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

11th February, 2022

REMOTE MEETING OF PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet remotely, via Microsoft Teams on Tuesday, 15th February, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

RONAN CREGAN

Deputy Chief Executive

AGENDA:

1. **Routine Matters**

   (a) Apologies

   (b) Minutes (Pages 1 - 28)

   (c) Declarations of Interest

2. **Committee Site Visit**

   (a) Request for pre-emptive site visit and briefing on LA04/2021/2280/F for a mixed use, mixed tenure residential-led development of 778 apartments in three buildings with internal and external amenity space; flexible commercial/community floorspace; public realm including public square and waterfront promenade; cycle and car parking and associated landscaping, access roads, plant and site works including to existing riverside on lands adjacent to and south east of the river Lagan west of Olympic Way of Queen's road Queen's Island

(b) Request for a pre-emptive site visit to LA04/2021/1808/F - Residential development comprising of 14 dwellings, access from Lagmore View Lane and Lagmore Glen, completion of remaining areas of open space (including hard and soft landscaping), provision of parking bays, speed bumps and bollards to improve road safety along Lagmore View Road, and all associated site works on lands South and East of 148-163 Lagmore View Lane North and West of 37 81 82 and 112 Lagmore Glen and Lagmore View Road

3. **Planning Appeals Notified (Pages 29 - 30)**

4. **Planning Decisions Issued (Pages 31 - 58)**

5. **DFI Roads Notifications - Disabled parking Bay (Pages 59 - 60)**

6. **NIHE Notifications - Vesting order: Lands at Alloa Street (Pages 61 - 68)**

7. **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 69 - 106)

(b) (Reconsidered Items) LA04/2020/0857/F - Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15 No. residential units, office space and ancillary development at Ormeau Centre, 5-11 Verner Street (Pages 107 - 130)

(c) LA04/2021/1702/F - Alterations and 3 storey extension to existing private hospital including vehicular access and car parking (amendment to previously approved two storey permission granted under LA04/2017/0005/Fat 807 - 809 Lisburn Road Belfast BT9 and incorporating part of Kingsbridge Private Hospital at Nos 811- 815 Lisburn Road (Pages 131 - 146)

(d) LA04/2021/2154/F - Change of approved design for Community Hub building included within the extant planning permission ref: LA04/2018/1832/F (dated 21.02.20) for a community led mix use regeneration scheme at the site of the former St Gemma's School. N. Belfast (Pages 147 - 168)

(e) LA04/2021/2285/F - Apartment Development at Parkside Gardens (Pages 169 - 180)

(f) ~~LA04/2021/1808/F - Residential development comprising of 14 dwellings, access from Lagmore View Lane and Lagmore Glen, completion of remaining areas of open space (including hard and soft landscaping), provision of parking bays, speed bumps and bollards to improve road safety along Lagmore View Road, and all associated site works on lands South and East of 148-163 Lagmore View Lane North and West of 37 81 82 and 112 Lagmore Glen and Lagmore View Road~~ (Item withdrawn from agenda)

(g) LA04/2021/0911/F - Demolition of existing building and construction of 9 no. apartments and associated site works at 236 Upper Newtownards Road (Pages 181 - 198)

(h) LA04/2021/0547/F & LA04/2021/0543/DCA - Demolition of existing buildings and redevelopment of site for 2 commercial units on ground floor and 11no. 1 & 2 bedroom apartments, landscaped communal courtyard and associated site works at 124-126 Lisburn Road (Pages 199 - 216)

(i) LA04/2021/0264/F - Demolition of existing public house and erection of 7No. dwellings (social housing) at 475-487 Crumlin Road (Pages 217 - 230)

(j) LA04/2020/0559/F & LA04/2020/0562/DCA - Renovation and single storey rear extension to dwelling, construction of a new detached garage and new entrance gates, pillars and boundary fence at 24 Malone Park (Pages 231 - 256)

(k) LA04/2021/2802/F - Application under section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2017/1216/F (residential development comprising 45 dwellings and 8 apartments and associated access road, parking and landscaping (53 dwellings in total) to vary condition 5 (seeking to vary the soft landscaping works to be implemented) (Pages 257 - 276)

(l) LA04/2021/2416/F - Retractable canopy for outdoor dining to restaurant at The Muddlers Club, 1 Warehouse Lane (Pages 277 - 284)

(m) LA04/2021/2896/A - Building signage for Walkway Community Association 1-9 Finvoy Street (Pages 285 - 290)

(n) LA04/2021/2779/F - Section 54 Application to vary Condition 7 of Planning Permission LA04/2019/2343/F (replacement new build community centre) to amend external facing and roofing materials at Walkway Community Association 1-9 Finvoy Street (Pages 291 - 300)

(o) LA04/2021/2363/F - Side Extension to North-East Elevation for Fitness Suite, level area created to rear to accommodate 2no. shipping containers for Storage, additional site works & boundary fencing at Poleglass Community Association, Bell Steel Road (Pages 301 - 310)

8. **Miscellaneous Items**

(a) NI Audit Officer Report - Planning in Northern Ireland and DfI Report on the Review of the Implementation of the Planning Act (NI) 2011 (Pages 311 - 510)

9. **Restricted Item**

(a) Update on Local Development Plan (Pages 511 - 544)

Planning Committee

Tuesday, 18th January, 2022

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 and Whyte.

In attendance: Ms. K. Bentley, Director of Planning and Building Control;
Ms. N. Largey, Divisional Solicitor;
Ms. C. Donnelly, Democratic Services Officer; and
Mrs. L. McLornan, Democratic Services Officer.

Apologies

An apology for inability to attend was reported from Councillor Spratt.

Minutes

The minutes of the meeting of 14th December were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 10th January, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

Declarations of Interest

Councillor Groogan declared an interest in item 6b - 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 at 42-50 Ormeau Road, in that the applicant was known to her and that she would leave the meeting and not participate in the discussion or vote.

Councillors Groogan and Hanvey also advised that they would not participate in the discussion or vote in relation to application 6c - (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, in that they had not been present when the item had been presented to the Committee at its meeting on 17th August 2021.

Committee Site Visit

The Committee noted that a site visit had taken place in respect of the below application on 13th January, 2022:

- 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

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 December 2021 and 10th January 2022.

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.

DFI Provision of an Accessible/Disabled Parking Bay

The Committee was advised that correspondence had been received from the Department for Infrastructure (DfI), giving notice that it intended to provide an accessible parking bay at 41 Geary Road.

Noted.

Miscellaneous Items

AgendaNi Conference

The Committee agreed the attendance of the Chairperson and the Deputy Chairperson, or their nominees, at the annual agendaNi Planning Conference on Wednesday, 2nd March, 2022.

Update on Regulation 6 Direction to Withdraw Deemed Consent Rights for the Display of Residential Rental Signage in the University Area

The Committee considered the undernoted report:

"1.0 Purpose of Report or Summary of main Issues

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 Committee is requested to:

- **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

Background

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 available here.

3.2 Following this instruction, officers liaised with DFI from February 2020, seeking their views and comments in advance of preparing a formal submission.

Current situation

3.3 The report has been updated following this engagement and is available here. 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 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).

Next stages – DFI consultation process

3.5 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.

Next stages – Implementation

3.6 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.

3.7 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.

Financial & Resource Implications

3.8 None. It is anticipated that the successful implementation of this scheme will reduce the resources necessary to enforce estate agent signage in the areas.

Equality or Good Relations Implications

3.9 None.

The Committee noted the contents of the report.

Review of Strategic Planning Policy on Renewable & Low Carbon Energy

The Committee considered the undernoted report:

"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 on mod.gov.

3.0 Main Report

Background

3.1 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.**

Planning Policy Context

3.3 **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:**

3.4 ***'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

3.5 **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.**

3.6 **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.**

Scope of the Review

3.7 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:

- **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.**

Key Issues

3.9 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.

3.10 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.

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 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 on mod.gov. Members are asked to endorse this response.

Financial & Resource Implications

3.13 There are no resource implications associated with this report.

Equality implications or Good Relations implications / Rural needs assessment

3.14 None."

The Committee agreed the draft response.

Request for a Special Meeting – Director of Planning and Building Control to raise

The Director of Planning and Building Control advised the Committee that there were a number of major applications, which were time sensitive but would not be ready for consideration by the Committee at its monthly meeting in February, but which would need to be determined as soon as possible.

The Committee agreed that a Special Meeting would be held, if deemed necessary by the Director of Planning and Building Control, in late February/early March, with the final date to be agreed with the Chairperson.

Restricted Item

The information contained in the report associated with the following item 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 the item as, due to the nature of the item, 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.

Revenue Estimates & District Rate 2022/2023

(Mr. T. Wallace, Head of Finance, attended in connection with this item.)

The Head of Finance presented the Committee with an overview of the budgetary pressures facing the Council in 2022/23 and the cash limit for the Planning Committee, as recommended by the Strategic Policy and Resources Committee at its meeting on 17th December, 2021.

The Committee:

1. agreed that the paper should not be subject to call-in because it would cause an unreasonable delay which would be prejudicial to the Council's and the public's interests in striking the rate by the legislative deadline of 15 February 2022;
2. agreed the cash limit of £1,462,301 for the Planning Committee for 2022/23 and the individual service estimates detailed in Table 3 on mod.gov; and
3. noted the next steps in the rate setting process outlined in paragraph 3.18 on mod.gov.

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)

Withdrawn items

The Members noted that the following two applications had been withdrawn from the agenda:

- LA04/2020/2615/F - Hot Food Take Away Unit on lands opposite junction of Stewartstown Road and Suffolk Road

- LA04/2021/1242/F - Change of use from coffee shop to extension of amusements arcade on the ground floor

(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

The Principal Planning officer outlined the history of the application to the Committee, whereby it had originally been listed for consideration on 17th August, 2021. It was withdrawn from the agenda to allow the Members to undertake a Planning Committee site visit, which had subsequently taken place on 2nd September, 2021. The application was then re-listed for consideration by the Committee on 14th September, 2021 but was subsequently withdrawn from the agenda following legal advice in respect of the Habitats Regulations Assessment (HRA) form which had not been uploaded to the Planning Portal. That information was subsequently uploaded to the Portal on 15th September, 2021. The application was then due to be considered by the Committee on 21st October, 2021. However, prior to that meeting, the item was withdrawn from the agenda in order to deal with an issue raised by DAERA NIEA regarding waste water capacity.

She outlined that the site was undesignated whiteland within the BUAP and was zoned for housing within dBMAP (ref. SB05/04). The site was 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 was located within the Hampton Park Area of Townscape Character (ATC). The site lay immediately adjacent to Lagan Valley Regional Park (LVRP).

The Committee was advised that there was an extant planning approval on a large portion of the site for 35 dwellings (ref. Z/2007/1401/F). The Principal Planning officer explained that a recent application for a Certificate of Lawfulness for existing use/development (CLEUD ref. LA04/2020/2324/LDP) had confirmed that works had been carried out in accordance with the previously approved development and could lawfully be completed.

The Members' attention was drawn to the Late Items Pack. The Principal Planning officer advised the Committee that the addendum report had incorrectly stated that an additional 19 objections were received following the latest issue of neighbour notification letters in December 2021. That was an error and a further 16 objections had been received at that time. However, further to the publication of the report, three further objection letters were received, including one from Paula Bradshaw MLA. No new issues were raised. Consequently, a total of 19 additional objections were received following the latest issue of neighbour notification letters in December 2021. The total number of objections stood at 231.

The key issues which had been considered in the assessment of the proposed development included the impact on ecology; traffic, road safety and access; the character of the area and on potential rights of way.

The Members were advised that, throughout the process, numerous amendments had 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. The Principal Planning officer explained that it was considered that the proposed development was generally respectful of the surrounding context and character of the immediate locality. Furthermore, it was considered that the pattern and layout; the design, scale and density of the development was appropriate and generally in keeping with the overall character of the area; and the environmental quality of the established residential area would be maintained. She outlined that there would be no significant negative impacts to the amenity of existing residents and that the scheme would result in a quality residential environment for prospective residents.

The Committee was advised that supporting information had been submitted in relation to the impact on ecology, specifically in relation to habitats and protected species, including badgers. Following consultation with NIEA, it was considered that the proposed development complied with the policy tests of PPS 2, subject to conditions mitigating potential ecological impacts.

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

The Committee was advised that the proposed layout included a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The Council's

Access Officer had also advised that the existing route to Galwally Avenue did not have the hallmarks of a public right of way and was unlikely to be asserted as such.

The Members were advised that Shared Environmental Services (SES) had completed a Habitats Regulation Assessment (HRA) on 23rd April, 2021 and the consultation response was uploaded on the same date. The Principal Planning officer explained that SES had concluded that the proposal was 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 was not required. The HRA form was uploaded to the Planning Portal on 15th September, 2021.

It was reported that NIEA Water Management Unit (WMU) had noted , in its previous consultation response of 17th May 2019, that it was content with sewage loading from the proposed development being transferred to the Newtownbreda Waste Water Treatment Works (WWTW). It had also advised that it continually reviewed potential impacts to the surface water environment from proposed developments connected to the various WWTWs, including loadings and treatment regimes at those treatment works, as well as considering whether or not the works had been upgraded. Following that review, the WMU was now concerned that the sewage loading associated with the current proposal had the potential to cause an environmental impact if transferred to this WWTW. WMU had advised that if NI Water confirmed that it was content that both the receiving WWTW and the associated sewer network for the development could 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 had no objection to that aspect of the proposal. A response from NI Water was received on 8th November, 2021, confirming that there was available capacity at the nearby WWTW.

The Principal Planning officer explained that NI Water had advised that an odour assessment was required due to the sites proximity to the operations of the existing Wastewater Treatment Works.

The developer had submitted an odour assessment and a letter from NI Water that it had assessed the proposal and it would not raise any objection on the grounds of 'incompatible development'. The letter was uploaded to the Planning Portal and a further consultation was issued to NI Water. A response was received from NI Water on 10th December 2021, indicating that the odour assessment was "positive" and its recommendation was to approve the application with standard and specific conditions. Having regard to the advice from NIW, it was considered that the proposed development complied with the tests of Policy WM5 of PPS 11.

The Chairperson welcomed Councillor Lyons to the meeting. He advised the meeting that he would request that the Committee would reject the application. He stated that:

- the site lay within within the Lagan Valley Area of Outstanding Natural Beauty (AONB), the Belvoir Site of Local Nature Conservation Importance (SLNCI) and a portion of the site was located within an Area of Townscape Character (ATC). It was also immediately adjacent to Lagan Valley Regional Park (LVRP);
- the sheer number of objections to the application illustrated the strength of feeling from residents, and the fact that the objections came from a

broad area across the city demonstrated that the site was seen as an amenity for the city in terms of accessing the river corridor and a green, unspoilt area;
- he had concerns regarding the Waste Water management and the proximity to the River Lagan; and
- he asked that the Committee would consider public path creation agreement(s) in terms of the concerns which had been raised by residents in respect of the connectivity through the site; and
- the existing junction of Hampton Park and the Ormeau Road was not fit for purpose and the increased demand that the application would place on traffic in the area.

In response to a Member's question, Councillor Lyons highlighted the importance of the pedestrian and active travel routes that existed from Hampton Park and Galwally Avenue through to Belvoir Forest Park and to Lagan Lands East and onto the Lagan Towpath. He added that a number of local residents maintained the pathways and were quick to tidy up any rubbish left as a result of anti-social behaviour which had taken place during lockdown.

The Chairperson welcomed Dr. T. Degenhardt and Mr. D. Smiley, who had objected to the application.

Dr. Degenhardt advised the Committee that:

- the site was within an Area of Outstanding Beauty which were a pristine wildlife sanctuary for badgers and bats, both of which were protected species;
- the biodiverse area should be protected for future generations and queried how many animals would lose their habitats;
- the UN had issued a Code Red for humanity;
- the final number of houses proposed for the site was unclear due to extant permission, but could be for up to 53 large dwellings;
- the extant permission was granted in 2009 yet the first houses were only constructed on site in April 2021;
- people were much more aware of climate change now than they were in 2009 and queried whether the 2009 approval could be revised in light of that;
- the current development contradicted the Council's Green and Blue Infrastructure plan;
- the development would have a negative impact on the sewage system;
- it would also have a negative impact on the traffic in Hampton Park, with potentially up to 100 extra cars;
- the cumulative impact of the application should be considered in conjunction with the extant planning permission of 2009; and
- 410 objections were listed on the Portal, not 253.

Mr. Smiley advised the Committee that:

- he had grown up and spent his whole life within the area;
- in 2017 the planning report for the new Stranmillis bridge stated that the Lagan Gateway project would include the provision of a new boat lock at

Stranmillis, a new footbridge and a path linking Annadale Embankment with Stranmillis and Belvoir Park;
- the bridge was opened in September 2021, at a cost of £5million;
- the Council's website stated that, "in the near future we hope to develop pathways into Belvoir Forest Park making it more accessible for people on foot or bike";
- the current proposal in Hampton Park included a pathway linking the development and, in effect, Hampton Park, with Lagan Lands East; and
- the pathway from Hampton Park to Galwally Avenue was well-used by local residents and visitors and provided a key access into Belvoir Forest Park, and that the Committee should be mindful of it in terms of the Council's plan for the area.

In response to a Member's question, Mr. Smiley reiterated that it would be scandalous for the Council to have invested so much money in the new bridge only for the enhanced recreational and active travel benefits never to materialise. He stated that, because there was a small obstacle on the path between Galwally Avenue and Hampton Park, legally it was not being classed as a public right of way.

The Chairperson welcomed Mr. S. McKee, agent, to the meeting. He advised the Committee that:

- the application comprised an amendment to house types for an approved 7 dwellings within the extant planning permission for the site, along with an additional 11 dwellings;
- the site was zoned for housing in draft BMAP and lay outside of the Lagan Valley Regional Park and did not abut the Lagan River;
- with the exception of a small section, the site lay outside the Hampton Park Area of Townscape Character. However the characteristic tree lined avenue, which was a prominent feature of Hampton Park, had been continued into the development;
- the site had a long history of planning permissions for residential development going back over 20 years;
- as identified in the Committee report, a Certificate of Lawful use was granted under the Planning Act, which affirmed the implementation of planning permission Z/2007/1401/F, for 35 dwellings. The development within that permission could therefore be completed at any time and was a material consideration;
- the proposed change of house types provided a better mix of house types and also permitted access to the wider Lagan Valley Regional Park by providing a housing layout that was visually and physically more permeable and which supported the Phase 2 Lagan Gateway proposals that would provide connectivity to Galwally Avenue and connect into the now completed Phase 1 of the Lagan Gateway project northbound through Lagan Lands East, towards the new Lagan Gateway bridge;
- a landscape buffer was provided with open space along the western boundary of the site which would assist in the integration of the development into the existing natural landscape and reducing the opportunity for antisocial behaviour;

- the Key Site Requirement attached to the subject housing zoning proposed a maximum gross density of 15 dwellings per hectare and the proposed scheme was notably below this yield;
- NI Water, had confirmed that there was available capacity within the water network and serving Waste Water Treatment Works to accommodate the development and that there was not considered to be any issue for prospective residents in terms of odour;
- a number of Habitat Surveys were considered by the statutory authority, DAERA, which had raised no objections and provided a number of recommended conditions. They were also reviewed by Shared Environmental Services, which was satisfied that the development would not impact on protected habitats;
- the transport analysis submitted with the application considered the impact of all 18 dwellings proposed in the application. DfI Roads had considered the information and the third party representations and it was satisfied that the development would not prejudice road safety or significantly inconvenience the flow of traffic in accordance with PPS3;
- the current application would improve upon the extant permission by delivering a development which responded more appropriately to the Lagan Valley Regional Park both visually and in terms of connectivity, and complied with the Council's ambitions in respect of the Lagan Gateway project; and
- the Council's Parks team had been in consultation with the Project Architect in respect of the pathway and its location which had been designed to connect with phase 2 of the Lagan Gateway project.

The Chairperson thanked Mr. McKee for his contribution.

In response to a Member's question for officers, the Principal Planning officer confirmed that NI Water was now satisfied with the proposal with conditions.

In response to a further question from the Member in relation to the public access elements which had been raised by objectors, and whether they could be conditioned as part of an approval, the Principal Planning officer confirmed that if it met the test of a condition then it was deemed reasonable to allow pedestrian access or a right of way. The Divisional Solicitor added that it was something that officers could investigate and deal with under delegated authority if the Committee was minded to grant the application. She added that, alternatively, if the Committee felt that the issue was fundamental to its decision, then the application could be deferred to allow officers to consider that and report back.

In response to a further Member's question, the Principal Planning officer confirmed to the Committee that the entire site was zoned for housing and that the application was therefore compliant with policy.

Moved by Councillor Groogan,
Seconded by Councillor Matt Collins and

Resolved - That the Committee agrees to defer consideration of the application in order that officers would investigate whether it is possible to

attach a condition or a planning agreement to it, to ensure a right of access through the site for use by the general public.

(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

(Councillor Groogan, having declared an interest in the item, did not participate in the discussion or vote in respect of this item and left the meeting for the duration.)

The Senior Planning officer reminded the Committee that she had presented the details of the application to the Committee at its meeting on 21st October, 2021. At that meeting, the Committee had agreed to defer consideration of the application to enable a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposals at first hand, particularly to consider the useable amenity space on site. The site visit had taken place on 11th November, 2021.

The Committee's attention was drawn to the Late Items pack where two further objection letters had been received in respect of the application, from Councillor Gormley and Councillor McKeown. The Senior Planning officer advised the Committee of the officers response to the points raised within the objections. She explained that alleygates could not be included as part of the proposal, nor could they be conditioned, as the area was outside the red line boundary of the planning application.

The Members were advised that the total number of objections, including the two which were included within the Late Items pack, stood at 77.

An objection which had been received since the last Committee report raised issues with the measurements presented in the original case officer report whereby it stated that "the gable wall of Block B was located approximately 10.3 metres from the rear wall of No. 8 Shaftesbury Avenue" (para 8.16). The objector claimed that the measurement of 10.3 metres was actually from the rear wall of the primary terrace. No. 8 Shaftesbury Avenue had a large extension at the rear, which extended approximately 5.6 metres from the main terrace. The rear wall of the extension was located approximately 4.75 metres from Block B. The objector stated that the measurement should have been taken from the rear wall of the extension as the proposed block B was located 4 metres from that rear wall. The objector advised that their rear yard was bound on both sides by 10 metre high returns and that the proposed Block B would result in the filling in of the gap at the rear and would close off any natural light coming into the yard.

The Senior Planning officer explained that paragraph 8.16 specifically related to the impact of the proposal on the outlook for existing and proposed occupiers. She advised that No. 8 Shaftesbury Avenue had windows looking towards Block B on the rear wall of the primary terrace, however, there were no windows on the rear wall of the extension. Consequently, the windows potentially impacted by the outlook were approximately 10.3 metres from the proposed Block B.

The objector had also raised an issue regarding the natural light experienced within the rear yard at No. 8 Shaftesbury Avenue. The Senior Planning officer outlined that, with regard to the surrounding context, it would appear that the rear yard of No. 8 was a relatively dark space which very rarely experienced direct sunlight. Furthermore, the proposed Block B was not overly large and that the hipped roof would lessen any impacts and it was located due north and, therefore, would not create a shadow.

The Senior Planning officer advised the Committee that, following the October Committee meeting, the case officer had emailed the planning agent, highlighting the concerns which had been 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 Members were advised that the agent had 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 to soften the proposal. He stated that the provision of balconies would not be in keeping with the surrounding context and would exacerbate overlooking concerns to the rear. The agent had also stated that the useable amenity space amounted to more than 45 square metres and noted the surrounding context of the site and the proximity of local amenities. Ha had also stated that the objections in relation to the quality of amenity space were somewhat incompatible with the objectors' support for the previously approved scheme on the site, which had included no amenity space or landscaping within a higher density development.

The Senior Planning officer explained that, since the previous Committee meeting, the final DfI Roads Consultation had since been received, approving the application with conditions.

A Member expressed concern regarding the proposal.

Moved by Councillor Garrett
Seconded by Councillor Maskey and

Resolved - that the Committee refuses the application as it is contrary to PPS7 Quality Residential Environments, including PPS7 Addendum - Safeguarding Residential Areas, in that it would have a negative impact on both the character of the established residential area and the residents in the immediate location of Shaftesbury Avenue and Cooke Mews. Furthermore, the application is refused insofar as it would exacerbate the existing parking constraints within surrounding streets with a negative impact on the established residential area and due to the provision of minimal amenity space; and accordingly the Committee agrees to delegate authority to the Director of Planning and Building Control to finalise the refusal reasons.

(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

(Councillors Groogan and Hanvey did not participate in the discussion or vote in this item as they had not been present when the item had been presented to the Committee at its meeting on 17th August 2021.)

The Senior Planning officer reminded the Committee that the full application had been presented to the Committee on 17th August, 2021 and had been deferred to allow the Committee to undertake a site visit. The site visit had taken place on 9th September, 2021. Subsequent to the site visit, the application had been presented to the Committee again on 21st October, 2021, where an objector had outlined their concerns and the applicant had indicated that they were content to engage directly with them. The Committee had agreed to defer consideration of the application at that meeting to allow for engagement between the applicant and the local residents who had objected to the proposal.

Subsequent to the meeting on 21st October, the objectors had submitted a letter to the applicant's agent detailing amendments that they considered appropriate. These included:

- 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 1 parking space within the site and a reduction in the requirement for on street parking; and
- efforts to retain the existing rear return with existing architectural features on the site to be retained where possible. New brickwork should be consistent with the existing Victorian brick pattern and style.

The Senior Planning officer explained that no new matters were raised which had not already been raised in previous objections and had been fully considered in the original Case Officer's report of 17th August and the Late Items Pack of 21st October.

She drew the Members' attention to the Late Items Pack, whereby the objectors had submitted a further letter of objection and had also advised that they had not had any response from the applicant or agent in respect of their letter. A statement from the agent for the application had confirmed that, following a review of the objectors' requests in the letter dated 22nd November, the applicant did not intend to amend the scheme.

The agent had also confirmed to the Council, on 7th December that, having considered the comments and the requests from the objectors, the applicant did not intend to amend the scheme.

The Chairperson advised the Committee that Mr. C. Hughes, Mr. A. Hughes and Mr. N. Hughes, objectors, were in attendance, as was the applicant, Mr. L. Bannon. He explained that as all parties had already presented to the Committee, they were in attendance to answer any points of clarification from the Members.

In response to a Member's question, Mr. C. Hughes advised the Committee that the applicant or agent had not contacted any of the objectors in respect of their concerns since the meeting of 21st October, 2021, despite having sent them a list of their concerns.

Mr. Bannon, applicant, advised the Committee that he had asked the architect to engage with the objectors but that there was nothing else that could be amended within the scheme in order to make it viable.

The officer's recommendation to approve the application, as outlined within the report, was put to the Committee. On a vote, five Members voted for the proposal and six against and it was lost.

Proposal

Moved by Councillor of McMullan,
Seconded by Councillor Matt Collins,

That the Committee agrees to refuse the application as, under PPS 7, the Council should only permit new development where that would maintain or enhance the overall character of the area and respect it in relation to the partial demolition of the property and the application did not meet that policy. The Committee agrees that it is contrary to PPS 7, safeguarding character of established residential areas, given the loss of 2 family sized properties and the development of 4 single bed properties. Delegated authority is thereby given to the Director of Planning and Building Control for the final refusal reasons.

On a vote, eight Members voted for the proposal, with none against and one no vote, and it was accordingly declared carried.

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

The Principal Planning officer outlined the details of the application to the Committee, which related to a mixture of uses, including residential, office and a café. The site was located within the designated City Centre and consequently, there was no objection in principle to any of the proposed uses at that location.

She drew the Members attention to the Late Items Pack, whereby a further 21 objections had been received in respect of the proposed development, including from Councillor Flynn and Paula Bradshaw MLA. Consequently, a total of 286 objections had been received in respect of application LA04/2020/0844/F and 281 in respect of application LA04/2020/0840/LBC. The new issues raised within the late objections included the following:

- residents had not been given adequate time to prepare their objections for the Committee;
- the proposal would have a negative impact on community cohesion;
- Joy Street, Sussex Place and Rathbone Street were part of an established residential area - the status was confirmed by the draft BMAP which had designated the area, including the application site, as a protected city centre housing area;

- the protected city centre housing area designation overrode the definition of an established residential area in Annex E of Safeguarding the Character of Established Residential Areas;
- the proposed development was contrary to Policy LC2 of PPS 7 Addendum, specifically criterion (e) the development did not contain any flat or apartment which was wholly in the rear of the property and without access to the public street;
- the proposed development was contrary to para 4.12 of the SPPS, in relation to safeguarding Residential and Work Environs;
- the Markets area should see an inclusive, community centred approach to planning;
- proposed development was focused solely on private gain rather than community and civic uplift; and
- the proposal denied the local community access to a vital part of its built heritage.

The Principal Planning officer outlined the officers' response to the issues which had been raised, including that:

- information in respect of the January Planning Committee meeting was published on the Council's website on Tuesday, 11th January, 2022 and representatives of the local community had requested speaking rights on the item;
- the designation as an established Residential Area and a Protected city centre housing area were not linked and one designation did not outweigh the other. According to the definition of an established residential area in Annex E of PPS 7 Addendum, the application site was not considered to be an established residential area. Furthermore, Annex E stated that policy LC1 would not apply to designated city centres;
- the application site was located within a Protected city centre housing area, as designated in dBMAP. As per para 8.13 of the report, Policy HOU 5 stated that permission would not be granted for any development that resulted in a change of use from housing within such an area. The application site was not currently used for housing and therefore the proposal did not conflict with that policy;
- it was considered, on balance, that the proposed development was not contrary to Policy LC2 of PPS 7 Addendum. As per the case officer's report, there was no adverse effect on the local character, environmental quality or residential amenity, the proposal maintained the form, character and architectural features, design and setting of the existing building, the original property was greater than 150 sq metres gross internal floorspace, all apartments were self contained and the development did not contain any apartment which was wholly in the rear of the property and without access to the public street (all apartments had access to Joy Street); and
- In relation to para 4.12 of the SPPS, residential amenity considerations were considered within the case officer report.

The Members were advised that the application site included the former St Malachy's Primary School, a Grade B1 listed building. The listing encompassed the old school building and an adjoining warehouse. There were also a number of listed buildings located within the immediate locality. The Principal Planning officer highlighted that those listed buildings and the location within the Linen Conservation Area contributed to the character of the site and the surrounding area. She explained that Historic Environment Division (HED) had provided comments on the proposal and was content that the proposal satisfied the tests of para 6.12 and 6.13 of the SPPS and Policies BH7, BH8 and BH11 of PPS 6.

The Council's Conservation Area officer had provided comments on the proposal, advising he had no objection to the proposed change of use and that he welcomed the retention and re-use of the existing listed buildings. He concluded that he had no objections in principle, however, concerns had been noted with suggested revisions. The Committee was advised that the concerns related to the additional storey on the Joy Street elevation and the provision of dormers on the listed warehouse building. However, Members were reminded that HED was the authority on Listed Buildings and that it was content.

In terms of the impact on the Conservation Area, the Conservation Area officer advised that the proposed development, on balance, resulted 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.

The Principal Planning officer advised the Committee that it was considered that the design and layout of the proposed development would not create conflict with the adjacent land uses. She explained that there would be some limited overlooking, natural light and outlook, however, those concerns were balanced against the inner city location of the site and the proposed renovation and re-use of an existing vacant listed building. On balance, therefore, it was considered that the amenity concerns would not give rise to an unacceptable adverse impact on existing or proposed occupiers.

In terms of the provision of amenity space, the Members were advised that the proposed space fell below the standards set out in Creating Places. The agent had advised that it was not feasible to provide an adequate amount of amenity space within the proposal. It was acknowledged that the application site was located within the City Centre and in relatively close proximity to the City Hall and Waterfront Hall and the River Lagan. It was also recognized that there was limited opportunity to provide amenity space within the existing listed warehouse, where six of the apartments were proposed.

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

The Committee was advised that the application site was located within the coastal floodplain. However, as the proposal involved the re-use of an existing building, it could be considered an exception under policy FLD 1 of PPS 15. DFI Rivers Agency had provided comment on the submitted Flood Risk Assessment, advising of no objections.

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

The Chairperson welcomed Mr. D. Worthington, Pragma Planning, Mr. B. Murtagh, Queen's University, and Mr. F. Hargey, Market Development Association, who wished to present to the Committee on behalf of objectors. The Chairperson advised the Committee that Ms. G. Jobling, JPE planning, and Ms. C. Farmer, a local resident, were also in attendance to answer any questions from the Members.

Mr. D. Worthington advised the Committee that:

- the proposal was contrary to Policy QD1 of PPS7 para 6.137 of SPPS;
- the proposal constituted town cramming, with four demonstrable indicators of it – namely:
- the apartments provided substandard accommodation, there were no facilities or private open space and no natural light which was contrary to QD1 criterion (c) and LC2 criterion (e) of the Addendum to PPS7;
- the proposal involved the erasure of historic urban grain through the infilling of the open yard and negative effects on the listed buildings around it which was contrary to QD1 criterion (b);
- the bin storage for the apartments was via the entrance on Joy Street, and was directly opposite existing dwellings and alongside the entrance to Hamilton House, which was contrary to paragraph 4.12 of the SPPS and QD1 criterion (h);
- the servicing and bin access for the coffee shop was unenforceable and absurb –the number of trips could not be measured daily and its waste would have to be brought through an occupied office;
- finally, the site was within a Conservation Area, PPS7 QD1 permitted development which intensified the use of the land or increased site coverage only in exceptional circumstances and the application, in fact, did both but that the exceptional circumstances had not been demonstrated, nor covered within the Case officer's report at all.

Mr. B. Murtagh explained that:

- in respect of the provision of open space and amenity space, officers had admitted that it was in contravention of PPS7 QD1 Creating Places and Conservation Area policy, in fact, that the proposal intended to remove perfectly servable amenity space from the development;
- the Council's own Conservation Design Guide stressed the need to integrate Joy Street, Hamilton Street and St Malachy's and the convent which were all listed buildings within an integrated townscape;
- the Case officer's report outlined that there was not room in an inner city scheme such as the application at hand for open space/amenity space;

- the walled open courtyard was an integral part of the school and the fabric of the convent;
- in a separate Conservation Impact report, carried out by a Grade 1 Conservation architect, it was scathing in its analysis that the impact of the proposal "was a blatant an example of overdevelopment as one could ever expect to find";
- the NIHE minimum space standards were 60-65 metres squared whereas the apartments proposed in Rathbone Street were 53 metres squared – they were dark, narrow and significantly overlooked, which was bound to have an impact on future residents' health and wellbeing; and
- the apartments fronting onto Rathbone Street were not accessed by it but rather by the rear of the building, which was in convention of PPS7 LC2, which stated that no apartment in a converted building should be located solely to the rear of a property with no access to the front of the building, and that had not been fully addressed within the Case officer's report.

In response to a Member's question regarding the access to the bin storage area from the café, they advised the Committee that there was an assumption within the report that waste would only be taken out four times per day and that would be unenforceable in terms of the management plan. As a result, they added that they felt that the bins would inevitably end up being stored on Rathbone Street.

In response to a further Member's question regarding consultation with local residents, Mr. Hargey advised the Committee that residents were always attentive in terms of keeping updated with new planning applications in the area and that it was unfortunate that the application had been submitted during the first lockdown due to the Covid-19 pandemic, which had meant that there could be no face to face consultation events. He explained that there had been an assumption that all residents had internet access in terms of undertaking online consultation and that that was not the case for many residents in the area as it fell within one of the most deprived wards in the City. He added that the Council had since apologised for the fact that letters had been issued to residents on a bank holiday in late May 2020, informing residents that they had to submit concerns within just a few days.

In respect of parking concerns, Ms. Farmer explained that she lived adjacent to the site. She advised the Committee that many of the surrounding streets had double yellow lines in place and that those that didn't suffered greatly with commuter parking and, as a result, residents of the area already struggled on a daily basis to get parked near their properties.

A Member stated that the Committee was aware of significant parking issues in the area and that the DFI Roads response in respect of the application unfortunately did not reflect the situation.

The Chairperson welcomed Councillor Gormley to the meeting. He explained that he objected to the application for the following reasons:

- it constituted overdevelopment, in terms of cramped apartments, lack of amenity space, unsatisfactory bin arrangements;

- the location of the main domestic bins on Joy Street would pose a serious issue as it was adjacent to entrances to neighbouring buildings and opposite houses in Joy Street. Residents were extremely concerned about the noise, smell and possible attraction of rats;
- the Management Plan was unworkable, specifically in respect of access arrangements to the bins from the coffee shop; and
- the proposed apartments would have a cumulative adverse impact on the local community contrary to policy QD1 of PPS7.

The Chairperson welcomed Councillor McKeown to the meeting. He asked that the Committee would refuse the application for the following reasons:

- the residents agreed that the location should be brought back into use, but it should not happen at any cost;
- it was in community use up until less than a decade ago and therefore it did not need rescued, rather, it should be rejuvenated and brought back into use which complemented the community and the City;
- the proposal constituted overdevelopment and would result in loss of privacy, overshadowing and a loss of sunlight for residents;
- it would create an additional burden on the current parking issues in the area, posing road safety issues and that he disagreed with the officers' analysis; and
- he believed that it would have a negative impact on the built heritage in the area, particularly given the historical architectural nature of the site and its surroundings, including the view and setting of other listed buildings;
- the proposal was not in keeping with the size or nature of the existing site; and
- inactive frontages were usually discouraged within a city centre context.

The Chairperson then welcomed Ms. E. Kelly, Mr. N. Murray and Mr. A. Blackbourne, representing the agent and applicant, to the meeting.

Ms. Kelly advised the Committee that:

- the proposal would restore the 'at risk' buildings and return them to use;
- it would deliver an economic use onto the site along with delivering new housing within the city centre, thereby meeting the Council's aspirations to grow the city centre population;
- the proposals had the support of HED and the Council's Conservation Officer, who had been supportive of the applicant's vision to revitalise the buildings. They had worked closely with HED and planning officers during the Pre-Application Discussions to refine the proposals and deliver a development that would return the buildings back to use;
- the applicant had responded to the concerns of the local community by actively engaging in discussions with them over the past year. They shared the residents desire to see the building brought back into use and were happy for those discussions to continue;

- the buildings had been vacant since 2013 and had fallen into disrepair since the school had closed in 1987. The buildings were subsequently purchased by Belfast Buildings Preservation Trust but they had been unable to restore them as intended;
- the current state of the buildings was readily apparent from outside and Members would have seen the current internal state from their site visit;
- the proposal would complete the street frontage on Joy Street by filling in a gap site, taking the opportunity to enhance the Conservation Area. It continued along the existing building line and was characteristic of the city centre context.
- the separation distance between properties was typical of an urban environment;
- HED and the Conservation officer were satisfied that the new build element would not impact on the setting of listed buildings in the area;
- detailed modelling had been provided to show that the upper floor would have a limited presence in the streetscene and that its impact would not harm the conservation area;
- in respect of the impact on the Conservation Area, the courtyard had already been subject to development as part of the 1 Sussex Place development;
- the impact on the Conservation Area and the setting of the listed buildings had been robustly assessed by both the Conservation officer and HED, both of whom had offered no objections;
- in respect of access to the apartments facing onto Rathbone Street, she explained that that would require intervention into the elevation of a listed building and that the scheme sought to minimise such interventions;
- in respect of queries raised over policy LC1, she explained that it did not apply as the site was not located within an established residential area; and
- in respect of waste management, it was not unusual for bin storage to be provided at ground floor level and that the Waste Management Strategy had been prepared in conjunction with the Council's waste management section and planners.

Mr. Blackbourne advised the Committee that:

- before they had submitted the planning application, they had held PAD discussions for around two years and, through that process, they had secured the support of the Council's Planning Service, HED, as well as all other statutory consultees;
- whilst the scheme did not require community consultation, they would have held it if they had known the interest in the buildings, but no community interest was made known to them during the period of the PAD;
- since the application had been submitted, they had been pleased to hear from the Market Development Association (MDA) and their agents and had consulted with them on 9 occasions to date, between September 2020 and November 2021;

- they were impressed by the MDA's plans for a Heritage Hub (226 sq m), Café (197 sq m) and Offices (324 sq m) and had made a firm commitment to MDA to provide them a reasonable timeline to get their business plan approved and funded, and only if they were unable to complete a purchase would they revert to their plans for saving the 2 historic buildings;
- having planning permission would be of significant benefit to the MDA business case and the current application in front of the Committee would secure permission for works to the listed buildings which could be extremely beneficial to MDA in the future; and
- it was their intention to sell the apartments on completion and not permit short-term letting and they were more than happy that the scheme be conditioned on that basis.

The Chairperson thanked the representatives for the agent and applicant for their presentation.

In response to a Member's question, Ms. Kelly advised the Committee that the Case officer's report had concluded that, on balance, given the significant heritage elements associated with the scheme, they outweighed and constituted a departure from planning policy in respect of amenity space. She added that the principal of residential development was established as the site was white land within the city centre and therefore it was considered acceptable.

In a question for officers, a Member queried where, in policy, did it state that more weight should be given to the conversion of a listed building over other contending policy elements of a scheme. In response, the Principal Planning officer explained that it was not a matter of giving more weight to a certain policy than another, it was about balance. She explained that officers could see that the listed buildings were in considerable disrepair and, in terms of regenerating a listed building could run up a considerable cost, a balance had to be struck in terms of restoring a listed building and bringing it back into use, which sometimes meant a trade off in terms of the level of amenity space.

In respect of policy LC2 of PPS7, the Principal Planning officer detailed that it had been addressed within the Late items pack as it had been raised by objectors. She outlined that the policy had been tested at the Planning Appeals Commission (PAC) and that it had been established that, provided that there was access to the public street, even if the apartments were situated solely in the rear of the property, that was acceptable.

A Member expressed concern that perhaps too many apartments had been included within the development and queried what constituted a quality residential environment. In response, the Principal Planning officer explained that, while they acknowledged that there were shortcomings as outlined within the report, on balance, they had recommended an approval.

A further Member expressed concerns regarding the scheme.

Moved by Councillor Murphy
Seconded by Councillor Maskey and

Resolved – That the Committee agrees to refuse the application as it is contrary to the SPPS and PPS7 policy QD1, namely points (c) and (h), as well as being contrary to policy LC2, with delegated authority given to the Director of Planning and Building Control for the final refusal reasons.

(Councillor Hussey left the meeting at this point in proceedings)

LA04/2020/2042/F - 12 social housing units - 10 general needs and 2 complex needs at Alloa Street / Manor Street

The Senior Planning officer outlined the details of the application which sought full planning permission for 10 no. general needs and 2 no. complex needs (social housing) dwellings with associated car parking, amenity space and landscaping.

The Members were advised that the application was before the Committee as approval was recommended without the approval from a Statutory Consultee, DFI Roads.

The main issues which had been considered in respect of the application included:

- the principle of the proposal at that location;
- the design, layout and impact on the character and appearance of the area;
- impact on amenity;
- loss of open space;
- access, movement and parking; and
- infrastructure capacity.

The Senior Planning officer explained that the site was 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 was predominantly residential in character. The site, when cleared, was grassed over and as such the application site was amenity green space, which was protected under PPS 8 Policy OS1 unless it could be clearly shown that redevelopment would bring substantial community benefits that would decisively outweigh the loss of the open space.

The proposal was for social housing, consisting of complex needs units and general needs housing. The NI Housing Executive had expressed its support for the proposal. The Members were advised that the proposal would be secured for social housing through a Section 76 Planning Agreement. It was 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 was therefore, on balance, acceptable in principle.

The Committee was advised that car parking would be provided in the form of two in-curtilage spaces for each of the complex needs units. The Senior Planning officer outlined that the 10 general needs dwellings would be served by 16 communal spaces proposed as

parallel bays off the proposed carriageway. She explained that the Creating Places parking requirements were for 17 unassigned spaces and hence there was a shortfall of 1 parking space. She explained that a separate parking study had been undertaken, identifying that the surrounding streets could accommodate any additional parking spaces required. She explained that it was considered that DFI Roads request for 3 year travel cards for each unit was not justified in that case.

The Members were advised that the developer had submitted a Travel Plan which detailed the appointment of a travel coordinator within the Housing Association to manage the site and the provision of a 1 year membership of a bike scheme for each dwelling and officers considered that to be reasonable. All other parking and access matters were resolved and final conditions on those were awaited.

Rivers Agency and BCC Environmental Health had offered no objections to the proposal. NI Water had advised that there was capacity at the Waste Water Treatment Works and offered advice on foul and sewer connections. They advised that they could consider connection to the drainage system where the applicant could demonstrate like for like development. As the site was previously developed for housing, with demolition of the last remaining properties as recently as 2015, and, as such, a positive outcome to the PDE was anticipated and it was considered, on balance, that the issue could be resolved by means of a negative condition.

No letters of objection were received and a letter of support from the Lower Oldpark Community Association was submitted by the applicant as part of the proposal.

The Committee granted approval to the application, subject a Section 76 Agreement to secure social housing, and delegated authority to the Director of Planning and Building Control to finalise the wording of conditions.

LA04/2021/2520/F & LA04/2021/2736/LBC - Lighting Project on Church Lane

The Committee noted that an application had been received seeking 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.

The site was located within the Belfast City Centre Conservation Area. Overall, the Members were advised that 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, the amenity of neighbouring properties or be harmful to highway safety.

The application had been neighbour notified and advertised in the local press and no objections had been received. Historic Environment Division had been consulted and offered no objections.

The proposal had been assessed against and was considered to comply with the SPPS, BUAP, Draft BMAP, PPS6 and Sections 91 and 104 of the Planning Act (NI) 2011.

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

Chairperson

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PLANNING COMMITTEE – 15 FEBRUARY 2022

APPEALS NOTIFIED

COUNCIL: BELFAST

ITEM NO	1	PAC REF:	2021/A0195
PLANNING REF:	LA04/2021/1448/A		
APPLICANT:	Mr Damien Scullion – KSD Ireland		
LOCATION:	Car park at junction of Lavinia Square and Ormeau Road, Belfast, BT7 2EB		
PROPOSAL:	Digital Advertising Panel		
PROCEDURE:			
ITEM NO	2	PAC REF:	2021/A0199
PLANNING REF:	LA04/2020/1980/F		
APPLICANT:	Miss Kate McKay		
LOCATION:	70 Rugby Avenue, Belfast		
PROPOSAL:	Change of use of existing dwelling to a ground floor flat and a maisonette on the upper floors		
PROCEDURE:			
ITEM NO	3	PAC REF:	2021/A0202
PLANNING REF:	LA04/2020/2628/F		
APPLICANT:	Robert Bell		
LOCATION:	14 Edenvale Crescent, Belfast, BT4 2BH		
PROPOSAL:	Demolition of existing conservatory and alteration to existing dwelling at 14 Edenvale Crescent and the erection of 2 apartments, new access and all associated works adjacent to 14 Edenvale Crescent		
PROCEDURE:			

PLANNING COMMITTEE – 15 FEBRUARY 2022

APPEAL DECISIONS NOTIFIED

ITEM NO	1	PAC REF:	2020/A0141
PLANNING REF:	LA04/2020/0490/F		
RESULT OF APPEAL:	DISMISSED		
APPLICANT:	Mr Lawrence Bannon		
LOCATION:	Rear of 5A Downview Park, Belfast		
PROPOSAL:	Demolition of existing outbuilding to rear of 5A Downview Park and construction of new dwelling		

Decisions issued between 11 January and 7 February 2022 - No. 174

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/0253/DCA	LOCDEV	21 Fountain Street Belfast BT1 5EA.	Demolition of walls (internal and external), stairs and roof parapet.	PERMISSION GRANTED
LA04/2019/0352/F	LOCDEV	21 Fountain Street Belfast BT1 5EA.	Change of use from vacant retail to 4No. residential apartments on first and second floors and refurbishment of existing retail on ground floor, including elevational improvement works (additional information and amended plans)	PERMISSION GRANTED
LA04/2020/0264/LBC	LOCDEV	18 & 22 Castle Place Belfast.	Renovations and alterations to existing building including restoration of areas of front facade fit out of ground and first floors as a coffee shop., fit out of second and third floors as apartment accommodation.	PERMISSION GRANTED
LA04/2020/0386/F	LOCDEV	129-131 Stranmillis Road Malone Lower Belfast BT9 5AJ	Demolition of existing three storey rear return and flat roof single storey extensions to the front, alterations and extensions to the front and rear to create two number apartments at ground floor level and an additional apartment on the second floor.	PERMISSION GRANTED
LA04/2020/0493/F	LOCDEV	23 Glandore Avenue BT15 3FN and 2 Glanworth Gardens Belfast BT15 3FH	Alteration and extension of existing building to provide 4 No one bed apartments - Existing apartments replaced. (Amended Description)	PERMISSION REFUSED
LA04/2020/1734/F	LOCDEV	54a Sunnyside Street Belfast BT7 3EX.	Amended house types to those approved under Z/2001/1515/F for erection of 3no dwellings	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/1801/F	LOCDEV	Andersonstown Social Club 8e South Link Belfast BT11 8GX	Proposed extension to existing external smoking area for a beer garden, part of which is covered (part retrospective)	PERMISSION GRANTED
LA04/2020/1949/A	LOCDEV	62-78 Grosvenor Road c/o Durham Street Belfast BT12 5AP.	Replace existing internally illuminated 96s light box, with a similar sized LED digital display.	PERMISSION REFUSED
LA04/2020/1959/F	MAJDEV	Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.	Proposed new parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture.	PERMISSION GRANTED
LA04/2020/2462/F	LOCDEV	90 University Avenue Belfast BT7 1GY.	Change of use from HMO to 3 apartments; elevation changes to include rear fire escape stairs and reconfiguration of rear return windows.	PERMISSION GRANTED
LA04/2020/2563/CONTPO	LOCDEV	9 Malone Park Belfast BT9 6NH (rear garden at boundary immediately adjacent to next door neighbour's house)	Works to 1 tree.	WORKS TO TREES IN CA - AGREED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/0092/F	LOCDEV	Plot Nos 187 and 188 of lands at the former Visteon Factory Blacks Road Belfast BT10.	Temporary change of use of ground floor apartment to community hub space until the main community centre previously approved under Ref: Z/2013/1434/F is built and operational.	PERMISSION GRANTED
LA04/2021/0158/LDP	LOCDEV	6 The Green Dunmurry Belfast BT17 0EH.	Demolition of rear outbuildings. Single storey side and rear extension. Insertion of side door.	PERMITTED DEVELOPMENT
LA04/2021/0302/A	LOCDEV	9-13 Boucher Road Belfast BT12 6HR.	Addition of a digital display panel either side of an existing totem sign.	PERMISSION REFUSED
LA04/2021/0377/F	LOCDEV	Maxol Service Station 452 Antrim Road Belfast BT15 5GB	Proposed extension to existing building to create large sales area, new store and new forecourt canopy and forecourt.	PERMISSION GRANTED
LA04/2021/0491/F	LOCDEV	Ground floor 107 Royal Avenue Belfast BT1 1DD	Proposed change of use of existing coffee shop/bistro to licensed hot food restaurant and takeaway with no front elevation changes	PERMISSION GRANTED
LA04/2021/0492/LBC	LOCDEV	Ground floor 107 Royal Avenue Belfast BT1 1DD	Proposed Change of use to exisiting coffeeshop/bistro to licensed hot food restaurant and takeaway with no front elevation changes	PERMISSION GRANTED
LA04/2021/0520/F	LOCDEV	30 Glencregagh Park Belfast	Single storey front extension and single storey rear extension	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/0640/F	LOCDEV	Site 25m east of 6 Springbank Road Springbank Industrial Estate Belfast BT17 0QL	New industrial unit with attached office / wood drying kiln for fire proofing timber with concrete hardstanding area for external timber storage and associated carparking, new vehicular access and 2.4m high perimeter fence.	PERMISSION GRANTED
LA04/2021/0642/DCA	LOCDEV	21a Gordon Street Belfast BT1 2LA	Removal of blocked up windows and doors to the south elevation and forming of door openings to rear store	PERMISSION GRANTED
LA04/2021/0644/F	LOCDEV	21A Gordon Street Belfast BT1 2LA	New enclosed entrance lobby reinstatement of windows and door to side elevation and change of use of ground floor (unit1) from office to cookery school conference facility with associated toilets	PERMISSION GRANTED
LA04/2021/0652/F	LOCDEV	5-23 Hill Street Belfast BT1 2A.	Change of use from Cafe/lobby to retail unit.	PERMISSION GRANTED
LA04/2021/0653/LBC	LOCDEV	5-23 Hill Street Belfast BT1 2LA.	Removal of small section of existing wall to form retail unit.	PERMISSION GRANTED
LA04/2021/0735/F	LOCDEV	8-83 Adelaide Street Belfast BT2 8DJ	AMENDED PLANS Extension of public pavement area to create additional space for social distancing, to include sheltered structures, seating, planters and elements of incidental play (temporary 2 years)	PERMISSION GRANTED
LA04/2021/1028/F	LOCDEV	1 Station Road Belfast BT4 1RE.	Increased roof height to accommodate a third floor (amended description)	PERMISSION REFUSED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1140/A	LOCDEV	Hillview Retail Park Crumlin Road Belfast	2no. Illuminated Fascia Signs, 2no. Illuminated Wall-Mounted 'Drive Thru' Signs, 2no. Illuminated Wall-Mounted Logo Signs, 8no. Illuminated Directional Signs.	PERMISSION GRANTED
LA04/2021/1141/F	LOCDEV	Hillview Retail Park Crumlin Road Belfast	Change of Use from Car Park to Drive-Thru Coffee Shop with Erection of Single Storey Coffee Shop.	PERMISSION GRANTED
LA04/2021/1217/NMC	LOCDEV	52 Deramore Park South Belfast BT9 5JY	Non Material change to LA04/2020/1210/F	NON MATERIAL CHANGE GRANTED
LA04/2021/1249/F	LOCDEV	Arthur House 24-26 Arthur Street Belfast BT1 4GB	Two storey extension to roof of existing office building, infilling of existing roof terrace and creation of new roof terraces at fifth and seventh floor level (Amended Drawings)	PERMISSION GRANTED
LA04/2021/1254/LBC	LOCDEV	99 Upper Newtownards Road Belfast BT4 3HW	Retrospective: Internal Damp and Electrical Remedial Works	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1291/NMC	LOCDEV	Lands: To The East Of The Westlink (A12); South Of (Nos.127-9) And Including Grosvenor Road; At Intersection Of Grosvenor Road And Stanley Street; At The Intersection Of Durham Street And Grosvenor Road; At The Intersection Of Fisherwick Place And Howard Street; At Great Victoria Street (between Nos. 1-3 To 27-45); At Glengall St (between Nos. 3-21); At The Junction Of Hope Street Bruce Street And Great Victoria Street; At The Junction Of Durham Street Linfield Road Sandy Row And Hope Street; At Sandy Row From 2 Hurst Park To 85-87 Sandy Row Gilpins Site; To North Of Former Whitehall Tobacco Works At Linfield Road Weavers Court Business Park/ Linfield Industrial Estate Blythefield Primary School And Charter Youth Club; At Weavers Court Business Park And Railway Track Lands Surrounding Arellian Nursery And Bounded By Utility Street/Bentham Drive/Egmot Gardens/Felt St (to North); Prince Andrew Park And Abingdon Drive (to South); Beit St Roosevelt Rise Roosevelt Square.	Non material Change LA04/2017/1388/F	NON MATERIAL CHANGE GRA

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1367/F	LOCDEV	directly opposite the entrance to Kestral Grange and approximately 40m north east of the rear of properties 13 and 16 Old Colin RoadBelfast BT17 0FF	Proposed Installation of an 15m High Telecoms Streetpole c/w wraparound cabinet, with Integrated Antenna, and 3no. additional equipment cabinets and ancillary equipment.	PERMISSION GRANTED
LA04/2021/1430/DC	LOCDEV	Lands north of 47 Moyard Parade and to the rear of 121-141 Moyard Cescent Belfast.	Discharge of condition 10 LA04/2016/1886/F.	CONDITION DISCHARGED
LA04/2021/1532/F	LOCDEV	17 Chichester Avenue Belfast BT15 5EH.	Proposed 2 storey extension to rear of existing dwelling, to provide family room, and bedroom.	PERMISSION GRANTED
LA04/2021/1533/F	LOCDEV	21 Cyprus Avenue Ballyhackamore Belfast BT5 5NT.	Single storey rear and side extension to dwelling and external alterations. Attic conversion with dormer, solar panel and roof lights to the rear (Amended Plans).	PERMISSION GRANTED
LA04/2021/1561/LDP	LOCDEV	2A Kings Link Belfast BT5 7ET.	Single storey extension to rear.	PERMITTED DEVELOPMENT
LA04/2021/1577/F	LOCDEV	79 Dundela Avenue Belfast BT4 3BU.	Demolition of existing and replacement 2-storey end of terrace dwelling.	PERMISSION GRANTED
LA04/2021/1580/LDE	LOCDEV	203 Woodstock Road Belfast BT6 8AD	House in Multiple Occupancy HMO	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1596/F	LOCDEV	On the Grass verge approximately 11m North-West of 13 Sydenham Road Belfast BT3 9DH.	Proposed Installation of a 20m High Telecoms Street pole C/W Wraparound Cabinet, with Integrated Antenna, and 3no. Additional Equipment Cabinets and Ancillary Equipment.	PERMISSION GRANTED
LA04/2021/1613/A	LOCDEV	13 Upper Dunmurry Lane Belfast BT17 0AA.	Projecting sign	PERMISSION GRANTED
LA04/2021/1622/F	LOCDEV	Belvoir Parish Church 21 Dunseverick Avenue Belfast. BT8 7EB	Temporary building to house bicycle repair project	PERMISSION GRANTED
LA04/2021/1658/DCA	LOCDEV	Arthur House 24-26 Arthur Street Belfast BT1 4GB	Proposed demolition of curtain walling on sixth floor and existing roof and plant area. Demolition of curtain walling and glass balustrade on fourth floor front elevation.	PERMISSION GRANTED
LA04/2021/1665/HSC	LOCDEV	Puma Energy Belfast Airport Road West Belfast BT3 9EA.	Increased volume of Bioethanol stored at site (increase from 5% to 10%).	PERMISSION GRANTED
LA04/2021/1697/F	LOCDEV	Springbank Industrial Estate 6 Springbank Road Belfast BT17 OQL.	Proposed new storage building, external over ground water storage tank and pump house building.	PERMISSION GRANTED
LA04/2021/1709/LDP	LOCDEV	4 Kingsway Drive Belfast BT5 7DP.	Alterations and Refurbishment to include a proposed flat roofed single storey rearextension, renewal of existing rear flat roof and internal changes as indicated ondrawings 2105-00,04D.	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1716/DCA	LOCDEV	21 Cyprus Avenue Belfast BT5 5NT	Partial demolition of walls and roof to facilitate extensions/alterations.	PERMISSION GRANTED
LA04/2021/1796/F	LOCDEV	Kings Hall Complex Belfast BT9 6GW	Retrospective application for minimal change of elevational treatment and position from original planning approval of Family Room	PERMISSION GRANTED
LA04/2021/1810/F	LOCDEV	7 Irwin Way Airport Road West Belfast BT3 9DE.	Section 55 application to LA04/2017/0894/F for retrospective amendments to the site layout at the Combined Heat and Power Generating Station. This application seeks to develop land without complying with condition 2 (seeking variation of the noise mitigation strategy to extend deliveries and dispatches at site from 07.00 - 19.00 to 06.00 -22.00). Retrospective.	PERMISSION GRANTED
LA04/2021/1814/F	LOCDEV	Ulster Bank ATM 31 Royal Avenue Belfast BT1 1FB.	Alteration to front elevation - remove 1no. ATM machine and infill with tiled wall panel.	PERMISSION GRANTED
LA04/2021/1844/LBC	LOCDEV	Ulster Bank ATM. 31 Royal Avenue Belfast BT1 1FB.	Alterations to front elevation-remove 1no. ATM machine and infill with tiled wall panel.	PERMISSION GRANTED
LA04/2021/1845/F	LOCDEV	771A Antrim Road Belfast BT15 4EP	Retrospective: Change of Use from ATM Facility to Coffee Kiosk with External Alterations. Erection of Boundary Fencing and Creation of Outdoor Seating Area.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1860/F	MAJDEV	Albertbridge Road from Lord Street to junction with Newtownards Road and Newtownards Road from Ribble Street to Connswater Street.	Public realm environmental improvement to include new paving, kerbing, and soft landscaping. Improvements to shop frontages/signage	PERMISSION GRANTED
LA04/2021/1862/F	LOCDEV	Lands at and surrounding St Gemma's School 51-59 Ardilea Street Belfast BT14 7DG	Change of house type application as per Extant planning approval ref LA04/2019/1786/F (previously approved plots 1-3 now changed to plots 1-2 for complex needs units) with updated PSD (private streets determination) drawing to reflect changes to original stamped approved PSD drawing under ref. LA04/2018/1832/F dated 14.02.2019.	PERMISSION GRANTED
LA04/2021/1878/F	LOCDEV	9 Coolnasilla Gardens Belfast BT11 8LE	Two storey extension to the rear of the building. Amendments to windows to the front elevation to include double height glazing and garage conversion.(AMENDED DESCRIPTION)	PERMISSION GRANTED
LA04/2021/1909/F	LOCDEV	13 Upper Dunmurry Lane Belfast BT17	Proposed change of use of existing residential dwelling at no 13 to dental practice providing an extension to the adjoining established dental practice at 15-17 Upper Dunmurry Lane	PERMISSION GRANTED
LA04/2021/1910/F	LOCDEV	13 Lyndhurst Path Belfast BT13 3XY	Single storey extension to rear of dwelling	PERMISSION GRANTED
LA04/2021/1920/F	LOCDEV	28 Prestwick Park Belfast BT14 6PJ	Single storey side extension.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1925/F	LOCDEV	50 Castle Street Belfast BT1 1HB	Proposed change of use from retail (butchers) to coffee shop. Includes installation of extract flue on rear elevation.	PERMISSION GRANTED
LA04/2021/1940/LDP	LOCDEV	15 Ulster Avenue Dunmurry Belfast BT17 9BN	Single storey side and rear extensions. Replacement roof to existing front bay window. Conversion of garage to garden store and garden room. Extended hardstanding areas to front and rear.	PERMITTED DEVELOPMENT
LA04/2021/1941/F	LOCDEV	5 Upton Park Belfast BT10 0LZ	Demolition of existing detached garage and construction of new single storey extension to side and rear of house	PERMISSION GRANTED
LA04/2021/1980/F	LOCDEV	243 Whiterock Rod Belfast BT12 7FX	Roofspace conversion with increased ridge height to accomodate rear dormer (amended description)	PERMISSION GRANTED
LA04/2021/1983/F	LOCDEV	264 Falls Road Belfast BT12 6AL	Change of use of existing dwelling to House in multiple occupancy (HMO)	PERMISSION GRANTED
LA04/2021/1989/F	LOCDEV	Elmgrove Primary School (Avoniel Road Site) and Nursery Unit Avoniel Road Belfast BT5 4SF.	Single storey extension with partial first floor to accommodate nurture suite (Amended description)	PERMISSION GRANTED
LA04/2021/1995/F	LOCDEV	41 Stormont Park Belfast BT4 3GW	Single storey flat roof extension to rear including widening of existing driveway	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2005/F	LOCDEV	42 Hillhead Avenue Belfast BT11 9GD	Proposed new single storey extension to rear of existing dwelling.Including window and door alterations and rendering of existing garage.	PERMISSION GRANTED
LA04/2021/2013/NMC	LOCDEV	22 Sunningdale Park Belfast BT14 6SB.	NMC to LA04/2021/0031/F application.	NON MATERIAL CHANGE GRANTED
LA04/2021/2033/F	LOCDEV	Downey House Pirrie Park Gardens Belfast BT6 0AG	Application for change of use of existing dwelling to pre-school unit, extension and reconfiguration of building and demolition of storage sheds to provide replacement for existing on-site pre-school.	PERMISSION GRANTED
LA04/2021/2036/F	LOCDEV	15-21 Gordon Street Town Parks Belfast BT1 2LG.	New fire escape door from ground floor performance space directly out to Gordon Street.	PERMISSION GRANTED
LA04/2021/2037/F	LOCDEV	40 Cyprus Avenue Belfast BT5 5NT.	Demolition of rear two storey garage and construction of single storey rear/side extension with back porch and summer house. Landscaping works including a patio and terrace and external alterations.	PERMISSION GRANTED
LA04/2021/2038/DCA	LOCDEV	15-21 Gordon Street Belfast BT1 2LG.	Remove a ground floor window and break out wall to create a new fire escape.	PERMISSION GRANTED
LA04/2021/2039/DCA	LOCDEV	40 Cyprus Avenue Belfast BT5 5NT	Demolition of a two storey building to the rear of the property housing a garage at ground floor and store room over.	PERMISSION GRANTED
LA04/2021/2042/F	LOCDEV	51 Dunmurry Lane Belfast BT17 9JR	Single storey extension to rear of dwelling.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2043/LBC	LOCDEV	Imperial Buildings 72 High Street Belfast BT1 2BE	Indent stone repairs to match existing sandstone, servicing crittall windows and providing lead flashings to vulnerable stone ledges.	PERMISSION GRANTED
LA04/2021/2048/F	LOCDEV	6 Willesden Park Belfast BT9 5GX.	Single Storey Rear extension with enclosed porch area to front of dwelling.	PERMISSION GRANTED
LA04/2021/2050/F	LOCDEV	38 Norfolk Drive Belfast BT11 8AF.	2 storey extension to rear with complete new hip roof and rooflights.	PERMISSION GRANTED
LA04/2021/2066/F	LOCDEV	Alliance Healthcare 3a Edgewater Road Belfast BT3 9JQ.	Construction of new external fridge in yard and retention of temporary fridge until construction of new fridge is complete. Required for storage of refrigerated healthcare products and medicines. (AMENDED)	PERMISSION GRANTED
LA04/2021/2083/F	LOCDEV	22 Hawthornden Road Belfast BT4 3JU	One and a half storey rear extension including a first floor Juliet balcony to rear and a rear patio with associated site works.	PERMISSION GRANTED
LA04/2021/2089/NMC	LOCDEV	20 Cregagh Road Belfast BT6 9EP	Removal of ground floor window at the corner of Cregagh Road and Loopland Park. Door in placer of window at ground floor level beside apartment entrance. Removal of roof peaks over 2nd floor doors on Cregagh Road elevation. Removal of 3 windows in courtyard elevations (proposed West Elevations). Continuation of roof over main entrance in place of flat roof.	NON MATERIAL CHANGE REFUSED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2104/F	LOCDEV	65 Duncoole Park Belfast BT14 8JS.	Two storey extension to the side and rear of dwelling with extended patio. (Amended Plans)	PERMISSION GRANTED
LA04/2021/2150/F	LOCDEV	21 Glenmachan Drive Belfast BT4 2RE	Single storey side utility room extension (amended plans)	PERMISSION GRANTED
LA04/2021/2156/DCA	LOCDEV	18 Osborne Park Belfast BT9 6JN	Demolition of external store and part demolition of rear walls to accommodate extension.	PERMISSION GRANTED
LA04/2021/2157/F	LOCDEV	18 Osborne Park Belfast BT9 6JN	Two no. of rear single storey extensions with landing and access steps and rear fencing.	PERMISSION GRANTED
LA04/2021/2175/NMC	LOCDEV	Former Brookfield Mill 309-355 Crumlin Road Belfast BT14 7EA	Alteration & conversion of former Mill building to provide social housing comprising of77no. units (22no. own door duplex townhouses & 55no. 3 person 2 bedroom apartments)	NON MATERIAL CHANGE GRANTED
LA04/2021/2178/F	LOCDEV	On grass verge c.25m SE of Unit 36 28 Townsend Street Belfast BT13 2ES.	Proposed 20m telecommunications column, with 6No. antennae, 3No. radio units and 2No. radio dishes, radio equipment housing and ancillary development.	PERMISSION GRANTED
LA04/2021/2196/LBC	LOCDEV	Elmgrove Primary School (Avoniel Road Site) and Nursery Unit Avoniel Road BelfastBT5 4SF.	Single storey extension with partial first floor to accommodate nurture suite (Amended description)	PERMISSION GRANTED
LA04/2021/2198/A	LOCDEV	Gable end wall of 326 Ormeau Road Belfast	Retrospective application to retain existing 48 sheet internally illuminated advertising display	PERMISSION REFUSED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2209/F	LOCDEV	41 Ligoneil Road Belfast BT14 8BU.	Proposed change of use to a House of Multiple Occupation (HMO).	PERMISSION GRANTED
LA04/2021/2210/LDE	LOCDEV	19 Damascus Street Belfast BT7 1QQ	House of multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2021/2266/F	LOCDEV	40 Sandhill Gardens Belfast BT5 6FF	Proposed single storey rear extension. Proposed detached garage and vehicular access from Sandhill Gardens	PERMISSION GRANTED
LA04/2021/2271/LDE	LOCDEV	12 Thorndale Avenue Belfast BT14 6BL	House in multiple occupancy HMO	PERMITTED DEVELOPMENT
LA04/2021/2309/F	LOCDEV	9 Hillside Gardens Belfast BT9 5EP	Single storey extension to the side and rear of an existing dwelling (AMENDED DESCRIPTION)	PERMISSION GRANTED
LA04/2021/2322/F	LOCDEV	Public footpath approximately 53m North West of Yorkgate Station Belfast BT15 1FX	Retention of landmark 3 bay bus shelter (amended description)	PERMISSION GRANTED
LA04/2021/2327/LDP	LOCDEV	Adelaide Railway Station Belfast.	Proposed extensions to both up and down platforms and associated works including platform lighting, resurfacing of existing platforms, new waiting shelter and provision of fencing and access infrastructure.	PERMITTED DEVELOPMENT
LA04/2021/2336/F	LOCDEV	43 Knockbreda Road Belfast BT6 0JD	Single storey side and rear extension and external alterations to dwelling. Construction of dormer window and rooflight to existing garage with utility at ground floor and storage above.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2360/LDP	LOCDEV	Existing metal recycling facility at 76-86 Duncrue Street Belfast BT3 9AR	Replacement metal shredding machine.	PERMITTED DEVELOPMENT
LA04/2021/2379/F	LOCDEV	38 Cranmore Gardens Belfast BT9 6JL.	Two storey rear extension, single storey side extension, new vehicular access and pillars.	PERMISSION GRANTED
LA04/2021/2397/DC	LOCDEV	95 University Street Belfast BT7 1HP.	Discharge of condition 3 LA04/2019/2518/F.	CONDITION DISCHARGED
LA04/2021/2404/DC	LOCDEV	13-17 Lombard Street Belfast BT1 1RB.	Discharge of condition 2 LA04/2019/2112/LBC.	CONDITION DISCHARGED
LA04/2021/2405/DC	LOCDEV	13-17 Lombard Street Belfast BT1 1RB.	Discharge of condition 6 LA04/2019/2112/LBC.	CONDITION DISCHARGED
LA04/2021/2410/F	LOCDEV	26 Harleston Street Belfast. BT9 5FS.	Single storey extension to rear.	PERMISSION GRANTED
LA04/2021/2431/DCA	LOCDEV	38 Cranmore Gardens Belfast BT9 6JL.	Demolition of existing single storey rear extension.	PERMISSION GRANTED
LA04/2021/2434/DCA	LOCDEV	Maxol Service Station 452 Antrim Road Belfast BT15 5GB.	Demolition of existing single storey storage unit.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2448/DC	LOCDEV	6 Mount Pleasant Stranmillis Belfast BT9 5DS.	Discharge of condition 5 LA04/2021/0934/LBC.	CONDITION DISCHARGED
LA04/2021/2455/DC	LOCDEV	Phase 5B an 6 at lands to the south of Wolfhill Avenue and Ligoniel Road Belfast.	Discharge of conditions 12-14 Z/2012/1279/F.	CONDITION DISCHARGED
LA04/2021/2463/LDE	LOCDEV	81 Great Northern Street Belfast BT9 7FL.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2465/NMC	LOCDEV	Colin Valley Football Club Northwest of Pantridge Road & North est of Good Shepherd Road Belfast BT17 OPP.	NMC to planning approval LA04/2018/0350/F.	NON MATERIAL CHANGE GRANTED
LA04/2021/2479/F	LOCDEV	37 Ravensdene Park Belfast BT6 0DA	Loft conversion, with dormer to rear.	PERMISSION GRANTED
LA04/2021/2483/F	LOCDEV	9 Ravensdene Park Ballynafoy Belfast BT6 0DA	Convert existing attached garage into habitable space with a bay window projection. Internal and external alterations to dwelling. Demolition of roadside wall to facilitate new boundary wall/fencing with relocated vehicular and pedestrian access.	PERMISSION GRANTED
LA04/2021/2486/F	LOCDEV	12 Richhill Crescent Belfast BT5 6HF.	Single storey rear extension.	PERMISSION GRANTED
LA04/2021/2492/F	LOCDEV	29 Ranelagh Street Belfast BT6 8NP.	Single storey extension to rear with two storey extension to side.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2493/F	LOCDEV	50 Sandhill Parade Belfast BT5 6FH.	Single storey rear extension to dwelling to provide living space and adapted wet room. (Amended Plans)	PERMISSION GRANTED
LA04/2021/2496/F	LOCDEV	59a Kensington Road Belfast BT5 6NL.	Two storey side extension to dwelling. External alterations and raised patio with path around extension.	PERMISSION GRANTED
LA04/2021/2497/F	LOCDEV	137 Hyndford Street Belfast BT5 5JF.	Single storey rear extension.	PERMISSION GRANTED
LA04/2021/2506/F	LOCDEV	1 Twaddell Avenue Belfast BT13 3LE.	Change of use from vacant Retail Unit to a Small Animal Veterinary Clinic.	PERMISSION GRANTED
LA04/2021/2513/LDE	LOCDEV	1 Dudley Street Belfast BT7 1GW.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2514/LDE	LOCDEV	13 Botanic Court Belfast BT7 1QY.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2520/F	LOCDEV	Church Lane Belfast BT1 4QN	Proposed development is to install festoon lights along Church Lane. There will be approx 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. The supply and installation of same will:? Enhance permeability through creative place making.? Promote navigation through the city centre.? Create identity of place that reflects the distinct identity of Church Lane? Create a vibrant place that is safe and welcoming.? Take a creative/conceptual approach to cultural place-making and design	PERMISSION GRANTED
LA04/2021/2526/DC	LOCDEV	114 Bloomfield Avenue Belfast BT5 5AE.	Discharge of condition 3 LA04/2020/2426/F.	CONDITION DISCHARGED
LA04/2021/2529/F	LOCDEV	10 Oakhurst Avenue Belfast BT10 0PE.	Double storey rear extension. Hip to gable roof extension to facilitate first floor extension. Raised terrace deck to rear garden.	PERMISSION GRANTED
LA04/2021/2534/F	LOCDEV	30 Hawthorn Glen Belfast BT17 0NU.	Proposed 2 storey extension to rear of dwelling, first floor extension to front, lift shaft to side and alteration to bay window at front Elevation. Conversion of garage to habitable space.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2535/F	LOCDEV	42 Sicily Park Belfast BT10 0AL.	Attic conversion. New gable windows and front rooflight. (amended plans)	PERMISSION GRANTED
LA04/2021/2542/F	LOCDEV	465 Upper Newtownards Road Belfast.	Single storey rear extension.	PERMISSION GRANTED
LA04/2021/2552/F	LOCDEV	66 Kilburn Street Belfast	Flat roof replacement with new pitched roof to single storey rear return	PERMISSION GRANTED
LA04/2021/2560/F	LOCDEV	396 Castlereagh Road Belfast BT5 6BH.	Single storey rear kitchen extension to existing dwelling.	PERMISSION GRANTED
LA04/2021/2563/F	LOCDEV	72 Knock Eden Park Belfast BT6 0JG.	2 storey extension to rear and side of dwelling. Garden store to rear boundary.	PERMISSION GRANTED
LA04/2021/2566/F	LOCDEV	16 Glenbawn Crescent Dunmurry Belfast BT17 0TU.	Single storey extension to rear with graded steps.	PERMISSION GRANTED
LA04/2021/2589/F	LOCDEV	33 Lake Glen Drive Belfast BT11.	Single storey side extension.	PERMISSION GRANTED
LA04/2021/2600/A	LOCDEV	Entrance to Mornington off Annadale Avenue Belfast BT7 3JS.	Temporary permission (6 months) to display advertisement hoarding.	PERMISSION GRANTED
LA04/2021/2605/F	LOCDEV	44 Knockhill Park Belfast BT5 6HY.	Single storey rear extension to dwelling. Raised patio/deck to rear. (Amended Description)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2614/F	LOCDEV	116 Ardenlee Avenue Belfast BT6 0AD.	Dormer to the rear of property to allow for roofspace conversion and to include 4No. rooflights to the front of the dwelling.	PERMISSION GRANTED
LA04/2021/2620/F	LOCDEV	51 Grangeville Gardens Belfast BT10 0HL.	Single storey rear and side extension. Erection of single storey garden building.	PERMISSION GRANTED
LA04/2021/2629/F	LOCDEV	14 Galwally Park Belfast BT8 6AH.	Demolition of existing single storey rear return, to facilitate new single storey rear extension. Raised terrace area to rear.	PERMISSION GRANTED
LA04/2021/2648/DC	LOCDEV	Land at 27 Medway Street Belfast BT4 1GP.	Discharge of condition 8 LA04/2020/1720/F.	CONDITION DISCHARGED
LA04/2021/2650/F	LOCDEV	48 Ramoan Gardens Belfast BT11 8LN.	Single storey rear extension.	PERMISSION GRANTED
LA04/2021/2655/LDE	LOCDEV	Apartment 102 Skainos Square 235-251 Newtownards Road Belfast BT4 1AF.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2660/CONTPO	LOCDEV	9 Bladon Drive Belfast BT9 5JL.	Works to 3 trees.	WORKS TO TREES IN CA - AGREED
LA04/2021/2672/F	LOCDEV	118 Ardenlee Avenue Belfast BT6 0AD.	Demolition of existing single storey rear return and construction of new single storey rear extension with terrace area.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2673/DC	LOCDEV	70 Donegall Pass Belfast BT7 1BU.	Discharge of condition 6 of LA04/2020/2576/LBC	CONDITION DISCHARGED
LA04/2021/2680/DC	LOCDEV	11-13 College Square East Belfast BT1 6DD.	Discharge of Condition No.3 of LA04/2019/1111/F	CONDITION NOT DISCHARGED
LA04/2021/2685/F	LOCDEV	22B Upper Malone Road Belfast BT9 5NA.	Proposed detached garage with new steps to access, new entrance pergola and ancillary siteworks.	PERMISSION GRANTED
LA04/2021/2686/F	LOCDEV	82 Thornhill Crescent Dunmurry Belfast BT17 0RJ	Single storey extension to rear of property with new level access added to rear.	PERMISSION GRANTED
LA04/2021/2693/LDE	LOCDEV	3 St Ives Gardens Belfast BT9 5DN	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2021/2695/F	LOCDEV	8 Onslow Gardens Belfast BT6 0AP	Single storey detached building to allow for a shower room and utility.	PERMISSION GRANTED
LA04/2021/2697/DC	LOCDEV	84-92 Ravensdale Street Belfast BT5 5GA.	Discharge of condition 5 LA04/2020/0321/F.	CONDITION NOT DISCHARGED
LA04/2021/2699/LDE	LOCDEV	Apartment 1 80 Rugby Avenue Belfast BT7 1RG.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2700/LDE	LOCDEV	Apartment 2 80 Rugby Avenue Belfast BT7 1RG.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2701/LDE	LOCDEV	Apartment 3 80 Rugby Avenue Belfast BT7 1RG.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2703/DC	LOCDEV	176-182 Albertbridge Road Belfast BT5 4GS and 179-187 Albertbridge Road Belfast.	Discharge condition 2 of LA04/2021/1546/LBC.	CONDITION NOT DISCHARGED
LA04/2021/2707/DC	LOCDEV	Lands at "The Bullring" located parallel to the Westlink motorway and adjacent Denmark Street/California Close between Peters Hill and Regent Street Belfast BT13.	Discharge of condition 11 LA04/2020/0673/F.	CONDITION NOT DISCHARGED
LA04/2021/2708/LDE	LOCDEV	1 Harrow Street Belfast BT7 1QG	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2021/2718/F	LOCDEV	97 Deerpark Road Belfast BT14 7PX.	Single storey rear extension.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2736/LBC	LOCDEV	Church Lane Belfast BT1 4QN.	Proposed development is to install festoon lights across the street at a height of 5.8ms.There would be approx 15 cross wires with 2 or 3 alternate festoon lights hanging from each along the length of the street. No light fitting will be attached to any building.The supply and installation of same will: Enhance permeability through creative place making. Promote navigation through the city centre.Create identity of place that reflects the distinct identity of Church Lane. Create a vibrant place that is safe and welcoming.Take a creative/conceptual approach to cultural place-making and design.	PERMISSION GRANTED
LA04/2021/2737/F	LOCDEV	1B Knockvale Grove Ballycloghan Belfast BT5 6HL.	Single storey side extension.	PERMISSION GRANTED
LA04/2021/2744/A	LOCDEV	Former Poundstrecher Unit The Kennedy Centre 564/568 Falls Road Belfast BT11 9AE.	2 No. fascia signs.	PERMISSION GRANTED
LA04/2021/2746/DC	LOCDEV	East Pitch Downey House Pirrie Park Gardens Belfast BT6 0AG.	Discharge of condition 14 LA04/2018/1411/F.	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2752/LDE	LOCDEV	7 Ardenlee Way Belfast BT6 8QW.	HMO (House in Multiple Occupancy)	PERMITTED DEVELOPMENT
LA04/2021/2761/F	LOCDEV	124 Ladybrook Park Belfast BT11 9EP	Single storey rear extension with stepped access to rear.	PERMISSION GRANTED
LA04/2021/2768/F	LOCDEV	14 Hillburn Park Castlereagh Belfast BT6 9PF.	Extension to side and front of dwelling & alterations to garage to form play room.	PERMISSION GRANTED
LA04/2021/2770/F	LOCDEV	40 Torrens Crescent Belfast BT14 6HS.	Proposed single storey side and rear extension.	PERMISSION GRANTED
LA04/2021/2782/F	LOCDEV	8 Gilnahirk Walk Belfast BT5 7DS.	Demolition of existing attached garage. Provision of new two storey side extension to provide open plan kitchen/dining/sitting room on ground floor and extended bedrooms on first floor.	PERMISSION GRANTED
LA04/2021/2785/F	LOCDEV	27 Dermott Hill Park Belfast BT12 7GA.	Single storey rear extension, dormer to rear, including new bay window, canopy roof and velux windows to front elevation.	PERMISSION GRANTED
LA04/2021/2803/DC	LOCDEV	141 & 149 Upper Newtownards Road Belfast BT4 3HX.	Discharge of condition 15 LA04/2019/2334/F.	CONDITION DISCHARGED
LA04/2021/2812/F	LOCDEV	1 Joanmount Park Belfast BT14 6PE	Proposed single storey extension to rear of dwelling.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2823/DCA	LOCDEV	17 Chichester Avenue Belfast BT15 5EH.	Removal of sections of main rear wall window openings to form new window and door openings into proposed extension.	PERMISSION GRANTED
LA04/2021/2843/LDE	LOCDEV	14 St. Albans Gardens Belfast BT9 5DR.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2867/LDE	LOCDEV	6 Riverview Street Belfast BT9 5FD	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0014/F	LOCDEV	678 Antrim Road Belfast BT15 5GP	Single storey rear extension, external material changes to existing dwelling and extension.	PERMISSION GRANTED
LA04/2022/0019/CONTPO	LOCDEV	Laganwood House 44 Newforge Lane Belfast BT9 5NX.	Felling,Tree surgery.	WORKS TO TREES IN CA - AGREED
LA04/2022/0037/LDE	LOCDEV	48 Carmel Street Belfast BT7 1QE	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0051/CONTPO	LOCDEV	2 Windsor Park Belfast BT9 6FQ.	Works to 1 Tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/0054/CONTPO	LOCDEV	Beside Orchard Building Stranmillis University College Belfast BT9 5DY.	Works to 1 Tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/0055/LDE	LOCDEV	Flat 2 23 Eglantine Gardens Belfast BT9 6EZ	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0057/LDE	LOCDEV	Flat 3 23 Eglantine Gardens Belfast BT9 6EZ	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0058/LDE	LOCDEV	Flat 3 (second & attic) floors 72 Fitzroy Avenue Belfast BT7 1HX	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT

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Emailed to Ed + Helen 10/1/22
GC.

Department for Infrastructure
An Roinn Bonneagair
www.infrastructure-ni.gov.uk

Network Traffic, Street Lighting and Transportation

Eastern Division

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

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

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

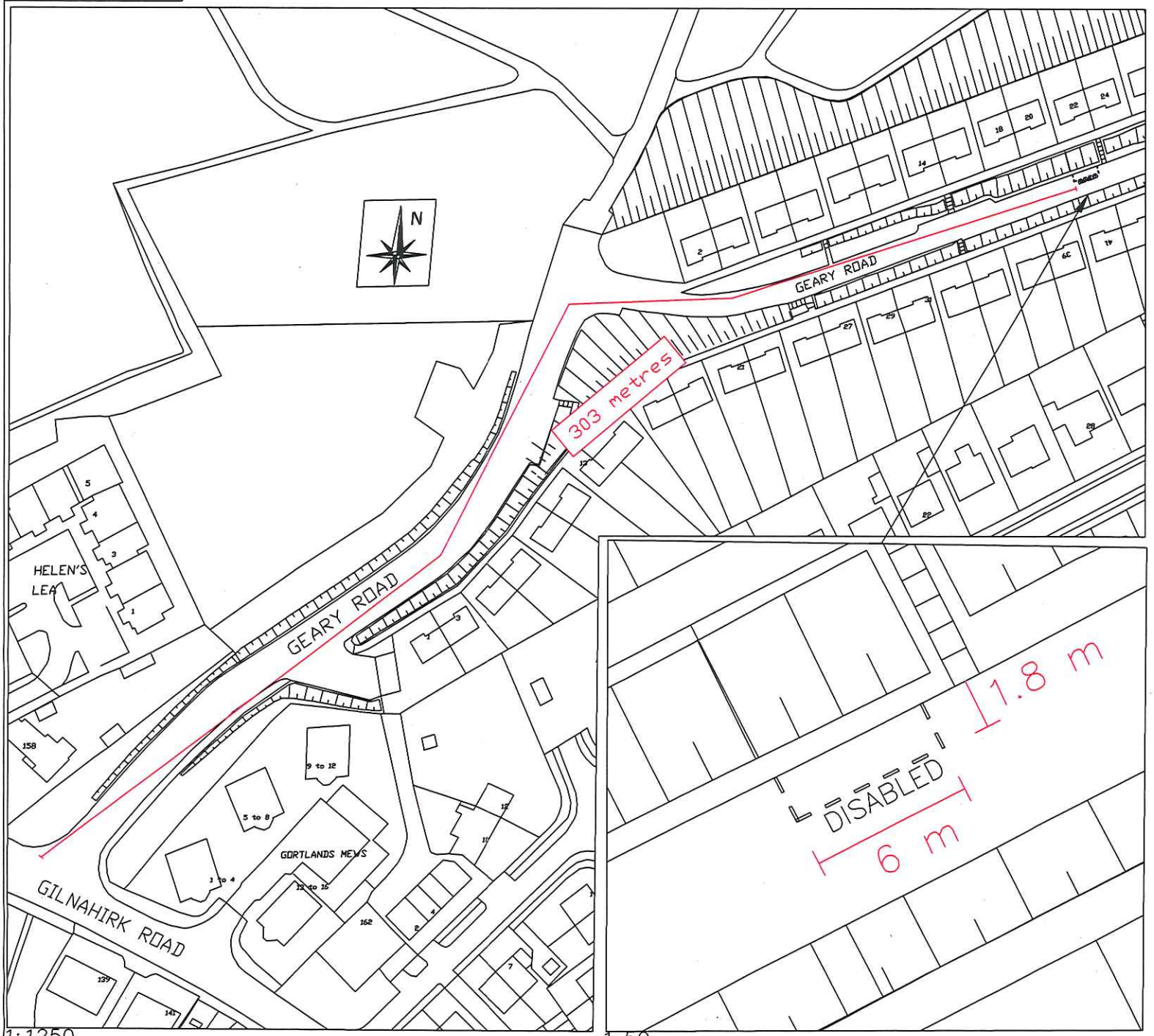
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INVESTORS IN PEOPLE

Drg. No.

