall Council financial position and the Committee financial position for 2021/2022.

The Committee noted the report and the associated financial reporting pack.

**Local Development Plan (LDP) Update
on Correspondence with Minister**

The Planning Manager (Policy) provided the Committee with the response which had been received from the Minister of Infrastructure, in respect of the request for Council access to the Planning Appeals Commissions (PAC) Report on the Independent Examination (IE) into the LDP draft Plan Strategy (dPS).

The Minister, in her response, recognised the work which had been completed to date, the challenges of the new process and the desire for the Council to progress the LDP through the processes. However, the Planning Manager outlined that there was still no commitment from the Minister in respect of the access or a timescale for when that, or indeed a Direction, would be forthcoming.

The Committee:

- noted the response from the Minister; and
- agreed the continued actions in accordance with the Committee's decision of 11th October, 2021, in respect of the ongoing engagement, proposed correspondence, legal advice and proposed Steering Group.

Chairperson

This page is intentionally left blank

Planning Committee

Thursday, 13th January, 2022

PLANNING COMMITTEE SITE VISIT – NOTE OF MEETING

Due to the ongoing pandemic, the following site visit was carried out in accordance with Public Health Agency guidance.

LA04/2020/0844/F & LA04/2020/0840/LBC - Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area at vacant Warehouse at Rathbone Street & former St Malachy's School at Sussex Place

Member Present: Councillor Carson (Chairperson).

Officers in Attendance: Ms. E. Hanratty, Senior Planning officer; and Mr. N. Hasson, Planning officer.

Apologies: Councillors Collins, Groogan, Hanvey, O'Hara and Spratt.

The Member and the officers convened at the site at 12 p.m. for the purpose of undertaking a site visit in respect of the application to allow the Member to acquaint himself with the location and the proposals at first hand.

The Member viewed the site with the proposed plans.

The applicant provided access to the building.

Two local residents spoke with the officers in respect of the application, their objections and the procedure for Committee but did not engage with the Member.

The visit concluded at 12.50 p.m.

Chairperson

This page is intentionally left blank

Planning decisions issues between 8 Dec 2021 and 10 Jan 2022 - 137

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2019/2989/F	MAJDEV	The King's Hall and RUAS site south of Upper Lisburn Road/Balmoral Avenue west of Harberton Park and north east of Balmoral Golf Club Belfast BT9 6GW.	Erection of a care home with associated car parking, servicing, landscape and access off Balmoral Avenue.(Amended drawings and further information received)	PERMISSION GRANTED	21/12/2021
LA04/2020/0042/F	LOCDEV	'Glenriver lands' adjacent to 78 Cloona Park Dunmurry Belfast BT1 0HF	Proposed 5no. allotments, with associated parking and ancillary accommodation (storage/kitchenette and changing area/toilets), adjacent to no.78 Cloona Park, Belfast.	PERMISSION GRANTED	21/12/2021
LA04/2020/0178/F	LOCDEV	Site Adjacent to 78 Cloona Park Dunmurry BT17 0HF.	Amendment to planning approval LA04/2018/2072/F for 3 dwellings, to provide alterations to the road layout and visitor parking.	PERMISSION GRANTED	21/12/2021
LA04/2020/1030/F	LOCDEV	Site of the 'Old Mill Bar1 Good Shepherd Road Poleglass Belfast BT17 OPR.	Variation of conditions 4, 5 & 6 of LA04/2017/2700/F - 12No. 2 bedroom apartments in a 3 storey block with attendant car-parking and siteworks; to allow for reconfiguration of hard surface area and bin storage area, relocation of cycle parking and amended landscape works (amended description)	PERMISSION GRANTED	22/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2020/1363/F	LOCDEV	173 Newtownards Road Belfast BT14 1AB and nos 1-5 Templemore Avenue Belfast BT5 4FP	Erection of building comprising 20no. apartments (17no. 1bed ♦ 3no. 2 bed) and 2no. retail units with ancillary lobby space, refuse storage, bicycle storage and amenity space.(amended proposal)	PERMISSION GRANTED	21/12/2021
LA04/2020/1473/F	LOCDEV	McDonalds Restaurants Ltd the Westwood Centre Kennedy Way Belfast BT11 9AP	Variation of condition No. 2 of planning permission Z/1995/2284 - Amendment of opening hours to allow drive thru to operate 24hrs every day of the year including Bank Holidays. (Amended Description/ Plans)	PERMISSION GRANTED	21/12/2021
LA04/2020/1557/F	LOCDEV	453-459 Antrim Road Belfast BT15 3BJ.	Renewal of existing planning permission (Z/2014/0793/F) for the demolition of existing buildings and erection of 29 apartments and associated car parking and landscaping.	PERMISSION GRANTED	23/12/2021
LA04/2020/2220/A	LOCDEV	Carpark at Duncrue Road adjacent 1 Dargan Road Belfast BT3 9JU.	Paper advertising panel.	PERMISSION GRANTED	23/12/2021
LA04/2020/2442/F	LOCDEV	141 New Lodge Road Belfast BT15	Change of Use from Retail Unit to Hot Food Take-away + Alterations to Shop Front and Additional Extraction Flue to Rear.	PERMISSION REFUSED	17/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2020/2521/F	LOCDEV	Lands including all footpaths from 109 Ebor Street to 224 Tates Avenue Belfast and shopfronts of the retail units in the same area	Environmental Improvement Public Realm Scheme consisting of landscaping works including granite paving and soft landscape features. Shop front improvements including installation of new or refurbished roller shutters, renewal of shopfront wall dressings, rainwater goods, installation of new strip LED down-lighting	PERMISSION GRANTED	23/12/2021
LA04/2020/2577/DC	LOCDEV	Beaufort House 31 Wellington Place Belfast	Demolition of existing building facade and minor internal demolition works	PERMISSION GRANTED	30/12/2021
LA04/2020/2606/F	LOCDEV	Beaufort House 31 Wellington Place Belfast.	Demolition of existing building facade and provision of a new modern facade, including extensions to sixth, seventh and eighth floors and internal reconfiguration to provide open plan office space.	PERMISSION GRANTED	30/12/2021
LA04/2021/0067/F	LOCDEV	Approx. 330m South West of 40 Ballyutoag Road Ligoniel Belfast BT14 8SR	250kW Wind turbine (Increase of dimensions of an approved operational single wind turbine under application Z/2011/0937/F to increase the tower height from 30m to 53m and blade length from 16.7m to 19.5m)	PERMISSION GRANTED	10/12/2021
LA04/2021/0169/F	LOCDEV	Site bounded by Whiterock Road Whiterock Leisure Centre and by property boundaries at Ardmonagh Gardens Whiterock Grove & Bleach Green Terrace.	Application to upgrade to existing park entrances and path lighting (Section 3a ForthMeadow Community Greenway) foot and cycle pathways, lighting columns, enhanced entrance layouts and proposed street furniture.	PERMISSION GRANTED	08/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/0231/F	LOCDEV	34-38 Woodvale Road Belfast BT13 3BN	Proposed development of 4 No. Retail units and 12No. 1 bed apartments to upper floors	PERMISSION REFUSED	24/12/2021
LA04/2021/0257/DC	LOCDEV	Lands at Castlehill south of Woodcroft Heights and east of Glenview Avenue and Castlegrange	Discharge of condition no 15 of planning approval LA04/2017/0510/RM relating to drainage mitigation measures	CONDITION DISCHARGED	23/12/2021
LA04/2021/0493/F	MAJDEV	Former Park Avenue Hotel 158 Hollywood Road Belfast BT4 1PB	Demolition of existing buildings and erection of social-led, mixed tenure residential development comprising of 90 units in 2 no. apartment buildings (maximum height of 4 storeys) containing 75 apartments; and 11 townhouses and 4 apartments (along Sefton Drive); provision of hard and soft landscaping including communal gardens, provision of car parking spaces, tenant/staff hub, cycle parking, substation, retaining walls, and associated works including road improvement works at junction of Park Avenue and Sefton Drive (revised description, plans and info).	PERMISSION GRANTED	17/12/2021
LA04/2021/0602/LD	LOCDEV	54 Fitzroy Avenue Belfast BT7 1HX.	House in Multiple Occupation (HMO).	PERMITTED DEVELOPMENT	24/12/2021
LA04/2021/0739/F	LOCDEV	7 South Parade Belfast BT7 2GL	Reconstruction of shared chimney (above roof level) with No. 09 South Parade (amended description)	PERMISSION GRANTED	08/12/2021
LA04/2021/0765/F	LOCDEV	108 Balmoral Avenue Belfast BT9 6NZ	Two storey extension to rear, single storey extension to side and rear of existing dwelling, replacement front boundary wall and gate	PERMISSION GRANTED	10/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/0766/DC	LOCDEV	108 Balmoral Avenue Belfast BT9 6NZ	Demolition of garage and front boundary wall. Partial demolition of side elevation to facilitate extension	PERMISSION GRANTED	10/12/2021
LA04/2021/0836/F	LOCDEV	Temple Court 39 North Street Belfast BT11NA.	Proposed Partial Change of Use to Ground Floor of 39 North Street from offices to Class D1 Community Use	PERMISSION GRANTED	13/12/2021
LA04/2021/0873/F	LOCDEV	41 Dalebrook Park Belfast BT11 9EW	Two storey rear extension and alterations to side gable	PERMISSION GRANTED	06/01/2022
LA04/2021/0938/F	LOCDEV	30 Taunton Avenue Belfast BT15 4AD	Alterations/widening to vehicular access with replacement boundary wall, railings and gates.(Part Retrospective)	PERMISSION GRANTED	20/12/2021
LA04/2021/0953/F	LOCDEV	Site adjacent to no.200 Colin Mill Poleglass Belfast BT17	Proposed single detached bungalow and elevational alterations to no. 200 Colin Mill. (Amended description)	PERMISSION GRANTED	21/12/2021
LA04/2021/0954/F	LOCDEV	141 Haypark Avenue Belfast BT7	Retrospective single storey extension to side and rear, two storey extension to rear. 2 velux windows to front and dormer to rear. Juliet balcony to first floor rear (amended description)	PERMISSION GRANTED	14/12/2021
LA04/2021/0961/F	LOCDEV	60 Wellington Park Belfast BT9 6DP	Conversion of existing guest house into 5 apartments to include a single storey extension to the rear.	PERMISSION GRANTED	20/12/2021
LA04/2021/1062/F	LOCDEV	57 Oakland Avenue Belfast BT4 3BW.	Single storey extension to rear of ground floor flat, window on side elevation (Retrospective).	PERMISSION GRANTED	20/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/1186/F	LOCDEV	1 College Green Mews Botanic Avenue Belfast BT7 1LW.	Change of use and conversion of the historic mews building from brewing room into a coffees shop. Internal alterations and erection of 2No. free standing aluminium pergolas to provide covered outdoor seating in courtyard.	PERMISSION GRANTED	23/12/2021
LA04/2021/1219/LD	LOCDEV	54 Melrose Street Belfast BT9 7DN	House of Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT	06/01/2022
LA04/2021/1223/LB	LOCDEV	1 College Green Mews Botanic Avenue Belfast BT7 1LW.	Conversion of historic mews building from brewing room to coffee shop. Removal of non historic fabric including metal mezzanine, internal dry-lining & interior plate glass screen and door. Addition of free standing coffee shop counter and seating and associated surface mounted services. 2No. free standing aluminium pergolas to provide covered outdoor seating in courtyard	PERMISSION GRANTED	23/12/2021
LA04/2021/1269/F	LOCDEV	19 Springhill Crescent Belfast BT12 7QJ	Single storey extension to front of dwelling. Single and two storey extension to the side and elevational changes. (Amended Proposal)	PERMISSION GRANTED	07/01/2022
LA04/2021/1378/F	LOCDEV	1 Deramore Gardens Belfast BT7 3FN	Proposed two storey extension to rear and side of dwelling	PERMISSION GRANTED	17/12/2021
LA04/2021/1385/F	LOCDEV	20 Crumlin Gardens Belfast BT13 3LJ	Loft conversion with rear dormer, rooflights to front elevation and single storey rear extension	PERMISSION GRANTED	10/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/1389/LD	LOCDEV	22 Cairo Street Belfast BT7 1QS	House in multiple occupancy HMO	PERMITTED DEVELOPMENT	24/12/2021
LA04/2021/1400/F	LOCDEV	9 Cultra Street Tigers Bay Belfast BT15 1GT.	Provision of 2 no. single storey side extensions and refurbishment of existing building	PERMISSION GRANTED	08/12/2021
LA04/2021/1415/F	LOCDEV	46 Dunmurry Lodge Belfast BT10 0GR	Proposed two storey extension to front/side of dwelling.	PERMISSION GRANTED	10/12/2021
LA04/2021/1479/LB	LOCDEV	30 Windsor Park Belfast BT9 6FR	Conversion of existing room to new ensuite bathroom, to include blocking up of existing doorway and creation of new opening between existing rooms	PERMISSION GRANTED	22/12/2021
LA04/2021/1492/F	MAJDEV	Royal Victoria Hospital Grosvenor Road Belfast BT12 6BA	Proposed energy centre including ancillary development, access, landscaping and associated miscellaneous works.	PERMISSION GRANTED	23/12/2021
LA04/2021/1530/F	LOCDEV	4 Kensington Gardens Belfast BT56NP.	Two storey extension to side of dwelling. Demolition of existing attached garage and erection of detached garage. (Amended Plans)	PERMISSION GRANTED	06/01/2022
LA04/2021/1554/LD	LOCDEV	1 Forthriver Drive Belfast BT13 3UL.	Provision of external wall insulation with dry dash render finish, new roof coverings to atch existing including extending roof verges as necessary to suit new insulation, new PVC fascia/soffits/barges, new uPVC double glazed windows and GRP doorsets. New paths and fence alterations on a like for like basis.	PERMITTED DEVELOPMENT	24/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/1571/F	LOCDEV	38 Eglantine Avenue Belfast.	Change of use to from house in multiple occupation (HMO) to short term lettings	PERMISSION GRANTED	20/12/2021
LA04/2021/1578/F	LOCDEV	24-26 Glandore Gardens Belfast BT15 3FF	Retrospective application for a temporary perimeter hoarding to site	PERMISSION REFUSED	10/12/2021
LA04/2021/1587/F	LOCDEV	Unit 1 Benmore House 353 Lisburn Road BT9 7EP.	Change of Use from financial services (Class A2) to hot food premises providing sit in and takeaway. Flue to rear elevation and front elevation alterations	PERMISSION GRANTED	21/12/2021
LA04/2021/1630/LD	LOCDEV	18 Ballymurphy Crescent Belfast BT12 7JH	Provision of external wall insulation with dry dash render finish, extending roof verges as necessary to suit new insulation, new PVC fascia/soffits/barges, new uPVC double glazed windows and GRP doorsets. New paths and fence alterations on a like for like basis.	PERMITTED DEVELOPMENT	24/12/2021
LA04/2021/1711/F	LOCDEV	6 Floral Park Newtownabbey BT36 7RU.	Replacement garage to the rear of the dwelling. (Amended Plans)	PERMISSION GRANTED	20/12/2021
LA04/2021/1746/F	LOCDEV	28 Lansdowne Road Belfast BT15 4AA	Proposed single storey rear extension with minor internal and external alterations	PERMISSION GRANTED	09/12/2021
LA04/2021/1778/F	MAJDEV	Thompson Dock Pump House and Car Park of Northern Ireland Science Park (Innovation Centre) Queens Road Belfast BT3 9DT.	Change of use from pump house and cafe/restaurant to distillery with associated ancillary visitor tour facilities.	PERMISSION GRANTED	29/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/1779/LB	LOCDEV	Thompson Dock Pump House Queens Road Belfast BT3 9DT.	Change of use from pump house and cafe/restaurant to distillery with associated ancillary visitor tour facilities. This includes works to the listed building that comprise relocation and reconfiguration of platform lift and stair, construction of internal walls, reconfiguration of toilet area at mezzanine level, provision of accessible toilet at ground floor, alterations and extension to the existing mezzanine floor, new openings in existing external and internal walls for access and services, installation of meeting / viewing room pod with associated internal bridge structure, installation of distillery equipment and platform, provision of penthouse ridge vents and various localised minor alterations and repairs.	PERMISSION GRANTED	29/12/2021
LA04/2021/1816/F	LOCDEV	22 Squires View Belfast BT14 8FT	First floor balcony to rear elevation and enlargement of patio doors to kitchen area at rear.	PERMISSION GRANTED	15/12/2021
LA04/2021/1864/LD	LOCDEV	84 Rugby Road Belfast	Change of use from residential property to House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT	10/01/2022
LA04/2021/1882/LD	LOCDEV	68 Salisbury Court Belfast BT7 1DD	Change of use from apartment to short term holiday let accommodation	PERMITTED DEVELOPMENT	22/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/1884/LB	LOCDEV	Belfast Central Library Royal Avenue Belfast BT1 1EA.	Install commemorative Belfast Heritage Trail plaque on external wall of Belfast Central Library adjacent to accessible entrance on Library Street	PERMISSION GRANTED	15/12/2021
LA04/2021/1937/F	LOCDEV	38 Benraw Road Belfast BT11	Proposed new first floor bedroom extension over existing sun-room extension to rear of existing dwelling.	PERMISSION GRANTED	08/12/2021
LA04/2021/1951/DC	LOCDEV	Lands between 55-71 Ormeau Road and 163-169 Donegall Pass Belfast.	Discharge of conditions 4 & 5 LA04/2017/2780/F.	CONDITION DISCHARGED	21/12/2021
LA04/2021/1960/LD	LOCDEV	15 Tates Avenue Belfast BT9 7BY.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT	24/12/2021
LA04/2021/1962/DC	LOCDEV	60 Wellington Park Belfast BT6 6DP.	Demolition of some internal walls, removal of external metal staircase and forming new openings in external walls to rear and side of property.	PERMISSION GRANTED	20/12/2021
LA04/2021/1979/F	LOCDEV	6 Ashgrove Park Belfast BT14 6NE	Proposed single storey rear extension and proposed erection of a detached garage	PERMISSION GRANTED	14/12/2021
LA04/2021/1996/F	LOCDEV	6 Upper Green Dunmurry Belfast BT17 0EL	Proposed two storey rear extension with two storey side extension complete with decorative eyebrow window to roof space	PERMISSION GRANTED	05/01/2022

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2004/F	LOCDEV	1E Garranard Park Belfast BT4 2GL.	Demolition of existing sunroom. Proposed single storey side & rear extension with a covered seating area and elevational changes. Proposed first floor dormer. Additional window on first floor south elevation (AMENDED DESCRIPTION)	PERMISSION GRANTED	06/01/2022
LA04/2021/2018/F	LOCDEV	14 Windsor Avenue Belfast BT9 6EE.	Amendment to extant planning approval for 8no. apartments as granted under Z/2010/1715/F & LA04/2021/0509/LDP. New proposal involves retaining 8no. apartments through conversion, the demolition of existing side/rear extension and construction of an amended extension to side rear elevation with associated development including parking provision.	PERMISSION GRANTED	23/12/2021
LA04/2021/2024/F	LOCDEV	Finaghy Primary School Finaghy Road South Belfast	Single storey extension to provide new IT suite, Counselling room, 2no. SEN Rooms, Music room and associated Ancillary rooms.	PERMISSION GRANTED	24/12/2021
LA04/2021/2028/DC	LOCDEV	14 Windsor Avenue Belfast BT9 6ET.	Demolition of existing two storey side and rear return along with rear wall and associated development.	PERMISSION GRANTED	23/12/2021
LA04/2021/2029/F	LOCDEV	Northern Ireland Ambulance Service Ardoyne Station 444 Crumlin Road BT14 7GH.	Proposed door providing access to the station garage for ambulance vehicles to access from the rear yard.	PERMISSION GRANTED	16/12/2021
LA04/2021/2054/F	LOCDEV	215 Ballygomartin Road Belfast BT133NB.	Proposed single storey extension to rear of dwelling.	PERMISSION GRANTED	10/01/2022

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2065/DC	LOCDEV	81-107 York Street Belfast.	Discharge of clause 4.2 of the Section 76 Planning Agreement LA04/2016/2385/F & LA04/2019/2951/F relating to completion of the development	CONDITION DISCHARGED	21/12/2021
LA04/2021/2069/LD	LOCDEV	471 Ormeau Road Belfast BT7 3GR.	Retrospective Change of Use from Hotel to Guest Accommodation comprising 9 No. Bedrooms on 1st & 2nd Floors.	PERMITTED DEVELOPMENT	13/12/2021
LA04/2021/2084/F	LOCDEV	115 Shandon Park Belfast BT5 6NZ	Alterations and extensions to dwelling including two storey side extension and single storey rear extension with raised level, access steps and boundary wall. Ancillary domestic garden room/ home office to rear linked to main dwelling. (Amended Plan)	PERMISSION GRANTED	06/01/2022
LA04/2021/2108/F	LOCDEV	34 Ormonde Park Belfast BT10 0LS.	Single storey side extension with patio and canopy structure to rear.	PERMISSION GRANTED	21/12/2021
LA04/2021/2115/LD	LOCDEV	9B Claremont Street Belfast BT9 6AP.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT	10/01/2022
LA04/2021/2116/F	LOCDEV	50 Laurelbank Poleglass Belfast BT17 0RU.	Single storey side extension.	PERMISSION GRANTED	09/12/2021
LA04/2021/2120/RM	LOCDEV	237 Lower Braniel Road Belfast BT5 7NQ.	Reserved Matters application (Part) for Outline approval LA04/2021/0728/O for the erection of 1 dwelling and all other associated site works.	PERMISSION GRANTED	10/01/2022
LA04/2021/2151/F	LOCDEV	116 Kingsway Dunmurry Belfast BT17 9NP	Proposed new driveway gates, railings on top of existing garden wall and boundary fencing	PERMISSION GRANTED	09/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2165/LD	LOCDEV	22 Knock Eden Park Ballynafoy Belfast BT6 0JF	Alterations and Refurbishment to include a proposed flat roofed single storey rearextension, and internal changes as indicated on drawings 2114-02 & 05	PERMITTED DEVELOPMENT	17/12/2021
LA04/2021/2180/DC	LOCDEV	Lands situated at Alexandra Park Avenue adjacent and east of Esther Street and adjacent and west of North Queen Street Belfast.	Discharge of condition 12 LA04/2019/1103/F.	CONDITION DISCHARGED	10/01/2022
LA04/2021/2201/A	LOCDEV	Finaghy Baptist Church 1 The Hawthorns Finaghy Belfast BT10 ONA.	Three sided aluminium totem sign.	PERMISSION GRANTED	10/01/2022
LA04/2021/2215/LD	LOCDEV	2 Stranmillis Park Belfast BT9 5AU	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT	22/12/2021
LA04/2021/2248/F	LOCDEV	8-10 Annadale Avenue Belfast BT7 3JH	Demolition of existing single storey timber garage and construction of new single storey garage and garden room	PERMISSION GRANTED	14/12/2021
LA04/2021/2249/A	LOCDEV	242 Albertbridge Road Belfast	Advertising signage on side elevation of property	PERMISSION REFUSED	10/12/2021
LA04/2021/2256/LD	LOCDEV	29 Belvedere Manor Windsor Park Belfast BT9 6FT	House in multiple occupancy HMO	PERMITTED DEVELOPMENT	10/12/2021
LA04/2021/2267/F	LOCDEV	28 Locksley Gardens Belfast BT10 0EA	Proposed single storey side extension to dwelling with demolition of existing garage. (Amended Description)	PERMISSION GRANTED	16/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2279/A	LOCDEV	Units 10-12100-150 York Street Belfast BT15 UH	Installation of shop signage to front and side elevations to include 3no. Flex Face Fascia signs with illuminated text and 1 no. aluminium sign with illuminated text	PERMISSION GRANTED	23/12/2021
LA04/2021/2282/F	LOCDEV	44 Mount Eagles Avenue Lagmore Dunmurry BT17 0GT	Conversion of attached garage to habitable space with first floor extension above, single storey extension to rear and external alterations including roof lights (Amended Plans)	PERMISSION GRANTED	21/12/2021
LA04/2021/2287/F	LOCDEV	96 Orangefield Crescent Belfast BT6 9GG	Demolish existing garage and construct new build garden room including an increase in eaves level and material change.	PERMISSION GRANTED	10/12/2021
LA04/2021/2291/F	LOCDEV	9 St Johns Park Belfast BT7 3JF	Construction of shower room/utility within existing dining room with external changes	PERMISSION GRANTED	09/12/2021
LA04/2021/2293/F	LOCDEV	39 Lancedean Road Belfast	2 storey extension to front	PERMISSION GRANTED	06/01/2022
LA04/2021/2294/F	LOCDEV	49 Middle Braniel Road Belfast BT5 7TU	Extension to approved side balcony under ref LA04/2017/2198/f.	PERMISSION GRANTED	13/12/2021
LA04/2021/2303/F	LOCDEV	81 Church Road Belfast BT8 7AN	Proposed single storey side extension to existing dwelling	PERMISSION GRANTED	09/12/2021
LA04/2021/2330/F	LOCDEV	5 Mountainview Parade Belfast BT14 7GY	Demolition of existing single storey rear return and replacement with single storey rear extension with decking.	PERMISSION GRANTED	10/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2356/LD	LOCDEV	77 Lower Windsor Avenue Belfast BT9 7DX	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT	10/01/2022
LA04/2021/2358/A	LOCDEV	300 Limestone Road Belfast BT15 3AR	Building Signage for Newington Housing Association	PERMISSION GRANTED	23/12/2021
LA04/2021/2372/F	LOCDEV	23 Sicily Park Belfast BT10 0AJ.	Single and two storey extension to the rear of dwelling, attic conversion with rear dormer and elevation changes (amendments to previous approval, LA04/2019/2909/F). Proposed garden room to rear.	PERMISSION GRANTED	17/12/2021
LA04/2021/2374/DC	LOCDEV	Ground floor unit 1 80 Stewartstown Road Belfast BT11 9GF.	Discharge of condition 2 LA04/2018/2909/F.	CONDITION NOT DISCHARGED	22/12/2021
LA04/2021/2375/F	LOCDEV	24 Belvedere Park Belfast BT9 5GS.	Removal of existing single storey rear return and replacing with single storey rear extension.	PERMISSION GRANTED	08/12/2021
LA04/2021/2383/LD	LOCDEV	21 Palestine Street Belfast BT7 1QS	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT	16/12/2021
LA04/2021/2390/LD	LOCDEV	43 Stranmillis Park Belfast BT9 5AU	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT	22/12/2021
LA04/2021/2402/DC	LOCDEV	Marrowbone Millennium Park Oldpark Road Belfast BT14 6QS.	Discharge of condition 12 LA04/2020/1593/F.	CONDITION DISCHARGED	21/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2406/DC	LOCDEV	Templemore Baths Templemore Avenue Belfast BT5 4FW.	Discharge of condition 3 of LA04/2018/2611/LBC relating to provision of sample panels of brickwork	CONDITION NOT DISCHARGED	10/01/2022
LA04/2021/2411/A	LOCDEV	Bus Shelter approximately 25 metres North West of 118-122 North Street Belfast BT1 2JG.	Conversion of existing six sheet display unit incorporated into an existing Adshel Bus Shelter to a six sheet digital display screen.	PERMISSION GRANTED	20/12/2021
LA04/2021/2412/A	LOCDEV	Bus Shelter opposite 279 Shore Road Belfast BT15 3PW.	Conversion of existing six sheet display unit incorporated into an existing Adshel Bus Shelter to a six sheet digital display screen.	PERMISSION GRANTED	21/12/2021
LA04/2021/2413/A	LOCDEV	Bus Shelter outside 192-212 Shankill Road Belfast BT13 2 BJ.	Conversion of existing six sheet display unit incorporated into an existing Adshel Bus Shelter to a six sheet digital display screen.	PERMISSION GRANTED	21/12/2021
LA04/2021/2414/F	LOCDEV	4 Trossachs Park Belfast BT10 0AX.	Single storey extension to front of dwelling, first floor side extension, elevational changes.	PERMISSION GRANTED	16/12/2021
LA04/2021/2423/F	LOCDEV	12 Rochester Avenue Belfast BT6 9JU.	Demolition of existing garage and construction of single storey side extension.	PERMISSION GRANTED	20/12/2021
LA04/2021/2425/F	LOCDEV	16 Knocknagoney Gardens Belfast BT4 2QA.	Single storey extension to side of property. Ramped access to front. (Amended Description)	PERMISSION GRANTED	17/12/2021
LA04/2021/2428/F	LOCDEV	25 Cabin Hill Gardens Belfast BT5 7AP.	2 storey rear extension.	PERMISSION GRANTED	05/01/2022

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2469/NM	LOCDEV	Lands bounded by Bedford Street INI building McClintock Street and Franklin Street Belfast BT2 7GP.	Non material change LA04/2015/0264/F.	NON MATERIAL CHANGE GR	15/12/2021
LA04/2021/2470/F	LOCDEV	108 Upper Newtownards Road Ballyhackamore Belfast BT4 3EN.	Demolition of existing single storey extension and partial first floor extension and outbuildings, and erection of new single storey and first floor extension.	PERMISSION GRANTED	07/01/2022
LA04/2021/2471/F	LOCDEV	46 Ravenhill Park Belfast BT6 0DG.	Removal of existing single storey rear return and replacement with single storey rear extension.	PERMISSION GRANTED	15/12/2021
LA04/2021/2472/F	LOCDEV	63 Upper Lisburn Road Belfast BT10 0GY	Single storey rear extension	PERMISSION GRANTED	16/12/2021
LA04/2021/2476/F	LOCDEV	66 Knock Road Belfast BT5 6LR	Single storey rear extension	PERMISSION GRANTED	14/12/2021
LA04/2021/2490/F	LOCDEV	28 Finaghy Park Central Belfast BT10 0HP.	Single storey extension to rear to accommodate kitchen/living & single storey extension to toilet to the front.	PERMISSION GRANTED	13/12/2021
LA04/2021/2494/F	LOCDEV	45 Cedar Grove Holywood BT18 9QG.	Single storey side extension.	PERMISSION GRANTED	10/12/2021
LA04/2021/2495/F	LOCDEV	51 Belmont Park Belfast BT4 3DU.	Single storey rear extension.	PERMISSION GRANTED	13/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2498/F	LOCDEV	28 Belmont Park Belfast BT4 3DU.	Proposed single storey extension to the rear.	PERMISSION GRANTED	10/12/2021
LA04/2021/2532/F	LOCDEV	17 Ambleside Court Belfast BT13 1QU.	Single storey extension to rear.	PERMISSION GRANTED	22/12/2021
LA04/2021/2536/F	LOCDEV	43 Chamberlain Street Belfast BT5 4JA.	Single storey rear extension to dwelling.	PERMISSION GRANTED	14/12/2021
LA04/2021/2537/F	LOCDEV	54 Clowney Street Belfast BT12 7LZ.	Two storey rear extension to dwelling	PERMISSION GRANTED	21/12/2021
LA04/2021/2561/DC	LOCDEV	Elmgrove Primary School (Avoniel Site) and Nursery Unit Avoniel Road Belfast	Discharge of conditions 7, 8 & 26 LA04/2016/2219/F relating to Archaeological Programme of Works	CONDITION DISCHARGED	06/01/2022
LA04/2021/2562/DC	LOCDEV	Elmgrove Primary School (Avoniel Site) and Nursery Unit Avoniel Road Belfast	Discharge of condition 2 LA04/2016/2121/LBC relating to protection measures for existing historic surfaces	CONDITION DISCHARGED	06/01/2022
LA04/2021/2574/CC	LOCDEV	56B Kings Road Belfast BT5 6JL and 46 Knockhill Park Belfast BT5 6HY.	Works to 4 trees.	WORKS TO TREES IN CA - A	15/12/2021
LA04/2021/2578/LD	LOCDEV	127 Fitzroy Avenue Belfast BT7 1HU.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT	17/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2580/F	LOCDEV	2 Royal Avenue Belfast BT1 1DA.	Temporary (2 years) change of use of the ground floor at the former Tesco Metro store on Royal Avenue Belfast from use class A1 to a community, recreational and cultural space to facilitate multi-disciplinary uses under use classes D1 (community and cultural uses) and D2 (assembly and leisure).	PERMISSION GRANTED	04/01/2022
LA04/2021/2584/DC	LOCDEV	East Pitch Downey House Pirrie Park Gardens Belfast.	Discharge of condition 16 LA04/2018/1411/F.	CONDITION DISCHARGED	20/12/2021
LA04/2021/2585/DC	LOCDEV	West Pitch Downey House Pirrie Park Gardens Belfast BT6 0AG.	Discharge of condition 16 LA04/2020/0757/F.	CONDITION DISCHARGED	20/12/2021
LA04/2021/2598/F	LOCDEV	2 Altan Walk Lagmore BT17 0UH.	Single storey rear extension.	PERMISSION GRANTED	10/01/2022
LA04/2021/2601/A	LOCDEV	Land bounded by Library Street Stephen Street and Kent Street Belfast.	Erection of 4 no. LED embedded brushed stainless steel signs; 5 no. internally illuminated aluminium panel mounted signs; 1 no. non-illuminated brushed stainless steel sign; 1 no. non-illuminated aluminium panel mounted sign; and 1 no. non-illuminated vinyl sign on the Library Street, Stephen Street and Kent Street elevations.	PERMISSION GRANTED	24/12/2021

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2617/F	LOCDEV	158 Upper Knockbreda Road Belfast BT6 9QE.	Single storey rear extension.	PERMISSION GRANTED	07/01/2022
LA04/2021/2644/F	LOCDEV	7 Bellevue Drive Newtownabbey BT36 7QE	Single storey side extension	PERMISSION GRANTED	07/01/2022
LA04/2021/2649/DC	LOCDEV	2 Queens Quay Belfast BT3 9QQ.	Discharge of condition 2 LA04/2020/1253/F	CONDITION DISCHARGED	20/12/2021
LA04/2021/2661/PA	MAJDEV	Former Parklands lands west of numbers 60 to 76 Knocknagoney Road Knocknagoney Belfast.	Proposed 90no. apartments (change of house type from that approved under LA04/2019/0025/F. Changes include the introduction of a study to 27no. apartments, change/addition of balconies to 36no. apartments & elevational changes) with associated car parking and landscaping. (Under construction).	PROPOSAL OF APPLICATION	16/12/2021
LA04/2021/2668/DC	LOCDEV	Lands at Kings Hall Complex Lisburn Road Balmoral Belfast BT9 6GW.	Discharge of condition 5 LA04/2019/2848/F.	CONDITION DISCHARGED	06/01/2022

Reference Number	Hierarchy	Location	Proposal	Application Status	Date Decision Issued
LA04/2021/2670/PA	MAJDEV	Glenwood Primary School 4-22 Upper Riga Street Belfast BT13 3GW.	Refurbishment and extension of Glenwood Primary School (to include the demolition and replacement of the existing 196's extension) to provide 2No. learning support classrooms, a nurture suite and a 21No. class base primary school with school meals accommodation, all associated site works, infrastructure and landscaping , with access from the Shankill Road.	PROPOSAL OF APPLICATION	13/12/2021
LA04/2021/2689/F	LOCDEV	25 Hillhead Park Belfast BT11 9GB	Single storey rear and side extension	PERMISSION GRANTED	05/01/2022
LA04/2021/2698/DC	LOCDEV	Adjacent number 9A Glenside Road Belfast BT17 0LH.	Discharge of condition 6 LA04/2021/0825/F.	CONDITION DISCHARGED	23/12/2021
LA04/2021/2702/CC	LOCDEV	8 Harberton Drive Balmoral Belfast BT9 6PE.	Works to 1 tree.	WORKS TO TREES IN CA - A	08/12/2021
LA04/2021/2763/CC	LOCDEV	100 Balmoral Avenue Belfast BT9 6NZ.	Works to 1 tree.	WORKS TO TREES IN CA - A	16/12/2021
LA04/2021/2850/CC	LOCDEV	26 Malone Park Belfast BT9 6NJ.	Works to 1 tree.	WORKS TO TREES IN CA - A	07/01/2022

This page is intentionally left blank

Agenda Item 4

PLANNING COMMITTEE – 18 JANUARY 2022

APPEALS NOTIFIED

COUNCIL: BELFAST

ITEM NO 1 PAC REF: 2021/A0172

PLANNING REF: LA04/2021/0505/A

APPLICANT: J C Decaux

LOCATION: Junction of Beersbridge Road and Castlereagh Road, Belfast, BT5 5FP

PROPOSAL: Retention of 4 x 48 sheet static advertising displays

PROCEDURE:

ITEM NO 2 PAC REF: 2021/E0054

PLANNING REF: LA04/2021/2040/LDP

APPLICANT: Joe Rea

LOCATION: 66 Knock Road, Belfast

PROPOSAL: Rear kitchen/living room extension

PROCEDURE:

ITEM NO 3 PAC REF: 2021/A0176

PLANNING REF: LA04/2021/0624/F

APPLICANT: Hutchison 3G UK Ltd

LOCATION: Public footpath junction of Strathmore Park and Antrim Road
18m south of 554 Antrim Road, Belfast

PROPOSAL: Prop installation of a 15m high telecoms streetpole with integrated antenna and 4 No equipment cabinets with ancillary equipment (amended description and plans)

PROCEDURE:

PLANNING COMMITTEE – 18 JANUARY 2022

APPEALS NOTIFIED (CONTINUED)

ITEM NO 4 PAC REF: 2021/A0180

PLANNING REF: LA04/2020/1659/F

APPLICANT: Hutchison 3G UK Ltd

LOCATION: On the footpath adjacent to St Matthews Parish Church Hall,
Shankill Road, Edenderry, Belfast, BT13 3AE

PROPOSAL: Erection of new 15m high Phase 8 Monopole C/W
Wraparound Cabinet at base and associated ancillary works

PROCEDURE:

ITEM NO 5 PAC REF: 2021/E0060

PLANNING REF: LA04/2018/0122/CA

APPLICANT: Mrs Her Juing Jan

LOCATION: 180 Ballyhill Road, Belfast, BT14 8SF

PROPOSAL: An extension to 170 Ballyhill Road comprising a single storey extension and an extension to 170 Ballyhill Road comprising of a mix of single and 2 storey extensions. An extension of curtilage of 170 Ballyhill Road onto adjacent agricultural land and erection of a wall over 1m in height

PROCEDURE:

PLANNING COMMITTEE – 14 DECEMBER 2021

APPEAL DECISIONS NOTIFIED

ITEM NO	1	PAC REF:	2020/E0034
PLANNING REF:	LA04/2019/2674/LDE		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	John Mulholland Motors		
LOCATION:	51 Northbrook Street, Belfast, BT9 7DH		
PROPOSAL:	House in Multiple Occupancy (HMO)		

This page is intentionally left blank

Network Traffic, Street Lighting and Transportation

Eastern Division

Acting
Chief Executive
Belfast City Council
City Hall
BELFAST
BT1 5GS



Department for

Infrastructure

An Roinn

Bonneagair

www.infrastructure-ni.gov.uk

Annexe 7
Castle Building
Stormont Estate
Upper Newtownards Road
Belfast
BT4 3SQ

Telephone: 0300 200 7899
Email: Traffic.Eastern@infrastructure-ni.gov.uk
www.infrastructure-ni.gov.uk

Being Dealt With By: Mr Alfie O'Hare
Direct Line: 028 9052 6241

Your Ref:

Our Ref: MT 131092-21

Date: 4 January 2022

Dear Sir/Madam

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT OPPOSITE 41 GEARY ROAD, BELFAST

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

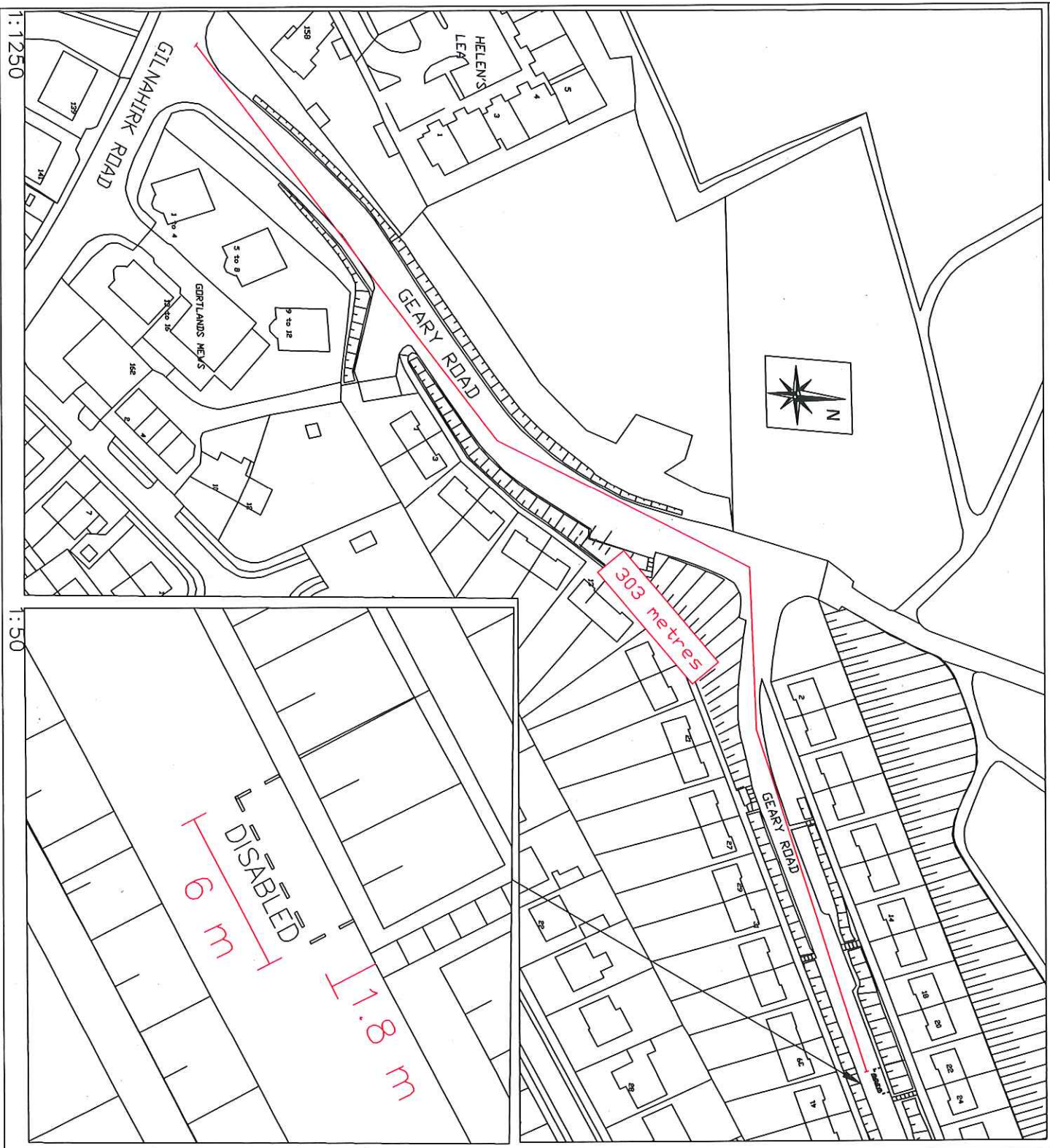
We would welcome your comments on this proposal.

Yours sincerely

GRAEME SALMON
Traffic Manager

ENC

Geary Road, Belfast (north-west side) – from a point of 303 metres north-east of its junction with Glinahirk Road, for a distance of 6 metres in a north-eastern direction.



NO.	REVISION	DATE

Based upon the Ordnance Survey of Northern Ireland 1:1000 Scale Map with the Permission of the Director and Chief Executive
 © Crown Copyright
 Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings

Project
 OPPOSITE 41 GEARY ROAD
 BELFAST

Title
 PROPOSED ACCESSIBLE /
 DISABLED PARKING BY

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

TM2/BEL/DEC/21/37/A

Scales AS SHOWN

Eastern Division

Annex 7
 Castle Buildings
 Stormont Estate
 Belfast
 BT4 3SQ

Telephone: 0300 200 7893
 Textphone: 028 90540022



An Roinn
 Bonneagair

Committee Application – Addendum Report 3

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 18 January 2022
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received – Proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay
<u>ADDENDUM REPORT</u> <p>This full application was due to be considered by the Planning Committee on 21st October 2021. Prior to the meeting, the item was withdrawn from the agenda in order to deal with an issue raised by DAERA NIEA regarding waste water capacity.</p> <p>This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on Thursday 2nd September 2021. The application was then re-listed for Planning Committee on 14th September 2021. The application was subsequently withdrawn from the agenda following legal advice in respect of the HRA checklist / form which had not yet been uploaded to the Planning Portal. This information was subsequently uploaded to the Planning portal on 15th September 2021.</p> <p>The Committee should read this Addendum Report in conjunction with the original and addendum planning reports below.</p> <p><u>Sewage capacity</u></p> <p>NIEA provided further comments in respect of the proposal on 14th September 2021.</p> <p>Its Water Management Unit (WMU) noted that in its previous consultation response on 17th May 2019, it had advised that it was content with sewage loading from the proposed development being transferred to Newtownbreda Waste Water Treatment Works (WWTW). It also advised that it continually reviews potential impacts to the surface water environment from proposed developments connected to the various WWTW's including loadings and treatment regimes at those treatment works, as well as considering whether or not the works have been upgraded. Following this review, WMU were now concerned that the sewage loading associated with the above proposal had the potential to cause an environmental impact if transferred to this WWTW.</p>	

However, WMU advised that if NI Water (NIW) confirms that it is content that both the receiving Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU would have no objection to this aspect of the proposal.

Following receipt of this advice from NIEA, the Council reconsulted with NIW. A response was received on 8th November 2021. NIW confirmed there was available capacity at the nearby waste water treatment works.

However, within the text of the consultation response, NIW stated that they '*recommend that this application for planning approval should be refused. The proposed development may experience nuisance due to its proximity to the operations of the existing Wastewater Treatment Works. Before NI Water would be prepared to recommend approval of this application, confirmation that the requirements of Planning Policy Strategy PPS11, particularly Policy WM5, [is required]. As the site is located wholly or partially within the Wastewater Treatment Work's 400m odour consultation zone boundary, an Odour Encroachment Assessment is required to determine the compatibility of these proposals with the existing operation of the Wastewater Treatment Works. Depending on circumstances this may also require the procurement of an Odour Dispersion Model to NI Water specification*

Although NIW had advised that an odour assessment was required, it was not recommending refusal of the application as it was not a ground for refusal under the extant planning permission.

In its conclusion, NIW's recommendation was: '*Approved with Standard Planning Conditions and response specific conditions*'.

Policy WM 5 of PPS 11 specifically relates to 'Development in the vicinity of waste management facilities. It states that proposals involving the development of land in the vicinity of existing or approved waste management facilities and waste water treatment works (WWTWs), will only be permitted where all of the following criteria are met:

- It will not prejudice or unduly restrict activities permitted to be carried out within the waste management facility; and
- It will not give rise to unacceptable adverse impacts in terms of people, transportation systems or the environment.

Notwithstanding NIW's advice and the extant planning permission, the developer submitted an odour assessment directly to NIW. Further to this, the agent forwarded to the Council a letter from NI Water Operations Technical Support team stating that NIW have assessed the proposal and will not raise any objection on the grounds of 'incompatible development'. This letter was uploaded to the Planning Portal and a further consultation to NIW was issued by the Council. A response was received from NIW on 10th December 2021, indicating that the odour assessment was "positive". Consequently, NIW's overall recommendation was: '*Approved with Standard Planning Conditions and response specific conditions*'.

Having regard to the advice from NIW, it is considered that the proposed development complies with the tests of Policy WM5 of PPS 11.

Representations

Further neighbour notification was undertaken in respect of the proposal following submission of amended drawings and additional information. Further to this, an additional 19 objections were received. New issues raised include:

- Questions raised regarding the number of amendments that can be made to a planning application.

There is no statutory limit on the number of amendments that can be made to a planning application. This objector comment followed the most recent neighbour notification letters being issued, whereby the only amendment related to the proposed planting plan (tree number 30 proposed for retention rather than removal).

- Questions raised regarding timing of neighbour notification letters prior to Christmas.

Issuing of neighbour notification letters took place in accordance with Section 41 of the Planning Act (NI) 2011. All representations will be considered until a decision has been made on the application.

- Not everybody has access to a car to find similar sites for recreation purposes.

Proposed development is located immediately adjacent to Lagan Valley Regional Park and in very close proximity to Belvoir Forest Park.

- Proposal flies in the face of plans to develop the waterways.

It is not considered that the proposed development impinges on the development potential of the River Lagan. The proposed development does not include lands along the southern bank of the River Lagan. The western boundary of the application site is located approximately 120 metres to the River Lagan at the closest point.

- Proposed development will block potential pathways along southern bank of the River Lagan.

Proposed development does not include lands along the southern bank of the River Lagan. The western boundary of the application site is located approximately 120 metres to the River Lagan at the closest point.

- Proposal results in loss of access to the River Lagan.

Proposed development includes a pathway to Lagan Lands East. As per para 8.60 of the original case officer report, The Council's Access officer has confirmed it is the intention for this path to link into existing path infrastructure within Lagan Lands East in the future, thereby enhancing connectivity and access to the wider LVRP and Lagan gateway bridge.

- Developer appears to have encroached on to adjoining site to the west.

This comment relates to lands outside the application site and is currently being investigated separately.

- Developer has already installed street lights without permission. The Council should stay aware of works undertaken on site without planning permission.

This is not relevant to consideration of the current application which should be assessed on its own merits.

- Proposed development results in twice the number of houses from the original planning permission.

There is an extant planning approval on a large portion of the site for 35 dwellings, approved under ref. Z/2007/1401/F. A recent application for a Certificate of Lawfulness for existing use / development (CLEUD) under ref. LA04/2020/2324/LDP confirmed that the previously approved development under ref. Z/2007/1401/F has lawfully commenced. If the current application is approved, the overall number of approved units would increase by 11 to 46 dwellings.

- Proposal will affect the water table, increasing flood risk.

DFI Rivers were consulted on the proposal and raised no objections.

- Questions raised regarding the proportion of affordable housing within the proposed development.

There is no requirement to provide affordable housing.

- Issues raised regarding NI Water consultation response.

The agent submitted a letter from NI Water 'Operation Technical Support Team' dated 19th November 2021. The letter states that NI Water will object to new development proposed close to existing wastewater treatment works, however they will not object if it can be demonstrated that the amenity of the proposed population will not be adversely affected by the operations of NIW. The letter goes on to state that NIW have considered the location and their assessment concludes that 'NIW will not, on the grounds of 'incompatible development' raise an objection to any proposed development or reuse of the site'. This letter was uploaded to the Planning portal prior to re-consultation with NI Water Infrastructure planning team. As noted above, NIW's response advised 'Approved with Standard Planning Conditions and response specific conditions.

- Proposed development will ruin views from the towpath.

It is not considered that the proposed development will have a detrimental impact on views from the Lagan towpath. In any case, impact on views is not a material consideration.

Recommendation

As per the previous Committee and Addendum reports, the case officer recommendation remains unchanged. It is considered that the proposal is acceptable having regard to the Development Plan, retained planning policies, consultation responses, representations and other material considerations. Therefore, the recommendation is to approve, subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Committee Application – Addendum Report 2

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 21 October 2021
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay

ADDENDUM REPORT

This full application was previously listed for Planning Committee on 17th August 2021. The item was withdrawn from the agenda to allow the members to undertake a pre-emptive Planning Committee site visit. The site visit took place on Thursday 2nd September 2021. Following this, the application was re-listed for Planning Committee on 14th September 2021. The application was subsequently withdrawn from the agenda following legal advice in respect of the HRA checklist / form which had not yet been uploaded to the Planning Portal (set out below).

Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.

Habitats Regulations Assessment

Shared Environmental Services (SES) completed a Habitats Regulation Assessment (HRA) on 23rd April 2021. The consultation response was uploaded on 23rd April 2021. SES concluded that the proposal is unlikely to have a significant effect on any European Site, either alone or in combination with any other plan or project and therefore an appropriate assessment is not required. The HRA checklist / form was emailed to the Council and uploaded to the Planning portal on 15th September 2021.

NIEA consultation response

The Council reconsulted NIEA following receipt of objections raising natural heritage interests. NIEA's consultation response was received on 14th September 2021.

Water Management Unit (WMU) noted that in the previous consultation response on 17th May 2019, they advised they were content with sewage loading from the proposed development being transferred to Newtownbreda Waste Water Treatment Works (WWTW). They advised that they continually review

potential impact to the surface water environment of proposed developments connecting to the various WWTW's including loadings and treatment regimes at those treatment works as well as considering whether or not the works have been upgraded. Following this review, WMU are now concerned that the sewage loading associated with the above proposal has the potential to cause an environmental impact if transferred to this WWTW.

WMU advised that if NIW confirm that they are content that both the receiving Waste Water Treatment Works (WWTW) and the associated sewer network for this development can take the additional load, with no adverse effect on the WWTW or sewer network's ability to comply with their Water Order Consents, then WMU has no objection to this aspect of the proposal. WMU provided additional conditions in the event of approval.

Condition: *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: *This condition is both to ensure protection to the aquatic environment and to help the applicant avoid incurring unnecessary expense before it can be ascertained that a feasible method of sewage disposal is available. The applicant should note this also includes the purchase of any waste water treatment system.*

Condition: *Once a contractor has been appointed, a Construction Method Statement (CMS) should be submitted to the Planning Authority for their written agreement prior to works commencing on site.*

Reason: *To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site.*

NIEA Inland Fisheries has considered the application and is content that, with appropriate mitigation, there is unlikely to be any significant impact to fisheries interests in the vicinity of the proposal, however, would advise that a permit will be required for the proposed headwall construction.

Inland Fisheries have no data in relation to the watercourse to the south of the site, however they are content that there is some potential for fisheries interests within the stream, although water quality may not be an issue. There is the potential for deleterious materials including suspended solids to enter the watercourse and thus the River Lagan during the construction phase, however this can be appropriately mitigated. As per Para 10.22 of the original case officer report, a condition should be placed on any potential approval requiring submission and agreement of a construction method statement prior to the commencement of works.

NIEA Natural Environment Division (NED) state that they have reviewed the representation letters and with the information available within the Phase 1 Habitat survey, consideration has been taken with regards to impacts on badger, bats, otters and habitat interest of the site. NED noted that further concern was raised in relation to squirrels and butterflies and considers that the proposal is unlikely to significantly impact these natural heritage features. In summary, NED advise that with the information submitted, the proposal complies with PPS 2, provided the recommendations as previously advised are conditioned and attached to the decision notice.

Recommendation: Approval subject to Conditions

As per the full case officer report and the previous Addendum report, the case officer recommendation remains unchanged. It is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Committee Application – Addendum Report 1

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 14 September 2021
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay

ADDENDUM REPORT

This full application was previously listed for Planning Committee on 17th August 2021. The item was withdrawn from the agenda to allow the members to undertake a pre-emptive Planning Committee site visit. The site visit took place on Thursday 2nd September 2021.

Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.

Representations:

An additional 29 representations have been received in respect of this planning application, 27 objections and 2 support letters. Consequently, this results in a total of 212 objections and 2 of support.

Additional issues raised by the objections include:

- EIA determination is incomprehensive to understand. Objector advises that the mitigation measures should be listed clearly.
Response – The EIA Determination sheet is set out as per guidance and best practice. The mitigation measures are contained within the submitted documents and are referred to in the August 2021 Planning committee case officer report. Furthermore, the mitigation measures are included within the suggested conditions of this report (Section 10).
- Proposed development is an area of public amenity at Belvoir Forest.
Response – the site is not located within Belvoir Forest Park.
- Potential for Hampton Park to become a through road from Annadale Avenue.
Response – the proposal does not include a through road from Annadale Avenue.

- Issues raised with regard to short notice / timing of application on Planning Committee list and the duration of time afforded to objectors to address the Planning Committee. People should be allowed to challenge the Planning Authority's recommendations and decisions.

Response – Notice of the Planning Committee List for 17th August 2021 was published on the Council's website on 10th August 2021, as per normal procedure. The method / duration for objectors to address the Planning Committee is consistent and set out in guidance. Any individual can comment on any planning application. The issues raised will be set out in the case officer report and taken into account by the Planning Authority when formulating a recommendation and making a decision.

The support letters raised the following issues:

- Proposal will impact positively on anti-social behaviour issues within the area.
- Ecological and other planning concerns have been addressed.
- Positive impact of investment and employment.

Density issue:

Para 8.26 of the August 2021 Planning committee case officer report incorrectly noted that Hampton Manor has a residential density of approximately 20 dwellings per Hectare. The actual residential density of Hampton Manor is approximately 25.5 dwellings per Hectare.

This does not impact on the previous conclusion made with regard to residential density. Whilst it is acknowledged that Hampton Park exhibits a lower residential density than the surrounding area, there are several examples of medium density housing within the surrounding area and immediately off Hampton Park, i.e. Hampton Manor, Mornington and Galwally Avenue. Additionally, the density of the proposed development is similar to that previously approved and under construction within the application site. It is therefore considered that the proposed density (approx. 12 dwellings / Ha) is acceptable in relation to the surrounding area.