Geary Road, Belfast (north–west side) – from a point of 303 metres north–east of its junction with Gilnahirk 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
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Project
OPPOSITE 41 GEARY ROAD BELFAST

Title
PROPOSED ACCESSIBLE/ DISABLED PARKING BAY

FILE NO.		DESIGNED		date
DRAWN		CHECKED	AO'H	date DEC'21
TRACED		APPROVED		date

Drg. No.
TM2/BEL/DEC/21/37/A

Revision

Scales AS SHOWN

Eastern Division
Annex 7
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

Telephone: 0300 200 7893
Textphone: 028 90540022

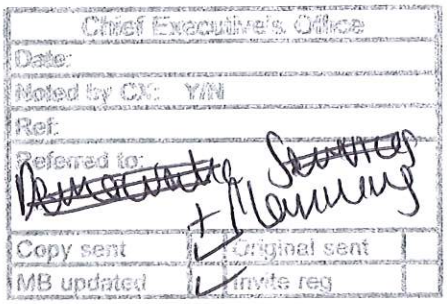
Department for Infrastructure
An Roinn Bonneagair
www.infrastructure-ni.gov.uk
INVESTOR IN PEOPLE

Housing Executive

REGIONAL SERVICES
Land and Regeneration

The Housing Centre
2 Adelaide Street
Belfast
BT2 8PB
T 03448 920 900
W nihe.gov.uk
@nihecommunity

The Chief Executive
Belfast City Council
4-10 Linenhall Street
Belfast
BT2 8PB



Date: 17th January 2022

Dear Sir/Madam,

Re: Lands at Alloa Street, Belfast

LETTER CLAIMING POSSESSION OF LANDS

Please be advised that the Department for Communities made a Vesting Order on 18th October 2021 applied for by the Northern Ireland Housing Executive in respect of the above lands.

In accordance with statutory requirements I now enclose a copy of a Notice stating that the Order became operative on 3rd January 2022 and consequently all the land and premises, as shown on the map available for inspection at the offices of the Housing Executive located at The Housing Centre, 2 Adelaide Street, Belfast, BT2 8PB are now in Housing Executive ownership.

Possession of the lands and premises and receipt of any rental income or any other income is formally claimed by the Housing Executive from 3rd January 2022 and no rents, rates or ground rents should be demanded by or paid to any party other than the Housing Executive in respect of any period after that date. Where applicable rate rebates may be obtained on application to the Belfast Rating Office, Land & Property Services, Lanyon Plaza, 7 Lanyon Place, Town Parks, Belfast, BT1 3LP.

RENT should only be paid to the Housing Executive in respect of any period after 3rd January 2022. A Housing Officer from the Local Office will call with you to explain the amount of rent you are liable to pay, how you can pay it and advise you how to claim Housing Benefit/Universal Credit, if applicable.

If your premises are subject to a mortgage or loan you should contact your lender immediately if you have not already done so, in order to make arrangements regarding the repayments.

No buildings, fixtures, trees, shrubs, hedges or gates may be removed or interfered with except with the written consent of the Housing Executive.

Enclosed is a Compensation Claim Form. This should be completed and returned to the Housing Executive at Belfast Place Shaping, The Housing Centre, 2 Adelaide Street, Belfast, BT2 8PB by owners of property, business interests and persons who hold business

premises on a tenancy agreement (other than tenants of dwellings). This claim form enables you to claim for the value of the land/property that has now been vested to the Housing Executive. You may also be entitled to claim common law domestic disturbance to cover the reasonable moving expenses incurred by you. If you have not yet moved, or have not yet established the full costs of moving, this aspect of your compensation claim can be addressed at a later date.

Should you require any advice on how to complete your compensation form please contact the Housing Executive Belfast Place Shaping Department, Telephone 03448 920 900.

The Housing Executive will pay the reasonable fees of an Estate Agent for negotiating your claim for compensation with Land and Property Services, who will negotiate on behalf of the Housing Executive, and also the reasonable costs as provided for under the appropriate scale of a Solicitor of your choice for representing you in connection with the legal formalities of your claim.

Owner occupiers may also be entitled to claim a Home Loss Payment if you were in legal occupation of your home for at least one year before moving. Home loss compensation is calculated at 10% of the purchase price of your property. If you believe that you qualify for a Home Loss payment you should apply now and in writing to the Housing Executive Local Office at North Belfast Office, The Housing Centre, 2 Adelaide Street, Belfast, BT2 8PB.

If you are a tenant of the property you may be entitled to claim a Home Loss payment. Tenants may also be entitled to claim a Disturbance Payment to cover the reasonable moving expenses incurred by you. If you are a tenant of a property and believe that you qualify for either or both payments you should apply now and in writing to the Housing Executive Local Office at North Belfast Office, The Housing Centre, 2 Adelaide Street, Belfast, BT2 8PB.

Yours faithfully



Head of Place Shaping (Belfast)
Fiona McGrath

The Housing Executive protects your personal information in accordance with Data Protection law. You have a right to know how we collect and use your personal information. These details can be found in our Privacy Notice which is on our website www.nihe.gov.uk/privacy_notice or we can post or email a copy to you.

Housing Executive

REGIONAL SERVICES
Land and Regeneration

The Housing Centre
2 Adelaide Street
Belfast
BT2 8PB
T 03448 920 900
W nihe.gov.uk
@nihecommunity

The Chief Executive
Belfast City Council
4-10 Linenhall Street
Belfast
BT2 8PB

LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972
THE HOUSING (NORTHERN IRELAND) ORDER 1981
THE NORTHERN IRELAND HOUSING EXECUTIVE

ALLOA STREET, BELFAST
NOTICE THAT A VESTING ORDER HAS BECOME OPERATIVE

TAKE NOTICE that a Vesting Order in respect of which Notice of Application for a Re-development Scheme and Vesting Order was served on you on the 26th day of May 2021, was made on the 18th day of October 2021, and has become operative.

A copy of the Vesting Order and of the map or plan referred to therein may be seen during reasonable office hours at the Northern Ireland Housing Executive, The Housing centre, 2 Adelaide Street, Belfast, BT2 8PB. A copy of the Vesting Order and map may be obtained free of charge upon written request by or on behalf of any person having an estate or interest in the land vested thereby by writing to the Head of Place Shaping Belfast at Placeshaping.Belfast@nihe.gov.uk

Dated this 17th day of January 2022

Chief Executive
Grainia Long

The Housing Executive protects your personal information in accordance with Data Protection law. You have a right to know how we collect and use your personal information. These details can be found in our Privacy Notice which is on our website www.nihe.gov.uk/privacy_notice or we can post or email a copy to you.



LAND AT ALLOA STREET, BELFAST
Vesting Order Map

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

OSNI Reference: I.G. 130-9SW2

Scale: 1:500

Your Reference:

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N

Housing Executive

CLAIM FOR COMPENSATION FOLLOWING VESTING

Northern Ireland Housing Executive
The Housing (Northern Ireland) Order 1981
Local Government Act (Northern Ireland) 1972

AREA: Alloa Street, Belfast

OPERATIVE DATE: 3rd January 2022

1. Claimant details a) Claimants full names:	
b) Claimants current address:	
c) Daytime telephone number:	
2. Solicitor / Agent details a) Name and address of claimant's agent	
b) Name and address of claimant's solicitor	
3. **Property details** a) Address of vested property:	
b) Tenure of vested property: (please circle)	(i) Vacant, (ii) Owner occupied, (iii)Tenanted- Furnished (iv) Tenanted -Unfurnished (iv) Other (please give details below): _____

c) Is the property residential and/or commercial: (If commercial please state nature of business, and how long it has operated from this address)	
4. Nature of claimant's interest (e.g. Fee Simple, Leasehold, yearly tenancy etc.):	
a) If leasehold please provide details on: (i) Length of lease	
(ii)How long you have owned the property	
b) If you are a landlord please provide details on: (i) Name of occupant:	
(ii) Date occupation commenced	
(iii)Terms of occupation:	
(iv) Amount of rent paid	
(v) Please return a properly dated and stamped Tenancy Agreement with this claim. occupant:	
c) If a mortgage is outstanding on property please provide name and address of the Mortgagee.	
5. Particulars of claim a) Amount claimed for land or property:	£
b) Owner-Occupiers - amount claimed for Disturbance compensation:	£
c) Commercial Property - amount claimed for Business Disturbance:	£

6. Location of Title a) Name and address of persons/company who hold the Title documents to the property	

Dated: _____ Signed: _____
Claimant/Solicitor/Agent

IMPORTANT
Please Note

In order that payment of your compensation may be made with minimum delay it is in your interest to return this form fully completed to the Head of Place Shaping Belfast, Northern Ireland Housing Executive, 2nd Floor, The Housing Centre, 2 Adelaide Street, Belfast, BT2 8PB as soon as possible. You may use an Estate Agent to negotiate your claim and the Housing Executive will pay their fees - but only on successful completion of the claim.

YOUR INFORMATION

What we do with your information

The Housing Executive requires the information contained in this form to assess your claim for compensation for the value of your land or property that has now been vested to the Housing Executive.

The Housing Executive in managing your application for compensation is exercising its statutory powers using the lawful basis of Public Task.

Sharing your information with others

Your information is only shared where this is necessary to comply with our legal obligations or as permitted by the General Data Protection Regulation and Data Protection Act 2018.

Details of your application may be shared with Land & Property Services for the purpose of negotiating the value of your compensation claim with you. It may be shared with the Housing Executive Area Office for the purpose of administering your claim for a Home Loss Payment. It may be shared with the Housing Executive Asset Management Department for the purposes of payment of your claim, where that claim arises out of the delivery of an Asset Management Strategy.

How long we hold your information for

The Housing Executive will hold the information you have provided in this form for a period of 10 years from the date when the compensation has been paid.

Privacy Notice

The Housing Executive is committed to protecting your privacy and maintaining your trust and confidence in how we handle your personal information. You can view our Privacy Notice at www.nihe.gov.uk/privacy_notice, pick up a copy at any Housing Executive office or you can ask us to post or email a copy to you.

Committee Application – Addendum Report 4

Development Management Report	
Application ID: LA04/2019/0775/F	**Date of Committee**: Tuesday 15 February 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

ADDENDUM REPORT

This full application was considered by the Planning Committee on 18th January 2022. The application was presented and debated at this Committee meeting. It was subsequently deferred for officers to consider how to secure the proposed pathway towards Lagan Lands East in the event of permission being granted.

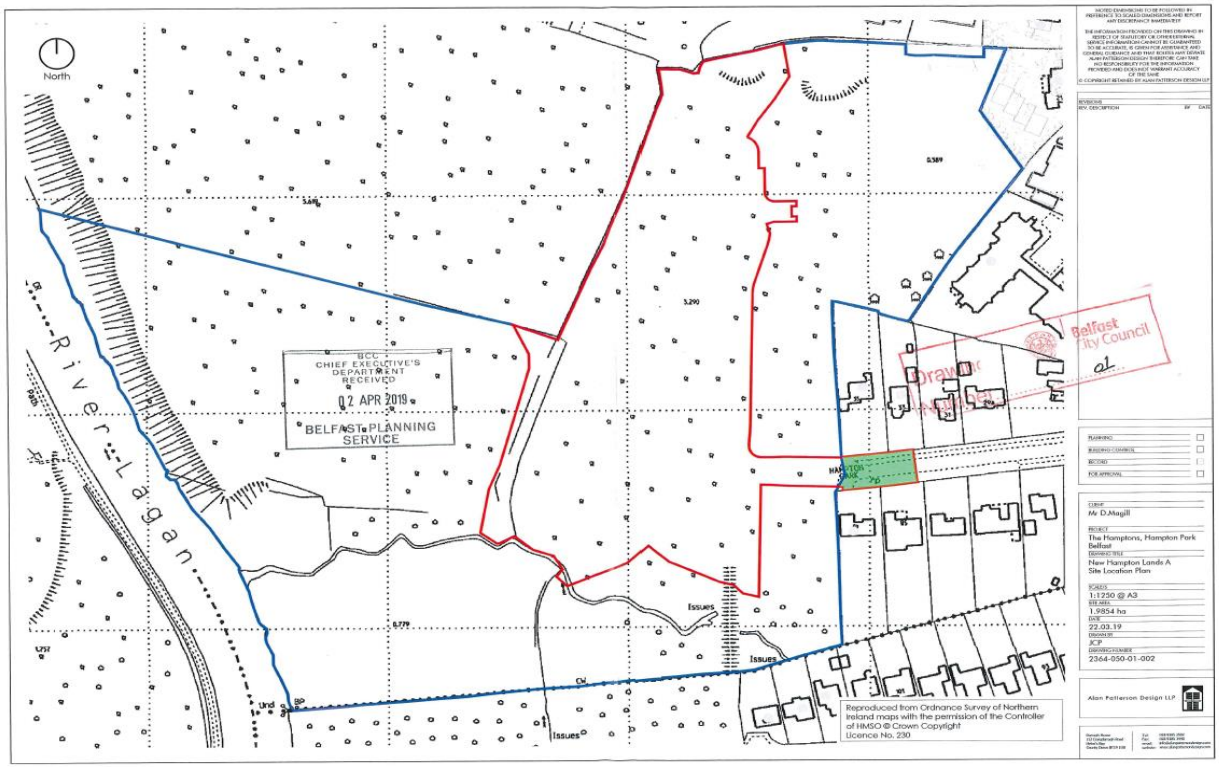
This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on Thursday 2nd September 2021. The application was then re-listed for Planning Committee 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. Further to this, the application was due to be considered by the Planning Committee on 21st October 2021. Prior to that meeting, the item was withdrawn from the agenda in order to deal with an issue raised by DAERA NIEA regarding waste water capacity.

The Committee should read this Addendum Report in conjunction with the original and addendum planning reports below.

Access / Connectivity

The planning agent has engaged with the Council subsequent to the January 2022 Planning Committee meeting, advising that the developer is willing to enter into a Section 76 Legal Agreement to secure the creation of a pathway and facilitate access through the site to and from Lagan Lands East. The Planning Agent has advised that they intend to submit a draft Agreement to the Council prior to the February Planning Committee meeting. In consultation with legal Services, it was considered that this is the best method to secure the creation of the access and ensuring that it remains open the majority of time in the long term. Committee should note that the lands beyond the

site are not all within the ownership of the applicant, therefore, access can be provided to the lands, but permission for walkers to cross those lands will ultimately be a matter for the land owner.





Representations

The previous Addendum report incorrectly stated that an additional 19 objections had been received following additional neighbour notification in December 2021. This was an error – a further 16 objections had been received when the report was published. Further to publication of the report and prior to the January committee meeting, three further objection letters were received in relation to the proposed development, including one from Paula Bradshaw MLA. No new issues were raised. Consequently, a total of 19 additional objections were received prior to the January committee meeting, bringing the total number of objections at that stage to 231.

Following the January Committee meeting, an additional 6 objections have been received in relation to the proposed development. Consequently, the total number of objections to the proposed development is 237.

New issues raised include:

- Planning Committee procedure. The objector complained about the 'refusal to allow area residents to speak publicly at meetings, to adequately register their objections and concerns and to participate fully in decision making'.

Two community representatives and one local Councillor addressed the Planning Committee at the January meeting. The Council has invited comments from third parties throughout the application process and these have been dealt with in some detail in the case officer reports. The application has been advertised in the local press and neighbours / objectors have been notified of the initial proposal and subsequent changes to the proposal, in accordance with statutory requirements.

- Cumulative risk of flooding, associated with the current application and previous approval Z/2007/1401/F.

DFI Rivers Agency (RA) were consulted on the proposed development and offered no objections to the proposed development (Paras 8.61 and 8.62 of the original case officer report).

There is a designated watercourse, known as Galwally Stream, 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.

- Objector requests that the Planning Authority seek an independent Environmental Statement, given that the two submitted were solicited by the developer. Requested Assessments and reports missing from the portal.

It is normal procedure for the developer to provide environmental information prepared by independent consultants. Upon submission of this information, the Council consults with NIEA, the statutory body for protection of the environment. The submitted environmental information is assessed by NIEA and a recommendation is made to the Council. Through the course of this application, NIEA have been consulted on six occasions, with a significant amount of supporting environmental information submitted. As per para 8.30 of the original case officer report, not all the submitted information is available on the planning portal due to sensitive information.

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 and Section 76 Legal Agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the terms of the Section 76 Agreement, subject to no new substantive planning issues being raised by third parties.

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

ADDENDUM REPORT

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.

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.

The Committee should read this Addendum Report in conjunction with the original and addendum planning reports below.

Sewage capacity

NIEA provided further comments in respect of the proposal on 14th September 2021.

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.

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.

<u>Representations</u>
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 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.

<u>Recommendation:</u> 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:

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)'.

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.

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).

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.

The key issues to consider in the assessment of this proposed development are:

- 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.

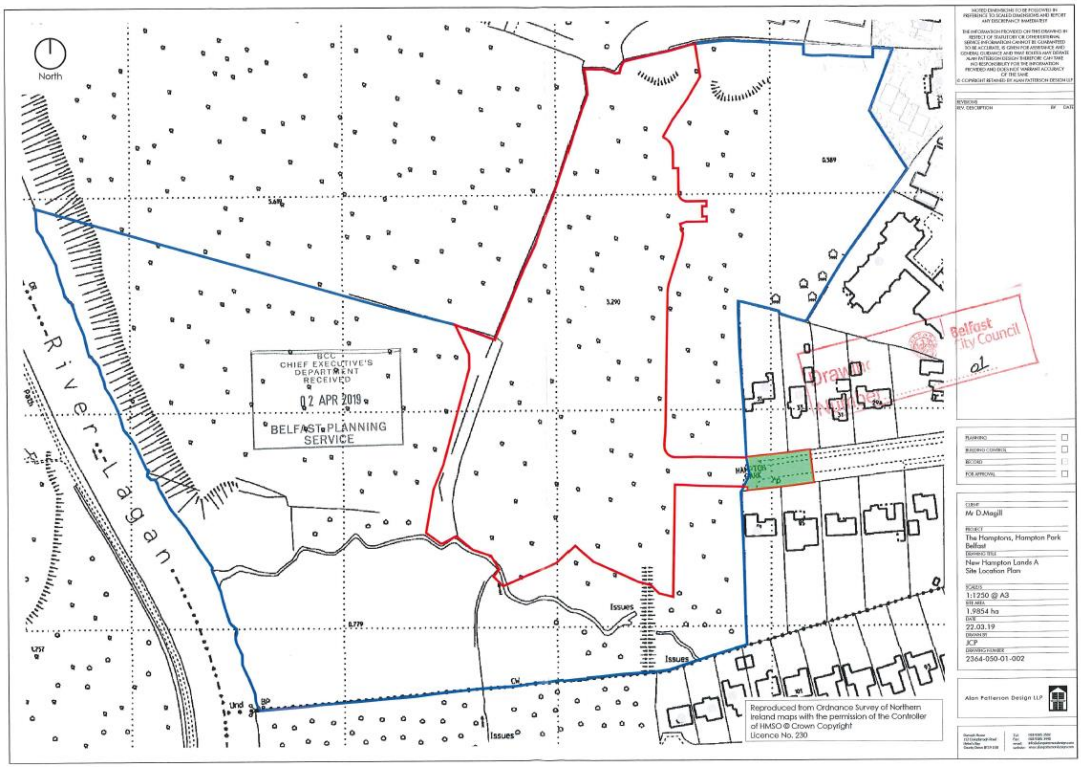
The proposed layout includes a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The Council's Access Officer has also advised that the existing route to Galwally Avenue does not have the hallmarks of a public right of way and is unlikely to be asserted as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


North
River Lagan
BCC
CHIEF EXECUTIVE'S
DEPARTMENT
RECEIVED
02 APR 2019
BELFAST PLANNING
SERVICE
Belfast City Council
Drawing Number
a1
Issues
Reproduced from Ordinance Survey of Northern Ireland maps with the permission of the Controller of HMSO © Crown Copyright Licence No. 230
Mr D.Magill
The Hamptons, Hampton Park Belfast
New Hampton Lands A
Site Location Plan
1:1250 @ A3
1.9854 ha
22.03.19
2364-050-01-002
Alan Patterson Design LLP




Lowry Court
(Alpha Housing)



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 – Under consideration
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	Strategic Planning Policy Statement (SPPS) PPS 2 Natural Heritage 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 8 Open Space, Sport and Outdoor Recreation 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 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	The objections raised the following issues, the matters raised are dealt with through out the assessment: Procedural Matters • 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, *'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)'.* • 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

environment, an environmental risk assessment should be undertaken.

- 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.

Design, Character, Density and Residential Amenity

- 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.

	• 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. Traffic, Parking and Movement • 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 Brach 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).

	• 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. Other Environmental Matters • 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**
	<u>Preliminary Matters</u>
8.1	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.
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 '*aware of the existence on the application site of any wildlife protected under the Wildlife (NI)Order 1985 (as amended)'.* 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.
	Development Plan
8.9	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.
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.
	Principle of development
8.16	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.
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.
	<u>SPPS</u>
8.18	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.
	<u>Character / Layout / Design</u>
8.19	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.
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.
	<u>Residential Density</u>
8.26	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	Several supporting documents have been submitted along with the proposal: • 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 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.
8.31	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.
8.32	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.
8.33	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.
8.34	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.
8.35	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.

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.
	<u>AONB</u>
8.39	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.
	<u>Environmental Impact Assessment</u>
8.40	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.
	<u>Habitats Regulations Assessment (HRA)</u>
8.41	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.
	<u>Loss of open space</u>
8.42	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.

8.43	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.
8.44	Although it appears the site itself may not be of significant amenity value, Policy OS 1 clarifies that *'the presumption against the loss of existing open space will apply irrespective of its physical condition and appearance'.* 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.
	<u>Amenity space</u>
8.45	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.
8.47	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.
	<u>Landscaping</u>
8.48	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.
8.49	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.

	Residential amenity
8.50	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.
8.51	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).
8.52	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.
8.53	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.
	Contamination
8.54	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.
	Access / Parking
8.55	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.
8.56	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.

	Movement pattern / local facilities
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 *'assert, protect, keep open and free from obstruction any public right of way'.* 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.
	Flooding / Drainage
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.
8.63	Sewage infrastructure 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.
8.64	Archaeological heritage 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	Crime / Antisocial behaviour 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.
8.66	Impact on views 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.
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	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

10.2	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. REASON: To ensure adequate parking in the interests of road safety and the convenience of road users.
10.3	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. REASON: To ensure there is a satisfactory means of access in the interest of road safety and the convenience of road users.
10.4	The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway. REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
10.5	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. 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.
10.6	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. REASON: In order to avoid damage to and allow access to the services within the service strip
10.7	The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on 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. REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.

10.8	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: 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. Reason: To protect Badgers and their setts.
10.9	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. Reason: To protect breeding birds.
10.10	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 *Trees in relation to design, demolition and construction – Recommendations.* Reason: To ensure the continuity of the biodiversity value afforded by existing trees.
10.11	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. Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.

10.12	All surface water run-off during the construction phase shall be directed away from the watercourse and site drains. Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.
10.13	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. Reason: To minimise the impact of the development on the biodiversity value of the aquatic environment.
10.14	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. Reason: In the interests of the character and appearance of the area and to ensure the provision of a high standard of landscape.
10.15	All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council. Reason: In the interests of visual amenity
10.16	Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site. Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.
10.17	If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over. Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.

10.18	Careful hand digging will be employed within the RPAs with extreme care being taken not to damage tree roots and root bark. Reason: To avoid root severance
10.19	No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period. Reason: To avoid compaction within the RPA.
10.20	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. Reason: Protection of environmental receptors to ensure the site is suitable for use.
10.21	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. Reason: Protection of environmental receptors to ensure the site is suitable for use.
10.22	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. Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.
10.23	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. Reason: to ensure that archaeological remains within the application site are properly identified and protected or appropriately recorded.
10.24	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

	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. 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.
10.25	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. 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.

Notification to Department (if relevant)

Representations from Elected members:

Cllr Brian Smyth
Cllr Donal Lyons

Committee Application
3rd Addendum Report

Development Management Report	
Application ID: LA04/2020/0857/F	**Date of Committee**: Tuesday 15 February 2022
Proposal: Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15No. Residential units, office space and ancillary development.	**Location:** Ormeau Centre 5-11 Verner Street Belfast
Referral Route: Objection received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: Habinteg Housing Association Alex Moira House 22 Hibernia Street Holywood	**Agent Name and Address:** Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ

ADDENDUM REPORT

This full application was previously listed for Planning Committee on 16th March 2021 with a recommendation to approve. The application was withdrawn from the agenda and the Committee agreed to hold a pre-emptive site visit. The site visit took place on 8th April.

The application was presented to Planning Committee on 20th April, with a recommendation to approve. At this meeting, the Committee agreed to defer consideration of the application to allow further engagement to take place between the developer and local residents. The application was added to the agenda for the September Planning Committee meeting, however it was withdrawn to allow further engagement between the developer and local residents.

Update

The application was originally deferred in April 2021 to allow for further engagement between the developer and the local community. Despite considerable delays already, the agent has requested further time to complete a separate PAD process prior to the Council making a decision on this application. To date, in respect of this application, no further information or amended drawings have been received.

The applicant has submitted a Pre-Application Discussion (PAD) in relation to alternative mixed use proposals for this site. The PAD was submitted on 19th January 2022. The proposals are fundamentally different to the scheme proposed under this application and would therefore require a fresh planning application to be made if the applicant wished to pursue this option.

Officers consider that deferral through committee is not the forum to consider alternative schemes which in themselves would be required to follow due process.

Having afforded an additional 10 months within the process to resolve any local issues, Officers consider that this application should be re-presented to draw it to a conclusion as nothing new has been presented in respect of this application.

Recommendation

As per Section 9 of the original committee report and the previous Addendum report, on balance, the proposed development is considered to comply with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions. It is requested that final wording of conditions is delegated to the Director of Planning and Building Control.

Committee Application – Addendum report

Development Management Report	
Application ID: LA04/2020/0857/F	**Date of Committee**: 14 September 2021
Proposal: Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15No. Residential units, office space and ancillary development.	**Location:** Ormeau Centre 5-11 Verner Street Belfast
Referral Route: Objection received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: Habinteg Housing Association Alex Moira House 22 Hibernia Street Holywood	**Agent Name and Address:** Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ

ADDENDUM REPORT

This full application was previously listed for Planning Committee on 16th March 2021 with a recommendation to approve. The application was withdrawn from the agenda and the Committee agreed to hold a pre-emptive site visit. The site visit took place on 8th April. The application was presented to Planning Committee on 20th April, with a recommendation to approve. At this meeting, the Committee agreed to defer consideration of the application to allow further engagement to take place between the developer and local residents.

Representations:
One additional objection has been received in relation to the proposed development. The objection is from Councillor John Gormley. The issues raised include:

- Size and Density of the proposed apartments.
- Lack of amenity space.
- Overshadowing of lower apartments during the day.
- Concerns raised about fire safety arrangements.
- Inadequate local consultation on the proposal.

Consideration of issues raised:

- Size and Density of the proposed apartments:
  As per para 8.14 of the March 2021 Planning Committee case officer report, concerns are noted regarding the height of the proposed building (approx. 13.8 m to parapet). It is considered that the surrounding context and comments from HED in relation to nearby listed buildings deal with these concerns.

The proposed density equates to approximately 267 dwellings per Hectare. The application site is located within Belfast City Centre. As per para 6.137, the SPPS aims to promote high density housing developments in city centres.
In relation to apartment sizes, 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. However, it is noted that all of the proposed apartments comply with the published space standards.

- Lack of amenity space:
  As per the April 2021 Planning Committee Addendum case officer report, the proposal includes approximately 53 sq metres of external communal amenity space within the first floor courtyard. Previous objections raised the issue of the ground floor office rooflight reducing the usability of the amenity space. The rooflight covers approximately 8 sq metres, thereby reducing the available usable amenity space to 45 sq metres. As previously set out in Para 8.19 of the original committee report, it is acknowledged that the amenity space provision does not comply fully with the standards as set out in 'Creating Places', however it is considered that the city centre location and relative proximity to the River Lagan towpath (approx. 300 m) and City Hall gardens (approx. 450 m) offset these concerns. In addition, as previously noted, the rooflight provides an efficient buffer to the 1st floor central apartment to mitigate potential overlooking.

  During the processing of the application, the Council advised the applicant and agent that additional amenity space could be provided on the roof of the building to make up the shortfall. However, this would have resulted in further built form being added at roof level to facilitate both stair and lift access to the amenity space. It was considered that the extension at roof level would have impacted detrimentally on the character of the area and potentially, the adjacent listed buildings.

- Overshadowing of lower apartments during the day:
  Shadow and daylight assessments were submitted in support of the proposal. Whilst it is acknowledged that the courtyard and central apartments will be in shadow for a portion of the day, this is balanced against a number of factors; The courtyard and apartments are south facing and receive direct sunlight in the middle part of the day, with the exception of winter (this is not considered unusual, especially in the context of a city centre location). The 21st March shadow assessment shows part of the courtyard in sunlight at 9 am, whilst the 3 pm elevation shows the courtyard in full shadow. It is however noted that the length of shadow at 3pm shows that the courtyard has only just been obscured by shadow, therefore it is reasonable to conclude that at least part of the courtyard remains in sunlight for 6 hours per day at this time of year. In relation to the apartments, the 1st floor apartment is most affected by shadow. The 21st March Shadow assessment shows the apartment windows in shadow at 9 am and 3pm, however the apartment is in full sunlight at 12 pm. Based on the images, it is reasonable to conclude that the apartment will experience approximately 4-5.5 hours of sunlight per day at this time of year. The daylight assessment shows that each room in the first floor central apartment will experience adequate daylight levels at 10 am and 3 pm on the Spring and Autumn Solstice (with exception of the internal hall and bathroom assuming doors are closed). In addition to this, a daylight assessment for the winter solstice has also been provided. Although it is clear the amount of light has reduced significantly, the assessment shows that the 3 rooms with windows will experience adequate daylight levels at this time of year at 10 am and 3 pm. On balance, whilst there are slight concerns regarding shadow, the results of daylight assessment and the city centre location outweigh these concerns. Consequently, it is considered that the adverse effect created by potential overshadowing is not so significant to justify a recommendation of refusal.

- Fire safety arrangements:
  Northern Ireland Fire and Rescue Service are not listed as a statutory consultee, in accordance with the provisions of Part 1, Schedule 3 of the Planning (General Development Procedure) Order (NI) 2015. Fire safety regulations are within the remit of the Council's Building control team. In the event this planning application is granted, the applicant will have to apply for building control approval.

- Inadequate local consultation on the proposal:
  As previously noted, at the April 2021 Planning Committee meeting, the Committee agreed to defer consideration of the application to allow ongoing engagement to continue between the developer and local residents.

  The planning agent provided a summary of calls / meetings that have taken place since the April Planning Committee:
  - 19th April 2021 – Zoom call with Markets Development Association (MDA)
  - 2nd June 2021 – Meeting with MDA at Markets Community Centre, lasting approximately 2 hours. Planning agent / developer explained the rationale for the design and received feedback.
  - 16th June 2021 - Meeting with MDA and others at Markets Community Centre, followed by site meeting with all attendees lasting approximately 2 hours. Design issues were explored in more detail. MDA and others confirmed that they could not support the current proposal and asked for radical changes.
  - 23rd June 2021 – Meeting cancelled due to covid issues.
  - 16th July 2021 – site meeting with developer and MDA. MDA confirmed they had appointed an architect to prepare an aspirational design solution.
  - Planning agent advised that the process has not concluded formally, however a further meeting is scheduled for 7th September 2021.

Despite the protracted delay in this case, the applicant's agent seeks at least a further 3 months to allow for further discussions. Officers consider that deferral through committee is not the forum to delay consideration of an application in excess of 9 months. Having allowed an additional 5 months within the process to resolve any local issues, the Authority consider that this application should be re-presented to draw it to a conclusion.

Recommendation

As per Section 9 of the original committee report and the previous Addendum report, on balance, the proposed development is considered to comply with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions. It is requested that final wording of conditions is delegated to the Director of Planning and Building Control.

Committee Application – Addendum report

Development Management Report	
Application ID: LA04/2020/0857/F	**Date of Committee**: 20 April 2021
Proposal: Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15No. Residential units, office space and ancillary development.	**Location:** Ormeau Centre 5-11 Verner Street Belfast
Referral Route: Objection received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: Habinteg Housing Association Alex Moira House 22 Hibernia Street Holywood	**Agent Name and Address:** Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ

ADDENDUM REPORT

Representations

An additional 3 objections have been received in relation to this proposal, from Markets Development Association, Ulster Architectural Heritage and Pragma Planning. The issues raised include:

- Developer's lack of consultation with the local community.
- Proposal represents overdevelopment of the site.
- Proposal is contrary to the Policy QD1(h) of PPS 7 as lower apartments will experience overshadowing for virtually the full year.
- Inner 3 No. apartments will be in shade and shadow for majority of the day and year, leading to dark, inhospitable living spaces.
- Proposal is contrary to the Policy QD1(c) of PPS 7 due to inadequate amenity space provision. Upstand of the roof glazing reduces the usability and accessibility of the amenity space.
- Overlooking from amenity space towards adjacent living room and bedrooms.
- Proposal does not conform with the emerging Local Development Plan.
- Inadequate floor to ceiling heights.
- Concern regarding the possible demolition of adjacent stable building and redevelopment of that site, resulting in further amenity impacts.
- Proposal results in apartments that are wholly in the rear of the building. Based on this, the Council's assessment is inconsistent in comparison with an application previously listed at the March committee meeting – LA04/2020/1022/F – No. 1 and 1a Canada Street, Belfast.

- Grenfell Tower Inquiry recommends that the Fire authority are a statutory consultee on planning applications. There appears to be insufficient space to allow fire tender to access Market Street at the rear of the site. The objection asks if the three apartments at the rear can be accessed at all for firefighting purposes and fire strategy has been prepared.
- Planning officers should have been stronger in assessment of viability assessment regarding the suggested façade retention.
- Conservation area officer should have been consulted on the proposal, as the site is located within the Victoria St / Oxford St Area of townscape character, as designated in dBMAP.
- Proposed development is contrary to Policy ATC 1 of PPS 6 Addendum as there is a presumption in favour of retaining any buildings which make a positive contribution to the character of the ATC.
- Proposed development has not been properly assessed against planning policy, specifically PPS 6 Addendum and the SPPS in relation to ATCs.
- Proposal is contrary to PPS 6 in relation to 'Development affecting the setting of a listed building'.
- Proposed building is higher than the listed building and overshadows No. 83 May Street.

Consideration of issues raised

- Community Consultation
  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 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.

- Residential Amenity
  Paras 8.20 – 8.25 of the original committee report provided context and further assessment of residential amenity issues. The objection letters raised issue of shadow, natural light and overlooking.

  Shadow / Natural light
  There were concerns regarding shadow and daylight, particularly the impact on the 3 central apartments. Shadow and daylight assessments were submitted in support of the proposal. Whilst it is acknowledged that the courtyard and central apartments will be in shadow for a portion of the day, this is balanced against a number of factors. The courtyard and apartments are south facing and receive direct sunlight in the middle part of the day, with the exception of winter (this is not considered unusual, especially in the context of a city centre location). The 21st March shadow assessment shows part of the courtyard in sunlight at 9 am, whilst the 3 pm elevation shows the courtyard in full shadow. It is however noted that the length of shadow at 3pm shows that the courtyard has only just been obscured by shadow, therefore it reasonable to conclude that at least part of the courtyard remains in sunlight for 6 hours at this time of year. In relation to the apartments, the 1st floor apartment is most affected by shadow. The 21st March Shadow assessment shows the apartment windows in shadow at 9 am and 3pm, however the apartment is in full sunlight at 12 pm. Based on the images, it is reasonable to conclude that the apartment will experience approximately 4-5.5 hours of sunlight per day at this time of year. The daylight assessment shows that each room in the first floor central apartment will experience adequate daylight levels at 10 am and 3 pm on the Spring and Autumn Solstice (with exception of the internal hall and bathroom assuming doors are closed). In addition to this, a daylight assessment for the winter solstice has also been provided. Although it is clear the amount of light has reduced significantly, the assessment shows that the 3 rooms with windows will experience adequate daylight levels at this time of year at 10 am and 3 pm. On balance, whilst there are slight concerns regarding shadow, the results of daylight assessment and the city centre location outweigh these

concerns. Consequently, it is considered that the adverse effect created by potential overshadowing is not so significant to justify a recommendation of refusal.

Overlooking
It is acknowledged that there is potential for overlooking into 3 apartments on the 1st floor from the amenity area, particularly the central apartment. This potential overlooking issue is informally mitigated by the existence of the proposed office atrium window on the ground, which creates separation between users of the space and the windows of this apartment. It is considered that the adverse effect created by overlooking is not so significant to justify a recommendation of refusal.

- Amenity Space
  The proposal includes approximately 53 sq metres of external communal amenity space within the first floor courtyard. The objection letters raise the issue of the ground floor office rooflight reducing the usability of the amenity space. The rooflight covers approximately 8 sq metres, thereby reducing the available usable amenity space to 45 sq metres. As previously set out in Para 8.19 of the original committee report, it is acknowledged that the amenity space provision does not comply fully with the standards as set out in 'Creating Places', however it is considered that the city centre location and relative proximity to the River Lagan towpath (approx. 300 m) and City Hall gardens (approx. 450 m) offset these concerns. In addition, as previously noted, the rooflight provides an efficient buffer to the 1st floor central apartment to mitigate potential overlooking.

  During the processing of the application, the Council advised the applicant and agent that additional amenity space could be provided on the roof of the building to make up the shortfall. However, this would have resulted in further built form being added at roof level to facilitate both stair and lift access to the amenity space. It was considered that the extension at roof level would have impacted detrimentally on the character of the area and potentially, the adjacent listed buildings.

- Apartments wholly in rear
  Whilst the proposal does include apartments at the rear of the proposed building, this is not unacceptable development. These apartments are accessed via the building entrance at Verner Street.
  Policy LC 2 of PPS 7 Addendum states that Planning permission for conversion of existing buildings to apartments / flats will only be permitted where the development does not contain any flat or apartment which is wholly in the rear of the property and without access to the public street. This policy is not applicable to this proposed development, however it is noted that all apartments have access to the public street.

- Façade Retention / ATC
  The Council considers that the building makes a material contribution to the distinctive character of the area. Consequently, the Council advised the applicant that a proposal involving retention of the façade would be encouraged. Information was submitted by the applicant which showed that façade retention would compromise the proposed design and significantly increase construction costs, thereby ultimately impacting the viability of the scheme.

  The site is located within the Victoria Street / Oxford Street ATC, as designated within dBMAP. Similarly to the SPPS, there is a presumption against the demolition of any building which makes a positive contribution to the character of the ATC within PPS 6 Addendum. As noted previously, it is considered that the existing building makes a positive contribution to the character of the ATC. However, the Victoria Street / Oxford Street ATC is not adopted and reverted to a draft ATC after the quashing of BMAP. During the BMAP PAC Inquiry, there

was one objection to the designation of this ATC. The PAC recommended that the strategic policy on ATCs (Policy UE3) should be deleted and a detailed character analysis undertaken and design guide produced for each individual ATC. The objection 811/2 specifically related to policy UE3 and how it affects the draft Victoria Street / Oxford Street ATC, therefore the PAC were unable to assess the objection further at this stage. It is noted that the Victoria Street / Oxford Street ATC was included within the subsequently adopted version of BMAP. It is also noted that the application site / building is not specifically mentioned within the key features of this ATC in Part 4 Volume 2 of dBMAP.

The Planning Appeals Commission has established that PPS 6 Addendum cannot be applied to draft ATCs (See appeal ref. 2017/A0126). As it is not known how any lawfully adopted BMAP will describe the overall character of the area to be designated, it is therefore not possible to assess the impact of the proposed development on that character.

Notwithstanding this, it is accepted that demolition of buildings within a draft ATC is a material consideration in the assessment of a proposal as existing buildings inform the local area's character. The impact of demolition cannot be assessed in isolation and divorced from the merits of the redevelopment scheme. Consequently, it is considered that the test to be applied is whether the proposed development will result in unacceptable damage to the character of the ATC.

- Listed building
  The application site is located in proximity to a number of listed buildings. The Council consulted with HED, who advised that they are content with the proposal in accordance with the SPPS and PPS 6, subject to a condition relating to the proposed materials.

- Fire Authority
  Northern Ireland Fire and Rescue Service are not listed as a statutory consultee, in accordance with the provisions of Part 1, Schedule 3 of the Planning (General Development Procedure) Order (NI) 2015. Fire safety regulations are within the remit of the Council's Building control team. In the event this planning application is granted, the applicant will have to apply for building control approval.

- Local Development Plan
  The Belfast Local Development Plan (LDP) Plan Strategy has been launched, with the PAC's Independent examination hearing sessions having recently concluded. The PAC has not yet finalised its report to DFI, therefore the process is still ongoing. In light of this, it is not considered that any weight can be attributed to the LDP at this stage.

- Adjacent site
  All planning applications are dealt with on their own merits. At present, no planning application has been submitted in relation to the adjacent site.

Consultations

NI Water have responded to the consultation request, advising of no objections to the proposed development, subject to the following conditions:

- Commencement of the construction of the proposed development would not proceed beyond sub floor level until a solution to the lack of foul and storm drainage capacity has been proposed by the developer and agreed by NI Water.

- The occupation of the development cannot occur until the agreed solution has been implemented by the developer.

Recommendation

As per Section 9 of the original committee report, on balance, the proposed development is considered to comply with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions. It is requested that final wording of conditions is delegated to the Director of Planning and Building Control.

Committee Application

Development Management Report	
Application ID: LA04/2020/0857/F	**Date of Committee**: 16 March 2021
Proposal: Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15No. Residential units, office space and ancillary development.	**Location:** Ormeau Centre 5-11 Verner Street Belfast
Referral Route: Objection received - Proposal is for over 12 residential units	
Recommendation: APPROVAL	
Applicant Name and Address: Habinteg Housing Association Alex Moira House 22 Hibernia Street Holywood	**Agent Name and Address:** Les Ross Planning 9a Clare Lane Cookstown BT80 8RJ

Executive Summary:

The proposal is for 'Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15 No. residential units, office space and ancillary development'.

The keys issues to consider are:

- Principle of Demolition
- Impact on character of the area and nearby listed buildings
- Impact on residential amenity
- Impact on sewage infrastructure
- Adequacy of proposed amenity space
- Social Housing need in the area

The site is not zoned for a use within BUAP or draft BMAP, however the site is located within the Victoria Street / Oxford Street Area of Townscape Character (ATC), as designated within dBMAP.

As the application site lies within a draft ATC, it is considered that the test to be applied to assess demolition is whether the proposed development will result in unacceptable damage to the character of the ATC.

It is considered that the proposed redevelopment of the site maintains the overall character and respects the built form of the local area. The proposal is respectful of the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance. It is also noted that the proposed building incorporates some of the interesting features of the existing building. It is considered that the proposed development of the site does not result in a net detriment to the character of the ATC, therefore the proposed demolition is acceptable.

The proposed development is readily accessible and an acceptable movement pattern is provided, with the needs of pedestrians, cyclists and people with mobility issues taken account of.

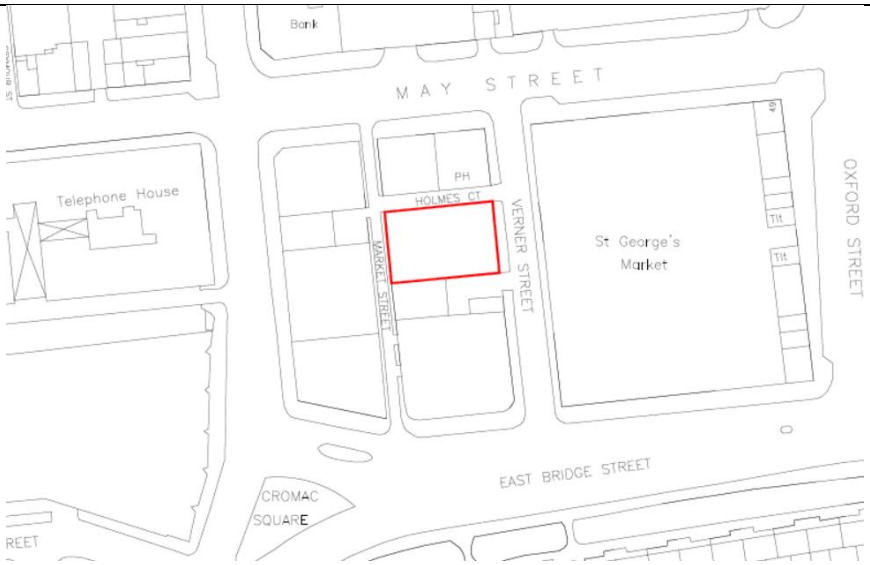
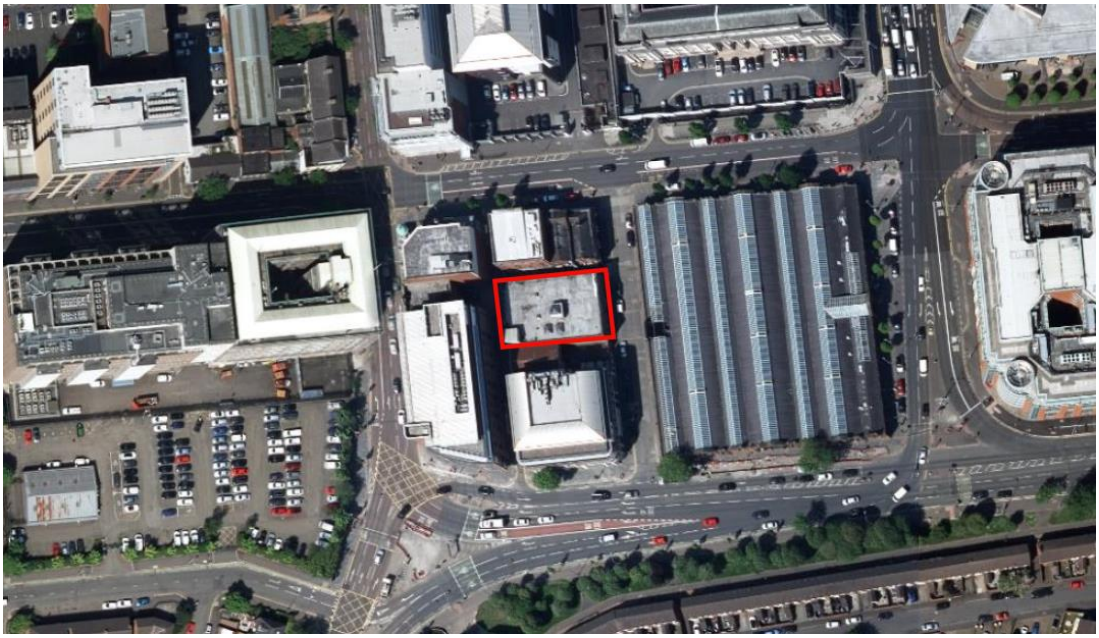
Although the proposed amenity space is below the threshold advised in Creating Places, the application site is located within the city centre and in close proximity to local amenities, such as City Hall Gardens and River Lagan. On balance, it is considered that there will be no unacceptable adverse impact on residential amenity for potential residents, with appropriate mitigation offered by way of condition.

NIHE are supportive of the proposed residential scheme and advise that the proposal will help to address unmet social housing need in the catchment area.

There are still outstanding issues to be addressed regarding sewage infrastructure. The Council is currently awaiting further comments from NIW, however the agent advises that informal agreement has been reached with NIW regarding a potential solution.

On balance, the proposed development is considered to comply with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and agreement with NI Water.

Characteristics of the Site and Area	
1.0	**Description of Proposed Development**
1.1	The proposal is for 'Demolition of existing hostel building and redevelopment to provide four-storey building comprising 15 No. residential units, office space and ancillary development'.
1.2	The proposed building is 4 storeys, with a parapet height of approximately 13.8 m. The second storey is set back slightly, with the 3rd storey set back by approximately 1.7 m.
1.3	The proposed office is located on the ground floor, with the 15 residential units on the upper floors. The ground floor footprint covers the full extent of the site, with the upper floors laid out in a 'U' shape, which creates an internal courtyard for communal amenity space.
1.4	The proposed building is finished in a mix of red brick, grey brick and render banding. The two apartments on the third floor facing Verner Street include an external amenity area which is bounded by a glass balustrade. The front of these proposed apartments are finished in aluminium framed curtain walling.
2.0	**Description of Site**
2.1	The application site is located within Belfast City Centre. There is an existing 2 storey red bricked building located on the site. The existing building has a distinctive parapet and green banding above the windows on each level. The building fronts directly on to Verner Street, with the rear elevation directly facing Market Street. The building is not currently in use, however it appears the last use was as a hostel. The application site is directly opposite St George's Market, a grade B1 listed building. There are a number of other listed buildings in proximity to the site, including the grade A Royal Courts of Justice.
2.2	The surrounding area is characterised by a mix of uses, mainly commercial in nature, with retail and office uses prevalent. The site is located in close proximity to a public house and bookmakers, both 'sui generis' land uses.
2.3	Site location plan

2.4	 Aerial Photograph of site 
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History**
3.1	Z/1993/2775 - Change of use to a shelter for the homeless of existing 2 storey building – Permission Granted
3.2	Z/1988/3156 - Change of use to office premises – Permission Granted
3.3	There have been a number of recent Pre-Application Discussions in relation to the application site: LA04/2019/2580/PAD - Redevelopment of site for social housing units LA04/2016/0646/PAD - Retention of existing facade on Verner Street and construction of a new 4 storey purpose built centre for homeless people

	LA04/2015/0426/PAD - Demolition of existing two storey building and construction of a new purpose built 4 storey centre for homeless people.
4.0	**Policy Framework**
4.1 4.2	Belfast Urban Area Plan (BUAP) 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
5.0	**Statutory Consultees Responses**
5.1	DFI Roads – No objection, subject to conditions.
5.2	NIEA – No objection, subject to conditions.
5.3	Historic Environment Division (HED) – No objections, subject to condition.
5.4	NI Water – Awaiting response
6.0	**Non Statutory Consultees Responses**
6.1	BCC Environmental Health – No objection, subject to condition
6.2	NI Housing Executive (NIHE) – Supportive of proposal
6.3	Rivers Agency – No objection
7.0	**Representations**
7.1	One objection has been received in respect of the proposal. The issues raised include: • Proposal should retain as much built heritage as possible, rather than demolition of the building. • Size of the proposed residential units. Concern that the proposed units will not be fit for families.
8.0	**Assessment**
8.1	<u>Development Plan context</u> 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 remaining a material consideration.
8.2	The site is not zoned for a use within BUAP or draft BMAP, however the site is located within the Victoria Street / Oxford Street Area of Townscape Character (ATC), as designated within dBMAP.
	<u>SPPS</u>
8.3	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.
8.4	The SPPS states that demolition of an unlisted building within an ATC should only be permitted where the building makes no material contribution to the distinctive character of the area and subject to appropriate redevelopment proposals. New development will only be acceptable where it will maintain or enhance the overall character of the area and respect its built form.
8.5	The SPPS aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements. 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.
8.6	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 Demolition</u>
8.7	The site is located within the Victoria Street / Oxford Street ATC, as designated within dBMAP. Similarly to the SPPS, there is a presumption against the demolition of any building which makes a positive contribution to the character of the ATC within PPS 6 Addendum. It is considered that the existing building makes a positive contribution to the character of the ATC, however it is important to note that the ATC is not adopted and reverted to a draft ATC after the quashing of BMAP. Furthermore, the application site / building is not specifically mentioned within the key features of this ATC in Part 4 Volume 2 of dBMAP.
8.8	The Planning Appeals Commission has established that PPS 6 Addendum cannot be applied to draft ATCs. Notwithstanding this, it is accepted that demolition of buildings within a draft ATC is a material consideration in the assessment of a proposal as existing buildings inform the local area's character. The impact of demolition cannot be assessed in isolation and divorced from the merits of the redevelopment scheme. Consequently, it is considered that the test to be applied is whether the proposed development will result in unacceptable damage to the character of the ATC.

8.9	The merits of the proposed development will be discussed later in the report. It is considered that proposed demolition would be acceptable in principle if the redevelopment does not result in a net detriment to the character of the ATC.
	<u>Façade Retention</u>
8.10	As noted previously, the existing building makes a positive contribution to the character of the draft ATC and the proposed development should not result in unacceptable damage to the character of the ATC. Consequently, the Council advised that a proposal involving retention of the façade would be encouraged. Information was submitted by the applicant which showed that façade retention would compromise the proposed design and significantly increase construction costs, thereby ultimately impacting the viability of the scheme. The proposal is for 15 No. social housing units, supported by NIHE. Information in relation to housing need is contained later in the report.
	<u>Proposed use</u>
8.11	The proposal includes office accommodation at ground floor level in addition to 15 No. residential units on the upper floors. Both proposed uses are acceptable in principle in this city centre location.
	<u>Character, Design and Built Heritage</u>
8.12	The proposed application site is located on Verner Street, with the rear of the site directly facing Market Street. St. George's Market, a grade B1 listed building, is located immediately to the east of the site, on the opposite side of Verner Street. Immediately to the north of the site is another listed building, Ucatt House (grade B2). This building is an existing public house and is two storeys in height, similar to the application building. There is a 4 storey building located beside Ucatt House, which is also immediately to the north of the application site. To the south of the application site is a 4 storey building on the corner of Verner Street and East Bridge Street. Similarly to the proposal, this building is set back at 2nd and 3rd floor level. At the rear of the site (on the opposite side Market Street) is a large building six storeys in height. The front of this building faces on to Victoria Street.
8.13	HED have been consulted due to the close proximity of listed buildings. In addition to St. George's Market, Ucatt House and the Royal Courts of Justice, the site is in proximity to Mays Chambers (73 May Street) and Former Northern Bank (108-110 Victoria Street). HED advise that they are content with the proposal in accordance with the SPPS and PPS 6, subject to a condition relating to the proposed materials.
8.14	There is some concern regarding the height of the proposed building (approx. 13.8 m to parapet). The parapet height of St. George's Market is approx. 6.4 m, however there is an archway directly opposite the application site, approx. 8.3 m in height. Furthermore, the neighbouring listed building Ucatt House is 2 storey in height (Approx. 8.4 m parapet height, 10.5 m overall height). However, as per the above description of the surrounding buildings, there is quite a diversity in terms of height within the local area. The building located to the south of the site (and also directly adjacent St. George's Market) is approximately 17.1 m in height, whilst the 6 storey building immediately to the west of the site is considerably taller again. As noted previously, the building located beside Ucatt House on May Street is a 4 storey building. Furthermore, the comments from HED assist in alleviating concerns regarding the proposed height.
8.15	The proposed building is set back by approx. 0.35 m at second floor level and approx. 1.8 m at third floor level. In addition to this, the proposed building is finished in red brick for the two lower levels. The second floor is finished in grey brick, with

	the third floor finished in aluminium framed curtain walling on the Verner Street side and grey brick on the remaining elevations. In addition to the red brick at ground and first floor levels, the proposed front elevation replicates the four existing red brick columns and the render banding of the existing building. Furthermore, the proposed set back of the second floor results in a parapet at similar height to the existing building. Whilst the proposal is undoubtedly modern in design and appearance, many of the details take their cues from the existing building.
8.16	On balance, it is considered that the proposed redevelopment of the site maintains the overall character and respects the built form of the local area. The proposal is respectful of the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance.
	<u>Access / Parking</u>
8.17	The proposal relies primarily on on-street parking, however there is one car parking space accessible from Market Street. Covered cycle parking is also accessible from Market Street. Two separate pedestrian accesses are located on the Verner St elevation, one for the office on the ground floor and one for the apartments. DFI Roads have no objection to the proposal in terms of access or parking, subject to conditions.
	<u>Movement Pattern / local facilities</u>
8.18	An acceptable movement pattern is provided supporting walking, cycling and access to public transport. Internal lifts are provided, therefore meeting the needs of people with impaired mobility. As previously noted, the site is located within the city centre therefore access to local facilities is convenient.
	<u>Amenity space / Landscaping</u>
8.19	The proposal includes approximately 53 sq metres of external communal amenity space within the first floor courtyard. Furthermore, 2 of the proposed apartments on the 3rd floor have private balconies. The amenity space provision does not comply fully with the standards as set out in 'Creating Places', however it is considered that the city centre location and relative proximity to the River Lagan towpath (approx. 300 m) and City Hall gardens (approx. 450 m) offset these concerns.
	<u>Residential amenity</u>
8.20	The proposed development is located within the city centre in close proximity to a public house and St George's Market, therefore potentially giving rise to detrimental amenity impacts. Additional information was submitted in support of the proposed development, including a Noise impact assessment, Odour impact assessment and Air quality impact assessment.
8.21	BCC Environmental Health (EHO) provided comment on the proposal. With regard to noise, EHO have no objections to the proposal, subject to conditions. However, they note that the 3rd floor balconies will give rise to high daytime noise levels, which at times are expected to be in excess of the upper guideline noise limit. British Standard BS8233:2014 guidance advises that 'guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces but should not be prohibited'. Although noise levels on the external balconies will occasionally be excessive, potential occupiers will also have access to the communal amenity area. On balance, given the city centre location of the proposal in addition to the option of a communal amenity area, this arrangement is considered acceptable.

8.22	Further additional information was submitted in relation to odour control from the neighbouring public house / restaurant. EHO were content with the submitted information, subject to conditions.
8.23	With regard to air quality, there will be no centralised heating system, therefore each apartment and the office will have their own individual condensing boiler. EHO have no objection to this arrangement, subject to condition.
8.24	The proposed building is a 'U' shape, with the courtyard orientated in a southerly direction, thereby benefiting from enhanced sunlight. However, due to the proposed building footprint and design, there were some concerns regarding light and shadow on the 3 central apartments. These 3 apartments are the only proposed apartments within the overall development to only have windows on one wall (living room and two bedrooms each have one window), although it is acknowledged that these windows are orientated in a southerly direction. A Shadow and daylight assessment was submitted in support of the proposal. Following analysis of same, it is considered that there will be no unacceptable adverse impact on terms of loss of light or overshadowing.
8.25	The proposed communal amenity space in the courtyard benefits from passive surveillance from the surrounding apartments. It is considered that there is potential for overlooking into apartments, particularly the central apartment. This potential overlooking issue is informally mitigated by the existence of the proposed office atrium window on the ground, which creates separation between users of the space and the windows of this apartment. One of the apartments has been designed specifically for a wheel chair user, and this apartment benefits from direct access to the amenity space.
	<u>Boundary treatments</u>
8.26	The proposed building covers the full extent of the application site, therefore no walls, fences etc. are required. The building is fully secured from the public street, therefore enhancing safety and discouraging crime.
	<u>Drainage / Sewage infrastructure</u>
8.27	NI Water (NIW) confirmed in their response dated 29th January 2021 that 'Waste water treatment capacity is not available at present for the proposed development'. NIW advised that the applicant should contact NIW to discuss alternative interim options. The agent has confirmed that the applicant's team has recently met with NIW to discuss potential solutions for the site. The agent advised that both parties have informally agreed to a negative condition relating to storm water and sewage infrastructure, in the event of permission being granted. The Council re-consulted with NI Water on 25th February 2021 for formal confirmation of this agreement. At the time of publication, no response has yet been received.
	<u>Ecology</u>
8.28	A preliminary ecological appraisal was submitted in support of the proposed development. NIEA considered the impact of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, offered no objection.
	<u>Contamination</u>
8.29	A Generic Quantitative risk assessment was submitted in support of the proposed development. The assessment concluded that the site does not pose a risk to

	human health and that no special gas protection measures are required, therefore EHO and NIEA did not offer any objection.
8.30	Housing Need Northern Ireland Housing Executive (NIHE) have confirmed that they support the proposed housing mix. 12 No. of the 15 No. proposed apartments have 2 bedrooms, with the remaining 3 No. units single bedroom apartments. NIHE have confirmed there were no allocations to families in the year to March 2020 in this area and the proposal will help to address unmet social housing need in the catchment area.
9.0	**Summary of Recommendation: APPROVAL**
9.1	With regard to the proposed demolition, as noted in Para 8.7, it is considered that the test to be applied is whether the proposed development will result in unacceptable damage to the character of the ATC. Para 8.8 indicated that demolition would be acceptable in principle if the redevelopment does not result in a net detriment to the character of the ATC. On balance, it is considered that the proposed redevelopment of the site maintains the overall character and respects the built form of the local area. The proposal is respectful of the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance. It is considered that the proposed development of the site does not result in a net detriment to the character of the ATC, therefore the proposed demolition is acceptable. The proposed development is readily accessible and an acceptable movement pattern is provided, with the needs of pedestrians, cyclists and people with mobility issues taken account of. Although the proposed amenity space is below the threshold advised in Creating Places, the application site is located within the city centre and in close proximity to local amenities, such as City Hall Gardens and River Lagan. On balance, it is considered that there will be no unacceptable adverse impact on residential amenity for potential residents, with appropriate mitigation offered by way of condition. NIHE are supportive of the proposed residential scheme and advise that the proposal will help to address unmet social housing need in the catchment area. As noted in Para 8.27, there are still outstanding issues to be addressed regarding sewage infrastructure. On balance, the proposed development is considered to comply with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and agreement with NI Water.
10.0	**Conditions**
10.1	The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

10.2	The individual or combined NOx emission rate for the proposed gas boilers installed at the hereby permitted development shall not exceed 5mg/sec unless the applicant submits an Air Quality Impact Assessment to the Planning Authority for approval in writing. Reason: Protection of human health.
10.3	Prior to occupation of the hereby permitted development, the applicant shall submit a Noise Verification Report to the planning authority for review and approval writing. The Verification Report shall demonstrate the following: (a) that the external masonry walls of the hereby permitted building have been constructed in line with the recommendation on page 7 of the Acoustic Designs report entitled 'Environmental Noise Assessment. Mixed Commercial and Residential Development. 5-11 Verner Street, Belfast', (dated August 2020) to provide an overall minimum rated sound reduction performance of 59 dB RW; (b) that the roof to the hereby permitted development has been constructed as per the recommendation outlined on page 8 of the Acoustic Designs report entitled 'Environmental Noise Assessment. Mixed Commercial and Residential Development. 5-11 Verner Street, Belfast', and dated August 2020; (c) that all glazing installed within the hereby permitted residential element of the development meets a minimum rated sound reduction performance of 49 dBRW (with a minimum overall thickness of 44mm being achieved), as per the recommendation on page 8 of the Acoustic Designs report entitled 'Environmental Noise Assessment. Mixed Commercial and Residential Development. 5-11 Verner Street, Belfast', dated August 2020; (d) that the proposed Nuaire Mechanical Ventilation and Heat Recovery System (MRXBOXECO2) has been installed throughout the development along with the acoustic attenuation measures to the system (Q-Aire) and associated ducting (Domus) installed in the manner referenced in the letter from RMI architects dated 10th December 2020 to deliver adequate ventilation and thermal comfort with windows shut and ensuring control of noise from the system itself; (e) that the internal noise level in habitable rooms does not exceed the following targets: - 35dB LAeq,16 hr between 07.00hrs and 23.00hrs within any habitable room, with the windows closed and the alternative means of ventilation operating; - 30 dB LAeq,8hr within bedrooms between 23.00hrs and 07.00hrs, with the windows closed and the alternative means of ventilation operating; - 45dB LAFmax, by more than 10 single sound events in any proposed bedrooms with the windows closed and alternative means of ventilation operating. - No passive or trickle vents are to be incorporated into the window system/s of the hereby permitted development. - Air inlet and outlet points shall be located as per the indicative drawing no: 1997-ISD-ZZ-01 -DR-M-5702 provided by ISD; - No air intake points are to be located on the Holmes Court facade. Reason: Protection of residential amenity.

10.4	If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing and subsequently implemented to its satisfaction. Reason: Protection of environmental receptors to ensure the site is suitable for use.
10.5	After completing any remediation works required 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 Land Contamination: Risk Management (LCRM) guidance. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use.
10.6	The development hereby permitted shall not commence until all fuel storage tanks (and associated infrastructure) are fully decommissioned and removed in line with current Guidance for Pollution prevention (GPP 2) and the Pollution Prevention Guidance (PPG27) as necessary. The quality of surrounding soils and groundwater should be verified and if any additional contamination be identified during this process, Conditions 4 and 5 will apply. Reason: Protection of environmental receptors to ensure the site is suitable for use.
10.7	The external materials shall be constructed in accordance with the approved Drawing No's 07A and 08A uploaded to the Planning Portal on 25th November 2020. . Reason: To ensure the use of the sympathetic and high quality materials in the setting of a listed building and in the interests of the character and appearance of the area.
10.8	No development shall take place until samples of all materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved, in writing, by the Council. The development shall be carried out in accordance with the approved details. Reason: In the interests of visual amenity and to allow the Council to control the external appearance.
10.9	The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved drawings. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development. Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site.
10.10	

	The vehicular access shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.
10.11	The development shall not be occupied until secure and covered cycle parking facilities have been provided on the site. These facilities shall be permanently retained on the site. Reason: To ensure acceptable cycle parking on the site and to encourage alternative modes of transport to the private car.
10.12	Means of ventilation for the hereby approved development shall be carried out in accordance with the information on the planning portal, including the letter from ISD dated 14th August 2020 and uploaded to the Planning portal on 7th January 2021, data sheet for Rigid duct attenuator uploaded to the Planning portal on 22nd January 2021, data sheet for Q-Aire acoustic enclosure for proposed Nuaire MVHR system uploaded to the Planning portal on 22nd January 2021 and Holmes Court Elevation - Ventilation details uploaded to the Planning portal on 7th January 2021. Reason: To protect residential amenity.

Notification to Department (if relevant)

Representations from Elected members:

N/A

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Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: 15 February 2022	
Application ID: LA04/2021/1702/F	
Proposal: Alterations and 3 storey extension to existing private hospital including vehicular access and car parking (amendment to previously approved two storey permission granted under LA04/2017/0005/F).	**Location:** 807 - 809 Lisburn Road and incorporating part of Kingsbridge Private Hospital at Nos 811- 815 Lisburn Road, Belfast BT9
Referral Route: Major Application	
Recommendation:	**Approve subject to conditions and a Section 76 Planning Agreement**
Applicant Name and Address: Kingsbridge Healthcare Group Ltd 21 Old Channel Road Belfast BT3 9ED	**Agent Name and Address:** Gordon McKnight Partnership 31 Shore Road Holywood BT18 9HX

Executive Summary:

This application proposes alterations and 3 storey extension to the existing private Kingsbridge hospital, vehicular access and car parking. Planning permission was previously granted for a two storey extension to the hospital which is extant and remains a fall-back.

The key issues to be considered in the assessment of this application are:

- The acceptability of the proposed use at this location
- The acceptability of the design
- Impact on surrounding context – Listed Buildings and Draft Area of Townscape Character
- Access, parking and traffic management
- Environmental Considerations - Drainage, Contamination, Noise

The principle of a 3 storey extension to the existing hospital is considered acceptable given that permission was previously granted for a 2 storey extension on the site. This permission remains extant and is a fallback position for the applicant.

The proposal was the subject of a Pre-Application Discussion (PAD) and the scheme was amended during the PAD process to address design issues raised by the Urban Design Officer, HED and the Conservation Officer. The Urban Design Officer, HED and the Conservation Officer are all content with the proposed scheme. The scale, height and massing of the proposed extension is considered acceptable and appropriate to the surrounding area. The design and materials draw cues from the immediate context and are considered acceptable.

NI Water has objected to the application on grounds of insufficient waste-water drainage infrastructure capacity. This issue is dealt with in detail in the main report.

DFI Roads has informally advised that they are content subject to a minor amendment to the car parking layout which would necessitate the removal of 1 car parking space to ensure

manoeuvrability. A revised plan has been submitted to address this minor technical issue. All other consultees have no objection to the proposed development subject to conditions. No third party objections have been received.

Recommendation

Having regard to the development plan, relevant policy context and other material considerations including the extant approved two storey extension which is a lawful fallback position, the proposed alterations and extension to the existing Kingsbridge hospital is considered acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 to secure an Employability and Skills Plan.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and to address any DFI Roads comments subject to no substantive issues being raised.

Case Officer Report

1.0 Drawings

Site Location Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



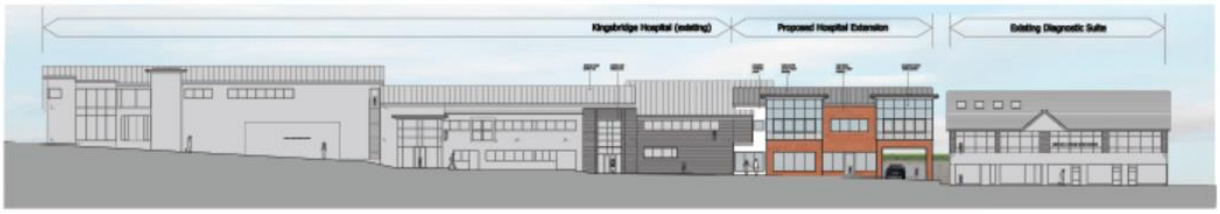
Proposed Second Floor Plan



Lisburn Road Elevation



Proposed Front Elevation

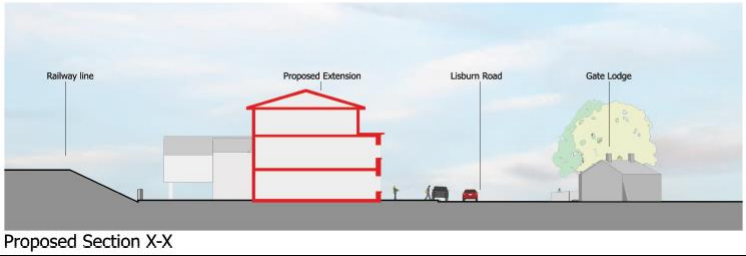


Currently Approved Front Elevation

Proposed Sections



Proposed Section W-W



Proposed Section X-X

Proposed Perspective Views along Lisburn Road



Proposed View Y



Proposed View Z

1.0	**Characteristics of the Site and Area**
1.1	The site fronts onto the Lisburn Road close to its junction with Balmoral Avenue and Stockman's Lane. The railway line sits adjacent to the north western boundary. The Existing Kingsbridge hospital buildings are located on either side of the proposed site at 811-815 and 801-805 Lisburn Road. The application site is currently secured having been used as a car park to serve the existing development following demolition of buildings on the site.
2.0	**Description of Proposal**
2.1	The proposed development seeks an amendment to the previously approved two storey permission granted under LA04/2017/0005/F to included alterations and a 3 storey extension (additional storey) to the existing private hospital including vehicular access and car parking.
3.0	**Planning Assessment of Policy and Other Material Considerations**
3.1	**Policy Context** **Regional Planning Policy** • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 15 (PPS 15) - Flood Risk **Local Planning Policy Context** • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015(v2004) • Draft Belfast Metropolitan Area Plan 2015(v2014)

	Other Material Considerations • Developer Contribution Framework
3.2	**Planning History** **LA04/2020/2595/PAN** - Provision of additional storey to private healthcare facility. Proposal of Application Notice acceptable 17.12.2020 **LA04/2021/0118/PAD** - Proposed alterations and extension to private hospital (amendments to previously granted two storey extension under LA04/2017/005/F), 807-809 Lisburn Road, Belfast, BT9 9GX. **LA04/2017/0005/F** - Alterations and two storey side extension to private hospital. Including demolition of two houses 807-909 Lisburn Road and provision of vehicular access and car parking, 807-809 Lisburn Road, Belfast, BT9. Permission granted 24.04.2018
3.4	**Consultations**
3.4.1	**Statutory Consultations** **DFI Roads –** Informally advised that they are content subject to a minor change to parking layout. Final Comments/Draft Conditions to follow. **DFI Rivers Agency –** No objection. **NI Water –** Recommend refusal/condition. **NIEA** – Water Management Unit – no objection. Regulation Unit – no objections subject to conditions. **HED** – No objection, proposal satisfies the policy requirements of SPPS 6.12 and Policy BH11 of PPS6, subject to condition.
3.4.2	**Non-Statutory Consultations** **Environmental Health** – No objection subject to conditions. **Economic Development Unit** - No objection. Employability and skills related Developer Contributions Section 76 clauses will be required for the construction phase of the development. **Northern Ireland Transport Holding Company** – No objection. **BCC Urban Design Officer** – No objection subject to condition. **BCC Conservation Officer** – No objection.
3.5	**Representations** The application has been advertised and neighbours notified and no third party objections have been received.
4.0	**Planning Assessment**
4.1	**Key Issues** The key issues to be considered in the assessment of this application are: • The acceptability of the proposed use at this location • The acceptability of the design • Impact on surrounding context • Access, parking and traffic management

	• Environmental Considerations - Drainage, Contamination, Noise
4.2	**Development Plan Context**
4.2.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.2.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.2.3	Draft BMAP 2015 (dBMAP 2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
4.2.4	In dBMAP (v2004) the site falls within the Lisburn Road Area of Townscape Character (BT 056) and within the Belfast Metropolitan/Settlement Development Limit. In dBMAP (v2014) the site is also within the Lisburn Road Area of Townscape Character (BT 039) and within the Belfast Metropolitan/Settlement Development Limit. Within the BUAP and the site is unzoned land within the development limit of Belfast**.**
4.3	**Background**
4.3.1	This proposal was the subject of PAD discussions with the agent/applicant over a period of 6 months prior to submission of the planning application. Advice was provided from the Urban Design Officer, Conservation Officer, HED, DFI Roads and Planning Service during the PAD process.
4.3.2	The Design and Access statement sets out the rationale for the proposed development and states that '*This application for an extension to Kingsbridge Private Hospital represents an enhancement to the general healthcare infrastructure of the greater Belfast area which is now in more need of support from the private sector in view of Covid and escalating waiting lists. During the Covid lockdown period Kingsbridge Private Hospital played a vital part, in partnership with the NHS, in providing an alternative facility for the Trusts to perform non-Covid cardiac, cardio-thoracic and oncology (cancer) services. The purpose of the extension (and subsequent increase from 2 to 3 storeys) is to provide intensive care beds, a cardiac surgery service, an endoscopy suite and a cataract theatre. All these services have huge NHS waiting lists and the availability of this facility will complement the needs of the NHS in Northern Ireland for the betterment of the whole population.'*
4.3.3	The D&AS further states that in relation to the previous two storey approval that '*Construction work on this proposal was not progressed at the time of approval due to the rapidly changing circumstances that have prevailed in the fields of both private and public health. In the meantime the work of Kingsbridge Healthcare Group has continued to develop. It was recognised that whilst the already approved design proposals would allow some expansion of services, the potential to offer further facilities for cardiac and orthopaedic surgery would not be fully met with the accommodation provided in the two storey design. Permission is now being sought for a three storey extension on the same site and with a virtually identical footprint.'*

4.4	**Proposed Use**
4.4.1	The site is located adjacent to the existing Kingsbridge hospital and the proposed hospital use on the site has been established through the previous approval (for a 2 storey extension) which provides a lawful fall-back position for the applicant. The proposed use is considered to meet the core principles of the Strategic Planning policy statement for Northern Ireland (SPPS) in that it will contribute to the improvement of the health and well-being of the people and communities in Norther Ireland. The proposed use is considered acceptable in principle and compatible with surrounding uses. Further assessment of the proposed development is set out below.
4.5	**Scale, Massing, Design and Layout**
4.5.1	The proposed development comprises a 3 storey extension juxtaposed with the existing established Kingsbridge Hospital located on the Lisburn Road. The extension proposes 1,510 sqm of additional floorspace. The existing design of the Kingsbridge Hospital comprises a variety of design elements including glazing, red brick, cladding. In addition, the existing hospital building comprises a varied roof profile including flat and low profile pitched roof elements.
4.5.2	The overall maximum height of the extension measures from 12.6m to 13m across the Lisburn Road frontage. The development proposes a setback of 2.5m at second floor level (see sections on page 4). This setback is considered adequate to minimise the visual impact from views along the Lisburn Road. The shoulder height of the proposed extension ranges from 7.4m to 7.8m taking account of the fall in ground levels across the site frontage. The Design and Access statement emphasises the importance of circulation at a single and consistent first floor level within the proposed extended facilities which has played an important part in the evolution of the design proposals. During the PAD process officers sought to encourage the applicant to refine the proposed design elements and advised that design cues be drawn from the surrounding historic context. The applicant has made a genuine effort to successfully refine the design to incorporate such elements into the proposed design for example cognisance has been given to the glazed elements of traditional/historic buildings in the vicinity of the site by way of the size, pattern and rhythm of window openings. The revised entrance and surround frame feature will improve legibility of the building.
4.5.3	The proposed roof profile is a low pitch to match that on the existing adjoining hospital buildings. The overall height of the proposed development will sit marginally above the highest part of the existing hospital at 811 – 815 Lisburn Road and moderately above the adjoining building at 801-805 Lisburn Road. The resultant visual impact is not considered significant.
4.5.4	The Urban Design Officer acknowledges that the three storey extension will be higher than the previously approved scheme however notes that the generous set-back to the upper floor establishes a clear shoulder height at the first floor level along the Lisburn Road frontage which helps minimise the visual mass of the building when viewed from street level. The Urban Design Officer also considers that incorporation of a low pitch roof profile to match that on the existing hospital results in the overall height of the new building being not significantly different from that of the existing three storey block at the southern end of the site or that which was previously approved. The Urban Design Officer raises no objections to the scale, height and massing of the proposed development.
4.5.5	The Conservation Officer considers that the materials, window form and the general design of the extension would be considered sensitive to the character and

	appearance of the wider ATC designation. The design, scale, massing and layout of the proposed development is considered to comply with paragraphs 4.25 and 4.26 of the SPPS.
4.6	**Materials**
4.6.1	The proposed external finishes include clay facing red brick to match the existing brick on the adjoining building, metal roof to match the existing, rendered panels and glazed curtain walling. Red brick is the predominant material proposed and is traditionally found in the vicinity of the site. The red brick will complement the adjoining red brick element of the hospital and is considered acceptable by the Urban Design Officer in recognition that it is keeping with the character and appearance of the wider area. The Urban Design officer considers that the limited palette of materials will tie in with existing finishes providing a cohesive approach to external finishes across the building elevation. HED recommend a condition specifying the proposed materials. The Urban Design Officer raises no objections to materials subject to a condition seeking approval of materials prior to The proposed materials are considered acceptable subject to the recommended conditions.
4.7	**Impact on the surrounding context**
4.7.1	<u>Development affecting the setting of a listed building:</u> There are a number of listed buildings in the immediate vicinity of the site including the Gate Lodge at No. 1A Malone Park and Malone Presbyterian Church, Balmoral Avenue therefore Policy BH 11 (Development affecting the Setting of a Listed Building) of PPS 6 applies.
4.7.2	Policy BH11 requires that: *(a) The detailed design respects the listed building in terms of scale, height, massing and alignment;* *(b) The works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and* *(c) The nature of the use proposed respects the character of the setting of the building*
4.7.3	HED acknowledge the approved scheme for the site LA04/2017/0005/F and consider that the proposal poses no greater demonstrable harm on the setting of the listed building. HED consider the scale, height and massing acceptable under policy by nature of the proposed established shoulder height at second floor which reduces the impact of the proposal. HED are also content in relation to alignment and the proposed materials as these are in keeping with the existing hospital buildings.
4.7.4	HED having considered the effects of the proposal on the listed building are content that the proposal satisfies the policy requirements of SPPS 6.12 and Policy BH11 of PPS6, subject to a recommended condition. <u>Archaeology</u>
4.7.5	DfC Historic Environment Division (Historic Monuments) has advised that on the basis of the information provided, it is content that the proposal would not adversely impact on archaeological interests. In this regard, the proposal satisfies the relevant policy in the SPPS and PPS 6.

	Draft Area of Townscape Character
4.7.6	The site falls within a proposed Area of Townscape Character (BT Lisburn Road). Policy ATC 2 relates to new development within an Area of Townscape Character (ATC). The amplification states that developments '*should seek to reinforce local identity and promote quality and sustainability in order to respect and, where possible, enhance the distinctive character and appearance of the area. In assessing the acceptability of proposals, the [Council] will have regard to the same broad criteria outlined for Conservation Areas in paragraphs 7.6–7.10 of PPS 6*.'
4.7.7	The Lisburn Road ATC developed as a Victorian and Edwardian residential area. It was, and is, an area of social and architectural diversity with some commercial and institutional uses, particularly along the Lisburn Road frontage.
4.7.8	The Conservation Officer's response notes that on the approach to the hospital buildings from the south west, there is a gradual downward gradient in the road level. The existing hospital buildings reflect this as their roof/ridge heights drop with the gradient, possibly to respect/adhere to the built form of the broken line of 2-2.5 terraces/buildings that exist beyond the hospital in which partly ascribe the character/frontage of the Lisburn Road ATC.
4.7.9	The Conservation Officer welcomes the 2.5m set back proposed at second floor level and states that this mitigates the visual impact of the second floor extension which is illustrated in the perspective views Y and Z (see page 5) and concludes that the proposal is acceptable and compliant with Policy ATC 2 in that given what exists and what has already been approved the development will not result in any further harm to the character and appearance of the Area of Townscape Character.
4.7.10	The railway line runs along the north west (rear) boundary of the site and there is an embankment between the site boundary and the railway line. The Northern Ireland Transport Holding Company advised that they have no objection to the proposal subject to certain provisions. These provisions will be included as informatives in any decision notice to ensure that the applicant is aware of requirements.
4.7.11	The impact on the surrounding context is considered acceptable and complies with planning policy.
4.8	**Access Parking and Traffic Management**
4.8.1	Access to the hospital site and proposed parking is proposed via a new two way covered vehicle access from the Lisburn Road. The existing vehicular access to the site is to be closed off and the pavement reinstated. Eight additional parking spaces are proposed to serve the development and are located to the rear of the site resulting in a total provision of 34 spaces on site. The proposed parking is below the recommended standards however Parking surveys accompanied the application which demonstrated availability on street and in nearby car parks. The Travel Plan states that the applicant leases parking from the church opposite in order to reduce the demand for on street parking.
4.8.2	The Travel Plan accompanying the application indicates that the site is in close proximity to Balmoral rail halt and is well served by Public Transport. The Travel Plan indicates that a Travel Coordinator will be appointed to promote access to the site on foot, by bicycle, by use of sustainable transport modes and reduce reliance on the car.

4.8.3	DFI Roads has advised of issues with manoeuvring from a number of spaces. A reduction of 1 car parking space is required in order to address this issue. DFI Roads has informally advised that they would be content with a reduction of 1 space. The applicant has submitted a revised plan to address this minor technical issue and final comments/draft conditions are awaited from DFI Roads.
4.9	**Environmental Considerations - Drainage, Contamination, Noise, Air Quality**
4.9.1	**Drainage**
4.9.1.1	The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under FLD 1, 2, 3, 4 and 5.
4.9.1.2	NI Water has objected to the proposal on the basis that there is insufficient water treatment capacity available to service the proposed development. They have advised that the public system cannot presently serve this development proposal without significant risk of environmental harm and detrimental impact on existing properties. Despite a request from officers, NI Water has not to date provided evidence to support their objection and why this particular proposal would lead to a significant impact upon the sewer network and environment. Any further information received will be reported as an update to Committee.
4.9.1.3	The proposal is for a 3 storey extension to the existing Kingsbridge Hospital and proposes 526 sqm of additional floorspace over and above that approved as part of the extant permission (2 storey extension - 984sqm).
4.9.1.4	Importantly, NI Water makes allowance for existing significant committed development across the city including extant planning permissions such as the 2 storey approved extension. Such development, which includes un-implemented permissions across the city, will not all come forward at once. If this proposal is granted permission the previously approved 2 storey extension would fall within the remit of an unimplemented permission/committed development.
4.9.1.5	In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city including the extant permission. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city.
4.9.1.6	Furthermore, there is no evidence before the Council that the proposal, either of itself or in combination with other development, would likely have significant impact on protected environmental assets including Belfast Lough or that the proposed development would be hydrologically linked to the Lough.
4.9.1.7	NI Water confirms that it has a programme for WWTW improvements which will increase capacity over the coming years. Whilst NI Water advises that it cannot support the proposal at this time, some additional capacity will be available from July 2023 as a result of the completion of initial upgrade work, subject to an Impact Assessment. NI Water therefore recommends a negative planning condition to permit the proposed development to be constructed but not occupied until 01 July 2023. Officers consider that the imposition of such a condition would be unreasonable since it derogates the permission (i.e. on the one hand grants planning permission, but on the other effectively takes it away).

4.9.1.8	For these reasons officers are of the view that it would be unreasonable to refuse this application based on NI Water's objection.
4.9.2	**Noise**
4.9.2.1	Environmental Health have offered no objections on noise grounds and the proposal is considered acceptable with regard to noise impacts.
4.9.3	**Contamination**
4.9.3.1	The application is supported by a Preliminary Contaminated Risk Assessment which concludes that there are no significant sources of contamination present on the site itself. The Preliminary Contaminated Risk Assessment advises that while a number of potentially contaminating land uses (including nearby railway line and a boiler house) were identified in the surrounding area, none of these are likely to pose an unacceptable risk to the site given their relative distances and/or cross gradient or down gradient location. The Risk Assessment has also been considered by DAERA NIEA. Neither DAERA or Environmental Health have raised objections and both have provided conditions and informatives if permission is granted.
4.9.4	**Air Quality**
4.9.4.1	An Air Quality Impact Assessment (AQIA) was submitted in support of the application and assesses the likely impact of proposed combustion plant on local air quality. The AQIA concludes that the proposal is not predicted to result in any exceedances of the air quality objectives at relevant receptors in the surrounding area. Environmental Health advise that as a result they have no concerns regarding air quality impacts in the operational phase of the development subject to a condition. In this regard, the proposal is considered acceptable.
4.10	**Developer Obligations**
4.10.1	Para 5.69 of the SPPS states that '*Planning authorities can require developers to bear the costs of work required to facilitate their development proposals*.' Relevant further guidance is provided by the Council's Developer Contribution Framework, adopted in 2020.
4.10.2	BCC Economic Development Unit has advised that given the scale of the employment to be created, the high rates of unemployment, current sectoral growth and reported shortages in specific skilled trades, it is likely that the development will give rise to skills or labour shortages within the construction sector and conclude that Employability and skills related Developer Contributions Section 76 clauses will be required for the construction phase of the development.
4.10.3	The applicant has agreed to support developer obligations in the form of Employability and Skills Plan interventions. An Employability and Skills plan will be required to be submitted prior to commencement of the development to identify these interventions.
4.10.4	The planning obligation will be included as part of the planning permission by means of a Section 76 planning agreement and complies with the adopted Developer Contributions Framework and the SPPS.

4.11	**Pre-Application Community Consultation**
4.11.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on October 2020 *(LA04/2020/2595/PAN)*. Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable. Two online public events were held on 16 December 2020 and 21st January 2021 and facilitated feedback through a dedicated website.
4.11.2	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that leaflets were distributed to all premises within 200m of the hospital and provided information on the public consultation events. The report states that a letter of support was received for the proposed development.
4.11.3	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.

Neighbour Notification Checked **Yes**

Summary of Recommendation:
Having regard to the development plan, relevant policy context and other material considerations including the approved two storey extension which is a lawful fallback position, the proposed extension to the existing Kingsbridge hospital is considered acceptable and approval is recommended subject to conditions and a Section 76 to secure an Employability and Skills Plan.

The recommendation is to grant planning permission subject to conditions and a Section 76 with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 subject to no substantive issues being raised.

Draft Conditions:

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

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

2. No brickwork, metal profiling/cladding/framing, rendered panelling or other external materials shall be erected, applied or placed in situ unless in accordance with details which shall have first been submitted to and approved in writing by the Council, and which shall be in general accordance with the approved planning drawings. Sample panels of external materials shall be made available on site for inspection by the Council and shall all be retained on site until completion of the development. The development shall be carried out fully in accordance with the agreed details.

Reason: In the interests of the character and appearance of the area and to ensure a high quality development.

3. Material and finishes shall be:
   a) External walls: clay facing brick, rendered panels;
   b) Roof: metal profile;
   c) Windows: aluminium, powder coated, grey;
   d) Doors: aluminium, powder coated, grey;
   e) Large openings: aluminium glazed curtain walling, powder coated, grey;
   f) Rainwater Goods: Metal

Reason: To ensure the proposed make use of sympathetic building materials and techniques which respect those found on the building and to ensure the materials are in keeping with the existing hospital building, thereby limiting the impact of the proposal.

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

Reason: Protection of human health and protection of environmental receptors to ensure the site is suitable for use.