NIEA consultation response:

As noted in Para 8.38, NIEA NED raised no objections to the proposal. NIEA were sent the objections in relation to ecological impact of the proposal. At the time of publication, no further response had been received. Committee will be advised in the late items pack of NIEA's response if received by the date of Committee. If NIEA raise any new issues thereafter, the application will be re-presented to Planning Committee.

Recommendation: APPROVAL

As per the full case officer report, the case officer recommendation remains unchanged. It is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Committee Application

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 17 August 2021
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay
Executive Summary: <p>The proposal is for 'Erection of 18 dwellings to include a revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)'.</p> <p>185 representations have been received in relation to this proposed development. 184 are objections to the proposal, with 1 non-committal. Objections have been received from Councillor Brian Smyth, Councillor Donal Lyons and Paula Bradshaw MLA. Councillor Smyth has requested that the Planning Committee carry out a site inspection, prior to making a decision on the application.</p> <p>The site is undesignated whiteland within the BUAP and is zoned for housing within dBMAP (ref. SB05/04). The site is also located within the Lagan Valley Area of Outstanding Natural Beauty (AONB), The Belvoir Site of Local Nature Conservation Importance (SLNCI) and a small portion of the site is located within the Hampton Park Area of Townscape Character (ATC). The site lies immediately adjacent to Lagan Valley Regional Park (LVRP).</p> <p>There is an extant planning approval on a large portion of the site for 35 dwellings, approved under ref. Z/2007/1401/F. A recent application for a Certificate of Lawfulness for existing use / development (CLEUD) under ref. LA04/2020/2324/LDP confirmed that works have been carried out in accordance with the previously approved development under ref. Z/2007/1401/F can lawfully be completed.</p> <p>The key issues to consider in the assessment of this proposed development are:</p> <ul style="list-style-type: none"> • Impact on ecology. • Impact on traffic, road safety and access. • Impact on character of the area. • Impact on potential rights of way. 	

Through the processing of the application numerous amendments have been received to address issues around the settlement limit boundary, the topography of the site, the inter relationship of units and internal boundaries, residential amenity and landscaping.

It is considered that the proposed development is generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered the pattern and layout; the design scale and density of the development is appropriate and generally in keeping with the overall character of the area; and the environmental quality of the established residential area will be maintained. There will be no significant negative impacts to the amenity of existing residents and the scheme will result in a quality residential environment for prospective residents.

Supporting information has been submitted in relation to the impact on ecology, specifically in relation to habitats and protected species, including badgers. Following consultation with NIEA, it is considered that the proposed development complies with the policy tests of PPS 2, subject to conditions mitigating potential ecological impacts.

It is therefore also considered the proposed development complies with planning policy in relation to amenity space, protection of open space, flooding / drainage, infrastructure, landscaping and archaeological heritage.

DFI Roads have provided comments on the proposed development, including access, car parking, intensification of Hampton Park junction. Following amendments to the scheme, DFI Roads have no objection, subject to conditions.

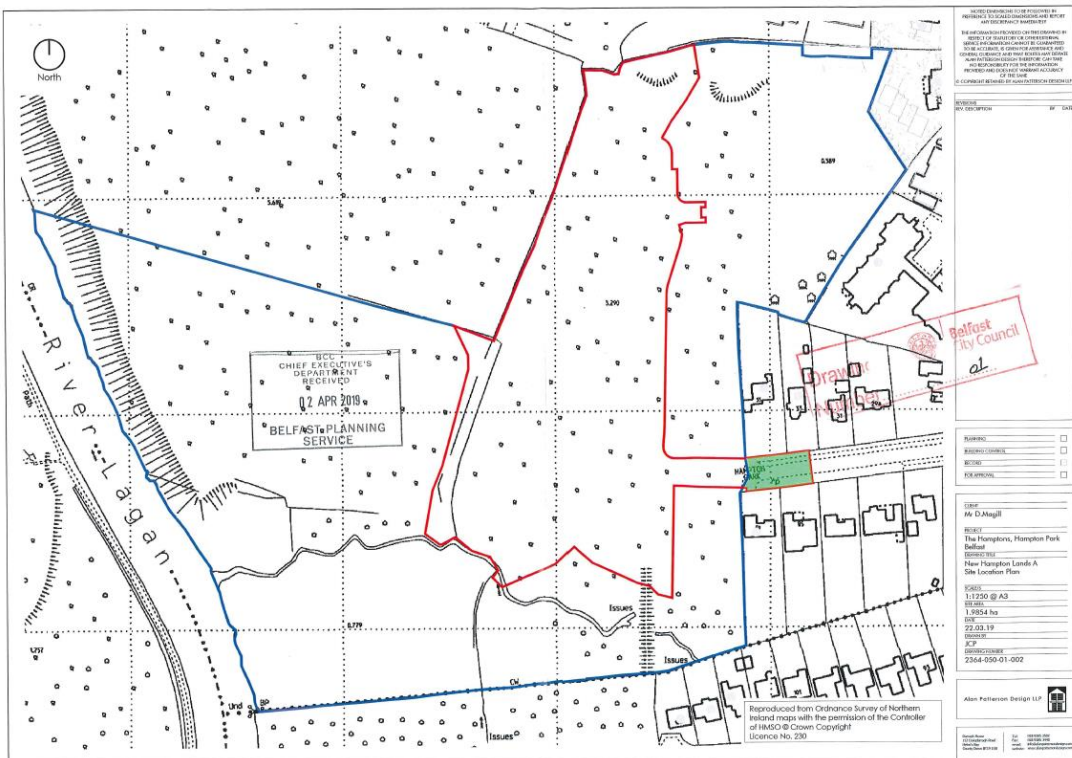
The proposed layout includes a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The Council's Access Officer has also advised that the existing route to Galwally Avenue does not have the hallmarks of a public right of way and is unlikely to be asserted as such.

The scheme is considered on balance to be acceptable.

Recommendation – APPROVAL SUBJECT TO CONDITIONS

It is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions. It is recommended that the Director of Planning and Building Control uses her delegated authority to finalise the wording of conditions.

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is for 'Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)'.
1.2	The site is accessed directly from the end of Hampton Park. The existing road at Hampton Park continues for approximately 45 metres before taking a 90 degree turn in a northerly direction. Two access roads extend from the main thoroughfare in a westerly direction, providing access to proposed dwellings.
1.3	All 18 no. dwellings are detached and two storeys in height. The dwellings are primarily finished in red brick, however some of the house types also utilise smooth white render as a secondary material. The dwellings are also finished with black roof tiles, red brick chimneys, black aluminium rainwater goods, hardwood doors and hardwood / uPVC windows.
2.0	Description of Site
2.1	The site is located within the urban limits of Belfast. The site is secured by a vehicular gate; the gate was open for pedestrian access at the time of the site visit. Part of an access road has already been created within the site. Additionally, it appears the foundations of a garage have been dug approximately 25 metres from the access gate.
2.2	The site is irregularly shaped, measuring approximately 1.98 Ha. The northern portion of the site is relatively flat, however the land falls away significantly in the south western corner of the site. There is an existing watercourse in this south western corner. The site benefits from existing mature vegetation along the southern, northern and western boundaries of the site. The eastern boundary of the site is largely undefined, as the application site is part of a larger site.
2.3	The surrounding area is defined by low density residential housing on lands to the east. Lagan Valley regional Park is located immediately to the west of the site. The River Lagan is situated approximately 120 metres to the west of the site.





Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2021/1371/F - Erection of 4 no. dwellings (change of house type to sites 1, 33, 34, 35 of previous approval Z/2007/1401/F), garages, and all other associated site works – <u>Under consideration</u>
3.2	LA04/2020/2324/LDP – Proposed completion of residential development of 35 dwellings, previously approved under ref. Z/2007/1401/F (Amended Description) – Permitted Development 22/4/21
3.3	Z/2012/1326/F – Lands at Hampton Park - Application under article 28 of the Planning (Northern Ireland) Order 1991 to vary the wording of planning condition 11 attached to planning permission Z/2007/1401/F – Granted 19/3/13
3.4	Z/2007/1401/F – Lands at Hampton Park - Proposed residential development encompassing 35 dwellings, garages and associated site works – Granted 30/1/09
3.5	Z/2003/1250/O – Hampton Park - Proposed residential development – Granted 14/1/05
3.6	Z/1994/0877 – Hampton Park – Layout of Housing Development and provision of roads – Granted
3.7	Z/1988/0257 – Lands to north and west of Hampton Park – Private Housing Development – Refused
3.8	Z/1982/0775 – Hampton Park – 18 dwellings – Refused
3.9	Z/1981/0274 – Hampton Park – Housing Development – Refused
3.10	Z/1974/0043 – Hampton Park – Low Density Housing Development – Refused
4.0	Policy Framework
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (dBMAP)
4.3	<p>Strategic Planning Policy Statement (SPPS)</p> <p>PPS 2 Natural Heritage</p> <p>PPS 3 Access, Movement and Parking</p> <p>PPS 6 Planning, Archaeology and the Built Heritage</p> <p>PPS 6 Addendum Areas of Townscape Character</p> <p>PPS 7 Quality Residential Environments</p> <p>PPS 7 Addendum - Safeguarding the character of established residential areas</p> <p>PPS 8 Open Space, Sport and Outdoor Recreation</p> <p>PPS 12 Housing in Settlements</p> <p>PPS 15 Planning and Flood Risk</p> <p>Creating Places</p> <p>DCAN 15 Vehicular Access Standards</p>

5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection, subject to conditions.
5.2	Historic Environment Division – No objection, subject to conditions.
5.3	NI Water – No objection.
5.4	NIEA – have raised no issues. Objections have been sent to NIEA any further comments will be included in the Late Items pack.
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection.
6.2	Rivers Agency – No objection.
6.3	BBC Tree and Landscaping Officer – No objection, subject to conditions.
6.4	Lagan Valley Regional Park – Issues raised.
6.5	Shared Environmental Services – No objection.
7.0	Representations
7.1	185 representations have been received in relation to this proposed development. 184 are objections to the proposal, with 1 non-committal. Objections have been received from Councillor Brian Smyth, Councillor Donal Lyons and Paula Bradshaw MLA. Councillor Smyth has requested that the Planning Committee carry out a site inspection, prior to making a decision on the application.
7.2	<p>The objections raised the following issues, the matters raised are dealt with through out the assessment:</p> <p>Procedural Matters</p> <ul style="list-style-type: none"> • Issues with neighbour notification. • Application site encroaches into the Lagan Valley Regional Park (LVRP) and extends outside the settlement limit. • Issues raised regarding the proposal description, <i>'The application description appears more confused than before and fails the key test of bringing to the mind of a reasonable person what is proposed (the Morrelli test)'</i>. • Inconsistencies with submitted drawings. • Issues raised with the completed P1 form, specifically Q 14. • Site area is over 2 Ha, therefore the application should be categorised as a major development. • Part of the site lies within an Area of Townscape Character (ATC), therefore a Design and Access statement should be submitted. • Proposal partly relates to a change of house type of Z/2007/1401/F. No evidence has been submitted to the Council proving that this approved development commenced on time. • Issues raised regarding the Council considering the application as it is 'environmentally destructive'. • Proposed development is a case of the council taking from the area without proper consultation of the people they represent who already live here.

- Issue raised regarding construction of street lights within the application site.
- Issue raised regarding commencement of works prior to the grant of planning permission.
- Objection received questioning if a full detailed assessment has been carried out to confirm the amount of land required.
- Issue raised with 14-day period for response to neighbour notification letters.

Ecology and Landscape / Open Space

- Proposal fails to provide a landscape buffer as set out in draft BMAP. Landscape buffer should also be provided around the badger protection area.
- Proposal will result in destruction of habitats. It contains mature woodland and open parkland which provides important habitat for a range of wildlife.
- Destruction of habitat during nesting season.
- Loss of meadowland will detrimentally impact on local insect population and pollination.
- Proposed development will result in light pollution for the local bat population.
- Large number of active badger setts on site, which require protection. Proximity of proposed development to active badger setts.
- Badger habitat is contracting due to the encroachment of creeping development such as this.
- Loss of a large proportion of this area will have a detrimental knock on effect to species in the surrounding area and will further displace vulnerable species.
- Site location constitutes an important high quality waterfront habitat not for humans but for biodiversity and wildlife.
- Detrimental impact on mature trees and species rich hedgerows. Issues raised regarding removal of mature trees to facilitate development.
- Application site located within a Site of Local Nature Conservation Importance (SLNCI).
- Extraordinary increase in dwellings for an extremely sensitive site.
- Lagan Meadows should be kept as a nature reserve, for the health and enjoyment of all. Concern that more meadowland is being taken from communities to further intensify urban density without provision of further green / recreational spaces for mitigation.
- There is a shortage of meadow type habitat within the area.
- Proposed development is located on the periphery of Belvoir Park Forest Park and LVRP, an important area in terms of ecological prowess within Belfast.
- Proposed development will increase connectivity between Belvoir Forest park and the new Lagan bridge, resulting in increased pedestrian and cycle use, thereby detrimentally impacting the natural environment.
- The subject lands should be incorporated into Lagan Lands East.
- Proposed development is located within an Area of Outstanding Natural Beauty (AONB) which should be protected.
- The area should be a conservation area to be protected and preserved, not built on.
- The submitted NI Biodiversity Checklist is unsatisfactory and devoid of sustainable proposed implementations to preserve the local species.
- Mitigation against invasive species is necessary.
- Proposed development should be accompanied by an Environmental Impact Assessment (EIA). An EIA should be compulsory on such a biodiverse rich site. An issue has been raised regarding the Council's 'token' assessment of environmental impact. Council failing in its duty if it does not insist upon submission of an extensive EIA. International law is clear that under the protective principle where there is the possibility for significant harm to the

	<p>environment, an environmental risk assessment should be undertaken.</p> <ul style="list-style-type: none"> • DAERA have not been consulted in relation to the impact on local wildlife. • Concerns raised regarding NIEA's consultation response in relation to potential adverse effects on surrounding natural environment and habitat. • Construction works may cause water runoff pollution. • Lack of studies assessing how the proposed development will impact the River Lagan. • The subject lands should be owned and preserved by the National Trust, not built over. • The existing site has stored carbon over time. Disturbing this ecosystem goes against recent commitments by Belfast City Council (BCC) to conserve nature and aim to reduce carbon emissions, improve air quality, reduce flooding (note the site's proximity to the Lagan), increase urban cooling, support and enhance biodiversity and improve the mental and physical wellbeing of people living in or visiting the area. • BCC has declared a climate and biodiversity emergency. • Current Building Regulations are totally inadequate to reduce carbon emissions, to preserve water and to reduce flooding. • Carbon neutralising green spaces such as this will become absolutely crucial in the future to tackle climate change locally. • The tree survey appears lacklustre, with little to no detail applied to the trees poised for removal. • Proposal goes against BCC's 'One Million Trees' initiative, where the Council has committed to plant one million native trees across the city, not cut them down. • Proposal does not support the Council's initiative to return 30% of the city to nature by 2030. • Proposal will result in additional light, noise and air pollution. • Open, green spaces such as the application site are a scarcity in the city and should be protected at all costs. During the Covid 19 pandemic, the value of outdoor amenity space was recognised. • Northern Ireland has the least amount of accessible green space in relation to other parts of the UK. • Access to open space / nature helps to maintain mental health and physical wellbeing. • Lagan Bank has been encroached over recent decades by private housing developments. • There are plenty of alternative brownfield sites within the city centre that could benefit from rejuvenation. • There is no need for extensive housing to be built within green areas so close to the city centre due to the change in work patterns with majority of people now working from home. • It is unclear whether the proposed development will include planting of mature trees along the roadside, similar to the existing arrangement along Hampton Park. <p>Design, Character, Density and Residential Amenity</p> <ul style="list-style-type: none"> • Proposed site is extremely close to Lowry Court, a residential facility, and will be detrimental to the comfort, safety and wellbeing of the residents. • Open space should be provided as an integral part of the development, in accordance with PPS 8. • Proposed development would be detrimental to the character of Hampton Park.
--	--

	<ul style="list-style-type: none"> Proposed development will be visible from LVRP, thereby changing the distinct character of the area. Proposed density should not be significantly higher than the existing development along Hampton Park, in accordance with PPS 7 Addendum. Proposed dwellings are tightly squeezed together. Proposed development should be low density and support green spaces within its boundaries. Plot ratio is not respectful of surrounding context. Proposed development envisages a higher density development than previously approved, including more extensive excavation and potentially, construction of retaining walls. Proposed development may require retaining walls, contrary to Para 4.13 of PPS 7. Proposed development will increase anti-social behaviour in the area. Proposal will result in further criminal activity within the area. Issues raised with quality / size of garden areas. Proposal results in overdevelopment. Amount of development has more than doubled from original approval Z/2007/1401/F. Proposed development is incompatible with the policies of the Belfast Urban Area Plan 2001, the statutory development plan for the Council area. Proposed development does not pass policy tests in relation to conservation, archaeology, recreation and transport. Proposed design has little architectural merit, not in keeping with the strong heritage and highly sensitive nature of the surrounding contextual environment. Proposed houses will affect views on to the Lagan Valley AONB for existing residents. Detrimental impact on residential amenity of existing residents, specifically impact on privacy, natural light, noise, odour, late night activities. <p>Traffic, Parking and Movement</p> <ul style="list-style-type: none"> Proposed development will result in increased traffic and an intensification of the Hampton Park junction with Ormeau Road. Issues raised regarding the number of dwellings served by a single road. A survey should be conducted by Police Traffic Branch to assess the likely impact and safety risk due to the additional traffic generated by the proposal. Traffic control will need to be introduced at the Hampton Park road junction. Impact on road safety, particularly in relation to pedestrians (children and elderly) and cyclists. There is no lighting or traffic infrastructure on the main road to access Hampton park. Detrimental impact on access for emergency vehicles. Construction vehicles will cause damage to Hampton Park roadway. Proposed development does not include access to LVRP. Proposed development should provide access to the Lagan Gateway greenway. Issues raised regarding potential access to LVRP and users potentially parking in Hampton Park for access. No consideration has been given to the path from Hampton Park through the site to Galwally Avenue. This path has been in operation for 40 years and is considered to constitute a public right of way (PROW).
--	--

	<ul style="list-style-type: none"> Proposed development impacts on the current pathways interconnecting Galwally Avenue / Belvoir Forest Park, Hampton Park and the Annadale Embankment. These paths have been in use for over 30 years and should be designated PROWs. <p>Other Environmental Matters</p> <ul style="list-style-type: none"> Proposed development will cause a further strain to the drainage and sewage infrastructure of the surrounding area. Detrimental impact on archaeological heritage. Issues raised with plans to construct more houses beside the River Lagan on a flood plain.
8.0	Assessment
8.1	<p><u>Preliminary Matters</u></p> <p>It is considered that the proposal description is accurate, in accordance with Article 3 (2) (a) of the Planning (General Development Procedure) Order (NI) 2015.</p>
8.2	A recent application for a Certificate of Lawfulness for proposed use / development (CLEUD) under ref. LA04/2020/2324/LDP confirmed that the previously approved development under ref. Z/2007/1401/F has commenced and can lawfully be completed.
8.3	The application site has been measured at 1.98 Ha, therefore the proposed development is correctly classified as a local development, in accordance with the Planning (Development Management) Regulations (NI) 2015.
8.4	The front portion of the site extends into the Hampton Park Area of Townscape Character (ATC), therefore a Design and Access Statement is required for the proposed development, in accordance with Section 6 of the Planning (General Development Procedure) Order (NI) 2015. A Design and Access Statement was submitted as required.
8.5	Objections in relation to unauthorised commencement of development have been referred to the Council's Planning Enforcement Team. However, it is noted that there is an extant approval within part of the site for 35 dwellings, previously approved under ref. Z/2007/1401/F.
8.6	Issues have been raised in relation to neighbour notification. The Council is content that neighbour notification has taken place, in accordance with Section 41 of the Planning Act (NI) 2011 and Article 8 of the Planning (General Development Procedure) Order (NI) 2015.
8.7	Issues have also been raised regarding the completion of the P1 application form, specifically Question 14 which asks if the applicant is ' <i>aware of the existence on the application site of any wildlife protected under the Wildlife (NI) Order 1985 (as amended)</i> '. The P1 form did not tick yes or no but referred to the submitted NI Biodiversity Checklist. Further inspection of the submitted Checklist provides reference to specific species that may be affected by the proposed development and what surveys / assessments are required to determine potential impacts.

8.8	A small portion of the application site is located outside the settlement limit of Belfast. This portion is located along the southern portion of the western boundary. No development is proposed within this part of the site.
8.9	<p><u>Development Plan</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 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) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.10	The site is undesignated whiteland within the BUAP, however it is zoned for housing within dBMAP (ref. SB05/04). The Housing zoning includes a number of key site requirements (KSRs) in relation to residential density, access, natural environment, landscaping, connectivity, flood risk, watercourses and overhead lines. The PAC made general points regarding KSRs and advised that many of the KSRs were not in accordance with guidance set out in Para 39 of PPS 1 (now superseded by the SPPS) and in any case, many of the matters are covered by regional policy in PPS 7 and can be addressed in the concept plan and at detailed application stage. Subsequently, the adopted BMAP (since declared unlawful) retained the zoning but all KSRs were removed.
8.11	During the BMAP Inquiry, the PAC considered an objection to the housing zoning, which argued that part of the zoning was located within the LVRP, therefore in breach of the policies of the LVRP Local Plan 2005. The PAC concluded that the zoning was outside the LVRP and consequently, recommended no change to the plan. It is therefore assumed that in the event of adoption of BMAP, this housing zoning would be included.
8.12	The site is located within the Lagan Valley AONB. A small portion of the site (southern portion of western boundary) is located within the LVRP, however no development is proposed on this part of the site (following amendments). The remaining part of the site is not located within LVRP.
8.13	The front portion of the site is located within the Hampton Park ATC.
8.14	The site is located within Belvoir SLNCI and Area of constraint on mineral development. In addition, Lagan Meadows SLNCI is located approximately 185 metres to the west of the site and Galwally SLNCI is located approximately 320 metres to the east of the site.
8.15	dBMAP also included plans for a rapid transit scheme that passed close to the western boundary of the application site. During the BMAP Inquiry, the PAC recommended that details of this part of the route were deleted from the Plan and further assessment was undertaken.
8.16	<p><u>Principle of development</u></p> <p>There is an extant planning approval on a large portion of the site for 35 dwellings, approved under ref. Z/2007/1401/F. A recent application for a Certificate of Lawfulness for existing use / development (CLEUD) under ref. LA04/2020/2324/LDP</p>

	confirmed that the previously approved development under ref. Z/2007/1401/F has lawfully commenced.
8.17	Furthermore, as noted in para 8.10, the application site is zoned for housing within dBMAP. It is therefore considered that the principle of residential development on the site is acceptable.
8.18	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS advises that within established residential areas, the proposed density of new housing development, together with its form, scale, massing and layout should respect local character and environmental quality as well as safeguarding the amenity of existing residents. The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. It also encourages sustainable forms of development, good design and balanced communities. The use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings.</p>
8.19	<p><u>Character / Layout / Design</u></p> <p>The surrounding area is characterised primarily by residential development to the east of the application site and green, open space to the west of the application site towards the River Lagan. Hampton Park is characterised by large, detached dwellings with generous gardens. It is a generously proportioned cul-de-sac, with wide tree lined verges on both sides. The western boundary of the site is defined by mature vegetation, signalling the entrance to LVRP immediately adjacent to the application site.</p>
8.20	The proposed development is for a total of 18 no. detached dwellings. The proposed dwellings are relatively large in size and set within generous plots with large gardens, ranging from approximately 95 sq metres to over 400 sq metres in area. The proposed development results in the existing road on Hampton Park continuing for approximately 45 metres, then taking a 90 degree turn in a northerly direction. Two access roads extend from the main thoroughfare in a westerly direction. The proposed building line is not uniform, however this is generally characteristic of surrounding development, particularly the residential development on the western side of Hampton Park. The proposed development includes wide tree lined verges on both sides along the main access road, thereby respecting an important characteristic from Hampton Park.
8.21	As previously noted, the northern portion of the site is relatively flat, however the land falls away significantly in the south western corner of the site. Overall, there is a level difference of approximately 13 metres from the northern boundary of the site to the southern boundary. In spite of this, the use of retaining walls is generally limited within the site. 4 sections of retaining wall are proposed within the site, however they are not overly prominent and located at the rear of proposed properties. The proposed development mainly utilises planted embankments to accommodate significant level changes, for example, planted embankment at rear of dwelling no. 4 covers a level difference of approximately 2.45 metres. It is considered that the layout design minimises the impact of differences in level between adjoining properties.

8.22	The presence of LVRP immediately adjacent to the site is significant and the proposed layout provides views towards the park as one traverses the development. The proposed layout includes a buffer along the full extent of the western boundary. No dwellings or garden areas are proposed along this buffer zone, thereby enhancing views and providing a clear separation with LVRP. Views of the development will be achievable from LVRP, however the strong western boundary and landscape buffer should assist in screening the development.
8.23	It is considered that design of the proposed development draws upon the best local traditions of forms, materials and detailing. Hampton Park is defined by a mix of design types and materials. Although the proposed development relates to a more uniform house type, the use of brick and render on external walls partly ascribes to the existing eclectic mix of Hampton Park.
8.24	The proposed boundary treatments are considered acceptable. In general, the more prominent boundaries at the front and sides of the proposed dwellings are defined by 2.1 metre brick walls (with capping), with the use of timber fencing primarily limited to the rear boundaries, with limited public views.
8.25	For the reasons outlined above, it is considered that the proposed development is generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered the pattern of development is generally in keeping with the overall character and environmental quality of the established residential area.
8.26	<u>Residential Density</u> The residential density of the proposed development equates to approximately 12 dwellings per Hectare. The extant approval for 35 dwellings within a portion of the application site equated to approximately 11.5 dwellings per Hectare. With regard to the surrounding area, there is a slight contrast in terms of density between the lower density of Hampton Park and the medium density of Hampton Manor. The existing density of Hampton Park equates to approximately 7 dwellings per Hectare, whilst the density of Hampton Manor is approximately 20 dwellings per Hectare. Existing residential development to the north and south of the site at Mornington and Galwally Avenue respectively equates to approximately 11.5 to 14.5 dwellings per Hectare, similar to the proposed development.
8.27	It is acknowledged that Hampton Park exhibits a lower residential density than the surrounding area, however there are several examples of medium density housing within the surrounding area, i.e. Hampton Manor, Mornington and Galwally Avenue. Furthermore, the density of the proposed development is similar to that previously approved and under construction within the application site.
8.28	<u>Natural Environment / Ecology</u> The application site is in close proximity to a watercourse that is connected to the Belfast Lough Special Protection Area (SPA) / Inner Belfast Lough Area of Special Scientific Interest (ASSI) / Outer Belfast Lough ASSI which are of national and international importance.
8.29	As noted previously, the application site is located within Belvoir SLNCI. Belvoir SLNCI contains an important resource of woodland habitat, both planted and semi natural, and is important for local wildlife. It contains an important wild bird assemblage and protected and priority species, such as badgers, bats, otters and red squirrels (at the time of designation). Areas of semi-natural grassland, some of which is species rich, adds to the variety of habitats and the biodiversity value of the SLNCI.

8.30	<p>Several supporting documents have been submitted along with the proposal:</p> <ul style="list-style-type: none"> • NI Biodiversity Checklist • JNCC Extended Phase 1 Habitat Survey and Protected Species Surveys • Badger Survey • Street light Impact Study including Street lighting plan • Badger Sett temporary closure supporting info – Mitigation Plan including Proposed site plan with badger setts <p>The first two documents are available for viewing on the planning portal, however, please note the remaining three documents are not available for viewing due to sensitive information.</p>
8.31	<p>NIEA Natural Environment Division (NED) have considered the supporting information and provided comments. NED advise that the main badger sett is located more than 30 metres away from the site boundary and is unlikely to be significantly impacted by the development. NED are also content that the outlier setts will be protected by buffer zones / temporarily closed during construction. NED clarify that wildlife licenses will be required for temporary closure of setts and have advised of further mitigation during construction works etc.</p>
8.32	<p>Following assessment of the street lighting information, NED are content that the consideration has been given to the sensitivities of bats and badgers from excess lighting and appropriate measures have been proposed to limit the potential impact from the proposed street lighting. NED note that no details for external lighting of individual dwellings has been provided and advised that appropriate mitigation measures should be included in the Badger Mitigation plan should external lighting be proposed. It is considered that this can be dealt with by a planning condition in the event of approval.</p>
8.33	<p>NED highlight concerns for the local urban badger population (and other wildlife) if any future development in the area is proposed. It is noted that the western boundary of the site demarcates the settlement limit and it is not anticipated that further development in this direction would be considered acceptable.</p>
8.34	<p>NED note the potential for breeding birds on site, advising that birds and them nests are protected under Article 4 of the Wildlife (Northern Ireland) Order 1985 (as amended). NED recommend that any tree felling / vegetation removal required as part of the proposal should take place outside of the bird breeding season (1st March – 31st August). In the event of approval, this can be dealt with by planning condition.</p>
8.35	<p>NED and Water Management Unit (WMU) have highlighted the presence of a watercourse adjacent to the southern boundary of the site and the small ditch which bisects the site. NED advise that a buffer of at least 10 metres should be retained between refuelling location, oil / fuel storage, washing area, storage of machinery / material / spoil etc. There shall be no direct discharge of untreated surface water run-off during the construction into the watercourse and storm drainage of the site, during construction and operational phases, must be designed to the principles of the Sustainable Drainage Systems (SuDS). In addition, WMU have advised that a Construction Method Statement for works in, near or liable to affect any waterway must be submitted and agreed prior to commencement of works. It is considered that the above issues can be addressed through planning condition, in the event of approval.</p>

8.36	NED have noted that a number of non-native tree species have been proposed within the landscaping plans. Given that the proposed site is within the Belvoir SLNCI, which was designated in part for its woodland coverage, NED would recommend that only species native to Northern Ireland are planted. In addition, the manager of LVRP endorses this approach with regard to native species. It is considered that this can be addressed through planning condition, in the event of approval.
8.37	NED note the presence of invasive species, specifically Japanese knotweed, which has been recorded just outside the boundary of the application site. NED advise that further mitigation will be necessary should this invasive species be recorded on the site.
8.38	NED raise no objections to the proposal. NIEA were reconsulted with the objections in relation to ecological impact of the proposal. At the time of publication, no response had been received. Committee will be advised in the late items pack of NIEAs response if received by the date of Committee. If NIEA raise any new issues thereafter, the application will be re-presented to Planning Committee.
8.39	<p><u>AONB</u></p> <p>It is considered that the siting and scale of the proposed development is sympathetic to the character of the AONB and the locality in general. It respects features that are important to the character and appearance of the AONB, for example, the retention of majority of existing trees, proposed buffer planting along the western boundary and the protection of nearby badger setts.</p>
8.40	<p><u>Environmental Impact Assessment</u></p> <p>The proposed development has a site area of 1.98 Ha and therefore falls within Schedule 2, Part 10 (b) 'Urban development projects, including the construction of shopping centres and car parks' of The Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 as the area of site would exceed 0.5 Ha. Consequently, the proposed development was screened in accordance with the above Regulations. In addition, following submission of objections, the Council re-screened the proposal for further clarity. It is considered that the proposal does not have the potential for significant environmental impacts by reason of size, nature and location therefore an Environmental Statement is not required.</p>
8.41	<p><u>Habitats Regulations Assessment (HRA)</u></p> <p>Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 23rd April 2021. This found that the project would not be likely to have a significant effect on any European site.</p>
8.42	<p><u>Loss of open space</u></p> <p>A significant volume of objections has raised issues regarding the loss of existing open space. The open space has been recognised as an amenity and biodiversity asset within the local area. Policy OS 1 of PPS 8 seeks to protect existing open space from development. As previously noted, the application site is located at the edge of the settlement limit, immediately adjacent to LVRP. The site is zoned for housing in dBMAP and a large portion of the site benefits from an extant planning permission for residential development, which appears to be under construction at present.</p>

8.43	<p>The application site is quite open with an access road running through the middle of the site. There are also a number of informal pathways across the site linking Hampton Park with Belvoir Forest and LVRP. It would appear that the site itself is not necessarily of significant amenity value, however it does provide access to other amenity areas. The proposed development includes a pathway to the LVRP located to the south of the proposed communal amenity area, therefore existing users will still be able to access LVRP. It is noted from consideration of the approved site layout of Z/2007/1401/F that no linkage exists to LVRP therefore it is considered that the proposed development represents a betterment in relation to this.</p>
8.44	<p>Although it appears the site itself may not be of significant amenity value, Policy OS 1 clarifies that <i>'the presumption against the loss of existing open space will apply irrespective of its physical condition and appearance'</i>. Despite this, as noted in para 8.10, the site is zoned for housing and a large portion has planning permission for residential development. Consequently, it is not considered that Policy OS1 is applicable to this proposed development.</p>
8.45	<p><u>Amenity space</u></p> <p>Adequate provision has been made for private open space within the proposed development, in accordance with the provisions of Creating Places. As previously noted, the garden areas range from approximately 95 sq metres to over 400 sq metres in area, representing generous provision of garden space.</p>
8.47	<p>The application site has an area of approximately 1.98 Ha, therefore public open space is required as an integral part of the development, in accordance with Policy OS 2 of PPS 8. Approximately 0.35 Ha of public open space is provided within the scheme, stretching along the western boundary of the site, with the primary area of open space surrounded by dwelling no's 3a, 4a, 5a and 5b measuring approximately 0.12 Ha. Consequently, it is considered that the proposed development complies with the tests of Policy OS 1 of PPS 8.</p>
8.48	<p><u>Landscaping</u></p> <p>The proposed development includes the retention of the majority of existing trees within the application site (proposal includes partial clearance of tree group 31g). Furthermore, additional planting is proposed within the development site in order to soften the visual impact of the development and assist in its integration with the surrounding area. A landscaped buffer is proposed along much of the western boundary to augment the existing trees and vegetation. Furthermore, additional trees are proposed along the southern boundary of the site. Planting at the edge of settlement is important and helps to assimilate and soften the impact of the development on the countryside and LVRP.</p>
8.49	<p>A landscaping plan has been submitted in relation to the proposed development. The Council's Tree and Landscaping Officer (TLO) has no objection to the proposal, however following advice from NED regarding proposed non-native species, it is considered appropriate to condition a further landscaping plan in the event of approval. The landscaping plan should broadly conform to the submitted plan, however only native species should be included. A landscape management plan has also been submitted in support of the proposed development. In the event of approval, a condition should be included to ensure the recommendations and methods of the management plan are implemented.</p>

8.50	<p><u>Residential amenity</u></p> <p>The proposal has been amended to address concerns regarding overlooking and privacy, particularly in relation to the southern portion of the site. As previously noted, there is a variation in ground levels at this part of the site, thereby increasing potential for overlooking. In order to address these concerns, the layout has been amended with increased separation distances, more effective boundary treatments, provision of planted embankments and retaining structures and further details regarding proposed ground levels. Following these amendments, it is considered that the proposed development will not result in an unacceptable adverse effect in terms of overlooking or lack of privacy.</p>
8.51	<p>The proposed dwellings are adequately spaced, with a generous provision of open space between buildings. Consequently, there are no concerns regarding the impact of overshadowing or lack of natural light. One objector raised an issue regarding the impact on natural light for existing residents. It is not considered that the proposed development will have a detrimental impact on existing residents in terms of natural light as the majority of proposed dwellings are quite far removed from existing dwelling (nearest existing dwelling is over 40 metres away from the closest proposed dwelling).</p>
8.52	<p>It is considered that the design and layout will not create conflict with adjacent land uses and there is no unacceptable impact on residential amenity as a result of the proposal.</p>
8.53	<p>BCC Environmental Health (EHO) have been consulted on the proposed development and have raised no objection in relation to noise or odour. With regard to air quality impact, the agent has confirmed that centralised hot water / heating combustion process or biomass type boilers will not be used therefore there is no requirement for air quality assessment. The proposed development is for 18 no. residential dwellings and it is not anticipated that this proposed use will give rise to late night activity / nuisance.</p>
8.54	<p><u>Contamination</u></p> <p>Contamination Information has been submitted in support of the proposed development. The Council has consulted with EHO and NIEA Regulation Unit Land and Groundwater Team (RU); both consultees are satisfied that the proposed development will not pose unacceptable risks to human health or environmental receptors. RU have provided conditions in the event of approval.</p>
8.55	<p><u>Access / Parking</u></p> <p>The proposed access is effectively a continuation of the existing roadway along Hampton Park. The existing road at Hampton Park continues for approximately 45 metres before taking a 90 degree turn in a northerly direction. Two access roads extend from the main thoroughfare in a westerly direction, providing access to proposed dwellings. The most southerly road is proposed for adoption, however the northerly road is a private road. The proposal includes 36 in curtilage parking spaces (2 per dwelling) and 18 on street spaces including 3 visitor spaces. DFI Roads have provided comments on the proposed development and following amendments to the scheme, have no objection, subject to conditions.</p>
8.56	<p>Following receipt of a significant volume of objections in relation to access, road safety, intensification of Hampton Park junction etc, the Council sought additional comments from DFI Roads. DFI Roads confirmed they retained their position set out in previous consultation responses.</p>

	<u>Movement pattern / local facilities</u>
8.57	The proposed development does not require the provision of local neighbourhood facilities, however the site provides easy access for vehicles, pedestrians and cyclists to nearby amenities and public transport facilities via Hampton Park.
8.58	A significant volume of objections raised the issue of potential Rights of Way, (ROWs) throughout the site, in particular the routes from Hampton Park to Galwally Avenue and from Hampton Park to Lagan Lands East. The Council has a statutory duty under Article 3 of the Access to the Countryside (Northern Ireland) Order 1983 to ' <i>assert, protect, keep open and free from obstruction any public right of way</i> '. The AO has confirmed that no ROWs have been asserted within the application site.
8.59	With regard to the aforementioned route from Hampton Park to Galwally Avenue, the AO has confirmed that this path does not have the hallmarks of a Public ROW for a number of reasons, including the presence of a wall blocking the route, part of the route is over the line of a large pipe and part of the path is not particularly well defined. Consequently, it is unlikely that the Council will assert this route as a Public ROW.
8.60	The proposed layout also includes a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The AO has also confirmed it is the intention for this path to link into existing path infrastructure within Lagan Lands East in the future, thereby enhancing connectivity and access to the wider LVRP and Lagan gateway bridge.
	<u>Flooding / Drainage</u>
8.61	DFI Rivers Agency (RA) advise there is a designated watercourse, known as the Galwally stream (U3BEL11) flowing immediately along a portion of the south western corner of the site. The application site does not lie within the 1 in 100-year fluvial floodplain. RA have advised that the proposed development will not impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.
8.62	A Drainage Assessment (DA) was submitted in accordance with Policy FLD 3 of PPS 15. With regard to site drainage, the proposal is to attenuate surface water within oversized pipes and manholes in the overall development and limit/restrict the discharge to green field rate. RA advises that while not being responsible for the preparation of the DA, accepts its logic and has no reason to disagree with its conclusions. Consequently, the proposal complies with the tests of Policy FLD 3 of PPS 15.
	<u>Sewage infrastructure</u>
8.63	NI Water (NIW) have confirmed that there is a foul sewer within 20 metres of the proposed site, however there is no surface water sewer within 20 metres of the site. NIW have advised that the developer may wish to requisition a surface water sewer to serve the proposed development and / or obtain approval from Rivers Agency for discharge to a watercourse. NIW have also confirmed that there is available capacity at a nearby Waste water treatment works to serve the proposed development.
	<u>Archaeological heritage</u>
8.64	An Archaeological programme of works has been submitted in support of the proposal. Historic Environment Division (HED) have provided comments, advising of no objection. HED agree with the archaeological mitigation strategy proposed and are content for the development to proceed to archaeological licensing. It is

	considered that this can be addressed by planning condition in the event of planning approval.
8.65	<p><u>Crime / Antisocial behaviour</u></p> <p>It is considered that the proposed development is designed to deter crime and promote personal safety. The primary area of public open space within the development benefits from passive surveillance from the nearby dwellings. Furthermore, the proposed rear gardens are enclosed and generally back onto each other. Proposed pathways, including the linkage to LVRP, also benefit from passive surveillance from adjacent dwellings.</p>
8.66	<p><u>Impact on views</u></p> <p>The impact of the proposed development on views of LVRP from existing dwellings is not a material consideration in the assessment of this planning application.</p>
9.0	Summary of Recommendation: APPROVAL
9.1	It is considered that the proposed development is generally respectful of the surrounding context and character of the immediate locality. Furthermore, it is considered the pattern of development is generally in keeping with the overall character and environmental quality of the established residential area.
9.2	Supporting information has been submitted in relation to the impact on ecology, specifically in relation to habitats and protected species, including badgers. Following consultation with NIEA, it is considered that the proposed development complies with the policy tests of PPS 2, subject to conditions mitigating potential ecological impacts.
9.3	DFI Roads have provided comments on the proposed development, including access, car parking, intensification of Hampton Park junction. Following amendments to the scheme, DFI Roads have no objection, subject to conditions.
9.4	The proposed layout includes a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The Council's Access Officer has advised that the existing route to Galwally Avenue does not have the hallmarks of a public right of way and is unlikely to be asserted as such.
9.5	It is also considered the proposed development complies with planning policy in relation to residential amenity, amenity space, protection of open space, flooding / drainage, infrastructure, landscaping and archaeological heritage.
9.6	It is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions. It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to finalise the wording of any conditions.
10.0	Conditions
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>

10.2	<p>No dwelling shall be occupied until its related hard surfaced incurtilage area has been constructed in accordance with the approved PSD Drawings No. P291-OCSC-DR-C-0707 Rev P09 and P291-OCSC-DR-C-0708 Rev P06 uploaded to the Planning Portal on 2nd September 2020 to provide adequate facilities for parking. These spaces shall be permanently retained.</p> <p>REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.</p>
10.3	<p>The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250 mm above the level of the adjoining carriageway before the development hereby permitted occupied and such splays shall be retained and kept clear thereafter.</p> <p>REASON: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.</p>
10.4	<p>The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
10.5	<p>Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in (verges/service strips) determined for adoption.</p> <p>REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage or obstruction to services.</p>
10.6	<p>Notwithstanding the provisions of the Planning (General Development) (Northern Ireland) Order 1993 no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 500 mm shall be carried out in (verges/service strips) determined for adoption.</p> <p>REASON: In order to avoid damage to and allow access to the services within the service strip</p>
10.7	<p>The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</p> <p>The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawings No:P291-OCSC-DR-C-0707 Rev P09 and P291-OCSC-DR-C-0708 Rev P06 bearing the Department for Infrastructure determination date stamp 23/9/20.</p> <p>REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p>

10.8	<p>No development activity, including ground preparation or vegetation clearance, shall take place until a Badger Mitigation Plan (BMP) has been submitted to and approved in writing by the Planning Authority. The approved BMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved BMP, unless otherwise approved in writing by the Planning Authority. The BMP shall include the following:</p> <ul style="list-style-type: none"> a. Provision of 25m buffers from all development activity to all retained Badger setts (clearly shown on plans); b. Details of wildlife corridors to allow movement of Badgers to and from setts and/or foraging areas; c. Details of appropriate fencing to protect Badgers and their setts/wildlife corridors; d. Details of appropriate measures to avoid illumination of Badger setts and the retention of dark corridors; e. Details of appropriate measures to protect Badgers from harm during the construction phase; f. Details of the appointment of a competent ecologist to oversee the implementation of Badger mitigation measures during the construction phase, including their roles, responsibilities and timing of visits. g. If external lighting to individual dwellings is proposed, full details and appropriate mitigation measures are required. <p>Reason: To protect Badgers and their setts.</p>
10.9	<p>No vegetation clearance/removal of trees/vegetation structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds. Any such written confirmation shall be submitted to the Planning Authority within 6 weeks of works commencing.</p> <p>Reason: To protect breeding birds.</p>
10.10	<p>No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 <i>Trees in relation to design, demolition and construction – Recommendations</i>.</p> <p>Reason: To ensure the continuity of the biodiversity value afforded by existing trees.</p>
10.11	<p>Storm drainage of the site, during construction and operational phases, must be designed to the principles of the Sustainable Drainage Systems (SuDS) in order to prevent the polluting effects of storm water on aquatic environments. Construction of SuDS should comply with the design and construction standards as set out in The SuDS Manual - Construction Industry Research and Information Association (CIRIA) Report C697.</p> <p>Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.</p>

10.12	<p>All surface water run-off during the construction phase shall be directed away from the watercourse and site drains.</p> <p>Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.</p>
10.13	<p>A suitable buffer of at least 10m must be maintained between the location of refuelling, storage of oil/fuel/spoil, construction materials, concrete mixing and washing areas and the watercourse and site drains.</p> <p>Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.</p>
10.14	<p>Prior to the commencement of development, a landscaping scheme shall be submitted to and agreed with the Council. The scheme shall broadly conform to the details already submitted, however all proposed species shall be native. The scheme shall detail species types, siting and planting distances and a programme of planting for all additional landscaping on the site and will comply with the appropriate British Standard or other recognised Codes of Practice. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interests of the character and appearance of the area and to ensure the provision of a high standard of landscape.</p>
10.15	<p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of visual amenity</p>
10.16	<p>Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p>
10.17	<p>If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.</p>

10.18	<p>Careful hand digging will be employed within the RPAs with extreme care being taken not to damage tree roots and root bark.</p> <p>Reason: To avoid root severance</p>
10.19	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA.</p>
10.20	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11). In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.21	<p>After completing the remediation works under Condition 20 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 Model Procedures for the Management of Land Contamination (CLR11). The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.22	<p>A detailed Construction Method Statement, for works in, near or liable to affect any waterway as defined by the Water (Northern Ireland) Order 1999, must be submitted to and agreed by the Council, at least 8 weeks prior to the commencement of the works or phase of works.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.</p>
10.23	<p>No site works of any nature or development shall take place until the programme of archaeological work previously submitted to and approved by the Council has been completed. An archaeological excavation licence will need to be granted prior to the commencement of excavation works.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.</p>
10.24	<p>A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work. These measures shall be implemented and a final archaeological report shall be submitted</p>

10.25	<p>to and agreed by the Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with the Council.</p> <p>Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.</p> <p>The open space and amenity areas indicated on Drawing No 04F uploaded to the Planning Portal on 10th June 2021 shall be managed and maintained in accordance with the Landscape Management Plan uploaded to the Planning Portal on 15th April 2019. Any changes or alterations to the approved landscape management arrangements shall be submitted to and agreed in writing by the Council.</p> <p>Reason: To ensure successful establishment and ongoing management and maintenance of the open space and amenity areas in the interests of visual and residential amenity.</p>
Notification to Department (if relevant)	
Representations from Elected members: Cllr Brian Smyth Cllr Donal Lyons	

Committee Application – Addendum Report 2

Development Management Report	
Application ID: LA04/2019/1886/F	Date of Committee: 18 th January 2022
Proposal: Proposed development of 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works (Amended site boundary)	Location: 42-50 Ormeau Road, Belfast, BT7 1SH.
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: Andrew Bradley 213 Shore Road Magherafelt BT45 6LW	Agent Name and Address: Diamond (Belfast) Ltd 33 Strathmore Park North Belfast BT15 5HQ
<p><u>ADDENDUM REPORT</u></p> <p>This full application was previously listed for Planning Committee on 14th September and 21st October 2021. At the most recent meeting, the Committee agreed to defer consideration of the application for one month to allow members to undertake a site visit. The site visit took place on Thursday 11th November 2021.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report and previous addendum report attached below.</p> <p><u>Representations</u></p> <p>One additional objection was received in respect of the proposed development, increasing the overall number of objections from 74 to 75.</p> <p>The objection raised issues with the measurements presented in the original case officer report. The case officer report stated ‘the gable wall of Block B is located approximately 10.3 metres from the rear wall of No. 8 Shaftesbury Avenue’ (para 8.16). However, the measurement of 10.3 metres is actually from the rear wall of the primary terrace. No. 8 Shaftesbury Avenue has a large extension at the rear, which extends approximately 5.6 metres from the main terrace. The rear wall of the extension is located approximately 4.75 metres from the proposed Block B. The objector states that the measurement should have been taken from the rear wall of the extension as the proposed block B is located 4 metres from that rear wall. The objector advises that their rear yard is bound on both sides by 10 metre high returns and the proposed Block B will result in the filling in of the gap at the rear and will close off any natural light coming in to the yard.</p> <p>Notwithstanding the omission of clarification within the original recommendation report with respect to the part of the rear terrace from which the measurement was taken, paragraph 8.16 specifically related to the impact of the proposal on outlook for existing and proposed occupiers. No. 8 Shaftesbury Avenue has windows looking towards Block B on the rear wall of the primary terrace, however there are no windows on the rear wall of the extension. Consequently, the windows potentially impacted by outlook are approximately 10.3 metres from the proposed Block B. As per para 8.16 of the original report,</p>	

'whilst it is acknowledged that the building will be visible from No. 8, it is not considered that this will cause an unacceptable adverse impact due to the orientation of Block B to the north and separation distance between the two buildings'.

The objector has also raised an issue regarding the natural light experienced within the rear yard at No. 8. Paragraph 8.14 of the original recommendation report considered a Shadow Assessment that accompanied the application. With respect to the rear yard of No. 8 it is located directly to the north of the primary terrace and is bound on both sides by large rear returns. The proposed Block B is located due north of No. 8 and measures approximately 5.6 metres to eaves and 7.6 metres to the ridge. It is noted that a hipped roof is utilised therefore the roof plane slopes away from this gable end. The proposed gable wall of Block B is located approximately 3.75 metres from the rear wall of the external yard at No. 8.

With regard to this surrounding context, it would appear that the rear yard of No. 8 is a relatively dark space and very rarely experiences direct sunlight. Furthermore, the proposed Block B is not overly large, the hipped roof will lessen any impacts and it is located due north therefore will not create a shadow on No. 8. Consequently, it is not considered that the proposed Block B will have an unacceptable adverse impact on No. 8, with regard to natural light.

Correspondence with planning agent

Following the October Planning Committee meeting, the case officer emailed the planning agent advising of the concerns raised by members regarding the communal amenity space and enquiring if any consideration had been given to amending the proposal as a result of the concerns.

The agent responded advising that an option to increase 'usable' amenity space would be to reduce planting around the building, however he acknowledged that the planting and vegetation would help soften the proposal. He stated that provision of balconies would not be in keeping with the surrounding context and would exacerbate overlooking concerns to the rear. The agent also stated that the useable amenity space amounted to more than 45 square metres, as indicated at the previous committee meeting. He also noted the surrounding context of the site and the proximity of local amenities. The agent also noted the objections in relation to the quality of amenity space are somewhat incongruous with the objectors' support for the previously approved scheme on the site, which included no amenity space or landscaping within a higher density development. The agent also advised that the applicant had met with representatives of the local residents following the September Planning Committee meeting.

Further to this correspondence, no further amendments have been submitted in respect of the proposed development.

DfI Roads consultation

Since the previous Committee meeting the final DfI Roads Consultation has now been received with conditions recommended as per the draft response outlined in the first Addendum below.

Recommendation: APPROVAL

As per the full case officer report and previous addendum report, the case officer recommendation remains unchanged. On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to receipt of a satisfactory updated Drainage Assessment.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Committee Application – Addendum Report 1

Development Management Report	
Application ID: LA04/2019/1886/F	Date of Committee: 21 October 2021
Proposal: Proposed development of 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works (Amended site boundary)	Location: 42-50 Ormeau Road, Belfast, BT7 1SH.
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: Andrew Bradley 213 Shore Road Magherafelt BT45 6LW	Agent Name and Address: Diamond (Belfast) Ltd 33 Strathmore Park North Belfast BT15 5HQ
<u>ADDENDUM REPORT</u> <p>This full application was previously listed for Planning Committee on 14th September 2021. Councillor Gormley addressed the Committee and explained that he had only been informed that the application was due to be considered by the Committee earlier that day and that he had not had sufficient time to engage with the residents who had objected to the application. He requested that the Committee defer the application for one month in order to allow him to speak with residents. Subsequently, the Committee agreed to defer consideration of the application for one month.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p><u>DFI Roads consultation response</u></p> <p>A Draft consultation response from DFI Roads has been received (Private Streets Determination awaiting formal sign off). The response advises that DFI Roads has no objection to the proposal. The Parking survey submitted in support of the proposal together with a parking survey undertaken by DFI on 11th February 2020 demonstrates sufficient spare capacity / availability of on-street parking within the vicinity of the site to accommodate the requirements of the development during its peak periods of parking demand. The consultation response clarifies that the letters of representation uploaded to the Planning Portal have been considered.</p> <p>Conditions</p> <p>1) <i>The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</i></p> <p><i>The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.20-03 Rev.P3 bearing the Department for Infrastructure Determination date stamp 24th August 2021.</i></p>	

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

2) The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with Drawing No.03B uploaded to the Planning Portal 18th May 2021.

REASON: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

3) The development hereby permitted shall operate in accordance with the Framework Travel Plan uploaded to the Planning Portal 29th August 2019.

REASON: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

4) The development hereby permitted shall operate in accordance with the Service Management Plan uploaded to the Planning Portal 29th August 2019.

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

Recommendation: APPROVAL

As per the full case officer report, the case officer recommendation remains unchanged. On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to receipt of a satisfactory updated Drainage Assessment.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised by third parties.

Committee Application

Development Management Report	
Application ID: LA04/2019/1886/F	Date of Committee: 14 September 2021
Proposal: Proposed development of 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works (Amended site boundary)	Location: 42-50 Ormeau Road, Belfast, BT7 1SH.
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: Andrew Bradley 213 Shore Road Magherafelt BT45 6LW	Agent Name and Address: Diamond (Belfast) Ltd 33 Strathmore Park North Belfast BT15 5HQ
Executive Summary: <p>The proposal is for 'Proposed development of 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works (Amended site boundary)'.</p> <p>74 objections have been received in relation to this proposed development, including from Councillor John Gormley.</p> <p>The site is not zoned within either BUAP or dBMAP, however part of the site is located within the proposed 'Ormeau' Area of Townscape Character (ATC) in dBMAP. The site also fronts on to an arterial route in dBMAP.</p> <p>The key issues to consider in the assessment of this proposed development are:</p> <ul style="list-style-type: none"> • Impact on character of the area. • Impact on residential amenity. • Impact on parking. • Impact on sewage and drainage infrastructure. <p>Through the processing of the application numerous amendments have been received to address issues around design, impact on character, residential amenity and landscaping.</p> <p>It is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.</p> <p>Many of the objections related to the lack of parking within the proposal and pressures on existing street parking. The location of the site is considered to be highly accessible as it is located along an arterial route and provides convenient access to public transport links, local neighbourhood facilities and the city centre. At the time of publication, DFI Roads comments are currently outstanding, however they have confirmed informally that there are no objections to the proposed development, subject to conditions.</p>	

Adequate provision has been made for open space within the proposed development, in accordance with the provisions of Creating Places. Furthermore, it is considered that the proposed landscaping assists with integration and softens the visual impact of the proposal.

It is acknowledged that the proposed development may result in some overshadowing however, on balance, given the surrounding context and the amended design, it is not considered that this will create an unacceptable adverse impact on surrounding properties. It is also acknowledged that views towards existing dwellings are achievable from the bedroom and study window of Type A apartments on the first and second floor of Block A. However, the apartment windows are orientated towards the rear amenity area rather than the neighbouring properties, which are at an approximate 45 degree angle. It is not considered that the proposal will result in an unacceptable adverse impact in terms of overlooking. There are no concerns in relation to loss of light, outlook, noise or general nuisance for any existing or proposed properties.

NI Water have advised that the scheme can be registered on a pilot scheme, aiming to provide a site specific solution for sewage / drainage infrastructure. The pilot scheme relates to both foul and storm connections, therefore it is considered that conditions should be applied in the event of approval. A Drainage Assessment has been submitted and Rivers Agency have requested further information, approval is recommended subject to receipt of a satisfactory updated Drainage Assessment.

Recommendation -

On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to receipt of a satisfactory updated Drainage Assessment. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.

Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 The proposal is for 'Proposed development of 13 Residential Apartments (One block of 11 No. Apartments, one block of 2 No. Apartments) with associated amenity space and site works.
- 1.2 The large block of apartments occupies the corner site with Ormeau Road and Shaftesbury Avenue. The building is 3 storeys / 2.5 storeys in height, with a ridge height of 11.3 metres. The building utilises a mix of materials including red brick, white render and fibre cement roof slates. There are 11 apartments within this building - 3 No. 3 bed, 6 No. 2 bed and 2 No. 1 bed.
- 1.3 The rear apartment block has outlook towards Cooke Mews and proposes 2 No. 2 bed apartments. This building is a two storey building with a ridge height of 7.7 metres. This building is finished in red brick, white render and natural slate roof tiles.
- 1.4 There is an area of amenity space located between the two buildings, including a bin store and cycle parking.