5. The installed combustion plants for the proposed development shall meet the technical specification as detailed within the air quality assessment (*Kingsbridge Hospital, Air Quality Assessment, RPS, October 2021*) and the emissions from the combustion plants shall be released from stack in a location and at a height that provides adequate dispersion and in accordance with the Consultants specification (5m) as set out in the *Kingsbridge Hospital, Air Quality Assessment, RPS, October 2021*

Reason: Protection of human health.

6. The dust management measures, as detailed within Chapter 5 of the *Kingsbridge Hospital, Air Quality Assessment, RPS, October 2021* shall be implemented throughout the duration of the construction phase of the development.

Reason: Protection of human health.

DFI Roads Conditions to follow.

Notification to Department (if relevant)

Date of Notification to Department: Not required
Response of Department: N/A

Representations received from elected Members: None

ANNEX	
Date Valid	19th July 2021
Date First Advertised	30th July 2021
Date Last Advertised	29th October 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1a Malone Park, Belfast The Owner/Occupier, 450 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GT The Owner/Occupier, 48 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6GT The Owner/Occupier, 805 Lisburn Road, Belfast The Owner/Occupier, 811 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7GX The Owner/Occupier, Charles Hurst Ltd.,Lislea Drive,Belfast,Antrim,BT9 7JG The Owner/Occupier, Malone Presbyterian Church, 454 Lisburn Road, Belfast, BT9 6GT	
Date of Last Neighbour Notification	10th January 2022
Date of EIA Determination	N/A
ES Requested	No
Drawing Nos:- 01 – Site Location Plan – Published 23/07/21 05c – Proposed Ground floor Plan - Published 08/02/22 06 – Proposed First Floor Plan - Published 23/07/21 07 – Proposed Second Floor Plan - Published 23/07/21 08 - Proposed Part Ground Floor Plan - Published 23/07/21 09 – Proposed Part First Floor Plan - Published 23/07/21 10 – Proposed Part Second Floor Plan - Published 23/07/21 11 – Proposed Street Elevations - Published 23/07/21 12 – Proposed Street Sections - Published 23/07/21 13 – Proposed Elevations - Published 23/07/21 14 – Proposed Sections - Published 23/07/21 15 – Proposed Vehicle Entrance - Published 23/07/21 16 – Proposed Perspective Views - Published 23/07/21	

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Development Management Report
Committee Application

Summary	
Committee Meeting Date: 15 February 2022	
Application ID: LA04/2021/2154/F	
Proposal: Change of approved design for Community Hub building included within the extant planning permission ref: LA04/2018/1832/F (dated 21.02.20) for a community led mix use regeneration scheme at the site of the former St Gemma's School	**Location:** Lands at and surrounding St Gemma's School & The Flax Centre, Ardoyne Avenue, Belfast.
Referral Route: Major Application	
Recommendation:	**Approval**
Applicant Name and Address: The Flax & ABC Trust 333 Crumlin Road Belfast BT14 7EA	**Agent Name and Address:** The Boyd Partnership

Executive Summary:

The proposal seeks permission for a revised design and layout for a community hub building - previously approved as part of a larger regeneration scheme under reference LA04/2018/1832/F, granted on 21/02/2019. It was described as follows:

Demolition of existing school buildings and erection of a community-led mixed use regeneration scheme comprising the erection of a community hub; 3 retail units (class A1) and 2 retail service units (sui generis); 54 residential units in a mix of 30 dwellings and 24 apartments; the retention, refurbishment and change of use of the Flax Centre to provide business incubation space and education facilities; public realm improvements along Ardoyne Avenue, the creation of a public space, and associated landscaping; car parking; and other ancillary development.

The key issues in the assessment of the proposal are as follows and are assessed in the report:

- Principle of redevelopment
- Acceptability of Community Uses
- Loss of Open Space Provision
- Impact on neighbouring amenity
- Impact on Built Heritage
- Traffic and Parking
- Impact on trees and Natural Heritage
- Contaminated Land
- Drainage and Flooding
- Pre-application Community Consultation

The site is located on unzoned land within the development limits of Belfast. The presumption is therefore in favour of development, subject to the planning considerations as discussed below. The principle of the demolition of the former school building and a mixed-use development, which

includes housing, retail and community use on the site is acceptable and was established under planning permission LA04/2018/1832/F.

The scale, height and design of the proposed revised community hub building is acceptable when compared to the previously approved building.

The ground floor will comprise training rooms, a dual use area for a café/event space, community offices, gym, boxing ring/training area, with ancillary admin offices, foyer, and toilets. There is also a secure and enclosed external courtyard area for training purposes. The first floor comprises two flexible use halls, changing rooms and gym, with a multi-use sports/community hall at the rear of the building. Externally there is a hard surfaced open event space to the front/north of the building, with community allotment garden to the east between the building and the site boundary. Soft landscaping is proposed around/adjacent to the site boundaries. The mix of uses are considered acceptable at this location, given the previous approval. Technical reports were submitted and assessed as part of the consideration of the application. Consultees, including Environmental Health, have no objections.

The current application substantially removes a buffer landscape area (an area of communal open space) between the community hub building and the approved housing element due to a revised layout for the hub building and associated areas. The open space is relocated within the layout. The revision is necessary for several reasons as discussed in the report, but principally they are required to allow the community groups currently using the site to continue to operate at the site during redevelopment works.

Taken together in terms of the poor condition and suitability of existing community facilities, the provision of various new facilities and capabilities of supporting a larger range of uses and activities within the new building, the proposal would provide a wider/more extensive community benefit in terms of physical and economic regeneration to the area than would likely be derived from the grassed open space as part of the approved layout. The benefit of the previously approved open space was limited to the prospective residents of the new housing. In addition, the private amenity space provision for the new dwellings is compliant with policy and broadly exceeds provision within the locality. The proposed open space is broadly the same size would still be provided for community use/benefit albeit in a different format/layout, more closely linked to the Community Hub building. On balance it is therefore considered that the revised proposal is acceptable in terms of the loss of open space.

Representations
A total of 17 letters of support have been received.

No objections were received.

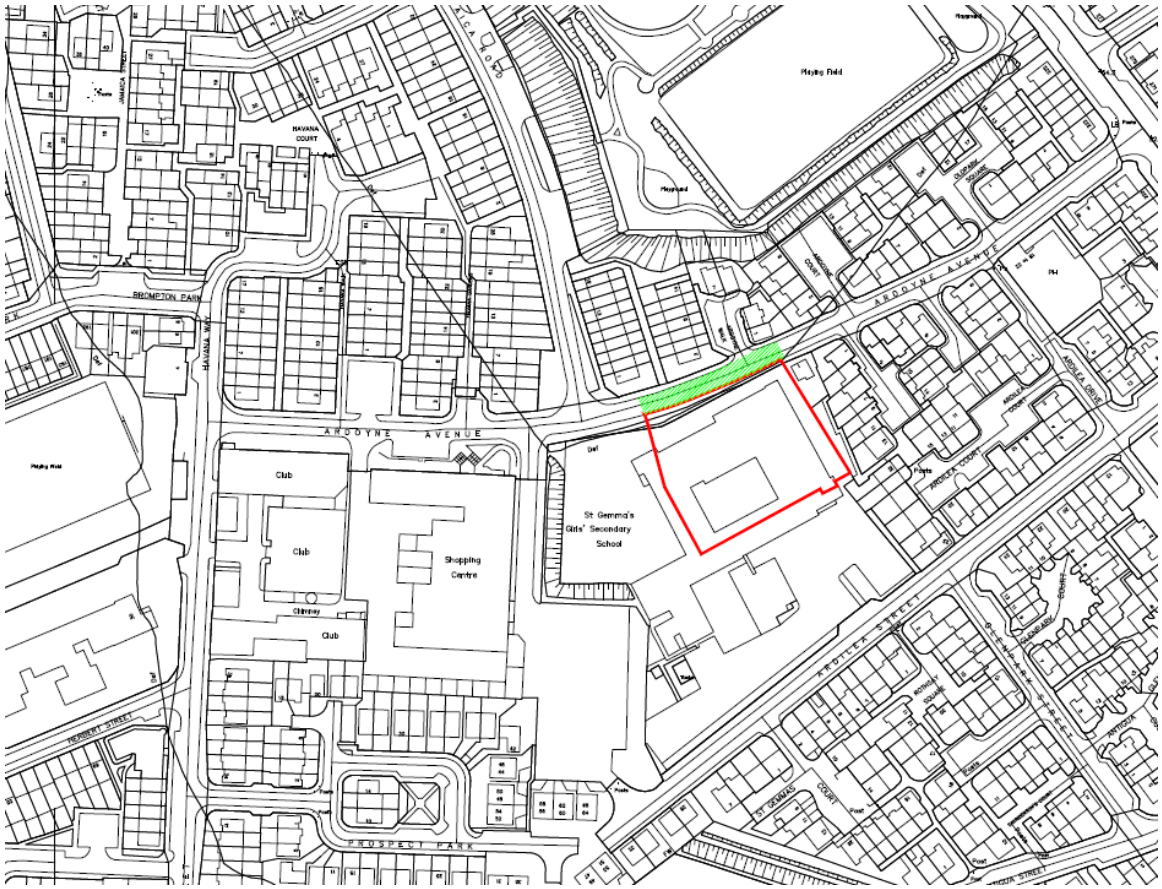
Consultees & Environmental Matters
No objection from any consultees have been received.

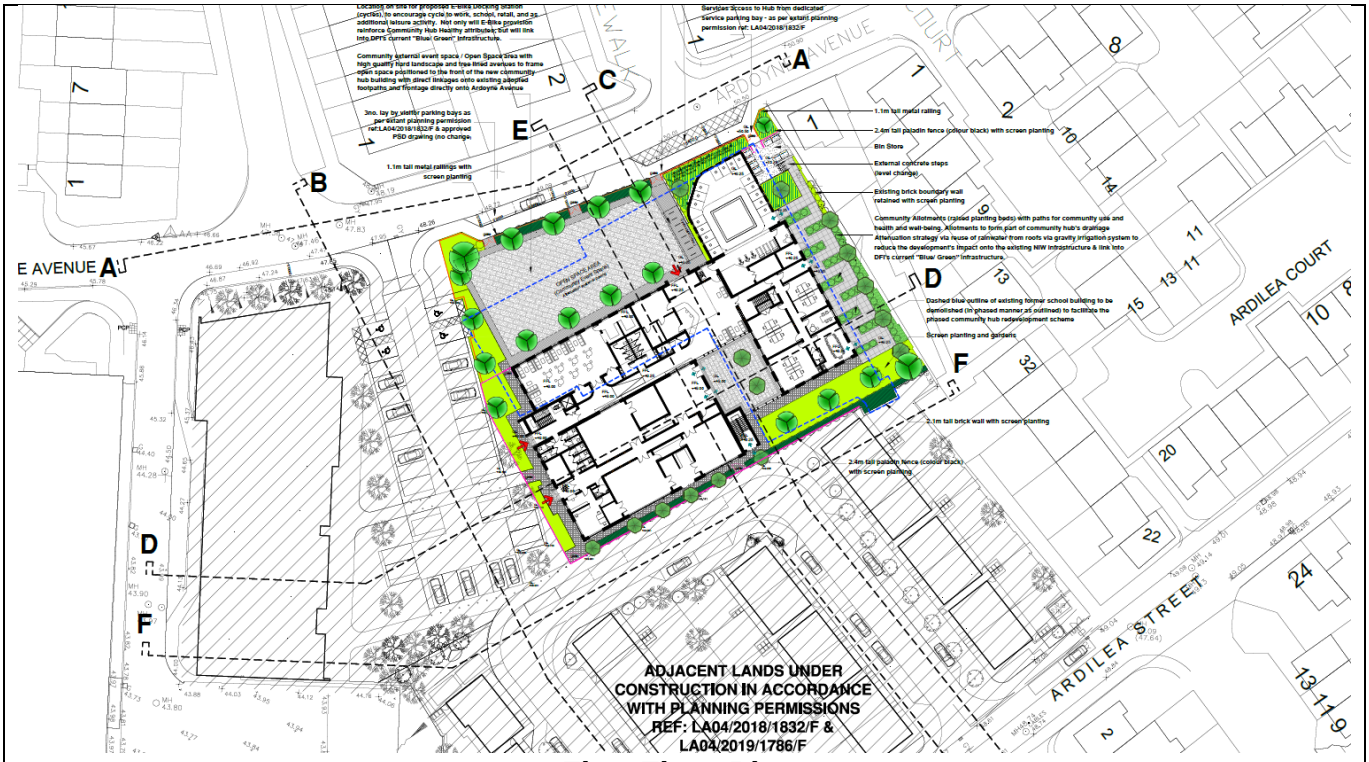
Recommendation
Having had regard to the development plan, relevant planning policies, other material considerations, including previous planning approvals in the area, the proposed development is considered acceptable. It is recommended that planning permission is granted subject to conditions.

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

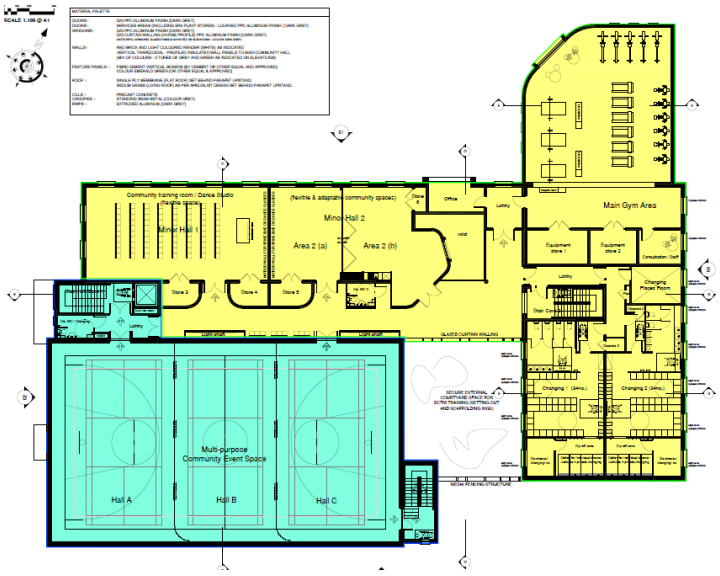
Case Officer Report

Site Location Plan

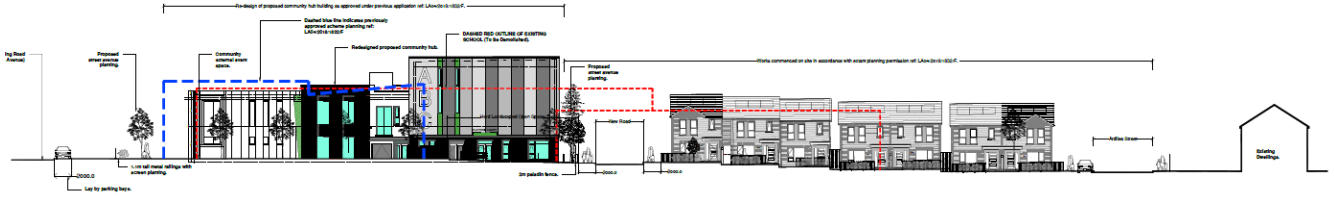




First Floor Plan:

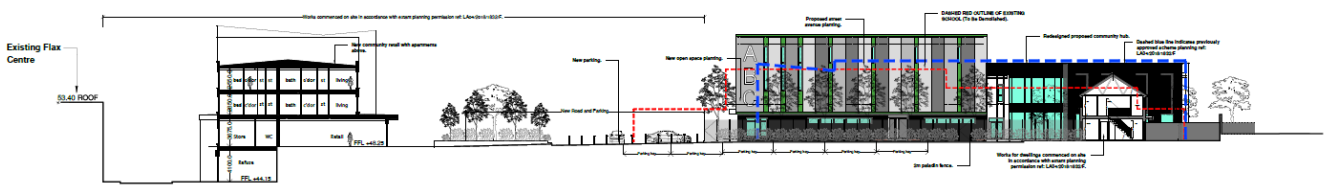


Side Section looking East



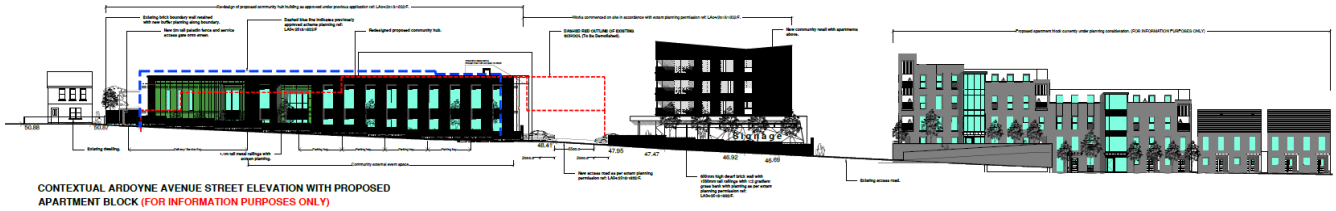
CONTEXTUAL SITE CROSS SECTION
(SECTION/ ELEVATION B-B) scale 1.200

Section of rear of site



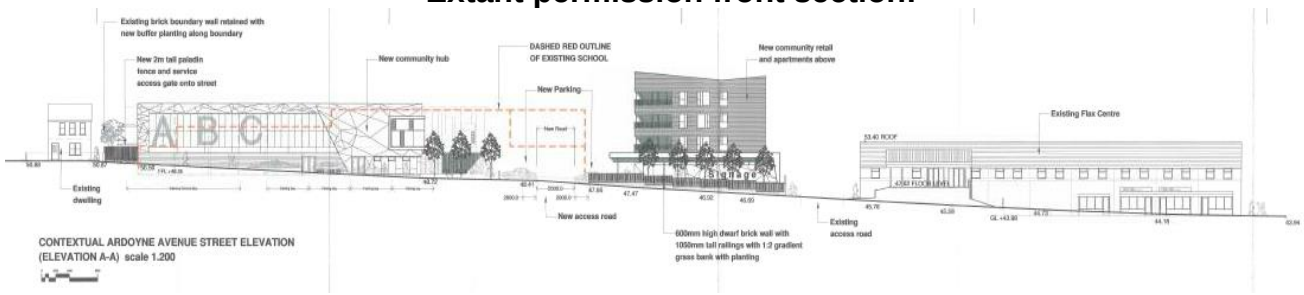
CONTEXTUAL SITE CROSS SECTION
(SECTION/ ELEVATION F-F) scale 1.200

Section of site frontage



CONTEXTUAL ARDOYNE AVENUE STREET ELEVATION WITH PROPOSED APARTMENT BLOCK (FOR INFORMATION PURPOSES ONLY)

Extant permission front section:



CONTEXTUAL ARDOYNE AVENUE STREET ELEVATION
(ELEVATION A-A) scale 1.200



1.0	The proposal seeks permission for a revised design and layout for a community hub building. This formed part of a previously approved larger regeneration scheme under reference LA04/2018/1832/F, granted on 21/02/2019, described as follows:
1.1	*Demolition of existing school buildings and erection of a community-led mixed use regeneration scheme comprising the erection of a community hub; 3 retail units (class A1) and 2 retail service units (sui generis); 54 residential units in a mix of 30 dwellings and 24 apartments; the retention, refurbishment and change of use of the Flax Centre to provide business incubation space and education facilities; public realm improvements along Ardoyne Avenue, the creation of a public space, and associated landscaping; car parking; and other ancillary development.*
1.2	The building is two storeys in height. The ground floor will comprise training rooms, a dual use area for a café/event space, community offices, gym, boxing ring/training area, with ancillary

	admin offices, foyer, and toilets. There is also a secure and enclosed external courtyard area for training purposes. The first floor comprises two flexible use halls, changing rooms and gym, with a multi-use sports/community hall at the rear of the building. Externally there is a hard surfaced open event space to the front/north of the building, with community allotment garden to the east between the building and the site boundary. Soft landscaping is proposed around/adjacent to the site boundaries.
2.0	The 0.3264 ha site is located at the former St Gemma's High School, Ardoyne. The site contains the front portion of the former school alongside areas of hard external play (i.e. hard bitmac surfaces) with little or no areas of existing planting. The building fronting onto Ardoyne Avenue with limited existing openings along this street frontage (with except to existing double vehicle access gates and a pedestrian gate). The remaining boundary treatments to the site consists of metal security fencing and imposing solid brick walls (approx 3m tall in areas). The site is bounded to the south by ongoing construction of dwellings, which were approved under reference LA04/2018/1832/F, granted on 21/02/2019. There are established residential areas located to the North, East and South of the site, with an existing youth club and existing Holy Cross Boys PS situated to the West of the site with more established residential housing beyond within the Ardoyne Area.
Planning Assessment of Policy and other Material Considerations	
3.0 3.1	**Planning History** LA04/2018/1832/F, granted on 21/02/2019
4.0	**Policy Framework**
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2015)
4.2	Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – Planning and Natural Heritage Planning Policy Statement 3 - Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation Planning Policy Statement 12 - Housing in Settlements Planning Policy Statement 15 - (Revised) Planning and Flood Risk DCAN 8 – Housing in Urban Areas Creating Places
5.0	**Statutory Consultees** Transport NI – No objections subject to conditions; NIWater – No objections; DAERA – No objections subject to conditions; Rivers Agency – No objections; Historic Environment Division – No objection;
6.0	**Non-Statutory Consultees** Environmental Health BCC – no objections subject to conditions; BCC Parks & Leisure (Landscape) – no objections;

	Building Control – no response;
7.0	**Representations** A total of 17 letters of support were received. No objections were received. No representations from Elected representatives have been received.
8.0	**Other Material Considerations** NA
9.0	**Assessment** The key issues in the assessment of the proposed development include: - Principle of redevelopment - Acceptability of Community Uses - Open Space Provision - Impact on neighbouring amenity - Impact on Built Heritage - Traffic and Parking - Impact on trees and Natural Heritage - Contaminated Land - Drainage and Flooding - Pre-application Community Consultation **Principle of redevelopment**
9.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. Following the recent Court of Appeal decision on BMAP, the extant development plan is now the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
9.2	The site is located within the development limits of Belfast within the Belfast Urban Area Plan and Draft Belfast Metropolitan Area Plan (2015) and is unzoned (whiteland). The presumption is therefore in favour of development subject to the planning considerations detailed below. **Acceptability of community and leisure uses at this location**
9.3	The proposal includes a range of community and leisure uses within the new Community Hub. The principle for this building has been accepted through the previous permission, which has now been enacted through construction works commencing for other parts of the site. The previous assessment considered that these uses will complement the adjacent housing and retail offer and add to the diversity and sustainability of this local centre, in what is a predominantly residential area. This permission is a significant consideration, and the community building is therefore acceptable in principle. **Comparison between approved and proposed buildings**
9.4	The approved building comprised 2,620 sqm of floor space proposed in the form a large single building located in the north-east corner of the site running parallel with Ardoyne Avenue, and fronting west into the site. The building has a length of 49.5 metres (to Ardoyne Avenue) and is 30 metres deep. It is a contemporary flat roof structure with a ridge height of 9m. The overall height and massing of the building is similar to that of the existing St. Gemma's school, as shown on the contextual elevation for Ardoyne Avenue (above). The finishes are a mix of

	smooth render panels and textured blockwork with translucent polycarbonate cladding dominating the Ardoyne Avenue elevation and fibre cement wall cladding dominating the main frontage to the west.
9.5	The proposed revised building is slightly larger than the previously approved floorspace at 2697sqm (+77sqm), however siting and layout is slightly revised to allow for a phased approach to the redevelopment of the site. The eaves height has been slightly reduced for most of the building (8.85m from 9m) compared to the extant permission and is therefore acceptable. However, the rear section, comprising the multi-use community and sports hall space, increases in height to approximately 3 storeys (12.3m). This tallest element of the building is approximately 12m to the gable of the nearest dwelling approved by the extant permission immediately to the south. This separation distance increases to approximately 14.5m to the gable of the next nearest dwelling also to the south of the hub building, but to the northwest/rear of the dwelling.
9.6	**Amenity Considerations** The scale, height and massing of the main smaller element of the building is acceptable given the characteristics compared to the previous approval and will therefore also have no greater amenity impacts. The taller element to the rear would have a greater visual impact by virtue of the additional height, however public views would largely be restricted to views from the south/rear and west from within the immediate context of the approved housing layout. Medium and long-distance views would be filtered by intervening built form and structures. This element would also not have any greater amenity impacts in terms of dominance, overshadowing or overlooking than the extant permission. The taller 3 storey rear element would have a greater dominance and overshadowing impact that the previous approval, however this is mitigated by the aspect/relationship of the building to the new dwellings to the rear and separation distances. There will be no adverse overlooking from proposed window positions to neighbouring properties. The amenity impacts are considered acceptable within this urban context. The design of the building is similar to that previously approved in terms of fenestration and material treatments. The design and materials are therefore acceptable.
9.7	**Loss of Open Space** The extant permission included an area of communal open space located between the rear of the Community Hub Building and new dwellings to the south. As discussed in the planning report, Policy OS2 of PPS8 was a material consideration for the housing element of that proposal. This Policy requires that where a residential development consists of more than 25 units the expectation will normally be that 10% of the total site area is given over to open space. In this instance given the mixed-use nature of the scheme it is logical to apply this requirement to the part of the site on which the housing/ apartments are located, as opposed to the entire site which includes the Flax Centre.
9.8	The extant permission included an area of open space between the housing and the community centre and also adjacent to the proposed apartment block. This open space amounts to approximately 15,000 sqm (including the triangle of open space beside the proposed mixed use block). Although not 10% of the total site area (including the Flax Centre) it is approximately 3,000 sqm more than 10% of the area occupied by the new build elements of the proposal, approximately 12,000 sqm. The previous assessment concluded that “although the open space will also serve the community centre, it does have an intrinsic recreational value for the residents on the site and will also provide some visual relief in what is an existing high density inner urban context with little in the way of open space in the area. For these reasons the proposal follows the thrust of PPS8 providing a level and quality of open space that will no doubt enhance the residential experience.”

9.9	The current application seeks to essentially remove the buffer landscape area between the community hub building and the approved housing element due to a revised layout for the hub building and associated areas. The implication of the revisions, therefore, is that the proposal would fail to provide communal open space necessary under PPS7 & PPS8 policy requirements for residential developments.
9.10	The following background/justification has been presented by the agent (summarised): a. The extant permission required full demolition of all school buildings to enable the construction of the community building. This approach was not viable for the various community groups (9 in total) as they would have no other alternative site to relocate for the duration of construction works (approx. 2 years). Fundamental requirement to ensure that existing community groups which currently operate from the former St Gemma's school building on the site are retained on site for the duration of the new construction works; b. The current planning application for the re-design of the community hub building will result in the loss of 14sqm of total Open Space provision (1012sqm) as provided under the extant planning permission ref: LA04/2018/1832/F (1026sqm). This minor reduction equates to a loss of approx. 1.4% of the original Open Space provision. c. The proposal will "relocate" the previously Open Space area elsewhere within the site. The community hub (re-design) includes Open Space which fronts directly onto Ardoyne Avenue. This external community event space is a high-quality hard landscape area with tree lined avenue planting to "frame" the Open Space and front the Community facility and has linkages onto the existing Ardoyne Avenue and to the adjacent new housing/apartment developments. The re-design scheme also includes proposed community allotments which are to be "managed" external spaces to promote health and wellbeing project initiatives. The new community hub includes community spaces (i.e. main sports hall and minor halls). These internal covered spaces are for community/ public use. These areas and functions will further help to mitigate against any loss of Open Space provision. The building will help address health and acute economic deprivation through the development of a modern, purpose-built health and leisure facility suited to the needs of the resident population. d. A detailed landscaping scheme forms part of the application and illustrates the extent and specification of new planting and landscaping which will help to soften the impact of development and enhance the biodiversity. e. Community support: 2 pre-application consultations have been completed and indicated that the proposed scheme design has "overwhelming community support". 17no. "letters of support" have been submitted for the current application and no objections have been received.
9.11	Taken together in terms of the poor condition and suitability of existing facilities, the various new facilities and capabilities of supporting a larger range of uses and activities of the new building, the proposal would provide a wider/more extensive community benefit in terms of physical and economic regeneration to the area than would likely be derived from the grassed open space as part of the approved layout. The benefit of this space would be limited to/enjoyed by prospective residents of the new housing. In addition, the private amenity space provision for the new dwellings is compliant with policy and broadly exceeds provision within the locality. Open space of broadly the same size would still be provided for community use/benefit albeit in a different format/layout more closely linked to the Community Hub building.

9.12	On balance it is therefore considered that the revised proposal is acceptable in terms of the loss of open space taking account of the justification points summarised above.
	Impact on Built Heritage
9.13	The proposal has been assessed against Policy BH1 of PPS6 as the development site is adjacent to a 19th century red brick chimney stack (ANT060:503s) which is now a monument of regional importance scheduled for protection under the Historic Monuments and Archaeological Objects (NI) Order 1995. Historic Environment Division (HED) are content that development works for this scheme will not adversely impact the structural integrity of the chimney. The proposal is therefore compliant with PPS6 considerations.
	Traffic and Parking
9.14	Parking provision remains unaltered from the previous permission. A total of 39 spaces has been provided in the car park located between the mixed-use apartment block and the community hub, this will serve both the residential and non-residential units. DFI Roads have no objections to the access arrangements or level of parking provision subject to conditions (repeated from extant permission). The proposal is therefore compliant with PPS3 and supplementary policy guidance considerations.
	Impact on trees and Natural Heritage
9.15	The proposal has been assessed against PPS 2. The proposal will involve demolition of the vacant school on site and there are no natural heritage features present. NED considered an ecological assessment as part of the redevelopment of the wider site for the extant permission. An ecological survey of the site a Bat Roost Potential (BRP) survey of the buildings and trees was completed. The existing buildings and trees on site have been assessed as having negligible BRP due to the lack of cracks and crevices which would allow access to bats, the lack of evidence of bat presence, and the low suitability of the site and surrounding area for bats. NED was content with the findings of the survey and considers that bats are unlikely to be significantly impacted by the proposed development and had no concerns in relation to other natural heritage interests or designations. Based on this information, the proposal is considered compliant with PPS2.
9.16	Hard and soft landscaping is proposed largely around the periphery of the site. All of this space will be available for community use and includes allotments located adjacent to the Eastern boundary of the site. BCC Landscape have no objections to the landscaping details and are therefore considered acceptable. Conditions are necessary to ensure delivery and appropriate ongoing maintenance.
	Contaminated Land, Noise, odour and nuisance Considerations
9.17	The site had a former use as a school and prior to that it had an industrial use by the Highfield Factory. The land on which the development of housing with plant uptake, with gardens has had a total of 3 boreholes only for an area of nearly 6,000m^2, which is one sample per 2,000 m^2. According to BS 10175:2013 (7.7 Sampling Strategies) this is not sufficient to characterise a site with former industrial land use with a measured source of lead of 774 mg/kg. BH1 targeted the NIE substation and BH3 targeted the heating oil tanks.
9.18	Environmental Health have noted that a third of the site has not been sampled given the presence of the school building and therefore the suitability of the soil has not been determined. In view of this, Environmental Health recommended that more sampling is required following demolition of the building (currently in use as a community centre), in order to demonstrate that all landscaped areas are suitable for the end use. This further sampling can however be secured via condition as detailed below. They have also confirmed that the proposal will not

	adversely impact on amenity in terms of noise, odour or other nuisance considerations subject to conditions also detailed below. The proposal therefore is acceptable in terms of these issues. DAERA Land and Groundwater Team had no objections to the approved development subject to conditions. Some of these are therefore recommended for repetition for this application. **Drainage and Flooding**
9.19	DfI Rivers has reviewed the submitted Drainage Assessment by LLB Design. The applicant has received consent from NI Water on 05/07/2018 to discharge a restricted rate of 50 l/s surface water run-off from the proposed site to a 300mm diameter public storm sewer located within Ardoyne Avenue. DfI Rivers has no objection to application and conditions securing the drainage mitigation measures are necessary.
9.20	NIWater have not raised any objections to the proposals. Given the extant permission, the proposal will not adversely impact on drainage or sewage infrastructure and is therefore acceptable in relation to these issues. **Pre-application Community Consultation**
9.21	For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.
9.22	Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2020/1856/PAN) was submitted to the Council on 3rd September 2020. Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.
9.23	A Pre-Application Community Consultation Report has been submitted in support of this application. It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
10.0	**Summary of Recommendation: Approval**
10.1	Having regard to the development plan, policy context and other material considerations, including previous planning permission, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.
10.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions subject to no substantive issues being raised.
11.0	Conditions 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No part of the development hereby permitted shall become operation until parking and access arrangements as approved under application reference LA04/2018/1832/F. The development shall operate using hard surfaced areas constructed generally in accordance with

	the approved layout Drawing No. 05 'Proposed Site Block Plan/Landscape Plan' bearing the Belfast City Council Planning Office date stamp 22 June 2018 to provide adequate facilities for parking, servicing, and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles. REASON: To ensure that adequate provision has been made for parking and servicing. 3. Any existing street furniture or landscaping obscuring visibility or located within the proposed vehicular accesses shall, after obtaining permission from the appropriate authority, be removed, relocated, or adjusted at the applicant's expense. REASON: In the interests of road safety and the convenience of road users. 4. The development hereby permitted shall operate in accordance with the approved Travel Plan bearing the Belfast City Council Planning Office date stamp 22 June 2018 approved under ref; LA04/2018/1832/F. This includes provision of the Translink iLink Initiative and the Bike2Work Initiative or equivalent measures agreed by Council. REASON: To encourage the use of alternative modes of transport to the private car in accordance with the Transportation Principles. 5. The development hereby permitted shall operate in accordance with the Servicing Management Plan bearing the Belfast City Council Planning Office date stamp 22 June 2018 under Planning Application reference LA04/2018/1832/F. REASON: In the interests of road safety and the convenience of road users. 6. All hard and soft landscape works shall be completed in accordance with the approved details, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS before the expiration of the planting season following occupation of any part of the development hereby approved. All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Council in writing prior to implementation. Reason: To ensure the provision, establishment, and maintenance of a high standard of landscape. 7. Should any tree, shrub or hedge be removed, uprooted, or destroyed or dies or becomes, in the opinion of the Council be seriously damaged or defective, it shall be replaced within the next planting season by trees, shrubs or hedges of the same species, variety and size to those originally planted, unless the Council gives its prior written consent to any request for variation. Reason: To ensure the provision, establishment, and maintenance of a high standard of landscape. 8. No part of the development hereby permitted shall become operational until drainage mitigation works have been carried out in accordance with the submitted Drainage and Flood Risk Assessment and a report verifying that the mitigation measures have been installed has

been submitted to and agreed in writing with the Council. These measures shall be retained and maintained thereafter in accordance with the agreed arrangements.

REASON: To safeguard the site and adjacent land against flooding, standing water, and amenity.

9. Prior to the erection of any building or structure or part of the development hereby permitted, the applicant shall submit to and have approved in writing by the Planning Authority, a Contaminated Land Risk Assessment. This assessment shall follow best practice and in the first instance contain the following information:
- A Preliminary Risk Assessment that includes a full description of the site and its surroundings, a determination of the history of the site and its surroundings, identification of the current and past land uses and a Preliminary Conceptual Site Model outlining all potential Source-Pathway-Receptor contaminant linkages.
Should the Preliminary Risk Assessment demonstrate that potential contaminant linkages exist on the site, then a Quantitative Risk Assessment that addresses these issues should be submitted. This must incorporate:
- A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations should be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019.
- A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in line with current Environment Agency guidance. Risks associated with ground gases should be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665.

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

All construction thereafter must be in accordance with the approved Remediation Strategy.

Reason: Protection of human health.

10. In the event that a Remediation Strategy is required, in order to demonstrate that any required remedial measures have been incorporated within the proposal, prior to occupation of the development, a Verification Report shall be submitted to and agreed in writing by the Planning Authority. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: Protection of human health.

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

Reason: Protection of human health.

	12. The development hereby approved shall only be operational, including for deliveries to or service collections from the site, between the hours of 07:00-23:00hrs only and at no other times. Reason: Protection of residential amenity. 13. Prior to operation of the development, glazing systems incorporating a sound reduction index (SRI) of at least 32dB Rw shall be installed to the ground floor facades of the boxing club/gym, BCTNI training rooms and first floor Minor Hall 1, Minor Hall 2, Main Sports Hall and Main Gym rooms in accordance with the recommendation contained within the submitted Commercial Connections Ltd report - Acoustic Assessment, Proposed Community Hub of the Former St Gemma's High School Outward Sound Level Impact Assessment, Reference 40-80, dated November 2021. The glazing units shall be retained thereafter. Reason: Protection of residential amenity 14. During operation of the development, all façade glazing units to the ground floor boxing club/gym, BCTNI training rooms and first floor Minor Hall 1, Minor Hall 2, Main Sports Hall and Main Gym rooms shall remain fixed shut at all times in accordance with the recommendation contained within the submitted Commercial Connections Ltd report - Acoustic Assessment, Proposed Community Hub of the Former St Gemma's High School Outward Sound Level Impact Assessment, Reference 40-80, dated November 2021. Reason: Protection of residential amenity 15. Prior to operation of the development, a Verification Report shall be submitted to Belfast City Council, for approval, demonstrating that the Rating Level (dB LAr) of sound from all combined building services plant associated with the development does not exceed the background sound level (for both daytime and night time) at the nearest sound sensitive residential premises when measured in accordance with assessment methodology outlined in BS4142:2014 - Methods for rating sound and assessing industrial and commercial sound. A Rating Level (dB LAr) indicative of 'low impact' shall be maintained in accordance with the approved details thereafter. Reason: Protection of residential amenity. 16. No amplified sound shall be provided within the external areas at any time. Reason: Protection of residential amenity 17. During operation of the development, sound from public address (PA) systems shall not be audible within the nearest sound sensitive residential premises. Reason: Protection of residential amenity
12.0	Notification to Department (if relevant) N/A
13.0	Representations from elected members: None received
	Neighbour Notification Checked Yes

ANNEX	
Date Valid	30th September 2021
Date First Advertised	15th October 2021
Date Last Advertised	

Details of Neighbour Notification (all addresses)
The Owner/Occupier, 1 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, 1 Ardoyne Place,Belfast,Antrim,BT14 7DS
The Owner/Occupier, Ardoyne Walk,Belfast,Antrim,BT14 7PP
The Owner/Occupier, 1 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 1 Havana Gardens,Belfast,Antrim,BT14 7QN
The Owner/Occupier, 1 Jamaica Road,Belfast,Antrim,BT14 7QW
The Owner/Occupier, 10 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 11 Ardoyne Place,Belfast,Antrim,BT14 7DS
The Owner/Occupier, 11 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 12 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 13 Ardoyne Place,Belfast,Antrim,BT14 7DS
The Owner/Occupier, 13 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 14 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 14-16 ,Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, 16 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 18 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 2 Ardoyne Court,Belfast,Antrim,BT14 7DB
The Owner/Occupier, 2 Ardoyne Walk,Belfast,Antrim,BT14 7PP
The Owner/Occupier, 2 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 20 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 22 Ardilea Court,Belfast,Antrim,BT14 7DT
The Owner/Occupier, 22 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 24 Ardilea Court,Belfast,Antrim,BT14 7DT
The Owner/Occupier, 24 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 26 Ardilea Court,Belfast,Antrim,BT14 7DT
The Owner/Occupier, 28 Ardilea Court,Belfast,Antrim,BT14 7DT
The Owner/Occupier, 3 Ardoyne Place,Belfast,Antrim,BT14 7DS
The Owner/Occupier, 3 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 30 Ardilea Court,Belfast,Antrim,BT14 7DT
The Owner/Occupier, 32 Ardilea Court,Belfast,Antrim,BT14 7DT
The Owner/Occupier, 4 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 46 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, 5 Ardoyne Place,Belfast,Antrim,BT14 7DS
The Owner/Occupier, 5 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 50 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, 51 Ardilea Street,Belfast,Antrim,BT14 7DG
The Owner/Occupier, 51-59 St Gemma'S High School,Ardilea Street,Belfast,Antrim,T14
The Owner/Occupier, 52 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, 53 Ardilea Street,Belfast,Antrim,BT14 7DG
The Owner/Occupier, 54 Ardoyne Avenue,Belfast,Antrim,BT14 7DA

The Owner/Occupier, 56 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, 56 Prospect Park,Belfast,Antrim,BT14 7EH
The Owner/Occupier, 58 Prospect Park,Belfast,Antrim,BT14 7EH
The Owner/Occupier, 6 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 60 Prospect Park,Belfast,Antrim,BT14 7EH
612 Mercy Primary School, Crumlin Road, Belfast, Antrim, Northern Ireland, BT14 7GL
The Owner/Occupier, 62 Prospect Park,Belfast,Antrim,BT14 7EH
The Owner/Occupier, 64 Prospect Park,Belfast,Antrim,BT14 7EH
The Owner/Occupier, 66 Prospect Park,Belfast,Antrim,BT14 7EH
The Owner/Occupier, 7 Ardoyne Place,Belfast,Antrim,BT14 7DS
The Owner/Occupier, 7 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 8 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, 9 Ardoyne Place,Belfast,Antrim,BT14 7DS
The Owner/Occupier, 9 Galgani Crescent,Belfast,Antrim,BT14 7BL
The Owner/Occupier, Apartment 1,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 10,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 11,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 12,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 13,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 14,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 15,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 16,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 17,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 18,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 19,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 2,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 20,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 21,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 22,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 23,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 24,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 3,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 4,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 5,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 6,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 7,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 8,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Apartment 9,48 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
ArdBone Festival Member,40 Ardoyne Avenue,Belfast,BT14 7DA
CEO,Ligoniel Improvement Association
Care Zone Management Group
Chairperson,Ardoyne Assoication,11 Etna Drive,Belfast,bt14 7nn
Chief Executive,NB Housing,Gatelodge,8 Flax Street,BT14 7EQ
Club Secretary,Ardoyne Kickhams
Coach,Ardoyne Holy Cross Boxing Club
Director,Ardoyne Youth Enterprise
Director,Lawrenson-Toal Academy of Irish Dance
The Owner/Occupier, Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA
The Owner/Occupier, Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA

The Owner/Occupier, Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Flax Furniture,Ardoyne Avenue,Belfast,Antrim,BT14 7DA Group Director of Development,Clanmill Housing Holy Cross Boys Primary School, Brookfield Street, Belfast, Antrim, Northern Ireland, BT14 7EX Grace Family Centre,77-95 Alliance Avenue,Belfast,BT14 7PJ Managing Director,BCT NI CIC The Owner/Occupier, Post Office,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA Project Coordinator,Ardoyne Shankill Health Partnership,The Houben Centre,432 Crumlin Road,Belfast,BT14 7GE Senior Youth Worker,Ardoyne Youth Club Tar Isteach Manager,244 Antrim Road,Belfast,BT15 2AR The Owner/Occupier, Unit 1,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 11,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 12,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 13,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 14,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 14a,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 15,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 16,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 17,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 18,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 19,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 1a,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 2,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 2,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 20,Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 21,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 27,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 28,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 28,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 29,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 3,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 30,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 4,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 5,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 6,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 7,Flax Centre,Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Unit 8,Flax Centre,60 Ardoyne Avenue,Belfast,Antrim,BT14 7DA The Owner/Occupier, Workshop,N11 Flax Centre,Ardoyne Avenue,Belfast,Antrim,

Date of Last Neighbour Notification	3rd November 2021
Date of EIA Determination	**N/A**
ES Requested	No

Planning History

Ref ID: LA04/2018/1832/F
Proposal: Demolition of existing school buildings and erection of a community-led mixed use regeneration scheme comprising the erection of a community hub; 3 retail units (class A1) and 2 retail service units (sui generis); 54 residential units in a mix of 30 dwellings and 24 apartments; the retention, refurbishment and change of use of the Flax Centre to provide business incubation space and education facilities; public realm improvements along Ardoyne Avenue, the creation of a public space, and associated landscaping; car parking; and other ancillary development.
Address: Lands at and surrounding, St Gemma's School &, The Flax Centre, Ardoyne Avenue, Belfast.,
Decision: PG
Decision Date: 22.02.2019

Ref ID: LA04/2020/2573/DC
Proposal: Discharge of condition no. 7 of LA04/2019/2153/F
Address: Lands at and surrounding St Gemma's School and the Flax Centre - Ardoyne Avenue, Belfast,
Decision:
Decision Date:

Ref ID: LA04/2020/1354/DC
Proposal: Discharge of condition no7 of planning permission LA04/2019/2153/f
Address: Lands at and surrounding St Gemma’s School and the Flax Centre - Ardoyne Avenue, Belfast,
Decision: RL
Decision Date:

Ref ID: LA04/2020/1856/PAN
Proposal: Change of approved design of community hub included in current planning permission ref LA04/2018/1832/F mixed use regeneration scheme including community hub.
Address: Site of former St Gemma's High School, 51-59 Ardilea Street, Belfast, BT14 7DG.,
Decision: PANACC
Decision Date:

Ref ID: LA04/2021/2154/F
Proposal: Change of approved design for Community Hub building included within the extant planning permission ref: LA04/2018/1832/F (dated 21.02.20) for a community led mix use regeneration scheme at the site of the former St Gemma's School. N.Belfast.
Address: Lands at and surrounding the former St Gemma's High School, 40 Ardoyne Avenue, Belfast. BT14 7DA,
Decision:
Decision Date:

Ref ID: Z/1997/2485
Proposal: Mat store extension to existing gym.
Address: ST GEMMA'S HIGH SCHOOL, 51-59 ARDILEA STREET, BELFAST BT14
Decision:
Decision Date:

Ref ID: Z/2006/0238/F
Proposal: Construction of wall under existing covered area to form internal corridor link to existing classroom
Address: St Gemma's High School, Ardilea Street, Belfast
Decision:
Decision Date: 28.03.2006

Ref ID: LA04/2019/2056/DC
Proposal: Discharge of Condition 2 of planning approval LA04/2018/1832/F
Address: Lands at and surrounding former St. Gemma's School and Flax Centre, Ardoyne Avenue, Belfast.,
Decision: AL
Decision Date:

Ref ID: LA04/2019/2554/NMC
Proposal: Relocation of cycle storage to an alternative position within the site
Address: Lands surrounding St Gemma's School and The Flax Centre, Ardoyne Avenue, Belfast,
Decision: CG
Decision Date:

Ref ID: LA04/2019/2153/F
Proposal: Section 54 application to vary conditions 4 and 6 (related to ground remediation) and condition 8 (related to provision of hard and soft landscaping) of planning permission reference LA04/2018/1832/f (community led mixed use regeneration scheme comprising community hub, retail units and residential units) to facilitate the commencement and completion of the approved development in phases.
Address: Lands at and surrounding St Gemma's School and the Flax Centre, Ardoyne Avenue, Belfast,
Decision: PG
Decision Date: 15.11.2019

Ref ID: LA04/2016/2311/PAN
Proposal: The redevelopment proposals (mix of demolition; new build and refurbishment) focus on the creation of a mixed use development scheme comprising building (1765sq metres), social housing (60 units), new supermarket (945 sq metres) and refurbishment and change of use of existing flax centre to provide training opportunities and a business incubation space (3990 sq metres).

Address: Proposals for lands at and surrounding St Gemma's School and Flax Centre, Ardoyne Avenue, Belfast. Site consists of the former St Gemma's Girls Secondary School, commercial premises fronting onto, Ardoyne Avenue, and the existing Flax Centre
Decision: PANACC
Decision Date:

Ref ID: LA04/2016/2540/F
Proposal: Change of use from school gymnasium to boxing club sports hall and replacement of internal windows/doors and flat roof.
Address: 51-59 Ardilea Street, Belfast, BT14 7DG,
Decision: PG
Decision Date: 17.07.2017

Ref ID: Z/1979/1934
Proposal: ERECTION OF HOUSING
Address: RDA 2 PHASE 4 ARDILEA STREET, OLDPARK ROAD, BT14
Decision:
Decision Date:

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Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: Tuesday 15 February 2022	
Application ID: LA04/2021/2285/F	
Proposal: Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works (Amended Plans)	**Location:** 29 Parkside Gardens, Belfast, Co. Antrim, BT15 SAW
Referral Route: Referred to Committee by Director or Planning and Building Control proximity to interface	
Recommendation:	Refusal
Applicant Name and Address: JAMDAC Developments Ltd 16 Mount Charles Belfast BT7 1NZ	**Agent Name and Address:** Clyde Shanks Ltd Second Floor 7 Exchange Place Belfast BT1 2NA

Executive Summary:

The proposal is for full planning permission for a proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works.

The Key issues in the assessment of the proposed development include;

- Principle of development and use;
- Loss of Economic land;
- Height, Scale, Massing and Design;& Layout;
- Provision of amenity space;
- Parking provision and access;
- Impact on residential amenity of both existing and proposed residents;
- Impact on heritage;
- Other environmental factors.

The adopted Belfast Urban Area Plan 2001 designates the site as un-zoned white land. Draft BMAP 2004 and 2015 both designate the site as un-zoned white land. The 2015 version of Draft BMAP also included the site within the boundary of Alexander Park – Historic Park, Garden and Demesne BT 063

The principle of residential development on the site has previously been established under planning permission Z/2008/0053/O. Planning Policy Statement 4: Planning and Economic Development also applies as the site was last used for economic use and the applicant has demonstrated the proposal complies with Policy PED 7.

In terms of the proposed built form and layout, the proposed bulk, scale and massing are considered to be unacceptable, out of character and would appear dominant. The proposal would not be in keeping with the existing area and would detrimentally impact on its character and appearance. The proposal shows an excess of hardstanding, no private amenity space and insufficient and inappropriate communal amenity space, which will be largely shadowed by the proposed building. There is no landscaped buffer provided to the protected park with the built form positioned almost to the boundary of the site.

In terms of residential amenity there will be overlooking to existing rear amenity and windows of neighbours and there is a potential for a perception of dominance given the relative difference in scale proposed. Outlook for prospective residents would be dominated by hardstanding and parking and to the north facing apartments the proximity of trees, outside the ownership of the applicant, may result in significant shadow.

The applicant has failed to demonstrate that trees within Alexander Park will not be impacted by the development.

Historic Environments Division, Rivers Agency, Environmental Health and NIEA Regulation Unit and Natural Heritage have no objection to the proposal subject to conditions.

NIEA Water Management have advised the proposal has the potential to adversely impact the surface water environment.

NI Water has recommended refusal due to insufficient capacity.

DFI Roads and the Tree Officer comments to follow and will be reported through late items if they become available.

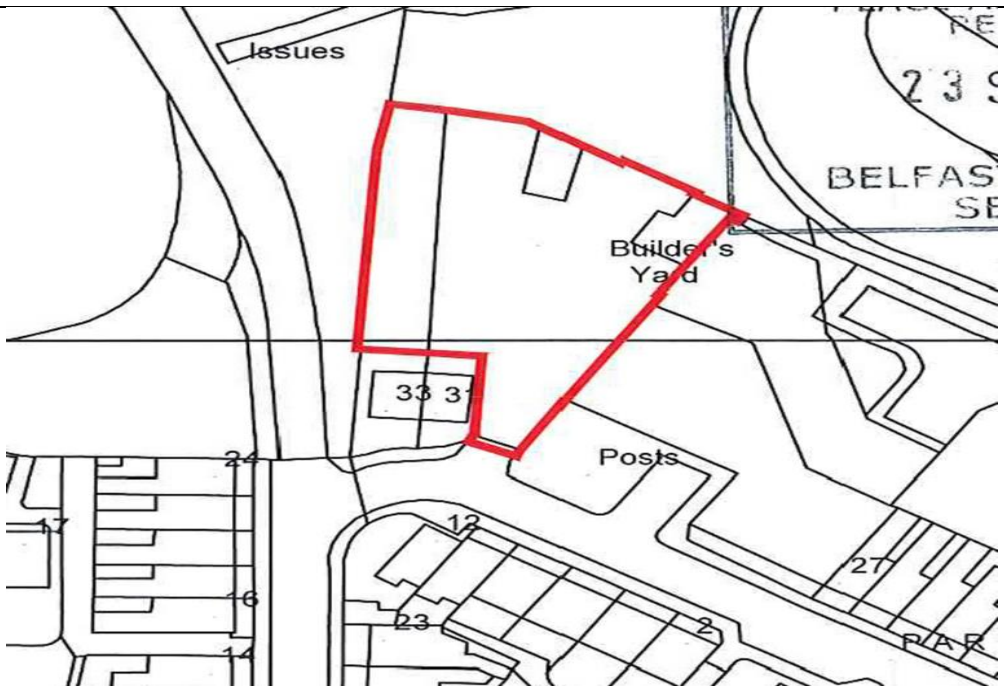
The application has been advertised and neighbour notified, and no objections have been received to date.

Recommendation:
Refuse

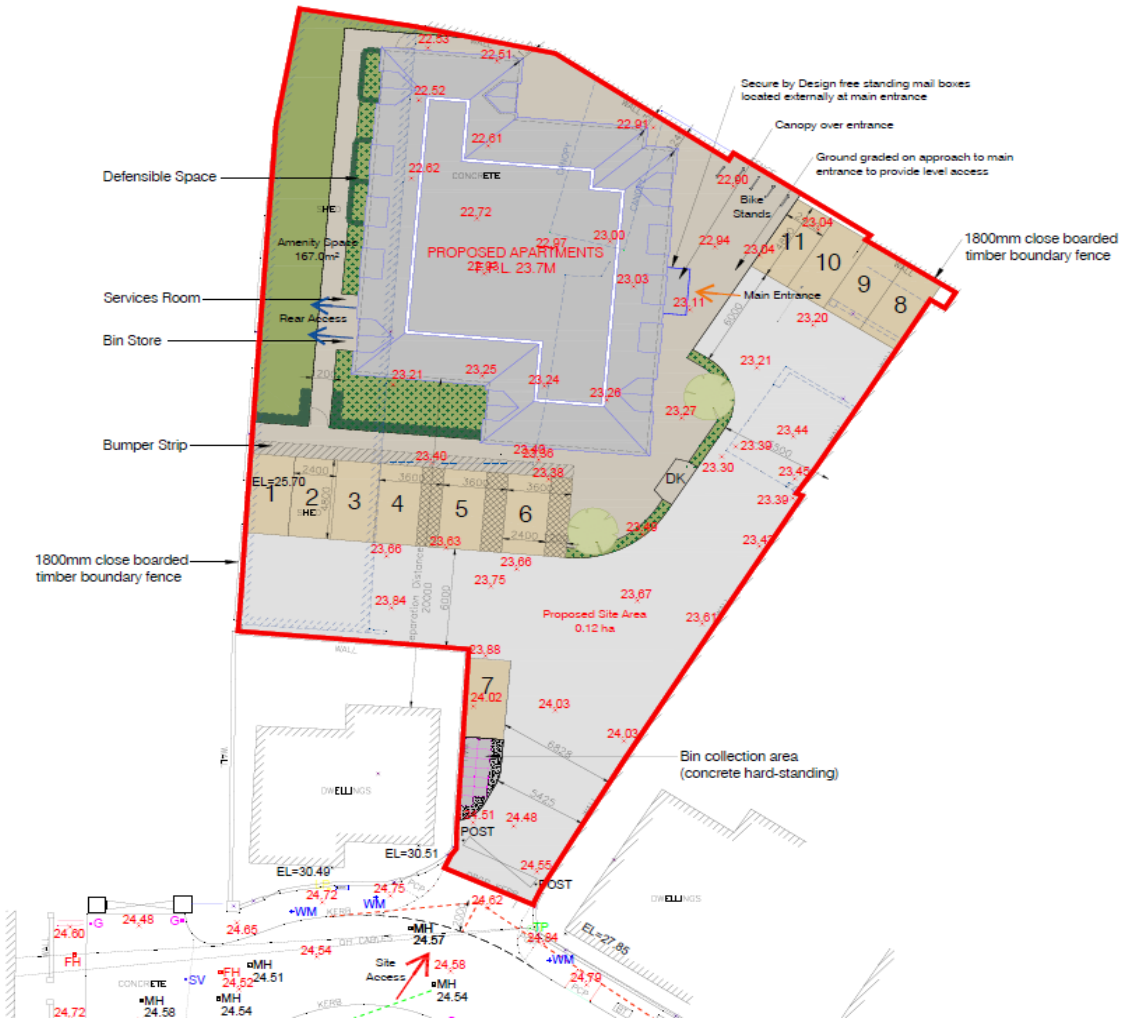
Having regard to the policy context and other material considerations, the proposal is considered unacceptable and refusal of planning permission is recommended for the reasons set out in paragraph 11 below. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons for refusal subject to no new substantive planning issues being raised by third parties.

Case Officer Report

Site Location Plan



Proposed Site Plan



Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area	
1.0	**Description of Proposed Development**
1.1	The proposal is for full planning permission for a proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works.
2.0	**Description of Site**
2.1	The site is located at 29 Parkside Gardens, a former builder's yard set within and between a residential and parkland context with a pair of semi-detached dwellings to the immediate front of the site sitting west of the entrance, a bungalow to the immediate east of the entrance and Alexandra Park adjacent to the rear, north and west.
2.2	The eastern boundary wall separates the site from a vacant plot of land adjacent to an interface. The interface bounds the park along Mountcollyer Street. The site is noted on the Belfast interface project map as blighted land. There is a significant buffer along the interface of the nearest dwellings on Parkside Gardens.
2.3	Access to the site is by an opening between 31 and 27 Parkside Gardens with the site wrapping around the rear of semi-detached dwellings 31 and 33 Parkside Gardens
2.4	The area is characterised by two storey semi-detached and two and a half storey terraced residential dwellings with on street parking. Alexander Park lies adjacent to the north, west and east of the site.
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History**
3.1	Z/2008/0053/O - Site for residential development of 8no apartments – Granted
3.2	Z/1990/3127 - Change of use from commercial vehicle repairs to builders' yard and auxiliary office - Granted
3.3	Z/1982/1157 – Change of use from yard for repairs of plant and heavy vehicles to repair – Granted
3.4	Z/1981/0854 – Conversion of existing shed to stabling use – Granted
4.0	**Policy Framework**
4.1	Belfast Urban Area Plan 2001

4.2	Draft Belfast Metropolitan Area Plan 2015 (2004 Version)
4.3	Draft Belfast Metropolitan Area Plan 2015
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 3: Access, Movement and Parking 4.4.3 Planning Policy Statement 4: Planning and Economic Development 4.4.4 Planning Policy Statement 6: Planning, Archaeology and the Built Heritage 4.4.5 Planning Policy Statement 7: Quality Residential Environments 4.4.6 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas 4.4.7 Planning Policy Statement 8: Open Space and Recreation 4.4.8 Planning Policy Statement 12: Housing in Settlements 4.4.9 Planning Policy Statement 15: Planning and Flood Risk 4.4.10 Development Control Advice Notice (DCAN) 8: Housing in Existing Urban Areas 4.4.11 Development Control Advice Notice (DCAN) 15: Vehicular Access Standards 4.4.12 Creating Places
5.0	**Statutory Consultees Responses**
5.1	DFI Roads – Noted the change in proposed use from that at the PAD stage. Subsequently DFI Roads have not requested a Travel Plan alongside auto tracking, a service management plan and amendments to the vehicular access and parking. This information was not requested by planning and was submitted by the applicant without request.
5.2	NI Water Multi Units East have recommended refusal of the proposal on the basis of sufficient waste water treatment works capacity is not sufficient to accommodate the proposal without significant risk of environmental harm.
5.3	Rivers Agency – No objection subject to condition
5.4	NIEA were consulted and advised of the following; • Water Management advised the proposal had the potential to adversely impact the surface water environment. • Regulation Unit has no objection to the proposal subject to conditions; • Natural Heritage has no objection.
5.5	Historic Environments Division were consulted and advised of the following; • Historic Buildings advised the proposal is sufficiently removed from the Listed Building and have no objection to the proposal; • Historic monuments considered the Archaeological Impact Assessment and concurs with its findings and has no objection to the proposal.
6.0	**Non Statutory Consultees Responses**
6.1	BCC Environmental Health - No objection subject to conditions.
6.2	BCC Tree Officer – Response to follow.
7.0	**Representations**
7.1	The application has been neighbour notified and advertised in the local press; no representations from neighbours have been received.
8.0	**Other Material Considerations**

8.1	The adopted Belfast Urban Area Plan 2001 designates the site as un-zoned white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as un-zoned white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan that was adopted and now subsequently quashed the site was designated as un-zoned white land and it is included within the boundary of Alexander Park – Historic Park, Garden and Demesne BT 063.
8.4	Living Places an Urban Stewardship and Design Guide for Northern Ireland.
9.0	**Assessment**
9.1	The Key issues in the assessment of the proposed development include; • Principle of development and use; • Loss of Economic land; • Height, Scale, Massing and Design; & Layout; • Provision of private amenity space; • Parking provision and access; • Impact on residential amenity of both existing and proposed residents; • Impact on heritage; • Other environmental factors.
9.2	The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is the statutory development plan for the area. draft BMAP remains a material consideration. The site is located within the settlement development limit for Belfast in the adopted and both draft versions 2004 and 2015 of BMAP.
9.3	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) 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.
9.4	Under the SPPS, the guiding principle for planning authorities in determining planning applications is that sustainable development should be permitted, having regard to the development plan and all other material considerations, unless the proposed development will cause demonstrable harm to interests of acknowledged importance. The SPPS sets out five core planning principles of the Planning System, including health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. Paragraphs 4.11 and 4.12 require the safeguarding of residential environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. **<u>Principle of development and use</u>**
9.5	Whilst the principle of residential development on the site has been previously approved under planning permission Z/2008/0053/O – outline permission for 8 apartments. Whilst the principle of residential use on the site is acceptable and compatible with the adjacent residential use and park, it is the form of development proposed in this case that is considered unacceptable. **<u>Loss of Economic Land</u>**
9.6	

9.7	As the proposal site was last used as a builder's yard policy PED 7 of PPS4. This policy affords protection to lands last used for business purposes. The principle of residential development and the use as residential has previously been accepted through previous planning permission Z/2008/0053/O. The applicant has provided a design concept statement which also addresses PED 7. The applicant has stated that the proposal complies with criterion (b), (d), (e) and (f).
9.8	In terms of criterion (b) the applicant has stated that the proposed use for social housing is of greater community benefit than its extant use as a derelict former builder's yard, which also complies with criterion (d) in that the present use has a significant adverse impact on the character or amenities of the surrounding area. It is accepted that the proposed social housing would be of greater community benefit than its currently derelict state and would be considered complimentary and in keeping with the adjacent residential and parkland use and therefore complying with criterion (d).
9.9	It is the restricted nature of the site that renders it unsuitable for modern industrial, storage or distribution purposes and therefore the case made is deemed to comply with criterion (e). Nor are there any building of archaeological or historical interest or importance that would be required to be secured, as set out in criterion (f).
9.10	It is considered that the applicant has sufficiently demonstrated that the proposed residential use on the site is acceptable at this derelict former builders' suppliers.
	<u>Height, Scale, Massing and Design and Layout</u>
9.11	The proposed development includes:
9.12	Height – 9.82m from FFL Eaves – 7.28m from FFL Gable Depth – 16.66m Length – 23.05m
9.13	The proposed height, scale and massing combined with the footprint, which occupies a significant portion of the site, is considered to be unacceptable and would appear dominant. The plot coverage and the proposed hard standing for parking will leave little private amenity space. The building is 'pushed' to the rear boundary and will be positioned just off the boundary with the Park, with no landscape buffer between the proposal and Alexander Park to the north. The proposal represents overdevelopment of the site.
9.14	The length and depth of the proposed building is significant, at over 23metres X 16.6metres and with limited space remaining around the building to absorb a building of this scale. The building will be dominant on the plot.
9.15	Whilst the area is relatively high density, the proposal would be out of keeping with the local character of the area and out of keeping within the context in which it is to be located and in particular with more recent development in the vicinity. The area generally displays terraced dwellings with private amenity to the front and rear; and as the area has been subject to substantial clearance and redevelopment in recent years, the new dwellings built have good amenity provision to the front and rear resulting in a quality environment. In terms of density in the area this ranges from 40 dwellings per hectare to 59 per hectare. The density of the proposal site would equate to 130 dwelling units per hectare. This is more than double the highest existing density in the area. This reiterates the proposal represents over development of the site and would not deliver a quality residential environment for prospective residents.

9.16	Policy QD 1 of planning policy Statement 7 – Quality Residential Environments also considers the impact of the proposal on the character of the area. It is considered that the proposal represents overdevelopment of the site combined with the proposed level of hardstanding for the provision of car parking is considered to be excessive resulting in an unacceptable layout, impacting on the amenity of prospective and existing residents.
9.17	The outlook for apartments fronting on to the eastern and southern portion (apartments 1, 3, 4, 7, 8 and 11) of the site will outlook on to areas dominated by hard standing in the form of the road, parking, pedestrian surface and a brick boundary wall and neighbouring gardens private amenity areas. The remaining apartments outlook on to a section of grass area directly south of the proposed building and providing a visual break between the walkway around the building and the car park and those apartments outlooking to the west will outlook on to the shared communal amenity space.
9.18	The dominance of site coverage and hard standing within the proposal site is a symptom of overdevelopment of the site and highlights the lack of adequate amenity provision or landscape buffer.
9.19	**<u>Amenity for Prospective Residents</u>** In terms of amenity space, there is no private amenity space proposed within the development. There is a total of approximately 83m^2 of communal amenity space proposed, with no individual private amenity space for the apartments. Whilst the applicant's block plan states 167m^2, this would appear to include a walkway area and a grassed area which would not be considered to be private. As set out in creating places, the recommenced minimum amenity space provision per apartment is in the range of 10m^2 to 30m^2, dependent upon the urban context in which the proposal site is located. As this site is out of the inner city, it would be expected that the amenity provision per apartment would exceed the recommended minimum of 10m^2. In addition, there are units proposed that are 2 bedroom and would reasonable be expected to accommodate families, which require greater amenity space provision.
9.20	It is acknowledged that the proposal site is directly adjacent to Alexander Park, however considering the EIA Street planning appeal decision 2018/A0070 it was considered that existing other public spaces were not an acceptable substitute for the deficit of private and communal space in quantitative and qualitative terms. Therefore, it is considered that insufficient private amenity space has been provided for prospective residents and is contrary to criterion (c) of policy QD1.
9.21	The communal amenity space provided is located within the western portion of the site and this western boundary is to be bounded by a 1.8m close boarded timber fence. The orientation and layout of the site will mean that the communal amenity area will likely be in the shade most of the day combined with the existing dwellings to the south as the sun path moves from east to west throughout the day. All of these are symptoms of over development and indicate that the proposed development exceeds the maximum capacity that the site can accommodate.
9.22	Therefore, the proposed layout is unacceptable and is considered to be contrary to criterion (a), (b), (c), (e), (f), (g) and (h) of policy QD 1 of PPS 7 and criterion (a) and (b) of Policy LC 1 of the Addendum to PPS 7.
9.23	In terms of the required minimum space standards, the proposed dwellings meet and exceed the space standards as set out in Annex A of the Addendum to Planning Policy Statement 7 – Safeguarding the Character of Established Residential Areas and therefore is in accordance with criterion (c) of policy LC 1.

9.24	**Impact on Neighbouring Residential Amenity** In terms of the residential amenity of existing residents, despite the minimum separation distance of 20m being provided, it is considered that the proposed residential development will result in direct overlooking to the rear gardens and amenity areas of the semi-detached dwellings located at 31 and 33 Parkside Gardens and to the bungalow at 27 Parkside Gardens. In terms of overshadowing the proposal will not result in unacceptable impact to the residential amenity of adjacent dwellings as the proposal site sits to the north of those and therefore it will be the proposed communal amenity area that will be overshadowed by the existing dwellings and western boundary wall. Again, whilst there is unlikely to be any significant shadow, the neighbours may experience the perception of dominance given the scale and mass of the block proposed, particularly relative to the bungalow at 27 Parkside Gardens.
9.25	**Impact on trees** Whilst on the site itself there are no trees or vegetation, the site is adjacent to Alexander Park. Directly adjacent to the northern boundary wall are trees which form part of Alexander Park. The applicant submitted a Tree Constraints Plan which show the position of the trees however the plan states 'that the trees are in such a condition that they cannot realistically be retained in the context of current land use for longer than 10 years. However, these trees are not within the applicant's ownership and this development should not put those trees at risk regardless of their condition. The tree officer has been consulted for comment.
9.26	There is also concern about the proximity of the trees to the northern elevation. The proximity of the trees would result in potential for loss of light to these already north facing apartments, increasing the likelihood that any future occupants would request that the Council (owner of Alexander Park) to remove the trees to allow for light and outlook from these north facing apartments. This would create an issue for the future if the proposal was permitted. The trees are outside the ownership of the applicant and therefore and removal of trees as per the tree constraints plan could not be permitted as part of this application. This scenario is undesirable and as discussed above, the potential impact on trees outside the site in this case is another indicator of overdevelopment of the site.
9.27	**Parking Provision and Access** DFI Roads were consulted and requested the submission of a parking survey, refuse collection auto tracking, travel plan and a survey management plan. This information was submitted by the applicant without request together with a supporting letter. It is noted that the agent has failed to provide a travel plan and a service management plan for this proposal as requested by DFI Roads. The applicant's road consultant has stated that a travel plan is unnecessary for a proposal of this scale given its an accessible area with low car ownership. They have also stated that the travel plan would result in an additional cost of £20,000 for the housing association. The applicant's road consultant has also queried the requirement for a service management plan, given the scale of the proposal and that the only large vehicle accessing the site will be a refuse lorry if they wish to enter the site as a bin collection point is located adjacent to the entrance and neighbouring dwelling no.31 Parkside Gardens.
9.28	DFI Roads have also raised issues in respect of the forward sight distance required. The agent submitted further information which is with DFI Roads for consideration.
	Bins & waste collection The proposed bin storage is to be internal within the building and accessible to all proposed residents internally. A bin collection point has been proposed, a concrete hard standing area between the vehicular access and the neighbouring dwelling at 31 Parkside

9.29	Gardens. The proposed site plan shows space for 13 bins, neatly parked in rows, however the reality is that bins would be parked and would likely sprawl out on to the access road or the public footpath. There is also concern that if residents did not collect bins in a timely manner that this would impact on the neighbouring dwellings by smell and potentially increase the risk of vermin; and impede access to the site, given the narrow entrance. It is considered that the collection point would not be sufficient and would potentially impact on the amenity of the adjacent dwellings.
9.30	**Other Environmental Factors** NI water were consulted and have recommended refusal of the proposal on the basis of insufficient waste water treatment works capacity which cannot accommodate the proposal without significant risk of environmental harm. The applicant has failed to demonstrate through evidence from the statutory provider that the site can be adequately serviced.
9.31	Environmental Health were consulted and have no objection subject to conditions.
9.32	NIEA Water Management advised the proposal had the potential to adversely impact the surface water environment.
9.33	NIEA Regulation Unit have no objection subject to conditions.
9.34	NIEA Natural Heritage advised they had no concerns and recommended informatives. Rivers agency has no objection subject to condition to the proposal.
10.0	**Recommendation** The proposal is considered to be unacceptable and refusal of planning permission is recommended.
10.1	Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended. Delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.
10.2	**Summary of Recommendation: Refusal**
11.0	**Refusal Reasons** 1. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, introduce an unacceptable layout through the overdevelopment of the site which would fail to provide a quality residential environment to the detriment of the amenity of prospective residents as the layout will be dominated by parking, fails to provide adequate or appropriate private and communal amenity space resulting in a poor quality living environment. 2. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments and to Policy LC1 of the Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas, in that the development would, if permitted, introduce a layout, built form and a building of a bulk, scale and mass, not in keeping with the overall character and environmental quality of the established residential area. If permitted would result in over development

	of the site which would introduce to the location an unacceptable density and an uncharacteristic layout. 3. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the proposal would, if permitted, would result in an unacceptable impact to neighbouring residents by way of overlooking and the potential for perception of dominance being harmful to their living environment and impact on amenity from the bin collection area proposed. 4. The proposal is contrary to Policy QD1 of the Department's Planning Policy Statement 7: Quality Residential Environments in that the applicant has failed to demonstrate that there will not be an impact to trees on a neighbouring adjacent site, which has the potential to impact Alexander park and the local environmental quality.
Neighbour Notification Checked: Yes	
Notification to Department (if relevant) N/A	
Representations from Elected members: N/A	

ANNEX	
Date Valid	30th September 2021
Date First Advertised	22nd October 2021
Date Last Advertised	22nd October 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 12 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 31 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 31 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 33 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 33 Parkside Gardens,Belfast,Antrim,BT15 3AW The Owner/Occupier, 75 Mountcollyer Street,Belfast,Antrim,BT15 3AZ The Owner/Occupier, 77 Mountcollyer Street,Belfast,Antrim,BT15 3AZ The Owner/Occupier, 79 Mountcollyer Street,Belfast,Antrim,BT15 3AZ The Owner/Occupier, 8 Parkside Gardens,Belfast,Antrim,BT15 3AW	
Date of Last Neighbour Notification	28th January 2022
Date of EIA Determination	n/a
ES Requested	No
Drawing Numbers and Title	
Drawing No’s. 01, 02, 03A, 04A, 05A, 06A, 07A, 08A, 09A, 10, 11 and 12 Type: Site location map, existing layout, proposed layout, proposed floor plans and elevations, site sections, tree constraints plan and landscape plan. Status: Submitted	

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: 15th February 2021	
Application ID: LA04/2021/0911/F	
Proposal: Demolition of existing building and construction of 9 no. apartments and associated site works	**Location:** 236 Upper Newtownards Road, Belfast, BT43EU
Referral Route: Decision of the Director of Planning and Building Control given that a previous application for redevelopment of the site was also considered by the Committee.	
Recommendation:	Refusal
Applicant Name and Address: CYM properties Ltd 181 Templepatrick Road Ballyclare BT39 0RA	**Agent Name and Address:** Footprint Architectural Design 181 Templepatrick Road Ballyclare BT39 0RA

Executive Summary:

Full planning permission is sought for the demolition of the existing building and the erection of 9 apartments.

The site is located within the development limits of Belfast in both the Belfast Urban Area Plan 2001 (BUAP); and both versions of draft Belfast Metropolitan Plan 2015 (dBMAP). The site is within a draft Area of Townscape Character.

The main issues to be considered are:

- The principle of the proposal at this location
- Demolition
- Impact on the character and appearance of the area
- Impact on Built Heritage
- Impact on amenity
- Access, parking and transport
- Infrastructure capacity
- Impact on Human Health

The principle of residential redevelopment is acceptable on the basis that the site is within the development limits in both the extant and draft plans and historically would have been used as a dwelling. The Development Plan does not preclude housing from this location.

However, it is considered that the existing building makes a positive contribution to the character of the area and its demolition would normally present concerns. However, the difficult history of building is a material consideration and justifies removal of the building. Notwithstanding, it is still necessary for the applicant to demonstrate an acceptable redevelopment proposal and "put back". It is considered that the design of the proposed apartments, in terms of their design, scale, massing and site coverage would be inappropriate for the site and locality and would harm the character and appearance of the area.

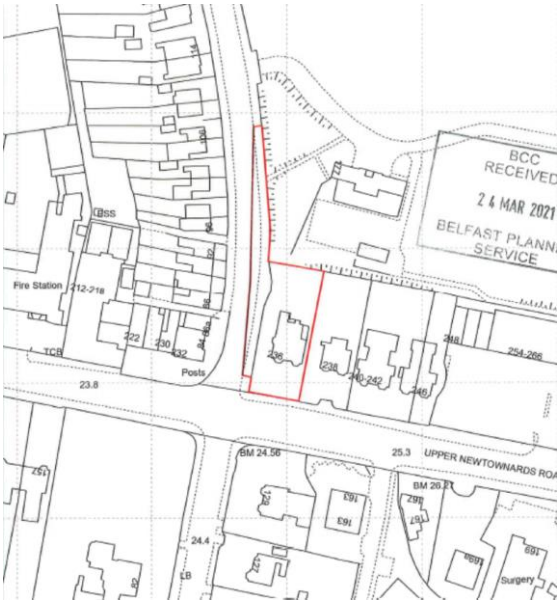
Sixteen letters of objection have been received. Issues raised are addressed in the main report and include:

- Parking and traffic issues;
- Failure to respect the built context/local character of the area
- Concerns regarding the design and layout of the proposal
- Overdevelopment of the site
- Impact on listed buildings
- Impact on residential amenity
- Inadequate amenity provision
- Noise pollution
- Further engagement with victims of abuse scandal required
- Security and health and safety concerns
- Inaccurate plans
- Unacceptable use
- Further engagement with victims of abuse scandal required
- Security and health and safety concerns
- Contrary to planning policy

Consultees
DfI Roads– No objection
NI Water – Further information required
Rivers Agency – Further information required
BCC Conservation Officer – Objection
Urban Design Officer – Objection
BCC Environmental Health – No objections

Recommendation
It is recommended that planning permission is refused on the grounds that the design of the proposed apartments is inappropriate and would be detrimental to the character and appearance of the area. Delegated authority is sought for the Director of Planning and Building Control to finalise the refusal reasons.

Site Location Map






WEST ELEVATION
SCALE 1:100
SOUTH ELEVATION
SCALE 1:100
EAST ELEVATION
SCALE 1:100
NORTH ELEVATION
SCALE 1:100


KEY
FACADE LINE
RIDGE LINE


KEY
OUTLINE OF No. 238
(neighboring building)
OUTLINE OF No. 236
(Existing building)
OUTLINE OF No. 129
North Road

1.0	**Description of Proposed Development** The application seeks full planning permission for demolition of the existing building and construction of nine apartments and associated site works. The proposed apartments would have three storeys, stepping down to two storeys at the rear. Vehicular access would be from North Road to the west. This would lead to 12 off-street parking spaces underneath the building at ground level. There would also be pedestrian access from Upper Newtownards Road to the south. The building is proposed to be finished in red brick with profiled aluminium cladded roof.
2.0	**Description of Site** The site occupies a prominent corner plot at the junction of Upper Newtownards Road and North Road. The topography of the site is relatively flat and even. The site contains a large two storey detached double fronted dwelling. The dwelling is traditional designed and of late 19th century origin with canted bay windows either side of a centrally located front entrance doorway. It is finished in a painted render with decorative fenestration and mouldings to the front façade and decorative fret work barge-broads to the gables. The site has been in use as an office which has resulted in the front and rear gardens being hard surfaced for parking. The building is currently vacant and has fallen into disrepair. The character of the surrounding area is primarily residential but has other uses nearby with a primary school located to the rear of the site; terraced dwellings along North Road and large detached dwellings; with office use and a restaurant neighbouring the site along the Upper Newtownards Road.
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History** LA04/2018/2283/O Proposal: Demolition of existing building and construction of 12 apartments. Address: 236 Upper Newtownards Road, Belfast, BT4 3EU., Status: Withdrawn 07.10.2019
4.0	**Policy Framework**
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2004 (dBMAP v2004) Draft Belfast Metropolitan Area Plan 2015 (dBMAP v2014) Following the Court of Appeal decision on dBMAP, the extant Development Plan is the BUAP. However, given the stage at which dBMAP had reached pre-adoption through a period of independent examination, the policies within dBMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. It is considered that significant weight can be given to dBMAP given its advanced stage.
4.2	Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement (SPPS) PPS 3: Access, Movement and Parking PPS 6: Addendum Areas of Townscape Character PPS 7: Quality Residential Developments PPS 15: Planning and Flood Risk Creating Places Development Control Advice Note 8 – Housing in Existing Urban Areas

5.0 5.1 5.2	**Consultations:** **Statutory Consultee Responses** DfI Roads – No objection NI Water – the application should enter into a Pre Development Enquiry (PDE) with NIW to establish waste-water capacity. Rivers Agency – requests the further information sought by NI Water in relation to surface water drainage capacity before they are able to complete their assessment. HED – No objection. **Non-Statutory Consultee Responses** Environmental Health – No objection Conservation Officer – Objection. Urban Design Officer- Objection.
6.0 6.1 6.2	**Representations** The application has been neighbour notified and advertised in the local press. Sixteen objections have been received as summarised below. *Design* • The proposal is contrary to planning policy as it would fails to maintain or enhance the distinctive character of the Area of Townscape Character and does not respect the existing built form it is contrary to Policy QD 1 of PPS 7 and Policy ATC 2 of the Addendum to PPS6: Areas of Townscape Character. • The proposal would be out of character with the existing area. • Height, scale, massing, footprint and density would be inappropriate • The proposal would be contrary to Policy LC 1 of the Addendum to PPS 7 in that the massing and density is significantly higher than that found on the established residential area of the North Road where the proposal predominantly impacts. • Density/overdevelopment concerns • Inadequate landscaping • No reference to disabled accessibility considerations within the Design and Access Statement *Setting of the Listed Building* • The proposal would have a detrimental impact on the setting of the Listed Strandtown Primary School and is contrary to Policy BH11 of PPS 6: Planning, Archaeology and the Built Heritage *Transport* • Concerns about increased traffic and parking • Inadequate car parking within the North Road • Exacerbation of parking and traffic associated with the Cyprus Avenue restaurant • Health and safety concerns relating to traffic moving across a footpath used by the public, particularly by school children • Lack of car parking provision including visitor parking, service vehicles parking and space for construction vehicles • Access and parking dimensions are inadequate • Parking obstruction • Inadequate parking survey

- Disagreement with timeframes suggested for the parking survey
- Disagree with contents of applicant's transport assessment and parking survey
- The site would be suitable for a car park
- Proposal contrary to Policy AMP 2 of PPS3: Access, Movement and Parking.

Amenity

- Impact on residential amenity due to overlooking as the building would overlook the opposite terraces, especially as balconies are included in the new development.
- Overlooking into Nos, 86, 88, 90, 92 and 92a North Road from proposed balconies. Nos 84-91 inclusive, Strandtown school and reference has been made to potential overlooking into an office at No. 84 North Road.
- Objection from Strandtown school-overlooking from apartment Nos 6 & 9.
- Inadequate separation distances between the proposal and neighbouring properties
- Loss of light
- Overshadowing
- Noise pollution, obstruction and disruption associated with traffic.
- Given the scale of the apartment block, the ratio of built form to open space and parking space is unsatisfactory. Creating Places requires 10 to 30sqm per unit. There is only a small garden area to the front and balconies and a roof terrace are to provide the remaining open space.
- Lack of amenity space

Use

- A memorial garden for victims of abuse would be more appropriate than this proposal for apartments
- Proposed residential use is not apt for such a sensitive site
- The proposal is incompatible with the adjacent school

Quality of application submission

- The applicant does not appear to include all of the information required by the Planning (General Development Procedure) Order (Northern Ireland) 2015.
- The plans are inaccurate
- The contextual drawings are deceiving
- Validity of the Design and Access Statement

Public Engagement

- Further engagement with victims is required

Other matters

- Unauthorised signage has been erected in respect of the development on the southern roadside elevation facing onto the Upper Newtownards Road.
- Security concerns in terms of doubts regarding boundary treatment between proposal and the school
- Proposal is not a not a mixed tenure development and there is no real mix of choice or affordability.
- Proposal should not be just decided by the Planning Authority

Some representations support demolition of the building.

<u>Officer response to third party objections</u>

	Officers respond as follows to these objections (where those objections are not addressed in the main assessment later in the report). • A number of concerns were raised regarding parking, traffic and safety. Issues were raised about the quality of the information provided by the applicant. Safety concerns are based on additional vehicle journeys associated with the proposal. Concerns regarding safety with the access and its proximity to a school were also raised. Objectors provided photographs depicting vehicles parked in the area and traffic along neighbouring roads. DFI Roads considered the objections and are of the opinion that the proposal is acceptable and complies with PPS 3. Further discussion on parking, access and transport is included within the assessment section of the report. • Noise pollution concerns relate to the proposal for nine apartments increasing noise levels. Environmental Health Service has not indicated that there would be an issue regarding increase in noise pollution. Any undue noise created by occupants of future apartments is a matter of control for the Council's Environmental Health Service. • The request for a memorial garden is not within the remit of the planning authority as the Council must determine the application before it. • The Council carried out statutory neighbour notification and consultation requirements in accordance with the regulations. • The Planning Act 2011 identifies the Council as Planning Authority with responsibility to determine the application. • The density of the proposal is considered to be acceptable in terms of the number of units on the site, however, officers have concerns regarding the form and scale of the proposal, which would result in overdevelopment of the site. Part of the site fronts onto an arterial route which is an appropriate location for apartment living developments. • Details of boundary treatments would be conditioned were planning permission to be granted. • Regarding impact on listed buildings, HED has no objection to the proposal. It is considered that the proposal would not have a detrimental impact on the setting of the Listed Strandtown School. • The proposal offers a range of apartment sizes. The applicant is a private developer and there is no mandatory policy requirement for the applicant to provide affordable units. • The proposal would be subject to Building Control regulations in terms of access arrangements for disabled accessibility. The Design and Access statement makes reference to pedestrian access and internal lift features which would meet the requirements for wheelchair users and residents. • The Design and Access Statement meets the requirements set out in The Planning (General Development Procedure) Order (NI) 2015. • Unauthorised signage is a matter for planning enforcement. • Adequate landscaping is proposed. • The site is not zoned for car parking. • The plans provided are to scale and appear to be accurate.
6.3	No further written representations have been made. Political inquiries have been made regarding the status of the application from Cllr Michelle Kelly, Alliance Party and from the Department of Justice office. There have also been enquiries from a BBC radio show to the Council's media team regarding the application.

7.0	**Assessment**
7.1	The key issues in the assessment of the proposal are as follows: • The principle of the proposal at this location • Demolition • Impact on the character and appearance of the area • Impact on Built Heritage • Impact on amenity • Access, parking and transport • Infrastructure capacity • Impact on Human Health
	The Principle of the Proposal at this Location
7.2	The application seeks full planning permission for demolition of the existing building on site and the construction of 9 apartments. The site is located within the development limits for the city within both BUAP and both versions of dBMAP. As such the proposal accords with settlement policy and Policy SETT 2, Development within the Metropolitan Development Limits and Settlement Development Limits.
7.3	The site is within the draft Belmont Area of Townscape Character (ATC) in both versions of draft BMAP and in close proximity (15m) to Cyprus Avenue Conservation Area to the south.
7.4	At paragraph 6.137, the SPPS refers to the need to deliver increased housing without town cramming and espouses the importance of new development respecting local character and environmental quality, as well as safeguarding the amenity of existing residents. The SPPS also advises that sustainable development ought to be granted where it accords with the area plan and causes no harm to areas of acknowledged importance.
7.5	The building has characteristics of a dwelling house and has been used for residential purposes in the past. The site is located within the development limits and in a mixed-use area. This is an appropriate and sustainable location for housing with good access to public transport, shops and amenities. Redevelopment of the site for housing / apartments is considered acceptable in principle.
	Demolition
	Overview
7.6	Express planning permission is required for the demolition of an unlisted building in a draft or adopted Area of Townscape Character (ATC).
7.7	The site falls within the proposed (draft) Belmont ATC. The Planning Appeals Commission (PAC) considered objections to the proposed ATC designations in its report on the BMAP public inquiry. The Commission recommended no change to the Plan. It is therefore considered likely that the proposed ATC designation would remain, if BMAP were to be adopted. The proposed ATC designation is therefore a material consideration.
7.8	It is acknowledged that the PAC has established that there is nothing in the PPS6 Addendum, Areas of Townscape Character, which enables policy ATC 1 to be applied to draft Areas of Townscape Character designations. Notwithstanding, the PAC has

	accepted that demolition of buildings within a draft ATC is a material consideration in the assessment of a proposal as they inform the local area's character.
7.9	The impact of demolition in a draft or adopted ATC cannot be assessed in isolation and divorced from the merits of the redevelopment scheme. The test to be applied is whether the proposal would result in unacceptable damage to the local character, environmental quality or residential amenity of the area.
	Merits of the existing building
7.10	The existing building occupies a prominent corner position on the busy junction of Upper Newtownards Road and North Road. The building has a traditional appearance with its double bayed frontage coupled with the material finishes contributes to its distinctiveness at this location. The building is considered to be of architectural merit, especially the front façade with later rear extensions being very unsympathetic. The building does exhibit signs off neglect with sections of the outer woodwork and render falling into disrepair, however, on the whole the building retains much of its period characteristics and appears structurally sound.
7.11	The building and site do have some detracting features notably a single storey flat roof extension and a 2.4m high palisade fence to the rear, and a significant amount of hard standing. The low-level palisade fence that forms part of the boundary treatment to the rear is also of little merit in the general locality. However, the remaining boundary treatment of a rendered front wall and mature vegetation defines this corner site and is very much in keeping with the properties to the east.
7.12	It is considered that the building, notwithstanding the detracting features, positively contributes to the character of the area and is generally worthy of protection, especially when consideration is given to its prime location at a busy road frontage and junction. The road frontage also forms a boundary with neighbouring Cyprus Avenue Conservation Area.
7.13	The views of the Council's Conservation Officer (CO) have been sought. The CO has also concluded that the building makes a positive contribution to the surrounding area and the demolition would therefore be contrary to policy. They refer to the site as an imposing corner building that presents strong examples of traditional architectural features which included canted bay windows and cornicing. The CO considers that the finishing and detailing set it apart from adjoining properties and in terms of layout and setting with the building forming the end of a clear building line. The CO concludes that No. 236 along with neighbouring properties up to No. 246 retained their historical layout and setting which in turn contribute to the character of the area.
7.14	Planning permission for demolition of such a building which makes a material contribution to the character and appearance of the area would normally be resisted. However, in this particular case, the building has a very difficult history. The site was formerly the Kincora Boys' Home and was subject to a Historical Institutional Abuse Inquiry in 2017. This is a relevant material consideration which may be taken into account in the assessment of the application. Given the difficult history of the site, it is considered that the demolition of the building would be acceptable. However, the acceptability of the application is still dependent on a suitable redevelopment scheme, or "put back".
7.15	The CO also raises concerns about the redevelopment scheme, citing issues around overdevelopment, scale and massing. They comment that the extensive site coverage

	represents significant overdevelopment of the site – certainly in comparison to both the existing and neighbouring plots. Such a level of site coverage does not reflect historical plot layouts and patterns within the area, which typically featured main massing to the front of the site, and subservient rear returns and private amenity space/garden ground to the rear.
7.16	As a result of the extensive plot coverage, the projection and mass of the rear section remains excessive, dominant, stark and out of keeping with the surrounding area. It would not respect the historical principles of main blocks to the front with subservient returns and open space to the rear, and in contrast would result with a singular block form extending across the majority of the site. The CO is of the view that the scheme does not maintain, reinforce or respect the particular qualities, identity or character of the distinct character of the area.
7.17	The site was subject to a previous planning application for 12 units under LA04/2018/2283/O. This was presented to the Planning committee in September 2019 with a recommendation to refuse. However, the application was deferred for a Committee site visit. The application was subsequently withdrawn and the application was therefore not returned to the Committee for a decision.
7.18	Where demolition of a building is acceptable in principle, in terms of good placemaking, it is important that there is also an acceptable redevelopment scheme. However, for the reasons cited by the CO above, and as set out in detail in the next section of this report, it is considered that the design of the redevelopment scheme is inappropriate and would have a harmful impact on the character and appearance of the area.
	Impact on the character and appearance of the area
	Overview
7.19	The proposal has been assessed against Policy QD1 of PPS 7: Quality Residential Environments, which states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment, as well as guidance in the SPPS.
7.20	The application seeks full planning permission to redevelop the land with 9 apartments in a contemporary designed building. The layout of the proposal has frontages onto the Upper Newtownards Road and the North Road. The proposal has a 3-storey main corner block that steps down to two storeys plus a stepped back 'roof' to North Road and to the east along upper Newtownards Road. Pedestrian access would be off both the Upper Newtownards Road and the North Road. The existing vehicular access onto Upper Newtownards Roads would be reconfigured and retained. The existing tarmac parking area to the front of the building would be replaced with a green amenity space area which is welcomed as it offers amenity space for residents and provides visual amenity. Vehicular access would be provided via the North Road access where 12 ground floor car parking spaces are provided underneath the building at ground level.
	Form, Massing, Scale, Design and Density
7.21	The height of the proposed building is within the range of heights of the surrounding properties on Upper Newtownards Road and the three storey terrace buildings opposite the site on the North Road. There is a small setback between the corner block and the rear return block to North Road.

7.22	However, the proposal has an extensive footprint, one which is greater than the footprint of the existing building. The extensive site coverage is considered to represent significant overdevelopment of the site – certainly in comparison to both the existing and neighbouring plots. The building projects across the majority of the site which does not reflect historical plot layouts and patterns within the area, which typically featured main massing to the front of the site, and subservient rear returns and private amenity space/gardens around the building, to the front and to the rear.
7.23	As a result of the extensive plot coverage and relative uniformity in height, the projection and combination of mass of the front and rear section remains excessive, dominant and out of keeping with the surrounding area. It would not respect the historical principles of main blocks to the front with subservient returns and open space to the rear, and in contrast would result with a singular block form extending across the majority of the site.
7.24	The dominance of the building is evident in that the building extends almost the full depth of the site. This combined with a wider building footprint (than both the existing building and neighbouring buildings along Upper Newtownards Road), would result in a building which would be excessive in scale, overly dominant on this prominent corner plot and out of keeping with surrounding context. The general design architectural arrangement would be modern and fails to respond to the more traditional vernacular forms in the immediate locality. The proposal would result in a largely uniform approach being applied to the plot with little cognisance given to surrounding context, including established building lines, footprint depths and the subservient nature of existing rear returns.
7.25	The applicant's Design and Access Statement (DAS) suggests that direct comparisons are made to the arrangement of buildings directly opposite along North Road. However, buildings opposite are laid out in a more traditional manner in that their arrangement comprises two distinctive terraces; the first a terrace of six properties fronting Upper Newtownards Road and returning a short distance along North Road; and the second a terrace of four canted bay properties fronting North Road, with a clear break between both terraces.
7.26	The rationale presented in the DAS attempts to justified the design approach as replicating this arrangement in terms of setbacks and heights, when in fact this scheme proposes a consistent approach to a single building which turns the corner with long frontages along both the Upper Newtownards Road and North Road, a clear departure from the arrangement opposite. Key elements that are missing from the arrangement adopted on the opposite side of North Road include a physical break in form and identifiable gable ends, own door arrangements, the incorporation of subservient rear returns and the inclusion of features such as modest, enclosed front gardens, canted bays and elements such as eaves detailing, window head details, minor brick cornices and chimneys. This divergence does not follow the advice as quoted directly from PPS6 (Paragraph 7.7) and PPS7 (Paragraph 4.24) on pg. 18 of the DAS in relation to designing buildings *'…with respect for their context*' and *'…new development fitting in well with its surroundings*'.
7.27	The location along an arterial route is suitable for a medium density development which ultimately supports and sustains public transport options along arterial routes.
7.28	While the current proposal will contribute to the housing supply and increased density is encouraged on arterial routes, this should not be at the expense of eroding the character and amenity of the area. It is considered that the proposed design, scale, bulk and massing are inappropriate at this key site which would result in a dominant

	and out of keeping building which would adversely affect the local character and appearance of the area by creating a more intensive site coverage at this location. The proposal is considered to be contrary to Policy QD 1 of PPS 7 and the SPPS.
	Amenity Space
7.29	Paragraph 5.20 of Creating Places states that in the case of one or two bed units on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas courtyards or roof gardens. There should be a minimum of 10 square metres per unit. Paragraph 5.20 also indicates that there can be a reduction where some private open space is provided in the form of patios or balconies.
7.30	The proposal involves a private communal terrace at second floor level with an area of 55 square metres while the majority of individual apartments have their own terraces/balconies, Apartment 2 has its own private garden however it will be largely over shadowed by the built form itself. The total area of the individual spaces is 42sqm, which results in 97sqm of amenity space for occupants of the apartments. The average provision is 10.7sqm per apartment, therefore in excess of the minimum suggested in Creating Places.
7.31	There would be two areas of 'private space' (as indicated on proposed site layout plan) totalling 97sqm of additional amenity space to the front of the development facing onto the Upper Newtownards Road. The proposal would also benefit from perimeter planting, hedging and side lawns. The communal terrace has been carefully designed to avoid any residential amenity issues. It is positioned away from proposed windows of apartments and set back from the building facades and bound by a 1.8 metre enclosure. The site also benefits of the close proximity to the Comber Greenway (380m), Orangefield Park (800m) and the Connswater Community Greenway (1km). It is concluded that the level of open space provision would be sufficient.
	Impact on Built Heritage
7.32	The site is next to Strandtown Primary School, which is a Grade B+ Listed Building. Historic Environment Division (HED) (Historic Buildings Unit) has considered the impacts of the proposal on the Listed Building and on the basis of the information provided, advises that it is largely content with the proposal under paragraph 6.12 of Strategic Policy Planning Statement for Northern Ireland and Policy BH 11 (Development affecting the Setting of a Listed Building) of Planning Policy Statement 6: Planning, Archaeology and the Built Heritage. HED has no fundamental concerns with the proposal but have requested further information regarding the detailing of materials to be used. In conclusion, the proposal would not have a harmful impact on the setting of the neighbouring Listed Building.
	Impact on Residential Amenity
7.33	The layout and aspect of the proposed apartments would mean that there would be no significant overlooking of neighbouring properties. Concerns were raised from objectors regarding the impact the proposal would have on the amenity of neighbouring properties including Nos 84-91, 86 ,88, 90, 92 and 92a North Road and Strandtown School.
7.34	The windows facing North Road would offer views onto a neighbouring commercial business (including No. 84) and a terrace of residential dwellings Nos. 86 to 92. The plans show three apartments on the first floor and two apartments on the second floor facing onto the North Road. All five apartments have private terraces. The separation distance is approximately 15-20 metres between the facades of the existing dwellings,

	the commercial properties and the proposed scheme fronting onto North Road. The separation distances are adequate to ensure they do not suffer any loss of amenity.
7.35	To the north of the site is a landscaped area and Strandtown School. The main school building and playground areas are at least 45m from the site boundary. Essentially, any upper windows and the terrace area will be looking into the car park area which is tucked into the corner of the school site. Importantly, the schools play areas are well separated from the site. It is considered that the proposal will not have any adverse amenity impact on the Strandtown School.
7.36	The building to the east is an office use and so is not a sensitive neighbour. It also has only one window on its western gable, which is at ground floor level. Nevertheless, the only windows on the eastern elevation of the proposed building at first and second floor level are either to provide light to the internal circulation space and are set well back from the boundary or are located towards the front of the building. The proposed amenity space on the second floor is set back from the building elevations and has a 1.8-metre-high enclosure. The proposal will therefore not have an unacceptable adverse effect on the privacy of surrounding properties.
7.37	In addition, there is sufficient separation distances and boundary treatments onto existing neighbouring properties to ensure that dominance/ loss of light, overlooking and overshadowing will not occur to an unacceptable degree. In terms of prospective residents, each unit would have adequate outlook to the public street and external amenity areas.
	Access, Parking and Transport
7.38	The site is located on the Upper Newtownards Road, which benefits of direct access to the Glider routes and is only 60m from a bus halt. The Glider routes doubles up as a shared space for buses and bicycles. The area is approximately 400 metres from the Comber Greenway and 1km from the Connswater Greenway. The closest Belfast Bikes docking station is 1km to the west at CS Lewis Square. The site offers direct access onto a public footpath providing pedestrian access to the wider area. Shops, restaurants, schools and parks are within easy reach by walking, highlighting the sustainable location of the site.
7.39	In terms of car parking, the proposal offers 12 on-site car parking spaces. Creating Places requires 14 spaces at a 9 2-bed apartment development prior to factoring in the location of the site or the characteristics of the development. As highlighted above the site is within an urban area located along an arterial route which benefits from easily accessible and frequent public transport.
7.40	DFI Roads requested a parking survey and concluded that the proposal is acceptable. They indicated that the parking survey submitted in support of the development application 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. DFI Roads have also considered the objections associated with the proposal, the Transport Assessment Form and the Parking Statement. As such DFI Roads offers no objections to the application. Factoring in the location of the proposal and the DFI Roads response it is considered that the proposal complies with PPS 3.
	Wastewater Infrastructure and Drainage
7.41	NI Water has sought further information from the applicant to demonstrate foul and surface water drainage capacity through its PDE process.

7.42	DFI Rivers has considered the applicant's Drainage Assessment and have sought the same information as NIW in order to complete its consideration of surface water drainage impacts under Policy FLD 3 of PPS 15.
7.43	The Committee will be aware that NI Water has objected to a series of applications across the City on grounds of lack of waste-water infrastructure. In the case of this application, NI Water has asked the applicant to enter into NI Water's PDE process to demonstrate capacity. NI Water has subsequently produced a 'Solutions Engineer Report', which recommends that further investigation is carried out downstream to determine whether storm offsetting outside of the site is viable and how much flow can be removed and therefore offset.
7.44	Importantly, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development, which includes un-implemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will not all come forward at once. Notwithstanding the information provided by NI Water, in practical terms it would be unreasonable for the Council to refuse permission on this issue given NI Water's pre-existing commitments to connect to significant levels of un-implemented development. For these reasons, officers are of the view that it would be unreasonable to refuse this application based on NI Water objection.
7.45	Similarly, it would be unreasonable to refuse permission on drainage grounds, particularly when DFI Rivers has verbally indicated that it would not be objecting to this application but simply awaiting the further information requested by NI Water through their PDE process. It is considered that surface water provision can be dealt with by means of condition were permission to be granted.
7.46	**Impact on Human Health-Air Quality and Noise** Environmental Health has considered the proposal in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations and have no objections to the proposal subject to conditions It is of the opinion that the proposed development will not cause a potential impact on the health of the future occupants.
8.0 8.1	**Conclusion** It is recommended that planning permission is refused on the grounds that the design of the proposed apartments is inappropriate and would be detrimental to the character and appearance of the area. Delegated authority is sought for the Director of Planning and Building Control to finalise the refusal reasons.
9.0	**Recommended Refusal Reason:** 1. The proposed demolition and redevelopment, by reason of its proposed design, form, scale, bulk, mass and layout would represent excessive overdevelopment of the site which would result in an over-dominant and incongruous built form within the plot, architecturally out of keeping with immediately surrounding properties. The proposal would harm the character and appearance of the area and would be contrary to the SPPS, Policy QD1(a) of PPS 7 and Policy LC1 (b) of the addendum to PPS 7.

ANNEX	
Date Valid	2nd April 2021
Date First Advertised	30th April 2021
Date Last Advertised	30th April 2021

Details of Neighbour Notification (all addresses)
The Owner/Occupier,
100 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
102 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
104 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
106 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
177 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
232 Upper Newtownards Road,Belfast,Down,BT4 3ET
The Owner/Occupier,
238 Upper Newtownards Road,Belfast,Down,BT4 3EU
The Owner/Occupier,
84 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
86 North Road,Belfast,Down,BT4 3DJ
86, North Road, Belfast, Down, Northern Ireland, BT4 3DJ
The Owner/Occupier,
88 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
90 North Road,Belfast,Down,BT4 3DJ
90, North Road, Belfast, Down, Northern Ireland, BT4 3DJ
90, North Road, Belfast, Down, Northern Ireland, BT4 3DJ
92, Flat A, North Road, Belfast, Down, Northern Ireland, BT4 3DJ
The Owner/Occupier,
96 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
98 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
Flat 1,129 North Road,Belfast,Down,BT5 5NG
The Owner/Occupier,
Flat 2,129 North Road,Belfast,Down,BT5 5NG
The Owner/Occupier,
Flat 3,129 North Road,Belfast,Down,BT5 5NG
The Owner/Occupier,
Flat 4,129 North Road,Belfast,Down,BT5 5NG
The Owner/Occupier,
Flat A,92 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
Flat B,92 North Road,Belfast,Down,BT4 3DJ
The Owner/Occupier,
Ground Floor Office,236 Upper Newtownards Road,Belfast,Down,BT4 3EU

Principal and Secretary to the Board of Governors,Strandtown Primary School,North Road,Belfast,BT4 3DJ	
Date of Last Neighbour Notification	11th November 2021
Date of EIA Determination	N/A
Drawing Numbers and Title	
Notification to Department (if relevant) Date of Notification to Department: Response of Department:	

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Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: 15th February 2022	
Application ID: LA04/2021/0547/F	
Proposal: Demolition of the existing buildings and redevelopment of site for 2 no. commercial units on ground floor; 11 no. 1 & 2 bed apartments; landscaped communal courtyard; and all associated site works.	**Location:** Lands at 124-126 Lisburn Road Belfast BT9 6AH
Referral Route: Full demolition of main building in a Conservation Area	
Recommendation:	Approve
Applicant Name and Address: PWD Developments Ltd Unit 1 739 Antrim Road Belfast BT15 4EL	**Agent Name and Address:** TSA Planning Ltd 20 May Street Belfast BT1 4NL

Executive Summary:
This application seeks full planning permission for the demolition of no's 124-126 Lisburn Road and the erection of a 3.5 storey building with 2no. commercial units at ground floor level and 11 no. apartments above.

A separate application for Demolition Consent runs concurrent with this application reference (LA04/2021/0543/DCA).

The main issues to be considered in this case are:
●The principle of demolition of the existing buildings and the design and form of the replacement building in the conservation area
●The potential impact on the character of the area and nearby listed buildings
●The potential impact on residential amenity of existing and proposed residents
●Access, movement and parking
●Infrastructure capacity

The site is located within the Malone Conservation Area and involves demolition of 2 x two storey buildings. It is not considered that the buildings to be demolished make a material contribution to the Conservation Area and therefore their demolition is acceptable subject to a suitable replacement scheme.

The design of the proposed building reflects the traditional features of the street and appearance of the area and the roofline of the proposed successfully merges with that of the adjoining buildings. The proposed replacement scheme would offer an enhancement to Malone Conservation Area. The setting of the nearby listed buildings would be protected. The standard of amenity for existing properties and future occupiers is considered acceptable.

HED, DFI Roads, Rivers Agency, BCC Environmental Health and BCC Conservation Officer offer no objections to the proposal.

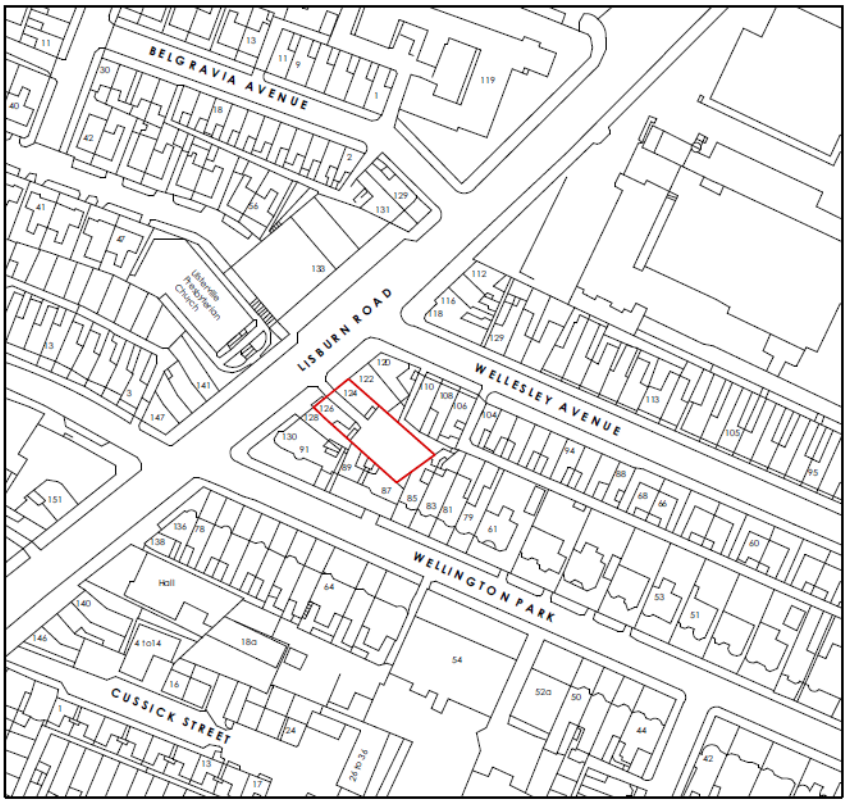
The applicant has engaged with NI Water to resolve the capacity issues to serve the development, a proposal of attenuation to the storm run-off rate has been proposed which indicates there is a solution for the storm and water discharge. NI Water have been reconsulted on additional information submitted by the applicant and their response will be reported as a committee update item.

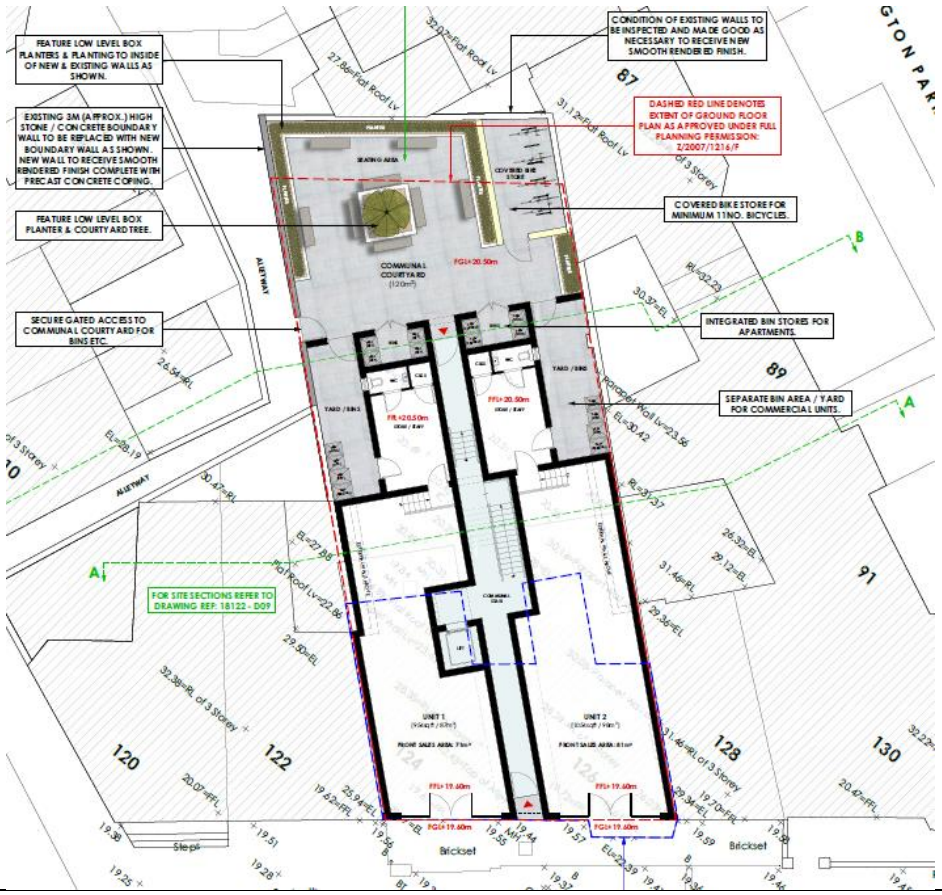
No representations have been received.

Recommendation
It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions and the completion of a Section 76 Agreement to secure the green travel measures.

Case Officer Report

Site Location Plan







CONTEXTUAL ELEVATION AS PROPOSED

Characteristics of the Site and Area	
1.0	**Description of Proposed Development** Demolition of 2 x two storey vacant / derelict buildings. It is proposed to construct a 3.5 storey building with 2 retail units at ground floor level fronting onto the Lisburn Road. An integral courtyard which provides amenity space for the 11no. apartments above the commercial units is proposed. It is to be located to the rear of the commercial units. At first & second floor level - 4 apartments are proposed on each level, 3 of which have an outlook onto the Lisburn Road and 1 no. apartment is to the rear with views of the courtyard -totalling 8 no. apartments. A further 3 no. apartments are to be located in the roof space with outlook onto the Lisburn road. A cover bicycle store and bin area have been incorporated also.
2.0	**Description of Site** The site comprises of two existing two storey buildings which are currently derelict / vacant. These buildings were previously used as retail / hot food bars. This brownfield site is located within the Malone Conservation Area. It is on an arterial route close to the city centre which is well served by public transport. The surrounding context is made up of a mix of residential, retail and other commercial uses- Queens University, Belfast City Hospital and many pubs, shops and restaurants are within short walking distance. There is a residential mix of terraced dwellings and apartments nearby.
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History** **Z/2007/1216/F –** Demolition of existing buildings and construction of 2 no hot food bars and 6 no. apartments. Granted November 2008 **LA04/2020/0835/PAD –** Demolition of existing buildings and development of 2 no. coffee shop/retail units on ground floor; 11 no. 1 & 2 bed apartments; landscaped courtyard; and all associated works. PAD Concluded. **Surrounding area**

	Z/2013/1482/F | Demolition of existing building and erection of 17 no apartments, associated amenity space and site works (Revised scheme) | St Thomas' Hall , 138a Lisburn Road Belfast BT9 Approved September 2015
4.0	**Policy / Legislative 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 NI 2015
	Planning Policy Statement 6 – Planning, Archaeology and the Built heritage. - policy BH14 - policy BH12 - policy BH11
4.4	Planning Policy Statements 7 – Quality Residential Environments -policy QD1
4.5	Planning Policy Statement 3 - Access, Movement and Parking.
4.6	Planning Policy Statement 12 – Housing in Settlements
4.7	Planning Policy Statement 15 – Planning and Flood Risk
4.8	Section 91 of the Planning Act (Northern Ireland) 2011 "In considering whether to grant planning permission for development which affects a listed building or its setting, a Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
4.9	Section 104 of the Planning Act (Northern Ireland) 2011 "Special regard must be had to the desirability of preserving the character or appearance of the Conservation Area or enhancing the character of appearance where an opportunity to do so arises."
5.0	**Statutory Consultees Responses**
5.1	DFI Roads have advised green travel measures including 3 year Travel Cards and Belfast Bike Membership should be secured as no parking provision has been made. *Officer Response:* The amended Travel Plan submitted reflects the offer of Translink Travel Cards (at 100% subsidy for each apartment) for a period of 3 years, at a rate of 1 Travel Card per apartment. Provision of Belfast Bike Membership per Residential Unit for a period of 3no. years. The applicant has agreed to the green travel measures and to enter into a Section 76 agreement to secure these.
5.2	DfI Rivers are satisfied with the drainage assessment submitted and raise no objection to the proposal subject to a condition ensuring submission of a detailed drainage plan indicating how waste water from the development will be managed.

5.3	Historic Environment Division (HED) is satisfied that the proposal will not negatively impact the setting of nearby listed buildings. Design and materials proposed respect the tradition and form of both Grade B1 listed buildings at 130 Lisburn Road and 91 Wellington Park.
5.4	Northern Ireland Water (NIW) - Belfast Waste Water Treatment Works is currently operating above design capacity and new connections are being curtailed. NI Water responded to clarify they can consider the provision of positive planning responses where developers can demonstrate (including calculations): 1. Like for like development 2. Extant previously approved development (where NI Water has given a positive response) 3. Where the development will offer a reduced loading on the sewer network, which may include storm separation and/or attenuation (may be subject to Article 154). The applicant has been in discussions with NI Water. In line with the NI Water consultation and the Pre-Development Enquiry (PDE) the developer is designing a system that meets the requirements of Point 1 and Point 3, namely making a connection that includes a 'like for like' development and reducing the biological and hydraulic loading on the sewer network by attenuating the storm runoff rate during a peak flow. There is an existing combined sewer connection to the adopted NI Water sewer network within the/adjacent to the site boundary that currently serves the existing development, and it is proposed to use this same connection point for the new development, in doing so will minimise disruption around the adjacent road network. The above information indicates a solution can be found. NI Water have been reconsulted on additional information submitted by the applicant and their response will be reported as a committee update item.
6.0	**Non Statutory Consultees Responses**
6.1	BCC Environmental Health – no objection subject to the inclusion of conditions regarding no cooking or reheating food in 2no. commercial units and no centralised combustion plant.
	BCC Conservation Team - It is considered that the proposal is acceptable and compliant with the SPPS and Policies BH14, BH12 and the Malone Conservation Area Design Guide.
7.0	**Representations**
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
7.0	**Other Material Considerations** Belfast Agenda Malone Conservation Area Design Guide Creating Places Living Places Parking Standards
8.0	**Assessment**
8.1	**Principle of Development** The site is located on an arterial route within the Malone Conservation Area. The site is part of a shopping/ commercial area zoning and as such retail frontage must be retained. Commercial development with residential above has previously been approved under Z/2007/1216/F in November 2008. Commercial units at ground floor level with residential

	above is in keeping with local development plan designation and is established, so the principle of this development is acceptable subject to the material considerations set out below.
8.2	**Demolition in the conservation area** The existing buildings to be demolished are generally in poor condition and based on their current appearance and condition and limited value in terms of historic / special interest, they are not considered to positively contribute to the conservation area as confirmed by the consultees including the BCC Conservation Officer and HED who offer no objection to the proposed demolition. Therefore, the presumption in favour of retention is not applicable and the proposed demolition is considered acceptable subject to a suitable replacement in accordance with Policy BH14 of PPS6, paragraphs 6.18-6.19 of the SPPS, Malone Conservation Area Design Guide and Section 104 (11) of the Planning Act (Northern Ireland) 2011.
8.3	**Design and impact on the character of the surrounding area including Malone Conservation Area and Setting of Listed Buildings** The proposed replacement building is designed so that the front elevation is flush with and the same height as adjacent properties. The proposed front elevation is appropriate in scale, form, materials and detailing. It is sympathetic to the directly adjoining buildings and those in the wider area. Shoulder heights, ridge lines, floor levels, scale and proportions all appear to take direct cues from the existing buildings and sit comfortably within the site. The rear return has been sensitively designed to reduce it bulk and appear subservient. The use of traditional finishes and materials such as natural slate, facing brick, brick coursing, lead and aluminium are all welcomed.
8.4	A Conservation and Heritage Statement along with detailed sections have been submitted in support of the application which demonstrates how the traditional roofscape features of the adjoining historic building assets will be protected. The Council's Conservation Officer is content with the proposed replacement scheme. Overall, the proposal is considered to offer an enhancement to the character and appearance of Malone Conservation Area. On this basis, the proposed demolition is acceptable and a suitable replacement scheme can be secured in accordance with Policies QD1 of PPS7, BH12 and BH14 of PPS6, Malone Conservation Area Design Guide, the SPPS and Section 104 of the Planning Act (Northern Ireland) 2011.
8.5	The application site forms an important part of the existing terrace which falls within the setting of the Grade B1 listed 91 Wellington Park and 130 Lisburn Road. HED have offered no objection to the proposal. It is therefore considered that the proposal would not adversely impact the setting of these listed buildings in accordance with Policy BH11 of PPS6, paragraph 6.12 of the SPPS and Section 91 of the Planning Act.
8.6	**Density** The development proposed is high density, which is acceptable at this urban location along an arterial route provided the scheme results in a quality residential environment for prospective residents and does not adversely impact on the amenity of existing residents. There is no provision for carparking within the development, however this is considered acceptable in this highly sustainable location with the provision of green travel measures. Provision of amenity space, bicycle parking and bin storage has been included. The proposed density of development is considered acceptable and in keeping with other similar developments along the Lisburn Road
8.7	**Layout** A 3.5 storey building with 2 retail units at ground floor level fronting onto the Lisburn Road is proposed.

	A paved integral courtyard (area 120sqm) with dedicated seating area and raised planters provides amenity space for the 11no. apartments and is located at ground floor level to the rear of the 2no. commercial units. The level of amenity space meets the recommended standard set out in Creating Places.
8.8	At first & second floor level - 4 apartments are proposed on each level, 3 x 1 bedroom apartments which have an outlook onto the Lisburn Road and 1 no. 2 bedroom apartment is to the rear with views of the courtyard -totalling 8 no. apartments. A further 3 no. apartments are to be located in the roof space with outlook onto the Lisburn Road. Floorspace of all apartments in keeping with space guidelines set out in Annex to PPS7 Addendum and direct access from the street. An enclosed covered bicycle store and enclosed bin areas have been incorporated also to the rear of the commercial units.
8.9	**Outlook / Daylight & Sunlight** The case officer initially had concerns regarding the outlook and light for prospective residents, with 2 of the 11 apartments not having outlook onto the Lisburn Road. It is acknowledged that development to the rear can result in poor outlook/light, however in this case the provision of the high quality landscaped courtyard is considered to provide ample open space to result in a pleasant outlook for residents. Precedence has been set for this with a similar form of development nearby with the redevelopment of St Thomas' Church at 138a Lisburn Road (Z/2013/1482/F). This includes an apartment development with no outlook to the street but with a similar internal courtyard.
8.10	Daylight and sunlight appraisals have been undertaken, particularly with regard to the 2no. apartments to the rear with no outlook onto the streetscape. Results indicate the level of sunlight and daylight is within acceptable levels for a residential use. On this basis ,it is considered that the proposal will provide an adequate level of amenity for future occupiers in accordance with Policy QD1 of PPS7.
8.11	**Amenity of existing occupiers** The immediate neighbours to the site are in commercial use. The scheme has been sensitively designed with a set in from the side boundaries and reduction in heights of rear returns to ensure that the proposal will not result in an unacceptable harm to the amenity of adjoining properties in accordance with Policy QD1 of PPS7.
8.12	**Access, Movement and Parking** The application is supported by a Transport Assessment Form, Parking Statement and Travel Plan. A zero level of parking has been provided which falls short of the recommended parking standard. However, justification is provided for this reduce standard due to the site's highly sustainable location along an arterial route in close proximity to wide range of local amenities and public transport links which reduces the reliance on the private car. In addition, green travel measures have been proposed as part of the travel plan including 3 year Travel Cards and Belfast Bike Membership DFI Roads have been consulted and consider the proposal acceptable subject to the securing of the green travel measures. On this basis, the proposal is considered acceptable with regards with Policy QD1 of PPS7, PPS3, the SPPS and Draft BMAP.
9.0	**Summary of Recommendation: Approval** Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions.
10 **10.1**	**Conditions** The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.

10.2	There shall be no cooking or reheating of hot food permitted within either of the hereby approved ground floor commercial units. Reason: Protection of amenity from adverse cooking odour.
10.3	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 best practice.
10.4	Prior to the occupation of the residential units a verification report shall be submitted for review and for approval in writing by Belfast Planning Service demonstrating that the acoustic mitigation measures as outlined in section 4. 3.7 and Table 2 (façade/windows and ventilation acoustic requirements) section 5.0.4 and section 5.0.5 (sound reduction requirements for floor) and section 4.3.9 (sound reduction requirements for 3rd floor sloped roof and flat roof structure) in the Lester Acoustics Noise Impact Assessment Ref: MRL/1440/L01 dated 12th February 2021 have been implemented to ensure that the internal noise levels within the residential units do not exceed the following internal targets: ●35 dB LAeq,16hrs at any time between 07:00hrs and 23:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; ● 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any habitable room, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements; ●Not exceed 45 dB LAmax for more than 10 single sound event between 23:00hrs and 07:00hrs within any proposed bedrooms with the windows closed and alternative means of ventilation provided in accordance with current building control requirements; Reason: Protection of human health.
10.5	The combined rating level of external plant and equipment shall not exceed 46dbLAr when measured at the façade of the nearest proposed residential unit or existing residential or proposed external amenity area with all measurements carried out in line with BS4142:2014 Methods for rating and assessing industrial and commercial sound. Reason: Protection of Residential Amenity
10.6	The commercial units shall not operate between 11pm and 7am not shall any commercial deliveries or collections be made. Reason: Protection of residential amenity.
10.7	Materials shall be: Roof: Natural Slate. Walls: Silver grey facing brick Windows/Doors: Dark grey PPC aluminium RWG: Profiled heavy duty cast aluminium. Dormers: Dark grey roll top lead Shop front: Dark grey PPC aluminium ship signage panels Reason :To respect the character and setting of the listed building and to respect the traditional building materials and techniques found on these buildings, ensuring the detailed design is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

10.8	Prior to commencement of any of the development hereby approved, a final drainage assessment, compliant with FLD3 and Annex D of PPS15, and Sewers for Adoption Northern Ireland 1st Edition, including detailing 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. Reason: To safeguard against flood risk to the development and from the development to elsewhere. **Informatives** 1: The applicant should contact NIW to conclude arrangements and agree the details of wastewater (foul and storm) treatment solution to serve the proposal to ensure appropriate infrastructure is in place to serve the development. Should the waste water treatment solution involve development, submission of a planning application may be required. 2: 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://epicpublic.planningni.gov.uk/publicaccess/ 3: 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.

Notification to Department (if relevant): Yes, DCA is required to be referred.
Representations from Elected members: None

ANNEX	
Date Valid	30th March 2021
Date First Advertised	9th April 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 108 Wellesley Avenue,Belfast,Antrim,BT9 6DH The Owner/Occupier, 110 Wellesley Avenue,Belfast,Antrim,BT9 6DH The Owner/Occupier, 120 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6AH The Owner/Occupier, 122 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6AH The Owner/Occupier,	

128 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6AH
The Owner/Occupier,
128 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6AH
The Owner/Occupier,
1st Floor,87 Wellington Park,Belfast,Antrim,BT9 6DP
The Owner/Occupier,
85 Wellington Park,Belfast,Antrim,BT9 6DP
The Owner/Occupier,
89 Wellington Park,Belfast,Antrim,BT9 6DP
The Owner/Occupier,
91 Wellington Park,Belfast,Antrim,BT9 6DP
The Owner/Occupier,
Apartment 1,104 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Apartment 2,104 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Apartment 3,104 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Flat 1,106 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Flat 1,110 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Flat 1,120 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6AH
The Owner/Occupier,
Flat 1,83 Wellington Park,Belfast,Antrim,BT9 6DP
The Owner/Occupier,
Flat 2,106 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Flat 2,110 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Flat 2,120 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 6AH
The Owner/Occupier,
Flat 2,83 Wellington Park,Belfast,Antrim,BT9 6DP
The Owner/Occupier,
Flat 3,106 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Flat 3,110 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Flat 3,83 Wellington Park,Belfast,Antrim,BT9 6DP
The Owner/Occupier,
Flat 4,110 Wellesley Avenue,Belfast,Antrim,BT9 6DH
The Owner/Occupier,
Ground Floor,87 Wellington Park,Belfast,Antrim,BT9 6DP
The Owner/Occupier,
Ulsterville Presbyterian Church,139 Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7AG
The Owner/Occupier,
Ulsterville Presbyterian Church,Lisburn Road,Malone Lower,Belfast,Antrim,BT9 7AG
The Owner/Occupier,
Unit 3,87 Wellington Park,Belfast,Antrim,BT9 6DP

The Owner/Occupier, Unit 4,87 Wellington Park,Belfast,Antrim,BT9 6DP The Owner/Occupier, Unit 6,87 Wellington Park,Belfast,Antrim,BT9 6DP	
Date of Last Neighbour Notification	26th April 2021
Date of EIA Determination	N/A
ES Requested	No

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: 15th February 2022	
Application ID: LA04/2021/0543/DCA	
Proposal: Demolition of the existing buildings	**Location:** Lands at 124-126 Lisburn Road Belfast BT9 6AH
Referral Route: Full demolition of main buildings within the conservation area**.**	
Recommendation:	Approve
Applicant Name and Address: PWD Developments Ltd Unit 1 739 Antrim Road Belfast BT15 4EL	**Agent Name and Address:** TSA Planning 20 May Street Belfast BT1 4NL

Executive Summary: This application seeks conservation area consent for full demolition of the existing buildings at 124 – 126 Lisburn Road, Belfast.

The main issue to be considered in this case is:

- The acceptability of demolition in the Conservation Area

The existing buildings are not considered to positively contribute to the conservation area. A satisfactory replacement scheme has been proposed under application LA04/2021/0547//F that is considered to enhance the character and appearance of Malone Conservation Area. On this basis, demolition is considered acceptable in accordance with Policy BH12 and BH14 of PPS6, paragraphs 6.18 - 6.19 of the SPPS, Malone Conservation Area Design Guide and Section 104 (11) of the Planning Act (Northern Ireland) 2011.

The BCC Conservation Officer was consulted and has no objection to the loss of the buildings or the replacement scheme.

No representations received.

Having regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal is approved.

Recommendation – Approved subject to conditions

It is requested that the committee delegates authority to the Director of Planning and Building Control to grant conditional conservation area consent and to finalise the final wording of conditions.

Case Officer Report

Site Location Plan



Existing buildings to be demolished



EXISTING FRONT ELEVATION



Characteristics of the Site and Area	
1.0	**Description of Proposed Development** This application seeks conservation area consent for the full demolition of the 2no. existing two storey buildings. There is a corresponding planning application for the replacement scheme under reference LA04/2021/0547F.
2.0	**Description of Site** The buildings to be demolished are located on the Lisburn Road within the Malone Conservation Area. The surrounding context is made up of a mix of residential, retail and other commercial uses- Queens University, Belfast City Hospital and many pubs shops and restaurants are within short walking distance . There is a residential mix of terraced dwellings and apartments nearby. A number of listed buildings are close by with no.130 Lisburn Road and 91 Wellington Park.
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History** Z/2007/1216/F – Demolition of existing buildings and construction of 2 no hot food bars and 6 no. apartments. Granted November 2008 LA04/2020/0835/PAD – Demolition of existing buildings and development of 2 no. coffee shop/retail units on ground floor; 11 no. 1 & 2 bed apartments; landscaped courtyard; and all associated works. PAD Concluded. <u>Surrounding area</u> Z/2013/1482/F | Demolition of existing building and erection of 17 no apartments, associated amenity space and site works (Revised scheme) | St Thomas' Hall , 138a Lisburn Road Belfast BT9 Approved September 2015
4.0	**Policy Framework**
4.1	Belfast Urban Area Plan

4.2	(Draft) Belfast Metropolitan Area Plan (BMAP) 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 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.	
	4.2.1	Policy Ref and Title: Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
	4.2.2	Policy Ref and Title: Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits
4.3	Regional Development Strategy 2035	
4.4	Strategic Planning Policy Statement 2015	
4.5	Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage Policies BH12, BH14.	
4.6	Section 104 (11) of the Planning Act (Northern Ireland) 2011	
5.0	**Statutory Consultees Responses**	
	None	
6.0	**Non Statutory Consultees Responses**	
6.2	BCC Conservation Officer It is considered that the proposal is acceptable and compliant with the SPPS and Policies BH14, BH12 & BH11 and the Malone Conservation Area Design Guide.	
7.0	**Representations**	
7.1	The application has been advertised in the local press. No comments have been received.	
8.0	**Other Material Considerations**	
8.1	Malone Conservation Area Guide.	
9.0	**Assessment**	
9.1	The proposal is considered to be in compliance with the development plan.	
9.2	<u>The acceptability of demolition in the Conservation Area</u> The existing buildings do not make a material contribution to the character and appearance of Malone Conservation Area. They are in poor condition particularly at ground floor level. Based on their current appearance and condition, and limited value through historic or special interest, they do not make a positive contribution to the character or appearance of the conservation area. The Council's Conservation Officer has no objection to their loss. Therefore, the proposed demolition works are considered acceptable subject to an adequate replacement scheme. A satisfactory replacement scheme has been proposed under application LA04/2021/0547/F which is considered to enhance the character and appearance of	

	Malone Conservation Area, the assessment of which is addressed in detail in the development management officer report for that application. To conclude, it is considered that demolition is justified in accordance with Policy BH12 and 14 of PPS6, paragraphs 6.18 - 6.19 of the SPPS, Malone Conservation Area Design Guide and Section 104 (11) of the Planning Act (Northern Ireland) 2011.
10.0	**Summary of Recommendation: Approval** Having regard to the policy context and other material considerations above, the proposal is considered acceptable and demolition consent is recommended subject to conditions.
11.0	**Conditions** 1. This consent is granted subject to the implementation of the satisfactory replacement scheme as approved under planning application ref. LA04/2021 0547/F. Reason: To ensure the implementation of a satisfactory replacement scheme in the interests of Malone Conservation Area.

Notification to Department (if relevant): Yes
Representations from Elected members: None

Development Management Officer Report
Committee Application

Summary

Committee Meeting Date: Tuesday 15th February 2022

Application ID: LA04/2021/0264/F	
Proposal: Demolition of existing public house and erection of 7No. dwellings (social housing)	**Location:** 475-487 Crumlin Road, Belfast, BT14 7FL
Referral Route: Referred to Committee by Director or Planning and Building Control proximity to interface	
Recommendation:	Approval
Applicant Name and Address: Oakland Homes (Crumlin Road) Ltd Office 2, Floor 1 Wellington Buildings 2-4 Wellington Street Belfast BT1 6HT	**Agent Name and Address:** O'Toole and Starkey Ltd Arthur House 41 Arthur Street Belfast BT1 4GB

Executive Summary:

Planning permission is sought for the erection of 7 social houses on a site currently occupied by a public house. The public house is proposed to be demolished.

The site is within the development limits for Belfast in both the Belfast Urban Area Plan 2001 (BUAP); and the draft Belfast Metropolitan Plan 2004 (BMAP). The site is unzoned in BUAP 2001. The site is zoned as a commercial node and area of parking restraint and is set along an arterial route within draft BMAP 2004.

The main issues to be considered in this case are:

- The principle of the proposal at this location
- Design, layout and impact on the character and appearance of the area
- Impact on amenity
- Access, parking and transport
- Infrastructure Capacity
- Impact on Human Health

The principle of the proposal is acceptable on the basis that the site is within the development limits in both the extant and draft plans and has a history of planning approvals for housing in the past. The development plan does not preclude housing from this location.

The proposal follows the general pattern of development in the area. The design and layout will not create conflict and is in keeping with the local character and will not impact on environmental quality or residential amenity in accordance with PPS 7.

In terms of prospective residents, each unit has adequate outlook to the public street. All dwelling units are proposed to be built to a size not less than Housing Executive standards, providing adequate living accommodation.

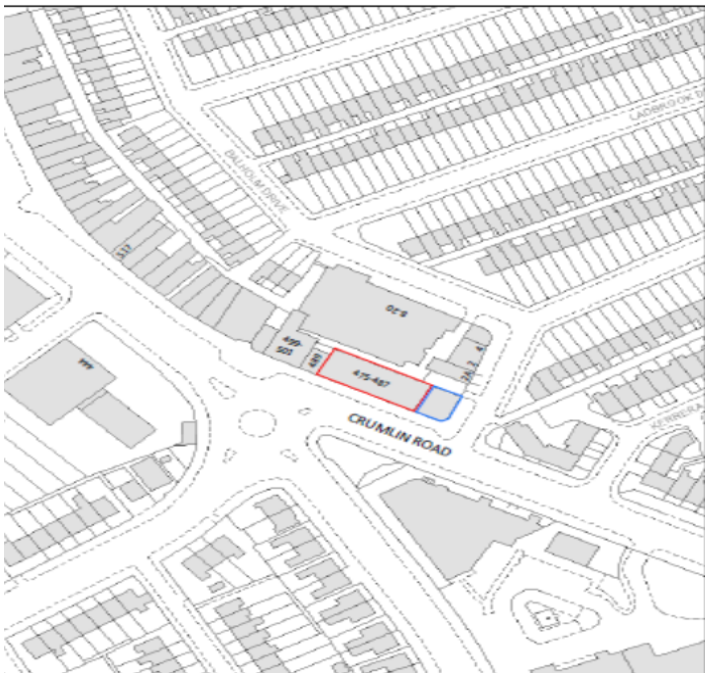
It is also considered that the design, layout and separation distances proposed are acceptable and will not significantly impact on existing residential amenity by way of overlooking, dominance, loss of light or overshadowing.

An objection has been received from the neighbouring Crumlin Star Social Club. They have raised a number of concerns including concerns relating to impact on trade, access to their property, security issues, interface violence, potential for noise pollution complaints and additional running costs. These issues are addressed in the assessment below.

In respect of the impact on parking and traffic, DfI Roads are content, Rivers Agency, and Environmental Health have considered the proposal and offered no objections. The applicant has engaged with NI Water to resolve wastewater treatment capacity issues to serve the site and provided correspondence from NIW which indicates that there is a solution for storm and foul water discharge which can be addressed.

The proposal is recommended for approval 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.

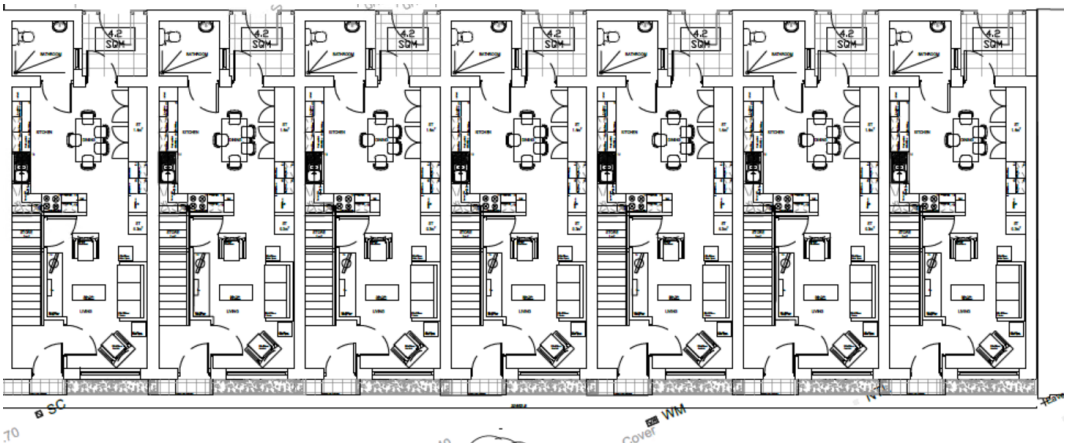
Case Officer Report
Site Location Plan



Site Location



Crumlin Road Elevation



Ground Floor Plan

Characteristics of the Site and Area	
1.0	**Description of Proposed Development** Demolition of existing public house and erection of 7No. dwellings (social housing).
2.0	**Description of Site** The application site comprises a vacant public house, formerly 'The Sportsman' which partially sits on the corner site at the junction of Crumlin Road and Brompton Park. It extends to circa 800sqm over two floors and has a painted render finish, dark coloured shutters and a hipped roof. It is in a degraded state, with extensive scoring across the render finish and weathered timber signage panels. The site has a 33m frontage onto the Crumlin Road, a designated arterial route.
2.1	Along the site's Crumlin Road frontage is a layby with unrestricted parking. To the rear of the site is an alleyway with the Crumlin Star social club opposite. Other neighbouring uses include a small retail unit to the northwest, a takeaway to the east fronting onto Brompton Park, and bookmakers to the southeast, which is also owned by the applicant. The Houben Centre, a B2 listed building associated with the Holy Cross Church, is also located on the opposite side of Crumlin Road, to the southeast of the application site.
2.2	The wider general area comprises a mix of commercial and residential uses. The commercial uses are predominantly to the northwest of the application site and mainly comprise very run-down units of a poor aesthetic with a high proportion of vacancies. There is a residential terrace to the southeast of the application site, on the opposite side of Brompton Park and a large, predominantly residential area to the rear of the site comprising mainly compact two-storey terraced housing development.
Planning Assessment of Policy and other Material Considerations	
3.0	**Relevant Site History** Ref ID: Z/2013/1069/F Proposal: Demolition of existing public house and betting office (bookmaking office), construction of a new public bar, betting office (bookmaking office), ATM and 16 no apartments Address: 469-487 Crumlin Road, Belfast, BT14 7GA, Decision: Permission Granted Decision Date: 28.01.2016 The ground floor of the building was approved for use as a public house, betting office and ATM, with the 16No apartments on the 1st, second and 3rd floors above. The building was to be finished in predominantly red brick with a gable-ended, pitched roof with dormers fronting onto Crumlin Road and skylights in the rear.
4.0	**Policy Framework**
4.1	• Regional Development Strategy (RDS) • Belfast Urban Area Plan 2001 Draft Belfast Metropolitan Area Plan 2015 The extant development plan is now the BUAP. However, given the stage at which the Draft BMAP has 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. • Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.2	• Strategic Planning Policy Statement (SPPS) • PPS 3: Access, Movement and Parking • PPS 7: Quality Residential Developments

	• Planning Policy Statement 7 (Addendum): Safeguarding the Character of Established Residential Areas • Planning Policy Statement 12: Housing in Settlements • Planning Policy Statement 15: Planning and Flood Risk
5.0 5.1 5.2	**Consultations:** **Statutory Consultee Responses** - DFI Roads - No objections-no conditions suggested - NI Water – 25-2-21 Wastewater treatment capacity is not available for the proposed development but correspondence between the applicant and NI Water indicates that a solution has been found. The matter will be dealt with via a pre commencement planning condition - Rivers- No objections - NIHE-No objection - HED- No objection **Non-Statutory Consultee Responses** - Environmental Health – No objections
6.0 6.1	**Representations** The application has been neighbour notified and advertised in the local press. One representation has been received from Crumlin Star Social Club objecting to the proposal based on concerns relating to impact on trade, access to their property, security issues, interface violence, potential for noise pollution complaints and additional running costs. There are no perceived issues associated with access or security to the neighbouring property. Anti-social behaviour or interface violence are potential matters which are not within the control of the planning authority as are private trade and business running costs. EHO are responsible for dealing with noise complaints.
7.0 7.1 7.2	**Assessment** The key issues in the assessment of the proposal are as follows: • The principle of the proposal at this location • Design, layout and impact on the character and appearance of the area • Impact on amenity • Access, parking and transport • Infrastructure capacity • Impact on Human Health **The principle of the proposal at this location** The principle of housing on this site is already firmly established through the planning history as set out above. The application site is unzoned whiteland within the development limits in BUAP 2001. The 2004 Draft BMAP includes the application site within the commercial node and area of parking restraint AR 3/05. The draft BMAP, published 2014, similarly includes the site within a Commercial Node (AR 02/05). The BUAP whiteland designation allows residential development at this location. Consideration must also be given to the dBMAP Commercial Node designations. The associated policy text for these Commercial Nodes do not preclude residential development, and the PAC recommended the amendment of dBMAP SETT4 to promote residential development along arterial routes. The demolition of the existing building and the erection of residential units on this site was previously considered to be acceptable under planning history Z/2013/1069/F. The principle of residential development in this location is therefore considered to be acceptable on this basis.

7.3	The applicant has indicated that the units are for Social Housing. NIHE have advised that the proposal is situated within an area of strong housing need in Belfast and The Housing Executive carries out Housing Need Assessments (HNA) annually across all relevant Common Landlord Areas. This proposed development site is located within North Belfast 1 HNA which has a five year unmet social housing need of 1,597 units. The site is located within Ardoyne Common Landlord Area. In March 2021 there were 234 households in housing stress within the CLA.
7.4	There is no objection in principle subject to the material considerations set out below.
7.5	**Design, layout and impact on the character and appearance of the area** This seeks permission to demolish the existing, vacant public house and replace it with 7No. 5-person, 3-bed social housing units. The existing public house is of limited architectural merit and its loss would not have a negative impact on the character of the area. The proposal will provide an active, articulated façade fronting on to the Crumlin Road. The development provides a continuous frontage on Crumlin Road and generally respects established building lines. The layout of each terraced house includes a living room, kitchen/dining room and W/C on the ground floor, with a private exterior yard to the rear (4.2sqm). A low wall and railing and a planted buffer are included onto Crumlin Road which offers a level of defensible space and will protect residential amenity for residents. The first floors will consist of 2No bedrooms, the main bathroom and an outdoor terrace to the rear (5.3sqm). Master bedrooms are proposed on the 2nd floor, with another external terrace to the front overlooking Crumlin Road (5.9sqm) and a rooftop terrace of 27sqm. The total internal area of each townhouse is 96sqm.
7.6	dBMAP Policy AR04 states that building heights should be 3-4 storey in this commercial node. It should be noted that the commercial node policy does not preclude residential development and the PAC recommended the promotion of residential development along arterial routes be added to SETT4 (which became SETT3 in the adopted BMAP – see below). The draft BMAP, published 2014, similarly includes the site within a Commercial Node (AR 02/05) and refers to Policy AR02 which states that building heights should be 3-4 storey. SETT3 also promotes residential development along arterial routes.
7.7	The height of the 3-4 storey proposal has been informed by a number of factors: (a) DBMAP and BMAP both recommend a minimum height of 3-storey and maximum height of 4-storey. (b) Approval Z/2013/1069/F granted a 4-storey building on the application site (3 full floors with rooms in the pitched roof). (c) The parapet height of the proposal is similar to that of the neighbouring credit union building to the north. (d) Approval LA04/2017/1814/F on the opposite side of the Credit Union building to the north allows the development of a full 4-storey building.
7.8	A 3-storey parapet level is similar to the eave's height of the previous Z/2013/1069/F approval on this site. The proposal is nevertheless smaller in scale than the LA04/2017/1814/F approval to the north. Massing has been broken up across the Crumlin Road façade with the use of projecting bays in order to respect the existing fine grain nature and rhythm of development along this section of Crumlin Road.
7.9	The proposal has a flat-roof design which reflects various other flat-roofed buildings on neighbouring plots that dominate this section of the Crumlin Road. This also reflects the flat roof of the LA04/2017/1814/F approval referred to above, which is to the north of the

	application site. This flat roof design has also provided the opportunity to create a relatively large area of private open space on the roof of each of the proposed townhouses. This area benefits from being elevated above the noise of Crumlin Road, which also improves the outlook. The location of the stair that provides access to the private rooftop terrace was chosen to screen the areas from any noise that might otherwise arise from the neighbouring social hall to the rear of the site. EHO raised no concerns with this. The location of this stair relative to the terraces also prevents it from causing any overshadowing of the terraces, thus improving their usability. Given the stair is to the rear of the building, it also reduced the perceived scale of the development.
7.10	The Crumlin Road façade has been broken up by using projecting bays across the front elevation of the terrace that reflect the rhythm of the streetscape along this section of Crumlin Road. These bays are two storeys in height to further reduce the massing of the building. The redbrick finish is in keeping with the character of the wider area.
7.11	There are four areas of amenity space provided for each townhouse: 4.2sqm rear yard area at ground floor; 5.3sqm terrace at 1st floor; 5.9sqm terrace at 2nd floor; and 27sqm at roof level. This is a total of 42.4sqm amenity space provision for each townhouse. This exceeds the minimum 40sqm recommended by Paragraph 5.19 of Creating Places. It is also a significant improvement over the extant Z/2013/1069/F approval on this site, which provided no amenity space for the approved apartments. As stated above, the main area of private amenity space is on the roof, which improves outlook, as well as reducing any potential impact from traffic noise. The stair also prevents adverse noise impacts from the social hall to the rear. Privacy is maintained by the provision of a dividing wall above eye level between each rooftop terrace. The internal area of each townhouse is 96sqm. This meets the 95sqm minimum recommended for 5-person 3-bed housing in Annex A of the PPS7 Addendum 'Safeguarding the Character of Established Residential Areas'. There are also no other, existing residential uses on surrounding sites that would be adversely impacted by the proposed development.
7.12	NIHE have liaised with the developer and advised that the Housing Association is content with the design proposed. 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.
7.13	**Impact on amenity** 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. The character of this area is medium to high density. There will be no opportunity for overlooking as the area to the rear is occupied by a social club and commercial properties. 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. The proposal is in accordance with Policy QD1 of PPS7 and the SPPS.
7.14	**Impact on Historic Buildings** The application site is in close proximity to listed buildings which are of special architectural and historic importance and protected by Section 80 of the Planning Act (NI) 2011. Section 91 requires that in considering whether to grant planning permission for development which affects a listed building or it's setting a council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

7.15	HED (Historic Buildings) has considered the impact of the proposal on the group of listed buildings at Holy Cross; namely the church (HB26/37/002A, Grade B+), the monastery (HB26/37/002B, Grade B1) and the former boys' school (HB26/37/002C, Grade B1), all of which are elevated above the main Crumlin Road, set within their own landscaped grounds and bound by the original walling, railings and gates. The three storey plus attic mid-terrace block of apartments, located on the opposite side and further north on the Crumlin Road, is considered to exert no greater demonstrable harm on the setting of these listed buildings as collectively they have sufficient presence to remain unaffected by the proposal. The proposal complies with SPPS para 6.12 and PPS6 policy BH11.
7.16	**Access, parking and transport** Each of the proposed townhouses have their own, direct pedestrian access from Crumlin Road. There is also a rear yard for each townhouse with direct access to the shared alley at the rear, to facilitate bin storage and collection. Although no parking is proposed to serve the 7No. proposed social housing townhouses, the Transport Assessment Form confirms that the parking demand created by the proposal would be less than the existing uses and the previous approval, Z/2013/1069/F on this site, which included 16No apartments as well as a public house, bookmakers and no parking. It should also be noted that there is ample on-street parking to the front of the application site and on the surrounding streets. There are also various local shops and services in the area and bus stops are readily available within a short walking distance, which will reduce residents' reliance on private cars for transport. DFI Roads were consulted on the proposal and have no objections to the scheme. As such It is considered that the proposal complies with PPS 3.
7.17	**Infrastructure capacity** NI Water have responded highlighting that wastewater treatment capacity is not available for the proposed development. NI Water commented that if the applicant wishes to proceed, they should contact NIW to discuss options such as a permanent wastewater facility at their own expense, this may or may not be adopted by NIW in the future. The applicant subsequently engaged with NI Water to resolve this issue and have provided correspondence / evidence that NIW have set out that there is a solution for storm water discharge and that there is also a foul discharge solution for the site. It is considered that the proposal will discharge less storm and foul than the existing development or the last approval for 16 dwelling units, bar and betting office.
7.18	**Impact on Human Health** Environmental Health have no objections to the proposal subject to conditions. 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. EHO noted that the proposed development site is located adjacent to the busy Crumlin Road, with the existing noise climate dominated by road traffic noise to the front of the development and the Crumlin Star Sports and Social Club to the rear of the proposed development. They are aware that an objection letter was received and listed concerns including the potential for noise pollution complaints from the nearby approved public house. The noise report set out mitigation measures including glazing, doors ventilation system and brick walls. EHO has set out conditions to protect residential amenity.
8.0	**Conclusion** Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions. It is requested that delegated authority is given to the Strategic Director of Place and Economy to finalise the planning conditions.
9.0	**Conditions:**

	1: The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2: Prior to installation, the applicant shall submit to the Planning Authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms to the front façade (facing Crumlin Road) of the hereby permitted development. The window specification for habitable rooms shall be in line with recommendations within section 6.7 of the O`Sullivan Macfarlane Ltd report entitled 'O'Toole & Starke Planning Consultants, Proposed Demolition of Public House and Erection Of 7 No. 3-Bed Terrace, Residential Dwellings Located at No. 475 – 487 Crumlin Road, Belfast. Reference Number: P793 Noise Impact Assessment, Dated: 26th April 2021. Reason: Protection of human health. 3. Prior to installation, the applicant shall submit to the Planning Authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms to the rear façade (facing Crumlin Star Sports and Social Club) of the hereby permitted development. The window specification for habitable rooms shall be in line with recommendations within the O`Sullivan Macfarlane Ltd, email dated: 11th June 2021. Reason: Protection of human health. 4. Prior to installation, the applicant shall submit to the Planning Authority, for review and approval in writing, confirmation of the specification of alternative means of ventilation front façade (facing Crumlin Road) as recommended within section 6.7 of the O`Sullivan Macfarlane Ltd report entitled 'O'Toole & Starke Planning Consultants, Proposed Demolition of Public House and Erection Of 7 No. 3-Bed Terrace, Residential Dwellings Located at No. 475 – 487 Crumlin Road, Belfast. Reference Number: P793 Noise Impact Assessment, Dated: 26th April 2021. Reason: Protection of human health. 5: Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of alternative means of ventilation rear façade (Facing Crumlin Star Sports and Social Club) as recommended within O`Sullivan Macfarlane Ltd, email dated: 11th June 2021. Reason: Protection of human health. 6. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided in compliance with building control requirements Reason: Protection of human health. 7. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: In the interests of residential amenity.

8: In the event that any centralised combustion sources (boilers/CHP, biomass), where the single or combined NOx emission rate is more than 5mg/sec are proposed as part of this development, an Air Quality Impact Assessment shall be submitted to the Planning Authority for written approval. The assessment must demonstrate that there will be no adverse impact on human health due to emissions in accordance with the *Environmental Protection UK and the Institute of Air Quality Management, Land-use Planning & Development Control: Planning for Air Quality (January 2017)*

Reason: Protection of human health.

9: Following demolition and prior to the commencement of construction, the applicant shall submit to and have approved in writing by the Planning Authority, a Quantitative Risk Assessment. The Quantitative Risk Assessment should consider the information presented in the O`Sullivan Macfarlane Ltd report entitled 'O'Toole & Starkey, Proposed Demolition of Public House and erection of 7 No. 3-bed Terrace Residential Dwellings/Apartments. 475- 487 Crumlin Road, Belfast. P792 PHASE 1 PRELIMINARY RISK ASSESSMENT (PRA)' dated 15th January 2021. The Quantitative Risk Assessment must be conducted in accordance with Environment Agency guidance and must incorporate:

 A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations should be conducted in line with BS 8576:2013 and BS 8485:2015+A1:2019.
 A satisfactory assessment of the risks (including a Revised Conceptual Site Model), conducted in line with current Environment Agency guidance. Risks associated with ground gases should be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665.
Based on the outcome of this risk assessment, a Remediation Strategy may be required. If necessary, this Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified.
All construction thereafter must be in accordance with the approved Remediation Strategy.
Reason: Protection of human health.

10. In the event that a Remediation Strategy is required, in order to demonstrate that any required remedial measures have been incorporated within the proposal, prior to occupation of the development, a Verification Report shall be submitted to and agreed in writing by the Planning Authority. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: Protection of human health.

11. If during the development works, new contamination or risks are encountered which have not previously been identified, works shall cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Planning Authority in writing, prior to the development being occupied. If required, the

	Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use. Reason: Protection of human health. **Informative** 1: The applicant should contact NIW to conclude arrangements and agree the details of wastewater (foul and storm) treatment solution to serve the proposal to ensure appropriate infrastructure is in place to serve the development. Should the waste water treatment solution involve development, submission of a planning application may be required. 2: 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://epicpublic.planningni.gov.uk/publicaccess/ 3: 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.

ANNEX	
Date Valid	21st January 2021
Date First Advertised	12th February 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) 11 Meadow Place Belfast Antrim The Owner/Occupier, 2-20 ,Balholm Drive,Belfast,Antrim,BT14 7NA The Owner/Occupier, 2a ,Brompton Park,Belfast,Antrim,BT14 7LD The Owner/Occupier, 471-473 ,Crumlin Road,Belfast,Antrim,BT14 7GA The Owner/Occupier, 477 Crumlin Road,Belfast,Antrim,BT14 7GA The Owner/Occupier, 481 Crumlin Road,Belfast,Antrim,BT14 7GA The Owner/Occupier, 483 Crumlin Road,Belfast,Antrim,BT14 7GA The Owner/Occupier, 485 Crumlin Road,Belfast,Antrim,BT14 7GA The Owner/Occupier, 489 Crumlin Road,Belfast,Antrim,BT14 7GA The Owner/Occupier, 8-20 ,Balholm Drive,Belfast,Antrim,BT14 7NA Crumlin Star Social Club,2-20 Balholm Drive,Belfast,BT14 7NA	
Date of Last Neighbour Notification	
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA04/2021/0264/F Proposal: Demolition of existing public house and erection of 7No. dwellings (social housing) Address: 475-487 Crumlin Road, Belfast, BT14 7FL, Decision: Decision Date: Ref ID: Z/1989/2799 Proposal: Change of use from shop to amusement arcade Address: 475 CRUMLIN ROAD BELFAST BT15 Decision: Decision Date:	

Ref ID: Z/1999/2588
Proposal: Environmental Improvement scheme, junction improvement, new parking layout, refurbish street furniture and planting.
Address: 469 to 523 Crumlin Road and 1 to 27 Ardoyne Road, Belfast BT14
Decision:
Decision Date: 17.12.1999

Ref ID: Z/2009/1329/A
Proposal: Erection of 14no. shop signs.
Address: 489,505,507,511,519,521 Crumlin Road, 3 Twaddell Avenue, 1,2-4 Brompton Park and 15-17 Ardoyne Road, Belfast, BT14
Decision:
Decision Date: 06.11.2009

Ref ID: Z/1995/2894
Proposal: Demolition of existing 7 No. shop units and erection of
new public house
Address: 475-487 CRUMLIN ROAD BELFAST BT14
Decision:
Decision Date:

Ref ID: Z/1990/2832
Proposal: Replacement roof and shop fronts to existing shops
Address: 475-487 CRUMLIN ROAD
Decision:
Decision Date:

Ref ID: Z/2007/0007
Proposal: Demolition of existing bar and off-sales and the erection of a 7 storey building accommodating ground floor bar and off-sales premises with 24 apartments above
Address: 467-475 Crumlin Road, Belfast, BT14 7GA
Decision:
Decision Date:

Ref ID: Z/2013/1069/F
Proposal: Demolition of existing public house and betting office (bookmaking office), construction of a new public bar, betting office (bookmaking office), ATM and 16 no apartments
Address: 469-487 Crumlin Road, Belfast, BT14 7GA,
Decision: PG
Decision Date: 28.01.2016

Drawing Numbers and Title

Drawings as published to the Planning Portal on 27/10/2021

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

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Committee Report

Development Management Report	
Application ID: LA04/2020/0559/F	**Date of Committee:** 15th February 2022
Proposal: Renovation and single storey rear extension to dwelling, construction of a new detached garage and new entrance gates and pillars.	**Location:** 24 Malone Park Belfast BT9 6NJ
Referral Route: 3.8.7 Following legal advice	
Recommendation: Approval	
Applicant Name and Address: Andras House Ltd 60 Great Victoria Street Belfast Bt2 7BB	**Agent Name and Address:** Turley Hamilton House 3 Joy Street Belfast BT2 8LE

Executive Summary:

The site is located at 24 Malone Park. The site is a 2.5 storey semi-detached residential home finished in red brick on a large plot. The dwelling contains an existing two storey rear return. There is parking to the side elevation and extensive gardens forming the front, side and rear elevations.

The surrounding area is residential comprised of large semi-detached and detached properties within large plots. The site is within the Malone/Adelaide Park Conservation Area.

The proposed single storey rear extension measures 11.95m in length with a height of 5.75m. When the proposed demolition is taken into account the existing rear return of the property will be increased in length by 4.95m. The proposed garage measures 9.5m x 6.35m with a height of 4.49m. The proposed pillars measure a height of 2.02m with the gates a height of 1.8m.

The key issues to be considered within the application are:

- Character and appearance
- Design
- Impact on amenity
- Impact on Conservation Area
- Objections

The proposal is considered to be in compliance with the relevant legislation, policy and guides. The proposed extension, garage and gates/pillars are deemed to be of an acceptable scale and massing to not detract from the character and appearance of the surrounding area. The proposed footprint of the extension and garage are deemed to be within the 1.5 times limit as set out in the Adelaide/Malone Park Conservation Guide.

The Conservation Officer was consulted and objected to the proposed ibex fencing, this has been amended and been removed from the drawings.

8 objections and 2 letters of support were received and are addressed within the report.

Recommendation

The application is recommended for approval.

Case Officer Report

Site Location Plan



Block Plan



Elevations and Floor Plans



Garage Elevations and Floor Plans



Characteristics of the Site and Area	
1.0	**Description of Proposed Development** Full planning permission is sought for Renovation and a single storey rear extension to the dwelling, construction of a new detached garage and new entrance gates, pillars and boundary fence.
2.0	**Description of Site** The site is located at 24 Malone Park. The site is a 2.5 storey semi-detached residential home finished in red brick on a large plot. The dwelling contains an existing two storey rear return. There is parking to the side elevation and extensive gardens forming the front, side and rear elevations. The surrounding area is residential comprised of large semi-detached and detached properties within large plots. The site is within the Malone/Adelaide Park Conservation Area.
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History** LA04/2019/0665/F, 24 Malone Park, Belfast, BT9 6NJ, Renovation and single storey rear extension to dwelling. Construction of a new detached garage. Decision Quashed LA04/2019/0627/DCA, 24 Malone Park, Belfast, BT9 6NJ, Demolition of rear extension, partly single storey, partly one and a half storey. Decision Quashed.
4.0	**Policy Framework**
4.1	Belfast Urban Area Plan
4.2	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	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
4.5	Addendum to Planning Policy Statement 7: Residential Extensions and Alterations
5.0	**Statutory Consultees Responses** None
6.0	**Non-Statutory Consultees Responses** Conservation Officer- Objected to proposed ibex fence, amendments received to remove fence
7.0	**Representations** The application has been advertised and neighbour notified. 8 objections were received from 4 different objectors. 2 supporting letters were received

	Representations are dealt with in the body of this report
8.0	**Other Material Considerations** None
8.1	**Any other guidance** Malone Park/ Adelaide Park Conservation Area Guide (Dec 1993)
9.0	**Assessment**
9.1	The proposal is considered to be in compliance with BUAP and both versions of draft BMAP. It is also considered that the proposal is in compliance with Policy and the Malone Park/ Adelaide Park Conservation Area Guide.
9.2	Assessment
9.21	With regards to development in Conservation Areas, Section 104(11) states that special regard must be had to the desirability of; (a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise
9.22	The SPPS states that *"in managing development within a designated Conservation Area the guiding principal is to afford special regard to the desirability of enhancing its character or appearance when an opportunity to do so exists, or preserve its character or appearance where an opportunity to enhance does not exist*".
9.23	Par. 6.19 of the SPPS sets out the criteria which should be applied when determining such development.
9.24	Planning Policy Statement 6 sets out the Department's planning policies for the protection and conservation of archaeological remains and features of the built heritage.
9.25	Planning Policy Statement 7 Addendum provides planning policy for the extension and/or alteration of a dwelling house or flat. Policy EXT 1 contains 4 criteria with which the proposal is assessed against below. **Character and appearance**
9.26	The single storey rear extension measures 11.95m in length with a height of 5.75m. When the proposed demolition is taken into account the existing rear return of the property will be increased in length by 4.95m. The proposed garage measures 9.5m x 6.35m with a height of 4.49m.
9.27	In terms of the character of the area, the proposed single storey extension is set to the rear of the existing two storey rear return. There will be no public views of the rear extension. The height, scale and mass of the proposed built form it is considered to be subservient to the existing dwelling and will not impact the surrounding character.
9.28	The proposed garage is set behind the front building line and is of an acceptable size and scale when considering it within the context of the plot size. The garage is located in a similar location to the side of the neighbouring semi-detached property at no. 22. The proposed gates and pillars are sympathetic to the surrounding area and will allow views of

	the dwelling to be predominant. Taking these factors into consideration, the proposal is considered to be in compliance with paragraphs 4.23 – 4.30 within the Strategic Planning Policy Statement for Northern Ireland. The alterations and additions, will not on balance, adversely impact the character and appearance of the surrounding area.
	Design
9.29	The design of the rear extension is a hipped roof with a projecting pitched roof to the east elevation. To the east elevation are to be three large windows with a vertical emphasis. To the rear is to be two smaller windows and a door providing access to the rear of the site. The garage also contains a hipped roof with two large doors providing vehicular access, to the elevation facing Malone Park is two windows while the opposite gable end features two smaller windows and a door. The materials are to match the existing dwelling utilising red brick for the walls, natural slate for the roof, hardwood sliding sash for the windows and hardwood for the doors. The proposal is considered to be compliant with paragraphs 4.23 – 4.30 within the Strategic Planning Policy Statement for Northern Ireland and Policy EXT1 of the Addendum to PPS7.
	Impact on amenity
9.30	The proposed extension will not unduly impact affect the privacy or amenity of neighbouring residents. The proposed extension is single storey and is positioned to the rear of the existing two storey rear return. The extension is located along the boundary with no. 22 at a height of 5.8m which matches the neighbouring extension. The proposed extension will extend 1.8m further to the rear than the neighbouring extension. An Angles test has been carried out as set out in the Addendum to PPS 7 and the extension complies with the angles test.
9.31	The position of the garage will also not unduly affect the privacy or amenity of neighbouring residents. While located close to the boundary with no. 26 there is sufficient distance between the boundary and the neighbouring dwelling (approximately 14.1m separation) to ensure there will not be an undue impact to the neighbouring property. The boundary hedge and trees will aid in screening the garage. It is not considered that the garage will cause dominance to the neighbouring property. Given the size of the dwelling and the plot the immediate outlook will not be unduly impacted, nor will the garage cause the occupants to feel hemmed in.
9.32	The proposal will not cause the unacceptable loss of, damage to, trees or other landscape features which contribute significantly to local environmental quality.
9.33	Sufficient space remains within the curtilage of the property for recreational and domestic purposes.
9.34	The proposed extension is considered to be in accordance with Policy EXT1 of the addendum to PPS7 in that the proposal will not unduly affect the privacy or amenity of neighbouring residents.
	Impact on conservation Area
9.35	As the site is located within a Conservation Area, the proposed development must comply with Section 104 of the Planning (NI) Act 2011. These statutory obligations are reflected

	within paragraph 6.18 of the SPPS and policy BH 12 within PPS 6, which contains 7 criteria which are discussed below.
	Policy BH 12 – New Development in a Conservation Area
9.36	Criteria (a) of policy BH 12 provides that the development must preserve or enhance the character and appearance of the area. The proposed single storey extension replaces a single storey lean-to the two-storey rear return. The single storey lean-to is of no architectural merit and the proposal will modernise this section of the dwelling with a sympathetic and modest extension giving more useful space within the dwelling than is provided by the existing lean-to.
9.37	The proposed extension almost mirrors the extension of the neighbouring semi-detached property and therefore brings an element of symmetry to the rear of the dwellings, the proposal utilises red brick within the design which is sympathetic to the existing dwelling. For the reasons above the proposed extension will enhance, or at least preserve, the character of the site and by extension the conservation area.
9.38	The garage has been set behind the building line of the existing dwelling and a sufficient distance from the dwelling to ensure that views of the dwelling are not impacted. The planting and landscaping scheme will aid to soften any impact of the garage. The design of the garage, being single storey and of red brick with hardwood windows and doors will integrate the garage with the existing dwelling and site. There is also a comparable relationship between the location of the garage with the neighbouring site at no. 22 and the proposed location of the garage within this application. It is clear that large garages to the side elevations are part of the character of the surrounding area. Most notably in the immediate surrounding area, garages in similar locations have been approved at nos. 20, 21, 22 and 26 Malone Park.
9.39	Given the proposed scale, materials, landscaping and the surrounding area it can be concluded that the proposed garage will preserve the character of the conservation area. The proposed pillars and gates to the front of the property are considered sympathetic, the design of the pillars is of a high standard and the railings will allow views of the dwelling. Taking all these factors of the proposal into consideration it is considered that the proposal complies with criterion (a) of Policy BH12.
9.40	Criterion (b) requires the development to be sympathetic with the characteristic built form of the area. It has been demonstrated above that the single storey extension is sympathetic to the characteristic built form within the area. The proposed single storey extension replaces an existing lean-to. The surrounding area is comprised of extensions of a much greater size than being proposed within this application. The proposal is of a similar scale to the neighbouring semi-detached property and the materials used are to match the existing dwelling. It has been demonstrated previously that the surrounding character of the area is comprised of large garages to the side of dwellings. The proposed garage is sympathetic to those within the surrounding area both in scale and location. The materials are in keeping with the existing dwelling and it is considered the proposal is sympathetic to the characteristic built form within the area. The pillars and gates are sympathetic to the surrounding area which contains similar entrances.
9.41	Criterion (c) requires the scale, form, materials and detailing of the development to respect the characteristics of adjoining buildings in the area. It has been demonstrated above that

	the scale and form of the proposed extension, garage, pillars and gates is in keeping with the surrounding area.
9.42	Criterion (d) requires the development to not cause environmental problems. As this is a relatively minor householder application no environmental problems or issues will be caused by the development.
9.43	Criterion (e) requires important views within the conservation area to be protected. The rear extension is situated wholly to the rear of the existing property thereby there will be limited public views. The garage is located to the side of the dwelling behind the front building line. This location is characteristic within the conservation area. Views up and down Malone Park will be protected. Any views of the proposed garage will be softened by the proposed landscaping while due to the separation distance, gable views of the dwelling will remain. The use of railings to the front will allow views of the property to remain. There will be no impact on views to the front of the semi-detached dwelling. The proposal complies with criterion (e).
9.44	Criterion (f) requires trees and other landscape features which contribute to the character and appearance of the area to be protected. The Tree Officer was consulted and had no objections following amendments. Conditions will be attached which will protect any existing trees on site. The landscaping plan will enhance the landscaping within the site and aid in softening the appearance of the proposed development.
9.45	Criterion (g) requires the development to conform with the guidance set out in the conservation documents. The conservation guide is the Malone Park/ Adelaide Park Conservation guide. The guide contains a number of development guidelines. The guide requires extensions to be designed in such a manner that they appear as an integral part of the original dwelling. Guidance in relation to this area is discussed separately below.
9.46	The Conservation Officer was consulted and objected to the ibex fencing proposed to the boundary. The proposed site plan has been amended to remove this fence.
	Malone Park/Adelaide Park Conservation Guide
9.47	The Malone Park and Adelaide Park Conservation Area Development and Design Guidance ('the Guidance') was published in 2003. It was produced subsequent to the area being designated as a conservation area by the Department in accordance with the statutory procedure set out in Article 50 of the Planning (Northern Ireland) Order 1991. This requires the Council to attach great weight to the need for proposals for new development to accord with it.
9.48	The Guidance states that: "Malone and Adelaide represent the best of what remains of the leafy middle class suburbs which developed around the turn of the century in South Belfast. Individually designed residences combine with generous plots, mature landscapes and tree lined avenues to produce a distinctive townscape character."
9.49	It goes on to state that the townscape character derives from a number of features "which need to be protected in the overall character to be retained." The first feature is "large individually designed dwellings set well back from the road within generous gardens." In that respect, it states that "the Department will be predisposed to refuse applications for extensions to property which it considers will detract from the character of the area." Importantly, it states as follows:

	"In order to allow landscape to remain dominant to the established relationships between building mass and gardens should be respected and retained where possible. In no circumstances should building coverage be more than one and a half times that of the original dwelling."
9.50	The rationale for this provision appears to be that the relationship between the original building mass and gardens should be respected and retained. It is noted that the Guidance is silent in relation to outbuildings. Upon review of the case law, the Court found that it was unlawful to take into account later additions to a building into account when calculating the building coverage, which is not the case here. The Court did not find that it was unlawful to include an original outbuilding. To exclude the garage would be to ignore the original historic fabric which made up the site.
9.51	Further to this, there is no definition within the relevant planning policies or the Guidance of the term "dwelling". The Council's general position in interpreting this phrase is that the planning unit includes those structures which are ancillary and incidental to the main use of the dwelling house. This is reflected within the Section 23(3)(c) of the Planning Act (Northern Ireland) 2011, which provides that the use of any buildings within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwelling house as such will not involve development of land.
9.52	For these reasons, Officers consider it appropriate and reasonable to include the original garage in its calculation.
	• **Calculation of the 1.5 times limit**
9.53	In order to calculate this the Council have to establish the footprint of the original dwelling. The earliest historical mapping records are held within OSNI historical maps. The dwelling first appears on the OSNI third edition (1900-1907). The semi-detached dwelling is shown with the footprint projecting towards the boundary of no. 26. The fourth edition (1905-1957) and fifth edition (1919-1963) is consistent with the 3rd edition. The maps are provided within the appendix.
9.54	A building control application was submitted in 1947. The plans are more detailed showing the projection from the side of the footprint as a garage. Given the side attached projection in the OSNI maps it can be determined that the garage or extension formed part of the original building within the site. The 1947 map associated with the building control plans has been used to inform the extent of the original footprint which in turn allows an assessment of the proposed footprint, against the position set out in the Guide. The map is provided within the appendix.
9.55	The original dwelling (133.26 sq m) plus the original garage (40.5sq m)contains a building coverage of 173.26sq metres, approximately. In accordance with the 1.5 times set out in the Guidance, this allows a building coverage of 259.89 sq metres. The existing dwelling on site plus the proposed extension and proposed garage give a total of 252.3 sq metres. The proposal is therefore in compliance with the restriction contained within the Guidance.
9.56	While the Council are of the opinion that the original garage should be included in the definition of the dwelling, a further assessment considering the calculation of the 1.5 times the original dwelling excluding the garage is set out below.
9.57	The permissible building coverage would in this case be 199.89sq metres, the proposed garage and extension would therefore exceed the 1.5 times by approximately 60sq metres. It is considered that while the guidance is worded strongly stating "under no circumstances" it remains the case that planning policy is not a straitjacket for the planning

	authority (Carswell LCJ, Re Stewart's Application (2003) NICA 4). While paragraph 7.12 of PPS 6 states that the planning authority will attach "great weight" to the need for proposals for new development to accord with the specific guidance drawn up for each particular Conservation Area it is entitled to depart from said Guidance where material considerations indicate otherwise.
9.58	As previously discussed, the proposed extension and garage presents a modest development which is sympathetic to both the existing site and the surrounding area which contains both larger extensions and garages. The rationale behind this provision within the Guidance is to allow landscape to remain dominant by the reference to the relationship between the proposed building mass and gardens. While the permissible building coverage would be exceeded in this calculation it remains the case that landscaping will remain dominant. The proposed building coverage makes up 17% of the site.
9.59	As set out above, it is considered that the proposal will enhance the character of the site and by extension the surrounding conservation area. The proposed extension almost mirrors the extension of the neighbouring semi-detached property and therefore brings an element of symmetry to the rear of the dwellings. The garage has been set behind the building line of the existing dwelling and a sufficient distance from the dwelling to ensure that views of the dwelling are not impacted. The design of the garage, being single storey and of red brick with hardwood windows and doors, will integrate the garage with the existing dwelling and site.
9.60	Officers therefore consider that even taking into account the great weight to be attached to the Guidance, that the application is considered acceptable if the garage were to be excluded from the calculation by reason of the other material considerations set out above.
9.61	The second development guideline within the Adelaide/Malone Park Conservation Area is "Mature landscaping in gardens." It states that visually significant trees and vegetation should be retained. The application retains the existing trees and vegetation and contains a high detailed landscaping plan which will enhance the existing landscaping.
9.62	The third development guideline is "Tree lined avenues with well-defined front boundaries to properties and unobtrusive access points." The existing boundary to the front of the property is to be retained as is the existing access.
9.63	The guide contains design guidelines "to provide advice which will encourage sympathetic change to the existing character of the conservation area." The guide contains a number of features to be considered within the proposal, those that are applicable to the proposed extension are considered below.
9.64	The windows proposed within the extension echo those in the existing dwelling. While the windows on the side elevation contain larger windows, they have a vertical emphasis to ensure they are sympathetic to the existing dwelling. The roof contains natural slates to match the existing dwelling while the roof pitch and eaves are set below the existing dwelling and are similar to the neighbouring extension. The red brick proposed is to match the existing dwelling in compliance with the guidance.

Objections

Pragma planning on behalf of Malone Park Resident's Association.

The points below have been raised in the objection and will be addressed.

9.65

- Incorrect drawing within the Design and Access Statement

  Paragraph 4.5 contains an axometric drawing of an aerial view of the proposals at no. 24 which does not reflect the site plan.

  Case Officer Response: *The Design and Access Statement has been amended so that this drawing accurately reflects the proposed site plan.*

9.66

- Lack of rear boundary hedgerow on plans

  The rear boundary hedge is not shown on the landscaping plan.

  Case Officer Response: *This has been amended to accurately show that the rear boundary hedge has been removed. Hedgerows are not protected by legislation and therefore this is not a breach of planning control. The plans and information demonstrate that existing planting and trees will be retained and a condition will be attached for retention of such.*

9.67

- Failure to consider appeal references 2016/A0016 and A0017

  Case Officer Response - *The Council recognise the dismissal of this application, however, there are key differences between the applications. It is the Council's opinion that the proposals unlike the appeal adhere to the 1.5 times limit set within the guide.* T*he appeal related to a proposed dwelling which was over twice the size of the original, where there was no satisfactory landscape proposal. If the calculations used in this application were reduced to exclude the original garage the proposed extension and garage would be 1.76 times the original. The applicant in this application has shown that the landscaping will remain dominant, the retention of existing planting and trees with additional planting will ensure the rationale of the guide is retained. The proposed building coverage makes up 17% of the site.*

9.68

- Building Coverage

  The applicant states that any calculations should exclude any original outbuildings.

  Case Officer Response - *The Council disagree with this statement having previously set out the reasoning as to why the definition of dwelling includes ancillary structures. The representation from Alan Patterson Design goes into more detail regarding the calculation and this will be considered further. For clarity the council have calculated the footprint of the dwelling excluding the original garage and concluded that the landscaping within the site will still remain dominant.*

MBA Planning Objection

9.69

- Inconsistencies within the application

  The objection highlights inconsistencies such as the rear hedgerow and an incorrect drawing within the Design and Access Statement.

  Case Officer Response: This has been corrected by the submission of an amended Landscaping Plan and a Design and Access Statement.

9.70

- Negative impact on the character and appearance of the Conservation Area.