<p>2.0</p> <p>2.1</p> <p>2.2</p>	<p>Description of Site</p> <p>The site is located within the urban development limits of Belfast. It is currently a vacant plot of land on a prominent corner site of Ormeau Road and Shaftesbury Avenue. The site is an irregular 'L' shape, with the rear of the site accessible from Cooke Mews. The site is relatively flat and covers an area of approximately 750 square metres. The western boundary is defined by a mix of trees, hedgerow, metal fence and advertising hoardings and the eastern boundary is defined by metal palisade fencing. The site directly adjoins the rear of a number of houses along Shaftesbury Avenue, as well as a commercial unit on the Ormeau Road.</p> <p>The surrounding area is characterised by a mix of uses, with commercial and residential uses prevalent on the Ormeau Road and residential uses primarily on the other streets in the immediate locality.</p>
<p>Planning Assessment of Policy and other Material Considerations</p>	
<p>3.0</p>	<p>Site History</p>

3.1	Z/2007/0758/F - Proposed development containing 4no.shop units, 17no. apartments and car parking - Refused 29/1/19
3.2	Z/2010/0274/F - Development containing four shop units, fourteen apartments and car parking at 42-50 Ormeau Road, Belfast - Granted 5/9/12
3.3	Z/2006/1931/F - Proposed 5 storey 65 bedroom hotel containing restaurant, bar, conference room and car parking - Refused 19/4/07
3.4	Z/2003/2453/O - Renewal of planning permission ref. Z/1998/0929/O for proposed construction of 4 shop/office units, 12 no. apartments and 2 no. studio apartments, car parking and access road - Withdrawn 17/11/04.
3.5	Z/1998/0929/F - Proposed construction of 4 shop/office units, 12 no. apartments and 2 no. studio apartments, car parking and access road (Amended Proposal) - Approved 10/8/00
4.0	Policy Framework
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (dBMAP)
4.3	Strategic Planning Policy Statement (SPPS) PPS 3 Access, Movement and Parking PPS 6 Planning, Archaeology and the Built Heritage PPS 6 Addendum Areas of Townscape Character PPS 7 Quality Residential Environments PPS 7 Addendum - Safeguarding the character of established residential areas PPS 12 Housing in Settlements PPS 15 Planning and Flood Risk Creating Places DCAN 15 Vehicular Access Standards
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objections (informal response). Awaiting formal clarification
5.2	Historic Environment Division – No objection.
5.3	NIEA – No objection, subject to conditions.
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection.
6.2	Rivers Agency – update to Drainage Assessment required.
6.3	BBC Tree and Landscaping Officer – No objection, subject to conditions.
6.4	Northern Ireland Water – No objection, subject to conditions.
7.0	Representations

7.1	74 objections have been received in relation to this proposed development, including from Councillor John Gormley.
7.2	<p>The objections raised the following issues:</p> <ul style="list-style-type: none"> • Lack of parking proposed within the development. • Surrounding streets are already at capacity in terms of parking. • Current parking problems create knock on issues, such as impact on bin collection services. • No provision for service parking within the proposal. • Private letting of houses and Air BnBs in the surrounding area exacerbate the parking issues. • Inappropriate level of consultation has been carried out. Lower Ormeau Residents Action Group (LORAG) have advised that some residents did not receive notification letters. • Proposed height and design of the frontage is not in keeping with surrounding development. • Proposed development has little or no provision for disabled access. Internal central circulation corridor on each floor appears too narrow to meet access standards. • Detrimental impact of proposal on neighbouring properties in terms of natural light and overshadowing. • Proposed apartments at the rear of the development site reduce the amenity space for new occupiers. • Proposed development lacks adequate amenities for new occupiers, e.g. no laundry drying facility, inadequate bin storage etc. • Inadequate amenity space included within the proposed development. Useable space measures approximately 45 sq metres. • Proposed development results in overlooking / privacy issues, particularly in relation to No's 6-10 Shaftesbury Avenue and No. 4 Cooke Mews. • Inadequate sewage / drainage infrastructure to serve the proposed development. • Whilst NI Water proposes a pilot scheme to look for potential infrastructure solutions, objector believes that permission should be withheld until a viable solution is found. • Dwellings to the rear of the development have a history of flooding, particularly during storms. • Contamination assessment is not actually related to the application proposal. • Issues raised regarding submitted parking survey. Survey was completed during a significant holiday period when commuter and resident parking is greatly reduced. • Proposed alleyway at the rear of No's 2-16 Shaftesbury Avenue may result in anti-social behaviour if alleyway is not secured and appropriate lighting provided. • Concerns raised regarding space for services within the building, for example, water boosters, switch rooms, gas meter rooms, lift motor room, vertical risers. • Concerns raised regarding space standards within the proposed apartments.
8.0	Assessment
8.1	<p><u>Preliminary Matters</u></p> <p>Issues have been raised in relation to neighbour notification. The Council is content that neighbour notification has taken place, in accordance with Section 41 of the</p>

	Planning Act (NI) 2011 and Article 8 of the Planning (General Development Procedure) Order (NI) 2015.
8.2	<p><u>Development Plan</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 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) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.3	The site is not zoned within either BUAP or dBMAP, however part of the site is located within the proposed 'Ormeau' Area of Townscape Character (ATC) in dBMAP. The site also fronts on to an arterial route in dBMAP.
8.4	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9. The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. The use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings. The SPPS also advises that housing should be located in sustainable locations that facilitate a high degree of integration with centres of employment, community services and public transport. Furthermore, all new housing developments should demonstrate a high quality of design, layout (including road infrastructure considerations) and landscaping.</p>
8.5	<p><u>Character / Layout / Design</u></p> <p>The application site is located on a prominent corner site facing Ormeau Road and Shaftesbury Avenue. The proposal includes two blocks of accommodation, with the larger Block A part 3 storeys in height on the Ormeau Road elevation (11.3 metres to ridge), dropping to 2.5 storeys on the Shaftesbury Avenue elevation. This building is located directly beside an existing 2.5 storey commercial building along the Ormeau Road elevation and a 2 storey terraced dwelling along Shaftesbury Avenue. The ridge height matches that of the existing building at No. 38-40 Ormeau Road, with the eaves of the proposed building set slightly higher than the neighbouring building. The Shaftesbury Avenue elevation steps down from the 3 storey element on the corner with Ormeau Road to the 2.5 storey element located beside No. 2 Shaftesbury Avenue. The nearest part of the proposed building is approximately 1 metre higher than the neighbouring terrace on Shaftesbury Avenue. The buildings are separated by an access path to the rear amenity area of the proposed building. The proposed Block B is a two storey building located at the rear of the site, fronting on to Cooke Mews.</p>
8.6	The form of existing adjacent development along the Ormeau Road frontage is inconsistent and varied, with a range of styles and building heights (No. 34, 36 & 38-40). A large apartment building occupies the opposite street corner at the top of Shaftesbury Avenue. The apartment building measures approximately 15.4 metres in

	height and is set back from the footpath. Two storey residential terrace housing is prevalent along Shaftesbury Avenue and Cooke Mews / Cooke Street. Following amendments, it is considered that the proposed development respects the adjoining buildings along Ormeau Road, Shaftesbury Avenue and Cooke Mews in terms of scale, alignment, eaves and ridge height.
8.7	The proposed development includes a diverse palette of materials, including red brick, zinc cladding and white render. The proposed materials pick up on prevalent materials within the local area. Furthermore, architectural details such as the soldier coursing underneath the eaves and around the windows add interest and enhance the overall design.
8.8	In summary, it is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.
8.9	<u>Residential Density</u> The residential density of the proposed development equates to approximately 180 dwellings per Hectare. Surrounding residential development along Shaftesbury Avenue and Cooke Street equate to approximately 70 – 110 dwellings per Hectare. The apartment building opposite the site equates to a density of approximately 100 dwellings per Hectare. The proposed development represents an increase in housing density, however it is noted that the application site is located directly along an arterial route. As per para 6.137 of the SPPS, higher density housing developments should be promoted in locations that benefit from high accessibility to public transport facilities.
8.10	<u>Space Standards</u> Policy LC1 does not apply to this proposed development as the site location is not within an 'established residential area' as defined by Annex E of PPS 7 Addendum. Although the policy does not apply, it is noted that 10 of the 13 proposed apartments comply with the space standards, as set out in Annex A (Type C apartments in Block A measures 58 sq m).
8.11	<u>Amenity space</u> Proposed amenity space totals approximately 238 square metres (18.3 sq metres per apartment). This total figure includes the landscaped areas between the proposed building and footpaths. The rear communal amenity area measures approximately 168 square metres. It is considered that adequate provision has been made for open space within the proposed development, in accordance with the provisions of Creating Places.
8.12	<u>Landscaping</u> Two new trees are proposed to compensate for the removal of the two trees on the site. One of these is to be planted at the rear of the main apartment block and one is to be planted at the side of Block B. The Council's tree and landscaping officer has provided comments and offered no objection, subject to conditions. In summary, it is considered that proposed landscaping assists with integration and softens the visual impact of the proposal.
8.13	<u>Residential amenity</u> It is considered that the design and layout will not create conflict with adjacent land uses. PPS 7 advises that proposals should not have an unacceptable adverse effect on existing or proposed properties in terms of residential amenity.

8.14	<p>A shadow assessment was submitted in support of the proposed development. The shadow assessment appears to show that the proposed building will have a shadow impact on both the proposed amenity area and adjacent properties along Shaftesbury Avenue in the late afternoon / evenings. Block A is located on the western portion of the site, therefore a shadow will be cast in an easterly direction in the late afternoon / evening. No. 2 Shaftesbury Avenue is the property most impacted by overshadowing. The properties along Shaftesbury Avenue all have 2 storey rear returns which cause overshadowing in the rear yard of the property directly to the east, i.e. Rear return of No. 2 causes overshadowing in rear yard of No. 4. Given the orientation of the application site in relation to the existing properties on Shaftesbury Avenue, it is considered that any development of the site will result in some degree of overshadowing. As previously noted, the height of the Ormeau Road elevation matches the neighbouring building at No. 38-40 Ormeau Road. Furthermore, the ridge line is located closer to the Ormeau Road side of the building, with a shallower roof plane and lower eaves at the rear of the building (measuring 8.2 m). Block B is located immediately to the north of No's 6-10 Shaftesbury Avenue therefore it will not create any shadow impact on these properties. It is acknowledged that the proposed development will result in some overshadowing however, on balance, given the surrounding context and the amended design, it is not considered that this will create an unacceptable adverse impact on surrounding properties. Furthermore, there are no concerns in relation to loss of light to any existing properties.</p>
8.15	<p>Views towards No. 2, 4 and 6 Shaftesbury Avenue are achievable from the bedroom and study window of Type A apartments on the first and second floor. However, the apartment windows are orientated towards the rear amenity area rather than the neighbouring properties, which are at an approximate 45 degree angle. The proposed Block B is located on the opposite side of Cooke Mews from 2 dwellings, No's 2 and 4. It is not considered that the proposal will result in an unacceptable adverse impact in terms of overlooking.</p>
8.16	<p>All proposed apartments have outlook towards the public street, with some apartments also having the benefit of outlook towards the communal amenity area also. The gable wall of Block B is located approximately 10.3 metres from the rear wall of No. 8 Shaftesbury Avenue. Block B measures approximately 5.6 metres to eaves and 7.6 metres to the ridge. It is noted that a hipped roof is utilised therefore the roof plane slopes away from this gable end, thereby reducing visual impact when viewed from No. 8. There are no upper floor windows in this gable wall. Whilst it is acknowledged that the building will be visible from No. 8, it is not considered that this will cause an unacceptable adverse impact due to the orientation of Block B to the north and separation distance between the two buildings. It is also noted that all ground floor windows with outlook to the street are protected by areas of landscaped defensible space.</p>
8.17	<p>A Noise Impact Assessment (NIA) was submitted in support of the proposed development. BCC Environmental Health (EHO) provided comment on the NIA and advised of no objection, subject to conditions.</p>
8.18	<p><u>Contamination</u> Contamination Information has been submitted in support of the proposed development. The Council has consulted with EHO and NIEA Regulation Unit Land and Groundwater Team (RU); both consultees are satisfied that the proposed development will not pose unacceptable risks to human health or environmental receptors, subject to identified mitigation measures. Consequently, there is no objection in relation to contamination, subject to conditions.</p>

	<p><u>Access / Parking</u></p> <p>8.19 DFI Roads advised that a 2.0 metre wide footway should be provided to the frontage of the development at Cooke Street (rear of application site) and a Private Street Determination (PSD) will be required.</p> <p>8.20 There is no car parking provided as part of the application. The application includes a Parking Survey, Travel Plan and Service Management Plan. DFI Roads have considered the submitted parking survey and offered no objections based on same. Whilst many of the objections related to the lack of any parking with the proposal, the location of the site is considered to be highly accessible as it is located along an arterial route and provides convenient access to public transport links, local neighbourhood facilities and the city centre.</p> <p>8.21 At the time of publication, DFI Roads comments are currently outstanding, however they have confirmed informally that there are no objections to the proposed development, subject to conditions. Committee will be advised in the late items pack of DFI Roads response if received by the date of Committee.</p> <p>8.22 <u>Movement pattern / local facilities</u> An acceptable movement pattern is provided offering convenient access for both pedestrians and cyclists. Adequate cycle storage is provided within the communal amenity area. The proposal includes level access from the street and an internal lift is proposed within Block A, therefore enhancing accessibility for those people whose mobility is impaired.</p> <p>8.23 The proposal is located along an arterial route, offering convenient access to local amenities, public transport links and the city centre.</p> <p><u>Flooding / Drainage</u></p> <p>8.24 The site and immediate surroundings are not located within a floodplain or a surface water flood zone.</p> <p>8.25 In accordance with Policy FLD 3 of PPS 15, a Drainage Assessment was submitted for the proposal. DFI Rivers provided comment and advised that further information is required demonstrating the viability of the proposals. This includes submission of Schedule 6 Discharge consent and evidence of attenuation size and calculations based on discharge rate. The Drainage Assessment should also demonstrate how the development will limit/restrict the surface water discharge from the site to Pre-development run-off rates. Approval is recommended subject to a satisfactory updated Drainage Assessment being received.</p> <p><u>Sewage infrastructure</u></p> <p>8.26 On 18th September 2019, NI Water (NIW) advised the Council that there is available capacity at the nearby waste water treatment works. However, during the processing of the application, the developer has been informed by NIW that existing sewage infrastructure has reached capacity. However, NIW has advised that the scheme could be registered on a pilot scheme, which aims to provide a site specific solution for sewage / drainage infrastructure. The pilot scheme relates to both foul and storm connections, therefore it is considered that conditions should be applied in the event of approval.</p>
--	--

<p>8.27</p> <p>8.28</p> <p>8.29</p>	<p><u>Crime / Antisocial behaviour</u></p> <p>Access to the apartment blocks and communal amenity space is secured. All of the apartments provide outlook to the street and some of the apartments provide outlook to the rear amenity area, thereby providing informal surveillance.</p> <p>Objectors have noted concern with the proposed rear alleyway at the rear, stating that it has potential for anti-social behaviour if not secured. This is located outside the red line boundary of the application site, however the Council have a scheme relating to provision of alley gates in an attempt to reduce antisocial behaviour and burglaries.</p> <p><u>Built Heritage</u></p> <p>The application site is located in close proximity to a listed terrace of 3 storey houses at 121-135 Ormeau Road. HED considered the impact of the proposal on the listed buildings and advised that the proposal poses no greater demonstrable harm on the setting of the listed buildings than the existing arrangement.</p>
<p>9.0</p> <p>9.1</p> <p>9.2</p> <p>9.3</p> <p>9.4</p> <p>9.5</p>	<p>Summary of Recommendation: APPROVAL</p> <p>It is considered that the proposal respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.</p> <p>Many of the objections related to the lack of parking within the proposal and pressures on existing street parking. The location of the site is considered to be highly accessible as it is located along an arterial route and provides convenient access to public transport links, local neighbourhood facilities and the city centre. At the time of publication, DFI Roads comments are currently outstanding, however they have confirmed informally that there are no objections to the proposed development, subject to conditions.</p> <p>Adequate provision has been made for open space within the proposed development, in accordance with the provisions of Creating Places. Furthermore, it is considered that the proposed landscaping assists with integration and softens the visual impact of the proposal.</p> <p>It is acknowledged that the proposed development may result in some overshadowing however, on balance, given the surrounding context and the amended design, it is not considered that this will create an unacceptable adverse impact on surrounding properties. It is also acknowledged that views towards existing dwellings are achievable from the bedroom and study window of Type A apartments on the first and second floor of Block A. However, the apartment windows are orientated towards the rear amenity area rather than the neighbouring properties, which are at an approximate 45 degree angle. It is not considered that the proposal will result in an unacceptable adverse impact in terms of overlooking. There are no concerns in relation to loss of light, outlook, noise or general nuisance for any existing or proposed properties.</p> <p>NI Water have advised that the scheme can be registered on a pilot scheme, aiming to provide a site specific solution for sewage / drainage infrastructure. The pilot scheme relates to both foul and storm connections, therefore it is considered that conditions should be applied in the event of approval.</p>

9.6	<p>On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to receipt of a satisfactory updated Drainage Assessment.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
10.0	Conditions
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>Prior to the occupation of the hereby permitted development, the applicant shall provide to and have agreed in writing by the Planning Authority, a Verification Report. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report entitled 'Contamination Assessment & Remediation Strategy, 42-50 Ormeau Road, Belfast for Gilligan & Partners Ltd' (dated January 2019 and referenced PM18-1196) as updated in the contamination clarification letters from Pentland Macdonald Ltd dated 31st October 2019 and 26th January 2021 letter references PM18-1196 Let1 and PM18-1196 Let2 have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without plant uptake). It must demonstrate that the identified potential pollutant linkages are effectively broken. The Verification Report shall be in accordance with current British Standards and Environment Agency guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> - A 600mm capping layer has been emplaced in the gardens and landscaped areas requiring remediation as detailed in Figure A-1 of the letter from Pentland Macdonald dated 26th January 2021 and entitled 'Further Contamination Assessment Clarification - Site at 42-50 Ormeau Road, Belfast (LA04/2019/1886/F)' letter ref: PM18-1196 Let2. - The material used to construct the capping layer is either a proprietary construction product (certified by the supplier as being suitable for use) or has been demonstrated as being suitable for use (residential without homegrown produce). <p>Reason: Protection of human health.</p>
10.3	<p>Prior to the occupation of the hereby permitted development acoustic glazing and acoustically attenuated ventilation units providing a sound reduction as specified in table 2 and 3 of the FR Mark & Associates report entitled 'Noise Impact Assessment, Proposed development of existing brownfield site in an inner city location to provide 13 apartments, 42-50 Ormeau Road, Belfast Revised November 2020' shall be installed within the development so as to ensure the internal noise levels within the habitable rooms do not exceed the noise targets specified in BS8233:2014 with the windows closed and alternative means of acoustically attenuated ventilation provided in compliance with building control requirements.</p> <p>The sound rating level rating level (dBLAr,T) from the operation of any external plant shall not exceed the background noise level (daytime and night time) at the nearest</p>

	<p>residential premises when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.</p> <p>Reason: Protection of residential amenity.</p>
10.4	<p>If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.5	<p>After completing the remediation works under Condition 4; 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 Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance available at https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks, as applicable.</p> <p>The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
10.6	<p>No equipment, machinery or materials are to be brought onto the site for the purpose of the development including demolition and site clearance until tree protection measures have been put in place in accordance with recommendations in the M. Large Tree Survey and Report for 40-50 Ormeau Road, dated February 2020 and uploaded to the Planning portal on 10th November 2020. These protection measures shall remain in place until the construction works hereby approved are complete and all plant and machinery has been removed from the site. Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development works to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p>
10.7	<p>Any demolition and / or construction proposed within the Root Protection Area (RPA) of existing trees adjacent to the site shall be carried out in accordance with methods outlined in the M. Large Tree Survey and Report for 40-50 Ormeau Road, dated February 2020 and uploaded to the Planning portal on 10th November 2020.</p> <p>Reason: To ensure damage is not caused to the existing street tree on Shaftesbury Avenue by the development hereby approved.</p>

10.8	<p>All proposed landscaping and planting works shall be carried out in accordance with the approved details on the stamped approved Site Layout Plan, Drawing No. 03B uploaded to the Planning portal on 18th May 2021. The works shall be carried out prior to the occupation of the development hereby approved or within the first available planting season after occupation, whatever is the sooner or unless otherwise agreed in writing by the Council.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.9	<p>Any new trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.10	<p>The development hereby approved shall not be occupied until a long-term landscape management and maintenance plan has been submitted and agreed by Belfast City Council. Once completed, all soft landscaping shall be managed and maintained in accordance with this plan.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p>
10.11	<p>Notwithstanding the submitted details, no development shall commence until details of foul and surface water drainage 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.</p> <p>Reason: To ensure satisfactory sewage and drainage infrastructure is in place to facilitate to the development.</p>
Notification to Department (if relevant)	
Representations from Elected members:	
Cllr John Gormley	

Development Management Officer Report Committee Application

Addendum Report	
Committee Meeting Date: Tuesday 18 th January 2022	
Application ID: LA04/2020/0493/F	
Proposal: Alteration and extension of existing building to provide 4 No one bed apartments - Existing apartments replaced (Amended Description).	Location: 23 Glandore Avenue BT15 3FN and 2 Glanworth Gardens Belfast BT15 3FH
Referral Route: Request to be presented to Planning Committee by Elected Member	
Recommendation: Approval subject to conditions	
Applicant Name and Address: Lawrence Bannon 21 Downview Avenue Belfast BT15 4EZ	Agent Name and Address: HR Jess LTD 1 Jordantown Road Newtownabbey BT37 0QD
<p><u>Addendum Report</u></p> <p>This full application was presented to Planning Committee on Tuesday 17th August 2021 and was deferred to allow members of the Committee to visit the site. The site visit took place on Thursday 9th September 2021.</p> <p>Subsequent to the Site Visit the application was presented again to Planning Committee on 21st October, an objector outlined their concerns and the applicant indicated they were content to engage directly; Committee agreed to defer consideration of the application to allow for engagement between the applicant and local residents who had objected to the proposal.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report and first addendum attached below.</p> <p>Following the deferral by Planning Committee on 21st October the objectors, on the advice of the applicant, submitted a letter to the applicant's agent dated 22nd November detailing amendments they considered appropriate as follows;</p> <ul style="list-style-type: none"> - A reduction in the number of 1no bed apartments, with more provision for accommodation suitable for families. The objectors suggested a reduction to 3no apartments. - Provision for 1no parking space within the site and a reduction in the requirement for on street parking. - Efforts to retain the existing rear return with existing architectural features on the site retained where possible. New brickwork should be consistent with the existing Victorian brick pattern and style. <p>No new matters were raised that had not already been set out in previous objections and fully considered in the original Recommendation Report for Tuesday 17th August Committee and the late items pack for Committee on 21st October.</p>	

Following the submission of this letter on 22nd November, the agent confirmed to the Council on 7th December that, having considered the comments and the requests from the objectors, the applicant does not intend to amend the scheme previously presented to the Committee on 21st October. The current scheme, having been assessed against prevailing planning policy, was considered acceptable to Council Officers and the Agent considers that the amendments sought by residents are not necessary.

No further amendments have been submitted in respect of the proposed development.

Recommendation - Approval

As per the full case officer report and the first Addendum, the case officer recommendation is unchanged, it is considered that the proposed development complies with the relevant policy therefore recommendation is to approve.

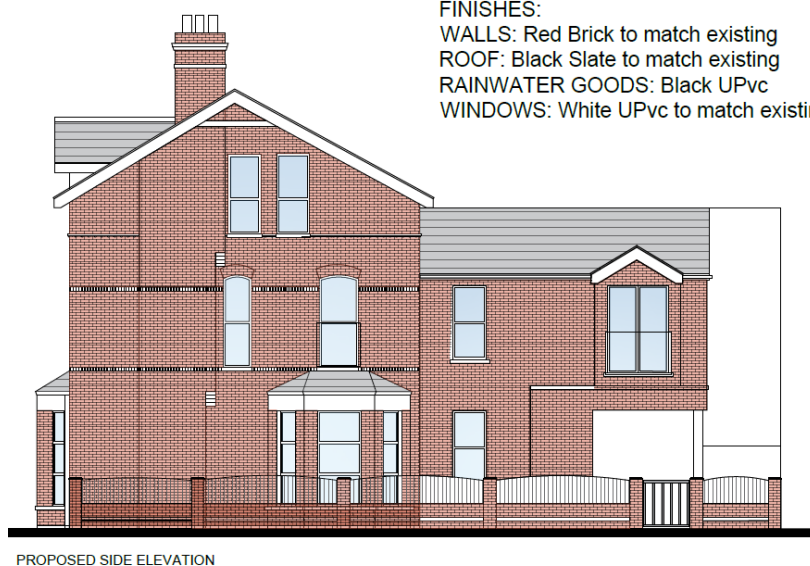
It is recommended that planning permission is granted with delegated power given to the Director of Planning and Building Control to finalise conditions.

**Development Management Officer Report
Committee Application**

Addendum Report	
Committee Meeting Date: Thursday 21st October 2021	
Application ID: LA04/2020/0493/F	
Proposal: Alteration and extension of existing building to provide 4 No one bed apartments - Existing apartments replaced (Amended Description).	Location: 23 Glandore Avenue BT15 3FN and 2 Glanworth Gardens Belfast BT15 3FH
Referral Route: Request to be presented to Planning Committee by Elected Member	
Recommendation: Approval subject to conditions	
Applicant Name and Address: Lawrence Bannon 21 Downview Avenue Belfast BT15 4EZ	Agent Name and Address: HR Jess LTD 1 Jordantown Road Newtownabbey BT37 0QD
<u>Addendum Report</u> <p>This full application was presented to Planning Committee on Tuesday 17th August 2021 and was deferred to allow members of the Committee to visit the site. The site visit took place on Thursday 9th September 2021.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p>At the Planning Committee on Tuesday 17th August objectors raised concerns over the extent of demolition and that there appeared to be more demolition involved than was detailed in the Recommendation Report. Officers requested the extent of demolition to be clarified by the Agent with a detailed demolition plan.</p> <p>It was noted by officers at the site visit that the existing boundary which the drawings indicated was to be retained had fallen into a poor state of repair therefore the agent was also asked that this boundary would be replaced or restored rather than retained as indicated.</p> <p>A demolition plan and updated drawing was published to the planning portal on Monday 4th October and neighbours and objectors notified on 5th October 2021 that additional information had been received. The updated drawing alongside the demolition plan confirm that only the rear return and internal walls are to be demolished and that the roof of the original property remains in situ as detailed in the original recommendation report. The new rear return proposed is as per previous drawings.</p> <p>At the time of writing this report no further representations have been received with respect to the updated information; should any representations be received in advance of Committee they will be addressed within Late Items.</p>	



Demolition Plan and Updated Plans Received 04/10/2021



Recommendation - Approval

As per the full case officer report, the case officer recommendation is unchanged, it is considered that the proposed development complies with the relevant policy therefore recommendation is to approve.

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

Committee Application

Development Management Report	
Committee Date: Tuesday 17th August 2021	Application ID: LA04/2020/0493/F
Proposal: Alteration and extension of existing building to provide 4 No one bed apartments - Existing apartments replaced (Amended Description).	Location: 23 Glandore Avenue BT15 3FN and 2 Glanworth Gardens Belfast BT15 3FH
Referral Route: Request to be presented to Planning Committee by Elected Member	
Recommendation: Approval subject to conditions	
Applicant Name and Address: Lawrence Bannon 21 Downview Avenue Belfast BT15 4EZ	Agent Name and Address: HR Jess LTD 1 Jordantown Road Newtownabbey BT37 0QD
Executive Summary The application seeks full planning permission for the alteration and extension of the existing property which contains 2 no. apartments (1 no. 2 bedroom and 1 no. 4 bedroom) to provide 4 No one bedroom apartments. The 1-bedroom apartments will occupy 3 floors, with 1no apartment on the ground floor, 2no apartments on the first floor and 1no apartment on the second floor proposed (currently 1 no. apartment ground with second floor apartment occupying the first and second floors). The rear return will be replaced, it will be wider aligning with the main gable of the property but shorter in length allowing bin storage, cycle parking and private amenity space to be provided the rear of the apartments and increasing the separation distance with its neighbour to the south.	

The main issues to be considered in this case are:

- Principle of development
- Impact on the character and appearance of the area including the draft Area of Townscape Character
- Residential Amenity
- Access, Parking and Road safety
- Available Infrastructure

The application was neighbour notified and advertised in the local press. A total of 19 letters of objection have been received. These objections raised a number of concerns including, impact on the Area of Townscape Character, design, impact on amenity, parking provision, accuracy of the parking survey and the structural impact on adjoining property.

BCC Environmental Health Services was consulted and is content with the proposal subject to an informative being attached to the decision.

NIW has been consulted and offers no objection.

DfI Roads was also consulted and offered no objection subject to conditions.

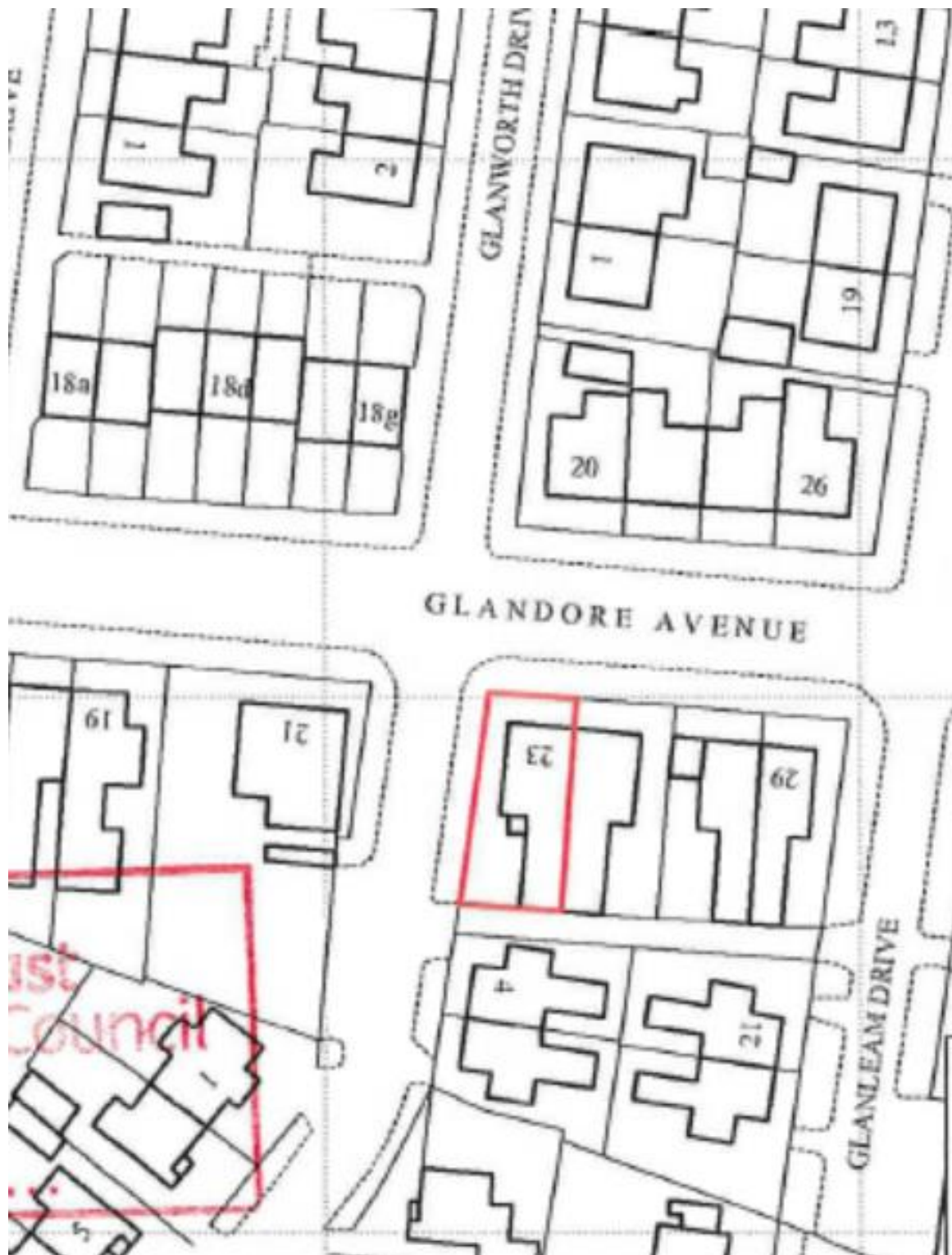
The proposal has been assessed against and is considered to comply with the BUAP, Draft BMAP, PPS3, PPS7, PPS7 Addendum, the SPPS and Creating Places.

Recommendation:

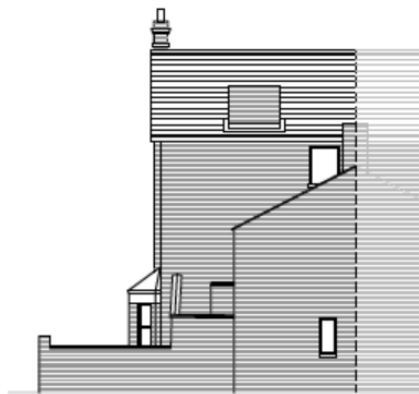
Having regard to the policy context and other material considerations above, the proposal is considered acceptable on balance and it is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise conditions.

Case Officer Report

Site Location Plan:



EXISTING AND PROPOSED ELEVATIONS



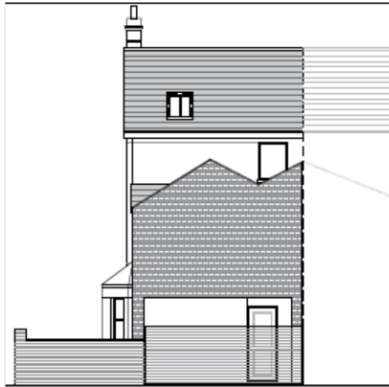
REAR ELEVATION
(ONTO 10th ALLEY)



FRONT ELEVATION
(CLANDON AVE)



SIDE ELEVATION



Proposed Rear Elevation



Proposed Front Elevation



Proposed Side Elevation

EXISTING AND PROPOSED PLANS

The drawings illustrate the existing and proposed floor plans for a residential development. The existing plans (top row) show the current layout of the building, including the ground floor plan with a living room, kitchen, and bedrooms, and the first and second floor plans. The proposed plans (bottom row) show the new layout, including the proposed ground floor plan with communal and private amenities, and the proposed first and second floor plans. The proposed plans include a new garden, a new path, and a new fence. A note at the bottom explains the proposed changes and the need for a planning application.

GROUND FLOOR PLAN

Existing Ground Floor Plan: Shows a living room, kitchen, and bedrooms. The proposed ground floor plan includes a communal amenity (34m²), a private amenity (50m²), and a garden. The proposed ground floor plan also includes a new path, a new fence, and a new gate.

FIRST FLOOR PLAN

Existing First Floor Plan: Shows a living room, kitchen, and bedrooms. The proposed first floor plan includes a kitchen, living room, and bedrooms. The proposed first floor plan also includes a new shower room, a new access, and a new staircase.

SECOND FLOOR PLAN

Existing Second Floor Plan: Shows a living room, kitchen, and bedrooms. The proposed second floor plan includes a kitchen, living room, and bedrooms. The proposed second floor plan also includes a new shower room, a new access, and a new staircase.

PROPOSED GROUND FLOOR PLAN

Proposed Ground Floor Plan: Shows a communal amenity (34m²), a private amenity (50m²), and a garden. The proposed ground floor plan also includes a new path, a new fence, and a new gate.

PROPOSED FIRST FLOOR PLAN

Proposed First Floor Plan: Shows a kitchen, living room, and bedrooms. The proposed first floor plan also includes a new shower room, a new access, and a new staircase.

PROPOSED SECOND FLOOR PLAN

Proposed Second Floor Plan: Shows a kitchen, living room, and bedrooms. The proposed second floor plan also includes a new shower room, a new access, and a new staircase.

A typical Sheffield Street frontage is shown, providing a visual context for the proposed development. The proposed development is shown in a light grey color, and the existing development is shown in a dark grey color. The proposed development is shown in a light grey color, and the existing development is shown in a dark grey color. The proposed development is shown in a light grey color, and the existing development is shown in a dark grey color.

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is to replace 2 no. existing apartments with 4 no. 1 bedroom apartments with internal reconfiguration of the rooms and the demolition and replacement of the rear return.
1.2	The property will be accessed via a communal entrance on the ground floor of the front Glandore Avenue elevation which will lead to the 4no. apartments. Bin storage, cycle parking and amenity space is provided to the side and rear of the property for each of the apartments. Access to the rear is provided from Glanworth Gardens.
2.0	Description of Site and Area
2.1	The site is a large two and half storey semi-detached property finished in red brick. The site is located on the junction of Glandore Avenue and Glanworth Gardens. There is an existing two storey rear return on the building with a boundary wall enclosing a rear amenity area to the site which is used for the storage of bins. The surrounding area is primarily residential and is characterised by semi-detached and terrace dwellings finished in red brick and white render.
Planning Assessment of Policy and Other Material Considerations	
3.0	Site History
3.1	Z/2009/0499/F 23 Glandore Avenue & 2 Glanworth Gardens, Belfast, BT15 3FB Alteration & extension of existing building to provide 3no. 1 bed apartments & 2no. 2 bed apartments. PERMISSION GRANTED
3.2	Z/2009/1332/F 23 Glandore Avenue and 2 Glanworth Gardens, Belfast, BT15 3FB. Alteration and extension of existing building to provide 3no. 1 bed apartments and 2no. 2 bedroom apartments - existing apartments replaced (amendment to approved scheme Z/2009/0499/F to include two storey bay with terrace on top) PERMISSION GRANTED
4.0	Policy Framework
4.1	Regional Development Strategy
4.2	Belfast Urban Area Plan 2001
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Draft Belfast Metropolitan Plan 2015 (published 2004) (dBMAP 2004)
4.5	Draft Belfast Metropolitan Area Plan 2015 (published 2014) (dBMAP 2015)
4.6	Planning Policy Statement 3: Access, Movement and Parking
4.7	Planning Policy Statement 7: Quality Residential Environments
4.8	Planning Policy Statement 7 Addendum – Safeguarding the Character of Established Residential Areas
5.0	Statutory Consultees
5.1	DFI Roads – Offered no objection to the proposal subject to conditions being attached to the decision relating to the provision of cycle parking and opening of gates included in the proposal. They were also reconsulted to consider the objections and were content with the submitted Parking Survey.
6.0	Non Statutory Consultees
6.1	Environmental Health – No objection subject to Informatives to be included on the decision notice.
6.2	NI Water – No objection – Advise applicant that consultation with them is required at an early design stage by means of a Predevelopment Enquiry to obtain details of the

	availability of existing water and sewerage infrastructure and how their proposal may be serviced if not already applied for.
7.0	Representations
7.1	The application was neighbour notified on the 11 th March 2020 and advertised in the local press on the 13 th March 2020. The application was further neighbour notified on 22 nd December 2020 and 7 th April 2021 following amendments to the proposal. 19 letters of objection were received in total from 12 neighbours.
7.2	<p>Issues raised in the objections include:</p> <ul style="list-style-type: none"> - impact on character of the area and draft ATC – see <i>Assessment below</i> - number of units / size of the units / overdevelopment – see <i>Assessment below</i> - impact on amenity – see <i>Assessment below</i> - noise from additional units – <i>Environmental Health have no objection</i> - devaluation of area – <i>not a material planning consideration</i> - accuracy of the parking survey – <i>DfI Roads no objection, see Assessment below</i> - provision of parking inadequate – <i>DfI Roads no objection, see Assessment below</i> - health and safety – <i>developer responsible for ensuring construction complies with health and safety legislative requirements</i> - hygiene concerns with respect to refuse/bins - <i>Environmental Health have no objection</i> - shared boundary with the adjoining property and potential structural damage by demolition of the rear return / shared chimney – <i>boundary issues are a civil matter; it is the developers' responsibility to engage with the neighbouring property to agree any works to a shared boundary;</i> - sewage issues – <i>NIW raised no objection</i> - location of flues / pipes – <i>the rear return slopes away from the adjoining property and all service related pipework and flues should be contained within applicants own boundary as existing, Informatives will be attached</i>
8.0	Assessment
8.1	<p><u>Principle of development</u></p> <p>The site is within the development limit of Belfast as designated in both the BUAP and the draft BMAP (both versions). The site is unzoned whiteland within the proposed Glandore Gardens ATC designation within Draft BMAP.</p>
8.2	There is an existing residential use on the site, the property has previously been converted into two apartments. A previous application under reference Z/2009/1332/F was approved on the site for 3no. 1 bed apartments and 2no. 2 bedroom apartments. This approval was never implemented and has lapsed.
8.3	Given the existing apartment use on site the principle of a residential use for apartments is established and therefore the principle of development is acceptable subject to other material considerations.
8.4	The SPPS requires development to cause no demonstrable harm to interests of acknowledged importance. Interests of acknowledged importance in this case are the surrounding character of the area; neighbouring amenity, and traffic, access and parking.
8.5	<u>Impact on the character and appearance of the area including the draft Area of Townscape Character</u>

	Any proposal for residential development should conform to all of the points (a)-(l) in Policy QD1 of PPS7. Development should produce an appropriate level of design and create a quality and sustainable environment. Development should not cause unacceptable harm to local character, environmental quality or residential amenity.
8.6	<p>During the processing of the application amendments were secured to: -</p> <ul style="list-style-type: none"> • Reduce the scheme from 5 to 4 No. Units • Retain the side bay window • Increase private amenity space provision • Reconfigure the bike storage and bin areas • Incorporate a revised internal layout to enable all occupants to access the rear private amenity space • Revise boundary wall & fences to continuation of existing.
8.7	The proposal retains the original property, only the rear return is to be removed. Its replacement is wider but shorter than the original enabling private amenity space to be created to the rear. It remains subservient to the original property in terms of height.
8.8	The proposal is considered acceptable in terms of layout, scale and massing within the context of the surrounding area, therefore it is compliant with criterion (a) of Policy QD1. The proposed extension and alterations to the existing building are considered sympathetic to the character and design of the building. The scale of the replacement rear return is considered acceptable in context with the existing building and the surrounding area.
8.9	There are other apartment properties in the area. There is a variety of rear returns within the area. The replacement will utilise the same materials as existing. The proposal is not out of keeping with the character of the surrounding area.
8.10	The scheme will not erode the character or amenity of the area and the proposal does not constitute over development each of the units meeting space standards contained within Annex A of the Second Addendum to PPS 7. Apartments nos 2 & 3 are the smallest in area, however still meet the space standards of a 1no bed apartment with an area of 37sqm (requirement 35sqm).
8.11	The property is located within Glandore Gardens Area of Townscape Character. In draft BMAP 2004 the key features cited for this draft ATC are the two and three storey terrace dwellings, broad tree lined roads with views over the City and Cavehill, three storey brick terraces to Antrim Road and two storey brick terraces on side roads. As this is a draft ATC the policies within the addendum to PPS 6 do not apply however the character of the draft ATC remains a material consideration when assessing demolition and redevelopment. This proposal retains the original property which is a two storey semi-detached red brick dwelling with internal alterations only proposed, the main chimney on the gable is retained and the proposal was amended to retain the large bay window on the side gable; demolition and replacement is of the rear return only. There is a mixture of rear returns of varying design, sizes and finishes in the area, it is not considered that the rear return to be demolished is integral to the character of the overall draft ATC. Its replacement remains below the eaves height of the original property, remains subservient in nature and utilises red brick walls and black slate roof to match existing. To ensure high quality materials are secured that respect the character and appearance of the area, it is recommended a condition be attached requiring samples of the external materials to be submitted for agreement by the Council.

8.14	It is considered that there will be no detrimental impact on the character of the proposed ATC. The proposal complies with the SPPS, Planning Policy Statement 7 and its associated addendum.
8.15	<p><u>Residential Amenity</u></p> <p>The development will create a safe environment with clearly defined defensible space to the front and side of the property with enclosed front and side gardens. Creating Places recommends 10sqm of private amenity space per apartment; 50sqm of private amenity is provided to the rear of the apartments. There is also provision of enclosed space for bin storage and cycle parking. The first floor apartments benefit from a small balcony. Overall there is 101sqm of private and communal amenity space which is in excess of guidance.</p>
8.16	The apartments all comply with the space standards as set out in Annex A of PPS7 Addendum.
8.17	All of the proposed windows within habitable parts of the building will have an acceptable outlook to Glandore Avenue and Glanworth Gardens. There is no overlooking to the private amenity of neighbouring properties. The side gable on to Glanworth Gardens already provides outlook for habitable rooms and whilst the rear return will extend to the side to align with the main house it will be reduced in length and will remain further away from the side gable and boundary of properties on the opposite roadside of Glanworth Gardens than adjacent existing dwellings, the separation distance will ensure there will be no unacceptable impact on the private amenity of neighbouring properties by way of overlooking. The replacement rear return will have a smaller footprint and be further away from its rear neighbour at no. 4 than existing.
8.18	In terms of dominance or overshadowing the proposal is not considered to impact on neighbouring properties given it is reduced in size.
8.19	In terms of noise, Environmental Health were consulted and considered the proposed development in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations and offered no objection.
8.20	In light of the above, it is considered that an adequate level of residential amenity would be maintained for future and existing occupiers in accordance with PPS7, its associated addendum and the SPPS.
8.21	<p><u>Access, Parking and Road safety</u></p> <p>The planning application is supported by a Parking Report. The existing property has no in curtilage parking and no new parking is proposed as part of this application. Three sheltered Sheffield cycle stands are proposed within the rear of the site.</p>
8.22	The Parking Report demonstrates that there is available capacity of on-street parking within the vicinity of the site to accommodate the requirements of the development without having an adverse impact on existing parking within the area. DfI Roads have reviewed the Parking Report and are content with its findings.
8.23	DfI Roads were consulted and have no objection to the proposed development subject to conditions. DfI Roads were reconsulted on the objections from third parties relating to the accuracy of the parking statement provided, they again provided no objection to this or the overall proposal.

8.24	The proposal is located within close proximity to public transport and neighbourhood facilities.
8.25	The existing property has 2 no. apartments, 1 no. 2 bedroom and 1 no. 4 bedrooms, as such there are 6 bedrooms in total. This proposal is for 4 no. one bedroom apartments therefore it is considered that the use/occupancy of the property will not be intensified, and existing arrangements suffice.
8.26	The impact of the proposal on the local road network is therefore considered to be acceptable in terms of traffic and road safety and would comply with Draft BMAP, PPS3, PPS7 and the SPPS.
8.27	<u>Available Infrastructure</u> NI Water have no objection to the proposal. Owing to the scale and nature of development proposed, it is not considered that proposed development would have a significant impact on existing infrastructure and as such, there are no issues of principle. In addition, connections to the water and foul sewer system are covered by separate legislation.
8.28	<u>Conclusion</u> Having regard to the policy context and other material considerations above, the proposal is considered to comply with the Area Plan, SPPS, PPS7, PPS 7 Addendum and Creating Places. Planning permission is recommended subject to conditions.
9.0	Summary of Recommendation – Approval
9.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and it is recommended that planning permission is granted subject to conditions with delegated power given to the Director of Planning and Building Control to finalise conditions.
10.0	<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site in accordance with proposed floor plan and elevation Drawing No.04C received by Belfast Planning Service on 2nd April 2021 . These facilities shall be permanently retained on the site.</p> <p>Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.</p> <p>3. Gates (if erected) shall not open towards the public footway.</p> <p>Reason: In the interests of pedestrian safety and the convenience of other road users</p> <p>4. Notwithstanding the materials outlined on the approved plans, the development hereby permitted shall not commence until samples and a written specification of the materials to be used in the external elevations have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter retained in accordance with the approved details.</p>

	<p>Reason: To protect the visual amenities of the area.</p> <p>Informatives</p> <ol style="list-style-type: none"> 1. The applicant is advised that all development should be within the 'red line' boundary of the application site, any disruption to the boundary requires the consent of the neighbour. 2. This permission does not confer title. 3. Due to the proximity of residential accommodation to the proposed development site, the applicant would be advised of the following good practice documents for noise control during the demolition/construction phase of the development: <ul style="list-style-type: none"> I. Belfast City Council's Noise Control Advice Note for Construction and Demolition Sites (available at http://www.belfastcity.gov.uk/buildingcontrol-environment/noisecontrol/typesofnoise.aspx.) and II. British Standard 5228-2009+A1:2014 - Code of practice for noise and vibration control on construction and open sites - Part 1: Noise and Part 2: Vibration. 4. In the event that unexpected contamination is encountered during the approved development of this site, the development should cease and the applicant should contact the Planning Authority. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertaken and verified in accordance with current best practice. 5. Precautions shall be taken to prevent the deposit of mud and other debris on the adjacent road by vehicles travelling to and from the construction site. Any mud, refuse, etc deposited on the road as a result of the development, must be removed immediately by the operator/contractor. 6. Notwithstanding the terms and conditions of the Planning Authority's approval set out above, you are required under Article 71-83 inclusive of the Roads (NI) Order 1993 to be in possession of the Department for Infrastructure's consent before any work is commenced which involves making or altering any opening to any boundary adjacent to the public road, verge, or footway or any part of said road, verge, or footway bounding the site. The consent is available on personal application to the DfI Roads Section Engineer whose address is Belfast North Section Office, 1A Airport Road, Belfast, BT3 9DY. A monetary deposit will be required to cover works on the public road. 7. All construction plant and materials shall be stored within the curtilage of the site. 8. Provision shall be made to the satisfaction of DfI Roads, to ensure that surface water does not flow from the site onto the public road.
--	--

ANNEX	
Valid	19 th February 2020
Date First Advertised	13 th March 2020
Date Last Advertised	9 th April 2021
Details of Neighbour Notification (all addresses) 11/03/2020 Details of Neighbour Notification (all addresses) 1 Glanworth Gardens,Belfast,Antrim,BT15 3FH 1, Glanworth Gardens, Belfast, Antrim, Northern Ireland, BT15 3FH 18g ,Glandore Avenue,Belfast,Antrim,BT15 3FB 18g, Glandore Avenue, Belfast, Antrim, Northern Ireland, BT15 3FB 19, Glandore Avenue, Belfast, Antrim, Northern Ireland, BT15 3FB 19, Glandore Avenue, Belfast, Antrim, Northern Ireland, BT15 3FB 20 Glandore Avenue,Belfast,Antrim,BT15 3FB 21 Glandore Avenue,Belfast,Antrim,BT15 3FB 21, Glandore Avenue, Belfast, Antrim, Northern Ireland, BT15 3FB 21, Glandore Avenue, Belfast, Antrim, Northern Ireland, BT15 3FB 21, Glandore Avenue, Belfast, Antrim, Northern Ireland, BT15 3FB 21, Glandore Avenue, Belfast, Antrim, Northern Ireland, BT15 3FB 22 Glandore Avenue,Belfast,Antrim,BT15 3FB 22, Glanworth Gardens, Belfast, Antrim, Northern Ireland, BT15 3FH 25 Glandore Avenue Belfast Antrim 25 Glandore Avenue,Belfast,Antrim,BT15 3FB 25, Edgcumbe Gardens, Belfast, Down, Northern Ireland, BT4 2EG 25, GLANDORE AVENUE, BELFAST, ANTRIM, Northern Ireland, BT15 3FB 25, GLANDORE AVENUE, BELFAST, ANTRIM, Northern Ireland, BT15 3FB 25, GLANDORE AVENUE, BELFAST, ANTRIM, Northern Ireland, BT15 3FB 25, GLANDORE AVENUE, BELFAST, ANTRIM, Northern Ireland, BT15 3FB	

25, GLANDORE AVENUE, BELFAST, ANTRIM, Northern Ireland, BT15 3FB	
27, Edgumbe Gardens, Belfast, Down, Northern Ireland, BT4 2EG	
4 Glanworth Gardens,Belfast,Antrim,BT15 3FH	
4, Glanworth Gardens, Belfast, Antrim, Northern Ireland, BT15 3FH	
4, Glanworth Gardens, Belfast, Antrim, Northern Ireland, BT15 3FH	
6, Glanworth Gardens, Belfast, Antrim, Northern Ireland, BT15 3FH	
8 Glanworth Gardens Belfast Antrim	
8, Glanworth Gardens, Belfast, Antrim, Northern Ireland, BT15 3FH	
Flat 1,25 Glandore Avenue,Belfast,Antrim,BT15 3FB	
Flat 2,25 Glandore Avenue,Belfast,Antrim,BT15 3FB	
Date of Last Neighbour Notification	07/04/2021
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title 01 – Site Location Plan 04C – Site Plan, Existing and Proposed Plans and Elevations	
Notification to Department (if relevant) – N/A Date of Notification to Department: Response of Department:	
Elected Representatives: N/A	

This page is intentionally left blank

Committee Report

Development Management Report	
Application ID: LA04/2020/2615/F	Date of Committee: Tuesday 18 th January 2022
Proposal: Hot Food Take Away Unit with associated site works	Location: Lands opposite junction of Stewartstown Road and Suffolk Road Belfast BT11 9NB
Referral Route: Referred by the Director of Planning and Building Control	
Recommendation:	Refusal
Applicant Name and Address: Cedar Investments Ltd 43 Lockview Road Belfast BT9 5JF	Agent Name and Address: Inaltus Ltd 15 Cleaver Park Belfast BT9 5HX
<p>Executive Summary:</p> <p>The proposal is for a building for use as a hot food take away unit with associated site works. A building on this site has been previously approved as a retail unit as part of an application approved under the reference LA04/2016/1360/F for a petrol filling station, shop and 2 retail units. The PFS and retail units are currently under construction.</p> <p>The application is brought before committee due to the representations received.</p> <p>The site is unzoned white land within BUAP and dBMAP.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of a hot food takeaway in this location • Character/Layout/Design • Access/Parking • Impact on neighbouring amenity <p>In principle a hot food takeaway at this location may be acceptable, where the use does not conflict with adjacent land uses.</p> <p>The application has been neighbour notified and advertised and 45 objections have been received from local residents raising issues including, impact on neighbouring amenity, traffic, parking, noise, bin storage.</p> <p>The proposal is located in close proximity to a number of residential properties, DCAN 4 recognises the potential for impacts from noise and nuisance that can result from such uses.</p> <p>Consultees: EHO are satisfied subject to the imposition of conditions in respect of operating hours, plant/equipment noise levels and odour control. DFI Roads offer no objection.</p> <p>A concern remains however in respect of amenity in this case. Local residents perceive that a hot food bar (HFB) at this location will result in noise and nuisance. Whilst an acoustic barrier formed part of the previous application located along the south eastern boundary this was in relation to a retail unit and petrol filling station and is outside the red line of this application. It is considered that the nature of the proposed use has the potential to result in an unacceptable adverse impact on residential amenity due to the potential for noise, disturbance and nuisance given the proximity to neighbouring residential</p>	

properties as set out in DCAN 4; and that the proposal is not in compliance with the SPPS in that the proposed development will cause demonstrable harm to interests of acknowledged importance.

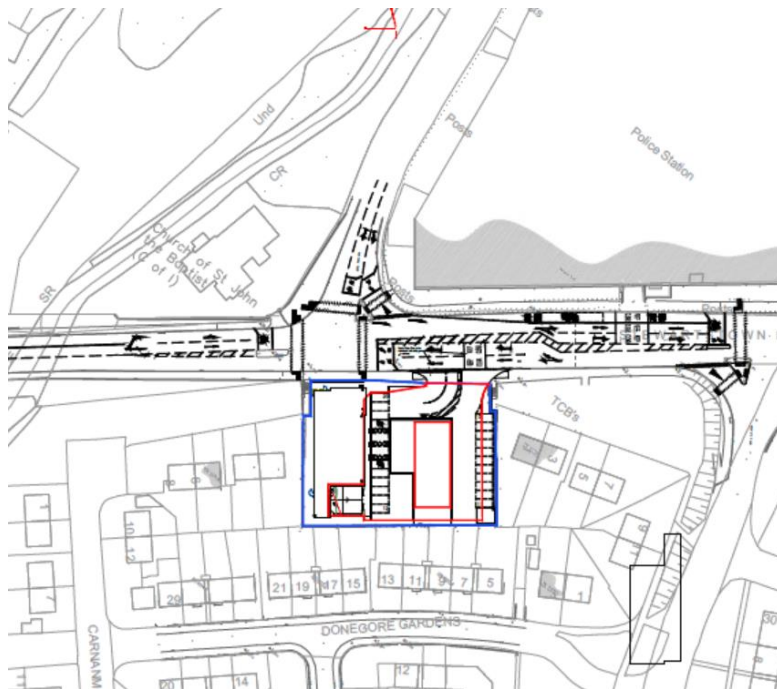
Recommendation

Having regard to the Development Plan and all other relevant material considerations, the proposal is considered unacceptable and refusal is recommended for the reasons set out in the case officer report below.