  The objection states that the proposal represents overdevelopment in the context of a reduction to the plot size and where visually significant vegetation has been removed.

  Case Officer Response: The application does not include a reduction in plot size and the removal of the hedgerow is not a breach of planning control.

9.71

- Set a precedent for breaching the 1.5 times threshold

  Case Officer Response - The Council are of the opinion that the application will not breach the 1.5 threshold for the reasons set out in this report.

9.72

- Interpretation of the guidance

  MBA planning have set out and argued their interpretation of previous court ruling and PAC decisions which have been set out previously in this report. The following points are of note from this section of the objector:

  - The court have stated the importance of the Malone Park Conservation Guide and that it should have priority over PPS 6 and that great weight should be attached.

  Case Officer Response: The Council have considered in full the conservation guide giving great weight to such. The Council are of the opinion the proposal complies with the Guidance.

  - PAC decisions have upheld the provision of building coverage.
  - *Case Officer Response: The Council recognise this has happened however, each application is determined on its own merits.*
  - The applicant team have failed to point out an example where the building coverage requirement has been breached.

- *Case Officer Response: The Council has not asked the applicant to provide that information as it does not consider it necessary. Each application must be considered on its own merits.*

9.73

- Assessment of building coverage

  The objection sets out the definition of the term "dwelling" and puts forward an assessment of what the building coverage is. The objection argues the definition of a dwelling has been dealt with in the appeal reference 2018/A0189.

  Case Officer Response: This issue is addressed in the report. Officers have considered this representation and agree that the summer house and shed should not be considered original given the lack of conclusive evidence. However the Council is of the opinion, based on the available evidence, that not only is the garage original but should be considered in calculations of the "dwelling", the reasoning behind this has been set out previously. The appeal reference 2018/A0189 states that garages should be included in a description which contains four dwellings, this is due to the fact the garages in themselves do not meet permitted development. The appeal does not interpret or define the term dwelling and is therefore distinguishable to this case.

  Further objections were submitted by both Pragma and MBA following the submission of amended plans. These objections reaffirmed the position within their original objections as well as two new matters below

9.74

- Both objections recognise an amended Design and Access statement has been submitted however the cover letter provided by the agent refers to Revision E and the uploaded design and access statement is revision F.

  The Council confirmed with the agent that revision F is correct and emailed both objectors, subsequently the agent provided a further letter confirming this position.

9.75

- MBA Planning states that the removal of the rear hedgerow amends the boundary of the Conservation Area and it cannot be argued that the landscaping will remain dominant.

  Case Officer's Response: As previously stated the hedgerow is not protected and therefore the applicant can remove it under permitted development. The red line provided in the site location map shows the boundary of the site within the applicant's ownership. While the hedgerow has been removed it does not constitute an amendment to the boundary of the conservation area. The hedgerow in question was located to the rear of the site and given that there is an existing hedgerow further forward, the removal of the hedgerow will not impact public views into the site. The landscaping plan along with the existing vegetation allows landscaping to remain dominant.

9.76	An objection was received from Pragma Planning following the Conservation Officer's response. One new matter was raised within this objection that was not raised within Pragma's previous objection and is addressed below: • Comparisons cannot be made between the neighbouring garage and the proposal as the neighbouring garage pre-dates the conservation area and modern planning system. *Case Officer's response: The neighbouring garage forms a part of the fabric of the conservation area, the location is comparable being situated to the side of dwelling and therefore is a relevant consideration. While this garage was not approved by the council it has been demonstrated there are numerous approvals of garages to the land situated to the side elevation of dwellings in the immediate surrounding area. Numbers 20, 21, 22 and 26 Malone Park provide approved examples.*
	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
10.0	**Summary of Recommendation: Approve**
11.0	Conditions 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. All external facing and roofing materials shall be implemented as specified on the approved plans. Reason: In the interests of the character and appearance of the area. 3. All soft landscaping works shall be carried out in accordance with the approved details on Landscaping Plan, Drawing Number 10a, received on 12th Oct 2020. The works shall be carried out prior to the completion of the proposal unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. Reason: In the interests of the character and appearance of the area. 4. Prior to any work commencing all protective measures, protective barriers (fencing) and ground protection is to be erected or installed as specified within the submitted Tree Survey and Report and in accordance with the British Standard 5837: 2012 (section 6.2) on any trees to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are

	removed from site. 5. If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over. Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees. 6. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site during the construction period. Reason: To avoid compaction within the RPA of existing trees to be retained.

ANNEX	
Valid	13th May 2020
Date First Advertised	29th May 2020
Date Last Advertised	30th October 2020
Details of Neighbour Notification (all addresses) 17 Malone Park,Belfast,Antrim,BT9 6NJ 19 Malone Park,Belfast,Antrim,BT9 6NJ 22 Malone Park,Belfast,Antrim,BT9 6NJ 25 Myrtlefield Park,Belfast,Antrim,BT9 6NE 26 Malone Park,Belfast,Antrim,BT9 6NJ 27 Myrtlefield Park,Belfast,Antrim,BT9 6NF	
Date of Last Neighbour Notification	21st October 2020
Notification to Department (if relevant) – Response of Department: To be notified upon clearance of recommendation	
Elected Representatives: Kate Nicholl, Donal Lyons	

Appendices

Appendix 1: OSNI 3rd edition map (1900-1907)

Appendix 2: OSNI 4th edition map (1905-1957)

Appendix 3: OSNI 5th edition map (1919-1983)

Appendix 4: Building Control Map (1947)

Appendix 1: OSNI 3rd edition map (1900-1907)



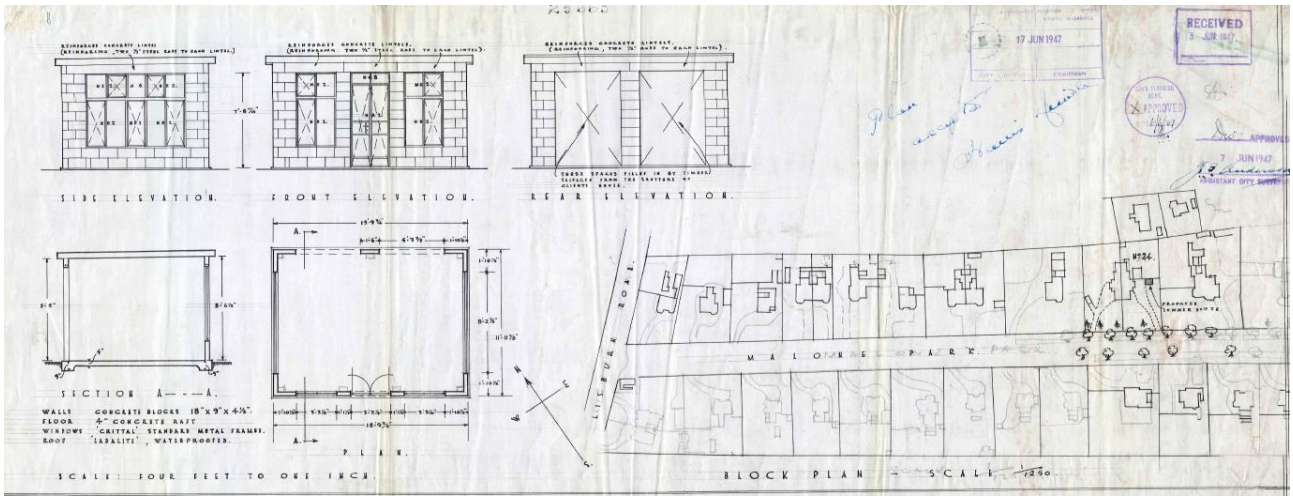
Appendix 2: OSNI 4th edition map (1905-1957)



Appendix 3: OSNI 5th edition map (1919-1983)



Appendix 4: Building Control Map (1947)



Committee Report

Development Management Report	
Application ID: LA04/2020/0562/DCA	**Date of Committee:** Tuesday 15th February 2022
Proposal: Demolition of rear extension (partly single storey, partly one and a half storey) and existing shed and summerhouse	**Location:** 24 Malone Park Belfast BT9 6NJ
Referral Route: 3.8.7 Following legal advice	
Recommendation: Approval	
Applicant Name and Address: Andras House Ltd 60 Great Victoria Street Belfast Bt2 7BB	**Agent Name and Address:** Turley Hamilton House 3 Joy Street Belfast BT2 8LE

Executive Summary:

The site is located at 24 Malone Park. The site is a 2.5 storey semi-detached residential home finished in red brick on a large plot. The dwelling contains an existing two storey rear return. There is parking to the side elevation and extensive gardens forming the front, side and rear elevations.

The surrounding area is residential comprised of large semi-detached and detached properties within large plots. The site is within the Malone/Adelaide Park Conservation Area.

The proposed demolition relates to a section of the two storey rear return which contains a mono pitched roof and the single storey lean to containing a boiler house.

The proposal conforms to policy BH 14 of PPS 6 and paragraph 6.19 of the SPPS. The proposed demolition relates to sections of the rear return of the dwelling which do not make a material contribution to the character and appearance of the area. The neighbouring semi-detached property has demolished the same section as proposed in this application and therefore the demolition will not remove any element of symmetry between the two dwellings. There are no views of the section of the dwelling to be demolished therefore all views of the dwelling from the public realm area maintained.

The Conservation Officer was consulted and had no objections.

One objection was received from councillor Donal Lyons due to the impact on the Conservation Area. This issue is considered within the report.

Recommendation
The application is recommended for approval

Case Officer Report

Site Location Plan



Block Plan



Elevations and Floor Plans- Red hatching shows proposed demolition



Characteristics of the Site and Area	
1.0	**Description of Proposed Development** Demolition of rear extension (partly single storey, partly one and a half storey) and existing shed and summerhouse.
2.0	**Description of Site** The site is located at 24 Malone Park. The site is a 2.5 storey semi-detached residential home finished in red brick on a large plot. The dwelling contains an existing two storey rear return. There is parking to the side elevation and extensive gardens forming the front, side and rear elevations. The surrounding area is residential comprised of large semi-detached and detached properties within large plots. The site is within the Malone/Adelaide Park Conservation Area.
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History** LA04/2019/0665/F, 24 Malone Park, Belfast, BT9 6NJ, Renovation and single storey rear extension to dwelling. Construction of a new detached garage. Decision Quashed. LA04/2019/0627/DCA, 24 Malone Park, Belfast, BT9 6NJ, Demolition of rear extension, partly single storey, partly one and a half storey. Decision Quashed.
4.0	**Policy Framework**
4.1	Belfast Urban Area Plan
4.2	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	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Planning Policy Statement 6: Planning, Archaeology and The Built Heritage
5.0	**Statutory Consultees Responses** None
6.0	**Non-Statutory Consultees Responses** Conservation Officer- No objections to demolition
7.0	**Representations** The application was advertised on 13.03.2020. One objection was received from Councillor Donal Lyons and is considered within the report.
8.0	**Other Material Considerations** None
8.1	**Any other guidance** Malone Park/ Adelaide Park Conservation Area Guide (Dec 1993)

9.0	Assessment
9.1	The proposal is considered to be in compliance with BUAP and both versions of draft BMAP. It is also considered that the proposal is in compliance with Policy and the Malone Park/ Adelaide Park Conservation Area Guide.
9.2	Assessment
9.21	With regards to development in Conservation Areas, Section 104(11) states that special regard must be had to the desirability of; (a)preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b)enhancing the character or appearance of that area in cases where an opportunity to do so does arise
9.22	The SPPS states that *"in managing development within a designated Conservation Area the guiding principal is to afford special regard to the desirability of enhancing its character or appearance when an opportunity to do so exists, or preserve its character or appearance where an opportunity to enhance does not exist*".
9.23	Par. 6.19 of the SPPS sets out the criteria which should be applied when determining such development.
9.24	Planning Policy Statement 6 sets out the Department's planning policies for the protection and conservation of archaeological remains and features of the built heritage. **Demolition within the Conservation Area**
9.25	The proposal conforms to policy BH 14 of PPS 6 and paragraph 6.19 of the SPPS. The proposed demolition relates to a section of the two storey rear return which contains a mono pitched roof, to the rear of this is a single storey lean to containing a boiler house and also with a mono pitched roof.
9.26	While the dwelling as a whole makes a significant contribution to the conservation area the demolition of this section of the rear return does not. The two storey section contains a large ground floor window with a horizontal emphasis which is out of place with the rest of the building. The boiler house has a separate entrance and is in a state of disrepair. The neighbouring semi-detached property has demolished the same section as proposed in this application and therefore the demolition will not remove any element of symmetry between the two dwellings. There are no views of the section of the dwelling to be demolished therefore all views of the dwelling from the public realm area maintained. The conservation officer was consulted and had no objection to the proposed demolition.
9.27	With the considerations above it is deemed that the demolition and proposed extension will preserve the character and appearance of the area as per section 104 of the Planning Act (Northern Ireland) 2011.
9.28	One objection was received from Councillor Donal Lyons due to the impact on the Conservation Area. For the reasons above it is considered the proposed demolition will not have a negative impact on the conservation area.

9.29	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
10.0	**Summary of Recommendation: Approve**
11.0	Conditions 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. This consent relates only to the walls hatched red on drawing 04A, uploaded to the portal on the 20/10/2021. Reason: Reason: In the interests of the preservation of the Malone Conservation Area. Informatives 1. This consent should be read in conjunction with the approval LA04/2020/0559/F

Notification to Department (if relevant)
Representations from Elected members: Kate Nicholl, Donal Lyons

Development Management Officer Report
Committee Application

Summary

Committee Meeting Date: 15 February 2022

Application ID: LA04/2021/2802/F	
Proposal: Application under section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2017/1216/F (residential development comprising 45 dwellings and 8 apartments and associated access road, parking and landscaping (53 dwellings in total) to vary condition 5 (seeking to vary the soft landscaping works to be implemented).	**Location:** Lands at Upper Dunmurry Lane, Belfast, BT17 0HG (Lands between and to the rear of 142 Upper Dunmurry Lane and No. 1 Dunmurry Close).
Referral Route: Variation to Major Planning Application	
Recommendation:	**Approval subject to conditions**
Applicant Name and Address: Choice Housing Ireland Ltd 37-41 May Street Belfast BT1 4DN	**Agent Name and Address:** Turley Hamilton House 3 Joy Street Belfast BT2 8LE

Executive Summary:

The proposal seeks to vary a condition under Section 54 of the Planning Act (Northern Ireland) 2011 to a previous approval relating to a residential development at Upper Dunmurry Lane, Belfast. The original permission, under reference LA04/2017/1216/F was approved on 26 February 2019 (see Appendix 1 – Decision Notices). The approved development is under construction and is substantially complete.

Condition 5 of planning approval LA04/2017/1216/F states that:-

All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 22A, date stamped 30th November 2018. The works shall be carried out prior to the occupation of the first dwelling unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

The proposal seeks to vary Condition 5 which relates to soft landscaping. The condition requires that all soft landscaping be carried out in accordance with approved details as set out in the approved Drawing No. 22A. The current application seeks to amend the Drawing number to take account of revised proposals which propose to replace 1 ash tree and a grouping of young sycamore trees removed with 4 semi-mature lime trees.

The Tree Officer is satisfied that the proposed replacement trees are appropriate and has raised no objection to the proposed variation.

One representation was received and raised issues regarding the short period for objection/consultation, main contacts on annual leave over the Christmas period and the lack of detail on the planning portal on the proposed amendments and how they would impact on the aesthetics of the site and what was originally agreed by the community.

Details of the proposed amendments were articulated to the objector and the landscape plan and cover letter which were available on the portal were forwarded to the objector via email to provide clarity on the proposed amendments.

Taking account of the planning history on the site the proposed changes are considered compliant with the development plan and other relevant policies.

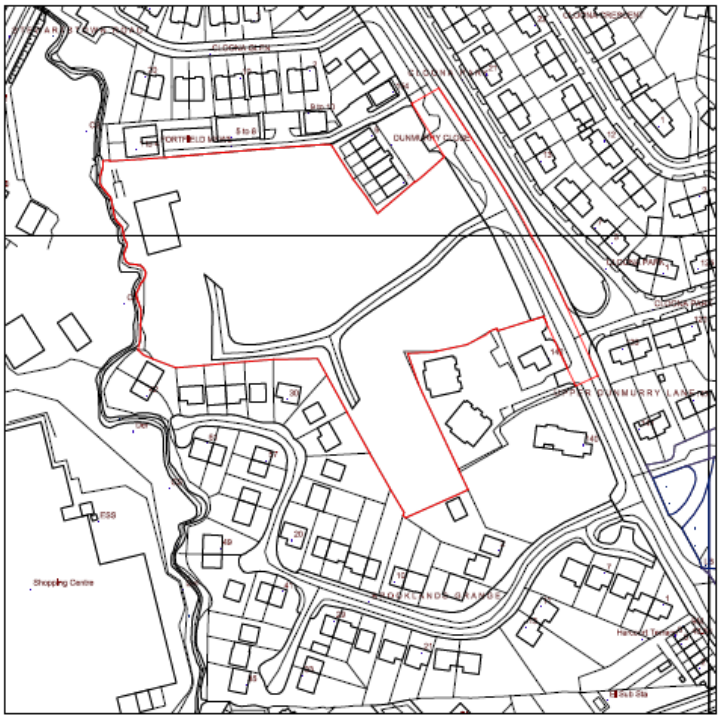
Recommendation
Having regard to the development plan, relevant policy context and other material considerations, the proposal is considered acceptable and approval is recommended. This in effect would create a standalone permission which would be subject to the varied condition, (all other conditions as set out in the original decision (LA04/2017/1216/F) remain unaltered).

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of the varied condition subject to no new substantive planning issues being raised.

Case Officer Report

1.0 Drawings

Site Location Plan



Approved Landscape Plan LA04/2017/1216/F



Proposed Landscape Plan



2.0	**Characteristics of the Site and Area** The site is located on the Upper Dunmurry Lane and forms part of a residential scheme which is currently under construction. The area immediately surrounding the site is primarily residential in nature with a number of commercial premises in close proximity. Kilwee Business Park is located to the south east of the site on Upper Dunmurry Lane.
3.0	**Description of Proposal** The application seeks to vary condition 5 of planning approval LA04/2017/1216/F (residential development comprising 45 dwellings and 8 apartments and associated access road, parking and landscaping (53 dwellings in total) which relates to soft landscaping works required to be carried out as part of the planning permission.
4.0 **4.1**	**Planning Assessment of Policy and Other Material Considerations** **Policy Context** **Regional Planning Policy** • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 7 (PPS 7) – Quality Residential Environments **Local Planning Policy Context** • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan (2015)

	• Draft Belfast Metropolitan Area Plan (2004) **Other Material Considerations** • Creating Places
4.2	**Planning History** **LA04/2017/1216/F** – Residential development comprising 45 dwellings and 8 apartments and associated access road, parking and landscaping (53 units in total), Lands at Upper Dunmurry Lane, Belfast, BT17 0HG (Lands between and to rear of 142 Upper Dunmurry Lane and No. 1 Dunmurry Close). Permission granted 26 February 2019. **LA04/2021/1198/F** - Erection of 2 apartments at Plots 28 and 29 (Change of house type previously approved under LA04/2017/1216/F), Lands at Upper Dunmurry Lane Belfast BT17 0HG (Lands between and to rear of 142 Upper Dunmurry Lane and No.1 Dunmurry Close). Permission granted 03 December 2021 **LA04/2020/1350/NMC** - Proposed construction of retaining wall to the rear of sites 22-27 as a pre-cast dwarf wall kerb (type B on the retaining wall details plan) instead of the previous approved stone filed gabion retaining wall (type A on the retaining wall details plan), Sites 22-27 Lands at Upper Dunmurry Lane (lands between and to rear of 142 Upper Dunmurry Lane and no 1 Dunmurry Close). Non-Material Change accepted 02 March 2021. **LA04/2021/2780/F** - Application under section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2018/1932/F (residential development comprising 90No. units (47 dwellings, 40 apartments, 3 bungalows) and associated access, landscaping and play park) to vary condition 9A (seeking to vary remediation strategy to be implemented), Lands directly to the South of Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, BT17 0HD. Decision pending.
4.3	**Non-Statutory Consultation Responses** **BCC Tree Officer -** No objection.
4.4	**Representations**
4.4.1	The application has been advertised and neighbours notified. One third party objection has been received raising the following matters:- • The extremely short period for objection/consultation; • The lack of detail on the Planning portal, as to what the proposed amendments to the soft landscaping will impact on the aesthetics of the site and to what the Dunmurry lane community agreed to during the original consultation period. • Main contacts unavailable due to annual leave
4.4.2	The neighbour notifications issued on 20/12/21 and the statutory neighbour notification period (14 days) occurred over the Christmas/New Year period and expired on 03/01/22. The Planning Officer was unavailable due to annual leave over the Christmas period but spoke to the objector on 06/01/22 and provided a verbal explanation of the proposed amendments to the approved landscaping scheme. This was followed up by an email to the objector which attached the proposed landscaping scheme and letter submitted by the agent providing an overview of the proposed amendments. The officer also

	confirmed that representations would be accepted and considered beyond the expiry date of the statutory neighbour notification period and up until the point a decision is made. Following clarification of the points raised by the objector no further comments were received.
4.5	**Planning Assessment**
4.5.1	***Application Background***
4.5.2	Planning permission was granted on 26 February 2019 April 2017 for a residential development comprising 45 dwellings and 8 apartments and associated access road, parking and landscaping (53 units in total). The approved new development is under construction and is substantially complete. The application submission states that no dwellings have been occupied.
4.6	**Key Issues**
4.6.1	The key issues to be considered in the assessment of this application are: • Acceptability of revised landscaping proposals • Impact on amenity
4.7	**Development Plan Context**
4.7.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.7.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.7.3	Draft BMAP 2015 (dBMAP 2015), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. Given its advanced stage it is considered to have significant weight. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
4.7.4	In dBMAP 2004 the site is zoned for housing (Ref ML 03/06) and is located within the settlement development limit. In dBMAP 2015 the site is zoned for housing (Ref ML 04/02) and is located within the settlement development limit. Within the BUAP the site is unzoned land within the development limit of Belfast Urban Area.
4.8	**Acceptability of revised landscaping proposals**
4.8.1	Supporting information accompanying the application advises that '*The approved Landscape Masterplan (stamped drawing 22A) identified a multi-stemmed ash tree and a multistemmed sycamore tree located along the rear boundary of proposed dwellings 48-53. These trees were unfortunately and regrettably removed in error during site works. Following an audit of as-built works, we can confirm that no other trees proposed to be retained as indicated on approved plan 22A have been removed.'*

4.8.2 The Tree Officer response highlights that the approved landscaping scheme included the retention of trees including 1 ash tree (Ref T20) and a group of young sycamore trees (Ref: T21) as part of the landscaping scheme for application: LA04/2017/1216/F (see dark green shaded trees on plots 50, 52 and 53 set out in approved plan below). These trees have which were approximately 8m in height were removed during construction.



Extract from approved Landscape Plan No. Drawing No 22A of Planning Approval LA04/2017/1216/F.

4.8.3 The Tree Officer advises that '*In terms of the ash tree, it is highly likely that the tree may have succumb to ash dieback which is a potent untreatable disease ripping through ash trees across the region and is expected to continue to do so over the next number of years.'*
The sycamore trees had potential for future amenity value, the fact the trees had been recently pollarded / topped would have resulted in those trees being future managed and maintained in the similar periodic nature to address the future adventitious growth from pollarded trees.'

4.8.4 In terms of replacement trees the supporting information states that in order to compensate for the loss of the trees, 4 semi-mature lime trees are proposed to be planted in proximity to those trees removed. The replacement trees marked with an 'x' in a pink circle (Ref. Plots 50, 52 and 53) on the plan below show the location of the proposed four replacement trees which are to be planted at a height of 6-6.5m.



Extract from proposed Landscape Plan No. Drawing No. 6189-L-102F

4.8.5	The Tree Officer advises that the 4 replacement trees (tilia cordata 'greenspire' or lime trees) to be planted to compensate would be deemed acceptable in terms of their future established size, crown shape and spread. The Tree officer offers no objection to the amended landscape plan.
4.9	**Impact on amenity**
4.9.1	The Tree Officer considers that the proposed planting will integrate into the approved scheme (under application LA04/2017/1216/F) over time as the proposed trees begin to establish. The trees are required to be planted prior to occupation of the first dwelling. The replacement trees will contribute to the visual amenity of the individual plots they serve and the wider area and are considered appropriate to the character and topography of the site and respect the surrounding context.
4.9.2	The proposed minor amendment to the approved landscape plan is compliant with PPS 7 and the SPPS and is considered acceptable.

Neighbour Notification Checked **Yes**

Summary of Recommendation:
Having regard to the development plan, relevant policy context and other material considerations, the proposal is considered acceptable and approval is recommended. This in effect would create a standalone permission which would be subject to the varied condition (No. 5), all other conditions set out for approval LA04/2017/1216/F remain unaltered.

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of the varied condition subject to no new substantive planning issues being raised.

Draft Conditions

1. There shall be no construction activities, including storage or dumping of machinery or materials within the buffer zone along the western boundary of the site, as shown on the landscaped masterplan Drawing Number 22A, date stamped 30th November 2018 by the Planning Authority.

Reason: To protect the watercourse, associated wildlife corridor and conservation objectives of Belfast Lough SPA/Ramsar.

2. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into the watercourse along the western boundary of the site.

Reason: To protect the watercourse and conservation objectives of Belfast Lough SPA/Ramsar.

3. Prior to the occupation of each dwelling hereby approved, boundary walls and fencing in association with each dwelling shall be erected in accordance with the approved plans and shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

Condition 4. To be varied

4 ***All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 6189-L-102F, published by the Council on 15 December 2021. The works shall be carried out prior to the occupation of the first dwelling unless otherwise agreed in writing by the Council.***

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

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

5. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved 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 Belfast City Council.

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

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

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

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

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

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

Reason: To avoid compaction within the RPA.

9. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 505-06 Rev 06 bearing the Department for Infrastructure determination date stamp 1/2/19, prior to the commencement of any other works or other development hereby permitted.

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

10. No dwelling shall be occupied until related hard surfaced areas (incurtilage) have been constructed in accordance with the approved Drawing No. 505-06 Rev 06 bearing the Department for Infrastructure determination date stamp 1/2/19 to provide adequate facilities for parking. These spaces shall be permanently retained.

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

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

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

12. 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 footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

13. Notwithstanding the provisions of the Planning (General Permitted Development) Order (N.I) Order 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

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.

14. The Private Streets (N.I.) Order 1980 as amended by the Private Streets (Amendment) (N.I) Order 1992.The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 505-06 Rev 06 bearing the Department for Infrastructure determination date stamp 1/2/19.

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

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

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.

16. The development hereby permitted shall not be adopted until any inspection chamber requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

17. The development herby permitted shall operate in accordance with the approved Travel Plan date stamped 29th March 2018.

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

Notification to Department (if relevant)

Date of Notification to Department: Not required
Response of Department: N/A

Representations from Elected Members: None

ANNEX	
Date Valid	7th December 2021
Date First Advertised	24th December 2021
Date Last Advertised	

Details of Neighbour Notification (all addresses)
The Owner/Occupier, 1 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 1 Dunmurry Close,Dunmurry,Antrim,BT17 0FW
The Owner/Occupier, 1 Fortfield Mews,Dunmurry,Antrim,BT17 0WA
The Owner/Occupier, 10 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 10 Fortfield Mews,Dunmurry,Antrim,BT17 0WA
The Owner/Occupier, 11 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 12 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 126 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HF
The Owner/Occupier, 126 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 13 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 14 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 140 Upper Dunmurry Lane,Dunmurry,Dunmurry,Antrim,BT17 0HE
The Owner/Occupier, 142 Upper Dunmurry Lane,Dunmurry,Dunmurry,Antrim,BT17 0HE
The Owner/Occupier, 15 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 15 Upper Dunmurry Close,Dunmurry,Antrim,
The Owner/Occupier, 154 Upper Dunmurry Lane,Dunmurry,Dunmurry,Antrim,BT17 0HE
The Owner/Occupier, 154a ,Upper Dunmurry Lane,Dunmurry,Dunmurry,Antrim,BT17 0HE
The Owner/Occupier, 154b ,Upper Dunmurry Lane,Dunmurry,Dunmurry,Antrim,BT17 0HE
The Owner/Occupier, 154c ,Upper Dunmurry Lane,Dunmurry,Dunmurry,Antrim,BT17 0HE
The Owner/Occupier, 16 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 7 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 18 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 19 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 2 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 2 Dunmurry Close,Dunmurry,Antrim,BT17 0FW
The Owner/Occupier, 2 Fortfield Mews,Dunmurry,Antrim,BT17 0WA
The Owner/Occupier, 20 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 21 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 22 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 23 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 24 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 25 Upper Dunmurry Close,Dunmurry,Antrim,
The Owner/Occupier, 26 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 28 Brooklands Grange,Dunmurry,Antrim,BT17 0SA
The Owner/Occupier, 2a ,Brooklands Grange,Dunmurry,Dunmurry,Antrim,BT17 0HE
The Owner/Occupier, 3 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ
The Owner/Occupier, 3 Dunmurry Close,Dunmurry,Antrim,BT17 0FW

The Owner/Occupier, 3 Fortfield Mews,Dunmurry,Antrim,BT17 0WA The Owner/Occupier, 30 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 32 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 32 Upper Dunmurry Close,Dunmurry,Antrim, The Owner/Occupier, 34 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 36 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 38 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 4 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 4 Dunmurry Close,Dunmurry,Antrim,BT17 0FW The Owner/Occupier, 4 Fortfield Mews,Dunmurry,Antrim,BT17 0WA The Owner/Occupier, 40 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 42 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 5 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ The Owner/Occupier, 5 Dunmurry Close,Dunmurry,Antrim,BT17 0FW The Owner/Occupier, 5 Fortfield Mews,Dunmurry,Antrim,BT17 0WA The Owner/Occupier, 6 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 6 Dunmurry Close,Dunmurry,Antrim,BT17 0FW The Owner/Occupier, 6 Fortfield Mews,Dunmurry,Antrim,BT17 0WA The Owner/Occupier, 7 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ The Owner/Occupier, 7 Fortfield Mews,Dunmurry,Antrim,BT17 0WA The Owner/Occupier, 8 Brooklands Grange,Dunmurry,Antrim,BT17 0SA The Owner/Occupier, 8 Fortfield Mews,Dunmurry,Antrim,BT17 0WA The Owner/Occupier, 9 Cloona Park,Dunmurry,Dunmurry,Antrim,BT17 0HQ The Owner/Occupier, 9 Fortfield Mews,Dunmurry,Antrim,BT17 0WA The Owner/Occupier, Advanced Auto Service, 200 Stewartstown Road, Dunmurry, Co. Antrim, BT17 0LE The Owner/Occupier, Apartment 1,Block 1,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 10,Block 2,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 11,Block 2,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 12,Block 2,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 2,Block 1,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 3,Block 1,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 4,Block 1,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 5,Block 1,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 6,Block 1,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 7,Block 2,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 8,Block 2,Brookland Court,Dunmurry,Antrim,BT17 0GP The Owner/Occupier, Apartment 9,Block 2,Brookland Court,Dunmurry,Antrim,BT17 0GP

Date of Last Neighbour Notification	20th December 2021
Date of EIA Determination	**N/A**
ES Requested	No
Drawing Numbers and Title	

Drawing No. L01A - Site Location Plan and Topographical Survey

Drawing No. 6189-L-102F - Landscape Masterplan

Appendix 1 – LA04/2017/1216/F – Decision Notice

Belfast City Council

APPROVAL OF PLANNING PERMISSION

Planning Act (Northern Ireland) 2011

Application No: **LA04/2017/1216/F**

Date of Application: **19th May 2017**

Site of Proposed Development: **Lands at Upper Dunmurry Lane, Belfast BT17 0HG (Lands between and to rear of 142 Upper Dunmurry Lane and No. 1 Dunmurry Close)**

Description of Proposal: **Residential development comprising 45 dwellings and 8 apartments and associated access road, parking and landscaping (53 units in total)**

Applicant:	Choice Housing Association	Agent:	CEP Planning Ltd
Address:	37-41 May Street Belfast BT1 4DN	Address:	2a Wallace Avenue Lisburn BT27 4AA

Drawing Ref: 01A, 02D, 03C, 05A,06A, 07B, 08B, 09, 10, 11, 12, 13, 14, 16, 17, 18, 19, 20B, 21, 22A, 23 and PSD DRAWING No 505-06 Rev 06 bearing the Department for Infrastructure determination date stamp 1/2/19

The Council in pursuance of its powers under the above-mentioned Act hereby

GRANTS PLANNING PERMISSION

for the above-mentioned development in accordance with your application subject to compliance with the following conditions which are imposed for the reasons stated:

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

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

2. There shall be no construction activities, including storage or dumping of machinery or materials within the buffer zone along the western boundary of the site, as shown on the landscaped masterplan Drawing Number 22A, date stamped 30th November 2018 by the Planning Authority.

Belfast City Council

Reason: To protect the watercourse, associated wildlife corridor and conservation objectives of Belfast Lough SPA/Ramsar.

3. There shall be no direct discharge of untreated surface water run-off during the construction and operational phases into the watercourse along the western boundary of the site.

Reason: To protect the watercourse and conservation objectives of Belfast Lough SPA/Ramsar.

4. Prior to the occupation of each dwelling hereby approved, boundary walls and fencing in association with each dwelling shall be erected in accordance with the approved plans and shall be permanently retained thereafter.

Reason: In the interest of privacy and amenity.

5. All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 22A, date stamped 30th November 2018. The works shall be carried out prior to the occupation of the first dwelling unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

6. 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 Belfast City Council.

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

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

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

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

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

Belfast City Council

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

Reason: To avoid compaction within the RPA.

10. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 505-06 Rev 06 bearing the Department for Infrastructure determination date stamp 1/2/19, prior to the commencement of any other works or other development hereby permitted.

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

11. No dwelling shall be occupied until related hard surfaced areas (incurtilage) have been constructed in accordance with the approved Drawing No. 505-06 Rev 06 bearing the Department for Infrastructure determination date stamp 1/2/19 to provide adequate facilities for parking. These spaces shall be permanently retained.

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

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

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

13. 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 footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

14. Notwithstanding the provisions of the Planning (General Permitted Development) Order (N.I) Order 2015, no buildings, walls or fences shall be erected, nor hedges, nor formal rows of trees grown in (verges/service strips) determined for adoption.

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.

15. The Private Streets (N.I) Order 1980 as amended by the Private Streets (Amendment) (N.I) Order 1992.The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No: 505-06 Rev 06 bearing the Department for Infrastructure determination date stamp 1/2/19.

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

Belfast City Council

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

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.

17. The development hereby permitted shall not be adopted until any inspection chamber requiring Technical Approval, as specified in the Roads (NI) Order 1993, has been approved and constructed in accordance with BD2 Technical Approval of Highways Structures : Volume 1: Design Manual for Roads and Bridges.

Reason: To ensure that the structure is designed and constructed in accordance with BD2 Technical Approval of Highways Structures: Volume 1: Design Manual for Roads and Bridges.

18. The development herby permitted shall operate in accordance with the approved Travel Plan date stamped 29th March 2018.
Reason: To encourage alternative means of transport to the private car.

Informatives

1. The applicant's attention is drawn to Article 15 of the Wildlife (Northern Ireland) Order 1985 (as amended) under which it is an offence for any person to plant or otherwise cause to grow in the wild any plant which is included in Part II of Schedule 9 of the Order, which includes (Japanese Knotweed *Fallopia japonica,* Himalayan Balsam *Impatiens glandulifera,* and Giant Rhubarb *Gunnera tinctorial*). These highly invasive plant species has been recorded on site and control measures must be taken to ensure that any works do not cause them to spread either on or off the site. Any soil, containing (Japanese Knotweed *Fallopia japonica,* Himalayan Balsam *Impatiens glandulifera,* and Giant Rhubarb *Gunnera tinctorial*) plant or seed material, which is removed off site, is classified as controlled waste under the Controlled Waste Regulations (Northern Ireland) 2002. The Controlled Waste (Duty of Care) Regulations (Northern Ireland) 2002 places a duty of care on 'anyone who produces, imports, stores, transports, treats, recycles or disposes of waste to take the necessary steps to keep it safe and to prevent it from causing harm, especially to the environment or to human health'. In the case of (Japanese Knotweed *Fallopia japonica,* Himalayan Balsam *Impatiens glandulifera,* and Giant Rhubarb *Gunnera tinctorial*) it is the duty of the waste producer to inform the licensed waste carrier and licensed landfill site that the controlled waste material contains (Japanese Knotweed *Fallopia japonica,* Himalayan Balsam *Impatiens glandulifera,* and Giant Rhubarb *Gunnera tinctorial*) as part of the waste transfer process. Further advice can be sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel: 028 905 69605

Belfast City Council

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

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

Any person who knowingly causes or permits to be done an act which is made unlawful by any of these provisions shall also be guilty of an offence. It is therefore advised that any tree, hedge loss or vegetation clearance should be kept to a minimum and removal should not be carried out during the bird breeding season between 1st March and 31st August.

3. The applicant's attention is drawn to The Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended), under which it is an offence:
a) Deliberately to capture, injure or kill a wild animal of a European protected species, which includes all species of bat;
b) Deliberately to disturb such an animal while it is occupying a structure or place which it uses for shelter or protection;
c) Deliberately to disturb such an animal in such a way as to be likely to;
i. affect the local distribution or abundance of the species to which it belongs;
ii. Impair its ability to survive, breed or reproduce, or rear or care for its young; or
iii. Impair its ability to hibernate or migrate;
iv. Deliberately to obstruct access to a breeding site or resting place of such an animal; or
v. To damage or destroy a breeding site or resting place of such an animal.
If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 905 69605

4. CLEAN NEIGHBOURHOOD AND ENVIRONMENT (NORTHERN IRELAND) ACT 2011
Contaminated Land
Should any unforeseen ground contamination be encountered during the development and in order to protect human health, all works on the site should immediately cease.
Belfast City Council should be informed and a full written risk assessment in line with the current government guidance (Model Procedures for the Management of land Contamination CLR11) that details the nature of the risks and any necessary mitigation measures and verification (if required) should be prepared and submitted for appraisal.

Belfast City Council

5. CLEAN NEIGHBOURHOOD AND ENVIRONMENT (NORTHERN IRELAND) ACT 2011

Noise

The applicant is advised to ensure that all plant and equipment used in connection with the development is so situated, operated and maintained as to prevent the transmission of noise and odours to nearby premises.

6. POLLUTION CONTROL AND LOCAL GOVERNMENT (NI) ORDER 1978

The applicant is advised to refer to 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 British Standard 5228-1:2009 – Code of practice for noise and vibration control on construction and open sites – Part 1:Noise

[redacted]

Authorised Officer

Dated: 26th February 2019

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: Tuesday 15 February 2022	
Application ID: LA04/2021/2416/F	
Proposal: Retractable canopy for outdoor dining to restaurant temporary for 2 years.	**Location:** The Muddlers Club 1 Warehouse Lane Belfast BT1 2DX.
Referral Route: DFC Covid Revitalisation scheme	
Recommendation:	
Applicant Name and Address: Cathedral Quarter BID 109-113 Royal Avenue Belfast BT1 1FF	**Agent Name and Address:** OGU Architects 56 Rushfield Avenue Belfast BT17 3FQ

Executive Summary:

The proposal is for the erection of a retractable canopy to provide cover for an outdoor seating area on a temporary basis of 2 years.

The key issues identified as a result of this proposal are:
- The impact of the proposal on the character and appearance of the conservation area
- The impact of the proposal on the setting of a listed building
- The impact of the proposal on the amenity of the surrounding area

The site is located to the rear of Muddlers Club at 1 Warehouse Lane within the Cathedral Conservation Area and within the setting of a number of listed buildings. The area is commercial in nature and the surrounding area is predominantly restaurants and bars.

The application was neighbour notified and advertised in the local press and no objections have been received.

Historic Environment Division were consulted in relation to the proposal and have no objection to the proposed canopy.

Recommendation – Approval – temporary Approval for 2 years

Case Officer Report

Site Location Plan





Characteristics of the Site and Area	
1.0	**Description of Proposed Development** Retractable canopy for outdoor dining to restaurant temporary for 2 years.
2.0	**Description of Site** The site is located to the rear of Muddlers Club, located on Warehouse Lane. The site is within the Cathedral Quarter conservation area and within a commercial area that is made up predominantly of restaurants and bars.
Planning Assessment of Policy and other Material Considerations	
3.0	**Relevant Site History** Non-Relevant
4.0	**Policy Framework**
4.1	Regional Development Strategy (RDS) Belfast Urban Area Plan 2001 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)
4.2	Strategic Planning Policy Statement (SPPS) Planning Policy Statement 6: Planning, Archaeology and Built Heritage
5.0 5.1 5.2	**Consultations:** **Statutory Consultee Responses** DFI Roads - No objections-no conditions recommended NI Water – 25-2-21 Wastewater treatment capacity is not available for the proposed development but correspondence between the applicant and NI Water indicates that a solution has been found. The matter will be dealt with via negative planning conditions Rivers- No objections NIHE-No objection HED- No objection **Non-Statutory Consultee Responses** Environmental Health – No objections
6.0 6.1	**Representations** The application was neighbour notified and advertised in the local press and no objections have been received.
7.0 7.1	**Assessment** The key issues in the assessment of the proposal are as follows: • Impact on the Conservation Area • Impact on the amenity of the surrounding area • Impact on curtilage of a listed building **The principle of the proposal at this location**

7.2	The proposed canopy measures 18m long and 4.5m wide and is located 2.9m from the ground floor. The retractable canopy is a finished powder coated aluminium structure which folds back when it is not in use to provide cover for outdoor dining to the restaurant. The proposal is made on a temporary basis for 2 years as part of the DFC Covid Revitalisation Scheme.
	Planning Policy Statement 6: Planning Archaeology and the Built Heritage
7.3	Policy BH 11 states that development will not be permitted which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where the detailed design respects the listed building in terms of scale, height, massing and alignment; the works proposal makes use of traditional or sympathetic building materials and techniques which respect those found on the building; and the nature of the use proposed respects the character of the setting of the building.
7.4	HED (Historic Buildings) was consulted in relation to the proposal and have considered the effects of the proposal on the listed building and on the basis of the information provided, considers that the application poses no greater demonstrable harm on the setting of the listed building. HED (Historic Monuments) has assessed the application and, due to its scale and nature, is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
7.5	Policy BH 12 states that alterations within a conservation area will only be considered acceptable where the development preserves or enhances the character and appearance of the area, is in sympathy with the characteristic built form of the area, the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area and the development conforms with the guidance set out in conservation area documents. The proposal complies with this policy.
8.0	**Conclusion** Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended subject to conditions. It is requested that delegated authority is given to the Strategic Director of Place and Economy to finalise the planning conditions.
9.0	**Conditions:**
9.1	The permission hereby granted shall be for a limited period of 2 years only from the date of this decision notice. All structures hereby permitted shall be removed within 4 weeks of the expiry of the permission. Reason: To enable Council to consider the development in light of circumstances then prevailing and this type of temporary structure is such that their permanent retention may harm the surrounding character and amenity if retained as a permanent structure.

ANNEX	
Date Valid	11th November 2021
Date First Advertised	26th November 2021
Date Last Advertised	

Details of Neighbour Notification (all addresses)
The Owner/Occupier,
19 Donegall Street,Belfast,Antrim,BT1 2FF
The Owner/Occupier,
19 Donegall Street,Belfast,Antrim,BT1 2HA
The Owner/Occupier,
2nd Floor,23 Donegall Street,Belfast,Antrim,BT1 2FF
The Owner/Occupier,
3 Exchange Place,Belfast,Antrim,BT1 2NA
The Owner/Occupier,
3rd Floor,23 Donegall Street,Belfast,Antrim,BT1 2FF
The Owner/Occupier,
Gf & 1st Floor,23 Donegall Street,Belfast,Antrim,BT1 2FF
The Owner/Occupier,
Offices (Gd To 3rd Floor),19 Donegall Street,Belfast,Antrim,BT1 2HA

Date of Last Neighbour Notification	18th January 2022
Date of EIA Determination	
ES Requested	No

Planning History

Ref ID: LA04/2020/1143/F
Proposal: Change of use from vacant retail unit to public bar on ground floor, first floor and second floor and restaurant on third floor
Address: 19-21 Donegall Street, Belfast.,
Decision: PG
Decision Date: 04.06.2021

Ref ID: LA04/2020/0009/PAD
Proposal: Refurbishment of a derelict four storey building and change of use from office accommodation to bar/restaurant. The works will involve internal and minimal external modifications.
Address: 19-21 Donegall Street, Belfast, BT1 2HA,
Decision:
Decision Date:

Ref ID: LA04/2021/2416/F
Proposal: Retractable canopy for outdoor dining to restaurant temporary for 2 years.
Address: The Muddlers Club, 1 Warehouse Lane, Belfast, BT1 2DX.,

Decision:
Decision Date:

Ref ID: Z/2001/0248/DCA
Proposal: Demolition of 2 storey structure including the 'Bridge' Structure over Exchange Place, plus associated walls and lean-to shelter in courtyard.
Address: 5 Exchange Place, Town Parks, Belfast, Northern Ireland, BT01 2NA
Decision:
Decision Date: 17.11.2001

Ref ID: Z/2008/2056/LB
Proposal: Hotel signage including fascia signs, projecting signs, awnings and uplighters.
Address: Premier Inn Hotel, 2-6 Waring Street, Belfast, BT01 2DX.
Decision:
Decision Date: 19.11.2008

Ref ID: Z/2005/1284/LB
Proposal: Retention of facades to listed building at Waring Street and Donegall Street as part of proposed 180 bedroom hotel with bar, restaurant, fitness suite and ancillary accommodations including lower ground level car park.
Address: Land at 1-3 Donegall Street and 2-18 Waring Street, Belfast
Decision:
Decision Date: 16.05.2006

Ref ID: Z/2001/0246/F
Proposal: Mixed use proposal for retail, hotel and residential development
Address: 3 Donegall Street/ 1 Donegall Street/ 4-6 Waring Street/ 5 Exchange Place/ Belfast BT1
Decision:
Decision Date: 13.11.2001

Ref ID: Z/2001/0254/LB
Proposal: Demolition of rear section and refurbishment at Donegall Street and Waring Street. Construction of four storey penthouse structure to be used for retail and residential purposes. Construction of hotel and parking facilities.
Address: Building 1: 3 Donegall Street Belfast BT1. Building 2 : 1 Donegall Street / 4-6 Waring Street, Belfast BT1.
Decision:
Decision Date: 17.11.2001

Ref ID: Z/2005/1130/F
Proposal: Erection of hotel including bar, restaurant, underground car parking and ancillary accommodation including retention of listed facades (amended scheme)
Address: Lands at junction of Waring Street and Donegall Street extending to Exchange Place, Belfast.
Decision:
Decision Date: 16.05.2006

Ref ID: Z/2008/1599/A
Proposal: 2 x projecting signs, 2x fascia signs, 1x fascia letters, 9x awnings, 13x uplighters
Address: Premier Inn, 2 - 6 Waring Street, Belfast, BT1 2DX
Decision:
Decision Date: 13.11.2008

Ref ID: Z/2007/0028/F
Proposal: Amendment to previously approved scheme (Z/2005/1130) reduction in bedroom Nos from 180 bedroom hotel to 172 bedrooms.
Address: Lands at 1-3 Donegall Street and 2-16 Waring Street, Belfast, extending to Exchange Place.
Decision:
Decision Date: 18.04.2007

Ref ID: Z/2011/0475/F
Proposal: Change of use from restaurant to performance space including bar, toilets, and ancillary space.
Address: 18-22 Hill Street, Belfast, BT1 2LA,
Decision:
Decision Date: 09.08.2011

Ref ID: Z/2000/2953/DCA
Proposal: Demolition of two storey warehouse extension to form route through to Warehouse Lane from Exchange Place.
Address: Building to rear of 5 Exchange Place, Belfast
Decision:
Decision Date: 07.04.2001

Ref ID: Z/1990/2451
Proposal: Change of use of first floor from factory use to drop in
centre
Address: 5 EXCHANGE PLACE BELFAST BT1
Decision:
Decision Date:

Ref ID: Z/2000/2671/DCA
Proposal: Demolition of two storey warehouse extension to form route through to Warehouse Lane from Exchange Place.
Address: 5 Exchange Place, Town Parks, Belfast, Northern Ireland, BT01 2NA
Decision:
Decision Date: 02.03.2001

Ref ID: Z/2000/2672/F
Proposal: Refurbishment of 23 Donegall Street to provide studio/arts workshops with performance/exhibition facility at ground floor. Refurbishment of 25 Donegall Street to provide retail facility at ground floor with gallery/office/studio space over. Refurbishment of 1-3 Exchange Place to include removal of one floor: roof reinstatement. Demolition of 5 Exchange Place.
Address: Cathedral Quarter Arts ; 23-25 Donegall Street, 1-3 Exchange Place, 5 Exchange Place (demolition)

Decision: Decision Date: 14.03.2001
Drawing Numbers and Title
Site and block plan Existing site plan and elevation Proposed site plan and elevation
Notification to Department (if relevant) Date of Notification to Department: Response of Department:

Development Management Officer Report

Committee Application

Summary	
Application ID: LA04/2021/2896/A	**Date of Committee**: Tuesday 15th February 2022
Proposal: Building signage for Walkway Community Association in brushed stainless steel effect dibond aluminium composite.	**Location:** Walkway Community Association 1-9 Finvoy Street Belfast BT5 5DH
Referral Route: Referral to the Planning Committee under Section 3.8.5 (d) BCC is the landowner	
Recommendation:	**Approval**
Applicant Name and Address: Belfast City Council 9-21 Adelaide Street Belfast BT2 8DJ	**Agent Name and Address:** Michael Whiteley Architect 66 Bloomfield Avenue Belfast BT5 5AE

Executive Summary:

The signage is to be positioned on the newly constructed Walkway Community Association Centre. Three brushed stainless steel signs are to be mounted on to the building; one on each elevation (front, side and rear).

The key issues to be considered are:

- Amenity
- Public Safety

The proposed signs identify the new Walkway Community Association building and will integrate sensitively to the host building and will respect the amenity of the surrounding area.

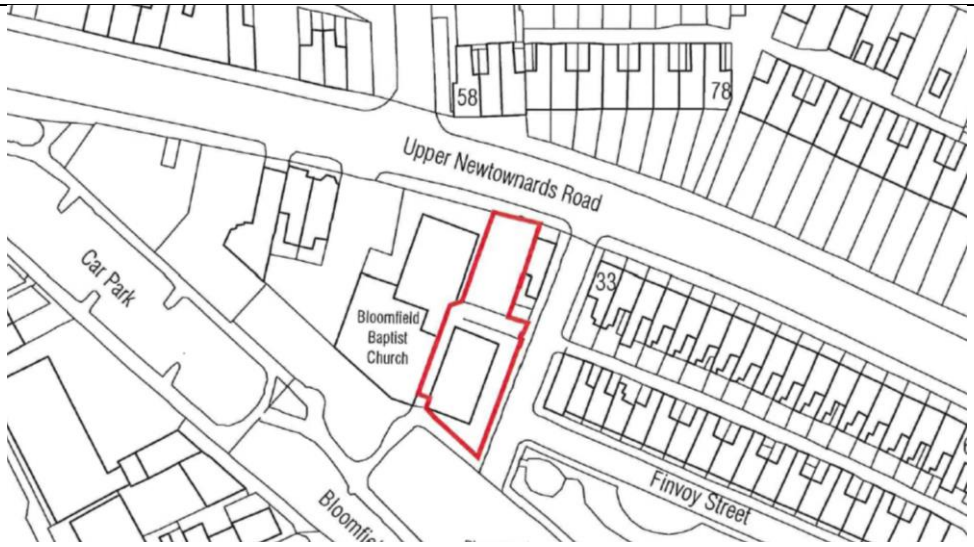
DFI Roads was consulted and had no objections. The signs will not prejudice public safety.

Recommendation - Approve subject to conditions

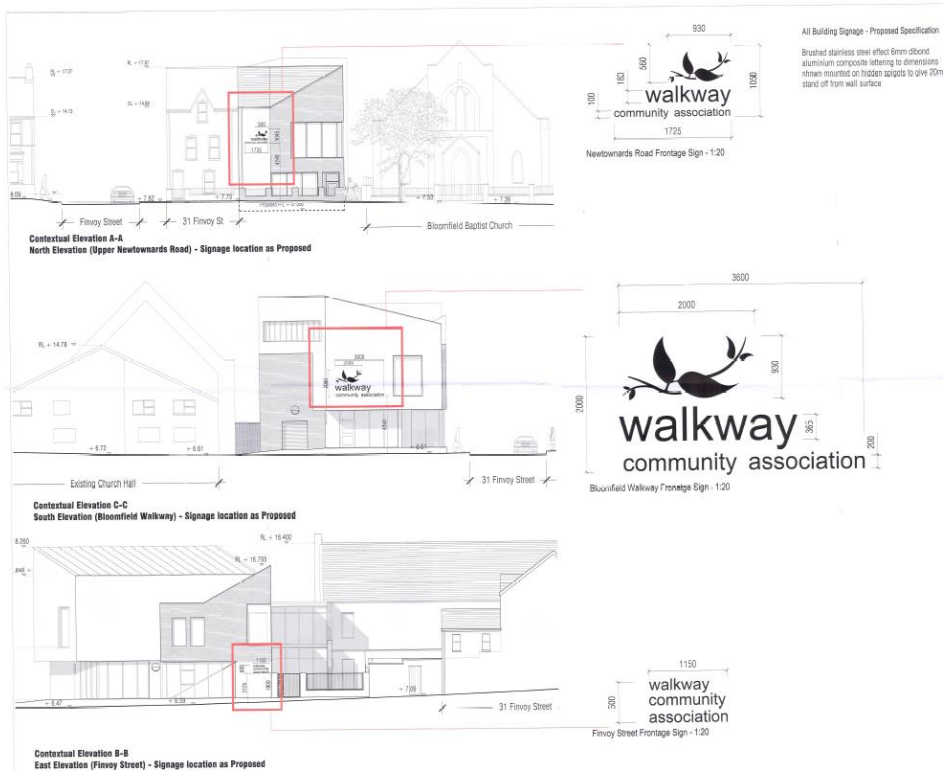
Having had regard to the development plan, relevant planning policies, and other material considerations, it is recommended consent be granted for the three signs with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions.

Case Officer Report

Site Location Plan



Elevations



Characteristics of the Site and Area

1.0	**Description of Proposed Development**
1.1	Advertisement consent is sought for three outer wall building signs for the Walkway Community Association in brushed stainless steel effect dibond aluminium composite. One sign is proposed on each elevation (front, side and rear).

2.0	**Description of Site**
2.1	The site is located at 1-9 Finvoy Street and comprises a new two-storey community centre building approved and currently under construction (LA04/2019/2343/F). The surrounding roads bounding the site are Finvoy Road, Upper Newtownards Road and the pedestrian Bloomfield Walkway. The Upper Newtownards Road, an arterial route, runs along the northern boundary of the site. The area is characterised by two storey terrace dwellings along Finvoy Street and two and three storey terrace dwellings along the frontage of the Upper Newtownards Road. To the west of the site is the existing Bloomfield Baptist Church and associated church hall and to the south is the Comber Greenway and playground.
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History** LA04/2021/2779/F Walkway Community Association, 1-9 Finvoy Street, Belfast, BT5 5DH., This is a Section 54 Application pertaining to [LA04/2019/2343/F] for a replacement new build community centre. The condition to which this application relates is solely Condition 7 [seeking variation on described materials]. (Under consideration) LA04/2019/2343/F, Proposed demolition/removal of existing temporary building and erection of new two-storey Community Centre (Reduced Scheme ·& Updated Address) (Permission Granted) Z/2000/2878/F, Retention of permission for existing Community Centre (Permission Granted) Z/2000/2324/F, Proposed extension at first floor level to provide additional accommodation to existing community centre. (Permission Granted)
4.0	**Policy Framework**
4.1	Belfast Urban Area Plan
4.2	Regional Development Strategy (RDS) 2035
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. The site is within the proposed Holywood Arches Area of Townscape Character.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 17: Control of Outdoor Advertisements
4.6	Addendum to Planning Policy Statement 6: Areas of Townscape Character
5.0	**Statutory Consultees Responses** DFI Roads- No objection

6.0	**Non-Statutory Consultees Responses** None
7.0	**Representations** No representations were received.
8.0	**Other Material Considerations** None
8.1	**Any other supplementary guidance** None
9.0	**Assessment**
9.1	The key issues to be considered are: • Amenity • Public safety
9.2	The SPPS (2015) acknowledges that all advertisements have an impact on the surrounding area they are situated and accepts there is a need to balance the requirements of the industry with the protection and enhancement of the character and amenity of the surrounding area. The SPPS also recognises that there is a need to ensure advertisements do not negatively impact public safety. The issues set out in the SPPS are controlled by regional policy which can be found in PPS 17.
9.3	Policy AD1 of PPS 17 states that consent will be granted for the display of advertisements where the proposal respects neighbouring amenity when assessed in the context of local characteristics; and where it does not prejudice public safety.
9.4	It is considered that the proposal is in compliance with SPPS in that the proposed development will not cause demonstrable harm to interests of acknowledged importance which are considered below.
	Amenity
9.15	PPS 17 Policy AD1- The term amenity is usually understood to mean its effect upon the appearance of the building or structure or the immediate neighbourhood where it is displayed, or its impact over long distance views.
9.16	The adverts are to identify the new Walkway Community Association, a modern 2 storey building approved and currently under construction.
9.17	Three adverts are proposed, one on each elevation. The front facing on to the Upper Newtownards Roads (1725mm x 1045mm as a design feature on the main building elevation), the side elevation to Finvoy Street (a small sign at ground floor fascia level 60mm x 1150mm) and the rear elevation to the Bloomfield Walkway (2000mm x 3600mm above the rear entrance). All signs have the wording *Walkway Community Association* and the signs to the front and rear also have a leaf motif; the brushed stainless steel letters are non-illuminated and are of a size, design and material considered sensitive to the host building; it is considered that they will not have a detrimental impact on the character of the surrounding area. The proposal is considered to comply with Policy AD1 (i) Amenity.
	Public Safety
9.18	In assessing the impact of an advertisement on public safety regard will be given to its effect upon the safe use and operation of any form of traffic or transport on land, including

	the safety of pedestrians. DFI Roads were consulted and had no objections, the proposal is considered to comply with Policy AD1,(ii) public safety.
9.19	In terms of the draft ATC designation, the scale, size, proportions and proposed materials are considered to be appropriate and will respect the building onto which the three signs will be fixed.
9.20	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
10.0	**Summary of Recommendation: Grant Consent**
11.0	**Conditions** 1. The signs shall be erected in the position and orientation shown on the approved drawing Number 02 bearing Planning Authority date stamp 10th December 2021 (published to the Planning Portal on 05/01/2022). Reason: In the interests of visual amenity, road safety and convenience of road users. **Informatives** 1. The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on 05/01/2022 Drawings 01 and 02 2. 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://epicpublic.planningni.gov.uk/publicaccess/

Notification to Department (if relevant): No
Representations from Elected members: None

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Committee Report

Development Management Report	
Application ID: LA04/2021/2779/F	**Date of Committee:** Tuesday 15th February 2022
Proposal: Section 54 Application to vary Condition 7 of Planning Permission LA04/2019/2343/F (replacement new build community centre) to amend external facing and roofing materials	**Location:** Walkway Community Association 1-9 Finvoy Street Belfast BT5 5DH.
Referral Route: Referral to the Planning Committee under Section 3.8.5 (c) – BCC is the applicant	
Recommendation:	**Approval**
Applicant Name and Address: Belfast City Council Property and Projects Department 3rd Floor 9-12 Adelaide Street Belfast BT2 8DJ	**Agent Name and Address:** Michael Whitley Architects 66 Bloomfield Avenue Belfast BT5 5AE

Executive Summary:

The proposal is a Section 54 Application to develop land without compliance with Condition 7 of Planning Permission LA04/2019/2343/F approved on 24th February 2020. The application LA04/2019/2343/F was for the, 'Proposed demolition/removal of existing temporary building and erection of new two-storey Community Centre and associated works.'

Condition 7 of LA04/2019/2343/F reads, *'All external facing and roofing materials shall be implemented as specified on the approved plans'. Reason: In the interests of the Character and Appearance of the Area*

The change proposed is to omit the noted 'PPC Aluminium Cladding Panels - Metallic Beige/Grey' at the rear upper block of the centre and install a textured render system in an off-white colour instead.

The key issues to be considered are:

- Principle of Development
- Impact on the character and appearance of the area
- Design of the proposal

The application was advertised in the local press and neighbour notified. No letters of representation have been received.

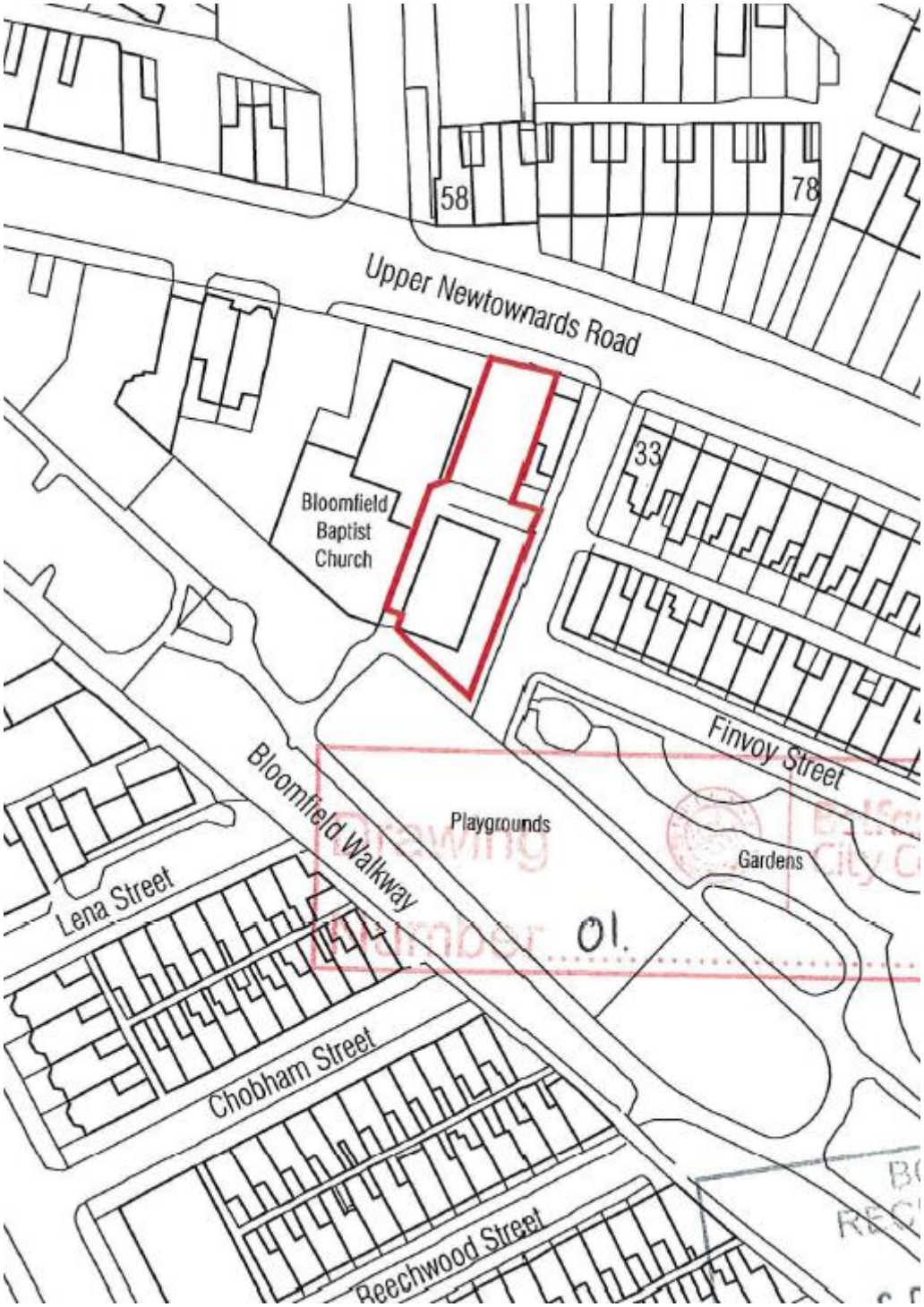
The proposal complies with the design requirements of the SPPS and will respect and be sympathetic to the overall character of the draft ATC in line with the Addendum to PPS6

Recommendation: - Approval

Having regard to the development plan, relevant policy context and other material considerations, the proposal is considered acceptable and approval is recommended. This in effect would create a standalone permission which would be subject to the varied condition, (all other conditions as set out in the original decision (LA04/2019/2343/F) remain unaltered).

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of the varied condition.

Case Officer Report
Site Location Plan





Approved Materials above under LA04/2019/2343/F.



Proposed Materials Above

Characteristics of the Site and Area	
1.0	**Description of Proposed Development**
1.1	Section 54 Application to vary Condition 7 of Planning Permission LA04/2019/2343/F (replacement new build community centre) to amend external facing and roofing materials.
1.2	The change proposed is to omit the noted 'PPC Aluminium Cladding Panels - Metallic Beige/Grey' at the rear upper block of the centre and install a textured render system in an off-white colour instead.
2.0	**Description of Site**
2.1	The site is located at the Walkway Community Centre, 1-9 Finvoy Street and encompasses land between no.31 Upper Newtownards Road, Belfast. The site is currently under construction for the Two Storey Community Centre approved under reference LA04/2019/2343/F. Access to the building is from Finvoy Street. The site gently slopes from the north to the south west and from the east to the north west. Parking is on street. The Upper Newtownards Road, an arterial route, runs along the northern boundary of the site. The area is characterised by two storey terrace dwellings along Finvoy Street and two and three storey terrace dwellings along the frontage of the Upper Newtownards Road. To the west of the site is the existing Bloomfield Baptist Church and associated church hall and to the south is the Comber Greenway and playground.
2.2	The site is within the proposed Holywood Arches Area of Townscape Character.
Planning Assessment of Policy and other Material Considerations	
3.0	**Site History** LA04/2019/2343/F Demolition/removal of existing temporary building and erection of new two-storey Community Centre and Crèche – Permission Granted LA04/2020/1508/DC Discharge of condition no. 4 & 6 of application LA04/2019/2343/F (Cycle Parking) – Conditions discharged. LA04/2021/2896/A Building signage for Walkway Community Association in brushed stainless steel effect dibond aluminium composite – Under Consideration. LA04/2019/1428/PAD - New community centre to replace existing building. Facilities to include multi use rooms of various scales, break out coffee space, dedicated crèche facilities, centre admin + all associated ancillary spaces. A new community venue to accommodate current + future running programmes. Z/2000/2878/F - Retention of permission for existing Community Centre – Granted Z/2000/2324/F - Proposed extension at first floor level to provide additional accommodation to existing community centre – Granted Z/1995/0295 - Erection of temporary community centre – Granted
4.0	**Policy Framework**
4.1	Belfast Urban Area Plan
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	Addendum to Planning Policy Statement 6: Areas of Townscape Character
5.0	**Statutory Consultees Responses** None
6.0	**Non-Statutory Consultees Responses** None
7.0	**Representations**
7.1	The application was neighbour notified and advertised in the local press. No written representations have been received.
8.0	**Other Material Considerations** None
8.1	**Any other supplementary guidance** None
9.0	**Assessment**
9.1	The key issues to be considered are: • Principle of development • Impact on the character and appearance of the area. • Design of the proposal
	<u>Principle of development</u>
9.2	The proposal is a Section 54 application to develop land without compliance with Condition 7 of Planning Permission LA04/2019/2343/F approved on 24th February 2020.
9.3	*'Condition 7 of LA04/2019/2343/F reads, 'All external facing and roofing materials shall be implemented as specified on the approved plans'* *Reason: In the interests of the Character and Appearance of the Area'*
9.4	The applicant seeks to amend the external facing and roofing materials by replacing the previously approved 'PPC Aluminium Cladding Panels' finished in a metallic beige/grey with a textured off-white render at the rear upper block of the centre of which the side elevation faces onto Finvoy Street and the rear elevation fronts onto the start of the Comber Greenway.
9.5	It is considered the proposed textured off-white render will maintain a high quality finish to the Community Centre previously approved under the original Planning Permission.
	<u>Character and appearance of the Area</u>
9.6	The proposed off-white render will replace the PPC Aluminium Cladding Panels finished in metallic beige/grey, on the side elevation facing onto Finvoy Street and the rear elevation which fronts onto the start of the Comber Greenway. The residential properties along Finvoy Street are finished with a mixture of white render and red brick, therefore the introduction of white render to the side and rear of the development will not appear out of context and will not detrimentally alter the character and appearance of the area. The

	proposed off-white render will also tie in with the materials approved under the original Planning Permission. <u>Design</u>
9.7	The proposed finishes of the Community Centre include brick, render, blue/black slate effect tiles to the Upper Newtownards Road portion of the building with the link elements are to be finished in render. The rear upper block of the centre will now be finished with a textured off-white render rather than PCC Aluminium cladding panels as proposed under the Section 54 application.
9.8	The proposed off-white render is considered to be sympathetic to the rest of the materials previously approved, as well as the surrounding context of the area. The proposed design and architectural treatment and materials are acceptable using red brick, render and slate which is characteristic of the area.
9.9	The proposal complies with the design requirements of the SPPS and will respect and be sympathetic to the overall character of the draft ATC in line with the Addendum to PPS6.
10.0	**Summary of Recommendation**
10.1	Having regard to the development plan, relevant policy context and other material considerations, the proposal is considered acceptable and approval is recommended. This in effect would create a standalone permission which would be subject to the varied condition, (all other conditions as set out in the original decision (LA04/2019/2343/F) remain unaltered).
10.2	It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of the varied condition.
11.0	**Conditions** 1. 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, 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. This strategy should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or Land Contamination: Risk Management (LCRM) guidance, as applicable. Reason: Protection of environmental receptors to ensure the site is suitable for use. 2. After completing the remediation works under Condition 1; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives. Reason: Protection of environmental receptors to ensure the site is suitable for use.

3. The Travel Plan published on the Planning Portal 11th February 2020 for application LA04/2019/2343/F shall be implemented on completion of the Development.

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

4. Prior to the operation of the development hereby permitted, covered cycle parking shall be provided in accordance with Drawing No. 05A published to the Planning Portal on 29th January 2020 for Application LA04/2019/2343/F.

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

5. All external facing and roofing materials shall be implemented as specified on the drawing no 02 uploaded to the planning portal on 7th January 2022.

   Reason: In the interests of the Character and Appearance of the Area.

6. The Plant and Equipment associated with the development hereby permitted, shall be selected, design and installed so as to achieve a combined rating level (LAr) no greater than 51dB LAr daytime and 41dB LAr night time when measured or determined at the façade of the nearest noise sensitive premises. Measurements shall be in accordance with BS4142:2014+A1:2019.

   Reason: To protect human health and the amenity of nearby premises.

7. A proprietary odour abatement system shall be installed to suppress and disperse odours created from operations within the kitchen. The outlet from any extract ventilation shall terminate at a height of not less than 1 metre above the eaves height of the building. The outlet shall be position away from surrounding premises and in a position to achieve maximum dispersion of possible odours.

   Reason: Protection of human Health.

Informatives:

1. The developer should consider all consultees comments prior to commencing this proposal. All comments can be viewed on the Planning Portal quoting the application reference number.
2. The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on 07/01/2022 Drawings 01, 02 & 03

ANNEX	
Date Valid	7th October 2021
Date First Advertised	21st January 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 2 Finvoy Street,Belfast,Down,BT5 5DH The Owner/Occupier, 31 Upper Newtownards Road,Belfast,Down,BT4 3HT The Owner/Occupier, 33 Upper Newtownards Road,Belfast,Down,BT4 3HT The Owner/Occupier, 34 Grampian Avenue,Ballyhackamore,Belfast,Down,BT4 3AB The Owner/Occupier, 4 Finvoy Street,Belfast,Down,BT5 5DH The Owner/Occupier, 58 Upper Newtownards Road,Belfast,Down,BT4 3EN The Owner/Occupier, 60 Upper Newtownards Road,Belfast,Down,BT4 3EN The Owner/Occupier, 62 Upper Newtownards Road,Belfast,Down,BT4 3EN The Owner/Occupier, 64 Upper Newtownards Road,Belfast,Down,BT4 3EN The Owner/Occupier, 66 Upper Newtownards Road,Belfast,Down,BT4 3EN The Owner/Occupier, 68 Upper Newtownards Road,Belfast,Down,BT4 3EN The Owner/Occupier, Bloomfield Baptist Church,Upper Newtownards Road,Belfast,Down,BT4 3HT The Owner/Occupier, Flat 1,66 Upper Newtownards Road,Belfast,Down,BT4 3EN The Owner/Occupier, Flat 2,66 Upper Newtownards Road,Belfast,Down,BT4 3EN The Owner/Occupier, Flat 3,66 Upper Newtownards Road,Belfast,Down,BT4 3EN	
Date of Last Neighbour Notification	19th January 2022
Date of EIA Determination	N/A
ES Requested	N/A
Drawing Numbers and Title 01,02,03	

Notification to Department (if relevant) N/A Date of Notification to Department: Response of Department:
Elected Representatives: No

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Belfast
City Council

Development Management Officer Report
Committee Application

Summary

Committee Meeting Date: Tuesday 15th February 2022

Application ID: LA04/2021/2363/F

Proposal:	**Location:**
Side Extension to North-East Elevation to Create New Fitness Suite. Level Area Created to Rear to Accommodate 2no. Shipping Containers for Storage. Additional Site Works & Boundary Fencing.	Poleglass Community Association Bell Steel Road Belfast BT17 0UJ

Referral Route:
Referral to the Planning Committee under Section 3.8.5 (d) – BCC has an interest in the land.

Recommendation:	**Approval**
Applicant Name and Address: Poleglass Community Association Bell Steel Road Belfast BT17 0UJ	**Agent Name and Address:** McCartan Muldoon Architects 22a Lisburn Street Hillsborough BT26 6AB

Executive Summary:

This planning application seeks to construct an extension to the North-East side elevation of the existing community centre to create an additional 120sqm space for a new fitness suite and associated changing facilities. To the rear of the site adjacent an area of sloped ground is to be levelled and hardstanding introduced to create space for 2 No. shipping containers for ancillary external storage. Given the nature, form and materials of shipping containers it is recommended that they are removed after a period of 3 years and a more permanent storage solution, more fitting to the context is found. Additional ancillary ground works include hardstanding and paving and a new fire escape door on the existing façade of the building.

The application site is contained within the Development Limits of Belfast and is within an area of Existing Recreation and Open Space as outlined in dBMAP.

The key issues to be considered in this proposal are

- Design of the proposal and the Impact on Open Space and surrounding Character of the Area
- Impact on Amenity

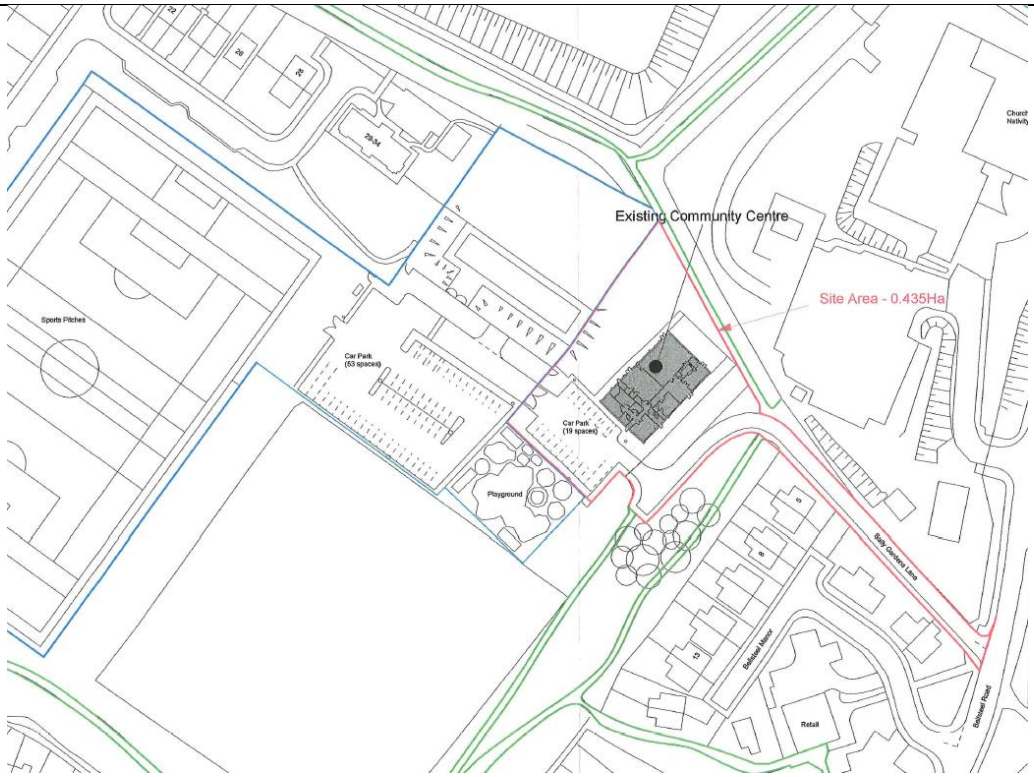
The Department for Infrastructure Roads Service and Belfast City Council Environmental Health Service have no objection. The application has been neighbour notified and advertised in local press and no third-party representations have been received.

Recommendation – Approve: subject to conditions and informatives

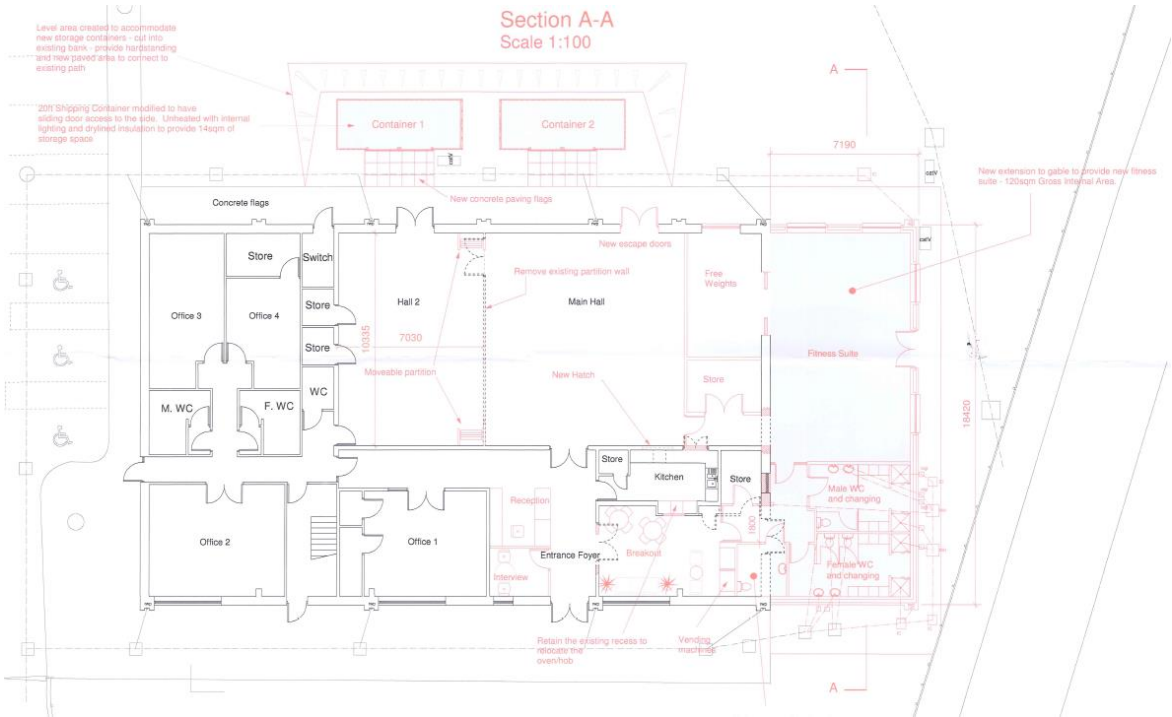
Having had regard to the development plan, relevant planning policies, and other material considerations, it is recommended that the proposal should be approved.
It is recommended that planning permission is granted with delegated power given to the Director of Planning and Building Control to finalise conditions.

Case Officer Report

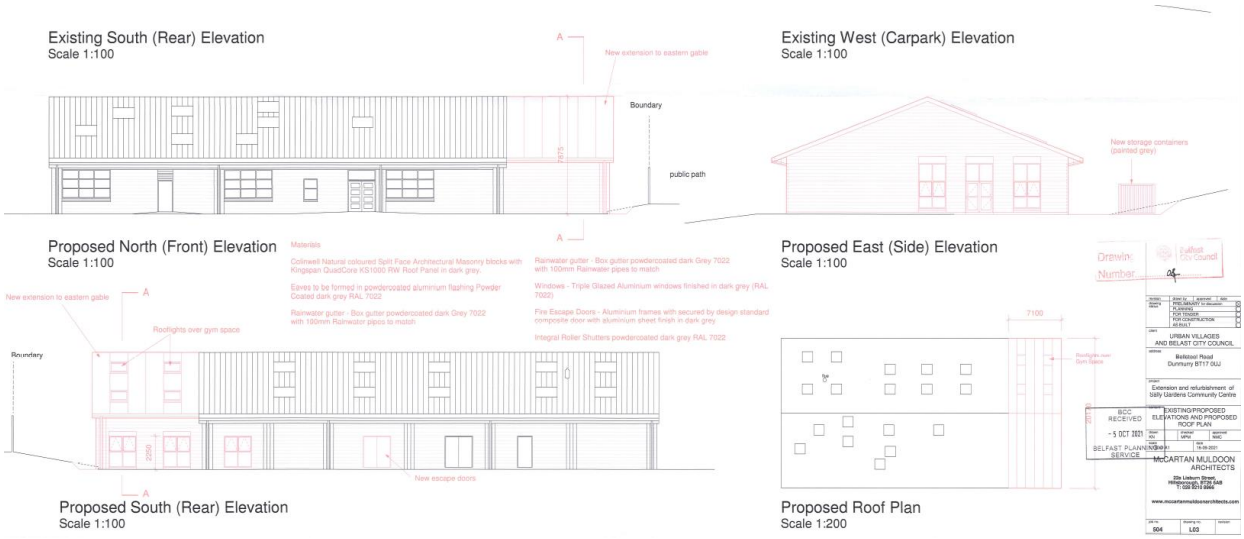
Site Location Plan



Block Plan / Floor Plan



Elevations



Consultations:		
Consultation Type	**Consultee**	**Response**
Statutory Statutory	DFI Roads – Hydebank Historic Environment Division	No objections - Informatives Response Outstanding
Non-Statutory	BCC Environmental Health	No objections - Informatives

Representations:	
Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Summary of Issues

The key issues to be considered are:

- Design of the proposal and the Impact on Open Space and surrounding Character of the Area
- Impact on Amenity

Characteristics of the Site and Area

1.0 Description of the Proposed Development

Planning permission is sought to construct a side extension to the North-East elevation to create a new fitness suite. Level area created to rear to accommodate 2no. shipping containers for storage. Additional site works & boundary fencing.

2.0 Description of Site

The site is located at Sally Garden Lane, Belfast and is contained within an existing recreation/sports area. The community centre itself is comprised of a single storey building adjacent to a 4G multi-sports pitch, children's playground, and associated car parking. The site is accessed via a laneway off Bell Steel Road and is enclosed by a high boundary fence approximately 2.5m. The northern boundary of the site contains a raised grass bank with mature trees and dense hedges.

The site is designated as an area of Existing Recreation and Open Space as outlined in dBMAP. The site is located within the Sally Community Centre which sits alongside sports pitches and playground.

The immediate area is recreational and the wider area is largely residential characterised by semi-detached dwellings.

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

LA04/2020/0864/F, Land adjacent to and south east of children's play park at Sally Gardens Community Centre, Sally Garden Lane, Dunmurry, BT17 OUJ., Erection of community boxing club facility with associated site works, Permission Granted. 08.09.2020.

LA04/2016/0943/F, Sally Gardens Lane, Bell Steele Road, Dunmurry, Belfast, BT17 0UJ, Erection of changing pavilion with perimeter fencing and relocation of gate. PERMISSION GRANTED. 17.08.2016

S/2013/0512/F, Sally Gardens Community Centre, Sally Gardens Lane, Poleglass, Dunmurry, BT17 0UJ., Construction of changing accommodation comprising 2 No changing rooms, shower rooms, disabled changing and toilets and link corridor to main Community Centre, fencing and associated works. PERMISSION GRANTED, 11.06.2014.

S/2013/0057/F, 150m West of Salley Gardens Community Centre, Sally Gardens Lane, Belfast., Proposed changing accommodation, full size 3G Gaelic Pitch, fencing, earth retaining wall, floodlighting, ball stop fencing, carparking and associated siteworks. PERMISSION GRANTED. 13.09.2013.

4.0 Policy Framework

- Belfast Urban Area Plan 2001
- Draft Belfast Metropolitan Area Plan 2004 & 2015
- Strategic Planning Policy Statement for Northern Ireland (SPPS)
- Planning Policy Statement 3: Access, Movement and Parking
- Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation

5.0 Statutory Consultations

- Department for Infrastructure Roads Service (DFI) - No objections: subject to Informatives
- Historic Environment Division (HED) – the site is within the buffer of an Archaeological Site & Monument; given minor nature of works unlikely to be any impact; response awaited.

6.0 Non-Statutory Consultations

- BCC Environmental Health Services - No objections: subject to Informatives

7.0 Representations

The application was neighbour notified and advertised in local press. No comments have been received.

8.0 Other Material Considerations
None

9.0 Assessment

9.1 The key issues to be considered are:

- Design of the proposal and the Impact on Open Space and surrounding Character of the Area
- Impact on Amenity

Design of the proposal and the Impact on Open Space and surrounding Character of the Area

Planning permission is sought for the extension to the side of an existing community centre building within the grounds of Poleglass Community Association at Sally Gardens Lane. The proposal also seeks to level a portion of land to the rear of the building to create a hardstanding area where 2no. shipping containers will be implemented. There are some minor additional works to include paving, landscaping and a new fire escape opening on the existing rear façade of the building.

The side extension will occupy an area of hardstanding and is designed in a manner that will integrate with the existing building with the dimensions of the extension matching the existing building height at 3.4m to the eaves and 7.87m to the building ridge. The proposal is 20.1m in width with a pitch roof profile to match the existing building design and dimensions. The materials consist of natural coloured split face blocks with dark grey roof panels, the guttering and eaves are proposed powder coated in dark grey. The windows will be triple glazed aluminium finished in dark grey to tie in with the overall aesthetics of the building. There are 4no. roof lights proposed on the rear facing roof slope to allow natural light into the new space which also align with existing roof lights on the roof slope.

There are 3no. window openings proposed on the new eastern gable end 3.3m x 1.85m and 3no. additional window opening on the rear elevation 2.25m x 1.85m. A new fire escape door is proposed on the existing rear elevation 2.1m x 1.85m.

To the rear of the building there exists a sloped grass bank with some low level planting, approximately a 76m2 section of this bank is proposed to be cut into and levelled, hard standing and new concrete paving flags will be implemented to create space for 2no. shipping containers 6m x 2.4m x 2m. The shipping containers use sliding doors for access and will be used for storage. Whilst the containers are minor in size and will be contained within the grass bank, their permanent retention would not be acceptable, as they are of a form and material that would be harmful in this protected location if retained permanently. A condition is recommended to ensure they are removed after 3 years and a more permanent alternative storage solution is found.

The area is within an area of Existing Recreation and Open Space as outlined in dBMAP. Policy OS1 – Protection of Open Space applies to all areas of existing open space and states that the development will not be permitted if it would result in a loss of open space. It is considered that the proposal will not result in a loss of open space and will maintain and extend an existing recreational function, complementing the use of the wider site. The proposal is considered

acceptable in principle and the design integrates with the existing built form on the site. The proposal complies with the development plan, SPPS and PPS8.

Impact on Amenity

The proposal site is located at the bottom of a sloped area of land which is bounded by a tall mature tree line and dense vegetation. Residential properties are located at a significant distance so as to have no impact on visual amenity. The closest located residential dwellings are located approximately 35m from the application site, there is a dense vegetation located along the boundary which provides level screening. It is therefore considered that the proposal will not have a detrimental impact on residential character or amenity by way of overshadowing, dominance, or loss of privacy.

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.

The proposal is considered to comply with prevailing policy with respect to amenity.

Other Considerations

DFI Roads have been consulted on this application and have offered no objection subject to Informatives.

The site is located within the buffer of an Archaeological Site & Monument and HED have been consulted; their final response is awaited however given the minor nature of the works it is considered unlikely that there would be any objection.

Neighbour Notification Checked: Yes

Summary of Recommendation:

The development is considered acceptable and complies with planning policy. The proposed development is in keeping with the surrounding area and the design integrates with the existing built form, there will be no adverse impacts on residential amenity. The extension integrates well within the site and the proposal will maintain and complement existing recreational uses on the site in compliance with PPS 8. No objections or representations have been received. Considering all relevant information, including current planning policy, previous relevant histories and the proposed drawings, approval is recommended.

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

Conditions:

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

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

2. The shipping containers hereby approved shall be removed from the site 3 years from the date of this decision notice.

Reason: these structures are of a temporary form and material that would impact the site and area if retained permanently.

Informatives

1. The drawing refs referred to above correspond with those drawings submitted to the Authority in respect of this application and published to the Planning Portal NI on: 18/10/2021, Drawing Nos. 01, 02, 04.
2. 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://epicpublic.planningni.gov.uk/publicaccess/

ANNEX	
Date Valid	5th October 2021
Date First Advertised	29th October 2021
Details of Neighbour Notification (all addresses) 10 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 11 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 12 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 14 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 15 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 16 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 17 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 1 Bell Steel Road,Dunmurry,Antrim,BT17 0PB 5 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 6 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 7 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 8 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE 9 Bell Steel Manor,Dunmurry,Belfast,Antrim,BT17 0WE Church Of The Nativity (R C),Bell Steel Road,Dunmurry,Dunmurry,Antrim,BT17 0PB	
Date of Last Neighbour Notification	21st October 2021
Planning History	

Notification to Department: N/A

Belfast City Council

PLANNING COMMITTEE

Subject:	NIAO Review of the NI Planning System and DfI Review of implementation of the Planning Act (Northern Ireland) 2011
Date:	15 February 2022
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Keith Sutherland, Planning Manager (Plans and Policy)

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

Call-in				
Is the decision eligible for Call-in?	**Yes**	X	**No**	

1.0	**Purpose of Report or Summary of Main Issues**
1.1	This report relates to two separate reviews of the NI planning system, or aspects of it. • Firstly, publication of the Northern Ireland Audit Office's report on its review of the wider NI planning system; and • Secondly, the Department for Infrastructure's report on its review of the implementation of the Planning Act (Northern Ireland) 2011.
1.2	The main purpose of this report is to summarise the findings of these two reports. It provides an officer analysis of the issues raised and sets out next steps for dealing with the issues identified by the two reports. The report also takes opportunity to set out some of the current significant impacts that issues raised by the reports, alongside other factors, are having on the Council's operation of its Planning Service.

2.0	**Recommendations**
2.1	The Planning Committee is asked to note this report.
3.0	**Background**
3.1	The current NI planning system has been operating for nearly seven following local government reform and the transfer of most planning powers to the 11 newly formed councils in April 2015. As mentioned in the summary, two separate reviews of the NI planning system, or aspects of it, have been carried out over the last 12 months. These reviews have resulted in the recent publication of two separate reports. The Department for Infrastructure (DfI) published its report on 27 January 2022 and the Northern Ireland Audit Office (NIAO) published its on 01 February 2022. These reviews are particularly timely given the criticisms levelled at the NI planning system that it is not delivering and is having an adverse impact on growth and investment.
3.2	The main purpose of this report is to summarise the findings of these two reports. It provides an officer analysis of the issues raised and sets out next steps for dealing with the issues identified by the two reports. The report also takes opportunity to set out some of the current significant impacts that issues raised by the reports, alongside other factors, are having on the Council's operation of its Planning Service.
4.0	**NIAO Review of the NI Planning System**
	<u>Background</u>
4.1	Belfast City Council has been engaging with NIAO on its review of the NI planning system since first learning of the audit in 2020. The Planning Service initially met with NIAO in December 2020 then provided written feedback to NIAO in January 2021, also responding to an information request to all councils. NIAO shared its draft report with the 11 councils in December 2021 to which Belfast City Council provided comments. NIAO then published its final report on 01 February 2022. A copy of the full report is provided at **Appendix 1a**. For ease of reference, the report's recommendations are listed at **Appendix 1b**.
	<u>Report's Key findings and recommendations</u>
4.2	The overarching message of the NIAO report is that the NI planning system is not working efficiently and, in many aspects, is failing to deliver for the economy, communities or the environment. The report's key findings are summarised below. • The planning system has not met many of its main performance targets • The system is increasingly financially unsustainable • The system is inefficient and often hampered by poor quality applications • There is an urgent need for improved joined-up working between organisations delivering the planning system • Many statutory consultees are struggling to provide information in a timely manner • The system isn't meeting its plan-making objectives.
4.3	The report goes onto make a series of recommendations as set out at **Appendix 1b**. These recommendations relate to Plan-making, improving performance on the most important applications, enforcement, delegation and committee matters, review of planning fees, leadership of the planning system, skills and environmental ammonia levels.
4.4	The NIAO report is especially critical of the disjointed approach to planning in NI:

	'*Our review has identified significant silo working within the planning system. We saw a number of instances where individual bodies – councils, the Department or statutory consultees – have prioritised their own role, budgets or resources, rather than the successful delivery of the planning service. Each organisation is accountable for its own performance, and whilst the Department monitors the performance of individual organisations against statutory targets, there is little accountability for the overall performance of the planning system*.' (par. 4.10) <u>Officer commentary on the NIAO report</u>
4.5	Officers view the NIAO Report as excellent opportunity to highlight the shortcomings of the NI planning process, whether it relates to Plan-making, Development Management or the general administration of the planning process. In this regard, the report is welcomed.
4.6	In terms of the NIAO Report's recommendations, these are generally supported. Although the recommendations can perhaps be criticised for being too high level, not time bound and that there is no indication as to how those recommendations should be implemented. In some regards, the report does not go far enough and in previous feedback the Planning Service has called for an independent review of the NI planning system.
4.7	Despite the overall negative tone of the NIAO Report, Belfast City Council fairs reasonably well overall. Major planning application performance is strong in the context of the other councils (although clearly there is room for improvement); this is despite the Council dealing with around twice as many Major development projects as the next most prolific council. The Council enjoys healthy levels of delegation (96%) and low levels of officer recommendations overturned by the Committee (2% compared to 31% for the highest council). The NIAO Report also makes specific mention of the Council's *Application Checklist*, published in 2018 to improve the quality of planning applications on submission, with the Department encouraging other councils to follow suit. *LDP Process*
4.8	The NIAO recognises significant issues with the introduction and administration of the new Local Development Plan processes set out in the Planning Act 2011. The NIAO Report notes that the Department's unrealistic expectation was that <u>all</u> councils would have a fully adopted two-part LPD within 3.5 years of transfer contrasting this with the reality that after seven years no council has even an adopted first part Plan Strategy – with Belfast being at the most advanced stage. According to the latest projections, not all council areas will have an adopted plan until 2028 – some 13 years into new system when the life-cycle of a Plan is expected to be 15 years. The changes within the 2011 Act were intended to ensure NI has a plan-led system and it is imperative that all council areas have up to date plans to provide certainty, consistency and provide the foundation for investment. In emphasising the unrealistic expectations for the LDP processes the NIAO Report also recognise the underestimate for this part of the system from both a skills and resources perspective. *Development Management*
4.9	Officers advise that the NI planning system is structurally flawed. Whilst the objective of local government reform was to enable councils to make local planning decisions, the reality is that in a significant number of cases, this is not possible because local decisions cannot be made without input from central government departments through the statutory consultee process. Unlike planning authorities in England and Wales, councils do not have key areas of responsibility such as transport and regeneration. In addition, unlike in other areas of GB, advice on all Listed Building and archaeological matters comes from central government.

4.10	Councils are therefore largely dependent on central government to make decisions and there are substantial problems with the statutory consultee process in terms of poorly resourced consultees with often very slow response times, causing significant delays and uncertainty to the planning application process. In addition, statutory consultees are culturally desperate from councils with a lack of alignment in terms of overall objectives and service priorities. In these regards, the NIAO report accurately captures the "silo working" and lack of overall accountability of the NI planning system.
4.11	If Belfast is to truly maximise its potential for place-making and effectively compete with other regional cities in GB and ROI, **it must have unitary authority status** with additional core responsibilities enjoyed by other major cities.
4.12	The NIAO report rightly places emphasis on improving planning application performance but officers disagree with the focus being on the most important application. Each and every application is important to the customer and City to one degree or another, and there must be emphasis on improving the application system as a whole. *Planning Committee*
4.13	The NIAO Report recommends greater transparency around Committee decision making in NI, particularly the recording of why some normally delegated applications are referred to Committee and minuting the reason/s why the Committee has overturned an officer recommendation. These are matters that the Council already addresses.
4.14	NIAO also recommends that the Committee regularly reviews a sample of its previous decisions to enable understanding real-world outcomes, impacts and the quality of completed projects. This recommendation is welcomed and offers propose to build this into the Committee's continuous development programme. Other recommendations include the need for appropriate Member training with the Department ensuring regional consistency. *Financial Unsustainability*
4.15	The NIAO report rightly highlights the financial unsustainability of the present system. In January 2021, the Council reported to NIAO that the net cost of its Planning Service is nearly £1.2m after fee income. Planning is far from cost neutral. NIAO's recommendation that the NI planning system works towards financial sustainability is therefore welcomed.
4.16	It is understood that the Council remains the only planning service in NI to currently charge for PAD advice, which it has done since 2017. This has helped to fund additional staff to provide a better Planning Service overall. The Department is currently scoping a review of regional PAD guidance, including potentially encouraging more widespread charging. *Departmental Oversight*
4.17	The NIAO Report remarks that there is a lack of accountability for the NI planning system. Whilst DFI has overall oversight of planning, there is no one taking overall responsibility. This is particularly challenging given how fragmented the system is with different central government Departments playing key roles alongside councils. Whilst the Department has an important leadership role, given the range of significant stakeholders in the system, it cannot have sole autonomy in addressing the substantial issues raised by the NIAO Report. Officers are very clear that the solutions can only be found by the various stakeholders working together with a common goal of significant improvement.

5.0	**DfI Review of implementation of the Planning Act (Northern Ireland) 2011**
	Background
5.1	Section 228 of the Planning Act (Northern Ireland) 2011 ("the Act") requires DfI to undertake a review of the implementation of the Act. Members may recall that the Planning Committee considered its response to DfI's "call for evidence" in respect of this review in March 2021. A copy of the Council's response is provided at **Appendix 2.** Further engagement with local government included a "workshop" DfI to the Heads of Planning of the 11 councils in June 2021. DfI recently published its report on the review on 27 January 2022. A copy of this report is provided at **Appendix 3a**. For ease of reference, the report's recommendations are listed at **Appendix 3b.**
	Scope of the Review
5.2	In its report, DfI confirms that it has not undertaken a "root and branch" review of the Act given that seven years in from transfer of most planning powers to councils, it is still 'relatively early days' in the delivery of the new planning system. The Department's focus is on whether the original objectives of the Act have been met. They confirm that this will inform whether it is necessary to **retain, amend or repeal** any provisions of the Act.
5.3	The original objectives of the Act were: • the continued formulation and co-ordination of planning policy by the Department; • councils preparing local development plans; • councils determining the majority of planning applications for development and additional planning related consents; and • councils taking appropriate enforcement action where a breach of planning control may have taken place.
	"Call for evidence"
5.4	DfI issued an 8-week "call for evidence" in February 2021. It attracted 55 responses. Almost two-thirds of the Act were not remarked on with the vast majority of comments relating to Local Development Plans (LDPs), development management (planning application process) and enforcement.
	Report's Key findings and recommendations
5.5	The regulations require DfI to report on the following: • the objectives intended to be achieved by the Planning Act • to assess the extent to which those objectives have been achieved • to assess whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act or subordinate.
5.6	The Department's review found that the vast majority of provisions within the Planning Act have been implemented and that the transfer of responsibility for the majority of planning functions to locally accountable councils has been achieved, together with the establishment of the two-tier planning system.
5.7	DfI notes that councils are preparing local development plans for their areas, have published statements of community involvement and now determine the vast majority of planning applications. Changes to the decision-making process including pre-application community consultation and pre-determination hearings have further enhanced community

	engagement and have allowed greater public involvement and transparency in the determination of planning applications.
5.8	Councils are also exercising their planning enforcement duties, investigating alleged breaches of planning control and taking action as appropriate. The Department is determining applications for 'regionally significant development' under section 26, or applications 'called-in' under section 29 of the Planning Act.
5.9	Since the commencement of the Act, the Department has also published the Strategic Planning Policy Statement for Northern Ireland (SPPS) setting out the Department's regional planning policies in a shorter more focused document and has published extensive guidance by way of Practice Notes on the reformed planning system.
5.10	The review also found that 162 sections of the Act, or just under two-thirds of its provisions had not been remarked upon in the call for evidence and DfI has, therefore, drawn the conclusion that these should largely be retained as structured.
5.11	DFI reports that key issues emerging from the responses to the call for evidence include: • the timeliness of councils bringing forward their **local development plans** and delays in **processing times for some planning applications**, particularly major applications; and • the need for potential **legislative changes** which might address perceived **obstacles** in the system.
5.12	In seeking to address the findings from the review, DfI has made 16 recommendations / actions covering aspects of the Planning Act governing, Plan-making, Development Management, planning enforcement and additional planning control. For ease of reference, these recommendations are provided at **Appendix 3b**.
	<u>Officer commentary on DFI report</u>
5.13	In commenting on whether the objectives of the Act have been met, DFI observes that the vast majority of provisions within the Act have been commenced, resulting in its successful implementation. Officers take issue with the suggestion that the implementation has been 'successful'. The NIAO Report clearly confirms that the NI planning system is not working efficiently and, in many aspects, is failing to deliver for the economy, communities or the environment. Clearly, there is much further work to do to improve how the planning system operates in terms of the LDP process, Development Management and general administration of the system.
5.14	DFI acknowledges that the '…*planning system, in some parts, hasn't achieved the level of performance envisaged*.' It refers to indicative timetables for bringing forward LDPs not being achieved and whilst targets for processing Local applications have been met, targets for Major applications have not. The Department states that there are a number of factors that have contributed to this and that it is seeking to address these, albeit they are largely outside the scope of DFI's review.
5.15	The Department makes 16 recommendations (see **Appendix 3b**). None of the recommendations are time bound and DFI states that legislative change around these recommendations will have to be brought forward under the next NI Assembly mandate. Officers have concerns about how long it will take to bring about much needed change.

	Local Development Plans
5.16	DFI acknowledges the calls for fundamental reform of the LDP process but does not consider that a fundamental review is required until a number of council LDPs have been adopted so as to better understand and evaluate the potential for change. The Department believes that the current process is appropriate and that issues can be addressed through better guidance and reviewing the statutory list of consultees.
5.17	Whilst it was recognised that there would be challenges arising from the introduction of a completely new process for the production of development plans this has been unnecessarily further complicated by the role the Department has adopted. The anticipated supportive and collaborative relationship between the Department, as the body responsible for strategic direction or oversight, and the councils as the new local plan making bodies, has not developed. The Department approach engagement and oversight has resulted in unnecessary delays as their role has become more interventionist than strategic oversight.
5.18	The new system sought to provide the flexibility for councils to respond to their unique challenges and circumstances through the introduction of plans and polices that reflect the aspirations of their Community Plans. However, the experience has not reflected this positive and innovative aspiration with a more controlling and directive position adopted by the Department in relation to both guidance and engagement with councils in the development of their LDPs.
	Development Management
5.19	DfI considers the existing framework of roles and responsibilities within the Development Management process remains appropriate. However, officers **fundamentally disagree** with this statement for the reasons set out previously, concurring with the NIAO Report's conclusions that the system is highly disjointed and involves far too much silo working. The long-term objective must be for Belfast to become a unitary authority with wider powers and increased responsibilities.
5.20	Responding to the Department's recommendations, officers welcome exploration of further digitisation of the planning process, over and above the implementation of the new regional Planning IT system, expected to "go live" late summer 2022. This would follow English and Scottish Governments publication of white papers on promoting innovation and improving digitisation of the Scottish and English planning systems.
5.21	DFI's commitment to bringing forward proposals for both online and in person engagement in the Pre-Application Community Consultation process is also sensible, with temporary regulations having been introduced to facilitate online engagement during the pandemic. This will also consider the emerging recommendations from the regional Planning Engagement Partnership, providing opportunity for improved engagement in the process.
5.22	The commitment to review direction call-in criteria is also welcomed but this should be extended to a fundamental overhaul of the notification process as there are considered to be far too many instances whereby the Council has to refer applications to the Department before it can make a decision, resulting in uncertainty and unnecessary delay.
5.23	Officers welcome the Department's commitment to bring forward legislation to improve the quality of applications on submission. This would in effect make the Council's own *Application Checklist* a statutory document. However, it should be pointed out that the Council first raised the need for legislative change in this area as far back as 2016. It is very disappointing that it has take over five years for a formal decision to be made on this.

5.24	The Department states that it will explore further and give consideration to the legislative requirements around statutory consultations including timeframes for consultation responses, penalties for late responses and how councils can proceed if statutory consultees do not respond within the required timeframes. The issues around consultees goes to the core of some of the major challenges the NI planning system faces. As previously stated, the long-term objective must be for Belfast to have unitary authority status so that it is not reliant on outside bodies to make local decisions. In any case, changes are essential to significantly improve the statutory consultation process now and make the system much more integrated and outcomes orientated. This must include ensuring that statutory consultees are effectively resourced. The Department has recently written to other government departments on foot of the NIAO Report, highlighting the need for significant improvement in these areas.
5.25	The recommendation to make Pre-Determination Hearings discretionary is considered to be very sensible as statutory PDHs are unnecessary and result in much uncertainty and delay for applicants.
5.26	The Department's recommendation to supplement existing section 59 provisions which would disallow the variation of a development proposal at appeal would be a good step forward. It would prevent appellants making changes (sometimes significant) at the appeal stage when the Council has not had proper opportunity to consider them. Moreover, it should focus applicants on improving the quality of the submissions when made to the Council. However, it is disappointing that DFI has not taken up the Council's request for legislative change that gives Planning Authorities discretion as to when they accept amended plans or additional information. This proposal was supported by a number of other councils and local government should continue to lobby on this issue, particularly in discussions about how to improve the quality of applications and overall performance.
5.27	In terms of enforcement, the Department's commitment to exploring use of Fixed Penalty Notices and multiple fees for retrospective applications is welcomed as deterrents to unauthorised activity.
5.28	Lastly, officers welcome the recommendation to undertake a general review of planning fees including an automatic annual inflationary uplift. The NIAO Report stresses the financial unsustainability of the current planning system. It will therefore be necessary to undertake a fundamental review of planning income, including a review of planning application fees, introducing charging for current no-fee applications (such as Discharge of Condition applications, Non Material Changes and PANs), and potentially allowing councils to set their own planning fees.
6.0	**Current operational challenges**
	<u>Development Management</u>
6.1	The Council's Planning Service remains under significant operational pressure, brought about by many of the issues that the NIAO Report identifies in particular. The Council currently has around 1,200 live applications, up from around 850 since before COVID-19. This 40% increase in live applications initially resulted from the impacts of the first lockdown between March and June 2020. The office was initially closed and applications could not be received or processed, some staff were furloughed, site visits were temporarily suspended for health and safety reasons which meant that assessments could not be completed, and new IT had to be rolled out to support remote working.
6.2	However, despite having been almost fully being operational since summer 2020, it has proven extremely difficult to reduce live application numbers back down to more manageable, pre-COVID numbers. This has been due to a range of factors including:

	• Planning application numbers returning to normal pre-COVID-19 levels fairly quickly after the initial lockdowns. This has meant that whilst a healthy number of decisions are being made, this has been more or less matched by new incoming applications, meaning that it has not been possible to make meaningful inroads into reducing the total live number of planning applications. • In some areas there has actually been in a rise in applications, most notably an increase in householder applications as people are trying to achieve more space in the light of the pandemic (this is a trend experienced throughout the UK). The Planning Service also continues to receive a high volume of Lawful Development Certificate applications for HMOs under the new HMO licensing requirements. • A marked deterioration in the quality of service provided by statutory consultees. In many cases there are very slow consultation responses, holding up applications and resulting in significant delays to applications decisions. This is a key issue identified by both the NIAO and DfI reviews. • Intermittent technical problems with the NI Planning Portal Public Access and back-office software (this was particularly an issue towards the end of 2020 and since January 2022). <u>Planning Consultations</u>
6.3	The most significant challenge – which is also outside the control of the Council – is the statutory consultation process. As mentioned, for many applications, the Council is reliant on advice from central government departments before it can make a planning decision. In many cases, there are significant delays in statutory consultees providing consultation responses, often borne of lack of resources. It is understood that DFI Rivers is only operating at 40% staff capacity. There are also staff shortages within DAERA. DfI Roads (the most prevent consultee in terms of the number of consultation requests) continues to provide many of its consultation responses well outside the statutory consultee period.
6.4	Unverified data for Belfast indicates that around only 40% of statutory consultee responses are provided within time for Major development applications. This rises to approximately 65% within time for Local applications with 63% overall for all applications.
6.5	In terms of official data, for NI as a whole, the latest statutory consultee performance for 2021/22 Q2 indicates the following: • Total number of consultations issued was **7,195** (up 12% over the previous year) • Only **64%** of statutory consultations were received within time (down from 77% the previous year) • Dfi Roads – **66%** consultations within time (77% previous year) • DAERA – **71%** (68%) • DfI Rivers – **29%** (64%) • NIW – **97%** (88%) • DfC/HED – **61%** (76%)
6.6	In some cases, it has taken consultees many months to provide a substantive consultation response. **These delays preclude officers from identifying and resolving issues with applicants much earlier in the process, and prevent officers making a decision or referring applications to the Committee.**
6.7	Belfast City Council has called for more sophisticated reporting on statutory consultee performance by the Department including measurement of how long it is taking on average for specific consultees to respond and reporting by District Council area.

6.8	Members will also be aware of the recent and widespread objections to applications by NIW, also a statutory consultee. Officers are continuing to work with NIW to try to resolve the wider strategic issues around these objections, but as it stands approximately 100 applications (about 10% of all applications) are stalled in the system because of this issue.
6.9	There are also some internal challenges with around 110 applications awaiting a consultation response from Environmental Health (the Council is planning to procure temporary external consultancy support to reduce the backlog of consultations and assist with consultations on new applications). <u>Impacts</u>
6.10	The impacts of these operational challenges are: • Higher case numbers for individual case officers – this makes managing caseloads much more difficult, with a resulting negative impact on performance, less scope for feedback to customers and significant additional pressure on staff. • Poor performance overall with slower decision making (current performance for the year to December is average 38.2 weeks to determine Major applications against a target of 30 weeks; and average 16.8 weeks for Local applications against a target of 15 weeks. These statutory targets are not themselves especially stringent). • Significant reduced customer satisfaction with frequent frustration about the length of time to process planning applications. • Delays to, and potential withdrawal of, investment in the city. • Belfast is seen as a less attractive place to invest and do business.
7.0	**Next Steps**
7.1	This is a pivotal time for the NI planning system and publication of the NIAO and DfI reports represents a significant opportunity for much needed change and improvement. It is also essential that the right decisions are taken now – both locally and regionally – to address the fundamental shortcomings that have been identified.
7.2	Officers advise of the following next steps. i) A **Public Accounts Committee** at the NI Assembly on 'Planning in NI' is scheduled for 10 and 17 February 2022 on foot of the NIAO report. A small number of local government Chief Executives have been invited to give evidence and BCC has nominated itself to be part of this group. ii) Mobilisation of the 11 councils as a cohesive unit through the **Heads of Planning group** to ensure a strong, united local government voice, with potential support from the Northern Ireland Local Government Association (NILGA). iii) Formation of a **cross sector group** tasked with identifying solutions and addressing the fundamental issues identified by the reviews. It is essential that the core sectors of central and local government, development industry, elected members and communities are fairly and equally represented. There should also be an independent "outside voice" on this group to widen experience and scope for improvement. The Department and local government should have co-ownership of implementing the necessary changes. iv) Engagement with the **RTPI** and **IPI** professional bodies

7.3	The aforementioned steps are regionally focused. At a local level, the Council's Planning Service will continue to bring forward the following actions. • Ongoing development and implementation of the Continuous Improvement Plan; • Implementation of the new regional Planning IT system in late summer 2022 (to replace the current NI Planning Portal and bring forward significant digital enhancements and improved working practices); and • Redesign of Development Management processes using lean systems principles to significantly improve the efficiency and quality of service.
8.0	**Financial & Resource Implications**
8.1	The existing NI planning system is inefficient and underperforming and this inevitably means that it also costly and not value for money. The NIAO report rightly highlights the financial unsustainability of the present system. In January 2021, the Council reported to NIAO that the net cost of its Planning Service is nearly £1.2m after fee income. Planning is far from cost neutral. NIAO's recommendation that the NI planning system works towards financial sustainability is therefore welcomed.
9.0	**Equality or Good Relations Implications / Rural Needs Assessment**
9.1	No adverse impacts identified.
10.0	**Appendices – Documents Attached**
	Appendix 1a – NIAO report on its review of the NI planning system (01 February 2022) **Appendix 1b** – NIAO report Recommendations only **Appendix 2** – BCC response to DfI's "call for evidence" in respect of its review of the implementation of the Planning Act (Northern Ireland) 2011 **Appendix 3a** – DfI report on its review of the implementation of the Planning Act (Northern Ireland) 2011 (27 January 2022) **Appendix 3b** – DfI report Recommendations only

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Northern Ireland Audit Office

Planning in Northern Ireland



REPORT BY THE COMPTROLLER AND AUDITOR GENERAL AND THE LOCAL GOVERNMENT AUDITOR
1 February 2022

N I A O

Northern Ireland Audit Office

Planning in Northern Ireland

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1 February 2022

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Abbreviations

BCC	Belfast City Council
DAERA	Department of Agriculture Environment and Rural Affairs
DfC	Department for Communities
DfI	Department for Infrastructure
EIA	Environmental Impact Assessment
EU	European Union
FTE	Full-time equivalent
IE	Independent Examination
LDP	Local Development Plan
LPP	Local Policies Plan
NI	Northern Ireland
NICS	Northern Ireland Civil Service
NIEA	Northern Ireland Environment Agency
PAC	Planning Appeals Commission
PAD	Pre-application discussion
PAN	Planning Advice Note
PPS	Planning Policy Statement
PS	Plan Strategy
RDS	Regional Development Strategy
RTPI	Royal Town Planning Institute
SES	Shared Environmental Service
SPPS	Strategic Planning Policy Statement

Executive Summary

Executive Summary

The planning system should positively and proactively facilitate development that contributes to a more socially, economically and environmentally sustainable Northern Ireland

1. The planning system has the potential to make an important contribution to much needed development in Northern Ireland. When it works effectively, it can have a key role in encouraging investment and supporting the Northern Ireland economy, creating places that people want to work, live and invest in. The system also has the potential to act as a key enabler for the delivery of a number of draft Programme for Government outcomes.

2. Delivering an effective system provides potential investors with the confidence they need to propose development in Northern Ireland and ensure that it is sustainable and meets the needs of the community.

3. Despite the importance of the planning system to Northern Ireland, our review found that it is not operating effectively, not always providing the certainty that those involved wanted, and in many aspects not delivering for the economy, communities or the environment.

The way in which planning functions are delivered fundamentally changed in 2015

4. The Planning Act (NI) 2011 (the Act) established the two-tier system for the delivery of planning functions in Northern Ireland. Under the Act, responsibility for delivering the main planning functions passed from a central government department to local councils in April 2015.

5. The Department for Infrastructure (the Department) has responsibility for preparing regional planning policy and legislation, monitoring and reporting on the performance of councils' delivery of planning functions and making planning decisions in respect of a small number of applications.

The planning system has not met many of its main performance targets

6. Since the transfer of functions to local government, on a number of key metrics, the planning system in Northern Ireland has not delivered against many of its main targets. Around 12,500 planning applications have been processed each year in Northern Ireland since 2015. Despite their importance, processing the most important planning applications still takes too long.

7. Major planning applications can relate to development that has important economic, social or environmental implications. Despite a statutory target for each council to process major development planning applications within an average of 30 weeks[1], the vast majority of Major planning applications take significantly longer. Around one-fifth of these applications take more than three years to process.

1 The time taken to process a decision/withdrawal is calculated from the date on which an application is deemed valid to the date on which the decision is issued or the application is withdrawn

8. The Department told us that the period following the transfer of planning powers to local government in 2015 was dominated by a lack of a local Assembly and ministers for three years to January 2020, the implications of the Buick judgment[2] in 2018 for decision-making, followed by the significant impact of the Covid-19 pandemic and, as a consequence, there was an impact on the performance of the system.

9. Performance on Local applications is better. The target, that Local development planning applications will be processed within an average of 15 weeks, was achieved for Northern Ireland as a whole in both 2018-19 and 2019-20. Performance dipped in 2020-21, but this was likely caused by the impact of Covid-19.

10. Our analysis shows that the time taken to process Major applications varies substantially between councils. For Major planning applications processed between 2017-18 and 2019-20, the median processing time for the slowest council was more than three times that of the fastest council.

Despite the importance of planning, the system is increasingly financially unsustainable

11. When planning responsibilities transferred to councils, it was on the basis that delivery of services should be cost neutral to local ratepayers at the point of transfer. However, the income generated from planning does not cover the full cost of service delivery. The fees councils charge for planning applications are decided by the Minister for Infrastructure and were initially set by the Department in 2015, with individual rates for different types of planning application. In the absence of a Minister from January 2017 to January 2020, the Department was able to raise fees once (by around 2 per cent, in line with inflation in 2019) following the enactment of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, which allowed the Department to take certain decisions normally reserved to the Minister.

12. As a result, there has been a need to supplement income with other public funding to deliver planning services. Our review of financial information provided by councils showed that the gap between income generated by planning activities and the cost of those activities increased significantly between 2015-16 and 2019-20. This is not sustainable in the longer term.

The system is inefficient and often hampered by poor quality applications

13. There is a low bar for the quality of planning applications that are allowed to enter the system. Stakeholders consistently told us that the criteria set out in the 2011 Planning Act are too narrow, and do not require applicants to provide key supporting documentation. This means the Department and councils are often obligated to attempt to process poor quality and incomplete applications.

2 In re Buick [2018] NICA 26, the Northern Ireland Court of Appeal held that the Department did not have the power to make the decision to grant planning permission for a hazardous waste incinerator in the absence of a minister.

Executive Summary

14. Whilst some councils have taken steps to improve application quality, such as the creation of application checklists, these have not been rolled out across the system. We highlighted the issue of poor quality applications in our previous report on Planning in 2009. The Department told us that it is proposing to take forward legislative changes to better manage the quality of applications and it has encouraged councils to roll out an administrative checklist in advance of any legislative change.

There is an urgent need for improved joined-up working between organisations delivering the planning system

15. Our review has identified significant silo working within the planning system. We saw a number of instances where individual bodies – councils, the Department or statutory consultees – have prioritised their own role, budgets or resources, rather than the successful delivery of the planning service. Each organisation is accountable for its own performance, and whilst the Department monitors the performance of individual organisations against statutory targets, there is little accountability for the overall performance of the planning system. Whilst individual organisations stressed the challenges they faced, ultimately the frustration from service users was the poor performance of the system, not issues in individual bodies.

16. In our view, the 'planning system' in Northern Ireland is not currently operating as a single, joined-up system. Rather, there is a series of organisations that do not interact well, and therefore often aren't delivering an effective service. This has the potential to create economic damage to Northern Ireland. Ultimately, as it currently operates, the system doesn't deliver for customers, communities or the environment.

17. In our view, this silo mentality presents both a cultural and a practical challenge. The focus for all of those involved in the system must be the successful delivery of planning functions in Northern Ireland, not the impact on their own organisations. This will require strong, consistent leadership – in our view the Department is well placed to provide this and should continue to build on its work to date. It is crucial that all statutory bodies involved in the planning system play their part and fully commit to a shared and collaborative approach going forward.

Many statutory consultees are struggling to provide information in a timely manner

18. Processing an individual planning application often requires technical or specialist knowledge that doesn't exist within individual council planning teams. In these cases, statutory consultees provide officials with information they need to inform their decision. Whilst councils ultimately decide on planning applications, the fact that the majority of consultees sit outside local government adds another layer of complexity to an already fragmented system.

19. Statutory consultees are required to make a substantive response to planning authorities within 21 days or any other period as agreed in writing with a council. Performance is consistently poor, particularly in respect of Major planning applications. The poorest performance is by DfI Rivers, part of the Department for Infrastructure, which only responds in time to around forty per cent of all consultations. The Department told us that that there has been a major increase in consultations received by statutory consultees. This, coupled with the increasing complexities of cases received and finite resources, has had significant implications in relation to performance. Nonetheless, there is room for improvement in the timeliness of responses from most statutory consultees.

The system isn't meeting its plan-making objectives

20. Northern Ireland's planning system is intended to be "plan-led" and each council is preparing a Local Development Plan (LDP). The Department's expectation was that all councils would have a fully completed LDP within three and a half years of beginning the process. However, six years later, no council has managed to complete an LDP, with many still in the early stages of the process. The Department told us that this was an indicative timetable, which sought to provide an estimate under a new and as yet untested system. The legislation provides for amended timetables to be submitted.

21. Despite the slow progress, estimates provided to us on the total spend to date on development of LDPs ranged from £1.7 million to £2.8 million per council, figures that would be equivalent to the total annual cost of delivering planning functions within most councils.

The planning system faces challenges in effectively managing applications which have the potential to have a significant impact on the environment

22. Preserving and improving the environment is one of the core principles of the planning system. However, a number of stakeholders highlighted the increasing challenges of assessing and managing the environmental impact of proposed development. Environmental assessments required for individual applications are often complex and time-consuming.

23. We heard concerns that the planning system is struggling to progress some complex planning applications which can include environmental impact assessments. In particular, there is a lack of certainty around how the system deals with applications for development that will produce ammonia emissions. The lack of clear environmental guidance in this area creates significant uncertainty for planning authorities, applicants and statutory consultees. The system urgently needs updated policy guidance from the Department of Agriculture, Environment and Rural Affairs.

Executive Summary

Value for money statement

In our view, the planning system is not operating efficiently. Crucially, in many aspects, the system doesn't deliver for the economy, communities or the environment. NIAO regularly receives concerns about planning decisions, implying a lack of confidence in the way the system operates. In addition, costs consistently exceed income, and the system itself is being subsidised by both central and local government. It is simply unsustainable to continue in this way.

Part One:
Introduction

Part One:
Introduction

1.1 The objective of the planning system is to secure the orderly and consistent development of land whilst furthering sustainable development and improving wellbeing. By directing and controlling the type and volume of development that occurs, the system can support the sustainable creation of successful places in which people want to live, work and invest. As the planning system can be a key enabler for achieving many of the economic and social outcomes targeted within the draft Programme for Government outcome framework, it is vital it operates effectively.

There are a large number of public bodies involved in delivering the planning system in Northern Ireland

1.2 The Planning Act (NI) 2011 (the Act) established a two-tier structure for the delivery of planning functions in Northern Ireland. The Department for Infrastructure (the Department) has a central role in the planning system in Northern Ireland. Alongside this, it has responsibility for preparing planning regional policy and legislation, and monitoring and reporting on the performance of councils' delivery of planning functions. In addition, the Department makes planning decisions in respect of a small number of Regionally Significant and called-in applications.

1.3 Under the Act, responsibility for delivering the majority of operational planning functions passed from a central government department to local councils in April 2015. This includes:

- development planning – creating a plan that sets out a vision of how the council area should look in the future, by deciding what type and scale of development should be encouraged and where it should be located;
- development management – determining whether planning applications for particular development proposals should be approved or refused; and
- planning enforcement – investigating alleged breaches of planning control and determining what action should be taken.

1.4 The ability of councils to deliver these functions often depends upon expert advice provided by a number of statutory consultee organisations. These are mainly central government organisations that provide specialist expertise to council planning officials on technical matters relating to individual planning applications, or on issues relating to development plans. The main organisations that councils consult with are Department for Infrastructure (DfI) Roads, Department for Agriculture Environment and Rural Affairs (DAERA), DfI Rivers, NI Water and the Historic Environment Division within the Department for Communities, but there are a number of others[3].

1.5 In most cases, consultations are required to meet a statutory obligation. These consultations are referred to as statutory consultations. In addition, there are a large number of non-statutory consultations, which have increased in recent years.

3 Other consultees used by councils include Health and Safety Executive NI, the Department for the Economy, Belfast International Airport, City of Derry Airport and the Housing Executive.

The planning system has not met many of its main performance targets in recent years

1.6 Two of the main functions of the planning system are to establish plans that should control the volume and type of development that will occur, and then to efficiently process development applications, approving or refusing these. Since 2015, the planning system has not met many of its main performance targets.

1.7 Under the Act, each council was required to develop a Local Development Plan that would direct and control development in their area. The Department estimated that all councils would have such plans in place by 2019. The Department told us that this was an indicative timeframe that sought to provide an estimate for the preparation of a plan under the new, and as yet untested, system.

1.8 However, no council has been able to complete a plan. As a result, planning decisions made by planning authorities often refer to plans and policies that are old and do not reflect the current needs and priorities of the area. The Department told us that in such cases the weight to be afforded to an out-of-date plan is likely to be reduced and greater weight given in decision-making to other material considerations such as the contents of more recent national policies or guidance.

1.9 The planning system has also struggled to achieve efficient and timely processing of the Major development applications it receives. In particular, there has been a consistent failure to process the most important development applications in line with the timeliness targets set for these applications, with little evidence of improvement in performance forthcoming.

1.10 The Department told us that the period following the transfer to local government in 2015 was dominated by a lack of a local Assembly and ministers for three years to January 2020, the implications of the Buick judgement in 2018 for decision-making, followed by the significant impact of the Covid-19 pandemic and, as a consequence, there was an impact on the performance of the system.

1.11 An effective and efficient planning system can facilitate significant investment into Northern Ireland, which can have wider effects on the economy, including the creation of jobs and economic growth. A poorly performing planning system, however, can bring delays, costs and uncertainty which either postpone economic benefits or, in the worst circumstances, undermine proposed investment. The Department told us that timeliness is only one aspect of performance as it is important that the right decisions are made, supported by sufficient evidence and appropriate consultation.

Part One:
Introduction

Variances in decision-making processes across different council areas represent a risk to efficiency and effectiveness

1.12 The transfer of responsibilities under the Act granted councils a certain degree of flexibility in how they design their own arrangements for delivering planning functions. This flexibility was intended to give councils the power to design their processes in a way that best suited local needs, and to empower councils to shape how development occurred within their area, in line with the aspirations of the local community.

1.13 Prior to the transfer of planning to councils in 2015, the Department developed a best practice protocol for the operation of planning committees setting out a framework of principles and good practice that planning committees should adhere to. The Department told us that this protocol was not mandatory, but it recognised that there should be a degree of consistency across the eleven councils.

1.14 Our review of available data and engagement with various stakeholders has suggested that there are risks that all councils are not complying with best practice standards in respect of decision-making, and that approaches are characterised by a high level of variance, with no strong evidence that this variance is delivering additional value.

Councils' ability to perform effectively can be constrained by issues beyond their direct control

1.15 Whilst councils have primary responsibility for the operational delivery of most planning functions, there are a number of external constraints, often beyond the control of councils that have had a negative impact on their ability to deliver effectively. These include:

- that adequate resources were not provided to allow councils to deliver all the functions for which they are responsible;
- that statutory consultees are able to provide timely responses to councils when requested to provide advice on issues relating to a particular application; and
- that there are effective arrangements in place to monitor the overall performance of the planning system and to support the effective management of issues that are affecting the quality of the service delivered.

1.16 We found deficiencies within each of these areas that affect the quality of the service currently being delivered which, if not addressed, pose significant risks to the future delivery of services.

Scope and structure

1.17 In this study we undertook a high level review of how effectively the planning system was operating, and how effectively it was being governed. We undertook a detailed analysis of available data covering the performance of the planning system in a variety of areas, and engaged with a broad range of stakeholders both inside and outside the system.

1.18 The remainder of this report considers:

- a summary of how the planning system has performed since 2015 in respect of its three main functions (**Part Two**);
- concerns about how decisions are made within councils (**Part Three**);
- how the Department exercises the functions assigned to it within the Planning Act (**Part Four**); and
- some of the wider strategic issues that are having a significant impact upon the effectiveness of the planning system (**Part Five**).

Part Two:
Performance of the planning system

Part Two:
Performance of the planning system

2.1 Northern Ireland's planning system is intended to be a "plan-led" system. Policies and priorities should be clearly set out in a framework of development plans that establish the volume and type of development that will be allowed. These plans will allow developers to assess the type of development proposals that will be accepted or refused, and provide a basis for transparent decision-making by planning authorities. The integrity of this system is protected by an enforcement system that ensures that all development is within the terms of the planning permission granted by planning authorities.

Plan-making

Each council is responsible for the creation of a Local Development Plan

2.2 Under the 2011 Act, each council was made responsible for the preparation of a Local Development Plan (LDP) – a 15 year framework document that would direct and control the scale and type of development that would be undertaken within the council area. The vision and objectives of the LDP should reflect the spatial aspirations of the council's Community Plan. Each LDP should consist of two main documents:

- A **Plan Strategy (PS)** is the first stage of an LDP. It provides the strategic framework for key development decisions that will be made in the council area. The legislation provides that any determination made under the 2011 Act must be made in accordance with the plan, unless material considerations indicate otherwise. In preparing the LDP a council must take account of the Regional Development Strategy (RDS) and any policy or advice such as the Strategic Planning Policy Statement (SPPS).

- The PS will be supplemented by a **Local Policies Plan (LPP)** setting out local policies and site specific proposals for development, designation and land use zonings to deliver the council's vision, objectives and strategic policies. The LPP is required by the legislation to be consistent with the Plan Strategy.

2.3 The process by which each document is prepared is prescribed by legislation. Under the Local Development Plan process, the Department has an oversight and scrutiny role. As part of this, a council is required to submit its LDP document to the Department to ensure that it is satisfactory. The Department will then cause an Independent Examination (IE) to be carried out by an independent examiner, usually the Planning Appeals Commission (PAC). Following the IE, the examiner will issue a non-binding report of its findings to the Department which will in turn consider this and issue a binding direction to a council. A council must incorporate any changes outlined in the direction and subsequently adopt the Plan Strategy.

Six years into the process, no council has an approved Plan Strategy

2.4 The expectation was that all councils would have a fully completed LDP within three and a half years of beginning the process. However, six years later no council has managed to complete an LDP, with most still only having a draft Plan Strategy in place. The most recent projections provided by councils suggest that it will be 2028 before there is an LDP in place in each council area (see **Figure 1**). Some councils currently project that they will complete the LDP process over the next two to three years. However, a number of them are still in the early stages of the process, so these projections may be overly ambitious.

2.5 The Department told us that the indicative timeframe of three and a half years sought to provide an estimate for the preparation of a plan under a new, and as yet untested, system. The legislation, however, provides for amended timetables to be submitted and agreed by the Department and this reflects and acknowledges the reality that timetables could be subject to further change.

Figure 1. It was originally anticipated that all councils would have adopted final Plan Strategies and Local Policy Plans within three and a half years

INDICATIVE TIMETABLE:



Despite the expectation that all councils would have adopted final Plan Strategies within 2 years, it is currently the case that **no council has been able to complete this process some 6 years later.**

Current expectations are that instead of around 3 and a half years for all councils to complete the entire process it will take until 2024 for at least half of councils to have completed Plan Strategies and Local Policies Plans and 2028 before all councils complete the process.

Source: Overview of Local Development Plan process summarises approach as outlined within the Strategic Planning Policy Statement for Northern Ireland.

Part Two:
Performance of the planning system

2.6 Our discussions with councils highlighted a number of issues with the LDP process:

- The Department's indicative timetable set for completion was too ambitious, given the scale and complexity of the work required by councils.
- A number of council planning teams did not have staff members with experience of plan development or expertise in the specialist areas required to develop their plan.
- Resource pressures in many councils mean that staff are often removed temporarily from LDP development work to manage short term pressures in application processing.

These issues are all discussed in more detail in **Part Three** of the report.

The lack of LDPs means planning decisions are not guided by up-to-date plans

2.7 Planning decisions must be made in accordance with the LDP unless material considerations indicate otherwise. In the absence of newly developed LDPs, councils must make planning decisions with reference to the existing local policies that are in place and all other material planning considerations. In some cases, the plans covering particular parts of a council area are over 30 years old, and do not reflect the current needs and priorities of the area.

2.8 The Department told us that in such cases the weight to be afforded to an out-of-date plan is likely to be reduced and greater weight given in decision-making to other material considerations such as the contents of more recent national policies or guidance. The weight to attach to material considerations in such circumstances is however a matter for the decision taker. Some stakeholders told us that older plans were potentially more open to interpretation than newer plans, increasing the risk that decision making is not consistent within or between councils, or that the rationale for the decisions is not clear to the public.

2.9 Where the existing plans do not provide adequate guidance, decision-makers must refer to other material planning considerations such as national policy set out in the Strategic Planning Policy Statement (SPPS) or Planning Policy Statements (PPSs). These PPSs were retained as a temporary measure as part of transitional arrangements to ensure continuity of policy for taking decisions until the adoption by councils of a Plan Strategy for their area. PPSs were initially developed by the former Department of the Environment and set out regional Northern Ireland-wide policy on particular aspects of land use and development. However, we have been told they are complex, disparate and, because they were never intended to be specific to local areas, it can be challenging to make specific local decisions based upon them, although all of this was also the case under the unitary system.

2.10 One of the objectives of developing LDPs was to translate this framework of regional policy into a more operational local policy framework tailored to local circumstances and based on local evidence. The Department told us that it prepared the SPPS which consolidates and retains relevant strategic policy within PPSs. In preparing LDPs councils must take account of the SPPS, the Regional Development Strategy and any other guidance issued by the Department. Councils told us that it was only after the introduction of the SPPS in September 2015 that councils became aware of the need to review and incorporate 23 regional policy documents at the draft plan strategy stage. Councils told us this required significant additional time and resources.

Despite the lack of progress, councils report having invested significant time and resources on developing plans

2.11 During our engagement with council planning teams, there was a unanimous view that the amount of work required to prepare LDPs had been significantly underestimated by the Department's indicative timeframe of 40 months. The Department told us that this provided an estimate for the preparation of a plan under the new and as yet untested system. Developing a full plan requires each council to follow four key stages set out by the Department:

- initial Plan preparation, including producing a preferred options paper;
- preparation and adoption of plan strategy;
- preparation and adoption of local policies plan; and
- monitoring and review.

During this process councils are required to consult a variety of stakeholders and provide commentary on plans developed by neighbouring councils.

2.12 Estimates of the total spend to date incurred on the development of LDPs ranged from £1.7 million to £2.8 million per council – figures that would be equivalent to the total annual cost of delivering planning functions within most councils. Given the scale of the investment required to develop LDPs, it is critical that they are accepted by all stakeholders as providing value.

2.13 In our view, there is an opportunity for the Department to review the LDP process, learning from the challenges experienced to date, and consider whether the process is proportionate and will provide value for all stakeholders. Councils told us that the current LDP process is too slow to respond to rapidly evolving issues such as climate change, energy and public health and needs to be more agile to respond to these challenges.

Part Two:
Performance of the planning system

Recommendation

We recommend that the Department and councils work in partnership to review the current LDP timetables to ensure they are realistic and achievable, and identify what support councils need to meet them.

The Department may wish to consider whether the remaining steps of the LDP process could be further streamlined to ensure plans are in place as soon as possible.

Decision-making

Almost one-fifth of the most important planning applications aren't processed within three years

2.14 Around 12,500 planning applications have been decided or withdrawn each year in Northern Ireland since 2015. These applications are classified according to the scale of the development proposed, and its impact on society. The most important applications, in terms of their ability to enhance the overall wellbeing in Northern Ireland, are 'Regionally Significant' and 'Major' planning applications. Regionally Significant applications are those applications which are considered to have a critical contribution to make to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. These applications are submitted to, and processed by, the Department.

2.15 Major developments are those developments which have the potential to be of significance and interest to communities. They are likely to be developments that have important economic, social and environmental implications for a council area. Major developments which are considered Regionally Significant have the potential to make a significant contribution to the economic, societal and environmental success of Northern Ireland. They may also include developments which potentially have significant effects beyond Northern Ireland or involve a substantial departure from a LDP. In certain circumstances the Department may call-in a particular Major planning application, meaning that it assumes responsibility for making a decision on the application. There is a statutory target for councils to process Major development decisions within an average of 30 weeks of a valid application being received. Despite this, the vast majority of Regionally Significant and Major planning applications take significantly longer than 30 weeks to process, and there is a substantial subset of applications that take excessively long to process (see **Figure 2**). We found a similar trend in respect of the ages of outstanding Regionally Significant and Major applications at 31 March 2021. Over half (56 per cent) had been being processed for more than one year, with 19 per cent more than three years old. Factors impacting on the performance of the system are considered further in **Part Five**.

2.16 The Department told us that the absence of an Executive and a functioning Assembly has had an impact on its ability to make key changes and decisions. The 2018 Court ruling in *Buick* prevented planning decisions being made by the Department until legislation was enacted which allowed senior civil servants to take certain decisions. With the return of the Executive, the Department told us that the ruling has continued to have impacts on planning. In addition, whilst performance could be improved, poor quality planning applications entering the system and increased requirements under environmental regulations have also impacted the timeliness for processing Major and Regionally Significant applications.

Figure 2. Just over one quarter of Regionally Significant and Major planning applications processed[1] between 2017-18 and 2019-20 were completed within 30 weeks



NOTE

[1] *This illustrates the processing timeliness of 481 Regionally Significant and Major planning applications submitted to the Department and councils that were either decided by the relevant authority or withdrawn by the applicant between 2017-18 and 2019-20.*

Source: NIAO analysis of Planning Activity Statistics Open Data tables

2.17 Applications that are not classified as Regionally Significant or Major are classified as Local. These are the vast majority of applications decided in a given year – typically 99 per cent. They are submitted to and determined by councils, with a statutory target to be processed within an average of 15 weeks from the date of a valid application.

2.18 Whilst councils hadn't achieved this standard in the first two years after powers were transferred, performance has been much stronger over the last three years and the target was achieved for Northern Ireland as a whole in both 2018-19 and 2019-20. Over the three year period 2017-18 to 2019-20, 52 per cent of local applications were processed within the 15 week target (see **Figure 3**). Performance dipped in 2020-21, but this may have been due to Covid-19 disruption.

Part Two:
Performance of the planning system

Figure 3. Just over half of all Local planning applications processed[1] between 2017-18 and 2019-20 were completed within 15 weeks



NOTE

[1] *This illustrates the processing timeliness of 37,544 Local planning applications that were either decided upon by the Department or councils, or withdrawn by the applicant, between 2017-18 and 2019-20.*

Source: NIAO analysis of Planning Activity Statistics Open Data tables

Whilst comparison of planning performance across the UK is challenging, it appears that the planning system in Northern Ireland is slower than in other jurisdictions

2.19 A direct comparison of performance data between planning systems in different countries is challenging because of the differences in the way different countries measure and report performance. However, the comparisons we were able to make highlighted that the planning system appears to be slower in dealing with Local applications in Northern Ireland than in other jurisdictions. For example:

- In England, over 60 per cent of non-major planning applications were processed within 8 weeks in 2018-19 and 2019-20, compared to less than 30 per cent of local applications in Northern Ireland over the same period.
- In Scotland, the average processing time for local planning applications was 10 weeks during 2018-19 and 2019-20, compared to 18 weeks in Northern Ireland over the same period.
- In Wales, 89 per cent of local planning applications were processed within 8 weeks, compared to 18 per cent in Northern Ireland in the same year.

2.20 The Department told us that there are significant differences in how each planning system works, how performance is measured and the political and administrative contexts in which they operate. It is, therefore, difficult to assess the functionality and performance of the planning

system in Northern Ireland against that of other jurisdictions. All jurisdictions have definitions of types of development that are permitted without the need for a planning application; an appeal system to review decisions on applications; and a system in place to enforce breaches of planning consent. Although the basic structures of the planning system in each jurisdiction are similar there are differences in the detail and in how each system works. For example; in terms of performance; KPIs are measured differently in jurisdictions. In some jurisdictions time extensions can be given to planning applications which in effect 'stops the clock'. This does not occur here. In England in the event minimum standards are not met, a local authority may be designated as underperforming with special measures applied that allow applicants for major development to apply for permission direct from the Planning Inspectorate, bypassing local decision-making. This does not occur here.

There is substantial variation in timeliness performance within Northern Ireland

2.21 There is substantial variation in the performance of individual councils in processing applications. As service users must submit planning applications to the council responsible for the area in which the proposed development is located, there may be a risk that this leads to different qualities of service being offered.

2.22 However, a number of councils we spoke to highlighted their concerns that straightforward comparisons of processing times were unfair, and did not provide useful insight about relative performance levels. They stressed that differences in the mix of applications that each council receives has a material impact on processing times but is outside the control of councils. Major agricultural and residential development applications were typically highlighted as being particularly complex and requiring significant time to effectively assess. A further issue related to the impact of pre-2015 applications inherited by councils on transfer of functions. The Department told us that legacy cases had reduced significantly after the first two years post-transfer.

2.23 However, service users we spoke to stated that whilst they accepted there were factors beyond the control of councils, it was still the case that differences in processing time performance did to some degree reflect differences in process and approach between councils.

2.24 As part of our analysis, we applied a number of adjustments to the underlying data in an attempt to make timeliness comparisons between councils fairer[4]. Whilst we agree that there is evidence that major residential and agricultural proposals typically take longer than other types of planning application, we did not find that these were concentrated within certain council areas to the extent they would have a significant impact on median processing times.

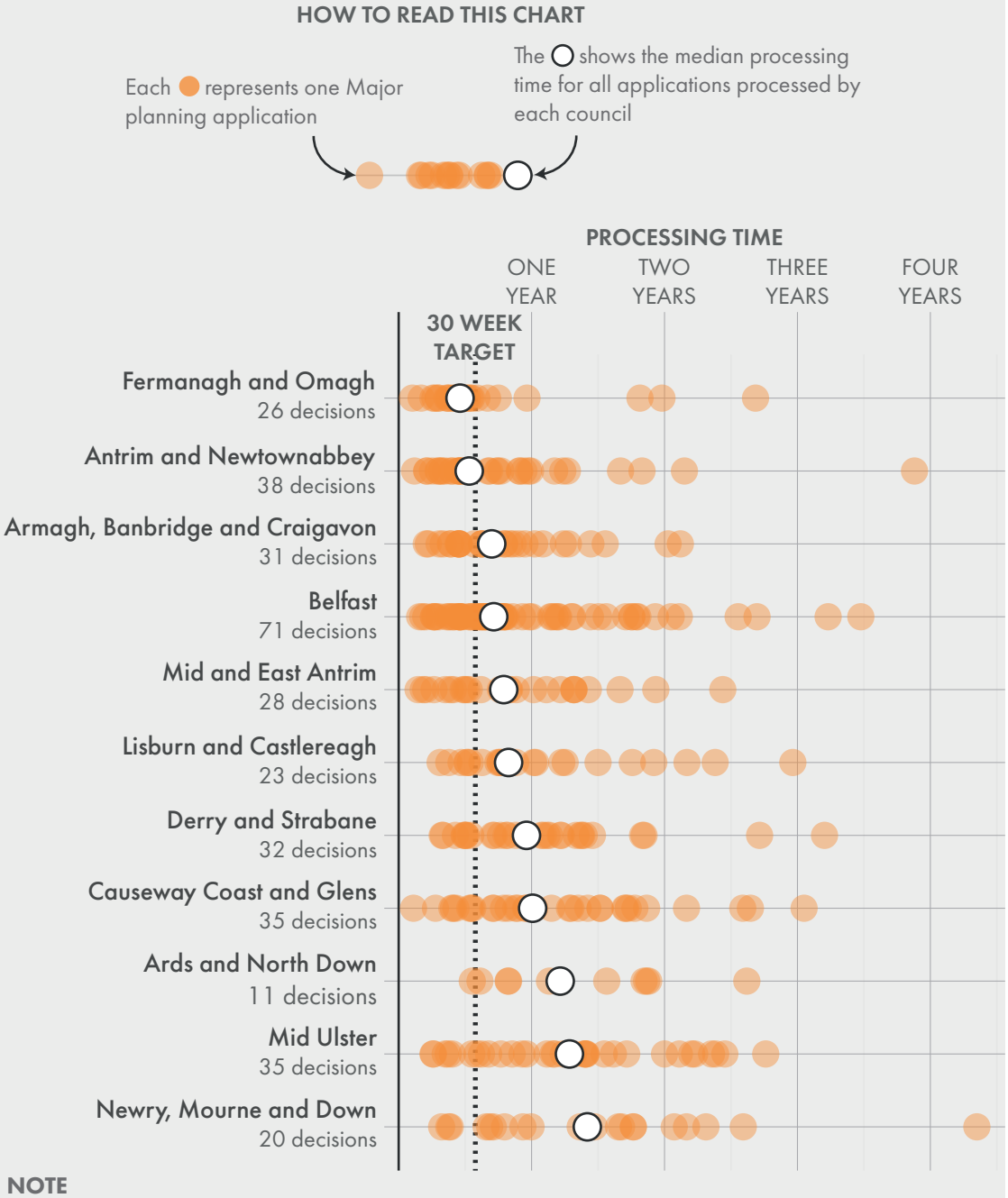
2.25 Even after the adjustments we applied to the data, we found that there was substantial variation in respect of the time taken to process major applications between councils. For Major planning applications processed between 2017-18 and 2019-20, the median processing time

4 Full details of our methodology can be found at Appendix One.

Part Two:
Performance of the planning system

for the slowest council is more than three times the median processing time for the fastest council (see **Figure 4**).

Figure 4. There is substantial variation in the timeliness performance of individual councils in processing Major planning applications



NOTE

[1] *Shows processing times for all Major applications processed by councils that were deemed valid after April 2015, and were processed between 2017-18 and 2019-20*

Source: NIAO analysis of DfI open data

2.26 Whilst the Department regularly reports on the performance of each council, we did not find evidence that this information is used in any meaningful way to improve performance or hold bodies accountable for poor performance. The lack of general buy-in to the current performance monitoring process amongst councils is also concerning and undermines the accountability that such information should provide. This is part of a wider issue in terms of performance measurement and reporting that is discussed in more detail at **paragraphs 4.23 to 4.35**.

2.27 The Department told us that it has worked with councils through various groups over the years, such as the Strategic Planning Group, Continuous Improvement Working Group and Planning Forum in order to improve performance.

Recommendation

We recommend that the Department and councils continue to put an enhanced focus on improving the performance of the most important planning applications. This should include a fundamental analysis of the factors contributing to delays.

There is significant variation in how enforcement cases are resolved

2.28 Enforcement is the means by which planning authorities ensure that the development that occurs is in line with policies and within the terms of the planning application approved in respect of the project. Effective enforcement is critical for both ensuring that the planning system is able to control development, and that the credibility and integrity of the system are not undermined by unauthorised development.

2.29 Responsibility for undertaking enforcement activity rests primarily with councils. Each council is responsible for undertaking enforcement activity in its area, and there is a statutory target that 70 per cent of enforcement cases are taken to target conclusion within 39 weeks of the initial receipt of a complaint.

2.30 Despite a substantial increase in the volume of enforcement cases being opened, performance against the statutory target by councils has been good. The volume of cases increased by almost 50 per cent between 2015-16 and 2019-20 – from 2,900 to 4,300. Over this period, most councils have been able to meet the target in each year, with only a small number failing in a single year and one council consistently unable to meet the target.

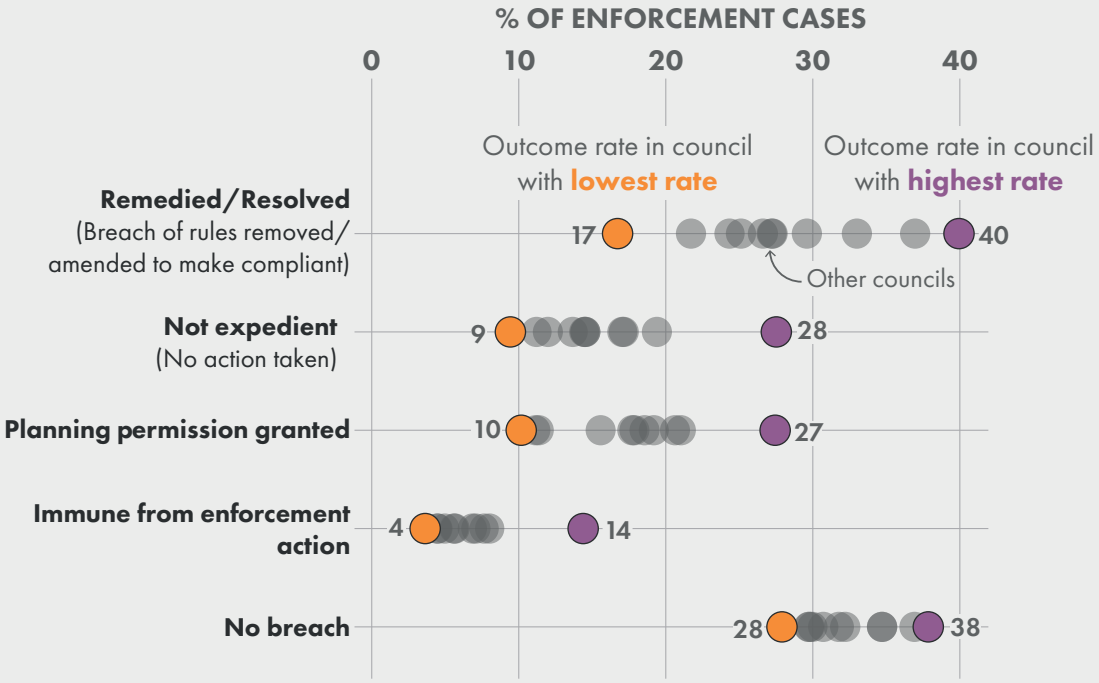
2.31 However, during our engagement with council planning teams, a number told us that staffing resources were often diverted from enforcement to meet short-term pressures in processing planning applications or progressing LDPs. We also note that the Royal Town Planning Institute (RTPI) has referred to concerns about the severe underfunding of planning enforcement departments, and the potential for this to contribute to an inability to investigate all the cases that should be investigated or a lack of rigour in those investigations that do occur.

Part Two:
Performance of the planning system

2.32 As part of our analysis, we reviewed trends in enforcement case outcomes, and found substantial variation in respect of outcome types across councils. In some cases, a particular outcome type could be around three times more common in one council than another (see **Figure 5**). For example, in one council, around one in four enforcement cases (28 per cent) were deemed not expedient to pursue, compared to a rate of 9 per cent in another council.

Figure 5. There is substantial variation in the outcome of enforcement cases dealt with by council planning teams

OUTCOME OF ALL ENFORCEMENT CASES 2015-16 TO 2019-20



Source: NIAO analysis of Department for Infrastructure Planning Activity Statistics

2.33 Given this context, there is a risk that significant variations in outcome types may indicate that certain outcomes are prioritised for their operational efficiency rather than being the most appropriate outcome. This risk seems relevant to the significant differences in the proportion of enforcement cases where councils have deemed it not expedient to take further action, have granted planning permission or where it is determined the issue has been remedied or resolved, (i.e. the breach of planning rules has been removed or amended to make compliant with rules). This may result in uneven enforcement of planning rules, meaning unauthorised development may be allowed to occur.

2.34 Councils told us that the enforcement system in Northern Ireland is a discretionary power of the planning authority, and what may be considered as not expedient in one council, possibly due

to the volume of work or lack of resource, may be pursued by another council. Actions taken are also often based on case law, PAC decisions and likelihood of success.

2.35 We did not find evidence of any substantive review of these trends to determine whether the significant variations that were evident were reasonable or natural. In our view, there is a risk of inconsistency in enforcement which may have a negative impact on how fairly the system is operating.

Recommendation

To ensure credibility within the system, we recommend that the Department and councils investigate differences in enforcement case outcomes, to ensure cases are being processed consistently across Northern Ireland.

Part Three:
Variance in decision-making processes

Part Three:
Variance in decision-making processes

3.1 Councils are responsible for processing the vast majority of planning applications submitted in Northern Ireland. While decision-making responsibilities within each council are split between the planning committee – a body made up of between 12 and 16 elected representatives - and professional planning officials employed by the council, it is ultimately the council who is responsible for the planning function.

Delegation arrangements are an essential part of an effective development management process

3.2 Given that councillors are not typically professional planners, the sharing of decision-making roles and responsibilities between planning committee members and officials can make a critical contribution to the efficiency and effectiveness of decision-making processes within an individual council.

3.3 There are a small number of application types that must be decided by the planning committee in all councils:

- all Major planning applications;
- applications made by the council or an elected member; and
- applications that relate to land in which the council has an estate.

3.4 For all other Local application types, each council must operate a Scheme of Delegation. A Scheme delegates planning decision making authority from a planning committee to planning officials in a council for chosen classes of local development applications and any application for consent, agreement or approval required by a condition imposed on a grant of planning permission for a local development. These aspects of a Scheme are subject to the approval of the Department. However, there are many other types of applications that are not local developments that can form part of a Scheme which are not subject to the Department's approval such as listed building consent, conservation area consent applications and tree preservation orders.

3.5 Whilst councils have been granted some flexibility in tailoring their specific arrangements to best meet local needs, Schemes of Delegation should ensure that decisions are taken at an appropriate level – only the most significant or controversial applications should be considered by committee. Furthermore, councils should ensure that their delegation processes are clear, transparent and efficient. The Department also intended that, despite local variation, there is at least some degree of consistency, to ensure that applicants across Northern Ireland are not confronted by a variety of different processes across different council areas.

Not all Schemes of Delegation ensure that decisions are taken at an appropriate level

3.6 Departmental guidance, published in 2015, recommended that over time councils should aim to have between 90 and 95 per cent of applications dealt with under a scheme of delegation, however this is not a statutory target[5]. At the time we carried out our fieldwork, data was available showing delegation rates for each council for the 2018-19 and 2019-20 years. During these two years, the overall delegation rate across all councils was 91 per cent. In eight councils, delegation rates fell within the 90 to 95 per cent range in both years, but in three councils, rates fell below the range in both years[6].

3.7 The Scheme of Delegation in all three councils which fell below the target range required all applications refused by officials to be referred to the planning committee, regardless of nature or scale. This inevitably resulted in a higher proportion of applications being considered at committee level.

3.8 It is not clear that limiting delegation in this way contributes to better quality decision-making. Departmental guidance is clear that regardless of local arrangements, and allowing for individual applications to be referred to committee upon the request of planning committee members, councils should ensure that applications are not unnecessarily referred to the planning committee, as this will contribute to inefficiency and delay. Councils told us that whilst they acknowledge that this may impact timeliness, it is the prerogative of committee members to use this mechanism.

3.9 The current processes in the councils referred to in **paragraph 3.7** appear contrary to Departmental guidance and the policy objectives that committees should invest their time and energy only in the most significant or controversial applications. Such processes are likely to contribute to additional costs within these council areas. A benchmarking exercise carried out in England in 2012 highlighted that there are significantly higher administrative demands and costs associated with applications heard by committee as opposed to those decided by officials[7].

Recommendation

We recommend that in instances where delegation rates fall below 90 per cent, councils should review their processes to ensure that they represent the best use of council resources.

5 *Best practice protocol for the operation of planning committees,* Department of the Environment, January 2015.

6 Antrim and Newtownabbey, Mid Ulster and Derry and Strabane.

7 *Benchmarking of planning services in 65 England local authorities,* PAS/CIPFA, November 2012.

Part Three:
Variance in decision-making processes

The type of applications being considered by committees are not always appropriate

3.10 Our analysis of available data and information from stakeholders suggests that there are widespread concerns that the specific applications coming to committee, either under the normal Scheme of Delegation arrangements or by referral, are not always the most significant and complex applications. In particular, some council planning committees appear to be excessively involved in decisions around the development of new single homes in the countryside.

3.11 We analysed planning applications processed in 2018-19 and 2019-20. During this period, across Northern Ireland, planning applications for single rural dwellings accounted for around 16 per cent of all applications processed. Despite often being relatively straightforward applications, they accounted for 18 per cent of all planning committee decisions in the same period. Within these overall figures, there are wide divergences at council level (see **Figure 6**).

Figure 6. There appears to be a wide range of approaches adopted by councils to process applications for new single homes in the country

	NEW SINGLE RURAL DWELLINGS AS % OF...		
COUNCIL	ALL DECISIONS	COMMITTTEE DECISIONS	DIFFERENCE
Fermanagh and Omagh	16	29	+13
Lisburn and Castlereagh	17	27	+10
Newry, Mourne and Down	20	27	+7
Antrim and Newtownabbey	16	19	+3
Causeway Coast and Glens	15	18	+3
Mid Ulster	31	31	-
Belfast	1	0	-1
Derry and Strabane	13	10	-3
Ards and North Down	9	5	-4
Armagh, Banbridge and Craigavon	21	11	-10
Mid and East Antrim	15	1	-14

Source: NIAO analysis of Planning Activity Statistics Open Data tables and Department for Infrastructure management information

3.12 Given that planning applications for single rural dwellings are rarely the most complex, we would expect them to account for a lower proportion of committee decisions than of overall decisions. This is not always the case, highlighting a disproportionate use of committee time and focus on these applications.

3.13 In August 2021, the Department issued a 'Planning Advice Note' (PAN) on development in the countryside to local councils. The Department told us that the purpose of this PAN was to re-emphasise fundamental aspects of existing strategic planning policy on development in the countryside, as contained in the SPPS; and, clarify certain extant provisions of it. The Department told us that it is clear that the PAN did not add to or change existing planning policy. Councils told us that they were confident the PAN did introduce new policy.

3.14 Following concerns from councils and other stakeholders, the Department advised that "rather than bringing certainty and clarity, as was its intention, the PAN…seems to have created confusion and uncertainty" and this guidance was withdrawn. The Department has advised that it will now take stock of the concerns raised and undertake further engagement and analysis on strategic planning policy on development in the countryside which will include consideration of current and emerging issues, such as climate change legislation and our green recovery from this pandemic.

One in eight decisions made by planning committees in Northern Ireland goes against the recommendation of planning officials

3.15 Departmental guidance for planning committees makes it clear that committees are not always expected to agree with decisions recommended by planning officials. Divergences of opinion between committees and officials are to be expected where planning issues are finely balanced, and a committee may place a different interpretation on, or give a different weight to, particular arguments or planning considerations. However, decisions against officer recommendations must always be supported by clear planning reasons.

3.16 Our review of data covering 2018-19 and 2019-20 shows that just under one in eight applications decided by committee was made contrary to official advice. Whilst the rate varies between councils, in the council with the highest rate, almost one in three decisions taken by the planning committee overturned the recommendation of professional planners (see **Figure 7**).

Part Three:
Variance in decision-making processes

Figure 7. There are significant differences in the rates of council planning committees making decisions contrary to official advice

Total number of decisions made by planning committee and number of decisions made against official's recommendation (2018-19 and 2019-20)

COUNCIL	TOTAL DECISIONS	AGAINST OFFICIALS ADVICE	OVERTURN RATE (%)
Fermanagh and Omagh	147	45	**31**
Newry, Mourne and Down	260	65	**25**
Causeway Coast and Glens	183	42	**23**
Derry and Strabane	222	37	**17**
Lisburn and Castlereagh	143	15	**10**
Antrim and Newtownabbey	188	17	**9**
Armagh, Banbridge and Craigavon	101	7	**7**
Mid and East Antrim	78	5	**6**
Ards and North Down	120	5	**4**
Belfast	257	6	**2**
Mid Ulster	445	8	**2**

Source: NIAO anlaysis of Department for Infrastructure management information

3.17 In the two year period, planning committees overturned 252 decisions recommended by officials. Of these 228, (90 per cent) were cases where the committee granted planning permission against official advice, thus favouring the applicant and unlikely to be challenged.

3.18 Almost 40 per cent of the decisions made against officer advice related to single houses in the countryside. In all of these instances, the officer recommendation to refuse planning permission was overturned and approved by planning committee, contrary to advice.

3.19 In Northern Ireland, if a planning committee refuses a planning application, then the applicant has a right of appeal. In cases where the planning committee grants an application contrary to official advice, there is no third party right of appeal. The variance in overturn rate across councils, the scale of the overturn rate and the fact that 90 per cent of these overturns were approvals which are unlikely to be challenged, raises considerable risks for the system. These include regional planning policy not being adhered to, a risk of irregularity and possible fraudulent activity. We have concerns that this is an area which has limited transparency.

3.20 In making planning decisions it is recognised that planning committees can come to a different decision than its planning officers, however, in doing so they are required to maintain adequate, coherent and intelligible reasons for decisions made. The Department told us that it has previously written through its Chief Planner's letters to highlight this to councils.

Recommendation

We consider that some of the overturn rates are so high, that they require immediate action both from councils and the Department to ensure that the system is operating fairly and appropriately.

Decision-making processes are not always transparent

3.21 Given the flexibilities that are allowed under current arrangements, and the potential inconsistencies that can arise, it is critical that the process is as transparent as possible. A recent survey by Queen's University found that the public has low levels of trust in the planning system, and there is a perception that it is not transparent.[8] This survey, for example, noted that only three per cent of citizens felt their views on planning are always or generally considered.

3.22 We found similar concerns in two main areas: in respect of the process by which applications are referred to the committee by elected members, and in respect of those occasions where planning committees make decisions that are contrary to the advice provided by officials.

3.23 A variety of mechanisms is in place to document referrals to planning committees, such as assessment panels or dedicated email addresses. However, not all councils have such mechanisms, they are not available to the public and they do not effectively support greater transparency.

3.24 As part of our fieldwork we reviewed a sample of planning committee minutes. These did not provide a rationale for particular applications being referred to the committee. Some minutes did not distinguish between applications that were being considered under regular Scheme of Delegation operation, and those being considered as a result of a referral.

3.25 The lack of transparency around the overruling of officials' advice by committees was a key issue identified within the research carried out by Queen's University. Our review of planning committee minutes showed that reasons for deciding contrary to the recommendation made by officials were not consistently recorded, and minutes often did not contain explicit reference to the applicable planning policy. It was therefore difficult to understand the policy issues underlying the disagreement and committee's decision. We found no evidence that there was any system in place to monitor such decisions, and ensure that the decisions being made were compliant with overall planning policy.

8 This survey was based on 1,050 responses, 444 of which were from Northern Ireland.

Part Three:
Variance in decision-making processes

Recommendation

There is a need for full transparency around decision-making. We recommend that planning committees should ensure that minutes of meetings include details of the applications that are brought to committee as a result of a referral, who brought it to committee and outline the planning reasons why the application has been referred.

We recommend that where a planning committee makes a decision contrary to planning officials' advice, the official minutes of the meeting should contain details of the planning considerations that have driven the decision.

Planning committees do not regularly assess the outcomes of their previous decisions

3.26 The Department's guidance for planning committees indicates that they should undertake an annual monitoring exercise to review the impact of planning decisions they have made in the past. It suggests that a committee could inspect a sample of previously determined applications to allow them to reflect on the real-world outcomes. This would enable committees to highlight good and bad decision-making and inform future decisions. We did not find any evidence of a formal review of decisions at any council we spoke to. In our view, this is an important aspect of the quality assurance process which is being overlooked.

Recommendation

Planning committees should ensure that they regularly review a sample of their previously determined applications, to allow them to understand the real-world outcomes, impacts and quality of the completed project. Councils should ensure that they review a range of applications, to ensure that it is not only focused on those applications that tell a good news story about how the system is working. Lessons learned from this process should be shared across all councils.

Training for planning committee members is inconsistent

3.27 Councillors who sit on planning committees have a demanding role. Planning can be a complex policy area, and planning committee members are elected officials who have decision-making powers over planning matters, rather than experts in planning policy and legislation. Consistent and ongoing training on planning matters is therefore an essential feature of a well-functioning planning committee. Whilst the exact level of training necessary can vary, a report by the Royal Town Planners Institute (RTPI) in Wales[9] suggested a minimum level of continuing professional development for all committee members of 10 hours per year.

9 *Study into the Operation of Planning Committees in Wales*, RTPI Cymru, July 2013.

3.28 From September 2014 to January 2015, the then Department of the Environment held capacity building and training events for elected representatives in preparation for the transfer of planning functions to the councils. This included a full day session on propriety, ethics and outcomes. Whilst there was a focus on providing core training when planning functions transferred in 2015, subsequent training requirements for planning committee members have varied from council to council, and appear to have been completed on a more ad hoc basis. Whilst most councils have mandatory induction training and training for committee Chairs, ongoing training is not always compulsory for elected members. The Department has liaised with the Northern Ireland Local Government Association since 2015 to assist in their development of training programmes for elected members.

3.29 In our view, there is the potential to centralise training for committee members, which would also reduce the administrative burden on planning services which are already under resourced and struggling with workload. This would also ensure that those making decisions have all had the same training, making the process fairer for people submitting planning applications.

Recommendation

Councils should consider the introduction of compulsory training for members of planning committees, including procedures where training requirements have not been met.

The Department should ensure that training provided to planning committee members is consistent across all councils and sufficient to allow elected members to fulfil their duties.

Part Four:
Departmental oversight

Part Four:
Departmental oversight

4.1 The Department has a number of responsibilities in relation to planning. These include:

- oversight of the planning system in Northern Ireland;
- preparing planning policy and legislation;
- monitoring and reporting on the performance of councils' delivery of planning functions; and
- making planning decisions in respect of a small number of Regionally Significant and called-in applications.

Regionally Significant applications are the most complex applications and often take years to decide on

4.2 Regionally Significant development applications are those considered to have the potential to make a critical contribution to the economic and social success of Northern Ireland as a whole, or a substantial part of the region. They may have significant effects beyond Northern Ireland, or involve a substantial departure from a Local Development Plan.

4.3 These applications are submitted to, and processed by, the Department. There are typically very few of these applications decided in a given year, with only seven processed between 2016-17 and 2020-21. Whilst there is no statutory processing time target, there is a Departmental target to process regionally significant planning applications from date valid to a Ministerial recommendation or withdrawal within an average of 30 weeks. Only one of the seven applications processed between 2016-17 and 2020-21 was decided within 30 weeks, with four taking more than three years to process. Of the three Regionally Significant applications pending at 31 March 2021, two had been in the system for more than three years. Given the economic significance of these projects, any delay is likely to have a negative impact on potential investment.

4.4 The Department told us that the absence of the Assembly from January 2017 to January 2020 impacted on the its ability to take planning decisions and in particular, the 2018 Court ruling in *Buick* prevented planning decisions being made by the Department until legislation was enacted which allowed senior civil servants to take certain decisions. With the return of the Executive, the ruling has continued to have impacts on planning. In addition, whilst performance can be improved, poor quality planning applications entering the system and increased requirements under environmental regulations have also impacted the timeliness for processing major and regionally significant applications.

4.5 The Department is also responsible for determining a number of Major and Local applications each year. These also typically take a long time to process. Of the 28 Major applications

processed by the Department between 2016-17 and 2020-21 only three were processed within 30 weeks, and 19 took more than three years. Of the twenty live Major applications being determined at 31 March 2021, 18 were more than one year old with nine of those being more than three years old.

4.6 Of the 29 Local applications processed by the Department between 2016-17 and 2020-21, 17 took longer than 30 weeks – twice the 15 week target – and 14 of those took more than one year to process. All of the ten Local applications being processed by the Department at 31 March 2021 were more than one year old.

The Department is currently undertaking a review of the implementation of the Planning Act

4.7 The Planning Act contains a provision that requires the Department to review and report on the implementation of the Act. The review will:

- consider the objectives intended to be achieved by the Planning Act;
- assess the extent to which those objectives have been achieved; and
- assess whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act or subordinate legislation made under the 2011 Act, in order to achieve those objectives.

4.8 The review will also provide an opportunity to consider any improvements or 'fixes' which may be required to the way in which the Planning Act was commenced and implemented in subordinate legislation.

4.9 The Department has stated that the review is not envisaged as a fundamental root and branch review of the overall two-tier planning system or the principles behind the provisions as, in its view, it is still relatively early days in the delivery of the new system. In our view, this is an important opportunity to make improvements across the whole system.

The Department should provide leadership for the planning system

4.10 Our review has identified significant silo working in the planning system. We have seen a number of instances where individual bodies – either councils, the Department or consultees – have prioritised their own role, budgets or resources rather than the successful delivery of the planning service. The Department told us that these and other diseconomies of scale caused by decentralising the planning system were recognised at the time of transfer but were considered to be offset by the advantages of bringing local planning functions closer to local politicians and communities.

Part Four:
Departmental oversight

4.11 Each organisation is accountable for its own performance, and whilst the Department monitors the performance of individual organisations against statutory targets, there is little accountability for the overall performance of the planning system. Whilst individual organisations within the system stressed the challenges they faced; ultimately the frustration from service users was the poor performance of the system, not issues in individual bodies.

4.12 In our view, the 'planning system' in Northern Ireland is not currently operating as a single, joined-up system. Rather, there is a series of organisations that do not interact well, and therefore often aren't delivering an effective service. This has the potential to create economic damage to Northern Ireland. Ultimately, as it currently operates, the system isn't delivering for customers, communities or the environment.

4.13 In our view, this silo mentality presents both a cultural and a practical challenge. The focus for all of those involved in the system must be the successful delivery of planning functions in Northern Ireland, not the impact on their own organisations. This will require significant leadership of the system – in our view the Department is well placed to provide this leadership. However, it is crucial that all statutory bodies involved in the planning system play their part in this and fully commit to a shared and collaborative approach going forward.

4.14 The Department has made initial steps, but more will have to be done. Leadership of the system must encompass a number of areas:

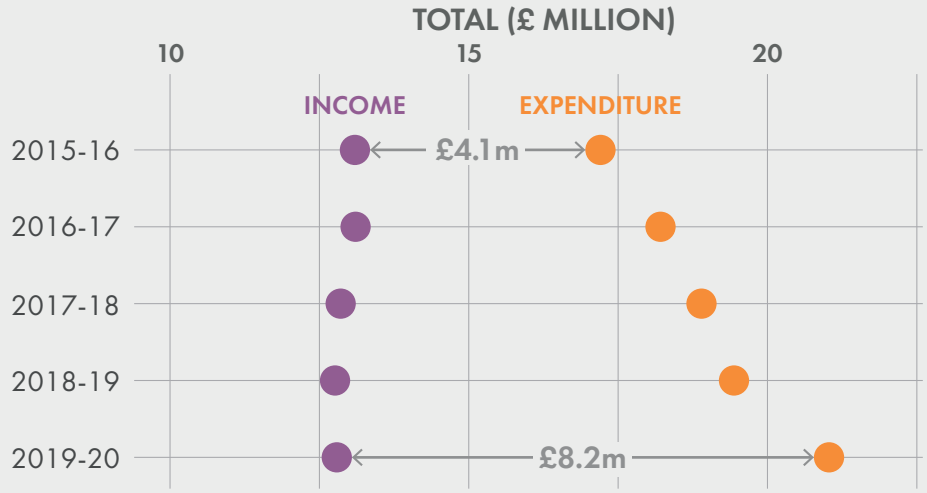
- the long term sustainability of the system;
- ensuring those involved have access to the necessary skills and experience;
- enhancing transparency and ethical standards;
- encouraging positive performance across the system; and
- the promotion of the value and importance of planning across government as a whole.

4.15 The Department told us that it has committed significant energy and resources to leading and fostering a collaborative and shared approach to improving the planning system here. Since March 2015 the Department has led and interacted with councils and other stakeholders across a wide range of meetings, such as the Strategic Planning Group, the Planning Forum, the Environmental Working Group, the Continuous Planning Improvement working group, and the Development Management Working group. However, the Department told us that it is committed to ensuring transparency and ethical standards, but that lead responsibility for these lies with both the councils and the Department for Communities, through the Code of Conduct for Councillors.

The planning system is increasingly financially unsustainable

4.16 When planning responsibilities transferred to councils, it was on the basis that the delivery of services should be cost neutral to local ratepayers at the point of transfer. However, as was the case in the years preceding transfer, the income generated from planning does not cover the full cost of service delivery. This has meant that historically there has been a need to supplement income with other public funding to deliver planning services. Our review of financial information provided by councils has shown that the overall gap between the income generated from planning activities by councils and the cost of those activities increased significantly between 2015-16 and 2019-20 (see **Figure 8**).

Figure 8. The gap between the cost of delivering planning services and the income generated from them has increased significantly since 2015-16



NOTE
Based upon financial information provided by nine councils
All figures restated in real terms using HMT GDP Deflators at market prices and money GDP, September 2021
Source: NIAO analysis of financial infromation provided by council planning teams.

4.17 It was intended that the gap between income and expenditure at individual council level would be met by a grant paid by central government to councils. This grant was intended to provide funding for a number of service areas, of which planning is one. Whilst there have been requests from councils for the Department for Communities to review the level of funding, no review has been undertaken.

4.18 In our view, the Department appears to have given little consideration to the long-term sustainability of the planning system, despite the increasing gap between income and expenditure. The Department told us that it is responsible for setting planning fees (once agreed by the Minister), but not for the long-term funding of councils.

Part Four:
Departmental oversight

Planning fees have not contributed to the financial sustainability of the system

4.19 Planning decisions increasingly are more complex and require more interaction with those who have specialist knowledge or skills. This requires more work for many applications. In contrast to these increasing demands, planning fees, the main source of income for the planning system, have not been adjusted year on year to keep pace with inflation and the increasing complexity being asked of decision-makers. The result is that less income is being generated in real terms year on year, despite increasing amounts of work being undertaken by planning teams.

4.20 The fees that councils charge for planning applications were initially set in 2015, with individual rates set for different types of development application. Since then, these have been increased on one occasion. Changes to planning fees require legislation to be brought through the Assembly. The absence of a functioning Assembly and Minister placed constraints on the Department's ability to bring forward fee increases. However the Department told us that it was able to raise fees once (by around 2 per cent, in line with inflation in 2019) following the enactment of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018, which allowed the Department to take certain decisions normally reserved to the Minister. The Department told us that further increases have been placed on hold due to the pandemic. Fees are currently around 12 per cent lower than they would be had the prices set in 2015-16 been increased in line with inflation each year[10]. This is unsustainable in the longer term.

4.21 During our discussions with stakeholders, we were told on a number of occasions that small increases in fees were unlikely to have a significant impact on the number of development proposals being made. Typically, the planning fee cost is a very small element of the total cost of a development, and a small increase is not likely to be material to the overall financial appraisal underlying a proposal. However, developers we spoke to asserted that if fees were to increase, they would expect service levels to improve.

4.22 A number of councils also told us that due to the increasing complexity of cases, many fees no longer reflect the costs incurred. Whilst determining the true costs of providing planning services will be challenging, fees that more accurately reflect the true cost will ultimately ensure a more sustainable system. The Department recognises that this is ultimately a policy decision for the Minister.

Recommendation

We recommend that the Department and councils work in partnership to ensure that the planning system is financially sustainable in the longer term.

10 Calculated using GDP deflators at market prices and money GDP September 2021, HMT.

The way performance is monitored and measured does not provide a comprehensive overview of performance

4.23 The Department has taken a number of steps in oversight of the performance of the system. Its ability to perform this function is dependent upon adequate performance measurement and reporting arrangements. Ensuring that these are in place is a key tool in maintaining accountability for performance within the system – between the various organisations spanning local and central government involved in delivering the system – and wider accountability to the Assembly and public for overall performance of the system as whole.

4.24 There have been efforts to improve the quality of performance information that is available about the planning system. Since 2018-19, the Department has supplemented its reporting on performance against the three time-based targets with a set of measures reporting various trends in council decision-making processes – the Planning Monitoring Framework. This represented an effort by the Department and councils to develop a more comprehensive approach to reporting on planning system performance than that provided by measuring performance against the statutory time-based targets. However, not all proposed indicators were agreed by councils at the time.

4.25 The Department has also been gathering, reporting and more recently publishing in more detail the performance of statutory consultees. This is a welcome development, given the critical role that statutory consultees play within the process and the performance issues within this part of the planning system.