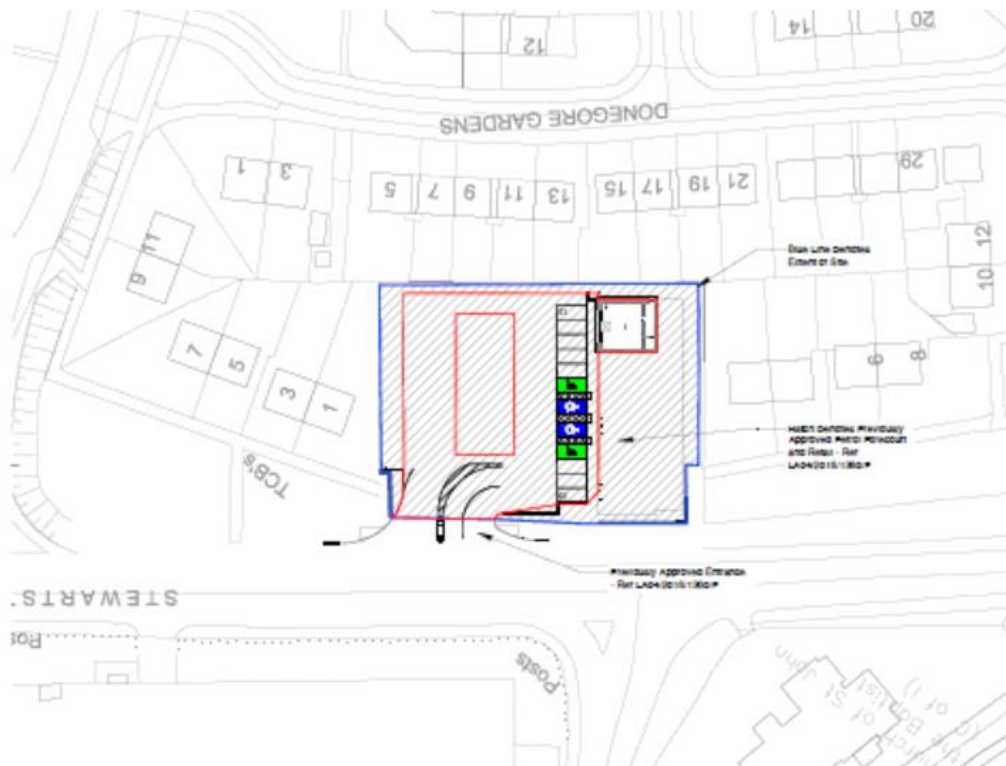
Committee is requested to delegate authority for the final wording of refusal reasons to the Direction of Planning and Building Control.

Case Officer Report

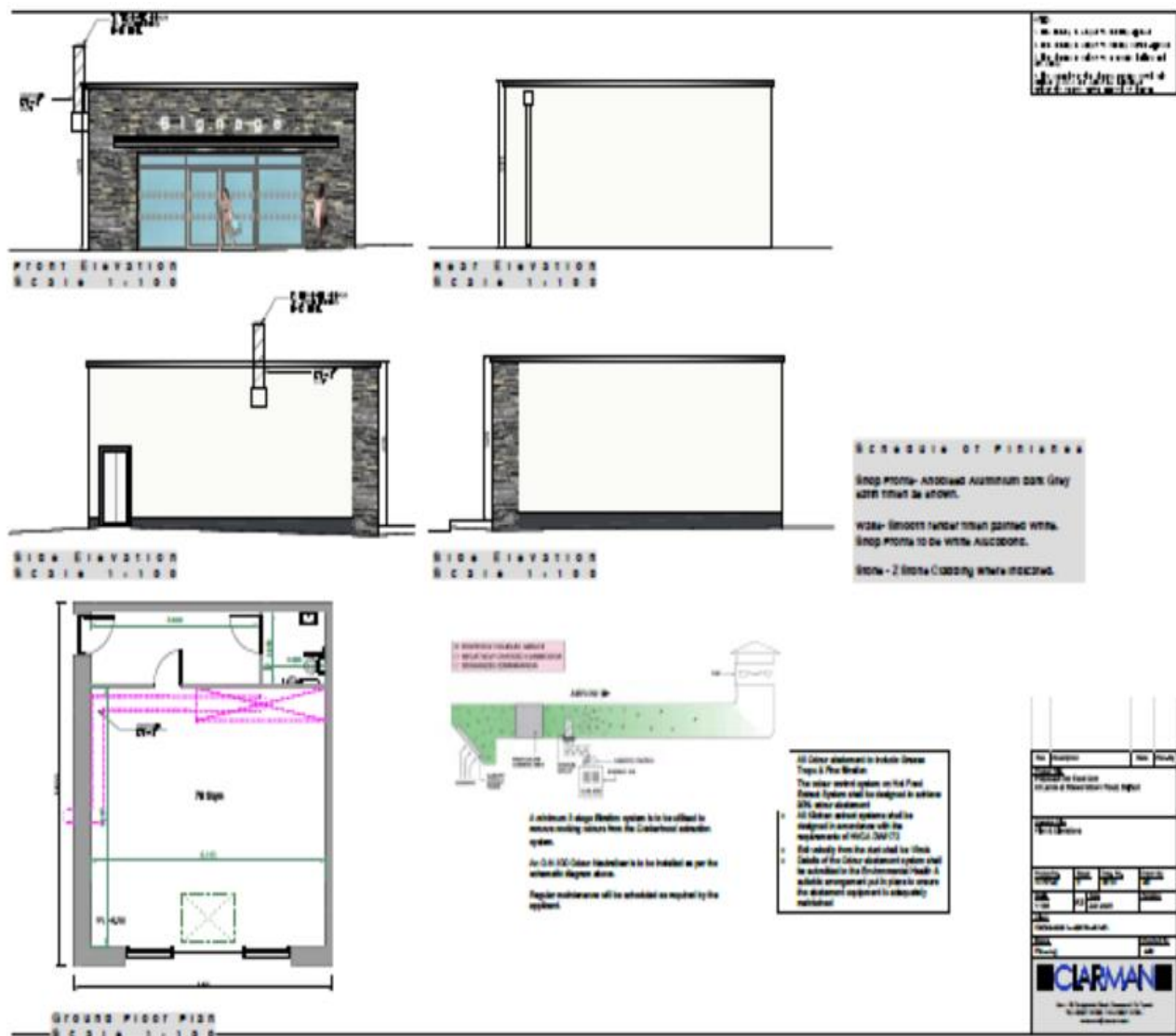
Site Location Plan



Block Plan



Elevations and Floor Plans



Characteristics of the Site and Area

1.0 Description of Proposed Development

Proposed Hot Food Take Away Unit with associated site works

2.0 Description of Site

The site is located opposite the junction of the Stewartstown Road and Suffolk Road and Woodbourne PSNI Station. The site sits below the level of the road and is 0.13 hectares in size. There are residential properties on three sides to the east, west and south of the site. The site is generally flat and rectangular shaped. Vehicular access is via one access from the north of the site. Steps on both the eastern and western boundaries of the site give access to residents of Cranmore Park and Donegore Gardens.

There are a mix of land uses in the surrounding area. A police station and church are located directly opposite the site. Beyond this on the Suffolk Road at a distance of approximately 130m from the site is a Costcutter, post office, coffee shop, pharmacy and day nursery.

Planning Assessment of Policy and other Material Considerations	
3.0	Site History Z/2009/0240/F Manual car wash facility with associated container (variation of condition(time limit)) Z/2010/0306/F Erection of 4 no. retail units (including demolition of the existing shop units) Permission granted 01.06.2010 Z/2011/0572/0 Construction of healthcare village comprising of a doctor's surgery, pharmacy, opticians, physiotherapy and creche with associated car parking. Permission granted 03.01.2012 Z/2011/1089/F Manual Carwash Facility with associated container. Permission granted 23.11.2011 LA04/2016/1360/F, Proposed filling station, shop, 2no. retail units, forecourt canopy and associated petroleum installation, Permission Granted, 24.04.2018
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2004, 2015 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.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 3: Access, movement and parking
4.5	Development Control Advice Note 4: Restaurants, Cafes and Fast Food Outlets
5.0	Statutory Consultees Responses DFI Roads- No objection
6.0	Non Statutory Consultees Responses Environmental Health- No objections PSNI- No response
7.0	Representations
	<p>The application was neighbour notified most recently on the 13th October 2021 and advertised in the local press most recently on the 26th March 2021. 45 representations were received and are summarised below:</p> <ul style="list-style-type: none"> Junction poses dangers to motorists and pedestrians <i>Case Officer's response: DFI Roads offer no objection to the proposed layout.</i> Interface- potential violence <i>Case Officer's Response: Any violence is a matter for the police.</i> PSNI objected to previous application

Case Officer's Response: The PSNI have been consulted and have not responded, the PSNI previously objected to the proposed entrance to the petrol filling station. DFI Roads were consulted and had no objection.

- Noise, smell, illumination and traffic impact to Donegore Gardens

Case Officer's Response: The impact to neighbouring properties has been considered within the report.

Anti-social behaviour

Case Officer's Response: Anti-social behaviour is a matter for the police.

- Traffic Management plan should accompany application

Case Officer's Response: This is not required given the scale of the proposal, DFI Roads were consulted and had no objection.

- Proposal fails to meet parking standards

Case Officer's Response: DFI Roads were consulted and are satisfied that adequate parking has been provided.

- Loss of locked secure space replaced by open forecourt

Case Officer's Response: The conditions of the approval LA04/2016/1360/F remain

- Applicant cannot seek a revision of previous proposal which is neither completed nor substantially complete. The application for a standalone hot food takeaway is not appropriate.

Case Officer's Response: An application was submitted for a change of use of the approved retail unit to a hot food takeaway, the previous approval was not substantially complete and therefore the application was invalid. This application has been submitted as a standalone application and is valid.

- Site location plan is incorrect.

Case Officer's Response: Amended site location plan has been submitted.

- All access works should be included in application

Case Officer's Response: Access works are shown on the proposed plan.

- Previous approval included a 1.8m acoustic fence which has not been included in this application,

Case Officer's Response: Council do not believe the 1.8m fence will be sufficient mitigation to prevent an unacceptable impact to neighbouring amenity.

- Figures in Q25 appear to be incorrect by stating there are existing visitors to the site and nos. predicted is low when compared to other hot food takeaways in the area.

	<p><i>Case Officer's Response: Construction was ongoing at the time the application was submitted, the objector has provided no evidence to substantiate claims that figures put forward were low when compared to other hot food takeaways. The council have no reason to dispute the figures and DFI Roads had no objections.</i></p> <ul style="list-style-type: none"> • DFI Roads referred to additional info provided by the applicant in relation to Q25, this is not available on the portal, <p><i>Case Officer's Response: The applicant was asked to confirm the sales floor space and this has been reflected in an amended floor plan. The DFI Roads consultation response provides the details of this without the need for emails to uploaded to the portal.</i></p> <ul style="list-style-type: none"> • Discrepancy between email and Q24 in P1 form. <p><i>Case Officer's Response: The overall floorspace has been provided in the P1 form, the fit out of the unit has been amended in a floor plan as reflected in the response from DFI Roads.</i></p> <ul style="list-style-type: none"> • A list of additional info that should have been provided and additional consultees, <p><i>Case Officer's Response: The additional information is not necessary for an application of this scale.</i></p> <ul style="list-style-type: none"> • No details of hours of operation and site will be controlled outside of these hours, <p><i>Case Officer's Response: These have been conditioned by Environmental Health.</i></p> <ul style="list-style-type: none"> • Incompatible with surrounding area <p><i>Case Officer's Response: Officers agree</i></p> <ul style="list-style-type: none"> • Irwin Carr Consulting submitted report raising concerns with the submitted noise and odour report and the response from Environmental Health. <p><i>Case Officer's Response: Environmental Health have responded to the issues raised but officers' concerns remain.</i></p> <ul style="list-style-type: none"> • Building height <p><i>Case Officer's Response: The single storey building is as approved under the previous approval. Under the previous approval the building height raises to two storey to the rear of the single storey.</i></p> <ul style="list-style-type: none"> • Bin storage <p><i>Case Officer's Response: whilst bin storage is provided under the previous approval, there is none provided with this proposal.</i></p>
8.0	Other Material Considerations None
8.1	Any other supplementary guidance Parking Standards

9.0	Assessment
9.1	<p>Process Matter</p> <p>A planning application was originally submitted for a change of use of the approved retail unit to a hot food takeaway, however as the previous approval LA04/2016/1360/F was not constructed, the application was made invalid, and the agent was advised that the whole scheme would need to be applied for in full to include the proposed amendment. The agent subsequently proposed to submit a standalone application for a separate hot food takeaway building. As this was a valid application in its own right, it was accepted and processed as such.</p>
9.2	<p>Assessment</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of a hot food takeaway in this location • Character/Layout/Design • Access/Parking • Impact on neighbouring amenity <p>It is considered that the proposal is not in compliance with the SPPS in that the proposed development will cause demonstrable harm to interests of acknowledged importance which are considered below.</p> <p>Principle of a hot food takeaway in this location</p> <p>The proposed site is a brownfield site which was occupied in part by a Co-op until 2008. Currently construction is ongoing for a petrol filling station, shop and 2 retail units approved under the reference LA04/2016/1360/F. The site is designated as whiteland within the BUAP and dBMAP. DCAN 4 provides guidance on hot food takeaways. The proposed location is not within the town centre or a district/local centre. Paragraph 4.4 states that any application not within a town centre or district/local centre will be determined on its own particular merits. The site has approval for retail units under LA04/2016/1360/F and the historical use of the site as retail, and whilst it is not untypical for hot food bars to be located within contemporary PFSs, it is considered the use of a hot food takeaway is not compatible with this site and at this particular location within the site. The applicant is in ownership / control of the wider site and has placed the HFB closest to residential dwellings, which is poor in terms of layout.</p> <p>Character/Layout/ Design</p> <p>The proposed building is the same scale, massing and design of that approved under the application LA04/2016/1360/F. The modern design is compatible with the new use of the site. There appears to be no provision for waste storage and bins within the site.</p> <p>Access/Parking</p> <p>The proposed access is from the Stewartstown Road. The site contains 24 car parking spaces. The site access and car parking layout were previously approved under the reference LA04/2016/1360/F. DFI Roads were consulted and have no objections. It is considered that the proposed access and parking arrangements are acceptable and comply with PPS 3.</p> <p>Impact on residential amenity</p> <p>The proposed hot food takeaway is located along the southern boundary of the site and within close proximity of properties at Donegore Gardens. Paragraph 5.1 of DCAN 4 recognises a number of factors that need to be taken into account, these are:</p> <ul style="list-style-type: none"> • noise disturbance; • smells and fumes; • refuse and litter;

	<ul style="list-style-type: none"> • traffic considerations and car parking; and • provision for people with disabilities. <p>Environmental Health were consulted and requested a noise impact assessment and odour assessment which has been provided. As a result, Environmental Health have no objections subject to conditions.</p> <p>While Environmental Health are of the opinion that noise concerns can be overcome with conditions, the surrounding residential context presents potential noise and nuisance concerns that the Council consider will have a significant impact on the surrounding residential area.</p> <p>DCAN 4 states that the main sources of noise are vehicles, people and use of equipment and that these sources of noise are particularly noticeable in late evening. The guidance also recognises that take-away uses, which often generate frequent vehicle and pedestrian movements, can be particularly annoying and unacceptable. The weight to be attached to noise disturbance will be greater where there is an increased likelihood that customers will seek to park close to the premises.</p> <p>The distance from the proposed takeaway to the boundary with dwellings on Donegore Gardens is approximately 3.1m while the distance to the rear elevations of nos. 15 and 17 Donegore gardens is approximately 14.9m. Parking provision is directly in front of the unit and close to the rear boundary with residents. Given the close proximity of dwellings to the hot food takeaway it is considered that the noise/ disturbance generated by vehicles and the movement of people will be unacceptable, especially in times of high volumes of traffic such as the evenings. The high number of objections from local residents demonstrate the concerns with noise and nuisance from such a use. In addition, no details have been provided in respect of adequate storage of refuse. Paragraph 5.6 of DCAN 4 states that concerns can be overcome with conditions but the council are not satisfied that the restriction of hours of operation or the fence granted under the previous application which is outside the application site will be sufficient to prevent an unacceptable level of nuisance/ disturbance.</p>
9.3	Having regard for the policy context and the considerations above, the proposal is deemed unacceptable.
10.0	Summary of Recommendation: Refusal
11.0	Reasons for refusal <ol style="list-style-type: none"> 1. The proposal is contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) Paragraphs 4.11 and 4.12 in that the proposal, if permitted, would result in an incompatible use in close proximity to residential dwellings due to the potential for an unacceptable adverse impact on neighbouring residential amenity through noise, disturbance and nuisance. 2. The development has failed to provide adequately for waste and bin storage within the site contrary to the Strategic Planning Policy Statement for Northern Ireland (SPPS) and guidance outlined in the Development Control Advice Noise 4 'Restaurants, Cafes and Fast-Food Outlets'.

Notification to Department (if relevant): N/A
Representations from Elected members: None

ANNEX	
Date Valid	9th March 2021
Date First Advertised	26th March 2021
Date Last Advertised	26 th March 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Blacks Road,Belfast,Antrim,BT11 9LS 10, Donegore Gardens, Belfast, Antrim, Northern Ireland, BT11 9NA The Owner/Occupier, 11 Donegore Gardens,Belfast,Antrim,BT11 9NA The Owner/Occupier, 13 Donegore Gardens,Belfast,Antrim,BT11 9NA 14, Donegore Gardens, Belfast, Antrim, Northern Ireland, BT11 9NA The Owner/Occupier, 15 Donegore Gardens,Belfast,Antrim,BT11 9NA The Owner/Occupier, 15, Blacks Road, Belfast, Antrim, Northern Ireland, BT11 9LS The Owner/Occupier, 17 Donegore Gardens,Belfast,Antrim,BT11 9NA 17a, Carnanmore Park, Belfast, Antrim, Northern Ireland, BT11 9LX The Owner/Occupier, 19 Donegore Gardens,Belfast,Antrim,BT11 9NA 19, Blacks Road, Belfast, Antrim, Northern Ireland, BT11 9LS 1a, Erris Grove, Belfast, Antrim, Northern Ireland, BT11 9LE The Owner/Occupier, 2 Carnanmore Park,Belfast,Antrim,BT11 9LX 20 Stewartstown Avenue Belfast Antrim 20, Ringford Crescent, Belfast, Antrim, Northern Ireland, BT11 9LG 21, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LU 21b, Carnanmore Park, Belfast, Antrim, Northern Ireland, BT11 9LX 22, Ringford Crescent, Belfast, Antrim, Northern Ireland, BT11 9LG 23, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LU 23b, Carnanmore Park, Belfast, Antrim, Northern Ireland, BT11 9LX	

The Owner/Occupier, 25, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LU The Owner/Occupier, 3 Donegore Gardens,Belfast,Antrim,BT11 9NA 3 Rosgoill Drive Belfast Antrim 33, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LU 34, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LW 4, Donegore Gardens, Belfast, Antrim, Northern Ireland, BT11 9NA 4, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LW The Owner/Occupier, 42, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LW The Owner/Occupier, 46, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LW The Owner/Occupier, 49, Blacks Road, Belfast, Antrim, Northern Ireland, BT11 9LS The Owner/Occupier, 5 Donegore Gardens,Belfast,Antrim,BT11 9NA The Owner/Occupier, 54, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LW The Owner/Occupier, 59, Blacks Road, Belfast, Antrim, Northern Ireland, BT11 9LS The Owner/Occupier, 7 Donegore Gardens,Belfast,Antrim,BT11 9NA 88, Tildarg Avenue, Belfast, Antrim, Northern Ireland, BT11 9LW 8a, Donegore Gardens, Belfast, Antrim, Northern Ireland, BT11 9NA The Owner/Occupier, 9 Donegore Gardens,Belfast,Antrim,BT11 9NA 9, Donegore Gardens, Belfast, Antrim, Northern Ireland, BT11 9NA The Owner/Occupier, Church Of St John The Baptist (C Of I),Stewartstown Road,Belfast,Antrim,BT11 9NB Crescent Belfast	
Date of Last Neighbour Notification	13/10/2021
Date of EIA Determination	N/A
ES Requested	No

This page is intentionally left blank

Committee Application

Development Management Report	
Application ID: LA04/2020/0844/F	Date of Committee: 18 January 2022
Proposal: Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area (Amended Drawings)	Location: Vacant Warehouse at Rathbone Street & former St Malachy's School at Sussex Place, Belfast
Referral Route: Councillor referral (Councillor Gormley) – detrimental impact on listed building and Conservation Area, substandard design, residential amenity concerns, lack of consultation, potential anti-social behaviour.	
Recommendation: APPROVAL	
Applicant Name and Address: Xafinity Pension Trustees Ltd SIPP - 102118 Scotia House Castle Business Park	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast
Executive Summary: <p>The proposal is for 'Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area'.</p> <p>267 representations have been received in relation to this proposal. 265 objections (including from Councillors Gormley, Kelly and McKeown), 1 support letter and 1 non-committal representation have been received.</p> <p>The proposal relates to a mixture of uses including residential, office and café. The site is located within the designated City Centre and consequently, there is no objection in principle to any of the proposed uses in this location.</p> <p>The application site includes former St Malachy's Primary School, a Grade B1 listed building (ref. HB26/30/024 B). The listing encompasses the old school building and an adjoining warehouse. There are also a number of listed buildings located within the immediate locality. These listed buildings and the location within the Linen Conservation Area contribute to the character of the site and the surrounding area. Historic Environment Division (HED) has provided comments on the proposal and is content that the proposal satisfies the tests of para 6.12 and 6.13 of the SPPS and Policies BH7, BH8 and BH11 of PPS 6.</p> <p>The Council's Conservation Area officer (CAO) has provided comments on the proposal, advising no objection to the proposed change of use and welcoming the retention and re-use of the existing listed buildings. The CAO concludes that he has <i>'no objections in principle, however concerns have been noted with suggested revisions'</i>. The concerns relate to the additional storey on the Joy Street elevation and the provision of dormers on the listed warehouse building. However, Members are advised that HED is the authority on Listed Buildings and they are content. In terms of the impact on</p>	

the Conservation Area, the proposed development on balance results in an enhancement of the appearance and character of the Linen conservation area, in accordance with the SPPS and Section 104 of the Planning Act.

It is considered that the design and layout of the proposed development will not create conflict with adjacent land uses. There would be some limited overlooking, natural light and outlook, however, these concerns are balanced against the inner city location of the site and the proposed renovation and re-use of an existing vacant listed building. On balance, it is considered that the amenity concerns will not give rise to an unacceptable adverse impact on existing or proposed occupiers.

In terms of the provision of amenity space, the proposed space falls below the standards set out in *Creating Places*. The agent advises that it is not feasible to provide an adequate amount of amenity space within the proposal. It is acknowledged that the application site is located within the City Centre and in relatively close proximity to the City Hall and Waterfront Hall / River Lagan. It is also recognised that there is limited opportunity to provide amenity space within the existing listed warehouse, where six of the apartments are proposed.

The proposed development supports walking, cycling and is within close proximity of public transport links and city centre amenities. In relation to the needs of people whose mobility is impaired, there is no lift access within the apartment building, however there is accessible accommodation provided to two ground floor apartments, the office and the café.

The application site is located within the coastal floodplain. The proposal involves the re-use of an existing building, consequently it can be considered an exception under policy FLD 1 of PPS 15. DFI Rivers Agency have provided comment on the submitted Flood Risk Assessment, advising of no objections.

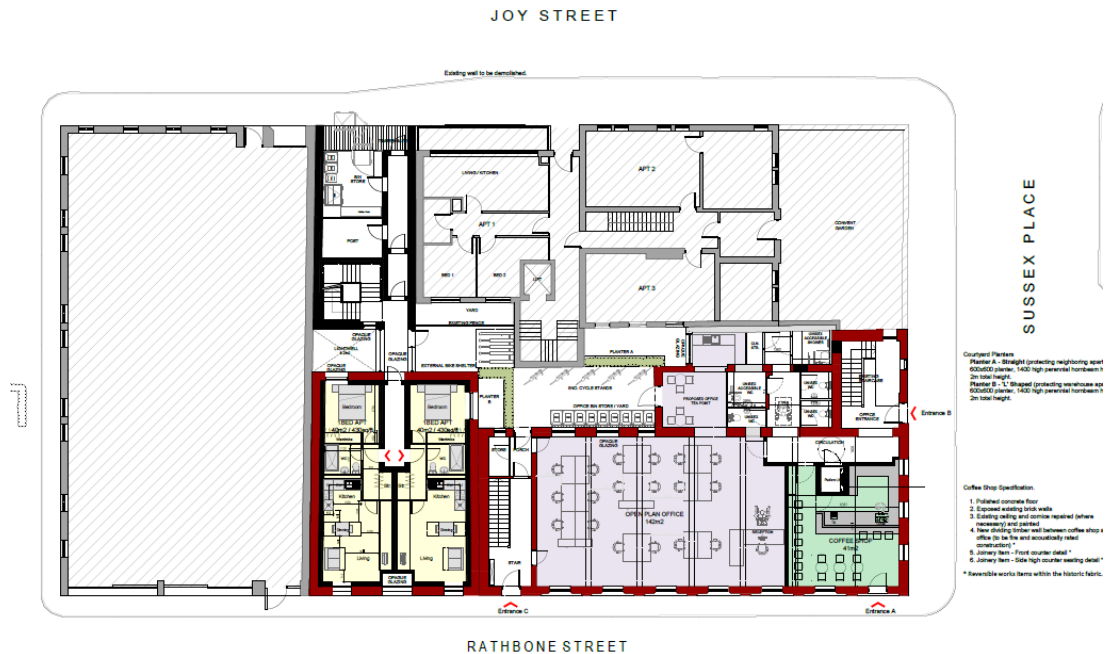
There are no concerns in relation to parking or sewage infrastructure.

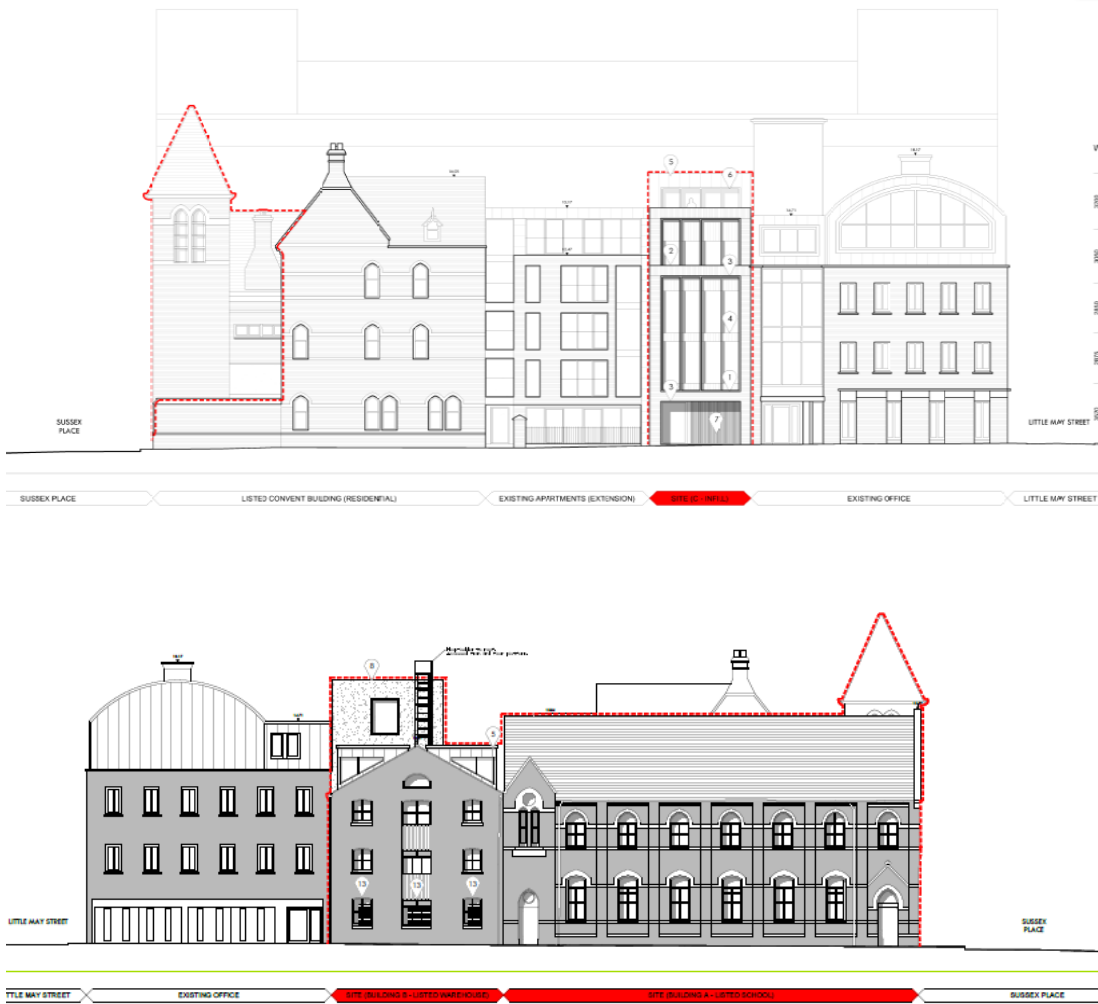
On balance, it is considered that the proposed development is acceptable, having regard to the Development Plan and retained planning policy and other material considerations. Therefore, the recommendation is to grant planning permission, subject to conditions. It is recommended that the Director of Planning and Building Control uses her delegated authority to finalise the wording of the conditions.

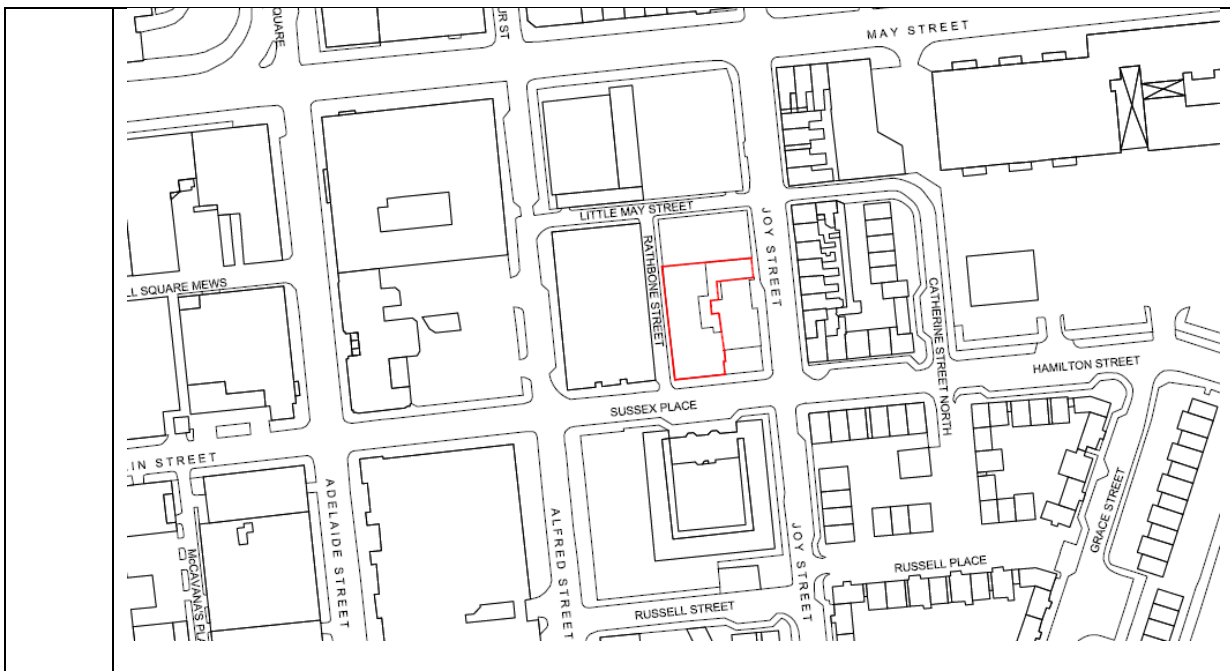
Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 The proposal is for 'Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area'.
- 1.2 The former school building will be converted to include a café on the ground floor, with access via Rathbone Street. The remainder of the ground and first floor will be converted to an office use. A new mezzanine level will be constructed on the first floor, providing additional office accommodation. A platform lift is provided to enable access to this floor. A modest meeting room is included within the existing bell tower. Access to the office will be via both Sussex Place and Rathbone Street.
- 1.3 The warehouse will be converted and extended to provide 8 no. residential apartments (6 no. 1 bed and 2 no. 2 bed apartments). Six of the apartments are located within the existing warehouse. Two flat roof dormers are proposed on the roof of the existing warehouse to provide additional bedrooms in the two top floor apartments. The proposed extension covers the space between the rear of the warehouse and the existing wall on Joy Street. Two 1 bed duplex apartments are proposed within this extension, in addition to a ground floor bin storage area and post room. The apartments are accessed via Joy Street.
- 1.4 Cycle storage for the apartments, office and café is located separately within the courtyard. Bin storage for the office and café is also located within the courtyard.



	
2.0	Description of Site
2.1	<p>The site is located within the urban development limits of Belfast, within the designated City Centre. There is currently a Grade B1 listed building located on the site, known as St Malachy's Primary school, encompassing the former school and adjoining warehouse). The building is a two storey red brick Venetian Gothic-styled former school building, with a bell tower facing Sussex Place. There is an adjoining three storey gable fronted red brick warehouse building that faces on to Rathbone Street. There is an existing courtyard at the rear of the school building / warehouse and. The courtyard is partially bound by an existing wall and the old convent and associated extension on the eastern side. Hamilton House bounds the courtyard on the northern side.</p>
2.2	<p>The surrounding area is characterised by a mixture of uses, primarily residential in the form of terraced housing and apartments. There are also commercial uses nearby, such as offices and retail.</p>



Planning Assessment of Policy and other Material Considerations

3.0 Site History

- 3.1 Z/2007/0032/F - Conversion from school house to community/ cultural use with ancillary office space and associated alterations to include three two storey extensions to side of building and new vehicle access onto Joy Street – 1 Sussex Place, Belfast – Granted 20/3/08
- 3.2 Z/2007/0060/LB - Conversion from school house to community/ cultural use with ancillary office space and associated alterations to include three two storey extensions to side of building and new vehicle access onto Joy Street – 1 Sussex Place, Belfast – Granted 21/3/08
- 3.3 Z/1994/2578 - Demolition, alterations, and extension (Listed Building Consent) – St Malachy's Youth club, Sussex Place, Belfast – Granted

Surrounding area

- 3.4 LA04/2015/0224/F - Retention, conversion and extension of former convent house for 6 one-bedroom and 6 two-bedroom apartments (12 in total) - The former St. Malachy's Convent of Mercy, Sussex Place – Granted 18/5/16
- 3.5 LA04/2015/0648/LBC - Retention, conversion and extension of former convent house for 6 one-bedroom and 6 two-bedroom apartments (12 in total) - The former St. Malachy's Convent of Mercy, Sussex Place – Granted 18/5/16
- 3.6 Z/2009/0527/F - Conversion of former convent residence into serviced office accommodation, including 4-storey extension to rear – Sussex Place Convent – Granted 1/6/10
- 3.7 Z/2009/0519/LB - Conversion of former convent residence into serviced office accommodation, including 4-storey extension to rear – Sussex Place Convent – Granted 2/6/10

3.8	Z/2008/1823/LB – Demolition of listed wall – Site bounded by Rathbone Street, Little May Street, and Joy Street - Granted 24/2/09
3.9	Z/2007/0771/F - Erection of 4 storey office development with secure off road parking for 4 vehicles – Site bounded by Rathbone Street, Little May Street, & Joy Street Belfast - Granted 8/9/08
3.10	Z/2007/0621/DCA - Building on Rathbone Street - Demolition of entire building due to unsafe structural condition – Granted 8/9/20
4.0	Policy Framework
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (pre-inquiry) (dBMAP 2015 v2004) Draft Belfast Metropolitan Plan 2015 (post-inquiry) (dBMAP) 2015 v2014)
4.3	Strategic Planning Policy Statement (SPPS) PPS 2 Natural Heritage PPS 3 Access, Movement and Parking PPS 4 Planning and Economic Development PPS 6 Planning, Archaeology and the Built Heritage PPS 7 Quality Residential Environments PPS 7 Addendum - Safeguarding the character of established residential areas PPS 12 Housing in Settlements PPS 15 Planning and Flood Risk Creating Places DCAN 4 Restaurants, Cafes and Fast food outlets Developer Contribution Framework
5.0	Statutory Consultees Responses
5.1	DFI Roads – No objection, subject to conditions
5.2	Historic Environment Division – No objection, subject to conditions
5.3	NI Water – No objection
6.0	Non-Statutory Consultees Responses
6.1	BCC Environmental Health – No objection, subject to conditions
6.2	Rivers Agency – No objection
6.3	BCC Conservation area officer - no objections in principle, however some issues noted
6.4	BCC Building Control – No objection
7.0	Representations

7.1	267 representations have been received in relation to this proposed development. These include 265 objections (including from Councillors Gormley, Kelly and McKeown), 1 support letter and 1 non-committal representation
7.2	<p>The objections are summarised below.</p> <p>Procedural</p> <ul style="list-style-type: none"> • Lack of pre-application community consultation. • Issues with neighbour notification and the expiry dates for comments. • One objector has queried the extent of land ownership of the applicant. • The application has not been held to the same standards which was applied to the application for the adjacent Hamilton House. Proposal is poorly designed and does not meet the standards of materials and detailing insisted upon for the Hamilton house development. <p>Built heritage / character</p> <ul style="list-style-type: none"> • Proposal will have an adverse effect on the essential character and setting of 3no. listed buildings; the Rathbone Street warehouse, the former St Malachy's School, and the former St Malachy's Convent including its associated extension. • The existing listed building is a precious part of the community's built and cultural heritage. Proposal to convert the building into office space will damage its character and integrity. • Proposed removal of 2no. existing roof trusses from the warehouse to facilitate insertion of two dormers will adversely affect the original form of the building, resulting in removal of historic fabric which is integral to the character and style of the warehouse building typology. • Proposed apartments result in overdevelopment and would have an oppressive impact on the listed building. Proposal adversely affects the setting of the listed building. • Proposal will result in erosion of historic urban grain and impact the distinction between listed buildings. • Proposed apartments will block a historic view of the warehouse that has existed since its construction in 1869. • Proposed interventions will detrimentally change the inherent character, local distinctiveness and the setting of the listed buildings. • Proposed development is contrary to criteria (a) and (c) of Policy BH11 of PPS 6. • Proposed ridge height along the Joy Street elevation will harm the setting of the listed former convent building. The proposed height of the extension is higher than the ridge of St Malachy's School. • No rationale is provided regarding the replacement of historic wooden panelling to the former school building. • Proposal does not provide information on retention of historic doors, floor/ceiling joists, roof structure or floorboards. • Detrimental impact on the view and setting of the listed buildings. • Proposal does not demonstrate how it complies with policies BH 8 and 11 of PPS 6. • Proposed two storey extension on the school building interferes with the fabric of the building at No. 1 Sussex Place. The detail of how this extension will be constructed is not adequately clear from the submitted plans and elevations. • The two storey extension to the school building will reduce the dominance of the clock tower and will dilute the separation between the two buildings.

	<ul style="list-style-type: none"> • Proposed meeting room with the bell tower will likely result in removal of historic fabric and closing off of timber louvres. • The scheme lacks sufficient survey information and detail of the upper level(s) of the Bell Tower. • The dormers would be highly visible from many of the City Gate apartments and constitute an alien presence on the historic roofscape. • The dormers will break the historic ridge line and industrial form. • Hamilton House side elevation was designed to be seen and takes its design / material cues from the listed building. • Detrimental impact on heritage and character of the existing houses on Joy Street. • The gap between 1 Sussex Place and Hamilton House, as viewed from Joy Street provides an important visual break in the streetscape. • Dead frontage along Joy Street. • Detrimental impact on the existing community and character of the area. • Proposed extension is a storey too high. • Proposed infilling and consequential removal of the historic yard area is out of character with the surrounding pattern of development and constitutes over development. The infilling of this gap will also remove the visual relief between buildings. • Proposal not sympathetic to the characteristic built form of the area. • Proposal does not respect the characteristics of adjoining buildings in the area by way of its scale, form, massing and detailing. • Proposal does not protect important views in the area. • Proposal does not conform with guidance set out in Linen Conservation Area guide. • Conservation area plan makes no provision for cafes or retail spaces. • Proposal does not demonstrate how it complies with policy BH 12 of PPS 6. • Proposal detracts from the historic character of Joy Street, within the Linen Conservation Area. • Timber cladding on Joy Street ground floor elevation is an inappropriate material. • No evidence has been presented that the development proposals have been informed by a robust heritage understanding of the site. • Detrimental impact on the view and setting of the listed buildings. • Form, proportion and urban reading of the large 'picture window' on the main elevation is more referential to the adjacent office building. • The proposal does not include a Statement of Significance / Conservation Heritage Statement, as previously requested by the Conservation area officer. Design and Access Statements should "explain the potential impact on the 'heritage significance' of a listed building, describing why the change is required and what measures have been taken to sensitively manage this change." • The Burra Charter (2013) indicates that the significance of a place should be retained through the identification of an appropriate compatible use. The proposed café and office use dilutes these associations and is incongruous with the residential nature of this portion of Hamilton Street/Sussex Place. • Conservation Area Guide describes Alfred Street as being the boundary between large scale commercial buildings and smaller scale commercial buildings. • Height of the proposed development exceeds the height limit within the conservation area.
--	--

- Proposal breaks the established building line.

Proposed office and café use

- Concerns with viability of the proposed office.
- The site could be redeveloped for more creative uses in an inclusive, sustainable manner.
- Development of office space in a residential setting is contrary to stated council plans to increase city centre living.
- Introduction of a new inappropriate land use (coffee shop) into a transitional residential zone.
- Proposed office development is speculative in nature.
- The area is a designated 'protected city centre housing area', in accordance with dBMAP.
- dBMAP contains policies that protect the area and its housing stock from development that would undermine residential use.

Proposed residential use

- Protected city centre housing area designation overrides the definition of an established residential area in Annex E of PPS 7 Addendum.
- Proposed development is contrary to policies LC1 and LC2 of PPS 7 Addendum.
- Proposed density is significantly higher than the surrounding area.
- Proposed apartments do not comply with the space standards.

Amenity

- Concerns that the proposed apartments will be let on a short term / Air BnB basis, resulting in anti-social behaviour and detrimental amenity impacts.
- Detrimental impact on light and views of neighbouring residents.
- Proposal reduces natural light at nearby Hamilton House.
- Detrimental impact on health and wellbeing.
- Noise and disturbance during construction. Interruption to existing residents during a time when most people are working from home.
- Concerns raised regarding bin collection.
- Potential overlooking from dormers towards Hamilton House.
- Noise pollution.
- Detrimental impact on daylight for existing and proposed occupiers / residents. Proposed apartments reliance on light wells is unacceptable.
- Proposal includes internal bedrooms with no prospect.
- Proposed apartments are too small. Room sizes are inadequate.
- No lift provided within the apartment building.
- Food waste in the bins stores will attract vermin.
- Lack of amenity space for existing and potential new occupants.
- Proposal will result in environmental problems such as noise, nuisance and disturbance.
- Proposal will give rise to overlooking and impact detrimentally on privacy.
- Proposal will result in overshadowing and loss of daylight.
- Proposed yard area will be enclosed, therefore offering no opportunity for maintenance and likely resulting in litter build up.
- Bin storage area is inadequate and poorly designed.
- Proposed will result in general disturbance due to the intensification of uses, e.g., staff in service yard and external lighting etc.
- Insufficient outlook from proposed apartments.
- No direct access from the café to the bin store.

	<ul style="list-style-type: none"> No sectional drawings have been provided to examine the relationship between the proposed apartments and the existing City gate apartments. Proposed ground floor bin store will result in bad smells on to the street and is detrimental to visual amenity. Proposal will have a detrimental impact on daylight and sunlight within adjacent apartments at 1 Sussex Place. Placement of 600 mm tall planters will not protect the amenity of nearby residents. Cycle stands within the courtyard will increase activity in this area, resulting in further disturbance to existing residents at No. 1 Sussex Place. Proposed coffee shop will result in noise, refuse and general disturbance. <p>Traffic / Parking / Access</p> <ul style="list-style-type: none"> Detrimental impact on parking. Parking is already an issue for existing residents, which will be exacerbated by the proposed development. Concerns that the proposal will result in traffic problems. Proposed development does not meet the needs of disabled persons or people with prams / pushchairs. No transport or traffic assessment has been submitted with the proposal. <p>Other issues</p> <ul style="list-style-type: none"> Proposal results in a fire spread hazard. Flood risk insurance for the ground floor apartments will be impossible to obtain. Proposed development has appearance of short term let accommodation. Proposal will result in an increase in short term let units, as the design , style and size of the apartments preclude the possibility of becoming permanent residences. No financial viability statement has been submitted with the proposal. No information on how the proposal meets requirements with regard to near-zero carbon or near-zero emission buildings. There is no indication of location for renewable energy or recycling provision Detrimental impact on property values. <p>The non-committal representation raised the following issues:</p> <ul style="list-style-type: none"> A retail unit should be provided within the scheme. Existing building should be preserved as much as possible. Project could be a great addition to the area. <p>The support letter stated that the proposal will bring new life to a beautiful building.</p>
8.0	Assessment
8.1	<p><u>Preliminary Matters</u></p> <p>Issues have been raised in relation to neighbour notification. The Council is content that neighbour notification has taken place, in accordance with Section 41 of the Planning Act (NI) 2011 and Article 8 of the Planning (General Development Procedure) Order (NI) 2015.</p>
8.2	<p>The proposed development is classified as a 'Local' development, in accordance with Regulation 2(2) of the Planning (Development Management) Regulations (NI) 2015. It is considered that prior engagement with the public and local communities</p>

	adds value to the planning process, however in the case of a 'local' development, there is no legal requirement on the applicant to engage with the public prior to submission of a planning application.
8.3	An objection has been received from a third party claiming that part of the site is not in the ownership of the applicant. The agent has confirmed that the application site is fully within the ownership of the applicant.
8.4	An objection has also been received stating that this planning application has not been held to the same standard as the grant of planning permission in relation to Hamilton House. The application referred to was approved under ref. Z/2007/0771/F by the Department of the Environment (DOE). All applications are considered on their own individual merits.
8.5	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 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) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The application site is located within Belfast City Centre. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP (both pre and post inquiry versions) remaining a material consideration.</p>
8.6	The application site is located within Belfast City Centre in both the BUAP and dBMAP. The site is not zoned for a use within BUAP or draft BMAP, however the site is located within a 'Protected city centre housing area' as designated in dBMAP. The site is also located within the Linen Conservation Area.
8.7	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.8	<p>Para 6.18 of the SPPS states that the guiding principle for managing development within a Conservation Area is to <i>'afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle'</i>. This is consistent with Section 104 of the Planning Act (Northern Ireland) 2011 (The 2011 Act).</p> <p>Development proposals within the Conservation Officer should be sympathetic to the characteristic built form of the area, respect the character of adjoining buildings, not result in environmental problems, protect important views within, into and out of the area, protect trees and landscape features and conform with the guidance set out in the Conservation Area Design Guide.</p>
8.9	With regard to listed buildings, the SPPS advises that development involving a change of use may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects

	the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired.
8.10	The SPPS also aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within town and city centres. The SPPS advises that the use of greenfield land for housing should be reduced and more urban housing should be accommodated through the recycling of land and buildings. The SPPS also encourages balanced communities and good design.
8.11	The SPPS aims to promote economic development and facilitate job creation by ensuring provision of a generous supply of land suitable for economic development. The SPPS advises that proposals for Class B1 Business uses in city centres should be permitted.
	<u>Principle of development</u>
8.12	The proposed development relates to a mixture of uses including residential, office and café. The site is located within the designated City Centre and consequently, there is no objection in principle to any of the proposed uses.
8.13	The site is located within a 'Protected city centre housing area', as designated in dBMAP. Policy HOU 5 states that permission will not be granted for any development that results in a change of use from housing within such an area. The application site is not currently used for housing therefore the proposal does not conflict with this policy.
8.14	A development proposal for a Class B1 business use will be permitted in the city centre, therefore the proposed office is acceptable in principle.
8.15	Furthermore, in relation to the proposed cafe, the SPPS and DCAN 4 state that the preferable location for such a use is within a city / town centre.
	<u>Character / Conservation area</u>
8.16	The application site is located within the Linen Conservation Area. Throughout the 19th and 20th centuries, development in the area was founded upon a distinctive townscape based on the Georgian grid-iron street pattern, and it became an established location for public offices.
8.17	Significant developments in recent times have created a new townscape where new and older buildings sit comfortably together within the original historic grid network. The scale and massing of traditional Victorian and Edwardian buildings are continued in the more modern office blocks, whilst a contrast of heights, roofscapes and architectural style provide visual interest and variety to the streets.
8.18	The application site includes St Malachy's Primary School, a Grade B1 listed building (ref. HB26/30/024 B). The listing encompasses the old school building and an adjoining warehouse. Immediately to the east of the site lies St. Malachy's Convent, a grade B1 listed building (ref. HB26/30/024 A). Furthermore, there are a number of grade B2 listed buildings on the opposite side of Joy Street (ref. HB26/30/008 A – H). These listed buildings and the location with the Linen Conservation Area contribute to the character of the site and the surrounding area.
8.19	The Linen Conservation Area Design Guide (LCADG) specifically refers to the Joy Street / Hamilton Street Area, stating that the Department will encourage renovation and that redevelopment of sites in Joy Street should re-establish a street frontage of

	an appropriate scale. It also states that a mixed use development including residential and small offices might be appropriate for the area.
8.20	The Council's Conservation Area officer (CAO) has provided comment on the proposed development, advising there is no objection to the proposed change of use and welcoming the retention and re-use of the existing listed buildings. The CAO concludes that he has <i>'no objections in principle, however concerns have been noted with suggested revisions.'</i>
8.21	The CAO expresses concern regarding the provision of an additional storey on the Joy Street elevation, resulting in an increased massing, height, scale, and depth of the upper floors. The CAO acknowledges the set back of the upper floor, however, notes that it is still visible from the streetscape and thus breaches and exceeds the shoulder line of adjacent buildings. The CAO advised that this floor should be set back further to minimise visual impact. Furthermore, the CAO specifically mentioned the projecting element to the side at 5 th floor level (located directly behind the building at No. 1 Sussex Place). The amended proposal results in the removal of this element as the stairwell has been relocated within the proposed building.
8.22	Notwithstanding the CAO's comments, it is considered that the proposal generally respects the existing shoulder height as the proposed third floor is line with the adjacent building at No. 1 Sussex Place albeit slightly higher than the adjacent Hamilton House. The main issue to consider therefore is the impact of the proposed 4 th floor. The 4 th floor extension is set back approximately 2.85 m overall from the Joy Street elevation (1.35 m from the 3 rd floor parapet). The 4 th floor also extends approximately 1.95 m above the 3 rd floor parapet. The agent submitted a number of VU.CITY images in support of the proposed development. It is noted that the overall height of the proposed building is similar to the existing convent building at No. 1 Sussex Place and is lower than the adjacent Hamilton House. Although it is acknowledged that the 4 th floor is visible from the streetscape, on balance, it is not considered that the addition of this storey detrimentally impacts on the character or appearance of the conservation area, which would be preserved.
8.23	The CAO also raised concerns about the introduction of dormer windows to the roofscape of the listed warehouse building, referring to the proposed dormers as large scale and insensitive and covering a significant proportion of roof area. The CAO acknowledges that public views of the dormers are limited and also defers to HED as the proposed dormers are located within the listed warehouse building. Paras 8.29 and 8.30 refer to the impact of the proposed development on the listed building, to which HED have no objection. Whilst it is acknowledged that the proposed dormers represent a departure from the traditional dormer arrangement, it is considered that the lack of public views and any objection from HED outweigh the concerns raised by the CAO.
8.24	Issues were raised regarding the inactive ground floor frontage along Joy Street. It is noted that the ground floor frontage consists of the apartment access and a vertical timber slat screen, behind which is the bin store. Inactive frontages are usually discouraged, particularly within a city centre context, however the overall width of the building on this elevation is 6 metres. The two neighbouring buildings include ground floor doors and windows, contributing to an active frontage. Given the relatively small width of the proposed building and the surrounding context, the ground floor design is considered acceptable.
8.25	The proposed development includes the renovation and re-use of listed buildings within the Linen Conservation Area. The new extension re-establishes a frontage on

	<p>the Joy Street elevation, as per the LCADG. Overall, it is considered that the proposed development results in an enhancement of the appearance and character of the Linen conservation area, in accordance with the SPPS and Section 104 of the Planning Act.</p>
8.26	<p><u>Residential density</u></p> <p>The area of the application site is approximately 640 sq m, however the residential element measures approximately 215 sq m. Based on this, the residential density of the proposal equates to approximately 372 units / Ha. The Citygate apartments on the opposite side of Rathbone Street have a residential density of approximately 428 units / Ha, which is higher than the proposed development. The apartments within the listed convent building at No. 1 Sussex Place have a density of approximately 360 units / Ha, similar to the proposed development (albeit slightly lower). In contrast, the existing terraced dwellings on Joy Street and Catherine Street North on the opposite block (to the west) have a density of approximately 120 units / Ha. In any event, density alone is not reason to refuse planning permission – it would have to be borne of some other land-use planning concern.</p>
8.27	<p>With regard to PPS 7 Addendum (Safeguarding the character of established residential areas), the application site does not fit the criteria of an established residential area, as defined in Annex E of the document. The policy states ‘In recognition of the desirability of promoting increased density housing in appropriate locations, Policy LC 1 will <u>not apply to designated city centres</u>’ [emphasis]. Notwithstanding this, the proposed density is considered to be acceptable given the nearby apartment developments at Citygate and No. 1 Sussex Place.</p>
8.28	<p><u>Impact on listed buildings</u></p> <p>As noted in para 8.19, the application site includes St Malachy’s Primary School, a Grade B1 listed building (ref. HB26/30/024 B). The listing encompasses the old school building and an adjoining warehouse. Immediately to the east of the site lies St. Malachy’s Convent, a Grade B1 listed building (ref. HB26/30/024 A). Furthermore, there are a number of Grade B2 listed buildings on the opposite side of Joy Street (ref. HB26/30/008 A – H).</p>
8.29	<p>Historic Environment Division (HED) has provided comments on the proposal and are content that the proposal passes the tests of para 6.12 and 6.13 of the SPPS and Policies BH7, BH8 and BH11 of PPS 6. It is noted that HED have not raised any objections to the proposal throughout the application process. HED have advised that planning permission should be subject to conditions including:</p> <ul style="list-style-type: none"> - Recording of the listed building. - Materials and techniques to match existing. - Original historic features will not be removed unless specified in the drawings. - Any missing joinery to be reinstated. - All ceiling works to be carried out from above, with historic flooring carefully lifted, stored and set aside for reinstatement. - Original timber windows and doors shall be retained and repaired like for like. - Evidence should be submitted to Council if any historic window or door is found to be beyond repair or fit for its intended use. - New joinery work shall match the materials, dimensions and profiles of the existing historic joinery work. - No vents, extracts, or plumbing or pipes, other than rainwater goods, shall be fixed on the external face of the building.