4.26 However, in our view more work is required to establish an effective system of performance measurement and reporting which goes beyond volume of activities, proportions and timeliness. Oversight requires measures that are accepted by all stakeholders as providing meaningful information about performance and identifying issues that need to be addressed. Being able to compare performance between councils and consultees, over time, and against established standards or targets, is what makes information meaningful and can drive accountability and action.

4.27 One of the key deficiencies is the lack of information about the input cost of the various activities being undertaken and reported on. Such information is critical for understanding the full cost of the planning system, measuring the efficiency of the system, identifying areas where there may be inefficiency, and for developing an appreciation of the financial pressures that planning authorities face and the impact these have on performance.

Part Four:
Departmental oversight

Performance management information has not been used to drive improvement

4.28 The Department told us that since 2019 it has been working with statutory consultees and local government through the Planning Forum to improve performance of the planning system. This work is particularly focused on improving the performance of major planning applications. Prior to that the Department established and led the Continuous Improvement Working Group. We have not seen any evidence of self-review within councils or learning from experience, for example, reviewing the results of past decisions made in terms of built development, job creation or contribution to the local economy.

4.29 In the short term, it is important that the Department and other organisations put appropriate measurement and reporting systems in place. Over the medium and longer term, they must consider how performance measurement can provide the basis for improving performance and delivering quality outcomes.

Performance monitoring is currently more concerned with the speed and number of applications processed, than the quality of development delivered

4.30 Since 2016, the Executive has been committed to delivering an outcomes-based Programme for Government across the public sector, placing wellbeing at the core of public policy and decision-making. Organisations are required to ask themselves three key questions: "How much did we do?", "How well did we do it?", and "Is anyone better off?"

4.31 Despite the Executive's commitment to outcomes-based accountability, performance measurement within the planning system is predominantly concerned with the speed and quantity of decisions, rather than quality of outcomes. Whilst the Department sought to introduce more qualitative indicators through the Planning Monitoring Framework, there is no publically available information demonstrating how planning decisions have translated into built development, improved or enhanced the built or natural environment, benefitted communities or contributed to the economy.

4.32 The lack of outcomes-based accountability measures within the planning system has a number of potential consequences:

- Broader, long-term impacts are not routinely captured and demonstrated, and so the value of the planning system is underestimated.
- The cumulative effect of planning on communities, towns and regions is not being measured.
- Negative outcomes which may have a subsequent impact on the public purse, for example poorer health outcomes leading to higher healthcare costs, crime, and unemployment, are allowed to continue unchecked.

A more holistic approach, which considers the long-term impact of planning decisions, is required. We acknowledge this will be challenging and will require collaboration and effective partnership working across all of government.

Guidance from professional planning bodies highlights the importance of measuring outcomes

4.33 The Royal Town Planning Institute (RTPI) conducted research in 2020[11] on measuring the outcomes of planning. Their research identified the need to go beyond simple metrics such as the speed of processing applications and number of housing units delivered, and towards assessing planning in terms of place-making aspirations and social, economic and environmental value, in order to track and improve the impact of planning. The research team developed a series of toolkits which it suggested could be adapted by local planning authorities across the UK and Ireland to improve their outcomes measurement.

4.34 Whilst the RTPI research discussed the potential of planning as a facilitator of health, social, economic and environmental outcomes by providing open spaces, active travel routes and quality housing, it also recognised the difficulties of attributing specific outcomes to any one public sector organisation.

4.35 As part of our review, we examined planning monitoring and performance frameworks in other jurisdictions. We note that both Wales and Scotland have made initial steps in producing a more holistic set of indicators which include some assessment of outcomes. The Department also sought in 2016-17 to work with councils to introduce a more holistic suite of indicators, but this was not agreed by all councils at that time. Whilst we accept that attributing outcomes to specific organisations or decisions is difficult, it will be an important step in demonstrating the planning system's importance to Northern Ireland.

Recommendation

The Department has a key role to play in the improvement of the planning system in Northern Ireland. We are concerned that the Department has been too slow to respond to the challenges facing the planning system and to provide leadership and support for the system as a whole. In our view, all those involved in the planning system need to act now to engender trust.

11 *Measuring What Matters: Planning Outcomes Research*, Royal Town Planning Institute, November 2020.

Part Five:
Issues affecting performance

Part Five:
Issues affecting performance

5.1 The delivery of the planning system in Northern Ireland involves a large number of organisations. Whilst councils are the decision-makers for the majority of planning applications, their ability to do so is affected by a number of issues, some of which are outside of their direct control, which can have a significant impact upon how effectively the overall planning system performs for service users.

Many councils have increased staff numbers to manage demand, contributing to increased costs

5.2 The transfer of planning responsibilities from central to local government meant that planning officials were also transferred from central to local government. This transfer process assessed how many staff would need to remain within the Department to deliver its retained functions and how many posts would be required in each council planning team to manage their projected workloads.

5.3 As discussed at **paragraph 2.4**, councils are unanimous that there was a significant underestimation of the level of resources and staff time that would be required to complete Local Development Plans. We have noted above how councils have often found it necessary to cut back work on LDPs and enforcement, and move staff to other areas where short-term pressures have emerged.

5.4 The staffing pressures many councils have experienced have led to a significant increase in the total number of planning officials working within councils. The total number of full-time equivalents (FTEs) employed across all councils has increased by 20 per cent since the transfer of functions (from 331 to 407 FTEs). Given that salary costs are the main expense within the system, this has been a key driver of increased expenditure levels across the planning system since 2015-16.

There are skill shortages within some council planning teams

5.5 When the planning function transferred to local government in 2015, it was expected that each council would be capable of delivering on all of its responsibilities. However, we understand that both councils' and the Department's planning teams have often lacked particular skills in specialist areas. A number of stakeholders have told us that they are concerned about specific skills gaps across the system.

5.6 The transfer of planning staff and responsibilities in 2015 coincided with the Voluntary Exit Scheme which saw many experienced staff leave the system. The allocation of remaining staff to councils was done on the basis of personal preference, not according to the skills of staff and likely development profile that new councils would have.

5.7 The skills gaps experienced by councils have had an impact on the processing of certain types of complex development applications, and have also impacted the development of LDPs. We have been told that under previous arrangements, the Department was able to maintain specialist teams who could manage particular types of application that proved to be highly complex and challenging – for example, applications related to large retail developments or mineral extraction. The ability to establish such specialist teams is not feasible for individual councils, despite their need to access these skills.

Attempts at shared services have been constrained by a lack of funding

5.8 To date, only one shared service has been established to address a specific skills gap. The Shared Environmental Service (SES) is a shared service between all 11 councils, set up in 2015 to support councils in carrying out Habitats Regulations Assessments required for certain planning applications. The service is hosted by Mid and East Antrim Borough Council, and was initially staffed from the Northern Ireland Environment Agency (NIEA) and funded by the Department for Communities (DfC). SES does not have decision-making powers, but rather provides support and guidance to councils on specific environmental assessments. SES is not a statutory consultee.

5.9 In recent years, SES has experienced significant resourcing challenges, which have had an impact on its ability to provide timely support to councils. Initially, staff were allocated to SES on the basis of a caseload of 750 consultations per year. By 2020, around 2,000 consultations per year were being received.[12] As a result, SES did not have sufficient resources to meet this threefold increase in demand, and backlogs began to build. SES requested an increase in the grant from DfC, however this was rejected. It then approached the Department with a case for more funding; this was also turned down. The Department told us that in line with normal shared service models, an increase in funding was a matter for those that used the service, in this case councils. Finally, SES appealed directly to each council, asking for an additional £8,500 per year for two years, which was approved. This has allowed SES to employ two additional temporary members of staff and increase their capacity.

5.10 However, as the additional funding is time limited, it is unclear what the long-term solution to SES's resourcing issues is. As councils' demand for SES's services has increased, more funding has been required. This is an additional financial burden on already over stretched councils, who were told that planning functions would be cost neutral at the point of transfer.

12 SES evidence to Committee for Agriculture, Environment and Rural Affairs, 22 April 2021.

Part Five:
Issues affecting performance

Recommendation

We recommend that the Department should coordinate an assessment of the key skills and experience gaps across the planning system.

Where a common skills gap across multiple councils is identified, a plan should be developed to ensure that all councils have access to the skills they need to operate effectively. This plan should include assessments of different provision options.

The system does not always allow for the efficient delivery of services

5.11 During our audit work, we encountered a strong consensus that the way that the planning application process is set up does not support efficient processing. In particular, stakeholders consistently spoke about the "low bar" set for the information required to make a legally valid planning application in Northern Ireland.

5.12 There is a view that the criteria set out in the 2011 Planning Act are too narrowly prescribed and do not require that key supporting documentation – such as flood risk assessments, environmental statements and transport assessments, are provided with applications. This means that incomplete applications must be accepted – and the clock starts ticking in respect of the statutory processing time target, despite the fact that councils do not receive all the information they need to begin determining the application. The Department told us that it recognises this issue and has already commenced work to address this through the Review of the implementation of the Planning Act (NI) 2011 and the Planning Forum.

5.13 This contributes to inefficiency and poor processing times in a number of ways:

- Statutory consultees told us that they are often expected to provide a substantive response to a planning application where essential supporting information is missing, and that this leads to significant delays in their responses.
- Consultees are spending time on poor quality or incomplete applications, and often have to be consulted multiple times on the same application as information is fed through. This can create an additional burden on consultees who are already struggling to meet their targets.
- Applications which arrive at the planning committee for a decision often have to be deferred to allow supporting information to be provided.
- If the system continues to accept poor quality applications, this creates a culture of speculative application, whereby the planning system is being used to effectively "MOT" projects and determine the assessments required. This is not an effective use of planning officers' time.

Front-loading the application process was consistently identified as a key means of improving performance

5.14 Councils told us that a key means of improving application quality and speeding up the planning process was to front-load the process. There are two main means of doing this:

- ensuring that all applications are submitted with the necessary supporting documentation; and
- providing pre-application discussions (PADs).

Application checklists can speed up processing

5.15 In November 2018, Belfast City Council (BCC) introduced an Application Checklist setting out the information required with each type of planning application. When supporting information is missing, the applicant is given 14 days to provide it, otherwise the application and fee are returned and the applicant is advised to resubmit once they are able to provide a complete set of information. In these cases, the decision-making timeframe does not start until the new application is submitted.

5.16 When the application checklist was used for Major applications, BCC's own review showed that it contributed to improved performance against statutory targets. BCC's internal data showed that more than two-thirds of Major applications were incomplete at the point of submission in 2019-20. After requesting additional information in line with the checklist process, this improved to over one-third within 14 days of receipt. Performance against the statutory target for Major applications improved by almost ten per cent from 2018-19 to 2019-20, the council's best ever performance.

5.17 We highlighted the issue of poor quality applications in our previous report on Planning in 2009. The Department told us that it intends to take forward legislative changes to better manage application validation through the Planning Forum and the Review of the Implementation of the Planning Act. In the meantime, the Department has written to councils encouraging them to follow BCC's example in advance of any legislative changes. We understand that to date not all councils have introduced this approach. In the absence of legislative provision, there is no way of compelling applicants to use this checklist.

Pre-application discussions are used inconsistently

5.18 Pre-application discussions (PADs) are one element of front-loading. They provide an opportunity for council officials and developers to meet and consider the important issues that may affect an application's likelihood of success. They should provide developers with a sound understanding of all the documentation required, and highlight any issues with the proposal that may need to be rethought prior to the submission of a full application.

Part Five:
Issues affecting performance

5.19 Whilst there is a system in place in Northern Ireland for PADs to occur, their use across councils varies, with some using them for most Major projects and charging a fee, while others rarely use them. Most stakeholders we spoke to highlighted that the process was not working as effectively as it should.

5.20 A significant deficiency in the current approach is the inconsistent involvement of statutory consultees within these discussions. Even where it is clear that a particular consultee will be required to provide information on an application during its processing, statutory consultees are not obliged to attend PADs. Stakeholders told us this means that developers do not get the information they need to ensure that their applications provide all the information that will be needed, nor do they get a good sense of potentially significant issues that may arise and result in the application being refused. The Department told us that it recognises the importance of the PAD process for the efficiency of the planning system and is currently undertaking a review of the process through the Planning Forum. It should however, be recognised that statutory consultees have a finite resource to carry out all of their legislative functions required in the planning process.

5.21 This issue is a further example of the difficulties arising from the fragmentation of the planning system in Northern Ireland – councils are offering these discussions as a means to improve the quality of applications, but cannot compel other bodies, who are vital to the decision-making process, to attend.

5.22 More consistent use of PADs, with better involvement from statutory consultees, has the potential to address some of the issues around quality and completeness of planning applications, which in turn could improve the speed of the decision-making process and improve the quality of the final scheme.

Many statutory consultees are not providing timely responses

5.23 Processing an individual planning application often requires technical or specialist knowledge that is not possessed by individual council planning teams, or the planning officials within the Department processing Regionally Significant and called-in applications. In such instances, statutory consultees provide officials with the information they need to make a decision on whether to approve an application or not. Whilst councils ultimately decide on planning applications, the majority of consultees sit outside local government.

5.24 In order to support efficient decision-making by planning authorities, there is a statutory requirement for statutory consultees to make a substantive response to planning authorities within 21 calendar days or any other such period as agreed in writing between the consultee and the council. However, performance has been consistently poor, particularly in respect of Major planning applications (see **Figure 9**). The consultees receiving the largest volume of consultations, DfI Roads and DAERA, respond within 21 days to around half of Major

applications and three-quarters of Local applications on which they are consulted. The poorest performance is by DfI Rivers, a part of the Department for Infrastructure, who only respond in time to around forty per cent of consultations, across both Major and Local applications, on which they are engaged.

Figure 9. All consultees struggle to provide responses within 21 days to all applications

CONSULTATIONS RELATING TO MAJOR APPLICATIONS

STATUTORY CONSULTEE	NUMBER OF STATUTORY CONSULTATIONS RECEIVED[1]	% RESPONDED TO WITHIN 21 DAYS
DfI Roads	1,440	**55**
DAERA	1,112	**60**
DfI Rivers	809	**44**
NI Water	509	**51**
DfC Historic Environment Division	417	**74**
Other Consultees[2]	148	**66**

CONSULTATIONS RELATING TO LOCAL APPLICATIONS

STATUTORY CONSULTEE	NUMBER OF STATUTORY CONSULTATIONS RECEIVED[1]	% RESPONDED TO WITHIN 21 DAYS
DfI Roads	33,148	**74**
DAERA	12,533	**78**
NI Water	9,439	**85**
DfC Historic Environment Division	8,499	**76**
DfI Rivers	5,736	**40**
Other Consultees[2]	926	**80**

NOTES

[1] Performance measured against the response times for all statutory consultations issued to consultees by planning authorities between 1 April 2017 and 31 March 2020

[2] Other consultees includes Health and Safety Executive Northern Ireland, Department for the Economy, Belfast International Airport, Belfast City Airport, City of Derry Airport and Northern Ireland Housing Executive.

Source: NIAO analysis of Department for Infrastructure management information

Part Five:
Issues affecting performance

5.25 The Department told us that that there has been a major increase in consultations received by statutory consultees. This, coupled with the increasing complexities of cases received and finite resources, has had significant implications in relation to performance. In addition, the Rivers staff structure has been significantly compromised by vacant posts that have not yet been filled, mainly due to the impact of the pandemic on recruitment processes. Nonetheless there is room for improvement in the timeliness of responses for most statutory consultees.

5.26 Analysis by the Department of all live applications it was processing at August 2020 found that consultation delays and the revision of plans were common issues affecting the vast majority of applications (see **Figure 10**).

Figure 10. Main causes of delay in planning applications being processed by Strategic Planning Division

In August 2020 the Department prepared a paper analysing the issues contributing to delay in 44 ongoing planning applications being processed by Strategic Planning Division at that time.

CAUSE OF DELAY	NUMBER OF CASES AFFECTED
Consultation delays	42
Amended plans	40
Further environmental information required	16
Environmental Statement submitted	16
Legal issues	14
PAC hearing or public inquiry	13
Significant/Complex issues arising from consultation	9

Source: Department for Infrastructure

5.27 A number of the issues that contribute to poor statutory consultee performance are similar to the general issues affecting council planning teams – they have experienced significant pressures in terms of resources, staffing headcount and skills and are often constrained by the incomplete information submitted with an application. These pressures have had to be managed at a time when the total number of statutory consultations they are required to respond to has been increasing, from 20,000 in 2015-16 to 26,000 in 2018-19. In addition to these statutory consultations, consultees have had to respond to around 7,000 non-statutory consultations each year.

5.28 The impact of slow consultation responses can be compounded by the fact that an individual application can be subject to multiple consultations across multiple consultees during its processing. We reviewed a sample of Major planning applications that had taken longer than 30 weeks to process, testing the number of consultations issued within each. We found that, on average, these cases were subject to a total of 12 statutory consultations, issued across five different statutory consultees. This highlights the extent to which consultation is a key part

of processing applications, and the extent to which timeliness depends on the consultation system working well. The Department told us that it also indicates the volume of work required by statutory consultees within the planning process and is an area of work which the Planning Forum has attempted to address.

5.29 In recent years, the Department and other planning authorities have been working to try and address the problems affecting the consultation process. In April 2019, the Department commissioned a discussion paper examining the role of statutory consultees in the planning process. The report contained four key conclusions and identified thirteen areas for further consideration:

- The establishment of a cross-departmental Planning Forum to build capacity and capability in the system and deliver and oversee continuous improvement in the development management aspects of the planning system.
- The need to recognise the value of planning at the highest level within NICS, in particular in the Outcomes Delivery Plan and any future Programme for Government.
- Departments should review resourcing requirements associated with the statutory consultee role and identify need for additional resources.
- Consideration of proportionate legislative change to address poor quality applications and enhance responsiveness by planning authorities.

5.30 Since that report, the Department has established a Planning Forum which brings together key statutory consultees and representatives from local government. A number of initiatives have emerged from this Forum, which are at varying stages of implementation. We have provided a sample list of some of the initiatives at **Figure 11**.

Part Five:
Issues affecting performance

Figure 11. List of key actions initiated by the Planning Forum

- The development of quarterly and annual monitoring reports to measure statutory consultee performance.
- The development of a best practice document, including Principles of the Management of Statutory Consultation.
- All key consultees have commenced a review of their resource requirements.
- A review of the existing PAD process to identify and implement improvements in practice
- Increasing capacity and capability within the planning system through targeted training, and also rolling out DfI training on environmental compliance to the wider stakeholder community.
- The proposed introduction, subject to Ministerial approval, of legislation to introduce statutory local validation checklists for planning applications.

Source: Department for Infrastructure

The planning system faces increasing challenges in managing applications that have the potential to have a significant environmental impact

5.31 The planning system has a key role to play in preserving and improving the built and natural environment. However, a number of stakeholders highlighted the increasing challenges associated with assessing and managing the environmental impacts of proposed developments. Environmental assessments related to individual applications are typically complex and time consuming. Applications involving an Environmental Impact Assessment (EIA) typically take much longer than other types of application: 125 weeks compared to 45.8 weeks where an EIA was not required[13].

5.32 Responsibility for environmental assessments lies with a range of public sector bodies. Councils, as planning authorities, are deemed to be competent authorities under the Environmental Impact Assessment (EIA) Regulations, and should therefore have the capacity and capability to screen and manage complex environmental issues within the planning process. SES, referred to above at **paragraph 5.8**, was established in 2015 to ensure councils could manage their environmental responsibilities. Its core function is to carry out Habitats Regulation Assessments associated with planning applications, on behalf of councils. Councils must also consult with DAERA, a statutory consultee, on both Environmental Impact Assessments and Habitats Regulation Assessments.

13 *Discussion Paper Examining the Role of Statutory Consultees in the Planning Process in Northern Ireland*, Department for Infrastructure, September 2019.

5.33 The complexity of environmental regulations, the number and fragmentation of organisations involved, the issues noted with resourcing, the growing volume of consultation requests and rising legal challenges increases the potential for delays and the risk of getting the planning decision wrong. It is crucial that the standard of environmental assessment is robust and that staff have sufficient experience and expertise to deal with complex planning applications. The Department told us that it has implemented a programme to build EIA capacity within councils and departmental planning staff and that the programme has now been expanded to deliver EIA training to key statutory consultees in order to enhance capacity and support their important consultative role in the EIA process. Feedback from councils has been positive, however, without a long-term commitment to resourcing, it is not clear how much of an impact this will have on processing times.

The absence of up to date ammonia guidance from DAERA is causing considerable uncertainty for planners and applicants

5.34 Concerns have been raised that the planning system is struggling to progress some complex planning applications which can include environmental impact assessments. There is a lack of certainty on how the planning system deals with applications for developments that will produce ammonia emissions when the site is operational (see **Figure 12**). Under the EU Habitats Directive, as a statutory consultee, DAERA is legally obliged to consider the impact that ammonia emissions from a proposed development would have on the environment. Planning applications within the vicinity of a protected site are subject to screening assessments to confirm if there is likely to be an adverse impact on that site.

Figure 12. Ammonia

Ammonia is an air pollutant largely emitted from agriculture and has a damaging impact on biodiversity, including sensitive habitats, as well as human health. It is produced by many common farming activities, such as the housing of livestock, the storage and spreading of manure and slurries, and the application of fertiliser. Ammonia emitted into the air is deposited as nitrogen on land and water surfaces.

Most areas of Northern Ireland, including designated sites and other priority habitats, are affected by high levels of nitrogen being deposited on land and into water surfaces. The levels in most areas are significantly above what is considered their "critical load", the concentration of nitrogen at which significant ecological damage occurs.

Northern Ireland is responsible for 12 per cent of UK ammonia emissions, despite only having three per cent of its population and six per cent of its land area, and Northern Ireland is the only region of the UK where ammonia levels have not been decreasing.

Failure to address the increasing level of ammonia emissions also has the potential to contribute to serious, long-term harm to the environment and human health.

Part Five:
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5.35 DAERA's current policy is to consider ammonia emissions from any potential development to be insignificant if they are less than one per cent of the site's critical load, and to screen them out of the full assessment process. This policy was developed from guidelines for other UK environment agencies. However, as ammonia levels are generally lower in the rest of the UK than in Northern Ireland, it is not clear if applying the same threshold will prevent development that has the potential to cause environmental damage. The Department told us that this places planning authorities in a difficult position, given their statutory obligation to make sound and legally robust planning decisions.

5.36 In response to these concerns SES, which carries out Habits Regulations Assessments on behalf of councils, implemented new internal guidance in July 2019, reducing the level at which it deemed ammonia emissions insignificant to 0.1 per cent, meaning that more applications would be subject to environmental assessment. Following a legal challenge in October 2019, SES's internal guidance was withdrawn in March 2020 however it was stated that cases with emissions under 1 per cent would continue to be assessed on a case by case basis.

5.37 Environmental groups have submitted evidence to the Assembly stating that the current one per cent screening threshold is inappropriate, does not take into account the cumulative effect of development and is not based on objective scientific evidence. Departmental officials have also stated that the decisions made using the current policy are potentially vulnerable to legal challenge and EU infraction procedures.

5.38 The lack of clear environmental and ammonia guidance from DAERA creates significant uncertainty for planning authorities, applicants and other stakeholders in the planning system. Pending an updated ammonia policy from DAERA, SES is progressing assessments on a case by case basis. Where it concludes, contrary to the DAERA advice, that development is unacceptable SES recommends councils consult NIEA Natural Environment Division. Over 20 such consultations have been issued to NIEA by councils since April 2020, however it has not responded to any. The majority of these applications remain undetermined.

5.39 DAERA is currently reviewing its ammonia policy in light of case law, legal advice and expert opinion. We understand that an ammonia reduction strategy has been in draft since July 2020.

Recommendation

We recommend that the Department and councils seek urgent clarification from DAERA on the appropriateness of ammonia thresholds in making planning decisions.

A new planning IT system has been procured but one council is not involved

5.40 The current Planning Portal is an integrated suite of applications which aids planning authorities in the delivery of their planning functions. This includes Public Access, an online service that allows the public to view information on planning applications and to track and submit comments on live applications. It does not, however, allow for applications to be submitted electronically, a significant weakness in the system that imposes administrative costs and contributes to more inefficient application processing.

5.41 The Department and councils have been in the process of procuring a new Planning IT system for a number of years. There were difficulties in getting all 11 councils to agree a preferred replacement system, including how it was to be funded. An Outline Business Case was agreed by the 11 councils and the Department in June 2019 for a new regional solution. The preferred option was an off-the shelf solution for all 12 planning authorities. Following an open procurement process a Final Business Case was agreed in June 2020 and a contract awarded for a new Regional Solution for 10 councils and the Department. The new system will cost £30.5 million over 20 years and is planned to be operational in summer 2022.

5.42 It is also concerning that one council, Mid Ulster, has decided not to continue with the joint collaborative exercise and instead procure their own system. Mid Ulster told us that their supplier offered best value in relation to cost and customer service and that is satisfied it will meet the council's needs. This means that there will be two separate Planning IT Systems in Northern Ireland. It is unclear how Mid Ulster's separate IT system will interface with the system used by all other councils and the Department, which will be critical given the need to improve performance measurement and reporting.

Appendices:

Appendix One

Our audit approach

This reported examined the effectiveness of the planning system in Northern Ireland. It identified a range of issues affecting the performance of the system, and the service delivered to users. We have looked at both performance information and issues within councils, who have primary responsibility for the operational delivery of most planning functions, as well as issues beyond the control of council planning teams that impact on performance.

We assessed:

- The issues that have contributed to the failure of councils to deliver Local Development Plans that are integral to ensuring the planning system is a 'plan led system'.
- The performance of the system against the three statutory performance targets.
- Significant regional variation in performance and processes between councils.
- Wider structural issues that impact upon the ability of councils to deliver an effective service.

Our evidence base

We performed in-depth analysis of performance data covering a number of different aspects of the planning system. This included:

- We reviewed the published Planning Activity Statistics covering from 2015-16 to 2020-21, including detailed analysis of the supporting Open Data tables.
- We reviewed the published Planning Monitoring Framework statistics covering the 2019-20 to 2020-21 period.
- We reviewed internal management information compiled by the Department relating to decisions made by council planning committees and statutory consultee performance.
- We reviewed a sample of publicly available planning committee minutes.
- We reviewed planning system performance information available for other regions of the UK.
- We met with officials from each council planning team, and reviewed internal management information provided by each council.
- We consulted with a range of stakeholders and interested parties.
- We engaged a reference partner who had expertise in planning systems across the UK.

The Department told us that, in instances where NIAO has performed further analysis of planning statistics, it had been unable to check the accuracy of related figures within the report. Relevant figures are Figures 2 to 8.

NIAO Reports 2020 and 2021

Title	Date Published
2020	
Reducing costs in the PSNI	28 April 2020
The National Fraud Initiative: Northern Ireland	11 June 2020
The LandWeb Project: An Update	16 June 2020
Raising Concerns: A Good Practice Guide for the Northern Ireland Public Sector	25 June 2020
Addiction Services in Northern Ireland	30 June 2020
Workforce planning for nurses and midwives	31 July 2020
Overview of the Northern Ireland Executive's Response to the COVID-19 Pandemic	02 September 2020
Impact Review of Special Educational Needs	29 September 2020
Generating electricity from renewable energy	13 October 2020
Capacity and Capability in the Northern Ireland Civil Service	17 November 2020
Managing Attendance in Central and Local Government	23 November 2020
Managing Children who Offend: Follow-up Review	01 December 2020
2021	
Management and Delivery of the Personal Independence Payment Contract in Northern Ireland	23 March 2021
Closing the Gap - Social Deprivation and links to Educational Attainment	05 May 2021
Second Report – Overview of the Northern Ireland Executive's Response to the COVID-19 Pandemic	08 June 2021
Broadband Investment in Northern Ireland	17 June 2021
Sports Sustainability Fund	22 June 2021
The NI Budget Process	29 June 2021
Continuous improvement arrangements in policing	12 October 2021
A Strategic Approach to the Use of Public Sector Assets	21 October 2021
Grant Fraud Risks	28 October 2021
Design and Administration of the Northern Ireland Small Business Support Grant Scheme	08 December 2021
Contract award and management of Project Stratum	14 December 2021

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APPENDIX 2b

NIAO Report – Recommendations

Recommendation 1

We recommend that the Department and councils work in partnership to review the current LDP timetables to ensure they are realistic and achievable, and identify what support councils need to meet them.

The Department may wish to consider whether the remaining steps of the LDP process could be further streamlined to ensure plans are in place as soon as possible.

Recommendation 2

We recommend that the Department and councils continue to put an enhanced focus on improving the performance of the most important planning applications. This should include a fundamental analysis of the factors contributing to delays.

Recommendation 3

To ensure credibility within the system, we recommend that the Department and councils investigate differences in enforcement case outcomes, to ensure cases are being processed consistently across Northern Ireland.

Recommendation 4

We recommend that in instances where delegation rates fall below 90 per cent, councils should review their processes to ensure that they represent the best use of council resources.

Recommendation 5

We consider that some of the overturn rates are so high, that they require immediate action both from councils and the Department to ensure that the system is operating fairly and appropriately.

Recommendation 6

There is a need for full transparency around decision-making. We recommend that planning committees should ensure that minutes of meetings include details of the applications that are brought to committee as a result of a referral, who brought it to committee and outline the planning reasons why the application has been referred.

We recommend that where a planning committee makes a decision contrary to planning officials' advice, the official minutes of the meeting should contain details of the planning considerations that have driven the decision.

Recommendation 7

Planning committees should ensure that they regularly review a sample of their previously determined applications, to allow them to understand the real-world outcomes, impacts and quality of the completed project. Councils should ensure that they review a range of applications, to ensure that it is not only focused on those applications that tell a good news story about how the system is working. Lessons learned from this process should be shared across all councils. Recommendation

Councils should consider the introduction of compulsory training for members of planning committees, including procedures where training requirements have not been met.

The Department should ensure that training provided to planning committee members is consistent across all councils and sufficient to allow elected members to fulfil their duties.

Recommendation 8

We recommend that the Department and councils work in partnership to ensure that the planning system is financially sustainable in the longer term.

Recommendation 9

The Department has a key role to play in the improvement of the planning system in Northern Ireland. We are concerned that the Department has been too slow to respond to the challenges facing the planning system and to provide leadership and support for the system as a whole. In our view, all those involved in the planning system need to act now to engender trust.

Recommendation 10

We recommend that the Department should coordinate an assessment of the key skills and experience gaps across the planning system.

Where a common skills gap across multiple councils is identified, a plan should be developed to ensure that all councils have access to the skills they need to operate effectively. This plan should include assessments of different provision options.

Recommendation 11

We recommend that the Department and councils seek urgent clarification from DAERA on the appropriateness of ammonia thresholds in making planning decisions.

ANNEX

CALL FOR EVIDENCE
REVIEW OF THE IMPLEMENTATION OF THE PLANNING ACT (NI) 2011.

RESPONSE FORM

YOUR DETAILS

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YOUR COMMENTS

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

Local Development Plans

Q.1. Do you believe there is a need to retain, amend or repeal any provisions of Part 2 of the Act or associated subordinate legislation with regard to the delivery of Local Development Plans?

Detail relevant provisions:

The following changes to the legislation should be made or considered. The relevant section of the Planning Act (NI) 2011 ('the 2011 Act') has been provided where relevant, as has any specific Regulation where possible. The response has been grouped under general headings to assist the Department.

LDP Preparation

The LDP statutory process should provide the scope to allow councils to respond to the consultation submissions and consider changes during the plan development stage, prior to its formal submission for Independent Examination (IE). Whilst it is acknowledged that DPPN10 now seeks to remedy this, further clarity (and a clear statutory basis) for this approach should be embodied in the relevant primary and secondary legislation. Given the long timescales involved in the current LDP process and given the desire to take into account any submissions received, it is important that councils have an opportunity to amend or fine tune the development plan document before its submission for IE, including for minor matters that seek to clarify or improve the document that do not change the overall policy direction and objectives. Where a more substantial change is desirable, then a further public consultation process on the proposed changes only would be appropriate. This approach requires a clear legal basis.

The current role of the Department of Infrastructure ('the Department') is not clear in relation to the preparation/adoption of development plan documents (DPDs) – at both the DPS and LPP stages. It is unclear as to the purpose of submitting the draft DPDs to the Department, rather than to the PAC directly. In addition, following the IE, the ability of the Department, having already taken part in the IE process, to veto the report and findings of the PAC is undemocratic and conflicts with the Department's other roles in terms of its service departments. The PAC should report directly to the councils following the IE and council elected members should then decide to adopt or modify the DPD in light of any recommendations. This does not, of course, remove the power of the Department or Minister to intervene at any stage in the process up to adoption.

Planning legislation should set out the scope and procedural requirements of any guidance prepared by the Department that relates to the preparation of LDPs and the policies therein. There should be a clear time bar for considering new guidance issued (either as draft or finalised guidance) in the relevant DPD as a clear point in time has to be set for practical reasons. Departmental guidance should also be subject to proper process, including stakeholder

consultation and any relevant impact assessment that may be required prior to its finalisation and publication.

In reviewing the planning legislation, the opportunity should be taken to consider whether the two-stage process in NI, which is unlike the processes in GB and RoI, is effective and beneficial. Whilst it is accepted that the overall development plan should comprise, inter alia, a core strategy, operational policies, local policies, site requirements and land allocations/designations, these may be best considered contemporaneously rather than having a significant time period, inevitably at least 1-2 years, between the DPS and LPP stages. It was evident at our recent IE hearings that the 2-stage process is causing a degree of frustration with some parties and it is not evident that there is any significant benefit in separating the DPS and the LPP in terms of process and time.

LDP Consultation

The consultation arrangements, timescales and use of appropriate media for both stages of new LDPs need to be reviewed and simplified across the provisions in the 2011 Act and The Planning (Local Development Plan) Regulations (Northern Ireland) 2015. In particular, clarity, consistency and simplification across the different requirements in respect of the consultation process, including statutory adverts. In the latter regard, it is suggested that the public consultation periods for each relevant stage in the LDP process should be statutory period of 8 weeks minimum (as opposed to maximum) and the statutory dates for accepting submissions should be clarified in relation to the current requirement for public notices during two consecutive weeks. Indeed, it is suggested that this two consecutive week requirement is omitted as a statutory requirement and that councils' Statements of Community Involvement specify the intended public notification at each stage, subject to any statutory minimum requirement.

The current definition of statutory consultation bodies set out at Regulation 2 of the LDP Regulations 2015 results in an unduly onerous and unnecessary notification of a long list of utility providers and licencees under Reg 2 (1) (f, g and h). The current reliance on UK lists for such providers, in the absence of a bespoke list for NI, has resulted in the issuing of statutory notices to many operators that are irrelevant to NI. The Department should take responsibility for managing a local list reflecting those operating in NI or, alternatively, the consultee body should be named as the relevant umbrella regulator body, such as the Utility Regulator and Ofcom.

The opportunity should also be taken for a more up to date and clear approach in relation to the use of digital media and websites for the use of different media for the purposes of consultation and advertisement.

LDP Adoption and Independent Examination Process

The 2011 Act only refers to whether a plan is "sound" in Section 10 para 6 (b). The main issues lie with the tests transposed by the Department and set out in DPPN06 which, whilst "based" on practice elsewhere, fails to take account of the important differences in the NI system. In particular, the tests include elements over which councils have little control due to the particularities of the NI LDP process and the role of the Department. This clearly includes the LDP Timetable which, naturally accepted as good practice and a useful guide for all participants in the process, is inevitably subjected to significant changes as the many stages in the process are advanced. Whilst it is also accepted that the Department has indicated some flexibility (up to

6 months due to Covid, for example), the strict adherence to a proposed timetable should not be a matter of soundness.

Tree Preservation Order Matters

Section 124 of the 2011 Act affords the Department the power to, inter alia, vary or revoke a TPO. This power is not afforded to councils in Sections 122-123 of the 2011 Act. Whilst Regulation 8 of The Planning (Trees) Regulations (Northern Ireland) 2015 refers to the revocation of TPOs by councils, the primary legislation does not align with this. The power for councils to vary or revoke TPOs, including those made by the Department and its predecessors, should be expressly included in the primary legislation.

Built Heritage/Conservation Matters

Section 104 of the 2011 Act allows the authority that originally made a conservation area designation to vary or cancel the designation. Therefore, this power does not afford councils the power to vary or cancel a conservation area designated by the Department and its predecessors. The primary legislation should be amended to afford councils such powers.

The Planning (General Permitted Development) Order (Northern Ireland) 2015 and The Planning (Fees) Regulations (Northern Ireland) 2015 should be amended to allow councils to set aside fees or charges where the application fee arises as a result of a decision to remove the permitted development rights under the Article 4 procedure.

In addition, in terms of the Article 4 process, the general procedure as set out in the current Regulations should be reviewed in relation to the degree of the process undertaken by the Department and the level of oversight.

Section 81 of the 2011 Act affords councils the power to serve a Buildings Preservation Notice. However, unlike other statutory notices, including those that take immediate effect in particular circumstances, such power was not also retained by the relevant government department (HED in this case). This oversight should be corrected to provide the Department with the ability to take proactive and urgent action in relation to buildings that it considers could have value that would merit statutory listing.

Other Matters

Whilst not directly related to planning legislation, it is important that the Department addresses the ongoing review of the existing planning policy statements – i.e. Countryside, Renewables and Minerals - as councils are still awaiting the outcome of these reviews and they may have an impact on future local policy development. In addition, the Department is still to publish guidance on the assessment elements of new LDPs, including for EQIA and HRA. We also acknowledge that the Department undertook to review the SPPS within five years and this timeframe has clearly passed.

In view of the change to LDPs and the SPPS as the primary focus for policy and the abandonment of PPS guidance, the opportunity should be taken to give greater clarity in relation transitional provisions, including the materiality and weight to be given to extant development plans and previously progressed draft development plans.

Supporting Comments:

See above.

Q.2 Do you believe there are any improvements which may be made to the way in which local development plans are implemented?

Supporting Comments:

No comments on the implementation of LDPs at present as this is post-adoption and, thus far, the Belfast LDP is still at the independent examination stage.

Currently, at this pre-adoption stage, we are generally satisfied with our obligations in terms of the statutory requirements around annual monitoring and periodic review of LDPs.

Planning Control and Additional Planning Control

Q.3 Do you believe there is a need to retain, amend or repeal any provisions of Part 3 or Part 4 of the Act or associated subordinate legislation with regard to the Planning and Additional Planning Control?

Detail relevant provisions:

The following changes to the legislation should be made. The relevant section of the 2011 Act has been provided below but the Department should cross reference with the related parts of subordinate legislation (such as the Planning (Development Management) Regulations (Northern Ireland) 2015 and Planning (General Development Procedure) Order (Northern Ireland) 2015).

<u>Part 3</u>

Hierarchy of Development

S25 – consideration should be given to the creation of a third “Minor” category of development to be more representative of the range of applications. These would include minor application types such as “Householder” applications, Advertisement Consents and applications for Listed Building Consent. At the moment the spectrum of Local applications ranges from a domestic porch to a large residential scheme comprising 49 units – this is far too wide for any meaningful measurement and analysis of Local applications.

Furthermore, consideration should be given to mirroring the categorisation of planning applications in GB (Major, Minor and Other) to aid comparison with neighbouring jurisdictions in areas such as performance and efficiency.

Call in of applications to the Department

S29 – The Department has retained far too many checks and balances in the planning application process when planning powers were transferred to councils. This has led to an unnecessarily bureaucratic process which disempowers councils and undermines local decision making. Furthermore, it increases uncertainty and risk for developers and investors, extends determination times and has a detrimental impact on performance. It is essential to eliminate bureaucracy and significantly improve the efficiency and effectiveness of the NI planning system in order that Belfast and wider region can be economically competitive.

The requirement for councils to notify the Department where it intends to approve permission for Major development and there has been a significant objection from a statutory consultee should be removed. Despite numerous notifications to the Department, no such applications have been 'called in', which demonstrates that the rationale for such decisions by the Council have been sound. There is no reasonable justification for retaining this provision, particularly given the free standing ability of the Department to call in an application at any time. If another statutory agency is sufficiently concerned about the proposed decision they can contact the Department directly to request that the decision be 'called in'. Examples of unacceptable delays include Major planning applications at Academy Street (LA04/2017/2811/F – the notification process took 4 months), Tribeca (LA04/2017/2341/O – 4 months) and Bedford Yard (LA04/2020/0659/F – 3 months).

The requirement to notify the Department of a council's intention to approve Conservation Area Consent should be removed for these same reasons.

The Department should issue clear and explicit guidance on retained notification and call-in processes to aid transparency.

Pre-Determination Hearings

S30 – the requirement for councils to hold mandatory Pre-Determination Hearings should be removed. This requirement is unnecessary administration which adds further delay, confusion and uncertainty to the planning application process; increases risk for developers and investors; hinders performance against the statutory targets; and increases costs for both councils and applicants. The removal of the mandatory requirement would not preclude councils from holding discretionary Pre-Determination Hearings either of its own motion or following consideration of a request from an interested party. Councils already provide public speaking rights at their Planning Committees and so interested parties would already have had opportunity to appear before and be heard by Elected Members. Mandatory Pre-Determination Hearings unnecessarily repeat the process and have no meaningful purpose. Notwithstanding that position the legislation in relation to this issue is complicated and confusing so the wording should be reviewed.

Schemes of Delegation

S31 – Schemes of Delegation – and how councils apportion delegated powers to officers and Elected Members through their respective Planning Committees – is entirely a matter for those individual councils and local decision making. The requirement for the Department to approve

council Schemes of Delegation must be removed as it is unnecessary interference and bureaucracy adding unnecessary delay and costs.

Form and content of planning applications

S40 (and Article 3 of the Planning (General Development Procedure) Order (Northern Ireland) 2015) – the bar for a valid planning application in Northern Ireland is plainly far too low. Applications are invariably not submitted with all the information required by planning policy and good practice, and necessary for councils to make a positive determination at the first time of asking. This results in excessive delays to the application process as the council waits for the outstanding information, significantly contributing to under-performance against the statutory targets for determining Major and Local applications. It adds considerable costs to councils and wastes time for already over-stretched statutory consultees who are asked to comment on information deficient applications.

The Council published its *Application Checklist* in 2018, which provides guidance to customers on which information they should submit with planning applications in order to front-load the process, speed up the determination process and improve the chances of permission being granted. However, the Application Checklist carries no statutory weight and is essentially a "work-around" of the legislation. The Council recently carried out a review of its Application Checklist which demonstrated that it has had a marked positive impact on performance and efficiency, and has been well received by applicants, statutory consultees and staff. A copy of the review has already been provided to the Department and is sent again alongside this response. The review should form part of the evidence base for much needed legislative change to improve information requirements at validation. The Council would therefore welcome an express statutory provision permitting councils to require applications to be accompanied by such additional information and/or documentation as the council specifies by general notice. This would mirror the current process in GB where planning authorities publish a "Local Validation List", setting out minimum information requirements for applications. The Council would also request that such a provision should include the power to refuse an application for failure to provide the information within a certain timeframe (as may be determined by the council) unless the council has expressly agreed to extend that period.

Notice etc. of applications for planning permission and appeals

Article 8 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 – Planning Authorities should have the option of erecting a site notice as an alternative to direct neighbour notification. That is the current approach in GB and works well as it gives Planning Authorities flexibility in tailoring public notification to best meet the particular circumstances of the application. Site notices can often be more cost effective (for example where it is an alternative to neighbour notifying a whole residential apartment block with hundreds of residents – a particular issue in dense built-up areas such as Belfast City Centre). Site notices also publicise applications to a much greater audience than neighbour notification as they can be widely seen from public vantage points close to the site.

The requirement to publicise planning application in the press is outdated and very costly for councils. Belfast City Council's current advertising budget is £50,000. The legislative requirement to publicise applications should be removed in its entirety and substituted by a combination of electronic consultation, neighbour notification and site notices as set out above. At the very least,

the extent to which applications must be advertised must be reduced significantly to only certain types of applications which have the potential for greater impacts, as in GB. This would be limited to applications for Major development, development affecting a Listed Building, development in a Conservation Area and EIA development.

Determination of applications

S40 – a council should only be obliged to determine the application as made (cross reference with Article 3 of the GDPO 2015). A council may accept additional information and amended plans once the application has been made only at its discretion. At the moment many planning applications are generally of poor quality either because information is incomplete or the scheme is obviously deficient in some way. This means that far too many "bad" applications enter the system, wasting council and statutory consultee resources, and significantly contributing to underperformance. Some agents have admitted that they sometimes submit applications in a very basic form "just to get it on the books". Far too often the planning application process is used by customers as an "MOT check" with councils having to identify numerous areas where applications need to be improved.

Indeed, agents/applications often expect to be able to improve their planning application once submitted, notwithstanding the fact that the application process is far from the correct forum for negotiating significant changes to a proposal once in the system. This adds considerable delay and burden on councils, statutory and non-statutory consultees and is fundamentally a disservice to their clients who are often paying significant fees. It is plainly good practice for councils to advise customers as soon as they know that there is a problem with their planning application. However, where those issues are significant and go to the heart of the proposal, the ability to submit amended plans and/or additional information in response to those substantial concerns must be removed. Instead amended plans and/or additional information should only be permitted where they are of a more minor nature and at the discretion of a council. This will improve efficiency, timeliness of decisions and performance. It will also significantly reduce costs for applicants, councils and statutory consultees.

Planning Authorities should be able to "agree an extension" of time for individual planning applications, like in GB. This would take pressure off Planning Authorities having to make a determination in line with the statutory target and enable more modest changes to be made to a planning application by mutual agreement between the Council and applicant. This would result in less conflict in the process, better respond to the requirements of customers, result in more positive decision making and, very importantly, support better quality outcomes on the ground. This new provision would require statutory targets to be redefined to the percentage of decisions achieved within the statutory target rather than average processing time (as in GB).

Matters which may be raised in an appeal

S59 – Belfast City Council considers that this provision should be revised to reflect what the Council considers was intended by its insertion, namely to prevent new information being routinely introduced at appeal. The Planning Appeals Commission continues to accept amendments to proposals and/or new information subsequent to the council's original refusal decision. The rationale for this is that the Council is represented at the appeal and therefore is not prejudiced by the introduction of the new information. This is fundamentally at odds with the way in which planning decisions are now made as part of a democratic process and

administratively unfair. Firstly, it encourages the submission of poor applications as applicants know they have a “second bite of the cherry” to modify their proposal at appeal following refusal of permission by the council. It also means that the appeal is decided on a proposal which was never before the council, had not been considered by its Elected Members in accordance with the relevant Scheme of Delegation, and was not subject to consultation with local people and communities. Section 59 of the 2011 Act should be amended to ensure that appeals can only be determined on the basis of the application as original refused by the council, as in GB. No amendments or new information should be permitted or considered unless of an extremely minor nature.

S76 – in appropriate circumstances, developers should be able to submit a Unilateral Undertaking as a substitute to a Bi or Multi Party planning agreement under Section 76. Unilateral Undertakings can be quicker to arrange and more cost effective, thereby speeding up the planning application process, particularly for Major applications.

The Council is also of the view that Section 76 (15) (a) should be removed as it is unnecessary. This provision requires the Department to be a signature to a Planning Agreement where the application has been made to a council, and the council has an estate in the land to which the proposed agreement relates. There is no such equivalent provision in either GB or the Republic of Ireland.

Part 4

Control of demolition in Conservation Areas

S105 – the requirement for councils to refer an application for Conservation Area Consent to the Department, where it intends to grant permission, is completely heavy handed, disproportionate and unnecessary administrative burden. Demolition in a Conservation Area invariably present only local and not regional issues. The legislative requirement to notify these applications to the Department must be removed.

Other

The Planning (General Development Procedure) Order (Northern Ireland) 2016 must be amended to allow a council to procure its own in-house expertise in areas such as Listed Building; transport and road safety; and local ecological issues, in place of consulting the relevant Government Department and statutory consultee. The existing structure with local government being legally reliant on central government to make planning decisions is exceptionally disjointed, contributes significantly to underperformance and makes the planning system in Northern Ireland highly ineffective. The Department should have transferred greater powers to the new councils in 2015 including responsibility for transport, the majority of Listed Buildings, consideration of ecological issues and regeneration. The recommendations of the “John Irvine report” (2019 review of the effectiveness of the planning system in Northern Ireland, commissioned by the Department) are welcomed, however, they essentially only “paper over the cracks” and fail to address the core systemic issues. Belfast City Council must be a unitary authority with increased planning powers if it is to compete with other cities in these Islands and internationally.

Pre Application Discussions (PADs) are of fundamental importance to front-loading the planning application process, especially for Major and complex Local applications. Statutory consultees

are already overburdened and over-stretched and unable to effectively support statutory consultation on planning applications. They therefore frequently struggle to properly engage in the PAD process due to lack of resources. Legislative change is necessary to enable statutory consultees to charge their own PAD fees with the income ring-fenced to improve capacity. Belfast City Council's experience is that that developers would be willing to pay statutory consultees for PAD advice if it would improve the quality of their applications and significantly improve processing times.

Article 4 of the Planning (General Permitted Development) Order (Northern Ireland) 2015 should be amended to make it clear which matters may be "reserved" i.e. layout, scale, design, access and landscaping.

Supporting Comments:

See above

Q.4. Do you believe there are any improvements which may be made to the way in which planning control is implemented?

Supporting Comments:

See above

Enforcement

Q.5 Do you believe there is a need to retain, amend or repeal any provisions of Part 5 of the Act or associated subordinate legislation with regard to the Enforcement?

Detail relevant provisions:

Issue of enforcement notices by Councils

S38 – Planning Authorities should be able to issue Enforcement Notices, Planning Contravention Notices and other formal notices by electronic means (such as email) as a more efficient and cost effective alternative to issuing such notices by post or in person.

Supporting Comments:

See above

Q.6. Do you believe there are any improvements which may be made to the way in which planning enforcement is implemented?

Supporting Comments:

See above

COVID-19 Recovery

Q.7 Do you believe there are any changes to planning procedures in general which could safeguard the system against potential future adverse impacts associated with emergency situations, such as that currently being experienced as a result of COVID-19 pandemic?

Detail relevant procedures:

Planning register

S242 – during the COVID-19 pandemic, Planning Authorities have had restricted access to their offices meaning that planning registers have been unable to be viewed in person by the public. Legislative change is required to suspend these requirements during emergency situations.

Supporting Comments:

See above

Other Parts of the 2011 Planning Act

Q.8 Do you believe there is a need to retain, amend or repeal any provisions of other parts of the 2011 Planning Act, or associated subordinate legislation?

Detail relevant provisions:

Correction of errors in decision documents

S219 – this provision should be enacted to give Planning Authorities the ability to address correctable errors in decision notices.

Fees and charges

S223 – the Planning (Fees) (Amendments) Regulations (Northern Ireland) 2019 must be fundamentally reviewed. The net cost of the Belfast City Council's Planning Service is £1.2m – planning fee income falls well short of the service being cost neutral. This means that rate payers are unfairly subsidising the Council's delivery of its Planning Service. We have raised this specific concern with the Northern Ireland Audit Office who are currently conducting an audit of the NI planning system.

In addition, charging must be introduced for current non-fee paying applications such as Discharges of Condition; Non Material Changes; Proposal of Application Notices and Listed

Building Consent (where there is no accompanying planning application). These applications represent a significant proportion of the Council's overall workload yet there is no charge for these services. Work has previously been carried out by the SAO Group at the behest of the Strategic Planning Group to quantify the significant levels of non-fee playing application work undertaken by Planning Authorities. Belfast City Council estimates that approximately 25% of applications attract no fee.

Measurement of statutory performance

The way in which planning application performance is measured should be reviewed. The approach in GB of measuring the percentage of applications determined within the statutory target should be adopted. This would facilitate the introduction of the provision allowing Planning Authorities to agree an extension of the determination with the applicant. Combined with the re-categorisation of planning applications in line with the GB model, this would allow direct comparisons to be made with GB, aiding assessment of performance and efficiency.

Withdrawn applications should be removed from the statutory measures since they are not decision made by the council but by the applicant. It is manifestly unfair to measure the performance of councils on decisions which are out of their hands.

Final disposal of an application

Article 40(13) (a) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 allows Planning Authorities to "Finally Dispose" of applications where an application had not been determined and the statutory time limit for lodging an appeal has expired. At the moment, councils have no ability to remove an application from the system if it has stalled indefinitely and in a state of flux. Final disposal effectively allows a council to "withdraw" an application itself without the additional cost of having to process it to completion.

Supporting Comments:

See above

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Review of the Implementation of the Planning Act (NI) 2011

Report
January 2022



This review of the implementation of the Planning Act (Northern Ireland) 2011 (the Planning Act) has been carried out in accordance with section 228 of the Act.

It deals with the implementation of the Act and is not a detailed examination of the operation or performance of the overall new two-tier planning system. A separate Planning Monitoring Framework has been developed in conjunction with councils which includes a series of indicators to provide a more comprehensive assessment of the planning system.

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EXECUTIVE SUMMARY

The enactment of the Planning Act (NI) 2011 provided the legislative basis for the most significant reforms of the Northern Ireland planning system in a generation. These reforms impacted on every aspect of planning, including how development plans are drawn up, how development proposals and applications are managed and the way in which these functions are delivered. The key reforms set out to deliver the complete overhaul and redesign of the development plan and development management systems with the aim of improving efficiency and effectiveness. Significant changes were also made in relation to planning appeals and enforcement.

Overall, the aim of the Act is to create a planning system which is quicker, clearer and more accessible, with resources better matched to priorities. The Act also gives effect to local government reform changes which transferred the majority of planning functions and decision making responsibilities for local development plans, development management plus planning enforcement to locally accountable councils. This provides a framework for locally elected politicians to shape the areas within which they are elected based on an enhanced understanding of the needs and aspirations of local communities.

The majority of the Act came into operation for departments and councils in April 2015 and it was supported by a significant and comprehensive programme of subordinate legislation and guidance.

Section 228 of the Act requires the Department to review and issue a report on its implementation 3 years after the commencement of Part 3 and once in every five years thereafter. The requirement to review and publish a report on its implementation is to ensure the Department monitors and reports on the coming into operation of the provisions within the Act, to provide a level of assurance that the legislative framework for the delivery of a reformed two-tier planning system has been implemented, and in a timely fashion.

The Terms of Reference for the review are set out in The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020[1] which specify that it must consider: the objectives intended to be achieved by the Planning Act; assess the extent to which those objectives have been achieved; and assess whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act or subordinate legislation made under the 2011 Act, in order to achieve those objectives.

To assist the review and to better understand stakeholders views on how the Act has been implemented, the Department issued a Call for Evidence (CfE) in February 2021, which ran for over an 8 week period. The CfE was part of the process of gathering additional information to help inform the preparation of the review report and the evidence submitted aided the Department's understanding of the outworking of the Act and associated subordinate legislation.

The review found that the vast majority of provisions within the Planning Act have been implemented and that the transfer of responsibility for the majority of

[1] https://www.legislation.gov.uk/nisr/2020/218/made

planning functions to locally accountable councils has been achieved, together with the establishment of the two-tier planning system. A small number of provisions have yet to be commenced including the Review of Mineral Planning Permissions, the Correction of Errors, and section 63(1)(d) with regard to permission deemed to be granted under the Electricity (NI) Order 1992.

Councils are preparing local development plans for their areas, have published statements of community involvement and now determine the vast majority of planning applications. Changes to the decision making process including pre-application community consultation and pre-determination hearings have further enhanced community engagement and have allowed greater public involvement and transparency in the determination of planning applications. Councils are also exercising their planning enforcement duties, investigating alleged breaches of planning control and taking action as appropriate.

The Department is determining applications for 'regionally significant development' under section 26, or applications 'called-in' under section 29 of the Planning Act. Since the commencement of the Act, the Department has also published the Strategic Planning Policy Statement for Northern Ireland setting out the Department's regional planning policies in a shorter more focused document, and has published extensive guidance by way of Practice Notes on the reformed planning system.

The review also found that 162 sections of the Act, or just under two-thirds of its provisions had not been remarked upon in the CfE and the Department has, therefore, drawn the conclusion that these should largely be retained as structured. Key issues emerging from the responses to the CfE included the timeliness of councils bringing forward their local development plans and delays in processing times for some planning applications, particularly major applications. Many respondents pointed to potential legislative changes which might address perceived obstacles in the system.

In seeking to address the findings from the review the Department has made 16 recommendations / actions covering aspects of the Planning Act governing, development planning, development management, planning enforcement and additional planning control. These include recommendations, on reviewing the consultation requirements in plan-making, on improving the quality of planning applications submitted, increasing the use of digital technology in the planning system, reviewing: categories of development; Departmental Directions and the Department's approach to call in notifications; and aspects of the appeals system around restricting new material at appeal and the variation of proposals at appeal. A summary list of the actions/recommendations is provided at paragraphs 12.12 of this report.

Background

1. In 2007 the then Minister of the Environment, Arlene Foster MLA, announced a programme to reform the Northern Ireland planning system. Following extensive stakeholder engagement, the Department of the Environment consulted in 2009 on a wide range of proposals to ensure a modern, efficient and effective planning system to support the Northern Ireland Executive in delivering on its key priorities. The consultation also outlined the changes required to implement the decisions taken under local government reform which would see responsibility for the majority of planning functions returning to local government. Taken together the proposals would represent the most fundamental change to the planning system in Northern Ireland in over 30 years.

1.1. The Planning Act paved the way for implementing the reforms. In parallel with local government reform, many of the provisions of the Act came into operation on 1 April 2015 when responsibilities for the majority of planning functions transferred to the newly formed councils.

1.2. In addition, in May 2016 The Departments Act (Northern Ireland) 2016, reduced the number of government departments from 12 to 9. This was the culmination of discussion going back a number of years on the shape and size of the Northern Ireland Executive.

1.3. As part of this restructuring, the majority of departmental planning functions of the former Department of the Environment were transferred to the Department for Infrastructure, while responsibility for the Planning Appeals Commission under Part 9 of the 2011 Act was transferred from the Office of the First and deputy First Ministers to the Department of Justice. In addition a number of historical built environment functions of the 2011 Act were transferred to the Department for Communities. These included the:

- power to list buildings under sections 80 to 84;
- power to designate conservation areas under section 104; and
- listed building enforcement powers under sections 158 to 161.

1.4. While the Planning Act received Royal Assent in May 2011, the operation of the vast majority its provisions did not commence until 2015, in parallel with the reform of local government and transfer of planning functions. This occurred via the following orders:

- The Planning (2011 Act) (Commencement No.1) Order (NI) 2011;
- The Planning (2011 Act) (Commencement No.2) Order (NI) 2015; and
- The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) Order (NI) 2015 (as amended).

The aim / objectives underpinning the Planning Act

2. The key aims of the reform of the planning system were to:-

- deliver Northern Ireland Executive decisions to transfer the majority of planning functions to the newly formed councils thus creating a two tier planning system; and
- bring forward short, medium and long term process improvements to modernise the system.

2.1. The main objectives were:-

- the continued formulation and co-ordination of planning policy by the Department;
- councils preparing local development plans;
- councils determining the majority of planning applications for development and additional planning related consents; and
- councils taking appropriate enforcement action where a breach of planning control may have taken place.

2.2. The main reform objectives were further underpinned by actions to:-

- further sustainable development;
- enhance community involvement in the planning process;
- make more timely decisions in ways which are transparent and demonstrably fair;
- allow higher fines for planning offences; and
- bring forward reforms to the planning appeals system.

Introduction

Review of the Implementation of the Planning Act

3. Section 228 of the Planning Act (Northern Ireland) 2011 (the Planning Act) requires the Department to review and issue a report on the implementation of the Act 3 years after the commencement of Part 3 of the Act, and at least once in every 5 years after that. Part 3 commenced on the date of transfer of planning functions to district councils on 1 April 2015. The Department is required to make regulations setting out the terms of the review.

3.1. The delay in meeting the initial timeframe set out in the Act for making the regulations and publication of the associated report, stems from decisions (not to proceed) made under the NI (Executive Formation & Exercise of Functions) Act 2018. These decisions determined that in the absence of a Minister or functioning Assembly, it would not be appropriate to make the regulations, and to publish the subsequent report on the implementation of the Planning Act. The Regulations were, however, subsequently made in October 2020.

The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020

3.2. The Planning Act 2011 (Review) Regulations (Northern Ireland) 2020[2] specify that the review must:-

- consider the objectives intended to be achieved by the Planning Act;
- assess the extent to which those objectives have been achieved; and
- assess whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act or subordinate legislation made under the 2011 Act, in order to achieve those objectives.

Purpose and Scope

3.3. The requirement to review and publish a report on the implementation of the Act is to ensure the Department monitors and reports on the coming into operation of the provisions within the Act, to provide a level of assurance that the legislative framework for the delivery of a reformed two-tier planning system has been implemented and in a timely fashion.

3.4. The focus of the review is, therefore, on the implementation of the legislative provisions of the Act itself and the extent to which the original objectives of the Act have been achieved. This will then inform whether there is a need to **retain, amend or repeal** any provisions of the Act. The review also provides an opportunity to consider any improvements or 'fixes' which may be required to the way in which the Planning Act has been commenced and implemented in subordinate legislation. Issues with the planning system that have surfaced as a result of the Coronavirus pandemic will also be examined as part of this review.

[2] https://www.legislation.gov.uk/nisr/2020/218/made

3.5. It is important, however, to highlight that the review is not envisaged as a fundamental root and branch review of the overall two-tier planning system or the principles behind the provisions. It is still relatively early days in the delivery of the new system, compared with other jurisdictions. The review will look at how the provisions of the Act are working in practice and whether there are any changes that could be implemented to further improve the system for all stakeholders – including councils, developers, and the wider public. The focus is not just on planning decisions, but also on the delivery of new local development plans which will provide certainty for the longer term. Changes and 'fixes' may not always require legislative change.

3.6. The Review Report is structured in two parts:

- **Part I** deals with the technical and legislative implementation of the Planning Act, and its supporting subordinate legislation and directions against the stated aim / objectives to determine if what was intended to be achieved, has indeed been accomplished; and

- **Part II** examines and assesses the outworking of the Act, and it's supporting subordinate legislation and directions, to determine whether, in considering the objectives, it is appropriate **to retain, amend or repeal** any of the provisions of the Act to better achieve those objectives. This includes examination of potential amendments or 'fixes' to various elements of the planning system.

Call for Evidence

3.7. To assist the review and to better understand stakeholders views on how the Act has been implemented, the Department issued a Call for Evidence (CfE) in February 2021. The CfE formed part of the process of gathering additional information which helped to inform the preparation of the review report, particularly the assessment under **Part II**. The evidence submitted improved the Department's understanding of where there may be a need to retain, amend or repeal particular parts or sections of the Act, or associated subordinate legislation. The questions in the CfE were structured within the context of the terms of the review set out in the associated Review Regulations.

3.8. The CfE sought to target and engage with key stakeholders in the planning system including, councils, statutory consultees, professional bodies, community, business and environmental interests, however, it was open to anyone to respond. It was undertaken over an 8 week period ending 16 April 2021 and attracted 55 responses. While comments were principally sought on those parts of the Act covering local development plans, development management and enforcement, the Department was happy to receive comments on any element of the Act, or associated subordinate legislation.

3.9. In summary, almost two-thirds of the Act (162 sections) were not remarked upon. As had been anticipated, the vast majority of comments focused on sections with regard to Local Development Plans (LDPs), development management and planning enforcement. Comments were also received with regard to the functioning of the planning system within the context of the COVID 19 pandemic and post pandemic recovery. Following analysis of responses, the broad themes to emerge included calls:

- for the planning system as a whole, to take account of other strategies on for example: climate, environment, renewable energy;
- to streamline, and address perceived obstacles / inefficiencies in local development plan-making;
- for greater clarity in the role of the Department in plan-making, development management / decision-taking, and planning enforcement;
- for quicker and more streamlined decision-taking on planning applications and to address perceived obstacles at various stages including, pre-application consultation, and pre-determination hearings;
- to better utilize digitization across the planning system, including a review of planning application and advertising requirements;
- to uplift and broaden the scope of planning fees to better match costs;
- for greater and more regular use of powers to assess a council's performance;
- to future-proof planning against potential emergencies, for example: extending extant planning permissions, and suspending in-person engagement;
- for greater powers to councils in relation to conservation areas and trees;
- to commence the Review of mineral planning permissions;
- to prioritise 'green infrastructure' projects in post-COVID 19 recovery.

3.10. While the above comments provide a broad summary of the responses received to the individual CfE consultation questions, a more detailed consideration of individual proposals, from respondents is set out at Part II of this report. It aims to address the primary issues raised and proposed actions where appropriate, while recognising more detailed consideration of the issues raised will be necessary as policy responses are considered and developed. While we have made every effort to reflect the broad range of opinion, the analysis of evidence gathered from the CfE is not intended to be a comprehensive examination on every single comment received; rather it aims to provide a broad indication of the level and diversity of representations made.

3.11. In some instances contributors in their responses to the CfE made comparisons between the planning systems here with those in other jurisdictions. While there are similarities across the various jurisdictions, there are also significant differences in how each planning system works, how performance is measured, and the political and administrative contexts. It is, therefore, difficult to assess the functionality and performance of the planning system in the North against that of other parts of this island or in GB.

3.12. It is important to mention however that the performance of the system has been impacted by the COVID 19 pandemic. Nevertheless, the Department has continued to bring forward a number of work streams to address process improvements. A Planning Forum has been established, the key focus of which is to oversee the implementation of recommendations made in an independent report on the role of statutory consultees in the planning process. This work has a particular focus on improving processes and timeframes for major and economically significant planning applications. Statutory consultees have a legislative requirement to respond to planning consultation requests within 21 calendar days and the latest annual statistics show that they responded to 76% of all planning application requests in 2020-21 within 21 days, which was an improvement of 7% over the previous year, despite the impacts of the pandemic.

3.13. Furthermore, the Minister convened a Planning Engagement Partnership (PEP) whose purpose is to look at enhancing the quality and depth of community engagement in the planning process at both regional and local planning authority levels. The Partnership is currently preparing its report with recommendations for improvement, which is due to be published early in 2022.

3.14. Officials also regularly meet council heads of planning to discuss matters of policy and practice which may be affecting performance in various areas of the planning system. In addition, the Department and 10 councils are working together to take forward a new regional Planning IT system to provide a more modern planning service to the public, consultees and staff, including the ability for the public to submit planning applications on-line. This is expected to be operational in late summer 2022.

PART I

The Legislative Implementation of the Planning Act

4. The Planning Act, which received Royal Assent on 4 May 2011, is the primary legislative vehicle for the modernisation and reform of the planning system. It made the necessary provision for the transfer of responsibility for the majority of planning functions from central government to the newly formed district councils on 1 April 2015. The Act and the Explanatory Notes are available on the government's legislation website (www.legislation.gov.uk).

Commencement of the Planning Act

4.1. The Act consists of 15 Parts, 255 sections and seven schedules. Amendments to timeframes for taking enforcement action and also a number of increased penalties were introduced from 1 December 2011, however, as previously indicated, the majority of provisions came into operation on 1 April 2015. The provisions of the Act which have been implemented are:

- Part 1 Functions of the Department for Infrastructure with respect to the development of land
- Part 2 Local development plans
- Part 3 Planning control
- Part 4 Additional planning control (except Chapter 4)
- Part 5 Enforcement
- Part 6 Compensation
- Part 7 Purchase of estates in certain land affected by planning decisions
- Part 8 Further provisions as to historic buildings
- Part 9 The Planning Appeals Commission
- Part 10 Assessment of council's performance or decision making
- Part 11 Application of Act to crown land
- Part 13 Financial provisions
- Part 14 Miscellaneous and general provisions
- Part 15 Supplementary
- Schedule 1 Simplified planning zones
- Schedule 4 Amendments to the Land Development Values (Compensation Act (Northern Ireland
- Schedule 5 The Historic Buildings Council
- Schedule 6 Minor and consequential amendments
- Schedule 7 Repeals

4.2. A small number of the provisions of the 2011 Act have not yet been commenced, these are:

- Part 4 – Chapter 4 Review of Mineral Planning Permissions;
  - Schedule 2 – Review of old mineral planning permission;
  - Schedule 3 – Periodic review of mineral planning permissions;
- Part 12 – Correction of Errors; and
- Section 63(1)(d) – permission deemed to be granted under paragraph 3(1) of Schedule 8 to the Electricity (NI) Order 1992[3].

Review of Old Minerals Permissions

4.3. Whilst the introduction of the legislation relating to the Review of Minerals Permissions (ROMPs) in Northern Ireland has not been commenced, no decision has been taken not to implement ROMPs. Officials are continuing to examine a number of options in relation to the commencement of ROMPs legislation. The Minister intends to consider options on the way forward early in 2022. In the meantime, councils have a broad range of enforcement powers available under the Planning Act where they believe a developer is operating outside the terms of a permission. Councils remain best placed to investigate such planning matters and have a responsibility to do so. The planning system together with other environmental and pollution control legislation will continue to facilitate improvements in the operational requirements of mineral facilities as well as limiting potential adverse environmental effects.

Correction of Errors

4.4. Part 12 of the Planning Act is intended to allow a council to correct minor miscellaneous and typographical errors in certain planning decision documents that it has issued. For example, where the name of the applicant has been misspelt. Correctable errors are errors which do not form part of any reason given for the decision and cannot change the decision. The Department did not commence Part 12 because of an anomaly at section 221, where the effect of a correctable error would change the original date of the decision document to the date of the correction. If commenced in its current form, this would be problematic in that it would affect the date on which planning permission was granted or refused and would have an effect on the duration of the planning permission or the time within which an appeal may be made to the Planning Appeals Commission. The Department proposes to make a minor technical amendment at an appropriate legislative opportunity to remove this anomaly and subsequently commence Part 12.

[3] https://www.legislation.gov.uk/nisr/2015/25/article/3/made

4.5. However, in the meantime as in other jurisdictions, a council can correct minor errors administratively providing there is a clear and recorded audit trail of that correction.

Deemed Permission under the Electricity (NI) Order 1992

4.6. Section 63(1)(d) of the Planning Act has not yet been commenced because the provision to which it relates, namely, paragraph 3(1) of Schedule 8 to the Electricity (NI) Order 1992 has itself not yet been commenced.

4.7. Paragraph 3(1) of Schedule 8 to the 1992 Order was inserted by Article 2 of the Electricity Consents (Planning) (NI) Order 2006. This Order amends the Electricity (Northern Ireland) Order 1992 to enable the Department for the Economy (DfE) to grant deemed planning permission and deemed hazardous substances consent on an application for its consent under Schedule 8 to that Order. Article 2 of the 2006 Order is to be commenced on such day as is appointed by DfE. No such day has been appointed by DfE, and as such the Department does not consider it appropriate to commence a provision that does not have any effect.

4.8. Once a policy decision is taken by DfE to commence the relevant provisions of the 2006 Order this Department will make a further order under the Planning Act to commence this section.

Subordinate Legislation

4.9. The Department initially made 22 statutory rules and four directions under the Planning Act to facilitate the transfer of planning powers and the introduction of the two-tier planning system in 2015. This subordinate legislation was the subject of two public consultations during 2014 and may be viewed on the Planning Portal. It underpins the Planning Act and sets out the detailed statutory requirements for key processes such as the preparation of local development plans and the submission of planning applications. These ensure certain statutory functions are carried out and provide a level of conformity throughout the NI planning system. There are currently almost 40 statutory rules in place.

Legislative Directions

4.10. The Department currently has six Legislative Directions in place which are a means of modifying the detailed application of the legislation. For example The Planning (Notification of Applications) Direction 2017 requires councils to notify the Department of certain applications which allows the Department to consider if the application should be called-in for the Department's determination.

Other Legislation

4.11. The planning system is also supported by a substantial amount of extant legislation relating to matters such as planning blight, compensation, etc.

Legislative Implementation

4.12. The vast majority of provisions within the Planning Act have been commenced and are being implemented, resulting in the successful introduction and operation of the reformed two-tier planning system, in parallel with local government reform.

4.13. The following sections of this review, will report on how the transfer and reform objectives are being delivered in the key areas of formulating policy, preparation of local development plans and in the exercise of development management.

Functions of the Department for Infrastructure

Planning Policy

5. Part 1 of the Planning Act sets out the Department's functions with respect to the development of land. In anticipation of the two-tier planning system the reforms proposed that Departmental planning policy should move away from providing detailed operational guidance and advice and concentrate on providing strategic direction and regional policy advice to be interpreted locally in the preparation, by councils, of local development plans and in decision-taking. The aim was to move to shorter, more focused documents prepared in a shorter timescale. Under section 1 of the Planning Act the Department must carry out its policy formulation functions with the objective of furthering sustainable development and promoting or improving well-being.

The Strategic Planning Policy Statement

5.1. In September 2015 the Department of the Environment published The Strategic Planning Policy Statement, prepared under section 1 of the Act. This sets out the Department's regional planning policies for securing the orderly and consistent development of land in Northern Ireland under the reformed two-tier planning system. The provisions of the SPPS apply to the whole of Northern Ireland. They must be taken into account in the preparation of local development plans and are material to all decisions on individual planning applications and appeals. The Department keeps the SPPS under review and brings forward updated policy as required. It is currently taking forward a review of strategic planning policy for renewable and low carbon energy and a separate review in relation to oil and gas development.

Departmental Guidance

5.2. As well as developing policy the Department provides additional advice and guidance to assist the effective and efficient operation of the planning system as appropriate. This includes DFI Rivers Guidance, DFI Roads Guidance, Chief Planner's letters as well as Planning Practice Notes (PPN) for councils and the public. The PPNs relate to advice and guidance post-April 2015. They are designed to guide planning officers and relevant users, including the community, through the drafting of a Local Development Plan, the legislation and procedures associated with development management and planning enforcement. To date a series of PPNs have been produced and published which can be added to or amended as and when required. The PPNs can be viewed at the links below.

- local development plans;
- development management; and
- planning enforcement.

Department's Statement of Community involvement

5.3. The objective of enhancing community involvement in the planning system has seen significant gains since the transfer of planning powers. Section 2 of the Act required the Department to prepare and publish a Statement of Community Involvement (SCI) setting out its policy as to the involvement of the community in the Department's planning functions under Part 3: Planning Control. The Department first published its SCI on the Planning Portal in March 2016 with a revision in 2021.

5.4. The publication of Departmental and council SCIs fully enables the community to understand how they can become involved in the planning system. Commentary on council SCIs is included at paragraph's 6.2-6.3.

Department's oversight and intervention powers

5.5. As is the case in GB, the Department has a number of powers to oversee and intervene in the planning system if, for example, it believes a council is failing or omitting to carry out its planning functions. These include powers to intervene in the preparation of development plans, the determination of planning applications, exercising other planning controls and assessing council's performance or decision making. The Department has consistently indicated that it intends to use the powers only in exceptional circumstances and this has been the position to date.

Local Development Plans

6. Part 2 of the Act transferred development planning to councils and aims to provide an effective, up to date development plan system. The Planning Act sets the framework for a new development plan system with provisions to:

- speed up the development plan preparation process (programme management);
- ensure more effective participation from the community and other key stakeholders early in plan preparation (statements of community involvement, Preferred Options Paper);
- create a faster more effective approach to examining plans at independent examination moving away from objection based examination to testing the soundness of the plan; and
- create a more flexible approach that is responsive to change and capable of faster review (sustainability appraisal, annual monitoring and review).

6.1. This is intended to provide more clarity and predictability for developers, the public and other stakeholders. In conjunction with community planning it will also assist the new 11 district councils to target action to tackle social need and promote social inclusion.

Councils Statements of Community Involvement

6.2. Under section 4 each council is required to prepare and publish a statement of community involvement (SCI). The council SCI is a statement of the council's policy for involving interested parties in matters relating to development in its district. The statement applies to both the preparation and revision of a development plan and to the exercise of a council's functions in relation to planning control. A council must prepare its local development plan in accordance with its SCI.

6.3. All 11 councils have published their SCIs in accordance with section 4 of the 2011 Act. The SCIs can be viewed on the council websites through the links below.

- Antrim and Newtownabbey
- Ards and North Down
- Armagh, Banbridge and Craigavon
- Belfast
- Causeway Coast and Glens
- Derry City and Strabane District
- Fermanagh and Omagh
- Lisburn and Castlereagh City Council
- Mid and East Antrim
- Mid Ulster
- Newry, Mourne and Down

Preparation of Local Development Plans

6.4. Each council is required to prepare and adopt a local development plan (LDP) for its district. The LDP is made up of two development plan documents (DPD), the Plan Strategy and the Local Policies Plan. When adopted these DPDs will replace the extant development plans adopted by the Department under the Planning (Northern Ireland) Order 1991.

6.5. The preparation of a LDP consists of three main processes:
- publication and public consultation of a Preferred Options Paper;
- publication, public consultation, independent examination and adoption of the Plan Strategy; and
- publication, public consultation, independent examination and adoption of the Local Policies Plan.

6.6. The Department's Development Plan Practice Notes for LDPs are available on the Planning Portal.

Local development plan progress by the councils

6.7. Each council's progress with its LDP can be viewed on its website (web links are provided below). Each council must also publish the following documentation on its website:
- LDP timetable for the preparation and adoption of the LDP;
- the Preferred Options Paper;
- the DPDs;
- copies of valid representations received during the public consultations;
- details of the independent examination;
- the report of the independent examiner; and
- the Department's Direction to adopt the DPD.

6.8. All 11 councils are advancing new local development plans and the Department has oversight of the LDP programme. As of the date of this report, 7 councils have now published and consulted upon their draft Plan Strategies which is the first formal stage of the LDP preparation process. Draft Plan Strategies will be subject to Independent Examination (IE) before the PAC (or independent examiner) prior to being adopted.

6.9. The PAC forwarded the IE Report of Belfast City Council's Draft Plan Strategy to the Department on 29th September 2021. Officials are in the final stages of considering the recommendations. Fermanagh and Omagh District Council draft Plan Strategy is now with the PAC for IE, and hearing sessions commenced on 18th January 2022 for 2 weeks, with further sessions scheduled for February and March 2022. The Department has also caused the IE's for Antrim and Newtownabbey Borough Council, Mid and East Antrim Borough Council and Lisburn and Castlereagh City Council. It is anticipated hearing sessions for these three Councils will be conducted by the PAC during 2022, and Commissioners for all have now been appointed. The Department are currently in receipt of the Mid Ulster draft Plan Strategy submission, and it is anticipated Derry City and Strabane District Council will

submit a draft Plan Strategy for Independent Examination in line with the Council's agreed timetable in February 2022.

6.10. Current progress on each of the councils' LDPs can be viewed via their respective website provided at the following links:

- Antrim and Newtownabbey
- Ards and North Down
- Armagh, Banbridge and Craigavon
- Belfast
- Causeway Coast and Glens
- Derry City and Strabane District
- Fermanagh and Omagh
- Lisburn and Castlereagh City Council
- Mid and East Antrim
- Mid Ulster
- Newry, Mourne and Down

6.11. Part 2 of the Planning Act also contains a number of departmental oversight and scrutiny powers as well as powers for the Department to intervene in the plan making process, if necessary. The preparation of the new local development plans by all councils is progressing and the Department has established a team to liaise with councils at various stages to review and where appropriate agree key documents such as plan timetables and, progression of development plan documents. Discussions have also been ongoing with the PAC as preparations move towards independent examinations.

Planning Control

7. Parts 3, 4 and 5 of the Planning Act set out a range of powers from processing planning and other consent applications through to enforcement against potential breaches of planning control. They also include powers for the Department to intervene, if appropriate.

Determination of planning applications by councils

7.1. As was the intended objective, councils now determine local and major planning applications, which represent the vast majority of all planning applications, while the Department determines a small number of regionally significant development proposals (RSD) and other 'call-in' applications. The thresholds for the three categories of development are set out in the Planning (Development Management) Regulations (Northern Ireland) 2015. Performance targets for the determination of planning applications are set out in The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

7.2. The following table sets out the number of all planning applications, local, major and regionally significant determined each year from April 2015.

(Web-links to all planning statistics are available at paragraph 7.4 of this report):

Planning Applications Received and Decided[4]

2015/16	12,220	11,034	10,341	93.7%
2016/17	13,037	12,957	12,180	94.0%
2017/18	12,933	12,314	11,548	93.8%
2018/19	12,541	12,156	11,330	93.2%
2019/20	12,207	11,747	11,044	94.0%
2020/21	12,833	10,483	10,029	95.7%
Total	**75,771**	**70,691**	**66,472**	**94.0%**

Determination of planning consent applications by councils

7.3. In addition to the determination of applications for planning permission, councils are also responsible for determining applications for listed building consent, conservation area consent, hazardous substances consent, display of advertisement consent and applications for works to trees protected by tree preservation orders.

Access to Planning Statistics

7.4. The quarterly and annual planning statistics may be viewed on the Department's website at Planning Statistics.

Department's Development Management Functions

Determination of regionally significant planning applications by the Department

7.5. Under section 26 of the Planning Act the Department is responsible for determining regionally significant development (RSD) applications. RSD is development which if carried out would:

(a) be of significance to the whole or a substantial part of Northern Ireland or have significant effects outside Northern Ireland, or
(b) involve a substantial departure from the local development plan for the area to which it relates.

7.6. If a developer proposes to carry out development which may fall into the RSD category then the developer must, before submitting an application, enter into discussions with the Department to determine if that proposed development is RSD. If the Department considers that the proposed development is RSD the application must be submitted to the Department, but if the Department considers that the proposed development is not RSD then the application should be submitted to the relevant council.

[4] https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics

Determination of called in applications by the Department

7.7. Under Section 29 of the Planning Act the Department may call in planning applications for its own determination. Councils are required to notify the Department of certain applications in accordance with the Department's three notification directions. Once notified the Department will consider whether or not to call in the application for its own determination or allow the council to continue and determine the application itself.

7.8. The notification directions[5] apply to applications where a council is of the opinion to grant planning permission, in the following cases:

- a government department or statutory consultee has raised a significant objection to a major development application;
- a major development application which would significantly prejudice the implementation of the local development plan's objectives and policies;
- a major development application which would not be in accordance with any appropriate marine plan adopted under the Marine Act (Northern Ireland) 2013;
- planning applications for both major and local development in which the council has an interest and the proposal would be significantly contrary to the development plan for its district; or
- where a council proposes to grant planning permission for petroleum development.

7.9. The Department may also receive requests from other interested parties that an application is called in. A small number of planning applications relative to the total number of applications have been called in by the Department since April 2015. The following table sets out the number of call-in applications, together with those for regionally significant development received and decided by the Department each year, since April 2015. [These figures do not include legacy applications retained by the Department at the point of transfer, details of which are available at the web-link provided at paragraph 7.4].

Departmental Planning Applications Received and Decided[6]

2015/16	6	8	14	0	0
2016/17	2	13	15	11	11
2017/18	2	5	7	4	4
2018/19	0	4	4	2	2
2019/20	0	5	5	2	2
2020/21	1	2	3	5	4
Total	**11**	**37**	**48**	**24**	**23**

[5] https://www.infrastructure-ni.gov.uk/publications/planning-legislative-directions
[6] https://www.infrastructure-ni.gov.uk/articles/planning-activity-statistics

Enhanced Community Involvement

Pre-application community consultation

8. Section 27 of the Act places an obligation on the developer to consult the community in advance of submitting an application if the development falls within the major development category. This includes those major developments which the Department will determine because they are of regional significance.

8.1. Where developers engage in meaningful pre-application consultation, local communities can be better informed about development proposals and have an opportunity to contribute their views before a formal planning application is submitted. In so doing, it is hoped this will subsequently improve the quality of planning applications received; mitigate negative impacts where possible; address community issues or misunderstandings; and provide for smoother and more effective decision making. The developer must submit a pre-application community consultation report with the application. The purpose of the report is to confirm that pre-application community consultation has taken place in line with the statutory minimum requirements. The report should contain details of the steps that have been taken to comply with the requirements for consultation. Developers are required to demonstrate how they have considered any representations made during the consultation and any steps they have taken to address any issues raised in the representations.

8.2. Pre-application community consultation (where required) is now an established part of the planning process. The Department's guidance on pre-application community consultation is available on the Planning Portal.

Pre-determination hearings

8.3. The introduction of pre-determination hearings (PDH) has also allowed the community the opportunity of appearing before and being heard by the council's planning committee before the committee makes its determination on the application. Section 30 of the Act and Regulation 7 of the Planning (Development Management) Regulations (Northern Ireland) 2015 requires councils to hold a PDH were the Department has decided not to call-in an application that was notified to it by the council. The council also has the discretion to carry out a PDH for any application that it determines.

8.4. The council must give the developer and those who submitted representations on the application an opportunity of appearing before and being heard by the planning committee. The format and attendance at the hearing is left to the council's discretion. The council also has discretion to consider if they require further representation from statutory consultees. Councils have published their own guidance on their policies for PDH which are now an established part of the planning system.

Planning Enforcement

9. Under Part 5 of the Planning Act councils have primary responsibility for planning enforcement in their administrative areas. It is the responsibility of a council to investigate all alleged breaches of planning control.

9.1. As well as transferring enforcement powers and amending time limits within which action may be taken in respect of planning control, the Act contains provisions for the imposition of potential fines which were increased from £20,000 to £100,000 on summary conviction for a range of offences:

- the unauthorised works to a listed building;
- the unauthorised demolition of a building in a conservation area;
- the contravention of a hazardous substances consent; and
- the breach of a stop notice.

9.2. Whilst the fines have been increased it is a matter for the courts to decide the amount of the fine levied on the offender in any particular case.

9.3. The performance targets for enforcement cases are set out in The Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015.

9.4. The Department's enforcement powers are only intended to be exercised in exceptional circumstances. An overview of enforcement responsibilities is set out in the advice document "Overview of Planning Enforcement Responsibilities"

Planning Appeals

10. Planning appeals are determined by the Planning Appeals Commission (PAC). The PAC is an independent and appellant body, it is not part of any Government Department. It receives financial and administrative support from its sponsor body, the Northern Ireland Courts & Tribunals Service. Information on appeals and Inquiries/Hearings for RSD and called-in applications may be viewed by visiting Digest | Planning Appeals Commission.

10.1. In relation to appeals, the Planning Act reduced the time limit for submitting appeals from six months to four months, extends the non-determination period for major development applications; aims to restrict the introduction of new material at appeal; and provides for the award of costs. The following tables set out figures for the number of appeals received and decided from 2016/17 (by appeal type).

Appeals received, by appeal type[7]

Appeal Type	2016/17	2017/18	2018/19	2019/20	2020/21
Refusal or conditional grant of planning permission	221	207	204	215	139
Non determination of planning application	4	4	9	9	7
Enforcement Related	53	53	67	69	56
Other *advertisements, roads, listed buildings consent	22	45	43	34	7
Total	**300**	**309**	**323**	**327**	**209**

Appeals decided, by appeal type[8].

Appeal Type	2016/17	2017/18	2018/19	2019/20	2020/21
Refusal or conditional grant of planning permission	221	198	179	175	126
Non determination of planning application	11	7	1	11	5
Enforcement Related	36	44	56	51	35
Other *advertisements, roads, listed buildings consent	28	27	42	40	17
Total	**296**	**276**	**278**	**277**	**183**

Award of Costs

10.2. The power to award costs was a significant reform aimed at improving the behaviour of all parties in the appeal process. The PAC now has the power to make an order requiring the costs of one party to be paid where another party's unreasonable behaviour has put it to unnecessary expense. The following table set out a brief overview of the number of costs awards from 2016/17. Further details as to the PAC's guidance on the award of costs is available on their website Award of Costs.

Costs Awards[9]

Type of Decision	2016/17	2017/18	2018/19	2019/20	2020/21
No Award	40	29	20	34	11
Partial Award	4	2	7	6	1
Full Award	1	10	8	8	1
Total	**45**	**41**	**35**	**48**	**13**

[7] https://www.pacni.gov.uk/sites/pacni/files/media-files/Annual%20Review%202020-21_2.pdf
[8] https://www.pacni.gov.uk/sites/pacni/files/media-files/Annual%20Review%202020-21_2.pdf
[9] https://www.pacni.gov.uk/sites/pacni/files/media-files/Annual%20Review%202020-21_2.pdf

Assessment of the extent to which the objectives of planning reform and the Planning Act have been achieved.

11. The Planning Act 2011 (Review) Regulations 2020 require the Department to: consider the objectives intended to be achieved by the Planning Act; and assess the extent to which those objectives have been achieved. Within this context the review is not a detailed examination of the operation, effectiveness or performance of the overall new two-tier planning system.

11.1. The main objectives to the introduction of the Act were: the continued formulation and co-ordination of planning policy by the Department; the preparation of local development plans, and determination of most planning applications by councils, together with responsibility for taking enforcement action where deemed appropriate.

11.2. As has been evidenced, the vast majority of provisions within the Planning Act have been commenced, resulting in its successful implementation. The transfer of responsibility for the majority of planning functions to locally accountable councils has been achieved, together with the establishment of the two-tier planning system. The Act has also been supported by around 40 pieces of subordinate legislation and 6 Directions which provide the detailed legislative framework for the overall operation of the planning system.

11.3. Significant progress has also been made in implementing certain reforms. In September 2015 the Department published the Strategic Planning Policy Statement setting out the Department's regional planning policies for securing the orderly and consistent development of land in Northern Ireland in a shorter more focused document. Extensive guidance including by way of Practice Notes on the new system has also been provided[10].

11.4. Councils are preparing local development plans for their areas and have published statements setting out how they will involve the community in delivering their planning functions. Councils now determine the vast majority of planning applications with only a very small number determined by the Department including regionally significant development or those called-in by the Department. Changes to the decision making process including pre-application community consultation and pre-determination hearings further enhance community engagement and have allowed greater public involvement and transparency in the determination of planning applications. Councils are also investigating alleged breaches of planning control and taking action as appropriate. Throughout, the Department has maintained its position to only intervene in the system in exceptional circumstances.

11.5. Reforms have also been made to the planning appeals system and a Planning Monitoring Framework has been developed. This Framework and other evidence will be used to ascertain if the objectives of reform and

[10] https://www.infrastructure-ni.gov.uk/articles/planning-practice-notes

transfer are being achieved and how the planning system is evolving over time.

Conclusion

11.6. Within the context set out above and overall, the Department is satisfied that the stated objectives of the implementation of the Planning Act have been achieved.

PART II

Assessment of whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act.

The Planning Act

12. The Planning Act 2011 (Review) Regulations 2020 further require the Department, in considering the objectives intended to be achieved under the Act, to assess whether it is appropriate **to retain, amend or repeal** any of the provisions of the Act or subordinate legislation made under it to achieve those objectives.

Amendments made or currently being made to Subordinate Legislation.

12.1. As with any legislative framework changes can be made to subordinate legislation to refine its detailed operation, or in response to changed circumstances. The Department has made a number of amendments to subordinate planning legislation since the transfer of planning functions. These include the:

- Planning (Hazardous Substances) Regulations (Northern Ireland) 2015;
- Planning (Hazardous Substances) (No. 2) Regulations (Northern Ireland) 2015;
- Planning (Environmental Impact Assessment) Regulations (Northern Ireland) 2017 (which brought forward changes to reflect relevant EU Directives);
- The Planning (Fees) (Amendment) Regulations (Northern Ireland) 2019;
- The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020;
- The Planning (General Permitted Development) (Amendment) Order (Northern Ireland) 2020;

12.2. Other minor technical amendments were made through the:

- The Planning (2011 Act) (Commencement No.3) and (Transitional Provisions) (Amendment) Order (Northern Ireland) 2016;
- The Planning (Listed Buildings) (Amendment) Regulations (Northern Ireland) 2016;
- The Planning (Local Development Plan) (Amendment) Regulations (Northern Ireland) 2016;
- The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2020
- The Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment) Regulations (Northern Ireland) 2021
- Planning (Development Management) (Temporary Modifications) (Coronavirus) (Amendment No.2) Regulations (Northern Ireland) 2021;
- The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018; and

- The Planning (Environmental Assessments and Technical Miscellaneous Amendments) (EU Exit) Regulations (Northern Ireland) 2020.

Call for Evidence – Key Messages

12.3. The broad themes to emerge from the call for evidence are set out at paragraphs 3.7-3.9 of this report which form the basis of the Department's considerations of respondent's calls for legislative, or other change. Conversely, a resounding message to emerge was that almost two-thirds of the Act (162 sections) drew little or no comment and the Department considers these provisions should be retained as structured. In particular, no substantive comments were made in relation to the following:

- Part 7 – Purchase of Estates in Certain Land Affected by Planning Decisions;
- Part 8 – Further Provisions as to Historic Buildings;
- Part 9 – The Planning Appeals Commission; (Department of Justice)
- Part 11 – Application of Act to Crown Land; and
- Part 15 – Supplementary.

12.4. As had been anticipated, the vast majority of comments and suggested improvements focused on the following parts of the Act and associated subordinate legislation:

- Part 2 – Local Development Plans;
  - The Planning (Local Development Plan) Regulations (NI) 2015
- Part 3 – Planning Control;
  - The Planning (Development Management) Regulations (NI) 2015
  - The Planning (General Permitted Development) Order (NI) 2015
  - The Planning (General Development Procedure) Order (NI) 2015
  - The Planning (Fees) Regulations (NI) 2015
- Part 4 – Additional Planning Control; and
- Part 5 – Enforcement.

12.5. To a lesser degree, further additional comments and suggestions were made in relation to:

- Part 1 – Functions of the Department
- Part 6 – Compensation;
- Part 10 – Assessment of a Council's Performance or Decision Making;
- Part 12 – Correction of Errors;
- Part 13 – Financial Provisions; and
- Part 14 – Miscellaneous and General Provisions

12.6. The tables at **Annex A** to this report set out the Department's detailed consideration of proposals for changes to existing legislation and guidance which have been informed by the call for evidence. This includes a series of recommendations/actions which the Department believes could assist towards better achieving the objectives of the Planning Act.

Key recommendations

12.7. Under Part I of this report the Department concluded that the stated objectives of the implementation of the Planning Act have been achieved.

12.8. The Department recognises that the planning system, in some parts, hasn't achieved the level of performance envisaged. For instance, indicative timeframes for bringing forward LDPs have not been achieved and while targets have largely been met for processing local planning applications, targets for processing major planning applications have not. There are various factors which have contributed to this and the Department is seeking to address these through a range of measures, which are largely outside the scope of this review. Nevertheless, the Department has considered whether amendments to legislation have the potential to make the system more efficient and in turn, bring forward performance improvements.

Local Development Plans

12.9. While the Department estimated all councils would have LDPs in place by 2019 this was an indicative timeframe which sought to provide an estimate for the preparation of an untested system. Legislation does provide for amended timetables to be submitted and agreed by the Department reflecting and acknowledging that timeframes may be subject to change.

12.10. While there have been some calls for a fundamental review of the LDP system, the Department is of the view that any fundamental review of the current approach is best undertaken following adoption of a number of LDPs to evaluate and better understand 'perceived' obstacles in plan-making. The Department is of the view that the current approach remains appropriate, but considers some practical measures may assist the process. The Department intends to add/amend development plan guidance as required by the review of current processes following adoption of a number of LDPs. The Department will undertake to review the statutory list of consultees in plan-making to determine whether it remains relevant / appropriate to reduce unnecessary consultation. In addition, the Department will work with councils and other stakeholders to determine whether there are ways in which to enhance online / digital means of communication in plan-making to improve accessibility for citizens.

Development Management

12.11. In relation to development management, while the Department considers the existing framework of roles and responsibilities remains appropriate, there are a number of areas which merit further review and potential legislative change. This includes a review of existing thresholds and categories of development to determine if they remain fit for purpose. The Department will bring forward proposals to provide for both in-person and on-line/electronic pre-application community consultation (PACC) public engagement. This will include consideration of any recommendations to

emerge from the work of the Planning Engagement Partnership. The Department will also review the policy approach in terms of clarifying call-in criteria and will seek to improve the efficiency of the process going forward. The Department also intends to bring forward proposals to improve the information requirements / quality of planning applications entering the system through statutory "validation check-lists". Notwithstanding current work-streams aimed at improving statutory consultee response times, the Department will explore further and give consideration to the legislative requirements around statutory consultations including timeframes for consultations responses, penalties for late responses and how councils can proceed if statutory consultees do not respond within the required timeframes**.** The Department will also bring forward proposals to make pre-determination hearings discretionary for councils. In terms of appeals, the Department will bring forward proposals to supplement existing s.59 provisions which would disallow the variation of a development proposal at appeal. In addition, the Department will undertake a general review of current Departmental Directions and will undertake a general review of planning fees including proposals for an automatic annual inflationary uplift, and multiple fees for retrospective applications. Further recommendations are made in relation to additional planning controls and enforcement (fixed penalty notices).

12.12. The following table summarises these key recommendations. (The issue references correlate with those in the Annex).

Table of Recommendations/Actions

Part 2 - Local Development Plans	
Issue Ref	**Action**
PT2-2	**<u>Local Development Plan Guidance</u>** The Department will add/amend development plan guidance as required by the review of current processes following adoption of a number of LDPs.
PT2-4	**<u>Consultation Bodies in Plan-Making</u>** The Department will undertake to review the statutory list of consultees in plan-making to determine whether it remains relevant / appropriate to local planning authorities.
PT2-6 **PT3-17** **PT5-2**	**<u>Digitization in the Planning System</u>** The Department will work with councils and other stakeholders to determine whether there are ways in which to enhance online / digital means of communication in plan-making, development management, and in the planning system generally to improve accessibility for citizens.

Part 3 - Planning Control	
Issue Ref	**Action**
PT3-1	**Categories of Development** The Department will review existing thresholds and categories of development to determine the need for revisions.
PT3-3	**Pre-Application Community Consultation (PACC) and Notice** The Department will bring forward proposals to provide for both in-person and on-line/electronic PACC public engagement. This will include consideration of any recommendations to emerge from the work of the Planning Engagement Partnership. Clarity on the PAN process could be provided in expanded guidance if appropriate.
PT3-4	**Call-In Applications** The Department will review the policy approach in terms of clarifying call-in criteria and will seek to improve the efficiency of the process going forward.
PT3-5	**Incomplete Applications and Validation Check-Lists** The Department will bring forward proposals to introduce statutory 'validation check-lists' and will seek to advance policy development at the earliest opportunity.
PT3-7	**Time period for consultation responses** The Department will explore further and give consideration to the legislative requirements around statutory consultations including timeframes for consultations responses, penalties for late responses and how councils can proceed if statutory consultees do not respond within the required timeframes.
PT3-10	**Pre-Determination Hearings (PDH)** The Department will bring forward proposals to make PDH discretionary for councils in the exercise of their functions.
PT3-14	**Matters Raised at Appeal** The Department will bring forward proposals to supplement existing s.59 provisions which would disallow the variation of a development proposal at appeal.
PT3-19	**DFI Directions** The Department will undertake a general review of current departmental directions.

PT3-20	**Commencement of Development** The Department will review this provision to establish if any technical amendments are appropriate.
Part 4 – Additional Planning Control	
Issue Ref	**Action**
PT4-3	**Tree Preservation Orders (TPO)** The Department will review current requirements around TPOs with a view to bringing forward proposals to permit councils to vary or revoke TPOs. The Department will also consider whether there is a need for guidance to clarify certain TPO terms or definitions.
PT4-4	**Review of Old Mineral Permissions (ROMPs)** The Minister is to consider options on the way forward with regards to ROMPs early in 2022.
Part 5 – Planning Enforcement	
Issue Ref	**Action**
PT5-3	**Fixed Penalty Notices (FPN)** The Department will explore the possibility of applying FPNs to advertisement control.
Part 13 – Financial Provisions	
Issue Ref	**Action**
PT13-1	**Planning Fees** The Department will undertake a general review of planning fees including an automatic annual inflationary uplift, and multiple fees for retrospective applications as part of a wider review of planning fees.

Any proposed change to legislation will require further policy development, public consultation on potential amendments to primary and/or subordinate legislation, Assembly scrutiny and preparation of associated guidance, as necessary. Amendments are likely to be proposed to:-

- The Planning Act (Northern Ireland) 2011
- The Planning (Local Development Plan) Regulations (Northern Ireland) 2015.
- The Planning (Development Management) Regulations (Northern Ireland) 2015
- The Planning (General Development Procedure) Order (Northern Ireland) 2015

- Planning (Fees) Regulations (Northern Ireland) 2015

Conclusions and Next Steps

12.13. As a reminder, the purpose and scope of the review is to consider: the objectives intended to be achieved by the Planning Act; assess the extent to which those objectives have been achieved; and assess whether it is appropriate to retain, amend or repeal any of the provisions of the Planning Act or subordinate legislation made under the 2011 Act, in order to achieve those objectives.

12.14. The Department would conclude that the vast majority of the Act is to be retained as currently structured and that there is no case, in this first review report, to recommend the repeal of any of its provisions in order to achieve the objectives of the Act.

12.15. The report has, however, identified certain provisions / areas of the Act and subordinate legislation which, if amended or supplemented, could assist in improving the planning system and, therefore, better achieve the objectives of the Act.

12.16. The Department will, therefore, seek to develop these policy proposals with a view to bringing forward proposals for public consultation at the earliest opportunity. Actions which require amendment to current primary legislation will be taken forward through the NI Assembly Bill Process.[11] Actions which require secondary / subordinate legislation will also be undertaken in accordance with best practise, in conjunction with the Committee for Infrastructure and Assembly where appropriate. Other actions may be addressed through new or revised guidance. Actions falling to the next mandate will be subject to the views of an incoming Minister.

11 https://education.niassembly.gov.uk/post_16/the_work_of_the_assembly/making_legislation/bill_act

Consideration of Proposals for Change

Table 1

Part 1 Functions of the Department	Assessment
(PT1-1) Matters for the Department to take account of in the exercise of its functions. **You said:** - A small number of respondents, principally NGOs and some individuals, proposed that Departmental functions under Part 1 should be updated to include specific reference to other strategies e.g. climate change, net zero emissions, ecological protection and ecological restoration.	**Our response**: The objective of the planning system, consistent with Part 1 of the Act, is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. This means the planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. In furthering sustainable development and improving well-being, the planning system supports the Executive's Programme for Government commitments and priorities as well as the aims and objectives of the Regional Development Strategy 2035 (RDS) which is its overarching spatial strategy for Northern Ireland. Section 1(3)(b) of the Planning Act gives latitude to the Department, in the formulation and co-ordination of policy to secure the orderly and consistent development of land, to take account of, "any other matter which appears to it to be relevant". Such other strategies will normally be relevant in the exercise of these functions. In light of this and given the current and ever increasing number of strategies aimed at assisting in improving the environment, economy and climate etc, it would not be pragmatic, nor necessary to explicitly cite all such strategies in the Act, or planning legislation in general. To do so would involve continually amending the Planning Act as other strategies come forward.

	Proposed Action: The Department will, in the exercise of its functions, continue to keep under review other strategies/policy/guidance to determine their relevance in the formulation and co-ordination of planning policy and is not persuaded of the need to amend legislation.

Table 2

Part 2 Local Development Plans (LDP)	Assessment
(PT2-1) The two document approach to LDP preparation **You said –** A cross-section of respondents including local government, business, some individuals and political parties put forward various suggestions to reform the current approach to include: a single LDP document; greater number of smaller plan documents; parallel preparation of development plan documents, a review within the context of retained Planning Policy Statements set out in the Strategic Planning Policy Statement.	**Our response -** Calls for a change to the overarching framework for preparing LDPs are considered premature within the context of current LDPs under preparation by councils. A move away from the current two document approach would likely cause significant disruption and greater delay to current efforts in developing draft plans, and would represent a fundamental change requiring extensive policy development and public consultation. The Department is of the view that any fundamental review of the current approach is better undertaken following adoption of a number of LDPs to evaluate and better understand 'perceived' obstacles in plan-making. The Department is of the view that the current approach remains appropriate. **Proposed Action: The Department will, in conjunction with councils and key stakeholders, monitor and review current processes following adoption of a number of LDPs.**
(PT2-2) Local Development Plan Guidance **You said –** A small cross-section of respondents including some local government, business and NGOs suggested that	**Our response –** Existing guidance on local development plan making processes is set out in the SPPS and other Departmental Development Plan Practice Notes (DPPN), and includes

the Department further clarifies in guidance its overall role in the plan-making process, including: the agreement of timetables, submission of documents for independent examination (IE), adoption and revision of an LDP etc. A small cross-section of councils, representative bodies and some business interests questioned the need for an LDP to be submitted to the Department for IE and suggested that councils should be permitted to submit plans directly to the examination body, saving time, cost and unnecessary burden.	clarification on the role of the Department at various stages. These are available on the DfI website: https://www.infrastructure-ni.gov.uk/publications/development-plan-practice-notes Extant practice notes will be reviewed as part of an overall review following adoption of a number of LDPs, to determine if guidance would benefit from further clarification. The Department is of the view that any review of the current approach to LDP preparation, including its own role in the overall process is better undertaken following adoption of a number of LDPs to evaluate and better understand 'perceived' obstacles in plan-making. The Department is of the view that the current legislative approach remains appropriate. **Proposed Action: The Department will add/amend development plan guidance as required by the review of current processes following adoption of a number of LDPs.**
(PT2-3) Matters to take account of in furthering sustainable development, and preparation of LDPs **You said –** A cross-section of respondents including renewables and business groups put forward the suggestion that the matters to take account of should be broadened to include the Programme for Government, and other NI Executive and Departmental strategies e.g. Environment, Energy / Renewables, Investment, Climate, Minerals, commitments to Net Zero emissions etc; and more robust connectivity with Local Community Plans; some also consider that the statutory requirement to **'take account of'**	**Our response -** The objective of the planning system, consistent with Part 2 of the Act, is to secure the orderly and consistent development of land whilst furthering sustainable development and improving well-being. This means the planning system should positively and proactively facilitate development that contributes to a more socially economically and environmentally sustainable Northern Ireland. In furthering sustainable development and improving well-being, the planning system supports the Executive's Programme for Government commitments and priorities as well as the aims and objectives of the Regional Development Strategy 2035 (RDS) which is its overarching spatial strategy for Northern Ireland.

such strategic guidance documents in legislation is too flexible, while a few considered it to be too rigid.	In light of this and given the current and ever increasing number of strategies aimed at assisting in improving the environment, economy, climate etc it would not be pragmatic to explicitly list in planning legislation those which must be taken into account by councils in the preparation of local development plans. The SPPS sets out additional policy/guidance on the matters to be taken into account of in the plan-making process. Also, the Local Government Act (NI) 2014 inserted into s.8 & 9 of the Planning Act, the requirement to also take account of a "council's current community plan". In furthering sustainable development, s.5(2)(b) of the Planning Act gives latitude to authorities exercising any function under Part 2, to take account of "any other matter which appears to that person to be relevant", in addition to other policy and guidance issued by other Departments. **Proposed Action: The Department is not persuaded of the need to amend legislation on matters to <u>take account of</u> in the preparation of LDPs.**
(PT2-4) Consultation Bodies in plan-making **You said –** A majority of councils and other public bodies consider that the scope of consultation bodies is too wide ranging and laborious for a Council to consult at every stage. Those respondents were of the view that it may be better left to the discretion of a Council to filter / tailor the plan-making consultation lists, and to only maintain contact with those it considers, or those which have specifically asked to be consulted, to have a continuing interest in the Council's plan preparations.	**Our response -** The consultation bodies for the purposes of preparing a LDP are set out at regulation 2 of the Planning (Local Development Plan) Regulations (NI) 2015. This is an established list of relevant consultees, taken forward from previous plan-making under the unitary planning system. The list of consultees includes all NI government departments, neighbouring councils, the Civil Aviation Authority, NIHE, water & sewerage undertakers, any person to whom the electronic communication code applies, and any person to whom a licence has been granted under either the Electricity (NI) Order 1992, or Gas (NI) Order 1996. The Department understands that this issue pertains principally with respect to those consultees listed at regulation 2(1)(f-h), which can

	be quite numerous and include some which do not wholly operate within NI. **Proposed Action: The Department will undertake to review the statutory list of consultees in plan-making to determine whether it remains relevant / appropriate to local planning authorities. Changes to the consultee list arising from this review will require amendment of the Development Plan Regulations.**
(PT2-5) Approach to LDP Timetabling **You said –** A cross-section of a number of councils and businesses are of the view that the LDP process spans too long a period of time and the timetables require continual updating, and suggest separate timetables for each stage. A cross-section of other respondents including NGOs, Renewables and business sectors suggested potential fines for failure to adhere to LDP timetables, including possible introduction of a maximum time period for adoption of a plan.	**Our response -** While the requirement to prepare and keep under review a timetable for the preparation of an LDP is a statutory duty, the dates a council indicates are indicative and estimated on the basis of the information available at that time. The duty to keep the timetable under review is to afford councils the opportunity to amend / adjust the timetable in the face of unforeseen delays. It would not be practicable to hold councils to strict adherence to an LDP timetable particularly when unforeseen events beyond their control may cause programme slippage. The Department anticipates that as councils work through their LDP processes, that future plan preparations including plan adjustments, should become more focused and efficient. **Proposed Action: The Department is not persuaded of the need to amend current LDP timetabling requirements at this time. The Department will however consider this issue as part of a wider review of LDP processes.**
(PT2-6) Digitization in the Planning System -	**Our response -** Calls to better utilise digital / online means of consultation and communication in plan-making, and development management featured strongly in the responses to the call for

You said – Overall, a broad cross-section of respondents proposed the planning system should enhance the use of online / digital availability of documents for inspection and comment in plan-making. Generally, most councils suggested that the need for advertisements in the local press and Belfast Gazette which is viewed as costly and ineffective, should be removed.	evidence. Regulation 4 of the LDP regulations, and Regulation 29 of the GDPO provides for the use of electronic means of communication which could be amended to expand the use of digitization in plan-making and development management. Removing the requirement for advertisement in the printed press and Belfast Gazette would need careful consideration particularly around its potential effects on some s.75 groups. **Proposed Action: The Department will undertake a review of the publicity and advertisement requirements associated with plan-making to determine whether there are ways to enhance online / digital means of communication in plan-making specifically to approve accessibility for citizens. This will include consideration of any recommendations which may emerge from the work of the Planning Engagement Partnership.**

Table 3

Part 3 Planning Control	Assessment
(PT3-1) Categories of Development **You said -** Overall, a broad cross-section of respondents including most councils, business and renewables sectors called for a review of the current hierarchy of development, and thresholds for major and RSD development, to also include consideration of the introduction a third **'Intermediate / Minor'** category of development mirroring that in GB (Major, Minor and Other).	**Our response -** Section 25 of the Planning Act classifies development into two categories: 'major' and 'local', with section 26 providing for major development of regional significance (RSD) which is to be dealt with by the Department. The associated thresholds for major and RSD development, are set out in the Planning (Development Management) Regulations (NI) 2015. Any development below the major category threshold is classed as 'local', which represent the vast majority of planning applications received and determined by councils.

	Performance of a council's planning functions is principally measured against processing of major and local applications. The suggestion to introduce a third 'intermediate/minor' category is intended to sub-divide the current 'local' category which can currently range from, for example, a domestic porch to a large residential scheme comprising 49 units. Consequently, the processing requirements to determine these types of application can also vary within this category of development. The thresholds for regionally significant applications are tailored to meet regional needs and circumstances and particular planning pressures in Northern Ireland in comparison to other jurisdictions. The thresholds in each jurisdiction are also specifically designed to suit the respective political, administrative and legislative context of each of the administrations. Even in the event of changes to the thresholds, the Department is required to make a determination as to whether a proposed development is considered to be one of regional significance. Where the thresholds are met or exceeded it does not automatically equate that the application is to be dealt with by the Department. Equally, calls to review the major and RSD thresholds could examine the need to introduce new/revised categories of development including for example, energy storage and generation facilities. Such revisions could result in more or fewer applications categorised as major or RSD, also affecting the need for pre-application community consultation.

	Proposed Action: The Department will review existing thresholds and categories of development to determine the need for revisions.
(PT3-2) Pre-Application Discussions (PADs)- **You said -** A broad cross-section of respondents including some councils, NGOs, business and representative bodies suggested that PADs should be moved to a legislative footing particularly for major and RSDs proposals, with statutory consultees enabled to charge their own PAD fees with the income ring-fenced to improve capacity. Some developers suggested they would be willing to pay statutory consultees for PAD advice if it would improve the quality of their applications and significantly improve processing time. Some suggested Councils can take different approaches to pre-application discussions and this may benefit from a more standardised, formalised approach in subordinate legislation.	**Our response -** The PAD process is not a statutory requirement and is therefore optional. PADs are a separate activity from statutory pre-application consultation with communities, although they can inform the planning process and scope of the statutory consultation activity. Such consultation may also support the applicant's preparation of the statutory design and access statement. DM Practice Note 10 sets out the current guidance on PACC and PADs, and indicates that the PADs process will take a different form in each instance, and should be proportionate to the nature, scale and benefits of the application. The suggestion to move PADs to a legislative fee-based footing for major and RSD applications (in addition to PACC), could serve to add another layer of bureaucracy, and potentially put further pressure on the limited resources of statutory consultees. It is considered more effective to retain the current discretion planning authorities have to undertake proportionate PADs as appropriate. The Planning Forum is currently reviewing the regional approach to PADs to improve their effectiveness and efficiency. **Proposed Action: The Department is not persuaded of the case for, or benefits of moving PADs to a legislative footing. However, the Planning Forum will continue to review the regional approach to PADs to improve effectiveness and efficiency.**

(PT3-3) Pre-Application Community Consultation (PACC) and Notice – **You said -** A broad cross-section of respondents including some councils, NGOs, business and representative bodies suggested that provision should be made to allow for a 'blended' in person and online approach to PACC within the context of digital availability and COVID 19 restrictions. Meaningful engagement and a central register for PACC third parties to receive regular updates was also suggested as was a requirement for applicants to demonstrate how they have altered their proposals in light of issues raised during pre-application process. Some suggested reducing the 12 week period to 6 or 8 weeks. Others sought clarity on PAN process and timeframe for submission of a subsequent application.	**Our response** - Guidance on current PACC and PAN processes is set out in Development Management Practice Note 10. In response to the COVID 19 emergency, The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 temporarily removed the requirement for a public event (and its associated advertising) as part of the pre-application community consultation process associated with planning applications for major development. This applied where a proposal of application notice (PAN), which triggers the pre-application community consultation process, is given to a council / the Department before, or during, the defined emergency period (1 May 2020 to 30 September 2020). The regulations were subsequently amended (on several occasions) to suspend the PACC requirement, firstly to 31 March 2021, then 30 September 2021, and again to 31 March 2022. The Department will keep the latter date under review, taking account of any changes to the public health advice, to consider if an extension or reduction to the emergency period would be appropriate. It will also continue to encourage potential applicants to undertake alternative arrangements to engage with the community as set out in guidance which will be updated. It should also be noted that this does not prohibit developers, if they considered it appropriate and beneficial, to voluntarily hold a public event as part of the pre-application community consultation, provided they comply with the health regulations. The PACC process helps to underpin the front loading of an application by seeking to identify and address local community concerns prior to submission of an application. Any proposed reduction to the current 12 week period could negatively impact on

	pre-application community participation and may be viewed as an attempt to limit / curtail meaningful community engagement. The associated PACC report (s.28), prepared by the applicant, can outline any amendment(s) to a proposal arising from community consultation. While the legislation does not specify a period within which a planning application must be submitted (following service of a PAN), further evidence would be required to quantify this matter before recommending amendment to both primary and subordinate legislation. Calls to better utilise digital / online means of consultation and communication in plan-making, and development management featured strongly in the responses to the call for evidence. Regulation 29 of the GDPO provides for the use of electronic means of communication which could be amended to expand the use of digitization in the PACC process. A new Regional Planning IT System is currently being developed which will provide a modern system to the Department and 10 councils when it goes operational, which may help to address these issues. It will also deliver new services to the public who will be able to submit planning applications on-line as well as via the normal routes. The new system is due to be operational in summer 2022. **Proposed Action: The Department will bring forward proposals to provide for both in-person and on-line/electronic PACC public engagement. This will include consideration of any recommendation to emerge from the work of the Planning Engagement Partnership. Clarity on the PAN process could be provided in expanded guidance if appropriate.**

(PT3-4) Call-In Applications **You said –** A small cross-section of respondents suggested the Department clarify and simplify the call-in process and publish criteria and clarity on how this power will be exercised by the Department. Some are of the view that where a proposal which a council considers acceptable but is called-in, this only serves to elongate the time taken to determine the application.	**Our response -** Guidance on the call-in process is set out in Development Management Practice Note 13. Section 29 (1) of the 2011 Act allows the Department to direct that an individual application or applications be referred to the Department instead of being dealt with by a council. This provision allows the Department to call in any planning application for determination. The Department's direction may be given under Section 29(2)(a) to an individual council or to councils in general and, under Section 29(2) (b), may relate to either a particular application or a specific use class. There are currently several Departmental Directions in this regard, including: The Planning (Notification Of Councils' Own Applications) Direction 2015; and The Planning (Notification Of Applications) Direction 2017. These are important checks and balances in the planning system. Applications will be called in by **exception**, as the Department recognises the important role of councils in decision making on the future development of their areas. Furthermore, there may be circumstances where a proposed development raises issues of such importance that they could be considered to have a significant regional impact, regardless of falling below the threshold for regionally significant development, or it may be considered the Department is a more appropriate authority to determine the application. As there have been calls for clarity around the call-in process and there have been some delays in the process, the Department considers there is merit in reviewing the process. **Proposed Action: The Department will review the policy approach in terms of clarifying call-in criteria and will seek to improve the efficiency of the process going forward.**

(PT3-5) Incomplete Applications and Validation Check-Lists **You said** – A broad cross-section of respondents including most councils, some in the business sector and several political parties proposed that the efficiency and effectiveness of the planning system can be improved if the quality of applications coming into the system is improved. Most councils suggested the Department make statutory provision to permit councils to issue application 'check-lists' setting out all the necessary information needed to accompany various types of planning application when they are submitted.	**Our response -** Guidance on the different types of planning applications, including other additional supporting information which may be required is set out in Development Management Practice Note 04. The format of an application for planning permission is provided for by section 40 of the 2011 Act. The form and content of a planning application is specified in Article 3 of the GDPO. Validation requirements set out what information or evidence must be submitted with a planning application before it can be considered by the planning authority, and therefore deemed to be 'valid'. Whenever a planning application becomes 'valid' the timeframe for processing a planning application commences. It is against this timeframe that a council's performance is measured, and also for the purposes for appeals against 'non-determination' of an application. However, many applications when submitted do not contain all the information needed to determine them. This can result in further requests to the applicant and delays in processing. The move to a 'validation check-list' would permit a council to prepare and publish, against various types of planning applications and development, the additional information which must accompany applications (over and above the minimum requirements) which it considers as necessary to properly determine the application. Such provision is available in England and Wales and some councils in NI have already put similar arrangements in place on an administrative basis.

	In addition, a 2019 review into the efficiency and effectiveness of the planning system in NI with a particular focus on the role of statutory consultees concluded that *"…the efficiency and effectiveness of the planning system can be improved if the quality of applications coming into the system is improved."* Evidence on the use of validation check lists on an administrative basis suggest there may be benefits on placing these on a statutory footing. **Proposed Action: The Department will bring forward proposals to introduce 'validation check-lists' and will seek to advance policy development at the earliest opportunity.**
(PT3-6) Advertisement / Notification of Applications **You said** - A small cross-section of respondents including several councils suggested that the requirement to publicise applications in the printed press should be removed in its entirety and substituted with a combination of electronic consultation, neighbour notification and site notices. Some respondents were of the view that a specified date for receipt of representations made in response to notifications should be imposed.	**Our response -** Guidance on publicity and neighbour notification requirements in planning is set out in Development Management Practice Note 14. Current advertisement, notification and inspection requirements for planning applications (and appeals) are set out at Article 8 of the GDPO 2015, (in exercise of powers conferred by s.41 & 42) which includes notice being placed in the printed press (locally), neighbour notification(s) and advertisement of a council's website, date for receipt of representations, but **not site notices**. These requirements would need to be repeated where a proposed scheme has materially changed before a planning application can be determined. Planning applications are publicised in the local press in order to bring the details of development proposals to the attention of the public. The statutory requirements placed upon councils or the Department to advertise planning applications and certain types of consents within local newspapers, and to carry out neighbour notification of 'identified occupiers' provides interested parties with an opportunity to consider and comment on development

	proposals. Publication of planning applications in the local press allows authorities to engage with a much broader range of interested parties or groups than simply through neighbour notification alone. There is also a requirement for developers to undertake pre-application community consultation before submitting an application for a major development, and as part of this process a developer must publish in a local newspaper a notice containing details of the proposed development and the arrangements for a community consultation event. Site notices are used in some other jurisdictions, in conjunction with (and not in substitution for) other on-line notification measures, and depending on the type of development may also require newspaper advertisement. While the Department can appreciate the views of respondents, particularly councils with regards to the costs associated with advertisement in the printed press, it is not persuaded that it can adequately be substituted with the proposals suggested. Any proposal to remove the requirement to advertise in the local printed press would also need added scrutiny given the potential impacts on certain s.75 groups etc. In addition, while the date for submission of a representation is not to be earlier than 14 days after the date on which a notice is sent, the consideration of any representation will depend on its substance and materiality to planning considerations. However, there is scope to examine the potential to use online/digital methods to improve the process. **Proposed Action: The Department will undertake a review of the publicity and advertisement requirements associated with planning applications to determine whether there are ways to**

	enhance online / digital means of communication. This will include consideration of recommendations to emerge from the work of the Planning Engagement Partnership.
(PT3-7) Time period for consultation responses **You said** - A broad cross-section of respondents including renewables, business, representative groups and some public interest bodies suggested that the statutory timeframes for consultations responses should be reviewed, with consideration given to introducing penalties for late responses. Some respondents also suggested that 'deemed 'consent' should apply were no consultation response is received within 21 days, and greater clarity given as to how councils can proceed if statutory consultees do not respond within the required timeframes.	**Our response -** Current requirements to consult and duty to respond are set out at s.229, and prescribed at Articles 13-16 of the GDPO 2015. These specify, amongst other things, that a consultee is to provide a substantive response within 21 days of it receiving notice, and that the application is not to be determined before 21 days (or 28 days for EIA development). A different (longer) period may be **agreed in writing with the consultee**. The 2019 review on the Role of Statutory Consultees in the Planning Process in NI, stated that: "Statutory consultees play an essential role in the planning process as planning authorities may not have the necessary expertise in-house to assess the technical and specialist issues of an application's merits. The consultation process is an important element of an open, transparent and democratic planning system where, ultimately, elected politicians oversee final decisions on planning applications." Where a consultee fails to respond within the timescale the planning authority is not obliged to await a response. However, it will wish to consider the potential impact of proceeding without the views of a consultee. Within this context the Department is not persuaded that 'deemed consent' would be appropriate in the absence of a substantive consultation reply, which may ultimately be critical to the proper determination of an application. It is recognised that there are many factors causing delays in the processing of planning applications, not just statutory consultees. These include the increased complexity of the system and regulatory requirements, risk of legal challenges, wider resourcing

	issues, case management issues, the culture of working with applicants to 'fix' poor quality applications etc. The issue of resources has also been raised by Minister Mallon with the Finance Minister. This was identified as one of the 'key conclusions' from the review on the role of consultees (see above) which states "…from a statutory consultee perspective, I have concluded that access to adequate resources is crucial to a more efficient and responsive system. I have, therefore, recommended that relevant departments review the resourcing requirements associated with their statutory consultee role against workloads and determine the need for any additional resource to ensure efficient and timely responses to planning consultations." It has also long been recognised that poor quality planning applications impact not only the performance of statutory consultees but also the performance of the entire planning system. To this end, the potential introduction of statutory 'validation check-lists' setting out the detailed information requirements to accompany planning application for most types of development, will assist towards an enhanced front-loaded planning system. The cross-government Planning Forum is also working on improving processes and timeframes for processing major and economically significant applications. The Forum is focusing on a number of areas including: statutory consultees reviewing existing practices, procedures and the resourcing requirements associated with their statutory consultee role against workloads, to ensure efficient and timely responses to planning consultations. The Forum recently developed and issued an advice note (see link below) on the key operating principles for planning consultations.

	The purpose of this is to encourage best practice around the consultation process to make it more efficient and effective for all. https://www.infrastructure-ni.gov.uk/publications/consultations-planning-application-process-operating-principles-planning-authorities-and-consultees The Department monitors and publishes quarterly and annual statistical reports on the performance of statutory consultees across the planning system (See link below to the latest annual report). https://www.infrastructure-ni.gov.uk/publications/ni-statutory-planning-consultations-annual-performance-report-202021 Notwithstanding the context set out above, the Department considers there may be some merit in reviewing the legislative requirements around statutory consultations, including timeframes for consultations responses, penalties for late responses and how councils can proceed if statutory consultees do not respond within the required timeframes. **Proposed Action: While the Department is not persuaded of the case for the introduction of 'deemed consent' where a statutory consultee fails to respond in time, it will explore further and give consideration to the legislative requirements around statutory consultations including timeframes for consultations responses, penalties for late responses and how councils can proceed if statutory consultees do not respond within the required timeframes.**

(PT3-8) Determination of applications **You said** – Some councils consider that additional information and/or amended plans (particularly at Committee stage) should only be accepted at their discretion, and that they should have the power to pause processing of applications / agree an extension of time to process. Some councils and the business sector are of the view that councils should also be able to decline representations which are made late in the planning process. *(See also PT3-9 below).*	**Our response -** Guidance on the different types of planning applications, including the additional supporting information which may be required to determine an application, is set out in Development Management Practice Note 04. The suggested proposals, including the 'pausing' of processing (of an application when awaiting additional information), could be addressed in part with the front-loading of planning applications through the introduction of 'validation check-lists' (see PT3-5 above). Such a provision would negate time lost awaiting additional information from applicants, or the need to pause processing. In addition, while the time period for decisions (See PT3-9 below) is set out at regulations 20(2)(a) and (b) of the GDPO 2015 for major and local development respectively, regulation 20(2)(c) allows for an extension to the specified periods where this is agreed in writing between the council and the applicant. The ability of an applicant to seek to amend/alter a development proposal before an application is submitted (pre-application community consultation), or during processing to overcome potential objections and reason(s) for refusal is an established part of planning practice and procedure. A planning authority can however, refuse any application where it determines that a proposal, even if amended, would be contrary to planning policy / development plan or other material planning considerations. An applicant does retain a right to appeal such decisions. (The issue of new material and variation of applications at appeal is considered at PT3-14 below).

	The issue of 'late representations' (which in the view of some respondents, are framed to frustrate the determination of a planning application) could be difficult to legislate against, and importantly, may interfere with a person's (third party) right to be heard. This is not a straightforward matter as the issue of whether a representation to an application raises issues which are material to its determination must be considered and not just the time in which it is submitted to the planning authority. Similar considerations apply to amended plans / additional information from applicants. We are not aware of a relevant legislative approach in other jurisdictions, however it may be the policy / practice of planning authorities elsewhere not to accept amended schemes immediately prior to a decision. **Proposed Action: The Department is not persuaded of the need to disallow the introduction of new information or pause, or amend a development proposal during the processing of an application. These matters could be significantly addressed with the front-loading of information accompanying planning applications via the introduction of validation check-lists and the issue could be revisited after that (See PT3-5 above).**
(PT3-9) Statutory timeframes for determining applications **You said –** A cross-section of respondents including businesses and industry called for the Department to set more ambitious targets that are comparable to GB for RSD and major applications. Other respondents suggested the inclusion of statutory time periods for other determinations	**Our response -** Currently Article 20 of the GDPO sets out the statutory time periods for decisions, for the purposes of making an appeal under Section 60 of the 2011 Planning Act (non-determination appeal). The periods are: 16 weeks for a major development; and 8 weeks for any other case (local development). However, there is no right of appeal under Section 58 or Section 60 for decisions on applications made to the Department under Section 26, or called-in by the Department under Section 29.

including; s.54 applications, Discharge of Conditions; CLUDs; Non-Material Changes. At a technical level, some respondents considered there was currently ambiguity around the timeframes within which extensions to the decision making process on a planning application should be sought and agreed with a Council, and therefore, when a non-determination appeal could be sought.	There are currently 3 statutory planning indicators, one of which relates to major applications processed by councils – '*to process major planning applications from the date valid to decision issued or withdrawal date within an average of 30 weeks'*. The Department monitors these indicators on a quarterly and annual basis. In addition to the 3 statutory planning indicators, the Department published the first planning monitoring framework in September 2019, which includes a number of non-statutory indicators. The second Planning Monitoring Framework was published in December 2020. It is envisaged that this framework will continue to evolve over time and will assist in ensuring we continuously improve the planning system going forward. The Department accepts that improvements to processing times must be made. However, it is also important that due process is followed when determining a planning application to avoid poor decisions being taken in order to meet mandatory targets. It is considered that focusing on the work of the Planning Forum, particularly in relation to the performance of statutory consultees is the most appropriate way of improving performance. With regard to non-determination appeals, the Department holds the view that the entitlement to appeal against non-determination arises "at once" upon the expiry of the determination period. In other words, if the applicant and planning authority do not agree to extend the determination period **before it expires** and then attempt to do so some time later the right of appeal against non-determination will expire at the end of the initial determination period. There must be no break in extending the determination period from the initial one if the right of appeal against non-determination is to be retained.

	Proposed Action: The Department is not persuaded of the need to amend existing provisions but will monitor and keep this issue under review.
(PT3-10) Pre-Determination Hearings (PDH) **You said** – Most councils and some business and professional bodies suggested that PDHs should be a solely discretionary function for councils to decide where, in their view, they would add value to the decision making process. There were also calls for the Department to issue guidance and direct councils regarding PDHs for greater consistency across councils.	**Our response -** Guidance on PDH processes is already set out in Development Management Practice Note 17. Section 30 sets out the process for PDHs. Generally PDHs are at the discretion of Councils and Sections 30(2) and (3) allow a council to choose the appropriate method for the hearing and who, in addition to the applicant or specified persons can also participate. There is, however, a **mandatory** requirement for a PDH in certain limited circumstances where a major application has been subject to a call-in notification and returned to the council for processing. Often in these major application cases a PDH will already have taken place before it has been notified to the Department and, therefore, a second PDH may not be necessary or appropriate. Consequently, a mandatory PDH in these circumstances could potentially add some delay and uncertainty to the planning process, hindering a Council's performance against statutory targets, with increasing costs for both applicants and councils. On this basis the Department believes there is merit in amending this provision so that all pre-determination hearings are wholly at the discretion of councils. **Proposed Action: The Department will bring forward proposals to make all PDH discretionary for councils in the exercise of their functions. This will require amendments to subordinate legislation.**

(PT3-11) Duration of Planning Permission **You said –** A small number in the renewables sector and other businesses interests suggested that extant planning permissions should be extended in emergency situations, for example, extending permissions for 10+ years for more complex approvals and regionally significant development.	**Our response -** Section 61 of the Act stipulates that every planning permission granted or deemed to be granted, will be subject to the condition that the development must begin within 5 years of the date on which permission is granted (or such other period as considered appropriate by the Department or council which granted the permission). In relation to outline permissions, section 62 states that unless provided otherwise reserved matters must be submitted for approval within 3 years of the grant of outline planning permission and development must be begun within 5 years of the grant of outline permission or 2 years from the final approval of reserved matters. Councils or the Department already have latitude under s.61 when granting permission, to allow for a period of more than 5 years within which development is to be commenced. The issue of extending permissions during emergency situations was raised several times to the Department, by various sectors during the current pandemic, and on foot of similar extensions provided in other jurisdictions. However, permissions in England and Scotland are granted to commence within 3 years, while those in NI and Wales are granted with a 5 year commencement condition, making the issue less acute in NI and Wales. Events such as the current COVID 19 emergency are very uncommon and the case for legislative change is not strong enough to proceed with such a proposal, especially given the various alternative options, including: commencement of development (See PT3-20); or making an application for renewal of permission, as was advised in Chief Planner's Updates issued during the pandemic.

	Proposed Action: The Department is not persuaded of the need to amend existing provisions but will monitor and keep this issue under review.
(PT3-12) Notices of Opinion **You said –** Some within the business and industry sectors are of the view that there should be a presumption against the use of Notices of Opinion for regionally significant development applications (or applications to amend such schemes), and that the process could be streamlined with such applications sent directly to the Planning Appeals Commission (PAC) or other independent body for independent consideration / determination. Furthermore the Planning Appeals Commission would wish to see greater use of online arrangements for hearings or public local inquiries	**Our response -** Applications under Section 26 and Section 29 are dealt with and processed by the Department which is the relevant planning authority. Where a public local inquiry is not held, the Department must serve a notice of opinion (NOP) on the applicant and the Council indicating the decision it proposes to make. Upon receipt of the notice, the applicant or the Council can request a hearing before the PAC or other Examiner. The PAC is not bound by the NOP in preparing its report and the Department must take the PAC report into account in finally determining the application. Not every application requires a Public Local Inquiry (PLI) and equally not every NOP results in a hearing at the PAC. It should also be noted that going to PLI adds at least a year onto a timescale for processing more complex applications and, therefore, a planning application should only be taken to PLI when deemed necessary to consider particular matters. This should remain a matter for professional planning judgement. Where an applicant wishes to contest a NOP, they have a right to a hearing before the PAC. In terms of the PAC role, the recommendation to send all RSD and called-in applications directly to the PAC or other independent body would be a fundamental reordering of the Department's and PAC's roles. At present, under the Act the PAC is a statutory and independent appellate body set up and resourced to hear and determine appeals and conduct PLI/hearings, not to process and determine planning applications in the first instance. There is no clear evidence that moving this function from DfI Planning to the PAC or other independent body would result in significant process efficiencies. Indeed, such a move may cause further delay and

	confusion as arrangements would still need to be made to allow the Minister to determine such applications. It would also raise the question of how to facilitate the ability of councils or applicant to avail of a PLI/hearing if they did not agree with the PAC decision. Finally, much work would be required to set up and resource the PAC as a first instance planning authority. The Department recognises the success throughout the pandemic in using online hearings and the associated efficiencies for the overall planning process. **Proposed Action: The Department is not persuaded of the need to amend existing provisions with regard to notices of opinion or making the Commission or other independent body responsible for RSD applications but will monitor and keep the issue under review. The Department will explore further options to facilitate online / virtual hearings or public local inquiries (See 3-17).**
(PT3-13) Retrospective Permissions **You said –** A small number of individual respondents, political parties and community groups voiced their opposition to provisions which permit applications which seek permission for development already carried out (retrospective permission). This opposition included calls to introduce fines and increased planning fees for such applications.	**Our response -** Section 55 of the 2011 Act allows for retrospective planning applications to be made i.e. where development has already been carried out without permission, and for applications for planning permission to authorise development which has been carried out without complying with a planning condition(s) to which it was subject. Such applications must seek full planning permission only. Currently, the fee for an application which relates to development carried out without planning permission, is calculated in accordance with the provisions of Part 2 of the Fees regulations as if the application were one for permission to carry out that development. Section 223(2) does allow for the charge of a fee for

	retrospective permission to be a multiple of the usual fee, however, this is not currently provided for in Part 2 of the Fees Regulations. Applications made to regularise permission for development already carried out is an established part of planning practice. Introducing fines or, increasing the planning fees for applications seeking retrospective permission, would need careful consideration and could be viewed as punitive as it often, but not always, relates to householder type development such as extensions. Councils do have discretionary powers to proceed with enforcement action against unauthorised development, which if not remedied, can result in the imposition of fines, or the alteration or removal of buildings as a remedy. **Proposed Action: The Department will consider introducing multiple fees for retrospective applications as part of a wider review of planning fees (see PT13-1). The Department is not persuaded of the need to amend current provisions with regard to retrospective planning permission.**
(PT3-14) Matters which may be raised at appeal **You said** - A majority of councils, and a small number of other respondents have sought clarity around section 59 of the Act to ensure that the legislative tests are fit for purpose. Respondents have further suggested that the wording of the legislation should be revisited and, if necessary, amended or guidance published to clarify the approach, for instance, section 59 should be amended to ensure that appeals can	**Our response -** Currently a party to the proceedings of a planning appeal will not be able to raise any matter that was not in front of a council or the Department when it made its original decision. The only exceptions will be if the party can demonstrate, to the satisfaction of the PAC, that the matter could not have been raised before that time or that it's not being raised was due to exceptional circumstances. While the NI approach is modelled on that in other jurisdiction, it does not go as far as in Scotland for example, where an appellant

only be determined on the basis of the application as originally refused by the council.	cannot change the terms of the proposed development – it must be the same as the proposal that was considered previously by the council, using the same plans[12]. Such a measure, if introduced here, may encourage applicants to alter their development proposals where a council is minded to refuse permission on the basis of the application as made, knowing that it cannot be varied thereafter via an appeal mechanism. **Proposed Action: The Department will bring forward proposals to supplement existing s.59 provisions which would disallow the variation of a development proposal at appeal. This will require public consultation, and amendments to primary and/or subordinate legislation.**
(PT3-15) Third Party Right of Appeal **You said –** Most individual respondents, together with a broad cross-section of community and political representatives, NGO and some councils suggested the Department introduce a new appeals mechanism or provide for third party planning appeals / challenges.	**Our response**: The legislative and structural changes to the planning system which came into effect with the new two-tier system in 2015 are designed to deliver an inclusive, front-loaded system with stronger third party engagement and local democratic accountability. Concerns with the introduction of third party rights of appeal at the end of the development management process could undermine an applicant's commitment to community engagement at the start of a front-loaded system, and risks reducing certainty and the effectiveness and efficiency of the planning system at a time when it needs to be responsive to sustainable recovery from the pandemic. **Proposed Action: The Department is not persuaded of the need to amend current provisions with regard to planning**

[12] https://www.legislation.gov.uk/ukpga/1997/8/section/32A

	appeals but will continue to keep this matter under review. This will include consideration of recommendations to emerge from the work of the Planning Engagement Partnership.
(PT3-16) Non / Minor-material changes **You said –** A broad cross-section of respondents including some councils, professional bodies, business and renewables sectors suggested the Department consider introducing a proportionate approach to **minor material** changes, in addition to non-material changes, and that the Department should retain authority for such changes with regards to permissions it has granted.	**Our response -** Guidance on the non-material change mechanism and procedures as well as good practice is set out in Development Management Practice Note 25. The 2011 Act has introduced a mechanism by which a council will have a formal method of dealing with small changes ('non-material') to approved schemes (s.67 and Regulation 7 GDPO). The introduction of the non-material change procedure under the 2011 Act replaced the otherwise informal process previously used to respond to requests for minor amendments. In deciding whether a change is material, a council will have regard to the effect of the change, together with previous changes on the original permission. This provision allows a council to impose new conditions, or remove or alter existing conditions. Whether or not the proposed amendment(s) are considered to be 'non-material' (rather than 'material') will depend on the specific details of the existing planning permission. A change which may be considered 'non-material' in one case could be 'material' in another. There is no statutory definition of 'non-material', it is down to the Local Planning Authority to be satisfied that any amendment(s) sought are 'non-material' in order to be eligible for this type of application.

	Some respondents are of the view that there is value in introducing a legislative provision allowing an applicant to make a **'minor-material'** modification to a current extant permission. The basis being that it would assist in cases where numerous acceptable changes are made to a core permission over time but resulting in multiple layers of individual permissions arising. In addition, minor amendments to planning permissions can require a new application, (possibly including full PACC and PAN), which in the view of some respondents, is rather onerous and has an impact on delivery. There is no statutory definition of 'minor-material', however other jurisdictions suggest that **'minor material'** amendments are likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved (and recommends that pre-application discussions should be used to determine whether an amendment is a 'minor material amendment' before an application is submitted). Some amendments may, if appropriate, be taken forward under Section 54 of the Act**,** allowing conditions associated with the existing permission to be varied. A local planning authority can use its discretion to decide who should be consulted about such an application and the approach that should be taken to notification. In relation to the point that the Department should retain authority for changes to permissions it has granted, the approach here mirrors that in other jurisdictions, where the local planning authority has principal responsibility for the vast majority of planning functions, including subsequent applications and changes to those previously granted by the Department.

	Proposed Action: The Department is not persuaded of the need to amend current provisions with regard to non-material or, minor-material amendments, but will continue to keep these matters under review.
(PT3-17) Digitization in the Planning System **You said –** Overall, a broad cross-section of respondents proposed the planning system should allow for the electronic submission of planning applications, fees and inspection of other documents.	**Our response -** Calls to better utilise digital / online means of consultation and communication in plan-making, and development management and enforcement featured strongly in the responses to the call for evidence. Regulation 4 of the LDP regulations, and Regulation 29 of the GDPO provides for the use of electronic means of communication which could be amended to expand the use of digitization in plan-making and development management. Removing the requirement for advertisement in the printed press and Belfast Gazette would need careful consideration particularly around its potential effects on some s.75 groups. A new Regional Planning IT System is currently being developed which will provide a modern system to the Department and the 10 councils when it goes operational. It will also deliver new services to the public who will be able to submit planning applications on-line as well as via the normal routes. The new system is due to be operational next summer. **Proposed Action: The Department will work with stakeholders to determine whether there are ways in which to better utilise online / digital means of communication in plan-making, and the planning system overall (See also PT2-6 and PT3-6). This may require public consultation, and amendments to primary and/or subordinate legislation**
(PT3-18) Permitted Development	**Our response -** Certain elements of The Planning (General Permitted Development) Order (NI) 2015 have been reviewed and

You said – A majority of councils and a cross-section of other NGOs, individuals and industry suggested that the department undertakes a review of current permitted development rights in a number of areas, particularly in relation to: minerals, utilities, agriculture, forestry, and householder development. Some councils also requested the introduction of permitted development rights specific to the use of land for COVID 19 related purposes such as test centres.	amended since its introduction. Changes include provisions in relation to minerals, telecommunications, electric vehicle charging points, and shops, financial and professional services. A more comprehensive review covering other matters raised by respondents such as agriculture, forestry, and householder development would be a significant and resource intensive undertaking, and not achievable in the short or medium term. **Proposed Action: The Department will continue to keep permitted development rights under review and will bring forward amendments to extant PD provisions as and when appropriate in line with Ministerial priorities and Departmental resources.**
(PT3-19) DFI Directions **You said –** A small cross-section of respondents including some councils and industry are of the view that existing Notification Directions should be amended or repealed, particularly The Planning (Notification Of Applications) Direction 2017. Some respondents also consider the Department consider the introduction of a new Direction to deal with applications for electricity transmission lines.	**Our response –** Councils are required to notify the Department, either through certain Notification Directions or requirements of the Planning Act, of certain specified matters with regard to major development, listed building consent, councils own planning applications, and control of demolition in Conservation Areas. A council cannot proceed to determine such applications or grant consent until such time as the Department has had opportunity to consider the application. The Department has 28 days to consider the matter, or may issue a holding direction pending a decision whether or not, to call-in the application. Given that departmental directions have been in place for several years now, the Department considers there is merit in undertaking a general review of their operation to determine if they remain appropriate going forward.

	Proposed Action: The Department will undertake a general review of current departmental directions. This may require public consultation, and amendments to primary and/or subordinate legislation.
(PT3-20) Commencement of Development **You said –** A small cross-section of respondents including some councils, business and private sector suggested that further guidance is needed on what constitutes a lawful start to development, and that s.63(2) should make specific reference to 'laying out or constructing a road' & 'demolition' to avoid applicants losing their permissions.	**Our response -** Section 61 of the Act imposes a statutory condition on the grant of planning permission that development must be begun within 5 years of the date on which permission is granted or such other period as the council or the Department considers appropriate. Additionally, where outline planning permission is granted, development must be begun within 5 years of the date on which the permission is granted or within 2 years of the final approval of the reserved matters. Commencing development means undertaking some limited works on site to commence a planning permission and thus keep it alive. A material operation can include any works of construction, demolition, digging foundations, laying out or constructing a road and a material change in the use of the land. The works must be done within the time period expressed on the permission. In order to lawfully commence development it is necessary to satisfy the legal requirements in section 63(2) of the Act. This says that "*development shall be taken to be begun on the earliest date on which any of the following operations comprised in the development begins to be carried out.*" Section 63(2) specifies the operations which can constitute the start of development. The meaning of 'development' is set out at section 23 of the Act, as too is the meaning of 'building operations', and includes demolition, and rebuilding.

	Proposed Action: The Department will review this provision to establish if any technical amendments are appropriate.
(PT3-21) Planning Agreements **You said –** A cross-section of respondents including some councils, business, NGOs and private sector interests suggested that further guidance / clarification could be provided on the circumstances in which section 76 planning agreements will be implemented including the use of conditions and covenants to secure developer contributions and other benefits. Some considered that legal fees associated with formulating planning agreements should be inclusive of the planning application fee, and that any variation to planning conditions should not result in the need for a Deed of Variation to a Section 76 agreement. Some also suggested that developers should be able to submit a 'Unilateral Undertaking' as a substitute to a Bi or Multi Party planning agreement under Section 76.	**Our response –** Section 76 of the Planning Act (NI) 2011 enables any person who has an estate in land to enter into a planning agreement with either a council or the Department (whichever is the relevant authority). A planning agreement may facilitate or restrict the development or use of the land in any specified way, require operations or activities to be carried out, or require the land to be used in any specified way. An agreement may also require a sum or sums to be paid to the relevant authority or to a Northern Ireland department on a specified date(s) or periodically. The relevant authority has the power to enforce a planning agreement by entering the land and carrying out the operations itself. Any expenses incurred in doing so are recoverable from the person or persons against whom the agreement is enforceable. A planning agreement may not be modified or discharged except by agreement between the relevant authority and the person or persons against whom the agreement is enforceable. A planning agreement can play a meaningful role in the development management process as a valuable mechanism for securing planning matters arising from a development proposal. An agreement may mean that development can be permitted whilst potentially negative impacts on land use, the environment and infrastructure could be reduced, eliminated or mitigated. Most of the comments and suggestions in relation to planning agreements revolve around their use and practice or seeking

	clarification on technical aspects of them. The matter of recoverable costs associated with planning agreements under the Act, is similar to that in other jurisdictions, e.g. for planning obligations in Scotland, under section 75 of the Town and Country Planning (Scotland) Act 1997. These are matters that can and should be addressed by planning authorities adopting best practice approaches and do not require legislative change. **Proposed Action: The Department is not persuaded of the need to amend existing provisions but will continue to engage with Councils on practice through the normal mechanisms.**

Table 4

Part 4 Additional Planning Control	
(PT4-1) Temporary Listing / Building Preservation Notice (BPN) **You said –** Some councils and professional bodies are of the view that the Department for Communities (DfC) should retain powers to enforce / issue a BPN and be liable for compensation (not a council). These respondents have also requested that consideration be given to providing DfC with a power to issue a BPN, including liability for compensation.	**Our response -** Responsibility for certain functions under the Planning Act with respect to Listed Buildings and Conservation Areas transferred from the Department of Environment to the Department for Communities in 2016[13]. Councils however are responsible for the issuing of BPNs, (temporary listing where considered necessary), to be confirmed (or not) by DfC. Councils are currently liable for compensation (s.186) where a BPN ceases to have effect without the building having been listed by DfC. **Proposed Action: As these functions are the responsibility of another department, DfI will continue to liaise with DfC on these matters.**

[13] https://www.legislation.gov.uk/nisr/2016/76/contents/made

(PT4-2) Conservation Areas (CA) **You said –** A number of councils, together with other professional bodies and a political party, propose that councils be given the authority to vary / repeal a CA designated by the Department, and that The Planning (Northern Ireland) Act 2011 Planning (Control Of Demolition In Conservation Areas) Direction 2015 should be rescinded. Respondents also contend that the requirement for councils to refer an application for Conservation Area Consent to the Department, where it intends to grant permission, is completely heavy handed, disproportionate and an unnecessary administrative burden.	**Our Response -** Responsibility for certain functions under the Planning Act with respect to Listed Buildings and Conservation Areas transferred from the Department of Environment to the Department for Communities in 2016. Councils and DfC can designate CAs, however such designation can only be varied or cancelled by the authority which made the designation. In effect, councils are currently unable to vary or cancel a CA designated by the Department prior to the transfer of planning functions in 2015. **Proposed Action: Given these functions are the responsibility of another department, DfI will continue to liaise with DfC on these matters.** **The Department intends to review the Conservation Area consent notification requirements (See also comments at PT3-19)**
(PT4-3) Tree Preservation Orders (TPO) **You said –** A number of councils and political representatives have requested that the Department provides the power for councils to vary or revoke TPOs, including those made by the Department and its predecessors, and to also clarify the meaning of 'amenity' and 'abatement of a nuisance' within guidance. Some further contend that such protections should be extended in other designated areas such as ATCs.	**Our response -** Planning powers with respect to Trees are set out at sections 121-128, Chapter 3, Part 4 of the Planning Act (NI) 2011 and are primarily the responsibility of local councils. The Department has a power to make, amend or revoke a tree preservation order (TPO) under section 124, in consultation with the local council. In effect, should a council wish to amend or revoke a TPO, it currently must make a request that DfI do so on its behalf. In addition, while trees in a CA are offered protection under section 127 of the Act, those in other designated areas such as ATCs are not. ATC's are, however, identified and designated through the LDP process which does not currently provide statutory protection of trees.

	Proposed Action: The Department will review current requirements around TPOs with a view to bringing forward proposals to permit councils to vary or revoke TPOs in their areas. The Department will also consider whether there is a need for guidance to clarify certain TPO terms or definitions.
(PT4-4) Review of Old Mineral Permissions (ROMPs) **You said –** A broad cross-section of respondents including councils, NGOs, individuals, political parties and some business interests requested that the Department commence legislation around ROMPs and that the Department provide the necessary resources to allow implementation.	**Our response -** Officials are continuing to examine a number of options in relation to the commencement of legislation for the review of old mineral permissions (ROMPs). Councils do, however, have a broad range of other enforcement powers available under the Planning Act (NI) 2011 where they believe a developer is operating outside the terms of a permission. Councils remain best placed to investigate such planning matters and have a responsibility to do so. **Proposed Action**: **The Minister is to consider options on the way forward with regards to ROMPs early in 2022.**

Table 5

Part 5 Enforcement	Assessment
(PT5-1) Relevant authority for Enforcement **You said –** A cross-section of councils, business and academia are of the view that planning enforcement should rest with the authority which granted the relevant approval, while several individuals contend that enforcement should not be a discretionary function, nor where it is only expedient to do so. Some also believe that cost recovery	**Our response –** Guidance on planning enforcement is set out in Enforcement Practice Notes 1-4. The vast majority of planning functions, including that for planning enforcement rests with local councils. The Department has parallel powers with regards to certain functions, including issuing of enforcement notices (section 139). The Department's parallel enforcement powers can be used where it is considered expedient

could further incentivise appropriate action by planning authorities. Councils have suggested that the Department should take responsibility for enforcement action where necessary (extending to applications for Reserved Matters approval, and discharge of conditions) where it was the determining authority, and these should not rest with councils.	in circumstances where, for example, a council has failed to issue enforcement or stop notices (and not before consulting the appropriate council). The potential need for the enforcement of matters connected to decisions previously issued by the Department, is a discretionary function of councils, taking account of the merits of the case, and other relevant planning matters, and is only likely to extend to a small number of cases. The approach to planning enforcement here is modelled on that in other jurisdictions, where planning enforcement is exercised as a discretionary function. Planning authorities will, in deciding to take appropriate action, be guided by the key enforcement objectives, as set out in the SPPS[14], and will do so having regard to the provisions of the Local Development Plan and any other material considerations. In its considerations, a council may include matters such as: whether the breach of planning control would be clearly contrary to planning policy or unacceptably affect public amenity (including road safety and nature conservation issues) or the existing use of land and buildings meriting protection in the public interest; the extent of the breach; the willingness of the offender(s) to remedy the breach of control voluntarily or through negotiations; and the statutory time limits for taking enforcement. Enforcement action against a breach of planning control may be taken when a council regards it as **expedient** to do so. Whilst not formally defined, expediency is taken as a test of whether an unauthorised development or activity is causing unacceptable harm

[14] These key objectives are as stated in paragraph 5.57 of the Strategic Planning Policy Statement for Northern Ireland (SPPS) September 2015

	to the environment and / or public amenity, having regard to the provisions of the local development plan and to any other material considerations. It would be appropriate for councils, in determining what (if any) enforcement action is to be taken, to give priority to those breaches where in a council's opinion the greatest harm is being caused. It is considered good planning practice that any action taken against a breach of planning control shall be proportionate to the breach.[11] **Proposed Action**: **The Department is not persuaded of the need to change the approaches to planning enforcement but will keep these matters under review.**
(PT5-2) Digitization in the Planning System **You said –** Some councils and academia suggested that legislation should permit the electronic service of enforcement and other similar notices.	**Our response -** Calls to better utilise digital / online means of consultation and communication in the planning system overall featured strongly in the responses to the call for evidence. Section 239 of the Act provides for the service of notices and documents by means of electronic communications however this currently **excludes** enforcement notices, stop notices, planning contravention notices etc (see section 239(3)). This matter could be considered within the context of a broader examination of enhanced digitization in the planning system. Such a proposal if taken forward would require policy development, public consultation and amendment to primary and/or subordinate legislation and guidance. A new Regional Planning IT System is currently being developed which will provide a modern system to the Department and the 10 councils when it goes operational. It will deliver new services to the

	public who will be able to submit planning applications on-line as well as via the normal routes. The new system is due to be operational summer 2022. **Proposed Action: The Department will work with stakeholders to determine the potential use of online / digital communication in planning enforcement. This can be undertaken within the context of a broader examination of enhanced digitization in the planning system.**
(PT5-3) Fixed Penalty Notices (FPN) **You said –** A majority of councils and some individuals suggested that FPNs are punitive only, and would be better applied to unauthorised signage/advertisements.	**Our response -** Sections 153 and 154 enable a council to issue a fixed penalty notice for the offences of failure to comply with an Enforcement Notice or Breach of Condition Notice, offering the offender an opportunity to discharge any liability for the offence without having to go to court. FPNs are intended to provide planning authorities with an alternative process, in addition to the current option to seek a prosecution, to address situations where a person has failed to comply with the requirements of an enforcement notice (EN) or a breach of condition notice (BCN).The majority of ENs and BCNs issued by planning authorities are complied with; however there are occasions where they are not. By paying the penalty imposed by the FPN, the person will discharge any liability for prosecution for the offence. They will not however discharge the obligation to comply with the terms of the EN or BCN and the planning authority will retain the power to take direct action to remedy the breach and recover the costs of such work from that person.

	This approach to FPN mirrors that in other jurisdictions and provides councils with an alternative means of remedy. **Advertisements** **Section 175** of the 2011 Act allows a council to deal with enforcement of advertisement control. On conviction for display of an advertisement contravening regulations made under **section 130** (i.e. control of advertisements), a person is liable to a fine not exceed level 4 of the standard scale (£2500). In the case of a continuing offence, the fine will not exceed one tenth of level 4 (£25) for each day during which the offence continues after conviction. Within this context, respondents are of the view that the application of FPN to advertisement controls would be a proportionate response to potentially better address the issue. **Proposed Action: The Department will explore the possibility of applying FPNs to advertisement control. Any changes, if taken forward will require amendment to primary and/or subordinate legislation.**
PT5-4 Unadopted Roads / Private Streets Determinations (PSD) **You said –** Some councils suggested the introduction of a mechanism so councils can take enforcement action to deal with un-adopted roads. Alternatively, the planning process should not be used to deal with matters that are for other regulatory regimes.	**Our response**: - The Department would **not** be in favour of removing the PSD from the planning process. The Private Streets (NI) Order 1980 is inter-linked to the Planning Act, and separating the two would create a two stage approval process. While doing so **may** shorten the process time for relevant planning applications, it would likely lengthen the overall time required by developers to subsequently obtain the requisite PSD approval and begin development. There is also a risk that some developers may not submit a Private Streets Determination post-planning, meaning an agreement and road bond cannot be put in place. On balance it is considered that maintaining the existing link between the planning and PSD process is best for the efficiency of the end to end

	development process, and in terms of ensuring that road layouts are completed in a timely manner. **Proposed Action: The Department is not persuaded of the need to amend existing provisions however, it will continue to explore ways of improving the PSD aspect of the process.**

Table 6

Part 6 Compensation	Assessment
(PT6-1) Liability as to Compensation **You said –** A small number of councils consider that they should not be held liable for compensation for any actions or decisions taken by the Department e.g. if the Department decides to revoke or modify a planning permission then councils should not be liable for any costs.	**Our response**: The approaches to planning enforcement, including modification, revocation, and compensation here follow those in other jurisdictions, for example: In England, the local planning authority has the power to revoke planning permissions under section 97 of the 1990 Planning Act, but this has to be confirmed by the Secretary of State. In England and Wales the Secretary of State also has the power to revoke planning permission under section 100 of the 1990 Planning Act, and where this is done the liability to pay compensation still falls on the local planning authority, as though it had made the revocation order. Also, the revocation or modification of an unimplemented planning permission is not a routine or common exercise, and a planning authority can take into account the matter of compensation payable should it seek to proceed with such an order.[15] **Proposed Action: The Department is not persuaded of the need to change the approaches to compensation.**

[15] Health and Safety Executive (Appellant) v Wolverhampton City Council (Respondent) [2012] UKSC 34, 18 July 2012

Table 7

Part 7 Purchase of Estates in Certain Land Affected by Planning Decisions	Assessment
You said – No comments.	

Table 8

Part 8 Further Provisions as to Historic Buildings	Assessment
You said – No comments.	

Table 9

Part 9 The Planning Appeals Commission	Assessment
You said – No comments.	

Table 10

Part 10 Assessment of a Council's Performance	Assessment
(PT10-1) Exercise of powers **You said –** A small cross-section of respondents including NGOs, business, housing, and other professional bodies requested the Department exercise greater and more regular use of its powers to undertake regular reviews of a council's performance, which in their view would allow shortcomings to be identified and recommendations for improvements to be made. Others, including some councils suggested that the way in which councils planning performance is measured should be reviewed with an emphasis on quality decisions rather than the speed at which an application can be moved through the process.	**Our response:** Part 10, sections 207- 209 of the Act enables the Department to conduct an assessment of a council's performance or decision making, including an assessment of how a council deals with applications for planning permission and the basis on which determinations have been made. Since the transfer of the Planning function to councils in 2015 the Department has not carried out any assessments under Sections 207-209, however it does monitor the performance of councils through a number of mechanisms including 3 statutory planning performance indicators, which are reported upon quarterly and annually and also a number of non-statutory planning indicators, contained within the Planning Monitoring Framework, which is published annually. All information relating to these indicators is published on the Dfl website (see attached links). https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2019-march-2020 https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2020 The Department continuously works in collaboration with Councils and other planning stakeholders across a range of planning issues to discuss and bring forward improvements to the efficiency and effectiveness of the planning system. The issue raised by respondents is about the exercise of these powers and not the structure of powers themselves. The use of powers available to the Department will however, be kept under review as a means to deliver improvements, if appropriate.

	Proposed Action: The Department is not persuaded of the need to change the approaches to the assessment of a council's performance, but will keep this matter under review in the exercise of its functions.

Table 11

Part 11 Application of Act to Crown Land	**Assessment**
You said – No comments.	

Table 12

Part 12 Correction of Errors	**Assessment**
(PT12-1) Correction of Errors **You said –** Most councils together with a small cross-section of other respondents suggested that Part 12 should be commenced, to include additional provisions to correct errors in conditions.	**Our response**: See paragraphs 4.5 – 4.6 of this report. **Proposed Action: The Department proposes to make a minor amendment at an appropriate legislatively opportunity to remove this anomaly and subsequently commence Part 12**

Table 13

Part 13 Financial Provisions	**Assessment**
(PT13-1) Planning Fees	**Our response:**

You said – Councils were unanimous in their call for a review of existing fees structure, to include an automatic uplift of fees annually and that they should have the power to apply fees for the discharge of conditions, non-material changes, PADs and other similar consents/applications.	The Department considers there is merit in reviewing planning fee categories and the fees themselves to establish if they remain fit for purpose and cover the costs of processing applications in line with the requirements of Managing Public Money (NI). Such a review would consider the introduction of new fees with regard to applications to discharge conditions, PADs, non-material changes, retrospective permission etc and would require amendment to the Fees Regulations. **Proposed Action: The Department will undertake a general review of planning fees including an automatic annual inflationary uplift, and multiple fees for retrospective applications as part of a wider review of planning fees.**

Table 14

Part 14 Miscellaneous and General Provisions	
(PT14-1) Duty to respond to consultation **You said –** A small number of respondents consider that the consultation process continues to remain open ended and is impacting on the ability of councils to meet their statutory targets.	**Our response**: Refer to commentary at Table 3 (PT3-7) – 'Time period for consultations'. **Proposed Action: In conjunction with the recommendation at issue PT3-7 above, the Department will keep under review any consequential changes to this duty.**
(PT14-2) Planning Register	**Our response:** Section 45 of the Planning Act (NI) 2011 ("the 2011 Act") sets a requirement on the Department and councils to

You said – A small number of respondents including some councils suggested the introduction of provisions similar to Article 40(13) (a) of The Town and Country Planning (Development Management Procedure) (England) Order 2015 with regards to Finally Disposed of Applications which allows planning authorities to "Finally Dispose" of applications where it has not been determined and the statutory time limit for lodging an appeal has expired.	determine an application for planning permission. Article 20 of the Planning (General Development Procedure) Order (Northern Ireland) 2015 ("the GDPO") sets out the periods for determination of council planning applications [16 weeks for 'major' applications and 8 weeks for 'local' applications]. If a determination has not been made within that period then under sections 58 and 60 (2011 Act) the applicant may appeal to the Planning Appeals Commission. Whilst a council or Department can issue a decision notice to refuse a development proposal on the basis of insufficient information to determine the development proposal, it does not have any legislative framework in place to dispose of 'old' applications where both the statutory timeframe and appeal timeframe have passed without a determination being made. As of September 2021, less than half of all councils are dealing with a small number of live, legacy planning applications which over time, will continue to diminish. On the basis of the evidence, the Department is not persuaded of the need for any change to existing legislative provisions. **Proposed Action: The Department is not persuaded of the need to amend these provisions.**

Table 15

Part 15 Supplementary	Assessment

You said – No comments.	

Table 16

Other Matters	Assessment
(OM-01) Resources / Training **You said –** A broad cross-section of respondents including some councils, NGOs, business and renewables sectors have suggested that the Department ensures that adequate resources and training are made available for statutory consultees, PAC, councillors etc, to help in the exercise of their planning functions, to include resources for specialist and shared services with regard to minerals and waste, urban design, habitats assessments, EIA etc.	**Our response**: The issue of resources and training for consultees and others, is out-with the scope of this review. At the time of transfer of planning functions and the reform of local government necessary resources were made available together with appropriate training with regards to the exercise of planning functions by councils and associated committees. Councils are responsible for resourcing, training and operational performance. Furthermore, the PAC is resourced through the Department of Justice.
(OM-02) Biodiversity Net Gain principles, Net Zero, and Nature Recovery Networks **You said –** A small number of respondents including NGOs business and renewables sectors have suggested that the Department look to develop additional bespoke environmental legislation, such as is proposed within the Environment and Nature Restoration Private Members Bill including Biodiversity net gain.	**Our response**: While the Department is of the view that this matter is out-with the scope of this review, furthering sustainable development is at the heart of the planning system and regional planning policy. The Department is committed to ensuring that the planning system plays its part in responding to the climate crisis and that resources are actively focused on measures and actions to support a green recovery from the pandemic. The Planning Act (NI) 2011 and existing regional planning policy and guidance already provide councils with the flexibility to bring forward bespoke local policies for the development of their areas, where appropriate. The matter of additional bespoke environmental legislation is however out-with the scope of this review.

(OM-03) Review extant planning policy **You said –** A small cross-section of councils, renewables, and professional bodies have suggested that the Department should review the Regional Development Strategy (RDS), Strategic Planning Policy Statement (SPPS) and address the ongoing review of existing planning policy statements (PPSs), on the countryside, minerals etc, as these may have an impact on future local policy development / LDP preparation. Consider allowing the retention of PPSs until such time as a Local Policy Plan is adopted.	**Our response**: The Department is of the view that this matter is out-with the scope of this review. The RDS is prepared under the Strategic Planning (Northern Ireland) Order 1999. Under that Order the Department is responsible for formulating "in consultation with other Northern Ireland departments, a regional development strategy for Northern Ireland, that is to say, a strategy for the long term development of Northern Ireland". The RDS provides an overarching strategic planning framework to facilitate and guide the public and private sectors. It does not redefine other Departments' strategies but complements them with a spatial perspective. The SPPS has a statutory basis under Part 1 of the Planning Act (Northern Ireland) 2011 which requires the Department to formulate and co-ordinate policy for securing the orderly and consistent development of land and the planning of that development. The existing suite of Planning Policy Statements and the remaining provisions of 'A Planning Strategy for Rural Northern Ireland' will be cancelled when all eleven councils have adopted a new Plan Strategy for the whole of their council area. Both the RDS and SPPS are subject to periodic reviews to ensure they remain appropriate over time and can respond to new and emerging issues or challenges. **Proposed Action: The Department will, in the exercise of its functions, continue to keep extant planning policy under review.**
(OM-04) Measurement of Planning Performance (Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015)	**Our response**: This issue is out-with the scope of this review. The Department monitors the performance of Councils through a number of mechanisms including 3 statutory planning performance

You said – A small number of councils, together with some from the business and professional sectors consider that the way in which planning application performance is measured should be reviewed. Respondents suggested that the approach in GB of measuring the percentage of applications determined within the statutory target should be adopted, and that Statutory Performance Indicators should be reviewed to take account of quality decisions rather than the speed at which an application can be moved through the process.	indicators, which are reported upon quarterly and annually and also a number of non-statutory planning indicators, contained within the Planning Monitoring Framework, which is published annually. All information relating to these indicators is published on the DfI website (see attached links): https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-april-2019-march-2020 https://www.infrastructure-ni.gov.uk/publications/northern-ireland-planning-statistics-october-december-2020 Any changes to the way in which council's performance is measured would require amendment to the Measurement of Planning Performance (Local Government (Performance Indicators and Standards) Order (Northern Ireland) 2015. **Proposed Action: The Department will keep this matter under review.**
(OM-05) Infrastructure Commission / Independent Planning Body or Regulator **You said –** A small number of respondents from business, renewables and political spectrums suggested the establishment of an independent body to decide on regionally significant planning applications. Some individual respondents further contend that such a body should not pre-exist a commission with regards to climate and biodiversity, and that the Department should also establish a 'Planning Regulator' to operate an independent oversight role of the planning system.	**Our response**: While such matters are out-with the scope of this review, the Minister has for some time now, been engaging with Executive Colleagues on the need for a better, longer term approach to infrastructure planning and delivery here and is pleased that the recommendation of her own Ministerial Advisory Panel on Infrastructure, that an Infrastructure Commission should be established here and a key action in the Executive's Covid-19 Recovery Plan will now be progressed in a positive way via a cross-departmental working group, led by TEO (see link below). Minister Mallon continues to offer her support and that of her officials to this group and hopes that rapid progress can be made with this work.

	https://www.infrastructure-ni.gov.uk/news/ministerial-advisory-panel-infrastructure-present-report-minister Part 9 of the 2011 Act provides for the continued governance arrangements of the Planning Appeals Commission including its senior structure, impartiality and administration. These provisions were transferred to the **Department for Justice** by the Departments (Transfer of Functions) Order (NI) 2016. With regards to the small number of planning applications deemed regionally significant and dealt with by the Department, the independent PAC may consider these, if requested, by way of either a public local inquiry, or notice of opinion called / served by the Department.
(OM-06) Belfast Metropolitan Area Plan (BMAP) Status **You said –** A small number of respondents including some councils and political representatives requested the department provide clarification on the status of the BMAP, (and Joint Ministerial Statement on prematurity) with clear guidance as to how competing area plans should be weighted by each local authority.	**Our response**: Such matters are out-with the scope of this review. Draft BMAP and all representations received to it, together with the Planning Appeals Commission inquiry reports, continue to be material considerations to be weighted by the decision maker in the determination of planning applications. Draft BMAP also provides a more up to date evidence base for the creation of local development plans by councils. The Minister is exploring with officials the most appropriate way forward with draft BMAP. The Joint Ministerial statement issued in 2005 by the then DOE and DRD Ministers on the importance of emerging development plans in deciding planning applications, has not been superseded or rescinded.
(OM-07) New Strategic Infrastructure Order – Some respondents within the renewables / electricity sectors requested the introduction of 'Strategic Infrastructure Order', to deliver energy projects which contribute to or	**Our response**: This matter is out-with the scope of this review. [Please see comments above in relation to an Infrastructure Commission].

connected with the delivery of renewable energy or net zero carbon targets, via an accelerated / simplified planning process.	
(OM-08) Planning Judicial Reviews **You said –** A small cross-section of public representatives and business suggested the establishment of a dedicated Court to deal with planning related Judicial Reviews.	**Our response**: This matter is out-with the scope of this review. Consideration of the need for, and establishment of a new dedicated court for planning related judicial reviews would be for the NI Executive to determine in conjunction with the Department of Justice and Department for Infrastructure (as it would involve more than one NI department).
(OM-9) Planning Processing Agreements (PPA) **You said** – A cross-section of respondents including business, renewables and private practice suggested the introduction of PPAs into legislation. Respondents are of the opinion that an agreed PPA between Councils / the Department and applicants would set out the roles and responsibilities of all parties, possibly including penalties for failure to adhere to the pre-agreed schedule for determination of an application.	**Our response -** A planning processing agreement is a project management tool. It sets out the key processes involved in determining a planning application, identifying what information is required from all stakeholders' involved and setting timescales for the delivery of various stages of the process. Processing agreements set out a route to a decision on an application, not necessarily to an approval. These are available to planning authorities in Scotland in relation to major applications or for local developments that are complex, involve legal agreements, or are likely to be contentious or require amendments to be made to the proposals during their processing. The main purpose of the agreement is to provide clarity to all parties involved in the determination of the application of their responsibilities and to establish realistic timescales for processing the application. The Scottish Government has actively promoted the use of processing agreements as a project management tool for planning applications for a number of years

	PPAs are linked with PADs and other forms of early engagement between applicants and the planning authority. As a management tool it would not require statutory provision, however introducing PPAs in NI would require significant engagement and consultation amongst all stakeholders, particularly agreement with statutory consultees. The introduction of processing agreements would involve additional administrative burdens to councils and the Department. Councils would therefore need to be consulted on this option. While they may be encouraged elsewhere they are not mandatory, and would likely only be particular to a relatively small number of applications in Northern Ireland. Furthermore, the Department does not consider the introduction of fines or penalties to be beneficial for what would be a non-statutory management process tool. **Proposed Action: The Department will keep under review.**
(OM-10) Consistency between terrestrial planning and Marine Planning regimes **You said** - The Planning Act should be amended to ensure consistency with marine legislation (Marine and Coastal Access Act 2009 and the Marine Act (Northern Ireland) 2013) with regard to decisions affected by marine plan/marine policy documents.	**Our response –** The UK Marine Policy Statement (MPS) acknowledges that in achieving integration in marine and land-use (terrestrial) planning systems, policy and development plan documents already include policies addressing coastal and estuarine planning. Marine policy guidance and plans seek to complement rather than replace these, recognising that both systems may adapt and evolve over time. It should be noted that in many cases the policies reflected in this MPS are already taken into account in the terrestrial planning system (including land-use planning decisions) and other consenting regimes which affect or might affect the marine area unless relevant considerations indicate otherwise[16].

[16] https://www.legislation.gov.uk/nia/2013/10/section/8

	The draft Marine Plan for NI has been developed to support and complement other existing legislation, policies, plans and strategies, also taking account of Local Development Plans (LDPs). Equally, the Planning Act 2011 requires councils in preparing LDPs to take account of such other matters as the Department may prescribe or direct, and to have regard to such other information and considerations as appear to the council to be relevant which can include a Marine Plan affecting the particular area. In this respect, there exists a degree of integration between both regimes. **Proposed Action: The Department is not persuaded of the need to amend the Planning Act in this way. (See also to PT2-3)**
(OM-11) Retrofit / Reuse of existing buildings **You said -** Rather than demolishing and rebuilding new, the Department should consider promoting the reuse of existing buildings to assist towards a reduction in carbon emissions and to reduce the construction industry's consumption of resources.	**Our response –** The reuse and retrofitting of existing buildings as opposed to new builds, falls outside the scope of the this review. Existing policy (SPPS) makes provision for the re-use and adaptation (or 'retrofitting') of existing buildings and specifies that the planning system should help to mitigate and adapt to climate change by, among other things, *"promoting sustainable patterns of development, including the sustainable re-use of historic buildings where appropriate"*. It also makes specific provision for the conversion and re-use of existing buildings in the countryside for residential and a variety of other non-residential uses; and, for certain farm diversification

	schemes where proposals involve the re-use or adaption of existing buildings. In addition, regional policy supports the re-use of existing buildings in a number of scenarios, including listed buildings, where redevelopment would "secure the ongoing viability and upkeep of the building". Also, the Planning (Use Classes) Order (NI) 2015 can help by prescribing the circumstances where a change of use is not regarded as involving development, where the former use and new use are both within the same class specified in the Order.

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APPENDIX 3b

DFI Report – Recommendations

Recommendation 1

Local Development Plan Guidance
The Department will add/amend development plan guidance as required by the review of current processes following adoption of a number of LDPs.

Recommendation 2

Consultation Bodies in Plan-Making
The Department will undertake to review the statutory list of consultees in plan-making to determine whether it remains relevant / appropriate to local planning authorities.

Recommendation 3

Digitization in the Planning System
The Department will work with councils and other stakeholders to determine whether there are ways in which to enhance online / digital means of communication in plan-making, development management, and in the planning system generally to improve accessibility for citizens.

Recommendation 4

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

Recommendation 5

Pre-Application Community Consultation (PACC) and Notice
The Department will bring forward proposals to provide for both in-person and on-line/electronic PACC public engagement. This will include consideration of any recommendations to emerge from the work of the Planning Engagement Partnership. Clarity on the PAN process could be provided in expanded guidance if appropriate.

Recommendation 6

Call-In Applications
The Department will review the policy approach in terms of clarifying call-in criteria and will seek to improve the efficiency of the process going forward.

Recommendation 7

Incomplete Applications and Validation Check-Lists
The Department will bring forward proposals to introduce statutory 'validation check-lists' and will seek to advance policy development at the earliest opportunity. Councils should consider the introduction of compulsory training for members of planning committees, including procedures where training requirements have not been met.

Recommendation 8

Time period for consultation responses
The Department will explore further and give consideration to the legislative requirements around statutory consultations including timeframes for consultations responses, penalties for late responses and how councils can proceed if statutory.

Recommendation 9

Pre-Determination Hearings (PDH)
The Department will bring forward proposals to make PDH discretionary for councils in the exercise of their functions.

Recommendation 10

Matters Raised at Appeal
The Department will bring forward proposals to supplement existing s.59 provisions which would disallow the variation of a development proposal at appeal.

Recommendation 11

DFI Directions
The Department will undertake a general review of current departmental directions.

Recommendation 12

Commencement of Development
The Department will review this provision to establish if any technical amendments are appropriate.

Recommendation 13

Tree Preservation Orders (TPO)
The Department will review current requirements around TPOs with a view to bringing forward proposals to permit councils to vary or revoke TPOs. The Department will also consider whether there is a need for guidance to clarify certain TPO terms or definitions.

Recommendation 14

Review of Old Mineral Permissions (ROMPs)
The Minister is to consider options on the way forward with regards to ROMPs early in 2022.

Recommendation 15

Fixed Penalty Notices (FPN)
The Department will explore the possibility of applying FPNs to advertisement control.

Recommendation 16

Planning Fees
The Department will undertake a general review of planning fees including an automatic annual inflationary uplift, and multiple fees for retrospective applications as part of a wider review of planning fees.

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Place and Economy Department

Planning and Building Control

Belfast City Council

Your Ref:
Our Ref: 20210219AT/nm
(Please quote at all times)

Mr Angus Kerr
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Tel: 028 90 500510
Date: 7 April 2021

Dear Angus,

RE: Call for Evidence – Review of the implementation of the Planning Act (NI) 2011

I refer to the Department's email of 15 February 2021, which requested views in relation to the above, and my subsequent letter dated 19 February 2021 advising that the Council's response will be ratified at the full Council meeting on 1 April 2021.

The Council's response to the Call for Evidence set out in the attached Annex Response Form but as amended/amplified as follows:

- in respect of the notice of applications, that public awareness should be encouraged and increased where possible, including the use of site notices, which may be complementary to, but not instead of, direct neighbour notification;
- to acknowledge that the different levels of resource in Planning Committees across N.I. was not equal;
- the Local Development Plan amendments must ensure it is adaptable to change and fit for purpose; and
- ensure that fee amendments resulted in graduated fees to ensure that smaller schemes paid a lower fee.

We look forward to working with the Department in implementing the outcome of the review. If you require anything further, please don't hesitate to contact planning@belfastcity.gov.uk.

Kind regards

[redacted]

Aidan Thatcher
Director of Planning and Building Control

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