	<ul style="list-style-type: none"> - Proposed location and internal installation of all new service runs (water and gas pipes, electric cables etc.) shall be agreed with the Council prior to works commencing on site. - Detailed drawings of the proposed new mezzanine level shall be submitted to and agreed with the Council prior to works commencing.
8.30	<p><u>Residential amenity</u></p> <p>The immediate surrounding uses are primarily residential; however, the relatively small scale of the proposed café and office developments alleviates concerns that a conflict may arise. Furthermore, an existing office development is located immediately to the north of the proposal. It is considered that the design and layout will not create conflict with adjacent land uses.</p>
8.31	<p>PPS 7 advises that proposals should not have an unacceptable adverse effect on existing or proposed properties in terms of residential amenity.</p>
8.32	<p>The proposal introduces a mix of uses to the application site. Issues have been raised by objectors with regard to overlooking from the proposed residential and office elements. The proposal includes the conversion of the old warehouse building to six apartments, including provision of dormers on the roof. The windows of the warehouse building are located opposite the existing apartment complex at Citygate. Rathbone Street is a narrow street separating the two buildings, resulting in a limited separation distance of approximately 6.7 m. Notwithstanding this, the floor levels of each building are slightly offset so windows are not positioned directly opposite. Within a city centre context, it is always possible that views may be achievable to and from residential development. Furthermore, the proposed 6 apartments secure the re-use of a listed building, which has been vacant for a considerable length of time. Whilst views will be achievable to and from the proposed development, it is not considered that this will be unacceptably harmful.</p>
8.33	<p>The proposal also includes 3 bedrooms directly beside a lightwell. The bedrooms include an opaque glazed window, however given the location of the windows, it is unlikely that any significant views will be achievable from the internal corridor or other windows. It is therefore recommended that these windows should utilise transparent glazing. Issues were also raised regarding overlooking from the proposed dormer bedrooms, however this has been addressed appropriately with the provision of opaque glazing in the east facing windows. The windows facing Citygate are located approximately 12.5 metres away from the adjacent apartments. Given the city centre context, this is considered acceptable.</p>
8.34	<p>The proposed development also includes an infill building along Joy Street, where two duplex apartments are proposed. The opposite side of Joy Street is defined by residential development, approximately 14 metres away. The apartments have front facing windows over two levels with the upper apartment (3rd/4th floor level) also having two roof terraces. This arrangement is a typical street relationship and is not considered unusual in an urban context and would not give rise to an unacceptable degree of overlooking.</p>
8.35	<p>The proposed offices are located within the existing school building, with three floors of accommodation (one at mezzanine level). A similar relationship to the warehouse building exists with the Citygate apartments on the western side. Objectors have raised potential overlooking across the courtyard towards the existing residential apartments within the old Convent building located to the east. The ground floor windows have relatively high sill levels which will reduce overlooking somewhat, as occupants are only able to see out to the courtyard while</p>

	standing. A planter is proposed in the courtyard (2 m total height) which will help to screen the residential apartments. This is considered a more appropriate screen than the previously proposed timber fence as it will provide a more attractive outlook for the neighbouring residents. The submitted Service management plan states that these planters will be trimmed and maintained on regular occasions to ensure they do not grow excessively. Furthermore, it also confirms that staff within the office will not be permitted to access the yard area and smoking will be prohibited within the development. It is anticipated that compliance with the submitted service management plan would be conditioned in the event of approval.
8.36	The objection letters raised issues regarding potential shadow and loss of light as a result of the proposal. It is noted that one of the objectors commissioned his own daylight study, which concluded that the proposed development could cause significant harm to the daylight enjoyed by the occupants of the adjacent residential development at No. 1 Sussex Place. Further to this, amendments were made to the proposal to relocate the stairwell within the proposed building thus reducing the impact on the neighbouring development. Following submission of the amended scheme, the agent submitted a 'daylight and sunlight' study in support of the proposal. The study assesses the impact of the proposal on the windows of the adjacent residential development. The windows already face into an existing courtyard and consequently, the windows on the ground floor, first and second floor already suffer from poor light levels. The study concludes that the proposed development will not result in an unacceptable adverse impact on the neighbouring properties in terms of loss of light or sunlight impact. Furthermore, it is not considered that the proposal will result in an unacceptable adverse impact on any other neighbouring properties in terms of light or shadow.
8.37	There are some concerns regarding natural light and shadow within the proposed apartments within the listed warehouse building. The proposal utilises the existing window openings which offer limited levels of daylight. Lightwells are proposed in an effort to introduce additional light to the apartments. Equally, these concerns also relate to the outlook for potential occupants. The use of transparent glazing in the bedroom window, as suggested at para 8.34, will result in a modest improvement for occupants. The concerns regarding lack of natural light are somewhat offset by the proposed conversion and re-use of a vacant listed building.
8.38	The agent advised that ventilation will be supplied to the residential units via standalone systems which will not require any external plant or equipment. Furthermore, in relation to the proposed café, the agent has confirmed that no food will be prepared on site and therefore no extraction or ventilation equipment is proposed. Consequently, BCC Environmental Health (EHO) have no objections in relation to noise or odour, subject to conditions.
8.39	<u>Space standards</u> As noted in para 8.28, Policy LC1 does not apply to this proposed development. Although the policy does not apply, it is noted that the 6 apartments located within the existing warehouse do not meet the standards. The one bedroom (2P1B) units on the ground and first floors measure between approximately 40 – 41 sqm, whilst the duplex apartments (4P2B) on the second floor measure approximately 54 sqm. The two proposed apartments within the extension are in excess of the minimum space standards.

8.40	<p><u>Amenity space</u></p> <p>No communal amenity space is proposed within the development. Furthermore, only one of the proposed apartments includes private amenity space (approximately 10 sq m within the proposed duplex on the 3rd / 4th floor), resulting in an average amenity space of 1.25 sq m per apartment. The proposed amenity space therefore falls below the standards as set out in Creating Places, which recommends that open space provision should range from a minimum of 10 sq m per unit to around 30 sq m per unit. Para 5.20 of Creating Places states that the appropriate level should be determined by having regard to the context of the development and advises that development in inner urban locations will tend towards the lower figure. The agent advises that it is not feasible to provide this amount of amenity space within the proposal. It is acknowledged that the application site is located within the city centre and in relatively close proximity to the City Hall (4 minutes walk) and Waterfront Hall / River Lagan (7 minutes walk). It is also recognised that there is limited opportunity to provide amenity space within the existing listed warehouse, where 6 of the apartments are proposed. Regard also has to be had to the desirability of the renovation of the Listed Building.</p>
8.41	<p><u>Building control</u></p> <p>Following objections in relation to potential fire hazards, bin storage and access for disabled persons, BCC Building Control (BCC BC) were consulted on the proposal. A service management plan has also been submitted explaining the plans for refuse storage and management within the development. BCC BC confirmed that the applicant has sufficient development opportunity to comply with the Building Regulations (NI) 2012.</p>
8.42	<p><u>Access / Parking</u></p> <p>The proposed development does not include in-curtilage parking, however this is considered acceptable in a highly accessible location well served by public transport. The proposal includes provision of cycle parking. DFI Roads have provided comment on the proposed development, advising of no objections, subject to conditions.</p>
8.43	<p><u>Movement pattern / local facilities</u></p> <p>The proposed development supports walking, cycling and is within close proximity of public transport links and city centre amenities. There are concerns in relation to the needs of people whose mobility is impaired as there is no lift access within the apartment building. However, two of the proposed apartments are located on the ground floor with level access from the street. Furthermore, the office and café are both fully accessible, with a platform lift proposed to enable access to all floors of the old school building. As stated in para 8.42, BCC BC are content with the plans in relation to access for disabled persons.</p>
8.44	<p><u>Drainage / Sewage infrastructure</u></p> <p>NI Water (NIW) have confirmed that there is available wastewater treatment capacity to facilitate the proposed development.</p>
8.45	<p><u>Flooding</u></p> <p>The application site is located within the coastal floodplain. The proposal involves the re-use of an existing building, consequently it can be considered an exception under policy FLD 1 of PPS 15. A Flood Risk Assessment (FRA) was submitted in support of the proposal. Following consultation with DFI Rivers Agency, they advise that they accept the logic of the FRA and have no reasons to disagree with its conclusions.</p>

8.46	DFI Rivers Agency state that they cannot comment on the acceptability of the emergency access / evacuation and flood management plan. Section 5.3 of the FRA states that a Flood evacuation management plan (FEMP) should be undertaken post decision. As the Planning Committee has been previously advised, this is a matter for the management of the premises.
8.47	<p><u>Other issues</u></p> <p>Objections have raised the issue of constructing a building immediately neighbouring Hamilton House, resulting in the blocking up of 9 no. existing windows on the side elevation of Hamilton House. Three of the windows are within an existing stairwell, whilst the other six windows are located within existing office floors. These windows are located on the first, second and third floors approximately 2.4 metres and 4.5 metres away from the Joy Street elevation. The Joy Street elevation includes a curtain walling glazing system between the first and second floor, with a large picture window at third floor level. Consequently, the construction of the proposed building will not have an unacceptable adverse impact in terms of amenity, in particular, loss of light. Within an urban context, it would be considered likely that windows on a side elevation adjacent to an existing 'gap' site may be impacted by future development. It is not considered that the presence of gable windows should stymie the potential to develop an adjacent site.</p>
9.0	Summary of Recommendation: Approval subject to conditions
9.1	On balance, it is considered that the proposed development is acceptable, having regard to the Development Plan and retained planning policy and other material considerations. Therefore, the recommendation is to grant planning permission, subject to conditions. It is recommended that the Director of Planning and Building Control uses her delegated authority to finalise the wording of the conditions.
10.0	Conditions
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>The development shall not become operational until weather protected cycle parking has been fully provided in accordance with the approved plans. These facilities shall be permanently retained.</p> <p>REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p>
10.3	<p>Prior to occupation, all redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated.</p> <p>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.</p>
10.4	<p>The development shall operate in accordance with the Service Management Plan uploaded to the Planning portal on 17th September 2021.</p> <p>REASON: In the interests of road safety, the convenience of road users and to protect amenity.</p>

10.5	<p>The development shall operate in accordance with the Travel Plan uploaded to the Planning portal on 26th May 2020.</p> <p>REASON: To encourage alternative modes of transport to the private car.</p>
10.6	<p>No external plant or equipment shall be installed in association with the hereby permitted development without prior written approval from the Council.</p> <p>Reason: Protection of residential amenity.</p>
10.7	<p>No cooking of food shall be undertaken within the hereby permitted cafe unit without prior written approval from the Council.</p> <p>Reason: Protection of residential amenity.</p>
10.8	<p>Prior to works commencing on site, the applicant/agent shall provide to Council a room by room photographic survey of the listed building. Photographs shall be dated, numbered and cross referenced to a key plan. The survey report shall be annotated to highlight the features within each space, i.e. original historic decorative or functional features to floors, walls and ceilings including plaster type (lath and plaster). No works shall commence until the details have been approved in writing by the Council.</p> <p>Reason: To ensure HED (Historic Buildings) have an appropriate record in order to safeguard the special architectural or historic interest of the listed building.</p>
10.9	<p>With regard to the hereby approved works to the listed building:</p> <ul style="list-style-type: none"> a. Natural Welsh slates/Bangor blue slates shall be retained and repaired in the first instance. b. New roof slates shall be Natural Welsh slate or reclaimed natural slate to match the adjacent work to replicate the original colour, size, gauge and coursing pattern except where otherwise shown on the approved drawings. c. Lead flashing shall be replaced to achieve a like for like visual character as per existing. d. Brickwork, sandstone window heads and sills shall be retained and repaired in the first instance. Lime mortars appropriate for the location and use (ratio mix, thickness, application method etc.) shall be used for re-pointing. e. New brickwork, sandstone window heads and sills shall be made good to match the adjacent work with regard to the methods used and to material, colour, texture and profile, except where otherwise shown on the approved drawings. f. Existing render shall be retained. Any repairs to be carried out using a lime render appropriate for the location and use (ratio mix, thickness, application method etc.). g. Repair and cleaning to the stonework, shall be carried out in accordance with Drawing No's 29, 30 and 31 uploaded to the Planning Portal on 26th May 2020. <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.10	<p>With regard to the hereby approved works to the listed building:</p> <ul style="list-style-type: none"> a. Internal or external original historic decorative or functional features shall not be removed or altered unless expressly specified in the approved drawings; for

	<p>example, staircases and associated elements, lath and plaster to ceilings and walls, cornices, mouldings, joinery etc.</p> <p>b. Any missing joinery to be reinstated and shall match the historic profiles like for like, utilising traditional and sympathetic building materials and techniques; for example, to staircases, skirtings, cornices, architraves, wainscoting, window panelling and doors.</p> <p>c. Retained features shall be fully protected during the course of any works on site.</p> <p>d. To achieve fire rated ceilings all works shall be carried out from above (historic ceilings to remain unaltered). Historic flooring to be carefully lifted, stored and set aside for reinstatement.</p> <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.11	<p>With regard to the hereby approved works to the listed building:</p> <p>a. Original single glazed timber windows shall be retained, repaired like for like and finished with an opaque paint.</p> <p>b. Details regarding evidence found if any historic window is found to be beyond repair or unfit for its intended use shall be submitted to and agreed in writing with the Council prior to works commencing on site.</p> <p>c. New dormer windows to warehouse section, shall be standing seam metal cladding - dark grey, with powder coated aluminium framed windows - dark grey.</p> <p>d. Translucent film to inside of glazing shall be reversible.</p> <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.12	<p>With regard to the hereby approved works to the listed building:</p> <p>a. Original timber doors (internal and external) shall be retained, painted and repaired like for like.</p> <p>b. Details regarding evidence found if any historic door is found to be beyond repair or fit for its intended use shall be submitted to and agreed in writing with the Council prior to works commencing on site.</p> <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.13	<p>Any new joinery work shall match the materials, dimensions and profiles of the existing historic joinery work, except where otherwise specified on the approved drawings.</p> <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.14	<p>All external joinery work shall be painted timber.</p> <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>

10.15	<p>With regard to the hereby approved works to the listed building:</p> <ul style="list-style-type: none"> a. No vents, extracts, or plumbing or pipes, other than rainwater goods, shall be fixed on the external face of the building, unless shown on the approved drawings. b. New rainwater goods and SVPs shall be painted cast metal c. Final location of external vents shall be submitted to and agreed in writing with the Council prior to works commencing on site. d. Details regarding the proposed location and internal installation of all new service runs (soil vents, drainage stacks, water and gas pipes, electric cables etc.) shall be submitted to and agreed in writing with the Council prior to works commencing on site. <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.16	<p>Prior to works commencing on site, extensive detailed drawings in regard to the proposed new mezzanine level shall be submitted to and agreed in writing with the Council.</p> <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.17	<p>With regard to the hereby approved extension to the listed building, the finishes shall be:</p> <ul style="list-style-type: none"> - Red Brick standard bond - Red Brick soldier bond - Timber framed windows - painted dark grey - Timber head detail - painted dark grey - Standing seam metal cladding - dark grey - Aluminium glazing, powder coated - dark grey - Entrance details - vertical timber slat screen - painted dark grey - Render - painted white <p>Reason: To ensure that the development is not detrimental to the character, appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.18	<p>The bedroom windows marked with an X on Drawing No. 23B uploaded to the Planning Portal on 12th May 2021 shall be finished in transparent glass, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass within four weeks to the satisfaction of Belfast City Council.</p> <p>Reason: In the interests of amenity.</p>
10.19	<p>In accordance with the recommendations of the submitted Flood Risk Assessment uploaded to the Planning portal on 26th May 2020, a Flood evacuation management plan shall be submitted to and agreed with the Council prior to the occupation of the hereby approved development. The development shall be managed in accordance with the Flood evacuation plan at all times.</p> <p>Reason: To effectively manage flood risk.</p>

10.20	<p>Prior to the occupation of the development, Planters A and B shall be provided in accordance with the approved details on Drawing No. 41D uploaded to the Planning Portal on 30th September 2021 and Drawing No. 44 uploaded to the Planning Portal on 28th October 2020 and permanently be retained. Any plants indicated on the approved scheme which die, are removed or become seriously damaged, diseased or dying shall be replaced within 28 days.</p> <p>Reason: Protection of residential amenity.</p>
Notification to Department (if relevant)	
Representations from Elected members: Cllr John Gormley, Cllr Tracy Kelly, Cllr Gary McKeown (all objecting)	

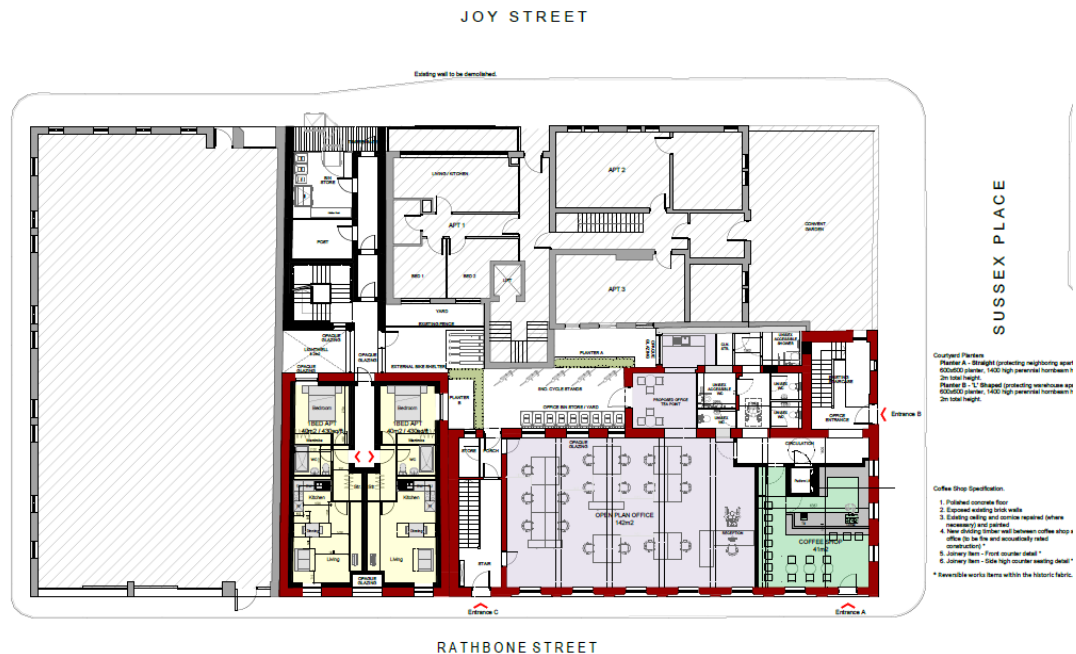
Committee Application


Development Management Report	
Application ID: LA04/2020/0840/LBC	Date of Committee: 18 January 2022
Proposal: Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area (Amended Drawings)	Location: Vacant Warehouse at Rathbone Street & former St Malachy's School at Sussex Place, Belfast
Referral Route: Councillor referral (Councillor Gormley) – detrimental impact on listed building	
Recommendation: APPROVAL	
Applicant Name and Address: Xafinity Pension Trustees Ltd SIPP - 102118 Scotia House Castle Business Park	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast
Executive Summary: <p>The proposal is for 'Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area'.</p> <p>260 representations have been received in relation to this proposed development. These include 259 (including from Councillors Gormley, Kelly and McKeown) and 1 non-committal representation.</p> <p>The proposal requires listed building consent as it involves works to a listed building. The subject building, St Malachy's Primary School is a Grade B1 Listed Building (ref. HB26/30/024 B). The listing encompasses the old school building and an adjoining warehouse. A design and access statement has been provided in accordance with the Planning Act (NI) 2011 and the Planning (Listed Buildings) Regulations (NI) 2015.</p> <p>This application is associated with a full application (LA04/2020/0844/F). This application is also listed for discussion at the January Planning committee and has been recommended for approval.</p> <p>Historic Environment Division (HED) has provided comments on the proposal and advises that the proposal satisfies the tests of para 6.12 and 6.13 of the SPPS and Policies BH7, BH8 and BH11 of PPS 6, subject to conditions. It is noted that HED has not raised any objections to the proposal throughout the application process.</p> <p>It is considered that the proposed works are acceptable having regard to the Development Plan, retained planning policies, representations and other material considerations. Therefore, the recommendation is to grant Listed Building Consent, subject to conditions. It is recommended that the Director of Planning and Building Control uses her delegated authority to finalise the wording of the conditions.</p>	

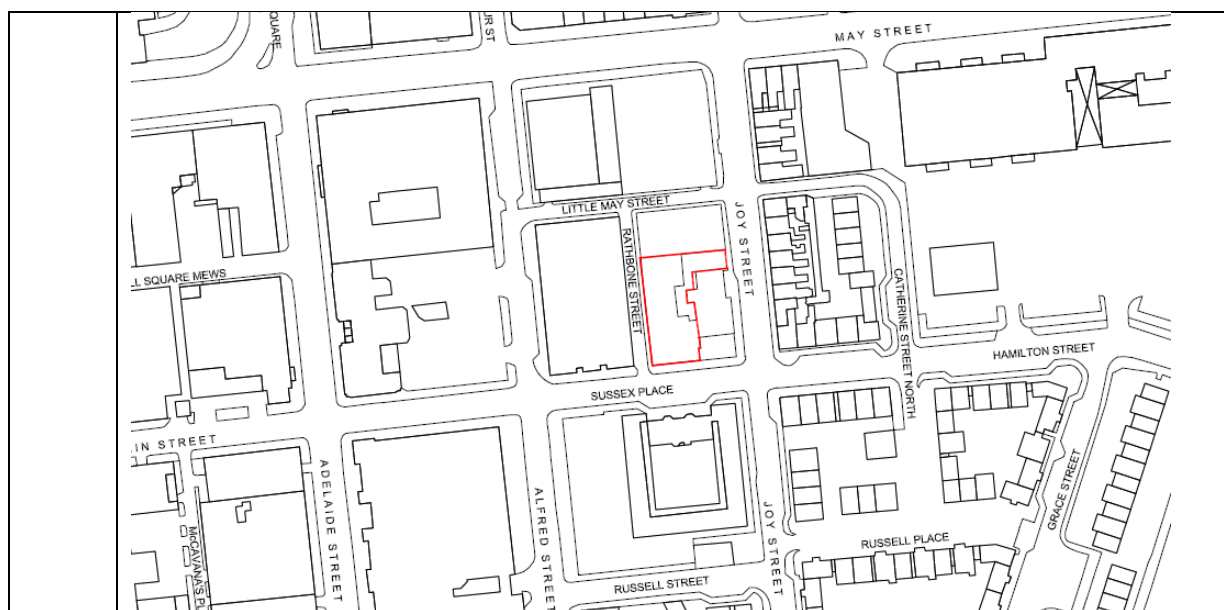
Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 The proposal is for 'Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area'.
- 1.2 The former school building will be converted to include a café on the ground floor, with access via Rathbone Street. The remainder of the ground and first floor will be converted to an office use. A new mezzanine level will be constructed on the first floor, providing additional office accommodation. A platform lift is provided to enable access to this floor. A modest meeting room is included within the existing bell tower. Access to the office will be via both Sussex Place and Rathbone Street.
- 1.3 The warehouse will be converted and extended to provide 8 no. residential apartments (6 no. 1 bed and 2 no. 2 bed apartments). Six of the apartments are located within the existing warehouse. Two flat roof dormers are proposed on the roof of the existing warehouse to provide additional bedrooms in the two top floor apartments. The proposed extension covers the space between the rear of the warehouse and the existing wall on Joy Street. Two 1 bed duplex apartments are proposed within this extension, in addition to a ground floor bin storage area and post room. The apartments are accessed via Joy Street.
- 1.4 Cycle storage for the apartments, office and café is located separately within the courtyard. Bin storage for the office and café is also located within the courtyard.



	
<p>2.0</p> <p>2.1</p> <p>2.2</p>	<p>Description of Site</p> <p>The site is located within the urban development limits of Belfast, within the designated City centre. There is currently a Grade B1 listed building located on the site, known as St Malachy's Primary school, encompassing the former school and adjoining warehouse). The building is a two storey red brick Venetian Gothic-styled former school building, with a bell tower facing Sussex Place. There is an adjoining three storey gable fronted red brick warehouse building that faces on to Rathbone Street. There is an existing courtyard at the rear of the school building / warehouse and. The courtyard is partially bound by an existing wall and the old convent and associated extension on the eastern side. Hamilton House bounds the courtyard on the northern side.</p> <p>The surrounding area is characterised by a mixture of uses, primarily residential in the form of terraced housing and apartments. There are also commercial uses nearby, such as offices and retail.</p>



Planning Assessment of Policy and other Material Considerations

3.0 Site History

- 3.1 Z/2007/0032/F - Conversion from school house to community/ cultural use with ancillary office space and associated alterations to include three two storey extensions to side of building and new vehicle access onto Joy Street – 1 Sussex Place, Belfast – Granted 20/3/08
- 3.2 Z/2007/0060/LB - Conversion from school house to community/ cultural use with ancillary office space and associated alterations to include three two storey extensions to side of building and new vehicle access onto Joy Street – 1 Sussex Place, Belfast – Granted 21/3/08
- 3.3 Z/1994/2578 - Demolition, alterations, and extension (Listed Building Consent) – St Malachy's Youth club, Sussex Place, Belfast – Granted

Surrounding area

- 3.4 LA04/2015/0224/F - Retention, conversion and extension of former convent house for 6 one-bedroom and 6 two-bedroom apartments (12 in total) - The former St. Malachy's Convent of Mercy, Sussex Place – Granted 18/5/16
- 3.5 LA04/2015/0648/LBC - Retention, conversion and extension of former convent house for 6 one-bedroom and 6 two-bedroom apartments (12 in total) - The former St. Malachy's Convent of Mercy, Sussex Place – Granted 18/5/16
- 3.6 Z/2009/0527/F - Conversion of former convent residence into serviced office accommodation, including 4-storey extension to rear – Sussex Place Convent – Granted 1/6/10
- 3.7 Z/2009/0519/LB - Conversion of former convent residence into serviced office accommodation, including 4-storey extension to rear – Sussex Place Convent – Granted 2/6/10
- 3.8 Z/2008/1823/LB – Demolition of listed wall – Site bounded by Rathbone Street, Little May Street, and Joy Street - Granted 24/2/09

3.9	Z/2007/0771/F - Erection of 4 storey office development with secure off road parking for 4 vehicles – Site bounded by Rathbone Street, Little May Street, & Joy Street Belfast - Granted 8/9/08
3.10	Z/2007/0621/DCA - Building on Rathbone Street - Demolition of entire building due to unsafe structural condition – Granted 8/9/20
	Pre Application Discussions
3.11	LA04/2018/0589/PAD - Change of use and refurbishment works to listed building to provide restaurant/offices; demolition of existing warehouse to the rear on Rathbone Street and erection of residential units fronting Rathbone Street and Joy Street - Former St Malachy's School, Sussex Place, Belfast
4.0	Policy Framework
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (pre-inquiry) (dBMAP 2015 v2004) Draft Belfast Metropolitan Plan 2015 (post-inquiry) (dBMAP) 2015 v2014)
4.3	Strategic Planning Policy Statement (SPPS) PPS 6 Planning, Archaeology and the Built Heritage
5.0	Statutory Consultees Responses
5.1	Historic Environment Division – No objection, subject to conditions
7.0	Representations
7.1	260 representations have been received in relation to this proposed development. These include 259 objections (including from Councillors Gormley, Kelly and McKeown) and 1 non-committal representation have been received.
7.2	<p>The objections raised a number of issues not relevant to this application for Listed Building Consent. These issues are presented and discussed in the associated full application under ref. LA04/2020/0844/F.</p> <p>The issues raised relevant to the LBC application include:</p> <p>Built heritage / character</p> <ul style="list-style-type: none"> • Proposal will have an adverse effect on the essential character and setting of 3no. listed buildings; the Rathbone Street warehouse, the former St Malachy's School, and the former St Malachy's Convent including its associated extension. • The existing listed building is a precious part of the community's built and cultural heritage. Proposal to convert the building into office space will damage its character and integrity. • Proposed removal of 2no. existing roof trusses from the warehouse to facilitate insertion of two dormers will adversely affect the original form of the building, resulting in removal of historic fabric which is integral to the character and style of the warehouse building typology.

	<ul style="list-style-type: none"> • Proposed apartments result in overdevelopment and would have an oppressive impact on the listed building. Proposal adversely affects the setting of the listed building. • Proposal will result in erosion of historic urban grain and impact the distinction between listed buildings. • Proposed apartments will block a historic view of the warehouse that has existed since its construction in 1869. • Proposed interventions will detrimentally change the inherent character, local distinctiveness and the setting of the listed buildings. • Proposed development is contrary to criteria (a) and (c) of Policy BH11 of PPS 6. • Proposed ridge height along the Joy Street elevation will harm the setting of the listed former convent building. The proposed height of the extension is higher than the ridge of St Malachy's School. • No rationale is provided regarding the replacement of historic wooden panelling to the former school building. • Proposal does not provide information on retention of historic doors, floor/ceiling joists, roof structure or floorboards. • Detrimental impact on the view and setting of the listed buildings. • Proposal does not demonstrate how it complies with policies BH 8 and 11 of PPS 6. • Proposed two storey extension on the school building interferes with the fabric of the building at No. 1 Sussex Place. The detail of how this extension will be constructed is not adequately clear from the submitted plans and elevations. • The two storey extension to the school building will reduce the dominance of the clock tower and will dilute the separation between the two buildings. • Proposed meeting room with the bell tower will likely result in removal of historic fabric and closing off of timber louvres. • The scheme lacks sufficient survey information and detail of the upper level(s) of the Bell Tower. • The dormers would be highly visible from many of the City Gate apartments and constitute an alien presence on the historic roofscape. • The dormers will break the historic ridge line and industrial form. • Hamilton House side elevation was designed to be seen and takes its design / material cues from the listed building. • Detrimental impact on heritage and character of the existing houses on Joy Street. • The gap between 1 Sussex Place and Hamilton House, as viewed from Joy Street provides an important visual break in the streetscape. • Dead frontage along Joy Street. • Detrimental impact on the existing community and character of the area. • Proposed extension is a storey too high. • Proposed infilling and consequential removal of the historic yard area is out of character with the surrounding pattern of development and constitutes over development. The infilling of this gap will also remove the visual relief between buildings. • Proposal not sympathetic to the characteristic built form of the area. • Proposal does not respect the characteristics of adjoining buildings in the area by way of its scale, form, massing and detailing. • Proposal does not protect important views in the area.
--	---

	<ul style="list-style-type: none"> • Proposal does not conform with guidance set out in Linen Conservation Area guide. • Conservation area plan makes no provision for cafes or retail spaces. • Proposal does not demonstrate how it complies with policy BH 12 of PPS 6. • Proposal detracts from the historic character of Joy Street, within the Linen Conservation Area. • Timber cladding on Joy Street ground floor elevation is an inappropriate material. • No evidence has been presented that the development proposals have been informed by a robust heritage understanding of the site. • Detrimental impact on the view and setting of the listed buildings. • Form, proportion and urban reading of the large 'picture window' on the main elevation is more referential to the adjacent office building. • The proposal does not include a Statement of Significance / Conservation Heritage Statement, as previously requested by the Conservation area officer. Design and Access Statements should "explain the potential impact on the 'heritage significance' of a listed building, describing why the change is required and what measures have been taken to sensitively manage this change." • The Burra Charter (2013) indicates that the significance of a place should be retained through the identification of an appropriate compatible use. The proposed café and office use dilutes these associations and is incongruous with the residential nature of this portion of Hamilton Street/Sussex Place. • Conservation Area Guide describes Alfred Street as being the boundary between large scale commercial buildings and smaller scale commercial buildings. • Height of the proposed development exceeds the height limit within the conservation area. • Proposal breaks the established building line.
8.0	Assessment
8.1	<p><u>Listed building context</u></p> <p>The proposal requires listed building consent as it involves works to a listed building. The subject building, St Malachy's Primary School is a Grade B1 Listed Building (ref. HB26/30/024 B). A design and access statement has been provided in accordance with the Planning Act (NI) 2011 and the Planning (Listed Buildings) Regulations (NI) 2015.</p>
8.2	<p>This application is associated with a full application (LA04/2020/0844/F). This application is also listed for discussion at the January Planning committee and has been recommended for approval.</p>
8.3	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 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) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP remaining a material consideration.</p>

8.4	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.5	<p>With regard to listed buildings, the SPPS advises that development involving a change of use may be permitted, particularly where this will secure the ongoing viability and upkeep of the building. It is important that such development respects the essential character and architectural or historic interest of the building and its setting, and that features of special interest remain intact and unimpaired.</p>
8.6	<p><u>Impact on Listed Building</u></p> <p>The application site includes St Malachy's Primary School, a Grade B1 listed building (ref. HB26/30/024 B). The listing encompasses the old school building and an adjoining warehouse. Immediately to the east of the site lies St. Malachy's Convent, a Grade B1 listed building (ref. HB26/30/024 A). Furthermore, there are a number of Grade B2 listed buildings on the opposite side of Joy Street (ref. HB26/30/008 A – H). These listed buildings and the location with the Linen Conservation Area ascribe to the character of the site and the surrounding area.</p>
8.7	<p>Historic Environment Division (HED) has provided comments on the proposal and is content that the proposal passes the tests of para 6.12 and 6.13 of the SPPS and Policies BH7, BH8 and BH11 of PPS 6. It is noted that HED has not raised any objections to the proposal throughout the application process.</p>
8.8	<p>HED have advised that planning permission should be subject to conditions including:</p> <ul style="list-style-type: none"> - Recording of the listed building. - Materials and techniques to match existing. - Original historic features will not be removed unless specified in the drawings. - Any missing joinery to be reinstated. - All ceiling works to be carried out from above, with historic flooring carefully lifted, stored and set aside for reinstatement. - Original timber windows and doors shall be retained and repaired like for like. - Evidence should be submitted to Council if any historic window or door is found to be beyond repair or fit for its intended use. - New joinery work shall match the materials, dimensions and profiles of the existing historic joinery work. - No vents, extracts, or plumbing or pipes, other than rainwater goods, shall be fixed on the external face of the building. - Proposed location and internal installation of all new service runs (water and gas pipes, electric cables etc.) shall be agreed with the Council prior to works commencing on site. - Detailed drawings of the proposed new mezzanine level shall be submitted to and agreed with the Council prior to works commencing.
8.9	<p>These conditions recommended as appropriate.</p>

9.0	Summary of Recommendation: Approval
9.1	Historic Environment Division (HED) has provided comments on the proposal and is content that the proposal satisfies the relevant tests of para 6.12 and 6.13 of the SPPS and Policies BH7, BH8 and BH11 of PPS 6.
9.2	Notwithstanding the representations received, in view of the advice from HED, it is considered that the proposed works comply with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions. It is recommended that the Director of Planning and Building Control uses her delegated authority to finalise the wording of any conditions.
10.0	Conditions
10.1	<p>The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.</p> <p>Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>Prior to works commencing on site, the applicant/agent shall provide to Council a room by room photographic survey of the listed building. Photographs shall be dated, numbered and cross referenced to a key plan. The survey report shall be annotated to highlight the features within each space, i.e. original historic decorative or functional features to floors, walls and ceilings including plaster type (lath and plaster). No works shall commence until the details have been approved in writing by the Council.</p> <p>Reason: To ensure HED (Historic Buildings) have an appropriate record in order to safeguard the special architectural or historic interest of the listed building.</p>
10.3	<p>With regard to the hereby approved works to the listed building:</p> <ul style="list-style-type: none"> a. Natural Welsh slates/Bangor blue slates shall be retained and repaired in the first instance. b. New roof slates shall be Natural Welsh slate or reclaimed natural slate to match the adjacent work to replicate the original colour, size, gauge and coursing pattern except where otherwise shown on the approved drawings. c. Lead flashing shall be replaced to achieve a like for like visual character as per existing. d. Brickwork, sandstone window heads and sills shall be retained and repaired in the first instance. Lime mortars appropriate for the location and use (ratio mix, thickness, application method etc.) shall be used for re-pointing. e. New brickwork, sandstone window heads and sills shall be made good to match the adjacent work with regard to the methods used and to material, colour, texture and profile, except where otherwise shown on the approved drawings. f. Existing render shall be retained. Any repairs to be carried out using a lime render appropriate for the location and use (ratio mix, thickness, application method etc.). g. Repair and cleaning to the stonework, shall be carried out in accordance with Drawing No's 29, 30 and 31 uploaded to the Planning Portal on 26th May 2020. <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>

10.4	<p>With regard to the hereby approved works to the listed building:</p> <ul style="list-style-type: none"> a. Internal or external original historic decorative or functional features shall not be removed or altered unless expressly specified in the approved drawings; for example, staircases and associated elements, lath and plaster to ceilings and walls, cornices, mouldings, joinery etc. b. Any missing joinery to be reinstated and shall match the historic profiles like for like, utilising traditional and sympathetic building materials and techniques; for example, to staircases, skirtings, cornices, architraves, wainscoting, window panelling and doors. c. Retained features shall be fully protected during the course of any works on site. d. To achieve fire rated ceilings all works shall be carried out from above (historic ceilings to remain unaltered). Historic flooring to be carefully lifted, stored and set aside for reinstatement. <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.5	<p>With regard to the hereby approved works to the listed building:</p> <ul style="list-style-type: none"> a. Original single glazed timber windows shall be retained, repaired like for like and finished with an opaque paint. b. Details regarding evidence found if any historic window is found to be beyond repair or unfit for its intended use shall be submitted to and agreed in writing with the Council prior to works commencing on site. c. New dormer windows to warehouse section, shall be standing seam metal cladding - dark grey, with powder coated aluminium framed windows - dark grey. d. Translucent film to inside of glazing shall be reversible. <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.6	<p>With regard to the hereby approved works to the listed building:</p> <ul style="list-style-type: none"> a. Original timber doors (internal and external) shall be retained, painted and repaired like for like. b. Details regarding evidence found if any historic door is found to be beyond repair or fit for its intended use shall be submitted to and agreed in writing with the Council prior to works commencing on site. <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.7	<p>Any new joinery work shall match the materials, dimensions and profiles of the existing historic joinery work, except where otherwise specified on the approved drawings.</p> <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.8	<p>All external joinery work shall be painted timber.</p> <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>

10.9	<p>With regard to the hereby approved works to the listed building:</p> <ul style="list-style-type: none"> a. No vents, extracts, or plumbing or pipes, other than rainwater goods, shall be fixed on the external face of the building, unless shown on the approved drawings. b. New rainwater goods and SVP's shall be painted cast metal c. Final location of external vents shall be submitted to and agreed in writing with the Council prior to works commencing on site. d. Details regarding the proposed location and internal installation of all new service runs (soil vents, drainage stacks, water and gas pipes, electric cables etc.) shall be submitted to and agreed in writing with the Council prior to works commencing on site. <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
10.10	<p>Prior to works commencing on site, extensive detailed drawings in regard to the proposed new mezzanine level shall be submitted to and agreed in writing with the Council.</p> <p>Reason: In order to retain the character and appearance of the special architectural or historic interest of this listed building and its setting.</p>
<p>Notification to Department (if relevant)</p> <p>N/As</p> <p>Representations from Elected members:</p> <p>Cllr John Gormley, Cllr Tracy Kelly, Cllr Gary McKeown (all objecting)</p>	

This page is intentionally left blank

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 18 January 2022	
Application ID: LA04/2020/2042/F	
Proposal: Proposed erection of 10 no. general needs and 2 no. complex needs (social housing) dwellings with associated car parking, amenity space, hard and soft landscaping and access arrangements from Alloa Street (12 units in total).	Location: Lands to the north of Alloa Street and south & east of 152-162 Manor Street Belfast.
Referral Route: Approval recommended without agreement with Statutory Consultee - DFI Roads.	
Recommendation: Approve subject to conditions.	
Applicant Name and Address: Clanmil Developments Limited Northern Whig House 3 Waring Street Belfast BT1 2DX	Agent Name and Address: Turley 3 Joy Street Belfast BT2 8LE
Executive Summary: This application seeks full planning permission for 10 no. general needs and 2 no. complex needs (social housing) dwellings with associated car parking, amenity space, hard and soft landscaping and access arrangements from Alloa Street. The main issues to be considered in this case are: <ul style="list-style-type: none"> • The principle of the proposal at this location • Design, layout and impact on the character and appearance of the area • Impact on amenity • Loss of Open Space • Access, Movement and parking • Infrastructure capacity • Other Environmental Considerations <p>The application site is unzoned land within the development limit of the Belfast Urban Area as identified in the BUAP, draft BMAP 2004 and dBMAP 2015. Historically, the application site was occupied by residential accommodation. The surrounding area is predominantly residential in character. The site, when cleared, was grassed over and as such the application site is amenity green space which is protected under PPS 8 Policy OS1 unless it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.</p>	

The proposal is for social housing consisting of complex needs units and general needs housing. NI Housing Executive have expressed their support for the proposal. The proposal will be secured for social housing through the means of a Section 76 Planning Agreement. It is considered, taking all matters into consideration, in particular the past residential use on the site and the proposed provision of social housing, that the proposed redevelopment of the site for social housing is therefore, on balance, acceptable in principle.

The proposed development will not adversely impact the character and appearance of the surrounding area. It is considered to be sympathetic in its built form, scale, massing and appearance with the surrounding area and neighbouring properties. It is considered that the proposal will not raise any unacceptable issues in relation to residential amenity including overshadowing, loss of light and overlooking.

Car parking is provided in the form of two in-curtilage spaces for each of the complex needs units. The 10 general needs dwellings will be served by 16 communal spaces proposed as parallel bays off the proposed carriageway. Creating Places parking requirements are 17 unassigned spaces. Hence there is a shortfall of 1 space. A separate parking study has been undertaken identifying that the surrounding streets can accommodate any additional parking spaces required.

It is considered that DFI Roads request for 3 year travel cards for each unit would not be justified in this case. The developer has submitted a Travel Plan which details the appointment of a travel coordinator within the Housing Association managing the site and the provision of 1 year membership of a bike scheme i.e. Belfast Bikes for each dwelling and officers consider this to be reasonable. All other parking and access matters are resolved and final conditions on those are awaited.

Rivers Agency and BCC Environmental Health offer no objections to the proposal.

NI Water advise that there is capacity at the WWTW and offer advice on foul and sewer connections. They can consider connection to the drainage system where the applicant can demonstrate like for like development. This site was previously developed for housing, with demolition of the last remaining properties as recent as 2015 as such a positive outcome to the PDE is anticipated and it is considered on balance that the issue can be resolved by means of a negative condition to address this matter.

No letters of objection have been received. A letter of support from the Lower Oldpark Community Association was submitted by the applicant as part of the proposal.

Having regard to the policy context and all material considerations, the proposal is considered on balance to be acceptable and planning permission is recommended for approval. It is considered in this case given the obvious benefits of bringing forward much needed new housing stock that permission should be granted with conditions alongside a Section 76 to secure social housing.

Recommendation - Approval subject to conditions and Section 76 Agreement.

It is requested that the committee delegate authority to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan





Site Layout Plan

Characteristics of the Site and Area

1.0 Description of Proposed Development

- 1.1 Proposed erection of 10 no. general needs and 2 no. complex needs (social housing) dwellings with associated car parking, amenity space, hard and soft landscaping and access arrangements from Alloa Street (12 units in total).
- 1.2 The dwellings are to be arranged in a conventional linear form replicating the street pattern of the wider area. Two single storey Complex Needs dwellings are proposed to front onto Manor Street and a terrace of 10 General Needs dwellings are arranged to front onto the proposed new carriageway within the site. The General Needs dwellings comprise a mix of two and a half storey 5-person three-bedroom units and two storeys 3-person two-bedroom units.
- 1.3 The proposed units will benefit from the provision of private rear amenity space and defensible space to the front of the dwellings. Car parking is provided in the form of two in-curtilage spaces for each of the complex needs units which will be accessed from Manor Street. The 10 general needs dwellings will be served by 16 communal spaces proposed as parallel bays off the proposed carriageway; the parking bays are softened by interspersed planting of trees.
- 1.4 The dwellings are proposed to be constructed in red clay facing brick with blue/black roof slates and black ridge tiles.

2.0	Description of Site	
2.1	The application site is situated at the junction of Alloa Street and Manor Street. The site comprises an undeveloped parcel of land which extends to approximately 0.3 hectares in size.	
2.2	The land was previously developed for residential use however the dwellings were demolished, and the site cleared in phases between 2007 and 2015. The land within the site is predominantly grassed over and gently slopes down from its highest point at the junction of Alloa Street and Manor Street towards the north east.	
2.3	The site shares a mutual boundary with the dwellings at 152-162 Manor Street which is delineated by 1.8m high timber fencing along the western extent. The boundaries of the remainder of the site are undefined.	
2.4	An existing vehicular access from Alloa Street and associated internal carriageway which previously served the dwellings on the site remains in situ and extends across the site to the northern boundary.	
2.5	The site is located within the urban area of North Belfast. The surrounding area is predominantly residential in character with a number of ancillary facilities interspersed throughout the local vicinity. The lands to the west and south comprises high density housing synonymous with this inner urban location. The residential provision comprises a mix of two or two and a half-terraced dwellings and flats generally constructed of red brick with traditional pitched slate roofs.	
2.6	The dwellings largely rely on on-street or communal parking provision. The primary open space provision for the local community is provided immediately north and east of the application site. To the north is a grassed area with a community walkway which connects the residential street to the children's play park and informal sports pitches to the east of the site. Beyond the play park to the east is Girdwood Community Hub which provides a range of community and leisure facilities for the surrounding communities.	
Planning Assessment of Policy and other Material Considerations		
3.0	Site History	
	There is no recent planning history on this site. (Last used for housing)	
4.0	Policy Framework	
4.1	Belfast Urban Area Plan	
4.2	Draft Belfast Metropolitan Area Plan 2004	
4.3	Draft Belfast Metropolitan Area Plan 2015	
	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.	
	4.3.1	Policy Sett 2 Development within Metropolitan Development Limits and Settlement Development Limits
4.4	Regional Development Strategy (RDS) 2035	

4.5	Strategic Planning Policy Statement 2015 (SPPS)
4.6	Planning Policy Statement 3 – Parking, Movement and Access. Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation Planning Policy Statement 15 – Planning and Flood Risk
5.0	Statutory Consultees Responses
5.1	DFI Roads – Unacceptable in terms of the “green travel measures” as of 14 th October 2021. All other matters resolved.
5.2	Northern Ireland Water (NIW) – developer advised to contact NIW to arrange connection to sewers.
5.3	DFI Rivers – No objection subject to conditions
5.4	NI Housing Executive - Supportive of the proposal.
6.0	Non Statutory Consultees Responses
6.1	BCC Environmental Health – no objection subject to conditions
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No objection has been received with regard to the proposal. A letter of support from the Lower Oldpark Community Association was submitted by the applicant as part of the proposal.
8.0	Other Material Considerations
8.1	Creating Places
8.2	Parking Standards
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> • The principle of the proposal at this location • Design, layout and impact on the character and appearance of the area • Impact on amenity • Loss of Open Space • Access, Movement and Parking • Infrastructure capacity • Other Environmental Considerations
9.2	<u>Principle of development</u> The application site is unzoned land within the development limit of the Belfast Urban Area as identified in the Plan. Within dBMAP the application site is unzoned land within the development limit of Belfast City. There were no representations made during the public inquiry process for BMAP which sought to zone the application site for any purpose and as such the application site remained as unzoned land in the unlawfully adopted BMAP. Historically, the application site was occupied by residential accommodation. The surrounding area is predominantly residential in character.

9.3	The site, when cleared, was grassed over and as such the application site would currently fall under the definition of part A2 (iii) amenity green space as defined by Annex A of PPS 8. Policy OS1 – Protection of Open Space of PPS8 states that “ <i>the Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space</i> ”, however the following paragraph goes on to state that “ <i>an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space</i> ”.
9.4	The current protection of the site under PPS 8 is a key consideration in the assessment of the principle and the consideration of this is set out in full in the report below.
9.5	The proposal is for social housing consisting of complex needs units and general needs housing. NI Housing Executive have expressed their support for the proposal. The proposal will be secured for social housing through the means of a Section 76 Planning Agreement. It is considered, taking all matters into consideration as set out below, that the proposed redevelopment of the site for social housing is therefore, on balance, acceptable in principle.
9.6	<u>Design, Impact on character and appearance of the area</u> The proposed scheme comprises 12 dwellings arranged in a conventional linear form replicating the street pattern of the wider area. Two single storey Complex Needs dwellings are proposed to front onto Manor Street and a terrace of 10 General Needs dwellings are arranged to front onto the proposed new carriageway within the site. The General Needs dwellings comprise a mix of two and a half storey 5-person three-bedroom units and two storeys 3-person two-bedroom units.
9.7	The proposed separation distances, window placement and use of obscured glazing assist in mitigating against any potential adverse impact on the neighbouring residential amenity.
9.8	Unit 10, located at the junction of Alloa Street and the new internal carriageway, has also been designed to include a curved exterior wall and projecting bay at first floor level. The proposed design is intended to create a feature which helps to turn the corner and add interest to the streetscape. This dwelling and Unit 11 are both designed as dual-fronted dwellings in order to provide frontage onto the respective public roads and avoid expansive blank gables which make no contribution to the local streetscape. The amenity spaces for these dwellings are proposed to be enclosed along Alloa Street by a 1.8-metre-high wall which is set back from the public footpath. A landscape buffer is proposed between the public footpath and boundary wall to soften the visual impact of the wall and mitigate against opportunities for anti-social behaviour.
9.9	The palette of materials and finishes proposed for the treatment of the elevations reflect those found in the surrounding residential area and offer a more modern and contemporary approach to the traditional built form. The proposed development will be enhanced by quality hard and soft landscaping around the buildings. This will not only create a high-quality living environment for prospective residents but will make a positive contribution to the character of the local area.
9.10	The proposed units benefit from the provision of private rear amenity space and a small level of defensible space to the front of the dwellings. The rear gardens are between 44 and 75 square metres in size. This level of provision is in accordance with the standards set out in the Creating Places guidance document. The rear amenity spaces are proposed to be enclosed by 1.8m high close boarded timber fencing.

9.11	The dwellings are proposed to be constructed in red clay facing brick with blue/black roof slates and black ridge tiles. Windows and doors are proposed to be made from hardwood and double glazed. Rainwater goods are proposed to be formed of black cast aluminium.
9.12	The density of development has also been carefully considered to reflect the existing density in the surrounding context. The proposed density of the scheme is 40 dwellings per hectare (dph) which is in keeping with the density exhibited by the existing and committed developments in the immediate context of the application site. The scale, form and massing of the proposed development is also in keeping with the overall character of the area immediately surrounding the application site. The design, building line, ridge heights, fenestration and solid to void proportions are typical of the surrounding area. As such the proposal is in keeping with the locality and is compliant with PPS 7 Policy QD1.
9.13	Overall, the proposed development would not cause unacceptable harm to the local character, appearance and environmental quality of the area of the area in accordance with Policy QD1 of PPS7, Policy LC1 of PPS7 Addendum, Creating Places and the SPPS.
9.14	<u>Impact on Amenity</u> Careful consideration has been given to the surrounding context in the detailed design of the layout and arrangement of the scheme, internal arrangement of the dwellings and window placement to minimise the potential impact on neighbouring land uses in terms of overlooking.
9.15	The layout/aspect of all buildings within the site is such that there will be no significant overlooking into neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties to ensure that dominance and overshadowing will not occur to an unacceptable degree. There will be no opportunity for overlooking into neighbouring properties due to the separation distances.
9.16	In terms of prospective residents, each unit has adequate outlook to the public street and external amenity areas. 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.
9.17	Residential use is not normally associated with the generation of significant noise or odour. Similarly, the existing land uses in the immediate context of the application site are not considered to be significant noise or odour generating uses. The Environmental Health Service has considered the proposed development in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations and offers no objection.
9.18	In light of the above, it is considered that an adequate level of residential amenity would be maintained for future occupiers in this urban location in accordance with Policy QD1 of PPS7 and the SPPS.
9.19	<u>Loss of Open Space</u> The site, when cleared, was grassed over and as such the application site would currently fall under the definition of part A2 (iii) amenity green space as defined by Annex A of PPS 8. The applicant submitted a statement specifically to set out their consideration of the loss of existing open space as a result of the development proposal.
9.20	This advised that the application site currently comprises land which has been cleared and grassed over. The site has however historically been developed for housing for over a century, with historic mapping indicating the site was initially developed late in the 19th

	Century. The land remained developed for housing (approximately 24 units based on Google Earth imagery) until approximately 16 of the dwellings were demolished between 2007 and 2009. The remaining dwellings (approximately 8) were demolished sometime between 2010 and 2015.
9.21	The applicant further advises that whilst the site is grassed over, they consider that this land primarily offers only limited visual amenity value, is not in regular active use and the existing children's play park and informal grassed pitch adjacent to the site, are considered to be a safer space for recreation as it is enclosed on all sides and is clear of roads and parking areas. This formal provision performs a strategic function in the public open space provision for the wider community. They advise that there are also a number of other grassed spaces within the surrounding area which provide informal open space and are readily accessible and available to serve the needs of the local community.
9.22	The applicant has undertaken an exercise measuring the extent of the site and the spaces in the surrounding area using Spatial NI data. They have calculated that the site extends to approximately 2,476sqm in size and the overall space in the immediate area (including the site) extends to approximately 40,695 sqm. This indicates that the redevelopment of the site for housing would reduce the overall provision by 6.3%. This calculation does not include the Girdwood Leisure Centre which is located to the south east of the site nor the significant grassed area beyond this.
9.23	The regional policy for the retention of existing open space is set out in policy OS1 of PPS8. Policy OS1 – Protection of Open Space of PPS8 states that <i>"the Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space"</i> , however the following paragraph goes on to state that <i>"an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space"</i> .
9.24	The applicant advises that the development will generate substantial community benefit in fulfilling an identified site-specific need for social housing and the scheme will also go some way to reducing the pressing demand for social housing in the local area. The provision of social housing on this site in accordance with a social housing need defined and supported by the Northern Ireland Housing Executive and the proposed complex needs units are intended to provide accommodation to meet the specific needs of two families who are currently in unsuitable and unsustainable living arrangements.
9.25	The applicant also advises that the development will see the generation of much needed employment opportunity within the local construction industry for the duration of the build contract. DfC require Clanmil Housing Association to apply a social clause when awarding a contract for the construction phase of the project and local unemployed people will be given the opportunity of apprenticeships for the duration of the building works. The applicant has also engaged with the local community in the preparation of the development proposal for this site. Following significant dialogue with community representatives through the Lower Old Park Community Association (LOCA) the scheme has evolved into a proposal which the community supports. This is evidenced in the letter of support from LOCA provided with the application submission.
9.26	Having considered all the matters as set out above it is considered, on balance, that the proposed scheme can be deemed an exception to the provisions of Policy OS1 of PPS8 subject to a Section 76 agreement to secure the provision of social housing.

9.27	<p><u>Access, Movement and Parking</u></p> <p>Car parking is provided in the form of two in-curtilage spaces for each of the complex needs units which will be accessed from Manor Street. The 10 general needs dwellings will be served by 16 communal spaces proposed as parallel bays off the proposed carriageway. Creating Places parking requirements are as follows: -</p> <ul style="list-style-type: none"> - 2 Bed terraced = 1.5 unassigned spaces per dwelling - 3 Bed terraced = 1.75 unassigned spaces per dwelling
9.28	<p>For a development of 3 No. 2 bed terraces and 7 No. 3 bed terraces, the required parking is 17 unassigned spaces. Hence there is a shortfall of 1 space. A separate parking study has been undertaken identifying that the surrounding streets can accommodate any additional parking spaces required.</p>
9.29	<p>Access to the site is proposed to be taken from the position of the existing vehicular access along Alloa Street. Minor works are proposed to enhance the access arrangement, to ensure the geometry is in accordance with the prevailing standards and also to provide tactile paving in order to improve the safety of pedestrians crossing the site access.</p>
9.30	<p>A Travel plan has been submitted which details the appointment of a travel coordinator within the Housing Association managing the site and the provision of 1 year membership of a bike scheme i.e. Belfast Bikes for each dwelling.</p>
9.31	<p>DFI Roads commented that the layout and access arrangements are acceptable. They requested "green travel measures" such as a 3-year Translink travel card, membership to Belfast bikes and a car sharing club. However, the level of parking provision and measures set out in the submitted Travel Plan are considered sufficient to ensure the likely parking demand can be accommodated and encourage the use of sustainable transport. It is considered that the parking provision proposed is sufficient to accommodate the level of demand likely to be generated by the proposal. Planning service do not feel the requirement for 3 year travel cards can be justified in this instance. It would be difficult to argue that the proposed development would result in any material increase in terms of parking pressure on the surrounding area. Whilst it is acknowledged that the proposal is providing a slightly reduced standard (- 1 space), it must be taken into consideration what the existing site circumstances are. It is not considered that 3 year travel cards would be justified in this case.</p>
9.32	<p>All other parking and access matters are resolved and final conditions on those are awaited. On balance, it is considered that the proposal complies with PPS 3. The Green Travel Measures proposed will be secured through the Section 76 Agreement.</p>
9.33	<p><u>Infrastructure Capacity</u></p> <p>NI Water advise that there is capacity at the WWTW and offer advice on foul and sewer connections. They can consider connection to the drainage system where the applicant can demonstrate like for like development. This site was previously developed for housing, with demolition of the last remaining properties as recent as 2015 as such a positive outcome to the PDE is anticipated and it is considered on balance that the issue can be resolved by means of a negative condition to address this matter. The applicant's attention is drawn to the requirement for early engagement with NIW.</p>
9.34	<p>Rivers Agency have commented that the Flood Hazard Map (NI) indicates that the development does not lie within the 1 in 100 year fluvial or 1 in 200-year coastal flood plain. DfI Rivers do not object to the proposed development from a drainage or flood risk perspective.</p>

9.35	<p>Other Environmental Considerations</p> <p>The proposed redevelopment of a former residential site for social housing will not bring forward any environmental concerns particularly in terms of noise, odour, air quality or contamination and as such the proposal will not have a detrimental impact on human health. Environmental Health have considered the proposals in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations and have no objections to the proposal. They are 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.</p>
9.36	<p>Having regard to the policy context and other material considerations above, the proposal is considered on balance to be acceptable and planning permission is recommended subject to conditions and Section 76 Agreement to secure Social Housing and Green Travel Measures as set out above.</p>
10.0	<p>Summary of Recommendation: Approval subject to conditions and Section 76 Agreement to secure Social Housing and Green Travel Measures.</p>
11.0	<p>Conditions</p>
11.1	<p>1: The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
11.2	<p>2: Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval.</p> <p>Reason: To safeguard against flood risk to the development and from the development to elsewhere.</p>
11.3	<p>3: If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.</p> <p>Reason: Protection of human health.</p>
11.4	<p>4: No development shall commence on site until details of wastewater treatment to serve the proposal have been submitted to and approved in writing with NIW and verification of that agreement is provided in writing to the Council. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: To ensure appropriate infrastructure is in place to serve the development.</p>
11.5	<p>5. All hard and soft landscaping works shall be carried out in accordance with the details on drawing labelled '941 Alloa Street, Belfast SK01N (Proposed Site Layout Plan)'</p>

	<p>uploaded to the planning portal 5th October 2021. These works shall be carried out prior to the occupation of the development hereby approved or before the end of the first planting season after occupation, whatever is sooner, and shall be permanently retained thereafter. 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 similar species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p>
11.6	<p>6. Prior to commencement of development a Landscape Management and Maintenance Plan for a minimum period of 20 years shall be submitted to BCC for approval.</p> <p>Reason: To ensure the successful establishment and continued growth through to maturity of the trees, shrubs, hedges, and grass areas identified on the detailed landscape plan.</p>
11.7	DfI Roads conditions to be added.
11.8	<p>Informative</p> <ol style="list-style-type: none"> 1. This planning permission is subject to a Planning Agreement under Section 76 of the Planning Act (N. Ireland) 2011. 2. This planning permission includes conditions which require further details to be submitted to and approved by the Planning Authority. Please read carefully when this information needs to be provided and approved. You should allow a minimum of 12 weeks for the Planning Authority to approve the details, assuming that they are satisfactory, and you should allow for this when planning the timeline of your project 3. The applicant's attention is drawn to the consultation responses received by the Council in respect of this application. The responses can be viewed at https://www.planningni.gov.uk/index/tools/public-access-info.htm. 4. This determination relates to planning control only and does not cover any consent or approval which may be necessary to authorise the development under other prevailing legislation as may be administered by the Council or other statutory authority. 5. The applicant is advised of the need to comply with the requirements of the Water and Sewerage Service (NI) Order 2006 and in this respect you are advised to contact Northern Ireland Water Limited.

Notification to Department (if relevant)

N/A

Representations from Elected members:

None

ANNEX	
Date Valid	16th October 2020
Date First Advertised	30th October 2020
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 1 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 1 Bandon Court,Belfast,Antrim,BT14 6PU The Owner/Occupier, 10 Alloa Street,Belfast,Antrim,BT14 6EL The Owner/Occupier, 10 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 10 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 11 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 11 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 12 Alloa Street,Belfast,Antrim,BT14 6EL The Owner/Occupier, 12 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 13 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 13 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 14 Alloa Street,Belfast,Antrim,BT14 6EL The Owner/Occupier, 14 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 15 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 15 Annalee Court,Belfast,Antrim,BT14 6EY The Owner/Occupier, 152 Manor Street,Belfast,Antrim,BT14 6ED The Owner/Occupier, 154 Manor Street,Belfast,Antrim,BT14 6ED The Owner/Occupier, 156 Manor Street,Belfast,Antrim,BT14 6ED The Owner/Occupier, 158 Manor Street,Belfast,Antrim,BT14 6EB The Owner/Occupier, 16 Annalee Court,Belfast,Antrim,BT14 6EY	

The Owner/Occupier,
160 Manor Street,Belfast,Antrim,BT14 6ED
The Owner/Occupier,
162 Manor Street,Belfast,Antrim,BT14 6ED
The Owner/Occupier,
168 Manor Street,Belfast,Antrim,BT14 6ED
The Owner/Occupier,
17 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
17 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
18 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
19 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
2 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
2 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
2 Manor Court,Belfast,Antrim,BT14 6FF
The Owner/Occupier,
20 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
21 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
3 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
3 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
4 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
45 Alloa Street,Belfast,Antrim,BT14 6EL
The Owner/Occupier,
47 Alloa Street,Belfast,Antrim,BT14 6EL
The Owner/Occupier,
49 Alloa Street,Belfast,Antrim,BT14 6EL
The Owner/Occupier,
5 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
6 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
7 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
8 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
9 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
9 Annalee Court,Belfast,Antrim,BT14 6EY
The Owner/Occupier,
93 Manor Street,Belfast,Antrim,BT14 6DX
The Owner/Occupier,
93a ,Manor Street,Belfast,Antrim,BT14 6DX
The Owner/Occupier,
93b ,Manor Street,Belfast,Antrim,BT14 6DX

Date of Last Neighbour Notification	28th October 2020
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title 01A Site Location Plan - published to Planning Portal 25/08/2021 02C Proposed Site Layout Plan (941 - Alloa Street, Belfast - SK01N) - published to Planning Portal 05/10/2021 03 House Type A1 Plans and Elevations - published to Planning Portal 20/10/2020 04 House Type A2 Plans and Elevations - published to Planning Portal 20/10/2020 05 House Type B Plans and Elevations - published to Planning Portal 20/10/2020 06 House Type C Plans and Elevations - published to Planning Portal 20/10/2020 07 House Type D Plans and Elevations - published to Planning Portal 20/10/2020 08 House Type E Plans and Elevations - published to Planning Portal 20/10/2020 09 Proposed Elevations A1 - published to Planning Portal 20/10/2020 20-02 (P10) PSD Layout published to Planning Portal 05/10/2021 20-03 (P1) Road Long Sections published to Planning Portal 05/10/2021	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	

This page is intentionally left blank

Development Management Officer Report Committee Application

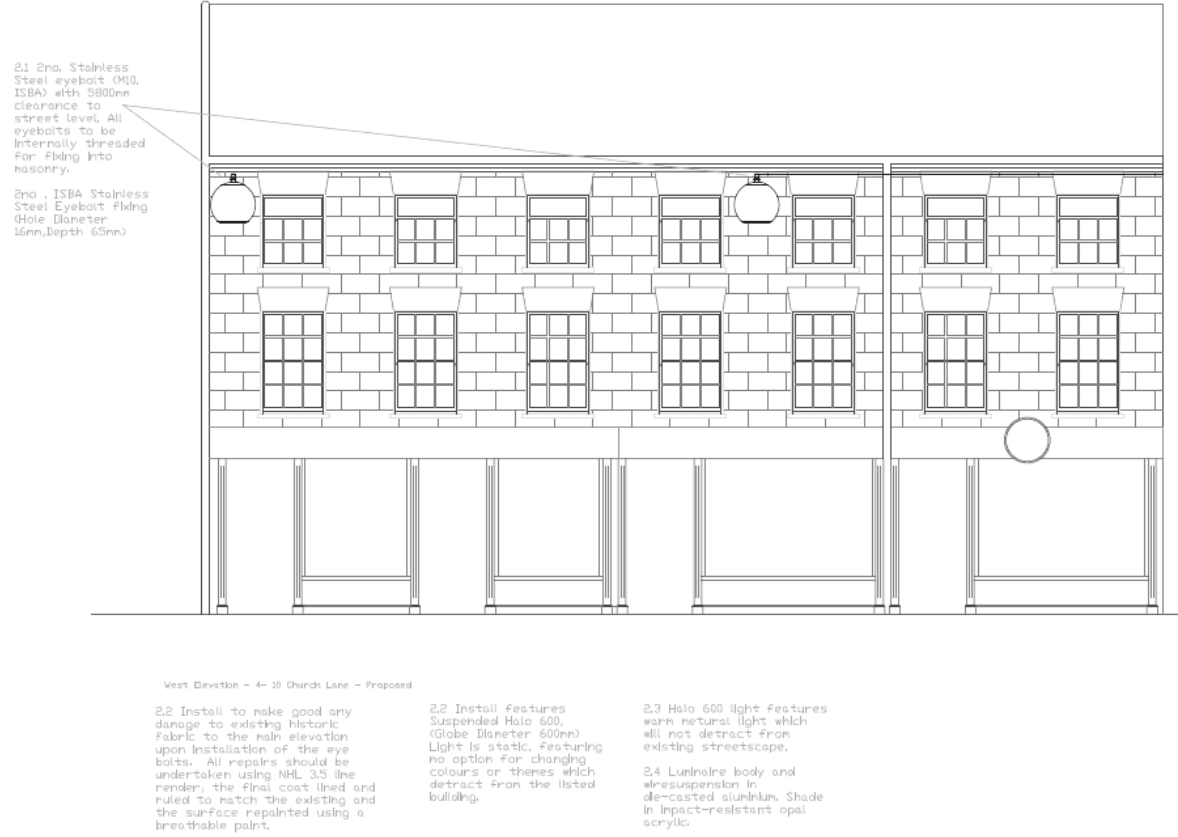
Summary	
Application ID: LA04/2021/2520/F and LA04/2021/2736/LBC	Committee Meeting Date: 18 th January 2022
Proposal: Proposed development is to install festoon lights along Church Lane.	Location: Church Lane Belfast BT1 4QN
Referral Route: BCC Funding	
Recommendation:	Approval
Applicant Name and Address: One Belfast Business Imp District 508 Scottish Provident Building 7 Donegall Square West Belfast BT1	Agent Name and Address:
<p>Executive Summary:</p> <p>The application seeks planning permission to install festoon lights along Church Lane, with a parallel Listed Building Consent application submitted seeking consent for those works attached to listed structures along Church Lane.</p> <p>The key issues in the assessment of the proposed development include:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the Belfast City Centre Conservation Area • Impact on Built Heritage • Impact on amenity • Impact on road safety <p>The site is located within the Belfast City Centre Conservation Area. Overall, the proposal would preserve the character and appearance of the area including the Conservation Area and would not be detrimental to the setting of nearby listed buildings, amenity of neighbouring properties or harmful to highway safety.</p> <p>The application has been neighbour notified and advertised in the local press, no objections have been received to date.</p> <p>Historic Environment Division has been consulted and offer no objections.</p> <p>The proposal has been assessed against and is considered to comply with the SPPS, BUAP, Draft BMAP, PPS6 and Sections 91 and 104 of the Planning Act (NI) 2011. Having regard to the policy context and other material considerations, the proposal is considered acceptable and planning permission is recommended for approval.</p> <p>Recommendation – Approval subject to conditions</p> <p>It is requested that the committee delegate authority to the Director of Planning and Building Control to finalise the wording of conditions.</p>	

Case Officer Report

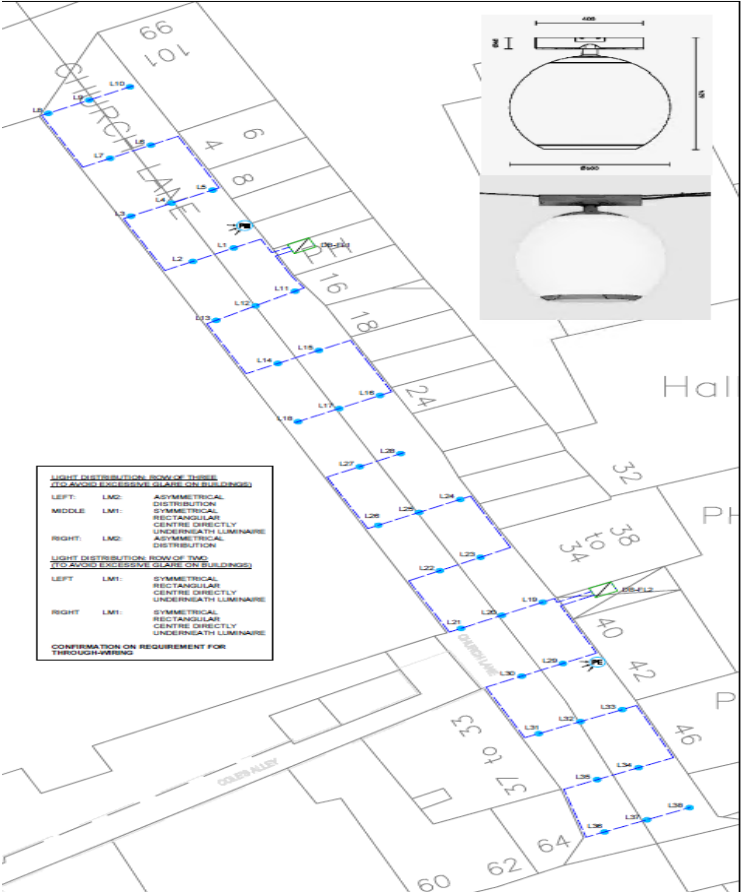
Site Location Plan



Proposed elevation



Proposed layout plan



Example of lighting (For indicative purposes only)



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	Planning permission and listed building consent is sought to install festoon lights along Church Lane. There will be approximately 15 crossing centenary wires with 2 or 3 alternate festoon lights (min. clearance of 5.8m to base) hanging from each between High Street and Ann Street. Light fittings will not be directly attached to any building.
2.0	Description of Site.
2.1	The application site is located at Church Lane. The application site lies within the development limits for Belfast. The site is located within Belfast City Centre Conservation Area
2.2	The character of the area is representative of the city centre, defined by mainly commercial uses.
Planning Assessment of Policy and other Material Considerations	
3.0	Planning History on Site
	1. LA04/2021/2736/LBC Church Lane Proposed development is to install festoon lights along Church Lane. Current
4.0	Policy Framework
4.1	<u>Planning policy framework and guidance included:</u> <ul style="list-style-type: none"> Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2004, 2015 <p>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.</p> <ul style="list-style-type: none"> Regional Development Strategy 2035 SPPS for Northern Ireland Planning for a Sustainable Environment. Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
5.0	Statutory Consultee Responses
	HED - No objection
6.0	Non-Statutory Consultees Responses
	None
7.0	Representations
7.1	The application has been neighbour notified and advertised in the local press. No objections have been received.
8.0	Other Material Considerations
8.1	Belfast City Centre Conservation Area Design Guide Section 91 of the Planning Act (Northern Ireland) 2011 Section 104 of the Planning Act (Northern Ireland) 2011
9.0	Assessment
9.1	The key issues in the assessment of the proposed development include: <ul style="list-style-type: none"> Principle of development Impact on Built Heritage Impact on the character and appearance of the Linen Conservation Area Impact on amenity Impact on road safety
9.2	Principle of development:

	<p>The site is within the settlement limits and city centre in the BUAP and both versions of draft BMAP. The site is also within the Belfast City Centre Conservation Area. The presumption is in favour of development within the settlement limit and the SPPS advises that planning permission ought to be granted for sustainable development that accords with the area plan and causes no demonstrable harm to interest of acknowledged importance. The principle of developing the site is considered to be acceptable subject to compliance with other material considerations as set out below, in particular the potential impact on built heritage and the character of the city centre conservation area.</p>
9.3	<p>Impact on Built Heritage</p> <p>The proposal includes lighting attached to Nos 4-8 Church Lane, a Grade B2 listed building and has therefore been assessed against paragraphs 6.12 (Development proposals impacting on Setting of Listed Buildings), 6.13 (Change of Use, Extension or Alteration of a Listed Building), of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and Policy BH8 (Extension or Alteration of a Listed Building) and BH11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage (PPS6). HED has offered no objections in terms of the impact on the setting of any adjacent listed buildings. The proposed lighting is considered to be sympathetic and of a nature and scale that would not detract from the built heritage in the area. Separate Listed Building Consent has been sought under LA04/2021/2736/LBC, submitted in tandem with the Full application. It is considered that the proposal also complies with Section 91 of the Planning Act (Northern Ireland) 2011 in that the lighting scheme preserves the setting of the listed structures on which lights are located and will not result in the loss of historic fabric.</p>
9.4	<p>Impact on the character and appearance of the Belfast City Conservation Area</p> <p>The site falls within the Belfast City Conservation Area and therefore assessed against Policy BH12 of PPS6. As stated above the proposal is of a nature and scale that is sympathetic to the character of the built heritage and subsequently the character of the conservation area. It is also considered to comply with Section 104 of the Planning Act (Northern Ireland) 2011 in that the proposed lighting scheme would preserve the character and appearance of the area including the City Centre Conservation Area</p>
9.5	<p>Impact on amenity</p> <p>As the proposed lighting is located within a predominantly commercial area and at eaves level it is not anticipated that the proposal will have any detrimental impact on the amenity of adjacent properties.</p>
9.6	<p>Impact on Road Safety</p> <p>The street is pedestrianised and therefore only used sporadically by some service vehicles. Given this, and the height of the lighting from street level it is not anticipated that the proposal would block or impair views of any existing signage or cause any significant impact on road safety.</p>
9.7	<p>Conclusion:</p> <p>The proposal is considered on to be acceptable, and what is considered sympathetic interventions to the street scene, will have no detrimental impact on the character of the Belfast City Centre Conservation Area, on surrounding built heritage or on amenity and road safety.</p>
10.0	<p>Summary of Recommendation: Approval Subject to Conditions</p>
10.1	<p>Having regard to the policy context and other material considerations, it is concluded that the proposal is considered acceptable</p>
10.2	

	It is requested that the committee delegate authority to the Director of Planning and Building Control to finalise the wording of conditions.
11.0	Conditions and Informatives
	<p>1.The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to the commencement of the development, drawings indicating the positions of the luminaires proposed to the front elevation of the listed buildings shall be submitted and information approved in writing by the Council in conjunction with HED. Reason: to ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works</p> <p>3. No new grilles, security alarms, lighting, security or other cameras or other fixtures shall be mounted on the external faces of the building other than those shown on the drawings hereby approved. Reason: to ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works</p> <p>3. All new external works and 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, in conjunction with HED. Detailed finishes schedules and samples are required for approval on any changes proposed.</p> <p>Reason: to ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works</p> <p>4. Luminaires will be of a grey matt finish.</p> <p>Reason: to ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works</p> <p>5. Fixtures into historic masonry to be stainless steel to prevent corrosion and subsequent risk of damage to the historic fabric.</p> <p>Reason: to ensure that special regard is paid to specific architectural features or fixtures and to ensure the fabric is protected from damage during the course of works.</p> <p>Informative:</p> <p>1. Artificial lighting should be optically controlled and directed in such a manner as to minimise light pollution from glare and spill. Guidance notes for the reduction of obtrusive light may be obtained from the Institution of Lighting Engineers, Lennox House, 9 Lawford Road, Rugby, Warwickshire CV21 2DZ, available at http://www.britastro.org/dark-skies/pdfs/ile.pdf.</p>

ANNEX	
Date Valid	23rd November 2021
Date First Advertised	17th December 2021
Date Last Advertised	17th December 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1-9 ,Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 10 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 105 High Street,Belfast,Antrim,BT1 2AG The Owner/Occupier, 11-13 ,Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 12-14 ,Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 12-14 ,Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 13 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 16 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 18 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 18 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 19-21 High Park Centre,Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 1st Floor,42 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 2 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 20 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 22 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 22 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 24-26 ,Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 28 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, 2nd Floor,42 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier,	

30 Church Lane,Belfast,Antrim,BT1 4QN
 The Owner/Occupier,
 35 Church Lane,Belfast,Antrim,BT1 4QN
 The Owner/Occupier,
 4 Church Lane,Belfast,Antrim,BT1 4QN
 The Owner/Occupier,
 4-6 ,Church Lane,Belfast,Antrim,BT1 4QN
 The Owner/Occupier,
 40 Church Lane,Belfast,Antrim,BT1 4QN
 The Owner/Occupier,
 46 Church Lane,Belfast,Antrim,BT1 4QN
 The Owner/Occupier,
 64 Ann Street,Belfast,Antrim,BT1 4EH
 The Owner/Occupier,
 66 Ann Street,Belfast,Antrim,BT1 4EH
 The Owner/Occupier,
 70 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,
 72 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,
 8 Church Lane,Belfast,Antrim,BT1 4QN
 The Owner/Occupier,
 Canston House,38 Church Lane,Belfast,Antrim,BT1 4QH
 The Owner/Occupier,
 Ground Floor,42 Church Lane,Belfast,Antrim,BT1 4QN
 The Owner/Occupier,
 Ground Floor,St. Georges House,99 High Street,Belfast,Antrim,BT1 2AG
 The Owner/Occupier,
 Office (1st Floor),St. Georges House,99 High Street,Belfast,Antrim,BT1 2AG
 The Owner/Occupier,
 Office (2nd Floor),St. Georges House,99 High Street,Belfast,Antrim,BT1 2AG
 The Owner/Occupier,
 Office (3rd Floor),St. Georges House,99 High Street,Belfast,Antrim,BT1 2AG
 The Owner/Occupier,
 Office 1 3rd Floor,72 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,
 Office 1 4th Floor,72 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,
 Office 2 2nd Floor,72 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,
 Office 2 4th Floor,72 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,
 Office 3 2nd Floor,72 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,
 Office 3 3rd Floor,72 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,
 Office Front 2nd Floor,72 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,
 Office Rear 3rd Floor,72 High Street,Belfast,Antrim,BT1 2BE
 The Owner/Occupier,

Offices 51 & 55 3rd Floor,72 High Street,Belfast,Antrim,BT1 2BE The Owner/Occupier, Shop (Unit 14),High Park Centre,15 Church Lane,Belfast,Antrim,BT1 4QN The Owner/Occupier, St George'S Parish Church (C Of I),High Street,Belfast,Antrim,BT1 2AG The Owner/Occupier, St George'S Parish Church (C Of I),High Street,Belfast,Antrim,BT1 2AG The Owner/Occupier, St George'S Parish Church (C Of I),High Street,Belfast,Antrim,BT1 2AG The Owner/Occupier, St. Georges House,99 High Street,Belfast,Antrim,BT1 2AG	
Date of Last Neighbour Notification	8th December 2021
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title 01 Site Location Plan 02 Site Layout 03 Existing Elevations 04 Proposed Elevations 05 External Lighting Services Layout	
Notification to Department (if relevant): N/A Date of Notification to Department: Response of Department:	

This page is intentionally left blank



Subject:	agendaNi Planning Conference, March 2022
Date:	18th January, 2022
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Louise McLornan, Democratic Services Officer

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

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

1.0	Purpose of Report or Summary of main Issues
	To advise the Committee of the upcoming annual Northern Ireland Planning Conference, held by agendaNi.
2.0	Recommendations
	The Committee is asked to consider whether it agrees to approve the attendance of the Chairperson and the Deputy Chairperson, or their nominees, to attend the agendaNi Planning Conference on Wednesday, 2nd March, 2022.

3.0	Main report
	<p><u>Key Issues</u></p> <p>3.1 agendaNi is organising its annual Northern Ireland Planning Conference, to be held on Wednesday, 2nd March, 2022, at the Europa hotel, Belfast.</p> <p>3.2 The organisers advise that the conference will provide a genuine, in-depth understanding of the key issues via a high-level panel of local and visiting speakers. The full list of confirmed speakers is outlined within the appendix.</p> <p>3.3 Members are asked to note that, in light of the ongoing pandemic, the organisers have stated that:</p> <p>3.4 <i>“attendees’ safety will remain our highest priority with all necessary social distancing and hygiene measures in place. All delegates attending are required to show proof of Covid vaccination, a negative test result within 48 hours of the conference or proof of a positive PCR test taken within the last 30–180 days. The Europa Hotel meets the Covid-19 industry standard ‘We’re Good to Go’ standards.”</i></p> <p>3.5 They have advised that Government guidance will be followed and that tickets will be transferable if the event is postponed or has to be held online.</p> <p><u>Financial & Resource Implications</u></p> <p>3.6 The discounted local government rate for attendees from the Council/Voluntary/Community sector is £195 + VAT per person.</p> <p>3.7 Democratic Services has a budget to allow the Chairperson and the Deputy Chairperson of the Planning Committee (or their nominees) to attend.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None.</p>
4.0	Appendices
	Email invitation from agendaNi.

Ireland Planning Conference 2022
Wednesday 2nd March • Europa Hotel, Belfast



agendaNi is organising its annual Northern Ireland Planning Conference, which has become well established as the major annual event for all those with an interest or role in planning and development in Northern Ireland. As with previous years, it will have a genuine, in-depth understanding of the key issues via a high-level panel of local and visiting speakers. The conference is an important date in the diary of planning professionals across the region.

Speakers confirmed include:



Angus Kerr
Chief Planner and Director of Regional Planning
Department for Infrastructure



Kate Bentley
Director of Planning and Building Control
Belfast City Council



Kieran Donnelly CB
Comptroller and Auditor General
Northern Ireland Audit Office



Dr Louise O'Kane
Planner and Engagement Officer
Community Places



Daisy Narayanan
Senior Manager, Placemaking and Mobility
City of Edinburgh Council



Nathan Coyle
Director
New Union

Ireland Planning Conference 2022
Wednesday 2nd March • Europa Hotel, Belfast



James Orr
Director
Friends of the Earth



Aodhán Connolly
Director
Northern Ireland Retail Consortium



Professor Geraint Ellis
Professor of Environmental Planning
School of Natural and Built Environment
Queen's University Belfast



David Gavaghan
Founder
Aurora Prime Real Estate Limited

The high level panel of experts will look at key issues including:

- Planning policy for recovery and growth
- Reimagining towns and cities: Local Development Plans to shape the next decade
- Redesigning planning and the role digital will play
- Reviewing the effectiveness of the planning system in Northern Ireland
- Planning and transport: Ensuring women-led design at every stage of the placemaking process
- Putting Net Zero at the heart of the planning system
- Tactical Urbanism: Rethinking public spaces post-Covid
- Planning case law update
- Community engagement in planning projects
- Planning for the future development of Northern Ireland
- Best practice case studies

Ireland Planning Conference 2022

Wednesday 2nd March • Europa Hotel, Belfast

Conference Format

We look forward to welcoming delegates to the Europa Hotel for the full conference and networking experience. Your safety will remain our highest priority with all necessary social distancing and hygiene measures in place. All delegates attending are required to show proof of Covid vaccination, a negative test result within 48 hours of the conference or proof of a positive PCR test taken within the last 30–180 days. The Europa Hotel meets the Covid-19 industry standard We're Good to Go. To read more about the hotel's peace of mind policy please visit: www.hastingshotels.com/peaceofmind.

Register now:

Delegate rate: £225 + VAT@20% = £270

Discounted rate for Council/voluntary/community sector: £195 + VAT@20% = £234

T: +44 (0)28 9261 9933

E: registration@agendani.com

W www.ni-planning.agendani.com/

We will follow Government guidance and keep you updated of any changes to the event. Tickets will be transferable if the event is postponed or has to be held online.

This page is intentionally left blank



Subject:	Removal of deemed consent of estate agent signage in student areas
Date:	18 th January 2022
Reporting Officer:	Keith Sutherland, Ext 3578
Contact Officer:	Dermot O'Kane, Ext 2293

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

1.0	Purpose of Report or Summary of main Issues
1.1	To update members on the project for the removal of deemed consent for estate agent signage in the Stranmillis, Queens and Holylands areas.
2.0	Recommendations
2.1	<p>Committee is requested to:</p> <ul style="list-style-type: none"> Note the update regarding the submission of the request for the removal of deemed consent for estate agents' signage in the area identified in map including Stranmillis, Queen's and the Holylands.
3.0	Main report
	<u>Background</u>
3.1	Members will be familiar with the strategic project to tackle the proliferation of estate agent signage in the areas of Stranmillis, Queens and the Holylands. Members of the March 2017 Planning Committee endorsed the project and instructed officers to prepare and submit a formal request to the Department for Infrastructure (DfI). A copy of that Committee Report is attached for information under Appendix 2 .
3.2	<p>Following this instruction, officers liaised with DfI from February 2020, seeking their views and comments in advance of preparing a formal submission.</p> <p><u>Current situation</u></p>
3.3	The report has been updated following this engagement and is attached as Appendix 1 . DfI has now invited the council to make a formal request to the Department as required by Regulation (6)(1) of the 2015 regulations.

3.4	<p>The request under regulation 6 is to be for an initial period of 10 years and will restrict Deemed Consent for advertisements granted under Schedule 3, Part 1, Class 3 of the Planning (Control of Advertisements) Regulations (NI) 2015 related to letting residential properties only (this does not include those related to other uses including agricultural, industrial or commercial, or 'for sale' signs).</p> <p><u>Next stages – DFI consultation process</u></p>
3.5	<p>Following formal submission by the council, the Department shall publish notice of the proposed Direction with details of the areas affected. This will allow at least 21 days for representations to be made to the Department, who are required to take these into account in deciding whether to confirm the Direction (with or without modifications), possibly after a hearing by the Planning Appeals Commission.</p> <p><u>Next stages – Implementation</u></p>
3.6	<p>Should the Department make a Direction the council will be required to advertise notice of it and also serve notice on owner occupiers in the areas affected.</p>
3.7	<p>The council will also continue its engagement with key stakeholders to ensure that the scheme is well publicised, and support is provided to those operating within these areas. An enforcement strategy for dealing with the scheme will be implemented.</p> <p><u>Financial & Resource Implications</u></p>
3.8	<p>None. It is anticipated that the successful implementation of this scheme will reduce the resources necessary to enforce estate agent signage in the areas.</p> <p><u>Equality or Good Relations Implications</u></p>
3.9	<p>None</p>
4.0	<p>Appendices – Documents Attached</p>
	<p>APPENDIX 1: Regulation 6 Direction Request 2022 – <i>for formal submission for DFI</i> APPENDIX 2: Committee Report from March 2017 – <i>for Members' info only</i></p>

Submission to the
Minister of the Department of Infrastructure

Direction under Regulation 6 of the
Planning (Control of Advertisements) Regulations
(Northern Ireland) 2015

Letting Boards Evidence Report & Proposal

A report by Belfast City Council
January 2022

Executive summary

The vibrant and bustling student community living around Queens University contributes enormously to the character and economic wellbeing of the area. Conversely, the nature of large numbers of students residing in properties for less than a calendar year has also led to a large number of letting boards advertising the availability of single rooms, apartments and houses.

The number of letting boards being displayed has increased in recent years to such an extent that, when coupled with density of housing and the nature of short-term tenancies, it is not unusual to see letting boards on many of the houses for most of the year; which consequently has a negative, visual impact on both amenity and townscape character.

Regulation 6 'Directions restricting deemed consent' of 'Part 2 Deemed Consent' of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 provides councils with the appropriate vehicle to remove deemed consent for the display of letting boards in areas where their presence causes 'substantial injury to the amenity of the locality'.

As with other university towns and cities such as Cardiff, Newcastle and Nottingham; Belfast City Council considers that the removal of deemed consent is essential to help revitalise the affected areas.

Purpose of this report

This submission identifies the current issues and demonstrates sufficient evidence to support a discontinuance of deemed consent within the proposed areas.

Contents

1. Introduction	9
2. Impact of letting boards.....	11
Need for change.....	11
Impact	11
3. Previous action taken	13
4. Legislation & policy context	15
The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015	15
PPS17: Control of Outdoor Advertisements	15
PPS6: Planning, Archaeology & the Built Heritage	15
5. Area context.....	17
Area of proposed control	17
Holyland Area of Townscape Character	18
Stranmillis Village Area of Townscape Character.....	20
Malone Conservation Sub-Area B	22
Botanic Avenue Area of Townscape Character	24
Queens Conservation Area.....	26
Rugby Road Area of Townscape Character	28
6. Methodology.....	31
Study scope	31
Justification of study area	31
Gathering primary data	31
Public engagement.....	40
Questionnaires	40
Consultation events	43
Results	44
Spatial cross comparison of secondary data	46
Summary	47
7. Policy options.....	48
Current position	48
Belfast City Council Planning Committee, March 2017	48
Implementation.....	49
Market impact.....	49
8. Formal request	50
Bibliography & reading sources	51
Appendices.....	53

Image list

- 1 Proposed Direction Area
- 2 Lawrence Street, off Botanic, June 2016
- 3 Holyland ATC boundary
- 4 a), b) & c) Examples of LBs in Holyland ATC
- 5 Stranmillis ATC boundary
- 6 a) & b) Examples of LBs in Stranmillis ATC
- 7 Malone Conservation Sub-Area B boundary
- 8 a), b) & c) Examples of LBs in Malone Conservation Sub-Area B
- 9 Botanic ATC boundary
- 10 a), b) & c) Examples of LBs in Botanic ATC
- 11 Queen's CA boundary
- 12 Examples of LBs in Queen's CA
- 13 Rugby Road ATC boundary
- 14 a) & b) Examples of LBs in Rugby Road ATC
- 15 Holyland ATC survey results
- 16 Stranmillis ATC survey results
- 17 Malone Conservation Sub-Area B survey results
- 18 Botanic ATC survey results
- 19 Queen's CA survey results
- 20 a) & b) Riverview Street & Sandhurst Gardens, Stranmillis ATC
- 21 a) & b) Mandela Street & Fitzroy Avenue, Holylands ATC
- 22 a) & b) Cromwell Road & Elbana Street, Botanic ATC
- 23 a) & b) Malone Avenue & Wellesley Avenue, Malone Conservation Sub-Area B
- 24 a) & b) Before (2008) & after (2018); Llanbleddian Gardens (north-west), Cardiff
- 25 a) & b) Before (2012) & after (2018); Llanbleddian Gardens (south-east), Cardiff

Figure list

- 1 Survey Results
- 2 Breakdown by stakeholder response
- 3 Regularly rent accommodation to students
- 4 Promotional methods
- 5 Promotional mechanism
- 6 Employment status
- 7 Household numbers
- 8 Housing tenure
- 9 Accommodation search methods
- 10 Support for taking action
- 11 Support for policy options
- 12 Restriction options

Table list

- 1 Survey results
- 2 Feedback on current system
- 3 Feedback on total ban option
- 4 Feedback on restricted signage option
- 5 Option support breakdown

Appendices

- 1 Map of Direction Area
- 2 Letter sent to estate agents 2010-2015
- 3 Public Consultation Information Pamphlet
- 4a Belfast City Council press release
- 4b Belfast City Council website page on To Let Board consultation
- 4c Media Coverage
- 4 Public Consultation Event Presentation
- 5 Questionnaires for estate agents, landlords and residents
- 7a Invitations to Stakeholders
- 7b Letter from NIHE to landlords
- 7c Landlord Association NI website article
- 8 Letters of support
- 9 Estate Agent Signage Survey Holyland Area of Townscape Character 2013-2016
- 10 Estate Agent Signage Survey Stranmillis Area of Townscape Character 2013-2016
- 11 Estate Agent Signage Survey Botanic Area of Townscape Character 2013-2016
- 12 Estate Agent Signage Survey Queen's Conservation Area 2013-2016
- 13 Estate Agent Signage Survey Malone Conservation Area: Sub Area B 2013-2016
- 14 Draft Guidance Note: Option B
- 15 Frequently Asked Questions

1. Introduction

- 1.1 Queens University Belfast incorporates a number of Conservation Areas (CA) and Areas of Townscape Character (ATC), and contains perhaps the most iconic listed buildings in South Belfast. The character of these areas is underpinned by a rich built heritage, with varying levels of recognition and protection afforded to each through the planning system.
- 1.2 The proliferation and uncontrolled number of letting boards (LBs) is, however, causing significant adverse impact on the character and appearance of these areas. Whilst the Department of Environment (DoE) attempted to aid control in the past with mailshots to estate agents as recently as 2013/2014, this resulted in a short-term improvement only. It is clear to the council that the issue of LBs in these areas of high-density transient population requires an appropriate and sufficient solution, above and beyond those previously used.
- 1.3 This report sets out Belfast City Council's formal request to the Department for Infrastructure (DfI) to grant a direction under Section 6 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015; for the removal of Deemed Consent for the display of letting boards relating to residential properties¹, in the following CAs and ATCs, referred to herein as the 'Direction Area':
 - *Holyland Area of Townscape Character,*
 - *Stranmillis Village Area of Townscape Character,*
 - *Malone Conservation Sub- Area B: Eglantine/Wellesley/Wellington,*
 - *Botanic Avenue Area of Townscape Character,*
 - *Queens Conservation Area; and*
 - *Rugby Road Area of Townscape Character.*
- 1.4 The proposed Direction Area is shown in its totality in Image 1.

¹ The restriction to Deemed Consent proposed is for advertisements granted under Schedule 3, Part 1, Class 3 of the Planning (Control Of Advertisements) Regulations (NI) 2015 related to letting residential properties only (and not those related to agricultural, industrial or commercial use, nor for sale signs).

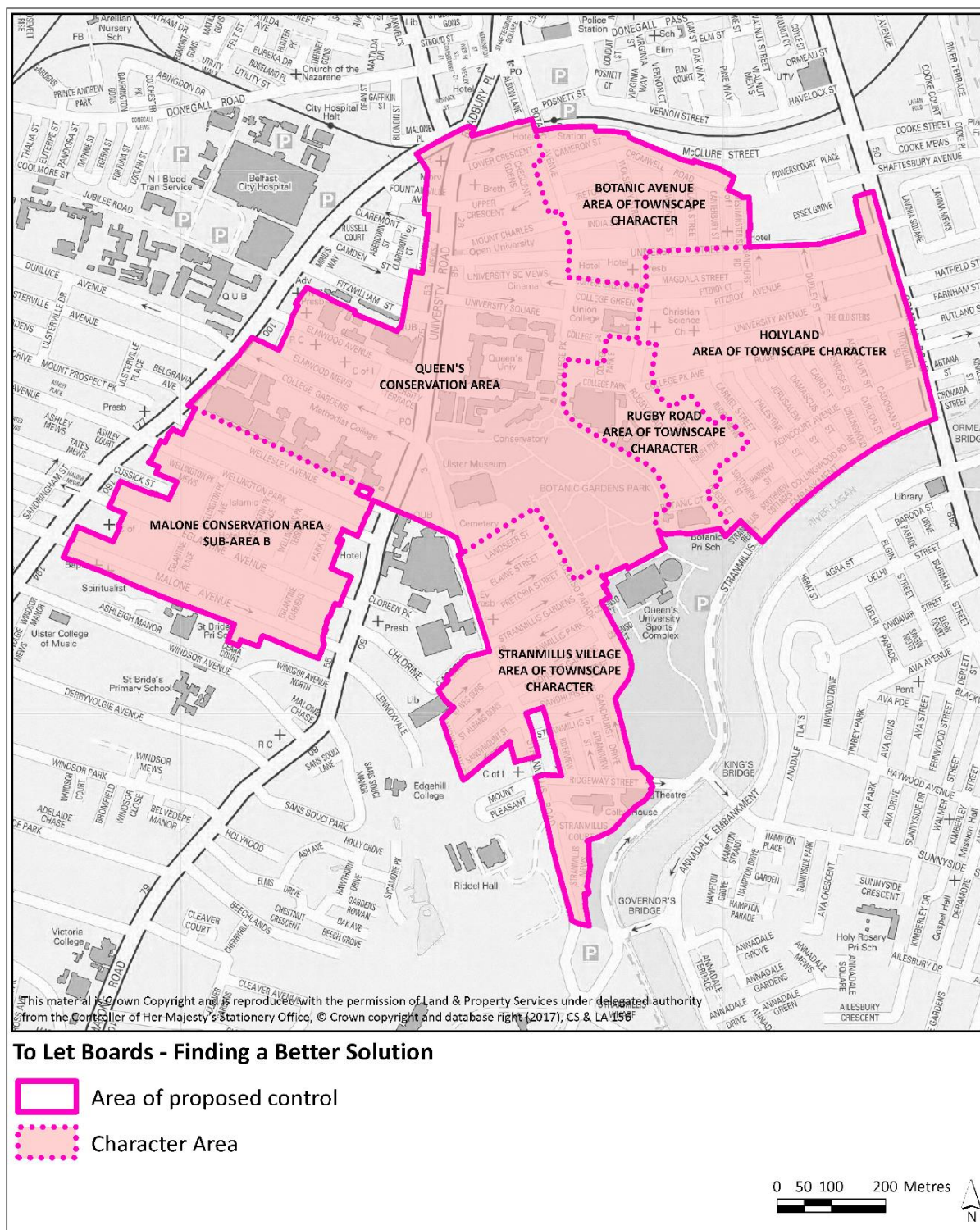


Image 1: Proposed Direction Area

2. Impact of letting boards

Need for change

- 2.1 The display of LBs is controlled by The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. Subject to a number of regulations, deemed consent is granted for the display of an advertisement falling within Class 3 (1) specified in Part 1 of Schedule 3 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015.
- 2.2 Broadly speaking this provides adequate planning control over these types of advertisements, however due to the unique character of this area; the high concentration of LBs has such a detrimental visual impact that the council feels it is necessary to address the issue through the use of additional powers.
- 2.3 Due to the high concentration of LBs, multiple homeowners/landlords, and the time taken to pursue each individual case; enforcement action has struggled to adequately control the situation and prevent the subsequent impact on character and amenity.

Impact

- 2.4 The extent of the impact is significantly increased given that each subsection with the Direction Area is designated as a CA or ATC; the character and appearance of which the council has a duty to preserve and protect.
- 2.5 Within the Direction Area there is a large student population which is both transient in nature and is also highly engaged with the House in Multiple Occupation (HMO) rental market. The concentration of short-term tenancy agreements has resulted in high numbers of LBs dominating the streetscape, which is further exacerbated as estate agents and landlords increasingly retain boards on display throughout the year as a constant means of marketing.
- 2.6 Given the traditional nature of the Direction Area, properties are often hard to the pavement edge, set within narrow plot widths and long terraces. As a result, it can often appear that virtually every property is 'for rent', as demonstrated below in Image 2.



Image 2: Lawrence Street, off Botanic, June 2016

3. Previous action taken

- 3.1 The council and previously the DoE, in addition to Elected Members, have received significant numbers of complaints and letters of concern over recent years from residents within the Direction Area. This created a substantial enforcement caseload with consequential pressures on resources. Furthermore, due to the sheer number of properties, homeowners, landlords and estate agents, enforcement cases that are successfully pursued through to completion and prosecution represent such a small portion of the total numbers that it has minimal impact in mitigating or preventing the overall impact.
- 3.2 Given their volume, sustained presence, and the significant threat through obstructing and diminishing key characteristics, the council considers it is necessary to proactively deal with the issue through the use of appropriate policy tools and mechanisms.
- 3.3 In April 2015 the council took the opportunity to develop an Enforcement Charter and Strategy to deal with issues specific to Belfast, replacing the DoE Enforcement Strategy. This was brought to the Planning Committee in June 2015, and the issue of estate agent LBs in the Queen's University area, primarily the Holylands and Stranmillis areas, was raised by committee members. The scope within legislation to remove deemed consent was fully discussed, and members instructed council officers to formally submit a Regulation 6 Direction request to DfI.
- 3.4 The council adopted a phased project approach to deal with the issue in an appropriate, proportionate and sustainable manner. Further updates were provided to the Planning Committee in July 2016, with members then endorsing subsequent stages.

Phase 1 Informal contact	Informal letters were sent in November 2015 (see Appendix 2) to all known estate agents within the Direction Area; serving both as a reminder of current planning legislation, including deemed consent of LBs, and identifying those that were in breach. The preferred outcome was voluntary compliance whereby agents would remove LBs without the need for formal enforcement action; however, it had little to no impact and as further demonstrated in section 6, numbers continuously rose in the periods thereafter.
Phase 2 Survey	Taking a more spatially targeted approach, robust surveys were conducted three times across 2015-2016, utilising both desk-based research and on-the-ground surveying. Previous data points were captured through Google Street view for 2013-2014, and additional photographic surveys have since been undertaken in 2019 to supplement the submission of this report. These surveys allowed for historical and spatial comparisons, further strengthening the scope of the study and providing a robust evidence base to support any recommendations made.
Phase 3 Public consultation	Public consultation was also undertaken with all relevant stakeholders in November 2016. Residents, landlords and estate agents were all given an opportunity to voice their opinions on the causes, effects and solutions to the problems via questionnaires and stakeholder events.

4. Legislation & policy context

The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015

- 4.1 The display of advertisements is controlled by The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015. Subject to a number of regulations, the legislation allows LBs to be displayed on a property which they are advertising through “deemed consent” within Class 3 (1) specified in Part 1 of Schedule 3.
- 4.2 Regulation 6 ‘Directions restricting Deemed Consent’ of ‘Part 2 Deemed Consent’ identifies the stages required to remove deemed consent for a particular site. Regulation 7 ‘Discontinuance of Deemed Consent’ then details the impact that advertisements must have on a particular area in order to discontinue deemed consent in the area:

(1) If it appears to the council that to remedy a substantial injury to the amenity of the locality or a danger to public safety-

- (a) The display of a particular advertisement for which there is deemed consent should be discontinued; or*
- (b) The use of a particular site for the display of advertisements for which there is deemed consent should be discontinued or that any conditions should be imposed on the continuance of a use of the site-*

The council may by order require the discontinuance of that consent or use within such time as may be specified in the order, or impose such conditions as may be so specified on the continuance of the use, as the case may be.

PPS17: Control of Outdoor Advertisements

- 4.3 Paragraph 3.1 details the policy objectives of the document, including:
- *Ensure that outdoor advertisements respect amenity and do not prejudice public safety, including road safety; and*
 - *Help everyone involved in the display of outdoor advertisements to contribute positively to the appearance of a well-cared for and attractive environment in our cities, towns, villages and the countryside.*
- 4.4 Neither of these objectives are currently met, in that LBs have a direct and detrimental impact on both amenity and the appearance of the Direction Area.

PPS6: Planning, Archaeology & the Built Heritage

- 4.5 Paragraph 2.18 states that CAs are ‘*areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*’, whilst paragraph 2.21 states that ATCs ‘*exhibit a distinct character normally based on their historic built form or layout*’.
- 4.6 As each individual area is designated as either a CA or an ATC, this increases the importance of finding a suitable solution to protect their character and appearance.

5. Area context

Area of proposed control

- 5.1 The proposed Direction Area is located within the university area Belfast and consists of six sub-areas. Each was chosen based on its unique character and appearance, for which it has been given special designation status.
- 5.2 Additionally, a large proportion of the properties in these areas are part of the rental market² which makes the problem of uncontrolled LBs more prominent. The high level of rental accommodation can be affiliated with the close spatial proximity to Queen's University of Belfast (QUB) and its student population; the QUB campus is situated in the Queens CA, which is central within the proposed Direction Area.
- 5.3 In the absence of alternative action being taken, the high number of LBs within the Direction Area are likely to continue having adverse and sustained impacts on visual amenity and character.
- 5.4 The six sub-areas within the Direction Area are identified below and are then individually appraised on key characteristics and features.
- ***Holyland** Area of Townscape Character,*
 - ***Stranmillis** Village Area of Townscape Character,*
 - ***Malone** Conservation Sub- Area B: Eglantine/Wellesley/Wellington,*
 - ***Botanic Avenue** Area of Townscape Character,*
 - ***Queens** Conservation Area; and*
 - ***Rugby Road** Area of Townscape Character.*

² <http://www.belfastcity.gov.uk/buildingcontrol-environment/Planning/student-accommodation.aspx>

Holyland Area of Townscape Character

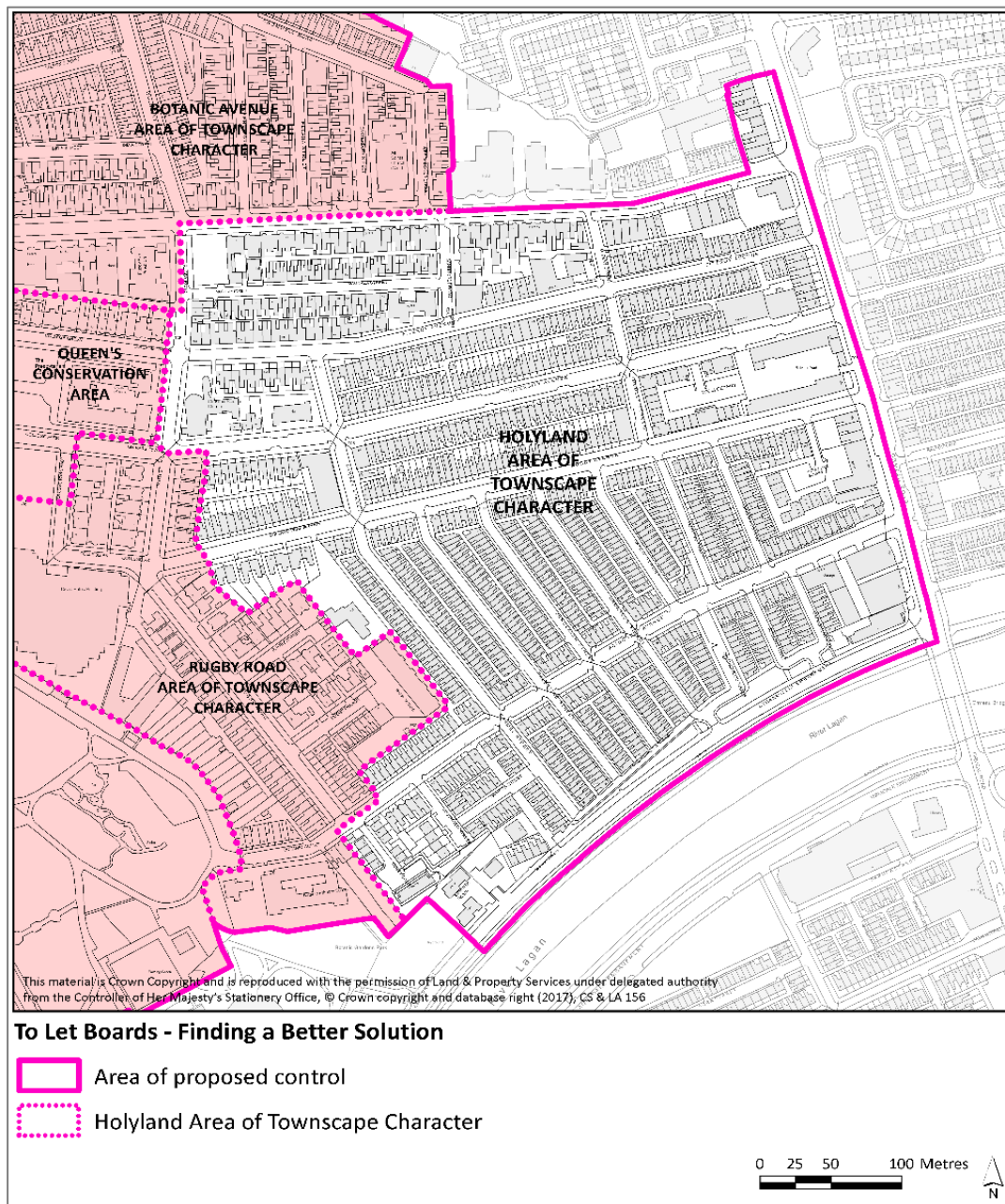


Image 3: Holyland ATC boundary

- 5.5 Located on the edge of the city centre and enclosed by the River Lagan and Ormeau Road, the Holyland ATC exhibits a distinct hierarchy of place principle, with wider streets densely populated by regimented rows of tightly-packed residential Victorian terraces of two and three storeys. Taller, grander terraces run east-west with narrower streets containing terraces of lesser scale and embellishment running north-south. This is often further emphasised with the presence of trees on the wider streets.
- 5.6 Due to the composition, size and location of the buildings, the properties within this area tend to be undesirable for larger families, and so they are predominantly occupied by groups of university students sharing private rented accommodation, with a high proportion of HMOs.

Key characteristics

- Uniformity of two and three storey terraced housing,
- Narrow building frontages increase the density of properties,
- Street layout and design provide clear sightlines,
- Established tree-lined streetscape on wider east-west running streets,
- Narrower north-south running streets, with limited roadside vegetation or properties hard to the pavement edge, with an urban grain that presents a heightened sense of enclosure and narrower vista,
- Some properties have maintained original features such as plinth walls and original wrought iron railings,
- Bay windows, dormers and chimneys to ridges of roofs set up distinctive, architectural rhythms to streetscapes,
- The Christian Science Church is a landmark building on the corner of University Avenue and Rugby Road.



Image 4a, 4b & 4c: Examples of LBs in Holyland ATC

Stranmillis Village Area of Townscape Character

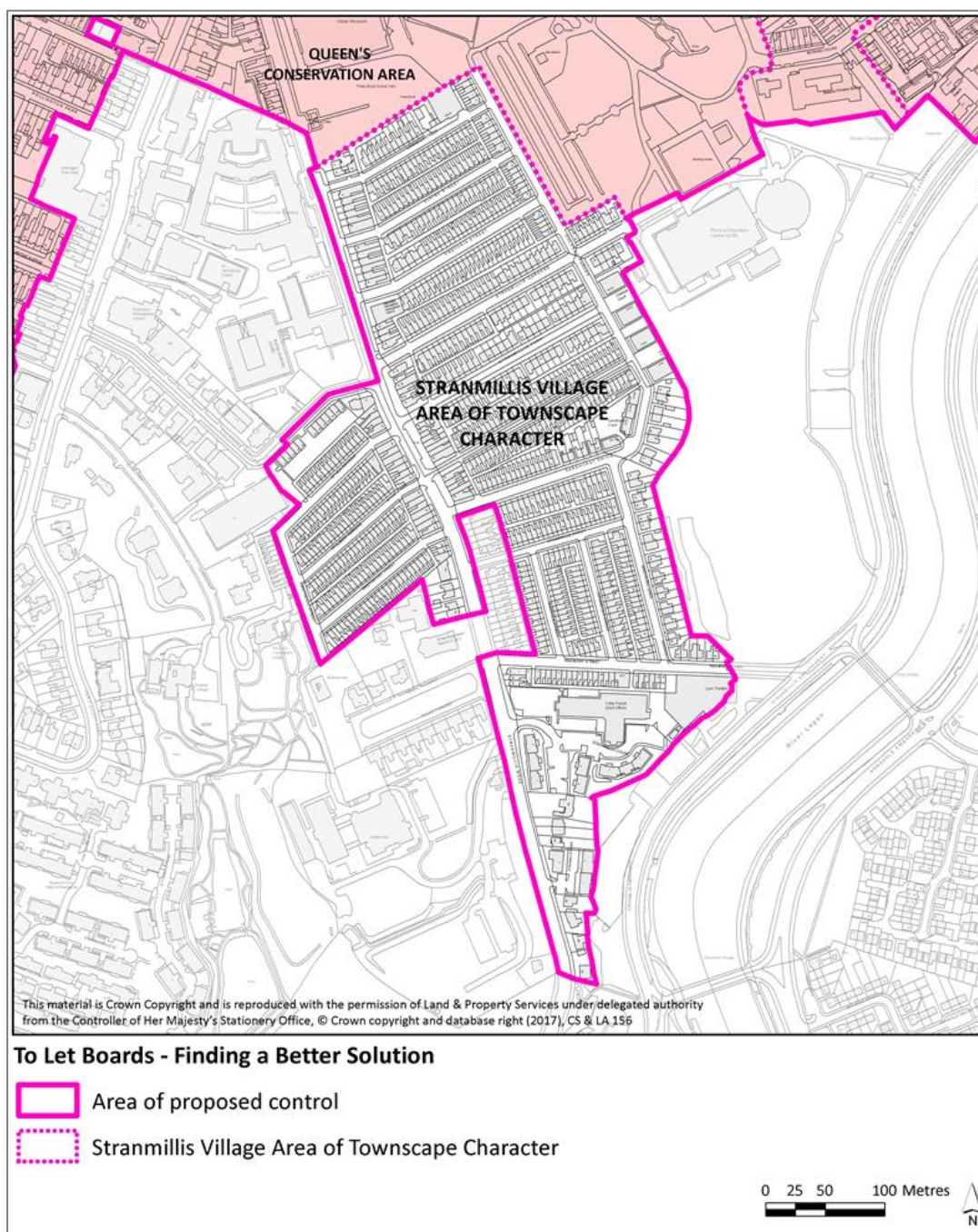


Image 5: Stranmillis ATC boundary

- 5.7 A late Victorian and Edwardian residential suburb which developed around the university, with a small section of later inter-war housing. The majority of streets run west to east off the busy, mainly commercialised thoroughfare of Stranmillis Road which evokes a village type atmosphere. Side streets have a much quieter ambience by comparison, whilst the fall of topography to the east contributes to interesting views framed by the broken silhouetted roofscape of terraces stepping down the slope. The area is bordered by the grounds of the QUB Physical Education Centre / Botanic Gardens to the east which forms a soft edge to the area, and the wall of Friars Bush Graveyard forming an historic edge to the north.

Key characteristics

- Important views into and out of the area due to the rising and falling topography,
- Street vistas are often enclosed by terraces, giving a cohesive, visually enclosed feel, with additional enclosed vistas occurring through alleyways to the rear of terraces,
- Properties have the unifying characteristic of small front enclosures, although some streets are hard to pavement edge with limited roadside vegetation,
- The original quality of the streetscape including rhythm and visual amenity of the area has largely been maintained; original sash windows have been retained in numerous properties, original tiled street name plates and granite kerbstones also remain in some places,
- Softer, green edges bordering the built-up area enhance its existence as a discrete and distinct area of townscape within the wider suburbs of Belfast, enhancing and highlighting the channelled street views,
- While there remains an established owner occupied population, particularly in the south section, in recent years there has been a marked increase in the percentage of student population migrating into the area, with much of the terraced housing to the west being converted to HMO use.



Image 6a & 6b: Examples of LBs in Stranmillis ATC

Malone Conservation Sub-Area B

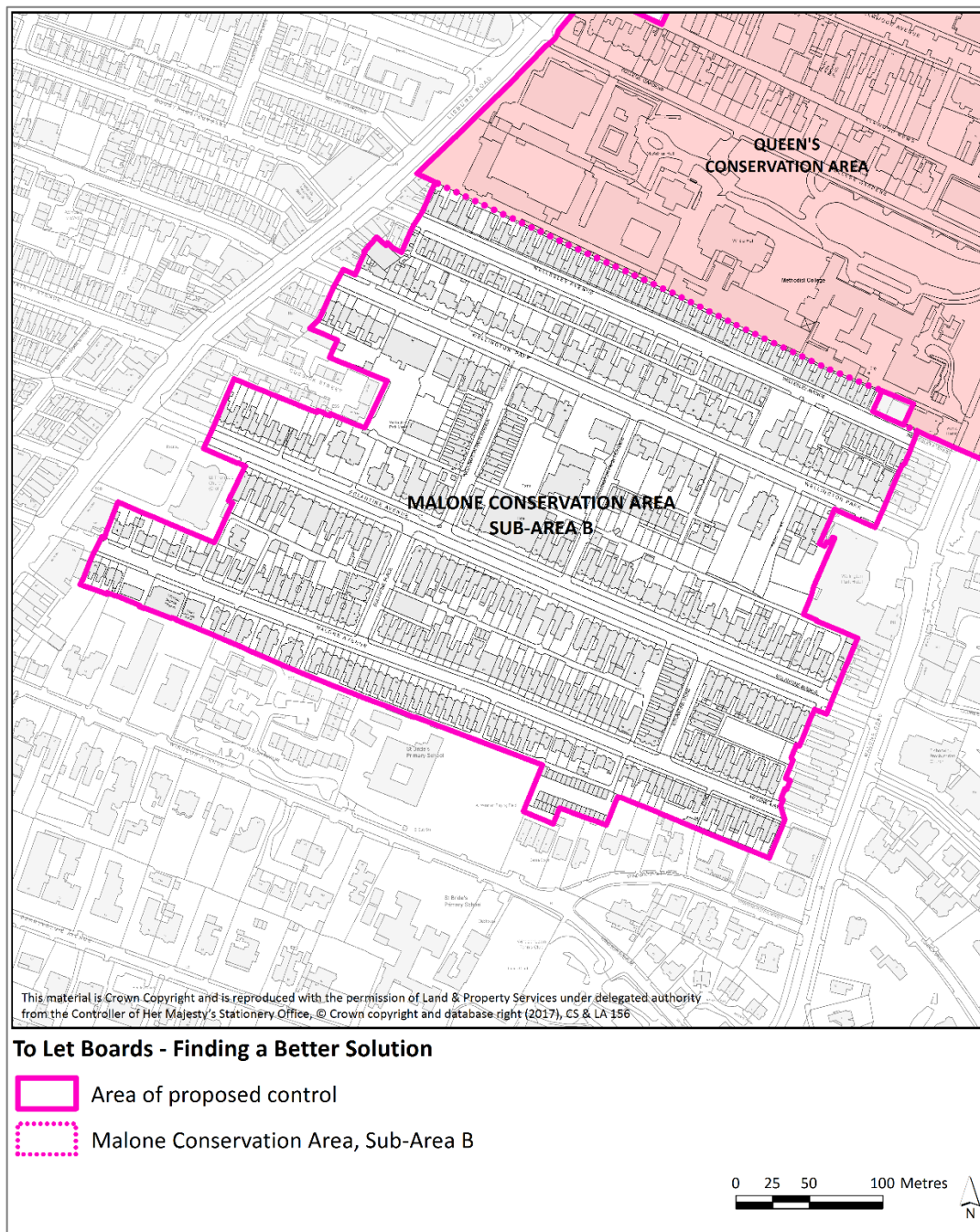


Image 7: Malone Conservation Sub-Area B boundary

- 5.8 Comprised of predominantly residential townscapes abutting Queen's CA, street patterns are based foremost on a rational layout of the road system, with four parallel thoroughfares running east-west between the primary routes of Lisburn Road and Malone Road. The overwhelming character throughout the locality is one of nineteenth century suburban housing, originally constructed for an affluent professional and business class. Whilst the vast majority of original buildings were for residential use, a number of these now incorporate commercial uses including guest house, day nursery, offices, religious centre and charity office.

Key characteristics

- Predominantly Victorian residential developments, generally in terrace formations,
- The built environment conveys a general appearance of relatively high density due primarily to the long lengths of terraces flanking the thoroughfares, however this is lessened in areas through spatial attributes including larger widths of the public realm and the presence of front gardens,
- A sloping topography helps create visual interest along each of the straight thoroughfares, particularly in Eglantine Avenue and Malone Avenue where the rise and fall of the terrain provides continually changing views,
- Views into the area from the Malone Road and Lisburn Road are channelled by the straightness, length and width of the four portions of public realm enclosed along each side by tall, historic properties,
- The virtual grid configuration affords the built environment a degree of visual and physical permeability,
- While the vast majority of properties are Victorian red clay brick terraced housing, there are also several Arts and Crafts / Queen Anne Revival terraced housing blocks with brick detailing used to decorate the brick facades,
- With its close location to the university campus and its associated medical buildings, the residential properties are largely inhabited by an HMO student population.



Image 8a, 8b & 8c: Examples of LBs in Malone Conservation Sub-Area B

Botanic Avenue Area of Townscape Character

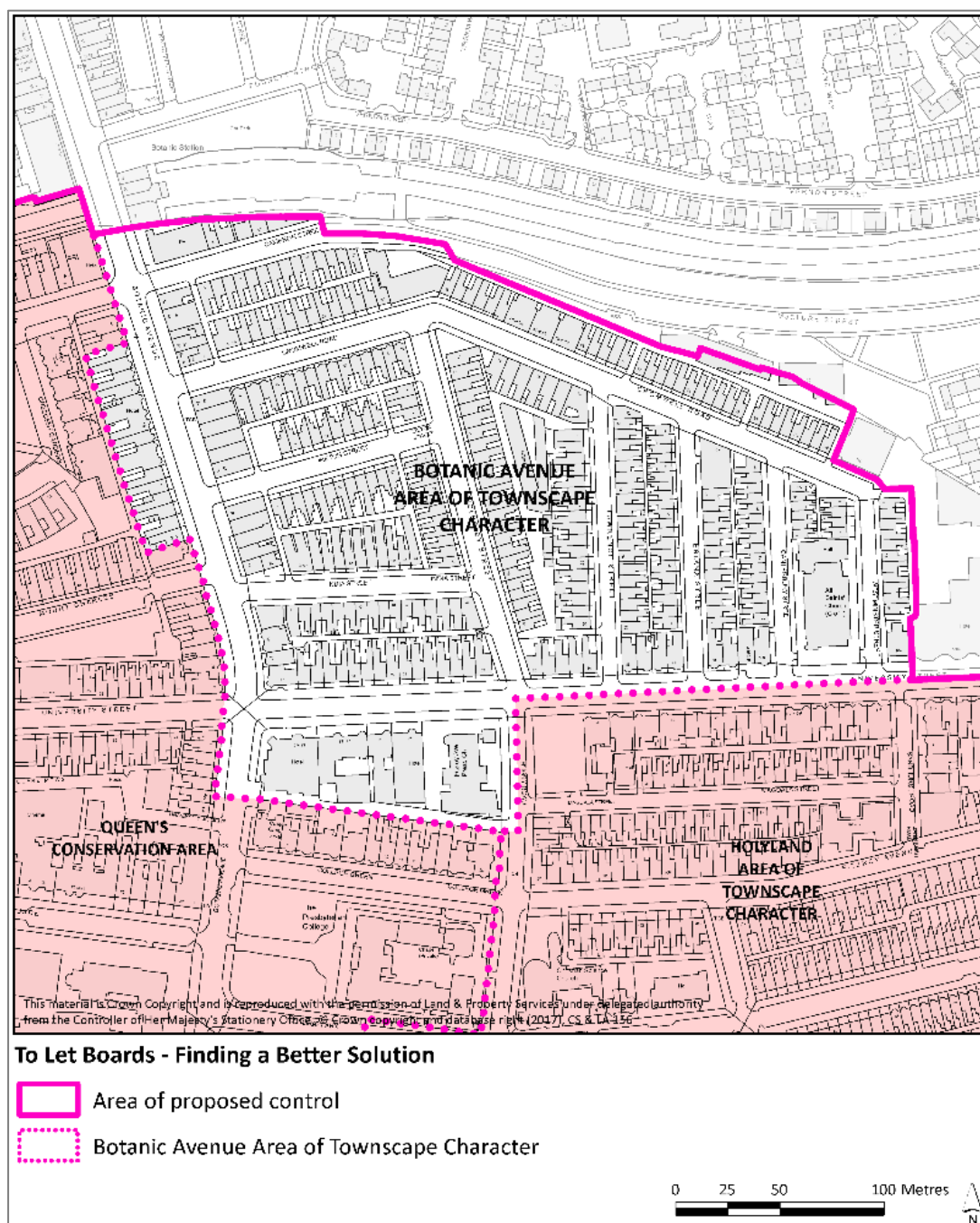


Image 9: Botanic Avenue ATC boundary

- 5.9 Located at the southern edge of the city centre, the Botanic Avenue ATC borders the Queen's CA and the Holylands ATC. The area is densely populated by regimented rows of tightly packed residential terraces and limited roadside vegetation. The central location of the area has resulted in a high demand for rented residential accommodation, however, with the lack of open green space and as many of the properties tend to be unsuitable for larger family occupancy, a large number have been converted to HMO usage and are occupied by students and transient occupants. The area includes Botanic Avenue, a main thoroughfare of primarily ground floor retail and hot food premises which facilitates and attracts the student population.

Key characteristics

- Distinctive Victorian terraced streets with a cohesive use of red clay brick,
- Short channelled street views with narrow building plots,
- Street layout and design provide clear sightlines resulting in prominent placing of LBs, which clearly detract from the uniformity of the terraced streets architecture,
- Very little urban landscaping with only a few isolated trees on the edge of Wolseley Street pavements,
- With most streets being hard to the pavement edge and no roadside vegetation, this highlights the homogenous rhythm and hard urban grain of the streetscape,
- High density of HMOs throughout the area, which has also resulted in increased car-parking pressures with further, detrimental impact upon visual amenity as a consequence.



Image 10a, 10b & 10c: Examples of LBs in Botanic ATC

Queens Conservation Area

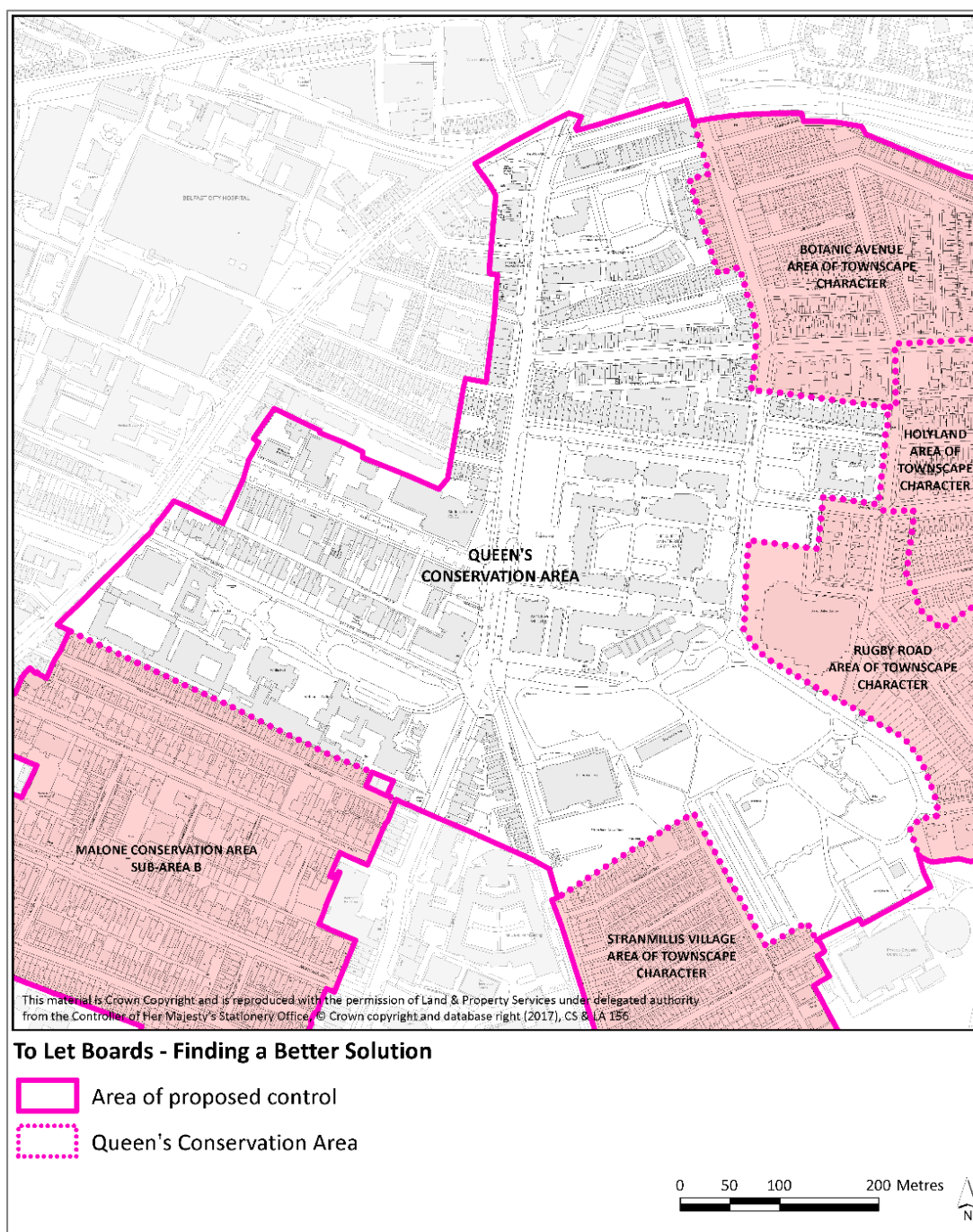


Image 11: Queen's CA boundary

- 5.10 Located south of Belfast City Centre, the Queen's CA offers some of the closest private rented accommodation to the Queen's University campus. The area retains a strong flavour of its original identity, ambience and character with outstanding buildings of architectural merit and historical significance. The centrepiece is dominated by the university campus and its numerous administrative and academic buildings. Botanic Gardens, which makes up almost a third of the area, is also home to the Palm House; (building of European significance) and the Ulster Museum.

Key characteristics

- Other than large ecclesiastical and academic institutions, the majority of buildings exhibit a domestic scale and character with two and three storey buildings,
- Most of the domestic Victorian architecture has a marked vertical emphasis which embodies rhythms and visual interest, with a solid to void ratio weighted in favour of solid,
- Many of the large Victorian houses are no longer considered practical as family homes, with a high number of conversions to HMO, office and educational uses,
- Residential properties are largely inhabited by a student population,
- Demand for office, flat, retail and serviced accommodation is at such a high level that traffic movements associated with these uses have led to considerable parking congestion, adding to pressures on the visual and general amenity of the area,
- Multiple green spaces and front plots of properties have been removed in response to increase car parking capacity, which has had a further detrimental impact upon visual amenity.



Image 12: Examples of LBs in Queen's CA

Rugby Road Area of Townscape Character

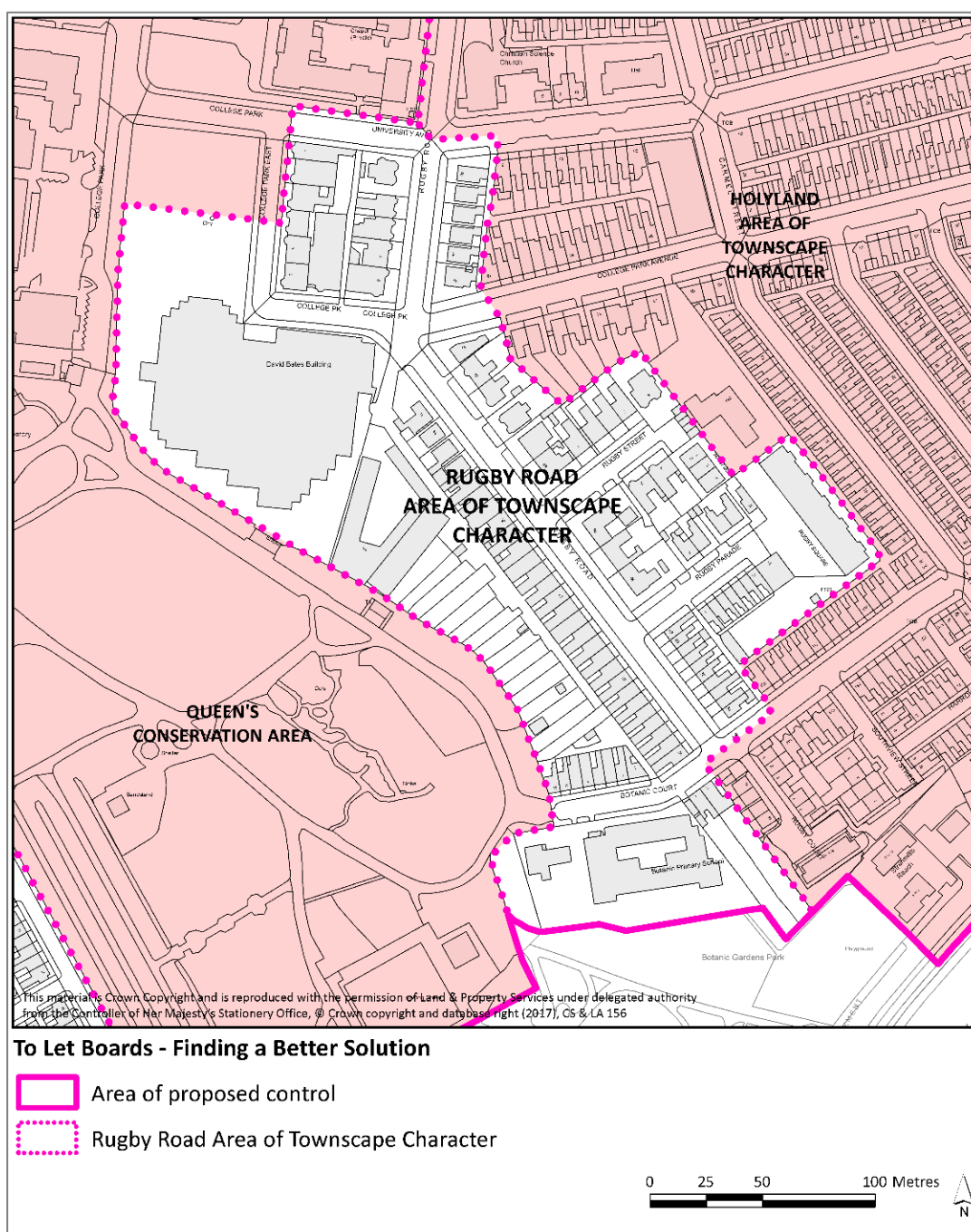


Image 13: Rugby Road ATC boundary

- 5.11 A high-quality example of Victorian residential townscape. Rugby Road forms the spine, running south-north, kinking at the junction with College Park and College Park Avenue.
- 5.12 The architectural character of the area is comprised mainly of terraces with a variety of designs and motifs, however a few semi-detached and detached properties exist on Rugby Road which has resulted in a wider demographic mix in the area, and retained a higher rate of owner occupied properties in comparison to surrounding areas.

Key characteristics

- Distinct rhythm to street scenes set by vertical emphasis to the terraces, through window and door openings, occasional canted bay windows and chimneys,
- Large numbers of properties retain original timber sliding sash windows and doors, whilst those with original brass door knockers add a high level of detail that contributes greatly to character and aesthetic quality,
- Trees, shrubs and green space make a high contribution to character and sense of place,
- The presence of mature lime and other more recently planted specimen street trees narrow the vista along Rugby Road, increasing a sense of enclosure, imparting a feeling of dynamic movement,
- The vast majority of properties have small to medium-sized front plots of greenspace, garden boundaries and shrubs which visually soften the area,
- Character and visual amenity are of a higher quality than surrounding areas with wider streets, properties set back off the roadside and a lower density of building plots.



Image 14a & 14b: Examples of LBs in Rugby Road ATC

6. Methodology

Study scope

- 6.1 To ensure that the recommendations of this study are both effective and feasible, a mixed method and evidence-based approach was taken to gather data. Both qualitative and quantitative data were extracted from a range of stakeholders to widen the study's scope and strength.

Justification of study area

- 6.2 Initially it was essential to ensure the spatial perimeter of the Direction Area was defined. It was clear that the local university, Queen's University of Belfast, had a catalytic effect on the issue of uncontrolled Lbs in the South Belfast area through multiple HMOs catering for the student population, which in turn encourages higher turnover of household populations. On a macro level, it was decided that the Direction Area should concentrate on the region around the university where the highest number of boards were immediately evident. On a micro level the study zone selection was based on the six individual sub-areas; all of which benefit from CA or ATC designation.

Gathering primary data

- 6.3 Comprehensive area surveys were conducted three times across 2015-2016 to identify the quantity and location of LBs within five of the six sub-areas, which recorded the number of estate agent boards at each property and also the name of the estate agency where visible. Rugby Road ATC was not included in the area surveys however due to its geographical location and being enclosed by the Queen's CA and Holyland ATC, it was felt prudent to include this within the Direction Area. These surveys were further supplemented by Google Street View to obtain historical data points for 2013 and 2014, and additional photographic surveys undertaken in 2019 demonstrated that the numbers of LBs in each area continues to cause harm to character and amenity. Full details are included in Appendices 9-13.
- 6.4 The evidence obtained from the area surveys immediately clarifies the increase in signage over the past number of years, and highlights that both enforcement and informal action has been unsuccessful in changing the behaviour of advertisers. The numbers of LBs recorded within the sub-areas are set out below, with spatial maps on the following pages.

	2013	2014	2015	Feb 2016	July 2016
Holyland ATC	82	347	283	287	340
Stranmillis Village ATC	72	129	176	221	201
Malone CA Sub-area B	42	91	110	145	116
Botanic Avenue ATC	29	90	90	97	97
Queen's CA	23	19	16	20	10
Total	248	676	675	770	764

Table 1: Survey results

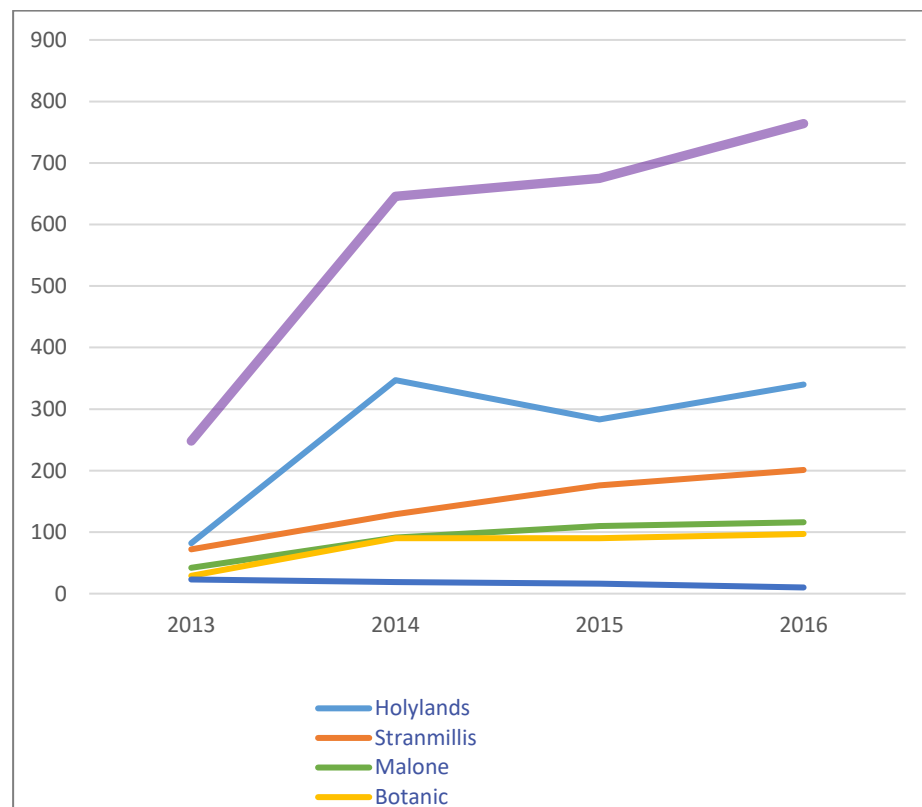


Figure 1: Survey results

- 6.5 As visually demonstrated above, the number of LBs has continued to rise in the majority of the areas over recent years, with the Holylands and Stranmillis areas the most prolific. From 2013 to July 2016 there has been an overall increase of some **200%** in the total number of LBs; an unsustainable trend that continues to threaten the amenity and character of each sub-area. Images 15 – 19 on the following pages provide a spatial reflection of how the issue has evolved over recent years within each sub-area.



Image 15: Holyland ATC survey results

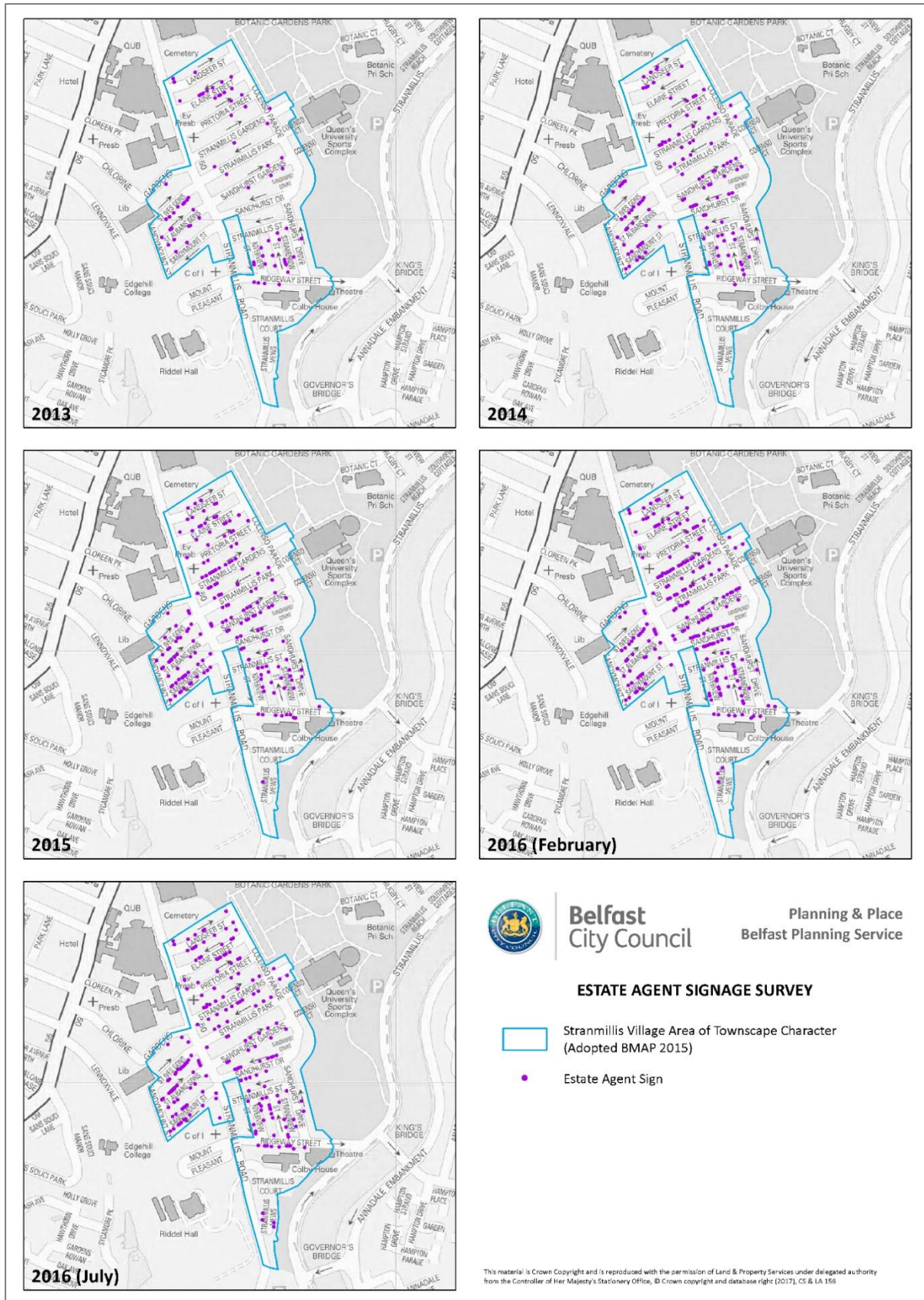


Image 16: Stranmillis ATC survey results

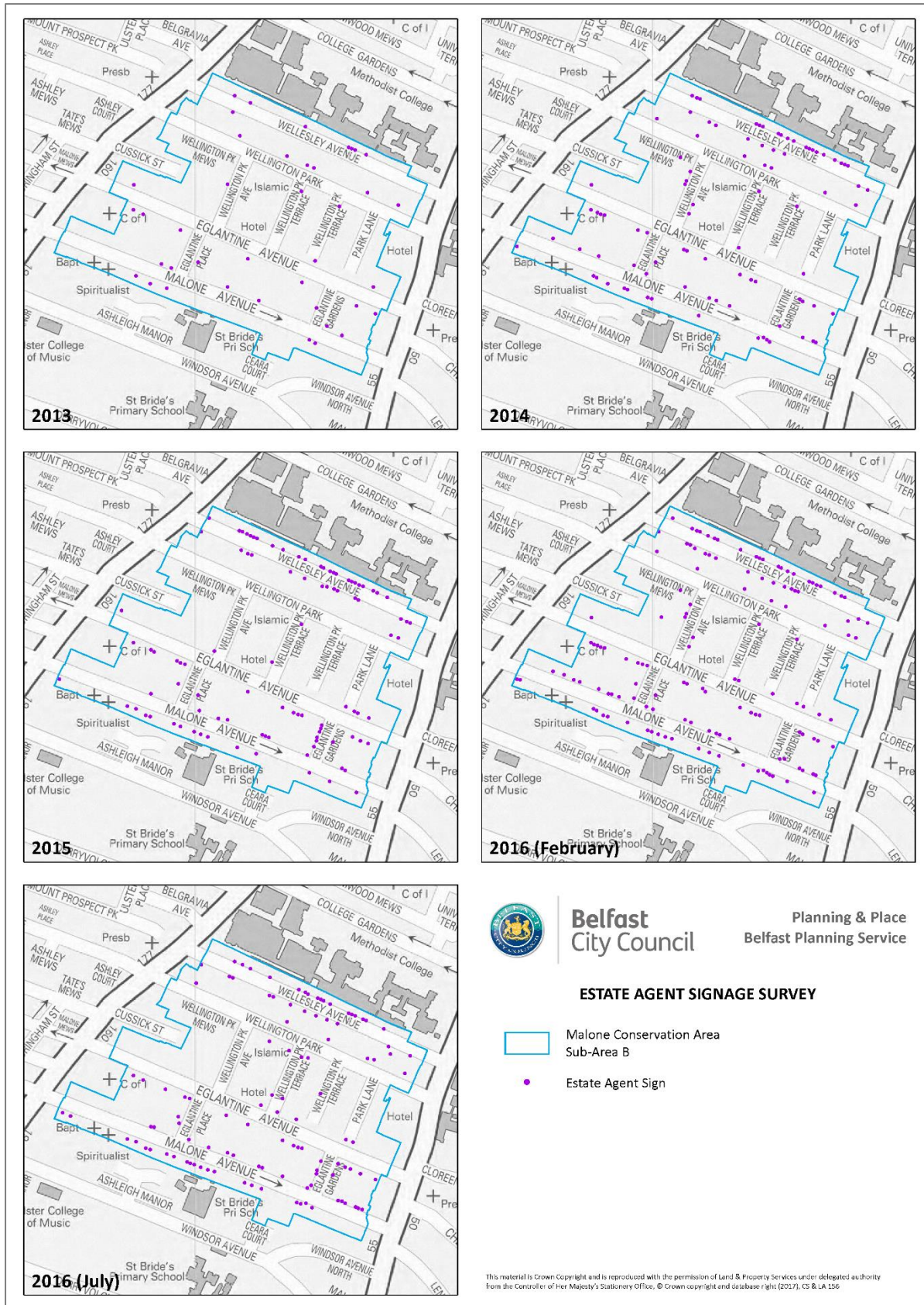


Image 17: Malone Conservation Sub-Area B survey results

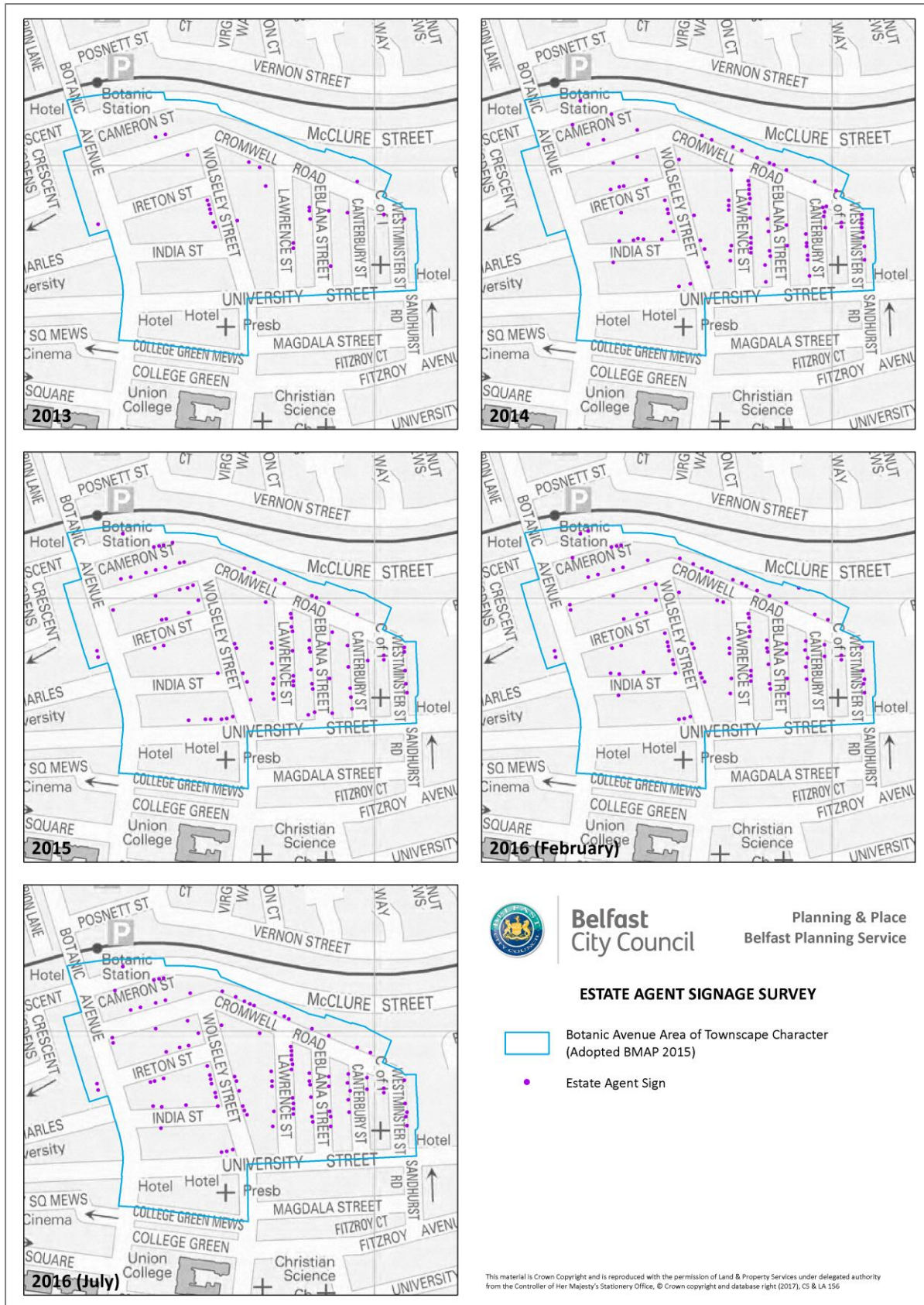


Image 18: Botanic ATC survey results

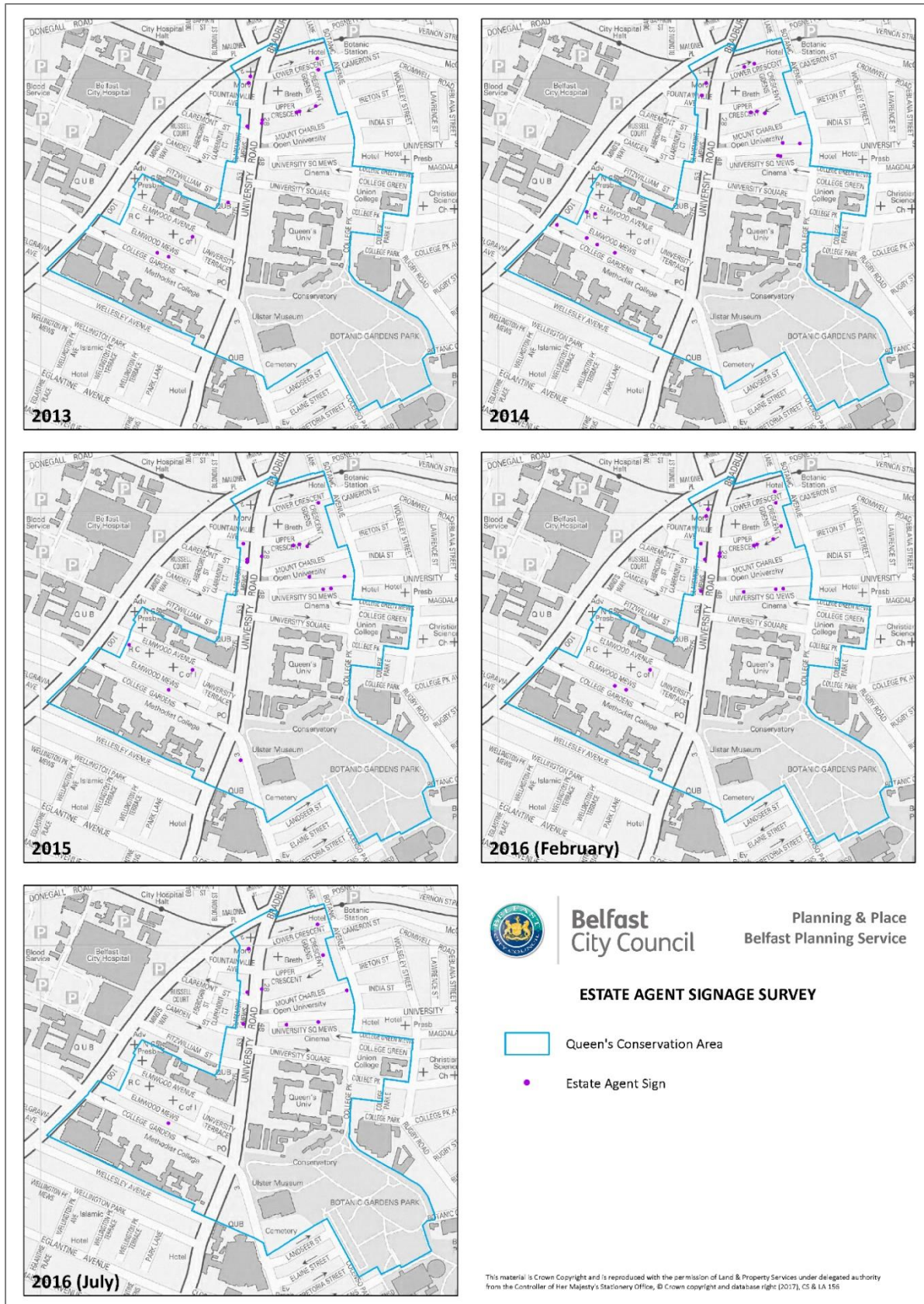


Image 19: Queen's CA survey results

- 6.6 A recent photographic survey in December 2019 demonstrated that the presence of LBs continues to significantly harm the character and appearance of each sub-area; examples are given below.



Image 20a & 20b: Riverview Street & Sandhurst Gardens, Stranmillis ATC



Image 21a & 21b: Mandela Street & Fitzroy Avenue, Holylands ATC



Image 22a & 22b: Cromwell Road & Elbana Street, Botanic ATC



Image 23a & 23b: Malone Avenue & Wellesley Avenue, Malone Conservation Sub-Area B

Public engagement

- 6.7 Building on the preliminary statistics, the council undertook direct public engagement to add a qualitative dimension, which consisted of:
- *Leaflets delivered to every household within Direction Area,*
 - *Questionnaires (online and hard copy) for residents, landlords and estate agents; and*
 - *Public consultation events.*
- 6.8 To ensure comprehensive awareness of the events, leaflet drops were undertaken with questionnaires and full details of the consultation events were included, with an estimated 4000-4500 pamphlets delivered by hand. Email invitations were sent to all Belfast-based estate agents and the Landlord Association, whilst the events were also publicised in the local press. Full details can be found in Appendices 4 and 5.
- 6.9 Where stakeholders responded to confirm they were unable to undertake the online survey or attend the consultation events, paper copies of the questionnaires were made available. Additional efforts were also undertaken by the Northern Ireland Housing Executive, who contacted landlords by letter on 11th November 2016 to make them aware of the consultation exercise (Appendix 7b), and the Landlord Association NI through their webpage on 5th December 2016 (Appendix 7c).

Questionnaires

- 6.10 In total the council received **243** responses to the questionnaire consultation, 'To Let Boards-Finding a better solution'. These can be broken down into the three stakeholder categories with **24** estate agent responses, **43** landlord and **176** resident responses, as outlined in Figure 2 below. Specific questions were tailored for each stakeholder group, which can be viewed in full in Appendix 6.

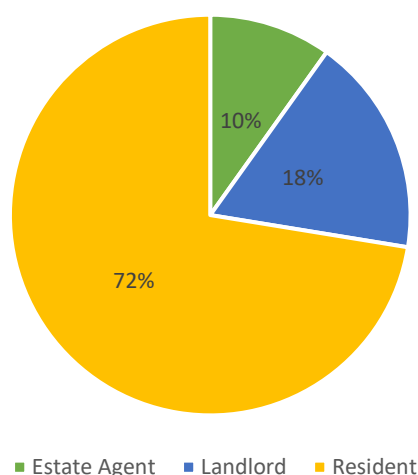


Figure 2: Breakdown by stakeholder response

6.11 Of the Estate Agent responses,

- **87.5%** dealt with both rentals and sales,
- **12.5%** dealt specifically with the rental market,
- **56.5%** operated with both residential and commercial customers,
- **43.5%** operated solely within the residential market,
- **79%** of the estate agents who responded to our consultation regularly rent accommodation to students (detailed in Figure 3 below).

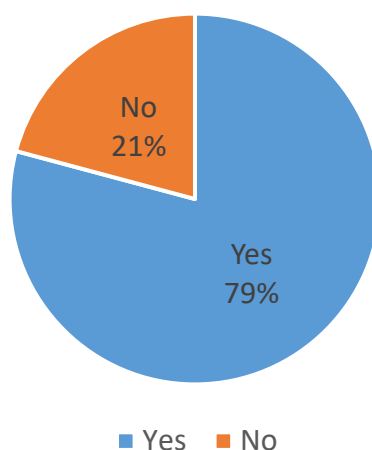


Figure 3: Regularly rent accommodation to students

6.12 The most popular methods of advertising properties were website promotion/property sites, and LBs on properties (shown in Figure 4 below). It was noted that whilst estate agents reflected a small portion of the responses, the attendance at the stakeholder event was significantly higher.

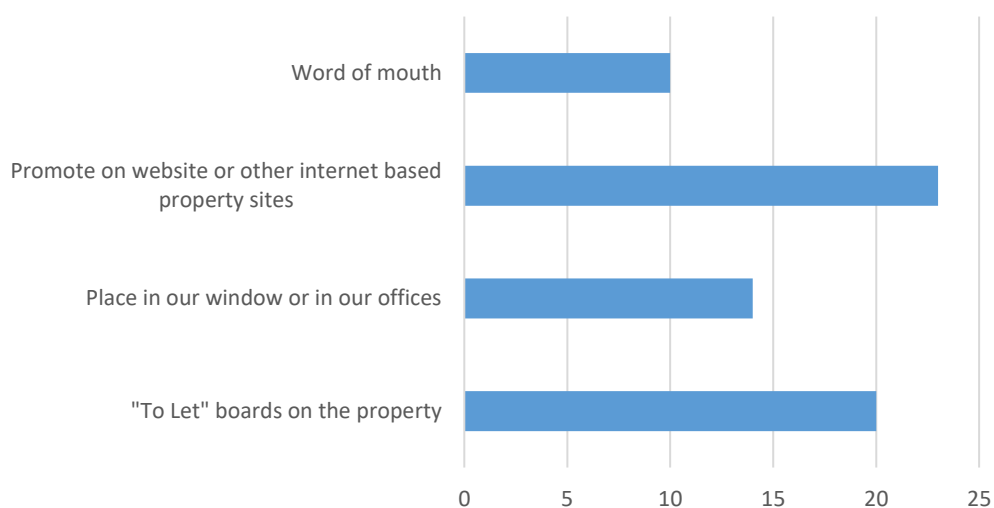


Figure 4: Promotional methods

6.13 Responses from landlords indicated that the majority advertise independently rather than through an agent (Figure 5), and as such their reliance and use of LBs should be taken into consideration when making any recommendations.

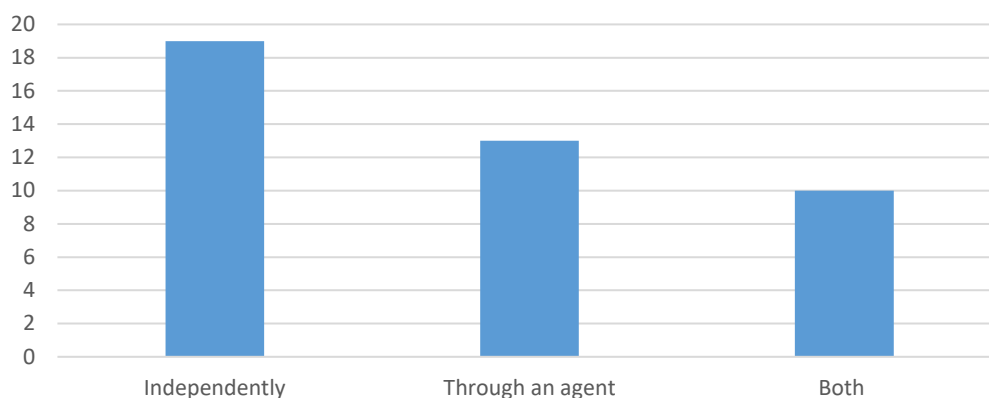


Figure 5: Promotional mechanism

- 6.14 From the residential stakeholder responses, it was clear there was a diversity in the composition of population statistics. The results in relation to employment showed a variety of current status (Figure 6). The numbers in a household were also mixed but showed a slight dominance of two person households (Figure 7).

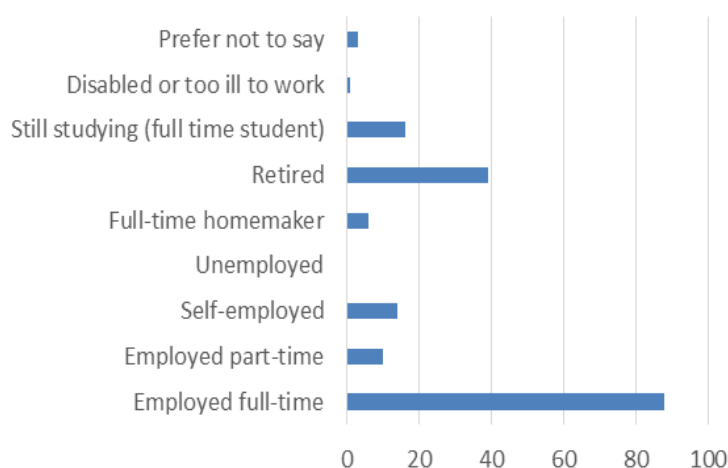


Figure 6: Employment status

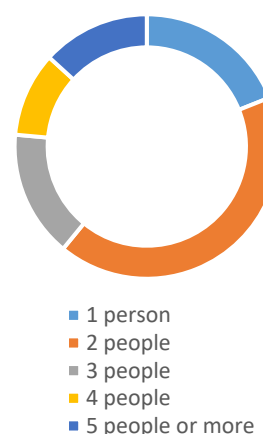


Figure 7: Household numbers

- 6.15 Household tenure was largely split across 'owned outright', 'owned with a mortgage' and 'private rented' (Figure 8), again showing a diverse population in the area who are not all necessarily transient residents but in fact include permanent residents who have invested in the area as a long-term abode. It was noted that permanent long-term residents tended to be more likely to respond as they have a vested interest in the area, whereas student response numbers were notably lower, which may be a direct result of the temporary nature of accommodation, which was evident in the results of tenure type.

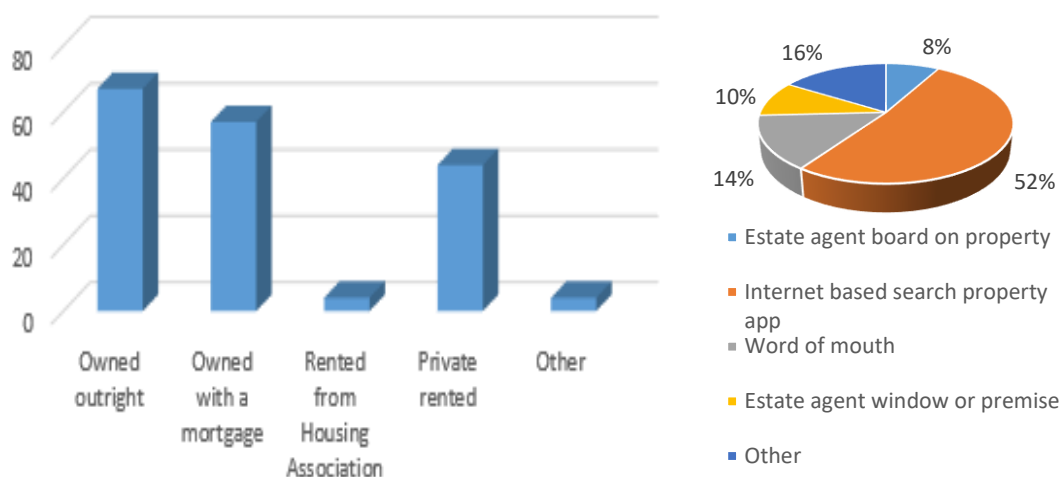


Figure 8: Housing tenure

Figure 9: Accommodation search methods

- 6.16 Finally, residents of the area stated that when searching for new accommodation, the main method adopted is internet-based, followed by word of mouth (Figure 9 above).

Consultation events

- 6.17 Two free to attend events were held on Tuesday 29th November 2016 in Belfast City Hall. Whilst stakeholders were welcome to attend either session, the first was designed to accommodate estate agents and landlords, of which some 25 attended. The second was aimed more specifically at residents, of which some 10 attended (some of whom represented various residents' groups). A copy of the presentations given at both events are provided in Appendix 5.
- 6.18 Stakeholders were provided with the background to the consultation, following which potential options for action were discussed through roundtable format and feedback session. A general overview of recurring comments is set out in the tables below.

Current System	
Pros	Cons
<ul style="list-style-type: none"> Generates business Free advertising Visible geographic marker Advertises smaller agents None for residents 	<ul style="list-style-type: none"> Too many signs on display Visually unattractive Transient population impression Burden to enforce

Table 2: Feedback on current system

Total Ban	
Pros	Cons
<ul style="list-style-type: none"> • Addresses complaints • More straightforward • Improve visual amenity • Attract variety of tenants • More people searching online • lack of signage less of an impact 	<ul style="list-style-type: none"> • Too much too soon • Discriminates against small landlords who cannot advertise online • Lead to other forms of advertising

Table 3: Feedback on total ban option

Restricted signage	
Pros	Cons
<ul style="list-style-type: none"> • Better than a blanket ban • Promotes a level playing field • Helps locate property • Stops large agent proliferation • Vast improvement 	<ul style="list-style-type: none"> • Could impact building fabric • Too restrictive • Need concrete guidance • Cost of changing bans • Timescales could still be a problem

Table 4: Feedback on restricted signage option

Results

- 6.19 From the public consultation as a whole, **81%** of all respondents expressed concern about the number of LBs in the Direction Area, with the extent of negative effects summarised as follows:
- **86%** agreed it was **harmful** to the **character and appearance** of the area,
 - **82%** agreed it was making the area **less desirable**,
 - **78%** agreed it attracted **vandalism** and **burglaries** (through appearance of empty properties); and
 - **85%** agreed it gives the impression that **only students** live in these areas.
- 6.20 Turning to the role of LBs in the Direction Area, the overall public perception was that the use of LBs is vastly unjustified as a means of advertising and does not actually help in letting property. Whilst over **50%** of landlords agreed that LBs allow unjustified advertising, they did however feel that that they aid the property letting process.
- 6.21 In relation to respondents' support for the council proposing a form of additional control over letting boards, **86%** of respondents were in favour of introducing new regulations, shown in Figure 10. When those statistics are broken down into respondent subcategories, the support for additional control reflected **95.5%** of residents, **69.8%** of landlords and **41.7%** of estate agents.

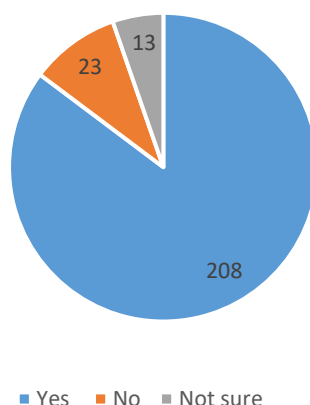


Figure 10: Support for taking action

- 6.22 When asked whether such additional control should constitute a complete ban of LBs in the Direction Area or tighter restrictions on their display, the majority of respondents (**144**) preferred a blanket ban, with **76** opting for tighter restrictions. The remaining respondents did not agree with either option as shown in Figure 11 below.

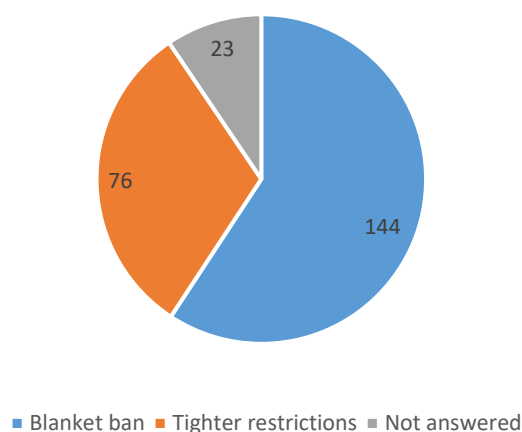


Figure 11: Support for policy options

- 6.23 The breakdown of support by stakeholder group is shown in table 5, and as can be seen there is a clear divergence between residents and estate agents, illustrating a difference in interest and perception of not only the problems associated with LBs, but also the options to address them.

Support for proposed control measures (%)			
	Complete Ban	Restricted Signage	Total
Resident	67.6	23.2	90.8
Landlord	30.2	34.9	65.1
Estate Agent	16.7	12.5	29.2

Table 5: Option support breakdown

- 6.24 Further questions were also asked in relation to the option for tighter controls in an attempt to decipher which types of control may be more effective. As seen in Figure 12 below the

majority of individuals preferred a time restriction for the display of LBs, after which the options of flush signage and smaller size of signage were clearly comparable.

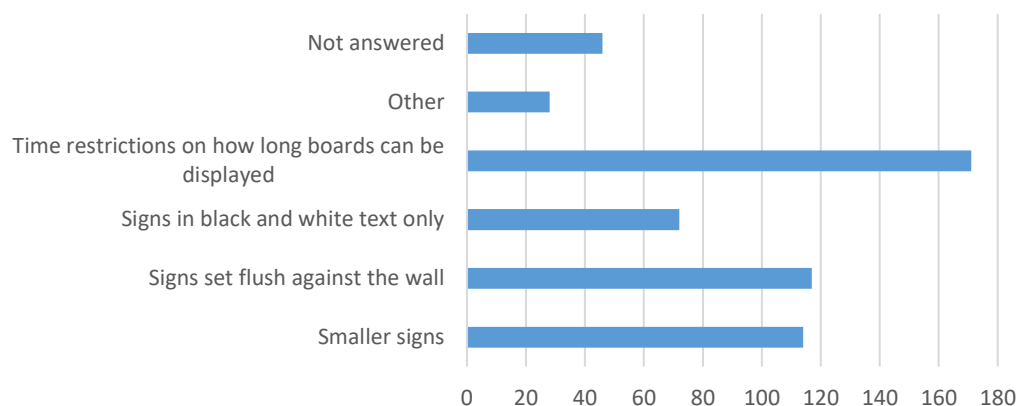


Figure 12: Restriction options

Spatial cross comparison of secondary data

- 6.25 In addition to the above a literature review and study of secondary data was collated on attempts to control LBs elsewhere in differing spatial locations in the UK. The cases of Newcastle and Cardiff City Councils were used to assess the benefits, strengths and weaknesses that such a scheme can have, whilst also assisting to build knowledge and learn retrospective lessons. Both councils have in recent years identified the need for, and subsequently implemented, additional controls to mitigate the impact of LBs on visual amenity and character.
- 6.26 Images 24 and 25 show before and after examples of Llanbleddian Gardens in Cardiff between 2008 and 2018, which clearly demonstrate the successful application of a total ban on LBs, and the positive impact this has subsequently had on the character and appearance of the streetscape.



*Image 24a & 24b: Before (2008) & after (2018);
Llanbleddian Gardens (north-west), Cardiff*



*Image 25a & 25b: Before (2012) & after (2018);
Llanbleddian Gardens (south-east), Cardiff*

- 6.27 Further details of both Cardiff and Newcastle were included in the public consultation event presentation, which can be found in Appendix 5.

Summary

- 6.28 It is clear from the qualitative and quantitative data gathered that there is a conflict between the views and preferences of residents, estate agents and landlords.
- 6.29 Whilst residents want a clear, decisive and controlled response from the council, estate agents are concerned that it may result in a commercial disadvantage with economic ramifications.
- 6.30 Nonetheless, as the business of estate agents has changed to be more increasingly dominated by the internet, the relevance of physical signage comes into question and must be weighed against the public interest.
- 6.31 It was notable that there were a number of estate agents and landlords who agreed with residents that a total ban would be preferable to the restricted signage and would improve the visual amenity of the areas.

7. Policy options

Current position

- 7.1 The council is aware that taking no action would result in no change to the current procedure of enforcement. Advertising properties as 'To Let' would continue within the criteria as outlined in the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 Schedule 3 Part 1 Class 3 (1); Miscellaneous temporary advertisements. As noted previously however it is clear that current regulations have become untenable within the Direction Area; in that the proliferation and volume of LBs, combined with the difficulty to enforce and prosecute such high numbers, results in significant, detrimental harm to visual amenity and character.
- 7.2 The council is satisfied therefore that proactive action is required to rectify the issue, and for these reasons two policy options were considered through the consultation process:
- *Option A: Total ban*
 - *Option B: Restricted signage*
- 7.3 The council notes however that Regulation 6 (5) (c) permits the Department to vary the proposal should it see fit.

Belfast City Council Planning Committee, March 2017

- 7.4 In presenting the findings to the Planning Committee in March 2017, the council gave full regard to all responses from the public engagement in addition to a number of other relevant factors, including the views of the council's conservation officer.
- 7.5 Whilst officers initially recommended the endorsement of Option B (Restricted Signage), committee members strongly agreed that Option A (complete ban) should be recommended to the Department, for the reasons that it would offer:
- *A clear and definitive solution,*
 - *An immediate improvement in appearance of areas,*
 - *A reduced burden on resources required to enforce; and*
 - *A clear and transparent policy position for stakeholders, that is simple to understand with no complex rules*
- 7.6 Members did not consider Option B (Restricted Signage) sufficient to fully address the problem and could prove costly in terms of time and resources to implement and enforce. Similar restrictions in cities such as Cardiff permit up to three signs per agent/landlord per street which could theoretically still allow LBs to be erected on almost every house in smaller streets. There is also great difficulty in proving or investigating whether a particular landlord does indeed have individual rooms to rent in a particular property.
- 7.7 Notably both Queen's University Belfast and the Historic Environment Division of the Department for Communities endorsed a complete ban as the most appropriate solution (see Appendix 8 for letters of support).
- 7.8 In applying a total ban, estate agents and landlords would not be permitted to display any form of advertisement relating to the letting of the property on the front façade or within

the external property boundary. The ban would relate solely to the letting of residential properties; and would not impact advertising the sale of properties or commercial property letting.

- 7.9 A total ban would deal directly with the issue in a tightly controlled manner by clearly stipulating the policy for the area. It would proactively protect the Direction Area from any future breaches of planning control that would require further enforcement action, and thus greatly reduce current pressure and strain on resources. It would give an immediate visual improvement, and was clearly preferred by residents, especially those who have lived there long-term. University cities elsewhere in the UK such as Newcastle and Cardiff have successfully implemented similar bans, with clear positive and effective results. Conversely it may present challenges for estate agents and landlords who would need to rely solely on alternative advertising.

Implementation

- 7.10 It is recognised that a complete ban requires a robust enforcement strategy for dealing with breaches if and when such a ban is in force. This is discussed in the Frequently Asked Questions in Appendix 15 and will be formalised as an addendum to the current Enforcement Customer Charter³; which will highlight the role of the council in informing stakeholders of the new direction, and how breaches would be enforced. Initially this will propose that any one agent or landlord will be given the chance to remove a sign; following which if it is not removed within the required timeframe, or, where the same agent or landlord breaches the direction again; the council will take appropriate enforcement action.
- 7.11 The council recognises that a gap in regulation could be exploited. Under Class 10 'Advertisements inside buildings', Schedule 3, Part 1, of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 a loophole exists that would allow unrestricted signage behind property windows, and so any action through either ban or restricted signage could result in a proliferation of window signage. Nonetheless such a scenario would not, by its nature, carry the same risk to visual amenity or character as physical boards attached to individual properties.

Market impact

- 7.12 Implementing a total ban would not include residential sales, or the letting of commercial properties. Commercial properties would continue to benefit from deemed consent within the criteria as outlined in the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 Schedule 3 Part 1 Class 3 (1); Miscellaneous temporary advertisements.

³ <http://www.belfastcity.gov.uk/buildingcontrol-environment/Planning/belfastplanningservice.aspx>

8. Formal request

- 8.1 The council has undertaken a thorough and methodical study to back the assertion that the removal of deemed consent for LBs in these areas is both necessary and appropriate in that they cause substantial injury to the amenity of the locality. This included an informed consideration of all material considerations and stakeholder feedback.
- 8.2 The council formally requests that DfI supports the request under Part 2, Regulation 6 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015; for **a restriction of deemed consent, by way of a complete ban⁴ within the identified Direction Area, for an initial period of 10 years.**
- 8.3 Having regard to the necessity for consultation to be undertaken by DfI, the council remains available should any assistance or additional information be required.

⁴ Total ban – defined as complete removal of deemed consent for advertisements granted under Schedule 3, Part 1, Class 3 of the Planning (Control Of Advertisements) Regulations (NI) 2015 related to letting residential properties only (and not those related to agricultural, industrial or commercial use, nor for sale signs), which thereafter may only be displayed if express consent has been granted under Regulation 8 of said regulations. Under Regulation 9(5) of The Planning (Fees) Regulations (Northern Ireland) 2015 no fee will be payable in respect of such an application for expressed consent occasioned by this Regulation 6 Direction.

Bibliography & reading sources

- The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015
<http://www.legislation.gov.uk/nisr/2015/66/contents/made>
- PPS 17: Control of Outdoor Advertisements (March 2006) DoE
https://www.planningni.gov.uk/index/policy/planning_statements_and_supplementary_planning_guidance/pps17-outdoor-advertisements.pdf
- PPS 6: Planning, Archaeology and The Built Heritage (March 1999) DoE
https://www.planningni.gov.uk/index/policy/planning_statements_and_supplementary_planning_guidance/pps06-archaeology-built-heritage.pdf
- Queen's Conservation Area (March 1987) DoE
https://www.planningni.gov.uk/index/policy/supplementary_guidance/conservation/conservation_map/conservation_queens.htm
- A Design Guide for the Malone Conservation Area (DoE)
https://www.planningni.gov.uk/index/policy/supplementary_guidance/conservation/conservation_map/5170_malone_single_pg_for_web_dec11.pdf
- Draft Belfast Metropolitan Area Plan 2015
https://www.planningni.gov.uk/index/policy/dev_plans/devplans_az/bmap_2015.htm
- Emerging Belfast Local Development Plan <http://www.belfastcity.gov.uk/buildingcontrol-environment/Planning/localdevelopmentplan.aspx>
- The Belfast Agenda
<http://www.belfastcity.gov.uk/council/Communityplanning/BelfastAgenda.aspx>
- City of Cardiff Council Letting Boards Evidence Report October 2014
<https://www.cardiff.gov.uk/ENG/resident/Planning/Planning-Policy/letting-boards/Pages/default.aspx>
- Guidance for Landlords On the erection of residential letting City of Cardiff Council October 2015 <https://www.cardiff.gov.uk/ENG/resident/Planning/Planning-Policy/letting-boards/Pages/default.aspx>
- Nottingham City Council Guidance for Landlords On the erection of residential letting September 2012 <http://www.nottinghamcity.gov.uk/planning-and-building-control/planning-applications/do-i-need-planning-permission/controls-on-to-let-ad-boards/>
- Newcastle City Council To Let Boards Evidence Report June 2013
https://www.newcastle.gov.uk/sites/default/files/wwwfileroot/planning-and-buildings/planning/newcastle_to_let_boards_evidence_report_june_2013_web.pdf
- Newcastle City Council Planning and Housing Strategy Guidance for landlords and agents on the erection of residential letting and for sale boards in Newcastle September 2009
https://www.newcastle.gov.uk/sites/default/files/wwwfileroot/planning-and-buildings/planning/appendix_3_newcastle_letting_boards_code.pdf

- Boardwatch Westminster A Guide to the Design and Display of Estate Agents' Boards
<https://www.westminster.gov.uk/adverts-and-signs>
- Belfast City Council Community Safety commissioned independent report: Belfast: A Learning City Holyland And Wider University Area Strategic Study- Final Independent Consultant's Report March 2012 Prepared by Louise Browne Associates available at
<http://www.belfastcity.gov.uk/buildingcontrol-environment/Planning/student-accommodation.aspx>
- <http://www.thedetail.tv/articles/what-crimes-have-been-reported-close-to-where-you-live-or-work>
- Northern Ireland Statistics and Research Agency, 2014, Recorded Crime figures
<http://www.ninis2.nisra.gov.uk/public/PivotGrid.aspx?ds=7034&lh=42&yn=2000-2014&sk=131&sn=Crime%20and%20Justice&yearfilter=2014>
- Google Maps
- Google Street View

Appendices

- 1 Map of Direction Area
- 2 Letter sent to estate agents 2010-2015
- 3 Public Consultation Information Pamphlet
- 4a Belfast City Council press release
- 4b Belfast City Council website page on To Let Board consultation
- 4c Media Coverage
- 5 Public Consultation Event Presentation
- 6 Questionnaires for estate agents, landlords and residents
- 7a Invitations to Stakeholders
- 7b Letter from NIHE to landlords
- 7c Landlord Association NI website article
- 8 Letters of support
- 9 Estate Agent Signage Survey Holyland Area of Townscape Character 2013-2016
- 10 Estate Agent Signage Survey Stranmillis Area of Townscape Character 2013-2016
- 11 Estate Agent Signage Survey Botanic Area of Townscape Character 2013-2016
- 12 Estate Agent Signage Survey Queen's Conservation Area 2013-2016
- 13 Estate Agent Signage Survey Malone Conservation Area: Sub Area B 2013-2016
- 14 Draft Guidance Note: Option B
- 15 Frequently Asked Questions

This page is intentionally left blank



Subject:	Strategic project to obtain removal of deemed consent of estate agent signage in student areas.
Date:	14 th March 2017
Reporting Officer:	Phil Williams, Director of Planning and Place
Contact Officer:	Lisa Walshe (ext 2290)

Is this report restricted?

Yes

☐

No

☒

Please see Note 1 in Part 3

Is the decision eligible for Call-in?

Yes

☒

No

☐

If 'No' please see Note 2 in Part 3

1.0	Purpose of Report or Summary of Main Issues
1.1	To update members on the project for the removal of deemed consent for estate agent signage in the Stranmillis, Queens and Holylands areas.
1.2	To seek Committee endorsement for the preferred option.
1.3	To seek authority to apply to the Department for Infrastructure (DfI) to serve a direction under Section 6 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 restricting the display of lettings boards in the Stranmillis, Queens and Holylands areas in accordance with the Preferred Option set out in this report at paragraphs 3.9-3.11.

2.0	Recommendations
2.1	Members are asked to: <ul style="list-style-type: none">• Note the current position.• Endorse the Preferred Option for restricting signage set out at paragraphs 3.9-3.11.• Authorise the submission of a full report and proposal to DfI.

3.0	Main report
3.1	<p><u>Background</u></p> <p>Members will be familiar with the strategic project ongoing to tackle the proliferation of estate agent signage in the areas of Stranmillis, Queens and the Holylands. It was agreed with Members that a proposal would be made to DfI following appropriate surveying and consultation under Section 6 of The Planning (Control of Advertisements) Regulations (Northern Ireland) 2015 which permits the removal of deemed consent by the Department for Infrastructure (DfI).</p>
3.2	<p>Following data collection and liaison with DfI, Members were updated at the 15th November 2016 Committee of the consultation period for the proposal including two key stakeholder events (one for residents and the other for estate agents/landlords) at City Hall and the launch of a questionnaire consultation on Citizen Space which concluded on 9th December 2016.</p>
3.3	<p><u>Key consultation results</u></p> <p>As part of a 12 week public consultation issued to key stakeholders seeking views on the display of To Let boards, there were 243 consultation responses to the questionnaire including 176 residents, 43 landlords and 24 estate agents.</p> <ul style="list-style-type: none"> • 86% agreed it was harming the appearance of the area • 82% agreed it was making the area less desirable • 78% agreed it attracted vandalism and burglaries (through appearance of empty properties) • 85% agreed it gives the impression that only students live in these areas
3.4	<p>The results show that 95.5% of residents, 69.8% of landlords and 41.7% of estate agents are in favour of some sort of restriction on To Let boards.</p>
3.5	<p>It is clear from the consultation that residents are in favour of a complete ban (67.6% favour a ban while 23.2% would prefer a restriction) while estate agents and landlords would prefer to retain the current regulations (70.8%). Of the 29.2% that would welcome a change, 43% favour restrictions while 57% would prefer a ban. Individual landlords are particularly concerned as they say are unable to use websites such as Property Pal or Property News because they are not registered agents. All stakeholders generally agreed that the current system requires change.</p>
3.6	<p><u>Policy Options</u></p> <p>Complete ban – other jurisdictions have opted for a complete ban of estate agent signage rendering it a complete and simple solution to the problem. There is little enforcement monitoring to do as any signage is a direct offence.</p>
3.7	<p>Restricted signage – local authorities such as Cardiff and Newcastle permit restricted signage whereby small, flush signs are permitted but only at certain times. The number per street is also restricted, for example, each estate agent or landlord may only have one advertisement per street. This entails a larger enforcement resource implication, certainly initially, but acknowledges the difficulty that individual landlords have with advertising online.</p>

3.8	<p>Within the restricted signage option, there are a number of sub-options whereby the Council can choose the amount of time the signage is displayed, the number of signs per street etc.</p>
3.9	<p><u>Preferred option</u></p> <p>Officers have reviewed the evidence gathered and listened to the views of the key stakeholders and it is considered that the most inclusive and considered option would be a proposal for restricted signage which would balance the concerns of both residents and estate agents/landlords.</p>
3.10	<p>It was clear through engagement with estate agents and landlords that their busiest time of year is between April and September. It would therefore seem appropriate to restrict the signage to these six months rather than the 3-month ban engaged in other cities such as Cardiff. This is also a gesture towards the residents' preference for a complete ban.</p>
3.11	<p>The restricted signage would not be permitted on every dwelling, rather it is restricted to one sign per agent/landlord per street. A copy of draft guidance has been provided at Appendix A.</p>
3.12	<p><u>Future implementation</u></p> <p>Should DfI see fit to grant the revised deemed consent for these areas, Belfast Planning Service will continue its engagement with key stakeholders to ensure that the scheme is well publicised and support is provided to those operating within these areas.</p>
3.13	<p>An enforcement strategy for dealing with the scheme will be implemented and will take a 'zero tolerance' approach to ensure fairness for all. It is envisaged this will involve a pro-active approach including surveying.</p>
4.0	<p><u>Finance and Resource Implications</u></p> <p>There are no additional resource implications arising out of this submission and it is hoped that ultimately the successful implementation of this scheme will reduce the resources necessary to enforce estate agent signage in the area.</p>
5.0	<p><u>Asset and Other Implications</u></p> <p>None.</p>
6.0	<p><u>Appendices</u></p> <p>Appendix A – example guidance for the public on preferred option</p>

This page is intentionally left blank



Subject:	Review of Strategic Planning Policy on Renewable & Low Carbon Energy
Date:	18 th January 2022
Reporting Officer:	Kate Bentley, Director of Planning & Building Control
Contact Officer:	Keith Sutherland, Planning Manager (Plans & Policy)

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

1.0	Purpose of Report or Summary of Main Issues
1.1	The Department for Infrastructure (DfI) is carrying out a review of Strategic Planning Policy on Renewable and Low Carbon Energy. DfI has circulated an Issues Paper to a range of key stakeholders for comment (see Appendix 1) with a view to issuing a draft revised policy document for full public consultation sometime in 2022.
1.2	The Planning Committee is asked to agree the Council's response at Appendix 2 , which will inform the Department's review.
2.0	Recommendation
2.1	The Committee is asked to consider and if appropriate agree the draft response to DfI's review of Strategic Planning Policy on Renewable and Low Carbon Energy as set out at Appendix 2 .
3.0	Main Report
3.1	Background In March 2016 the Department issued a 'Call for Evidence' to help inform the scope of a proposed focused review of strategic planning policy for Renewable Energy development to which the council subsequently responded. Following an announcement by the Minister in April 2021 the Department is now undertaking further stakeholder engagement to assist in informing the preparation of a public consultation draft policy document which the Department aims to publish in 2022.
3.2	The Department anticipates that this review may result in an amendment to the Strategic Planning Policy Statement (SPPS) (DOE, 2015) as it is seeking to ensure that strategic planning policy on renewable and low carbon energy development remains fit for purpose and up-to-date in order to inform both the decision-making process as well as the Local Development Plan (LDP) preparation process, all within the wider contemporary context for energy and the climate emergency.

3.3	<p>Planning Policy Context</p> <p>The provisions of the SPPS apply to the whole of Northern Ireland and they must be taken into account in the preparation of LDPs and are material to all decisions on individual planning applications and appeals by planning authorities. The current policy approach in the SPPS in relation to Renewable Energy (RE) is:</p>
3.4	<p><i>“to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland’s renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance” (Paragraph 6.218).</i></p>
3.5	<p>Wider Policy Context</p> <p>The SPPS sets out a range of objectives which seek to ensure that RE development makes an increased contribution to the overall energy mix in accordance with the Department for Economy’s (DfE) strategic aims for a more secure and sustainable energy system. The Path to Net Zero Energy, the Executive’s recently published Energy Strategy (December, 2021) sets a target of meeting at least 70% of electricity consumption from a diverse mix of renewable sources by 2030.</p>
3.6	<p>This review also provides an opportunity to consider how strategic planning policy can help address the climate emergency in terms of mitigation and adaptation measures as well as enabling a green recovery from the Covid pandemic. Given the wider policy context this Issues Paper has been circulated to other relevant sections within the council to ensure the response takes account of broader initiatives and policies.</p>
3.7	<p>Scope of the Review</p> <p>The scope of the review includes consideration of strategic planning policy matters with regards to current and likely future renewable and low carbon energy development and associated infrastructure. The review focusses on, but is not limited to:</p>
3.8	<ul style="list-style-type: none"> • Energy targets & strategic planning policy; • Locational considerations; • Siting new wind farms in perpetuity; • Wind turbines & amenity considerations; • Decommissioning and site restoration for new development; • Solar farms and agricultural land; • Co-locating renewable, low carbon and supporting infrastructure; • Re-powering existing wind farms; and • Emerging technologies and other issues.
3.9	<p>Key Issues</p> <p>The Council broadly supports the rationale for this review, however, it does not consider that any fundamental change to strategic planning policy is necessary as existing provisions within the SPPS set out a reasonable and balanced approach to facilitating renewable energy developments in appropriate locations without compromising acknowledged environmental assets whilst at the same time recognising that there may be wider environmental, economic and social factors to consider.</p>
3.10	<p>The Local Development Plan preparation process provides sufficient scope for councils to introduce operational policies which take into account local circumstances such as topography and amenity considerations and as such the SPPS does not need to be overly detailed or prescriptive providing that local policies are found to be sound.</p>

3.11	The Council welcomes that this review seeks to have regard to wider policy developments such as the climate emergency and attempts to address how the targets set out in DfE's Energy Strategy may be achieved. However, it is also important that any changes to strategic policy considers the potential implications for the future development of the energy network as set out in SONI's 'Shaping Our Electricity Roadmap'. Consideration needs to be given to the potential implications that any policy change may have in delivering the renewable generation capacities identified in this roadmap document and the approach to future network and infrastructure development.
3.12	The Council's proposed response to the Department's Issues Paper is provided at Appendix 2 . Members are asked to endorse this response.
3.13	<u>Financial & Resource Implications</u> There are no resource implications associated with this report.
3.14	<u>Equality implications or Good Relations implications / Rural needs assessment</u> None.
4.0	Appendices – Documents Attached
	Appendix 1: DfI Issues Paper – Review of Strategic Planning Policy on Renewable & Low Carbon Energy – <i>for Members' info only</i> Appendix 2: BCC draft response to DfI Issues Paper

This page is intentionally left blank

Issues Paper

Review of Strategic Planning Policy on Renewable & Low Carbon Energy

Issued: 15 December 2021

Respond by: 11 February 2022

© Crown copyright, Department for Infrastructure, 2021

You may use and re-use this information (not including logos) under the terms of the Open Government Licence.

Email enquiries regarding the re-use of this information to:
psi@nationalarchives.gsi.gov.uk

Contents

Introduction.....	4
How to Respond.....	4
Background.....	7
Scope of the Review.....	11
Key Issues.....	12
Next steps	17

Introduction

Following Minister Mallon's announcement on 21 April 2021, the Department for Infrastructure (DfI) has commenced a review of strategic planning policy on renewable and low carbon energy which may result in an amendment to the Strategic Planning Policy Statement (SPPS). The aim of this review is to ensure that strategic planning policy on renewable & low carbon energy development remains fit for purpose and up-to-date to inform decision-making in relation to development proposals for this subject area. It is also intended to inform the local development plan (LDP) process and enable plan-makers to bring forward appropriate local policies, all within the wider contemporary context for energy and the climate emergency.

The responses to this Issues Paper will help inform the way forward for this policy area. This paper is a targeted engagement exercise with key stakeholders and it is the Department's intention to issue a draft revised policy document for full public consultation in 2022.

How to Respond

You are invited to submit your views in response to this Issues Paper by **5:00pm, Friday 11 February 2022**. Comments after this deadline will not be accepted.

Please respond using the Response Form attached to this document.

Responses should be emailed to the Department at the following address:

SPPSTeam@infrastructure-ni.gov.uk

Alternatively, where it is not possible to respond electronically, responses may be posted to the following address:

SPPS Team

Department for Infrastructure

Room 1.01, First Floor

Clarence Court, 10-18 Adelaide Street

Belfast BT2 8GB

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 and Environmental Information Regulations 2004 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 to this issues paper, excluding personal information, may be published or disclosed in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (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.

BACKGROUND

1. This Issues Paper builds on earlier preparatory work including a '[Call for Evidence](#)' and '[Emerging Issues Paper](#)' as well as independent research for this policy area. The consultant's report will be published with a public consultation draft revised policy document in due course.

Planning Policy Context

2. The Strategic Planning Policy Statement (SPPS) for Northern Ireland (NI) was published in September 2015, following Executive Committee agreement. The SPPS consolidates some twenty separate policy publications into one document, and sets out strategic subject planning policy for a wide range of planning matters, including renewable energy. It is an important planning policy framework for the reformed two tier planning system. The provisions of the SPPS apply to the whole of Northern Ireland¹. They must be taken into account in the preparation of local development plans (LDPs) and are material to all decisions on individual planning applications and appeals by planning authorities.
3. The current policy approach in the SPPS in relation to renewable energy is "*to facilitate the siting of renewable energy generating facilities in appropriate locations within the built and natural environment in order to achieve Northern Ireland's renewable energy targets and to realise the benefits of renewable energy without compromising other environmental assets of acknowledged importance.*" (Paragraph 6.218).

Wider Policy Context

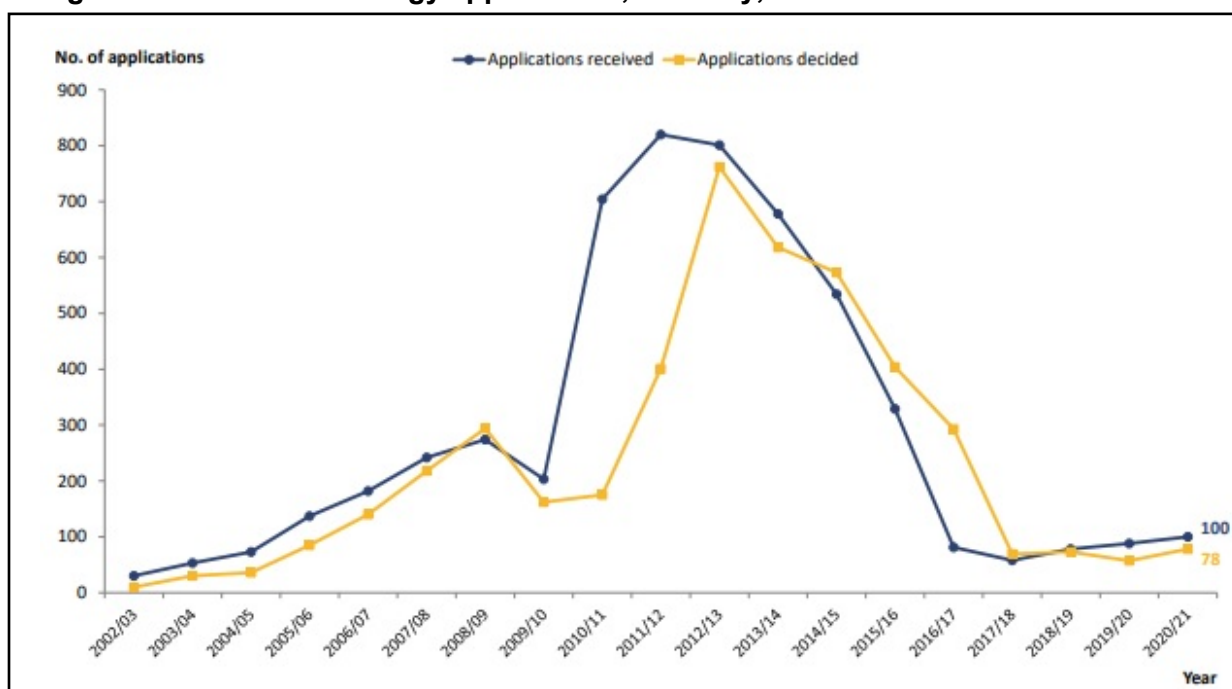
4. The SPPS sets out a wide range of objectives which act to ensure that renewable energy development makes an increased contribution to the overall energy mix in accordance with the Department for Economy's (DfE) strategic aim for a more

¹ The policy provisions of Planning Policy Statement 18 (PPS 18) 'Renewable Energy,' published August 2009, are retained under the transitional arrangements of the SPPS until such times as a Plan Strategy for the whole of the council area has been adopted.

secure and sustainable energy system (as contained within the Strategic Energy Framework 2010 (SEF) for Northern Ireland). The SEF, established a target that NI would achieve 40% of its electricity consumption from renewable sources by 2020. This target has been met with the latest results showing that for the 12 month period April 2020 to March 2021, 46.4% of total electricity consumption in Northern Ireland was generated from renewable sources located in NI. The current planning policy approach to this category of development has played an important role in helping to facilitate the achievement of these objectives.

5. The SEF policy was supported by subsidy. The Northern Ireland Renewables Obligation (NIRO) played a pivotal role in achieving the expansion of renewable energy development and progressing towards achieving established renewable energy targets. The NIRO closed to new large scale onshore wind on 31 March 2016, to new small scale onshore wind on 30 June 2016 and to all other technologies on 31 March 2017, with exceptions to those projects that met the criteria for grace periods.
6. Prior to the closure of the NIRO, it had been the case that renewable energy developments which met the criteria had been issued with Renewables Obligation Certificates (ROCs) based on the technology they were using and the amount of energy they produced. Essentially the closure of NIRO has resulted in the reduction of the number of planning applications for renewable energy development as indicated in Figure 1.

Figure 1 - Renewable Energy applications, annually, 2002/03 – 2020/21



Source: Northern Ireland Statistics and Research Agency - Northern Ireland Planning Statistics April 2020 – March 2021

Emerging Energy Strategy

7. DfE is leading in the process of developing the Executive's new Energy Strategy. A policy options consultation issued on 31 March 2021 for 13 weeks, closing on 2 July of this year². The new Energy Strategy aims to decarbonise the NI energy sector by 2050 and it will consider the existing energy mix, how it will be reshaped, as well as considering energy demand reduction. The policy options proposed that a new renewable electricity target of 70% by 2030 should be set. DfE intend to publish the new Energy Strategy later this year. DfI representatives have engaged and will continue to engage positively with DfE on areas of mutual interest, including the synergies between a new Energy Strategy, strategic planning policy and the planning system generally.

² [Consultation on policy options for the new Energy Strategy for Northern Ireland | Department for the Economy \(economy-ni.gov.uk\)](https://www.economy-ni.gov.uk/consultation-on-policy-options-for-the-new-energy-strategy-for-northern-ireland/)

Climate Emergency

8. Minister Mallon MLA is committed to ensuring that her department, and the wider planning system, does everything possible to help address the climate emergency, protect our environment and enable a green recovery from the Covid pandemic. Regional guidance in the Regional Development Strategy 2035 (RDS) and regional planning policy contained in the SPPS, already emphasises how planning authorities should mitigate and adapt to climate change.
9. In recognition of the ongoing climate emergency, Clare Bailey MLA introduced the [Climate Change \(No. 1\) Bill](#) (i.e. the Private Member's Bill) to the NI Assembly on 22 March 2021 and which progressed to second stage on 10 May 2021. The Bill aims to enable the mitigation of the impact of climate change in Northern Ireland; establish a legally binding net-zero carbon target for Northern Ireland; provide for the establishment and powers of the Northern Ireland Climate Commissioner and Northern Ireland Climate Office; guarantee existing environmental and climate protections; and for connected purposes. The Bill will also legislate for a requirement to prepare future action plans and targets for achieving carbon emission reductions.
10. In addition, Edwin Poots MLA, Minister for Agriculture, Environment and Rural Affairs (DAERA), introduced the [Climate Change \(No. 2\) Bill](#) (i.e. the DAERA Bill) to the NI Assembly on 5 July 2021 and has since progressed to second stage on 27 September 2021. The Bill aims to set targets for the years 2050, 2040 and 2030 for the reduction of greenhouse gas emissions; to provide for a system of carbon budgeting; to provide for reporting and statements against those targets and budgets; to confer power to impose climate change reporting duties on public bodies; to provide for reports and advice from the Committee on Climate Change; and for connected purposes.
11. Furthermore, DAERA is currently leading on the Executive's overarching multi-decade Green Growth Strategy and Delivery Framework for Northern Ireland, which is aiming to transform our society towards net zero by 2050, protect and enhance our environment and sustainably grow our economy through improved

efficiency which will in turn help more business become more profitable. Consultation on the draft Green Growth Strategy for Northern Ireland launched on 21 October 2021 and the consultation closes on 21 December 2021. DAERA is also currently bringing forward Northern Ireland's first Environment Strategy, and new strategies on Peatland and Biodiversity.

12. It is also important to note that the Intergovernmental Panel on Climate Change (IPCC) published their [Sixth Assessment Report](#) on the physical science basis of climate change. The report provides an understanding of the current state of the climate, including how it is changing and the role of human influence, the state of knowledge about possible climate futures, climate information relevant to regions and sectors, and limiting human-induced climate change.

Scope of the Review

13. This review will consider strategic planning policy matters with regards to current and likely future renewable & low carbon energy development and associated infrastructure. It will take account of the Department's previous call for evidence on planning policy for renewable energy, the independent consultants' report that the Department commissioned, as well as wider research and responses to this issues paper. In addition, the review will have regard to wider policy developments referred to above, such as the emerging Energy Strategy.

14. Specific planning matters to be considered for the review include:

- Energy targets & strategic planning policy;
- Locational considerations;
- Siting new wind farms in perpetuity;
- Wind turbines & amenity considerations;
- Decommissioning and site restoration for new development;
- Solar farms and agricultural land;
- Co-locating renewable, low carbon and supporting infrastructure;
- Re-powering existing wind farms; and,
- Emerging technologies & other issues.

15. The review will not consider energy from waste (i.e. incineration, gasification and pyrolysis). Overall policy responsibility for waste rests with DAERA and extant strategic planning policy for waste is provided for separately in the SPPS's subject policy titled 'Waste Management'. Should DAERA bring forward changes to its overall Waste Management Strategy, DfI will consider the relevant implications for the planning system at the appropriate time, including any implications for extant strategic planning policy. DAERA is also responsible for marine planning and marine licencing. As such, any consideration of the extant marine planning policy regarding off-shore renewable energy development is outside the scope of the review. It is, however, worth noting that onshore development, associated with offshore development, will fall to be considered by the terrestrial planning system.
16. Whilst this review is likely to result in amendments to the SPPS, changes to extant planning legislation (including permitted development rights) or regional planning guidance³ on renewable and low carbon energy are outside the scope of this exercise. It is also important to note that this review of strategic planning policy will not interfere with the environmental legislative requirements that already exist and with which renewable and low carbon energy developments must comply.

Key Issues

17. Under the two-tier planning system local government has the primary responsibility for local plan-making and for determining the vast majority of planning applications. The Department for Infrastructure is responsible, inter alia, for formulating strategic planning policy and the determination of regionally significant developments. Strategic planning policy contained in the SPPS therefore provides a framework and direction for councils in plan-making (LDPs provide detailed local operational planning policies) and for all planning authorities in decision-taking. Whilst the Department welcomes comments on any aspect of strategic planning policy on

³ Guidance contained in Best Practice Guidance to PPS 18 - Renewable Energy will continue to have effect (where relevant) unless and until such guidance is updated, revised or replaced by new Departmental guidance on this planning issue.

renewable & low carbon energy, it is particularly keen to hear views on the following key issues:

Key Issue: Energy targets & strategic planning policy

Context: The current policy approach has played an important role in helping to facilitate the achievement of the renewable deployment to date (i.e. 40% of electricity generated from renewable sources by 2020). DfE's Energy Strategy consultation has proposed that a new renewable electricity target of 70% by 2030 should be set. This is within the wider context of consideration of net zero by 2050 and that all electricity in the UK should come from clean sources by 2035. In the context of the climate emergency there is support for increasing renewable and low carbon development to decarbonise our electricity supply. However, it is also recognised that this has to be balanced against any potential unacceptable adverse impacts on the local environment and communities.

Question 1: How should future strategic planning policy continue to help NI achieve any new targets for increasing energy from renewable and low carbon sources arising from the emerging Energy Strategy and in doing so assist in addressing the climate emergency?

Key Issue: Locational considerations

Context: Strategic planning policy currently provides for a cautious approach in designated landscapes that are of significant value. There have been calls to provide more clarity on where is, and where is not, acceptable for the provision of new and additional development to give certainty to communities, developers, investors and infrastructure providers.

Question 2: What are your thoughts on introducing new provisions within strategic planning policy to provide for a more strategic spatial approach for the siting of wind and solar farm (or others types of

renewables) development through identifying suitable and/or unsuitable areas in principle?

Key Issue: Siting new wind farms in perpetuity

Context: In relation to wind farms, the operating period of a wind farm is generally a matter for the developer, subject to relevant planning controls. Consideration could be given to supporting development on sites/areas in perpetuity. Such an approach has the potential to make the best use of land and wind resource, existing infrastructure, including grid connections. (See also 'Re-powering of existing Wind Farms' below, Question 8).

Question 3: What are your thoughts on introducing new provisions within strategic planning policy to require new wind farms to be capable of being sited in perpetuity?

Key Issue: Wind turbines & amenity considerations

Context: Strategic planning policy currently provides that any development should not result in an unacceptable adverse impact on residential amenity. Issues that have been a focus of concern regarding the current policy approach include noise, shadow flicker and separation distance of wind turbines. Noise is currently assessed in line with ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms'. BEIS is responsible for the good practice guide to ETSU-R-97 and it is also used in England, Scotland and Wales.

Question 4a: How best should strategic planning policy provide for the consideration of such matters when plan-making and decision-taking?

Question 4b: Do you consider strategic planning policy should require a mandatory separation distance for wind energy. If so, what distance and why?

Key Issue: Decommissioning and site restoration for new development

Context: In relation to developments such as wind farms and solar farms strategic planning policy currently requires applicants to provide details on future decommissioning, including proposals for site restoration e.g. timescales, financial bonds etc. In such cases planning conditions, or a legal agreement where appropriate, should be used. The review will consider the appropriateness of this approach for future wind turbine and solar farm development.

Question 5. What are your thoughts on the best approach to decommissioning and restoration of future wind turbine and solar farm development?

Key Issue: Solar farms and agricultural land

Context: There have been concerns that agricultural land has been lost to solar farms, whilst more sustainable alternative sites may exist, such as previously developed lands.

Question 6: Do you consider strategic planning policy should prioritise non-agricultural land for renewable energy development, such as solar energy. If so, how and why?

Key Issue: Co-locating renewable, low carbon and supporting infrastructure

Context: There are considered to be a range of potential economic and environmental benefits associated with co-locating renewable, low carbon energy and storage infrastructure together, where appropriate. Such an approach may help exploit the advantages of grouping development in order to maximise energy generation and capture whilst making best use of land and infrastructure. For example, co-locating different technologies such as solar and/or wind farms with battery energy storage systems/facilities.

Question 7: Should strategic planning policy provide for the appropriate co-location of renewable, low carbon energy and supporting infrastructure? If so, how best might this be achieved and why?

Key Issue: Re-powering existing wind farms

Context: There are potential benefits with supporting the repowering of existing wind farm sites which are already in suitable locations. Whilst planning applications would still be required to consider the details of any proposed future new development, the established use of an area of land could be considered in principle to be acceptable for that particular use indefinitely, i.e. in perpetuity.

Question 8: Should strategic planning policy provide for and/or encourage the re-powering of wind turbines as they come to the end of their consented lifespan and require/allow that all new wind farms should be sited in perpetuity?

Key Issue: Emerging technologies & other issues

Context: A challenge for strategic planning policy is to ensure that the planning system can appropriately provide for consideration of the relevant planning matters associated with all renewable and low carbon energy development and supporting infrastructure, including emerging technologies, such as battery energy storage systems, hydrogen energy, geothermal energy/power development etc.

Question 9a: What do you consider to be the emerging technologies and how best should strategic planning policy provide for their consideration by relevant planning authorities when plan-making and decision-taking?

Question 9b: How best should strategic planning policy provide for the consideration of battery energy storage systems by relevant planning authorities when plan-making and decision-taking?

Question 9c: What do you consider to be any other issues relevant to renewable and low carbon energy development and how best should strategic planning policy provide for their consideration by relevant planning authorities when plan-making and decision-taking?

Please complete your responses on the form provided and supply information or evidence to support your responses.

Next steps

13. Responses to this Issues Paper should be made on the appropriate form to the Department by **5.00pm, Friday 11 February 2022.**
14. The information gathered as a result of this Issues Paper will be considered by the Department and will help inform the way forward for this policy area.
15. Any recommendations emerging from this review which involve policy changes will require an amendment to the SPPS which will be taken forward in accordance with established policy making best practice. This will include public consultation on any draft policy proposals. It is the Department's intention to issue a draft revised policy document in 2022.

This page is intentionally left blank

YOUR COMMENTS

Please provide us with your comments below. Please be as concise as possible and where appropriate provide evidence to support your responses.

KEY ISSUE: ENERGY TARGETS & STRATEGIC PLANNING POLICY

Context: The current policy approach has played an important role in helping to facilitate the achievement of the renewable deployment to date (i.e. 40% of electricity generated from renewable sources by 2020). DfE's Energy Strategy consultation has proposed that a new renewable electricity target of 70% by 2030 should be set. This is within the wider context of consideration of net zero by 2050 and that all electricity in the UK should come from clean sources by 2035. In the context of the climate emergency there is support for increasing renewable and low carbon development to decarbonise our electricity supply. However, it is also recognised that this has to be balanced against any potential unacceptable adverse impacts on the local environment and communities.

Q1. How should future strategic planning policy continue to help NI achieve any new targets for increasing energy from renewable and low carbon sources arising from the emerging Energy Strategy and in doing so assist in addressing the climate emergency?

The council considers that no fundamental change to strategic planning policy is necessary with respect to helping NI achieve the energy targets set out in DfE's Energy Strategy – [The Path to Net Zero Energy](#) (December 2021) and addressing the climate emergency. The existing provisions within the SPPS set out a reasonable approach to facilitating Renewable Energy (RE) developments in appropriate locations without compromising environmental assets of acknowledged importance whilst also recognising that there may be wider environmental, economic and social factors to consider.

The council would recommend that any consideration given to revising existing strategic planning policy should take into account SONI's [Shaping Our Electricity Future Roadmap](#) (November 2021) and the extent to which existing policy provision would realistically prevent or hinder the assumed renewable generation capacities (Table 19, Pg 66) that are needed to meet the renewable ambition being delivered by 2030 and 2050. Similarly, any significant changes to strategic policy will need to consider the potential implications for SONI's 'blended' approach to future network development – an approach underpinned by the Developer-led approach but also incorporates Generation-, Technology- and Demand-led approaches. This perhaps raises an issue in terms of the need for clear direction from a revised [Regional Development Strategy](#) (RDS) that takes account of the likely direction of infrastructure enhancement and associated potential / capacity that may result from the approach SONI is advocating.

Effective strategic planning policy is fundamental to successfully delivering new renewable energy systems, minimising the carbon emissions of what we build, finding the right sustainable locations and designing places that support healthy and zero carbon transport options. As the NI Executive has declared a climate emergency and revised the renewable electricity target upwards to a target of 70% of renewable electricity by 2030, an updated planning policy will enable NI to scale up the existing wind opportunities as well as exploit new opportunities with other renewable energy.

The SPPS already acknowledges the role that Local Development Plans can perform in setting out policies and proposals that support a diverse range of RE development within their council area. It should be recognised, as at December 2021, that 5 of 11 draft Plan Strategies are either with the PAC for the purpose of Independent Examination or as in the case of Belfast is awaiting the release of the PAC report from the

Department. In preparing their Plan Strategy each council will have sought to ensure that their document is sound and will have assessed their Plan with respect to the various tests of soundness which will have included the Consistency Test C3 – ‘Did the council take account of policy and guidance issued by the Department?’. Under this test the council will need to be able to show how policy formulation and development has taken account of the SPSS and any other relevant policy and guidance prepared by the Department (para 5.4.10, [Development Plan Practice Note 6 – Soundness](#) (DfI, 2017)).

The SPSS and forthcoming climate legislation can play a key role in supporting the delivery of carbon reduction targets and those set out in the Energy Strategy. The city climate plan and council climate plan are still under development but will also reflect the key role of a supportive planning framework.

KEY ISSUE: LOCATIONAL CONSIDERATIONS

Context: Strategic planning policy currently provides for a cautious approach in designated landscapes that are of significant value. There have been calls to provide more clarity on where is, and where is not, acceptable for the provision of new and additional development to give certainty to communities, developers, investors and infrastructure providers.

Q2. What are your thoughts on introducing new provisions within strategic planning policy to provide for a more strategic spatial approach for the siting of wind and solar farm (or others types of renewables) development through identifying suitable and/or unsuitable areas in principle?

In general any change to existing policy which has the potential to provide a greater degree of certainty not just for developers and investors, but to communities and infrastructure providers as well would be welcomed. However the council considers that the current ‘cautious approach’ set out in the SPSS is sufficient in that it clearly states objectives which seek to ensure that environmental, landscape, visual and amenity impacts are adequately addressed and that the region’s built, natural and cultural heritage features are adequately protected. Perhaps the missing element is a forward-looking Infrastructure Plan that would provide a spatial dimension to prioritisation in terms of potential locations that would support or utilise existing / planned infrastructure to link generation / storage to consumption. Whilst the current policy approach provides sufficient scope for local councils should they wish to, through their LDP, specify any landscape or environmental designations or other areas that they consider unsuitable in principle for the siting of RE schemes having taken into account local circumstances such as topography, landform and the ability to limit visibility the [RDS](#) fails to address the infrastructure aspects in a meaningful way taking account of projected growth and provision.

The Renewable Energy Development policy (ITU 4), Natural Heritage policy (NH1) and Landscape policies (LC1, LC1A-D, LC2, LC3 and LC4) set out in Belfast’s draft [Plan Strategy](#) are aligned with the SPSS objectives whilst at the same time providing developers with the opportunity to demonstrate that their proposal will not result in an unacceptable detrimental impact to these assets. Importantly this approach allows the council to take account of the wider environmental, economic and social benefits of RE development.

KEY ISSUE: SITING NEW WIND FARMS IN PERPETUITY

Context: In relation to wind farms, the operating period of a wind farm is generally a matter for the developer, subject to relevant planning controls. Consideration could be given to supporting development on sites/areas in perpetuity. Such an approach has the potential to make the best use of land and wind

resource, existing infrastructure, including grid connections. (See also 'Re-powering of existing Wind Farms' below, Question 8).

Q3. What are your thoughts on introducing new provisions within strategic planning policy to require new wind farms to be capable of being sited in perpetuity?

The council would agree in principle with the notion that the siting of wind farms in perpetuity has the potential to make the best use of land and wind resource as well as the existing infrastructure including grid connections. This could provide operators with greater certainty in that, subject to the contemporary planning policy context, the use of the site as a wind farm could continue. However such provision perhaps doesn't take account of issues such as the economic viability of a wind farm operation whereby after twenty or thirty years the operation may no longer be viable. This may give rise to unnecessary complications in terms of the any decommissioning process that may be required. Similarly there is a potential risk that as RE technologies develop and other energy sources come to the fore that holding a site to a specific use in perpetuity may result in the unnecessary and undesirable blighting of land.

Given that an existing approval has established the principle of RE generation on a site this should, subject to the planning policy context, provide sufficient certainty to potential operators that planning permission could be readily secured on an existing site. It is questionable as to the extent to which requiring new wind farms to be capable of being sited in perpetuity would result in the ongoing use of a site for RE generation and also the extent to which this requirement would make a site a more attractive proposition to operators beyond what is provided through current policy provision.

KEY ISSUE: WIND TURBINES & AMENITY CONSIDERATIONS

Context: Strategic planning policy currently provides that any development should not result in an unacceptable adverse impact on residential amenity. Issues that have been a focus of concern regarding the current policy approach include noise, shadow flicker and separation distance of wind turbines. Noise is currently assessed in line with ETSU-R-97 'The Assessment and Rating of Noise from Wind Farms'. BEIS is responsible for the good practice guide to ETSU-R-97 and it is also used in England, Scotland and Wales.

Q4a. How best should strategic planning policy provide for the consideration of such matters when plan-making and decision-taking?

The council considers that the existing provisions within the SPPS together with the guidance provided by DOE's [Best Practice Guidance to PPS 18 'Renewable Energy'](#) (August 2009) adequately sets out the residential amenity considerations associated with wind turbines as well as providing details as to how an applicant can seek to mitigate the potentially adverse impacts of a proposal and how these matters should be assessed as part of the determination process. Any change to this approach should focus on maintaining and updating regional guidance to reflect current best practice and relevant considerations for the different aspects of the changing RE developments rather than any significant revision to existing strategic planning policy beyond what has been indicated above. As mentioned previously councils will have the opportunity through their LDP to further elaborate on localised amenity considerations should they consider it appropriate.

Q4b. Do you consider strategic planning policy should require a mandatory separation distance for wind energy. If so, what distance and why?

The council acknowledges that separation or setback distances can be a contentious issue and that an appropriate balance needs to be achieved between protecting residential amenity whilst at the same time not reducing the scope to develop terrestrial wind energy projects that will be needed to meet national targets in terms of electricity generation from renewable sources. SONI's [Shaping Our Electricity Future](#) (2021) document indicates that onshore wind generation in Northern Ireland may need to increase by 1,100 MW in order to achieve the target of at least 70% of electricity from renewables by 2030. The council would suggest that this discussion could be better informed if there was evidence demonstrating the potential implications of different setback distances on the potential quantum of development land that may be available for new or expanded generation similar to the exercise undertaken by AIRO for the Republic of Ireland (see [Appendix 3, NI Assembly Research Paper: Wind Turbines: Planning and Separation Distances](#), 2013).

The council would also suggest that any proposed mandatory separation distance specified in strategic planning policy should focus primarily on noise impact and any other relevant public safety or health related considerations. Given that the visual impact of a wind farm may be influenced by specific local circumstances and geography it may be more appropriate for individual councils to consider the need for further separation distance criteria within their LDP with the SPPS referring to this as an appropriate approach / consideration. Policy ITU4 of Belfast's draft [Plan Strategy](#) adopts the same specification as set out in paragraph 6.227 of the SPPS i.e. "For wind farm development a separation distance of 10 times rotor diameter to occupied property, with a minimum distance not less than 500m, will generally apply." This approach should provide some flexibility to allow for local circumstances to be taken into account along with other relevant planning considerations.

KEY ISSUE: DECOMMISSIONING AND SITE RESTORATION FOR NEW DEVELOPMENT

Context: In relation to developments such as wind farms and solar farms strategic planning policy currently requires applicants to provide details on future decommissioning, including proposals for site restoration e.g. timescales, financial bonds etc. In such cases planning conditions, or a legal agreement where appropriate, should be used. The review will consider the appropriateness of this approach for future wind turbine and solar farm development.

Q5. What are your thoughts on the best approach to decommissioning and restoration of future wind turbine and solar farm development?

The council is not aware of any evidence or reasoning as to why the current approach to the decommissioning and restoration of RE developments needs to be revised. A Decommissioning and Restoration Plan (DRP) should specifically state what it is seeking to achieve and provide an appropriate level of detail as to how the infrastructure will be removed and the site restored. This should allow for effective compliance monitoring to be undertaken by the relevant authority. Best practice ([Scottish Natural Heritage, 2016](#)) would seem to indicate that a DRP should be reviewed at least every 3-5 years throughout the lifetime of the development in order to ensure that site conditions, maintenance requirements and unexpected events do not compromise the objectives of the DRP. In the 3-5 years prior to the year of decommissioning, the DRP should be revised, if required, and completed to provide full details of decommissioning and submitted to the relevant Planning Authority. Whilst it is acknowledged that this approach may place an additional burden both on the operator/developer as well as the local authority it would seem to be a

reasonable approach given the sustainability aspirations set out in regional and strategic policy. Although there doesn't appear to be any compelling reason as to why the decommissioning and site restoration process cannot be achieved through the use of planning conditions the council acknowledges that a legal agreement may be more appropriate given that it goes with the land and thereby is more binding than a planning condition.

KEY ISSUE: SOLAR FARMS AND AGRICULTURAL LAND

Context: There have been concerns that agricultural land has been lost to solar farms, whilst more sustainable alternative sites may exist, such as previously developed lands.

Q6. Do you consider strategic planning policy should prioritise non-agricultural land for renewable energy development, such as solar energy. If so, how and why?

The council appreciates that the loss of agricultural land may be an undesirable consequence associated with large scale RE developments such as solar farms and as such would support a policy approach that would encourage, where practicable, the prioritisation of the use non-agricultural land over the agricultural equivalent. However it is often the case that the use of agricultural land for solar farms is a temporary use whereby the potential for agricultural use isn't lost in perpetuity. This scenario further reinforces the need to continue to apply current approaches to decommissioning as mentioned in the response to Q5.

The loss of agricultural land will only be one of a range of material considerations that is taken into account when determining an RE application and inevitably a balanced view will need to be taken and is a matter that should be addressed in the strategic consideration of the emerging [Green Growth Strategy](#) with links to other strategic policies or existing initiatives such as "Going for Growth". This is a strategic consideration under which any protection or precautionary approach proposed in relation to agricultural land assets would, to be sustainable / equitable, have to be applied equally to other forms of proposed development that could result in such losses or erosion of the assets. This would require an effective definition of what quality of agricultural land it would be applied to and the delineation and monitoring of the overall supply by DAERA.

KEY ISSUE: CO-LOCATING RENEWABLE, LOW CARBON AND SUPPORTING INFRASTRUCTURE

Context: There are considered to be a range of potential economic and environmental benefits associated with co-locating renewable, low carbon energy and storage infrastructure together, where appropriate. Such an approach may help exploit the advantages of grouping development in order to maximise energy generation and capture whilst making best use of land and infrastructure. For example, co-locating different technologies such as solar and/or wind farms with battery energy storage systems/facilities.

Q7. Should strategic planning policy provide for the appropriate co-location of renewable, low carbon energy and supporting infrastructure? If so, how best might this be achieved and why?

The council would agree with the notion that, where appropriate, there could be potential economic and environmental benefits associated with co-locating renewable, low carbon energy and storage infrastructure together - as referred to above. However, taking the example of co-locating a solar or wind farm with a battery energy storage facility it may, from the developer/operator perspective ultimately come down to the economic viability of this approach and the implications in terms of the infrastructure access during

generation and utilisation. Whilst it may be something that strategic planning policy could encourage on the basis of best usage of land and infrastructure networks the council considers that existing policy provision is sufficiently flexible in that it does not preclude co-location, and that irrespective of whether or not co-locating is an element of a RE application it will need to be demonstrated that the proposal will not result in an unacceptable impact on the planning considerations identified in paragraph 6.224 of the SPPS and Policy ITU 4 of Belfast's draft [Plan Strategy](#).

KEY ISSUE: RE-POWERING EXISTING WIND FARMS

Context: There are potential benefits with supporting the repowering of existing wind farm sites which are already in suitable locations. Whilst planning applications would still be required to consider the details of any proposed future new development, the established use of an area of land could be considered in principle to be acceptable for that particular use indefinitely, i.e. in perpetuity.

Q8. Should strategic planning policy provide for and/or encourage the re-powering of wind turbines as they come to the end of their consented lifespan and require/allow that all new wind farms should be sited in perpetuity?

See response to Q3.

KEY ISSUE: EMERGING TECHNOLOGIES AND OTHERS

Context: A challenge for strategic planning policy is to ensure that the planning system can appropriately provide for consideration of the relevant planning matters associated with all renewable and low carbon energy development and supporting infrastructure, including emerging technologies, such as battery energy storage systems, hydrogen energy, geothermal energy/power development etc.

Q9a. What do you consider to be the emerging technologies and how best should strategic planning policy provide for their consideration by relevant planning authorities when plan-making and decision-taking?

The [Resilience Assessment](#) element of the council's [Resilience Strategy](#) (December 2020) acknowledges that Belfast is a net importer of energy and that the city's dependence on energy will increase in the coming years at least in part due to the electrification of heat and transport. Energy demand and energy security represent a major challenge to Belfast, a challenge which makes the transition to low carbon sources of energy an even greater priority for the city.

The so-called 'energy trilemma' is a well-known phenomenon within cities. It relates to balancing security of energy supply for sustainable economic growth with a supply of affordable energy so all households can live in healthy warm environments with environmentally sound sources of energy in response to a changing climate.

Given this scenario the council seeks to support RE generating schemes, whether based on established or emerging technologies, providing the proposal will not result in an unacceptable impact on the planning considerations cited in paragraph 6.224 of the SPPS and Policy ITU 4 of Belfast's draft [Plan Strategy](#) i.e. :

- public safety, human health, or residential amenity;
- visual amenity and landscape character;
- biodiversity, nature conservation or built heritage interests;

- local natural resources, such as air quality, water quality or quantity; and,
- public access to the countryside

Furthermore, given that the Plan Strategy is to be read ‘in the round’ all criteria used in each PS policy that apply to a proposal will need to be considered.

As such the council considers that existing strategic planning policy adequately provides for the consideration of emerging RE technologies in relation to plan-making and decision-taking. The electrification of the power, heat and transport systems are key elements of the new NI Energy Strategy. This inevitably means that the demand for renewable electricity will grow significantly and that energy generation will become more decentralised. Whilst most renewable energy in NI will continue to come from onshore and off-shore wind, there is also opportunity to scale up large scale solar and PV arrays with battery technology both on land and as elements of build development proposals.

Supportive planning policy can be one element of initiative to encourage this type of microgeneration which will contribute to the objective of net zero carbon buildings in cities by balancing the demand for energy with the intermittency of supply. Recent engagement with developers has indicated their willingness to invest in this technology, to encourage net zero carbon buildings powered by place-based renewable generation. An ambition that supportive planning policy should encourage as part of a broader drive for longer term sustainability.

Q9b. How best should strategic planning policy provide for the consideration of battery energy storage systems by relevant planning authorities when plan-making and decision-taking?

In terms of strategic planning policy the council considers that it would be sufficient to acknowledge that battery energy storage systems (BESS) as one of a number of emerging storage or capture technologies will have a role in meeting renewable energy targets towards the overall ambition of net zero by 2050. SONI’s [Shaping Our Electricity Future](#) (2021) document indicates that Battery Energy Storage (BES) will be required as part of the need for reserve provision, capacity adequacy and to assist with congestion management and anticipates that Northern Ireland will have an assumed BES capacity of 300 MW by 2030 (Table 21, Pg 71).

Whilst there are potential benefits from co-locating BESS with large scale RE schemes there is no apparent need to make this a prerequisite. The provisions of paragraph 6.224 provide sufficient coverage when considering an RE scheme which incorporates BES (i.e. as ‘any associated buildings and infrastructure’). The same planning considerations should still apply when a BES scheme comes forward in isolation together with input from relevant consultees. It may be that the wording needs to be less specific to include other forms of storage or conversion technologies that may emerge as suggested by initiatives such as the [UK Hydrogen Strategy](#) (BEIS, 2021).

Q9c. What do you consider to be any other issues relevant to renewable and low carbon energy development and how best should strategic planning policy provide for their consideration by relevant planning authorities when plan-making and decision-taking?

The strategic approach to policy in other jurisdictions has sought to facilitate the storage of renewable energy from solar and wind farms. The outcomes from this should be kept under review and inform the position within Northern Ireland to help ensure planning policy does not present barriers for energy storage projects or discourage bolder investment decisions in the storage facilities highlighted as an important element of the overall energy strategy.

The council has nothing specific to add with respect to this question that hasn't already been addressed in our responses to the previous questions other than the need to consider how emerging technologies are addressed (see above) and the principles that need to be considered for all developments in relation to their impacts, integration and longevity / adaptability (potential decommissioning and restoration).

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

Document is Restricted

This page is intentionally left blank