

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



**Belfast  
City Council**

11<sup>th</sup> March, 2022

## **MEETING OF PLANNING COMMITTEE**

Dear Alderman/Councillor,

The above-named Committee will meet in a Hybrid format on Tuesday, 15th March, 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 - 36)
- (c) Declarations of Interest

### **2. Motion: Historic Street Signs (Pages 37 - 40)**

### **3. Committee Site Visits (Pages 41 - 42)**

### **4. Request to hold a Pre-Determination Hearing and Pre-emptive Site Visit**

LA04/2021/2856/O - Mixed use regeneration development comprising office (Class B1), residential apartments (including affordable), retail (Class A1), hotel, leisure (Class D2), public realm, active travel uses, cafes, bars and restaurants, and community uses (Class D1), on lands surrounding the new Belfast Transport Hub and over the Transport Hub car park, to the east and west of Durham St and south of Grosvenor Rd. on lands to east of West Link (A12) and south of Grosvenor Road; Lands at Grosvenor Road and intersection of Grosvenor Road and Durham Street; Lands to the east of Durham Street and north of Glengall Street; Lands at Glengall Street; Lands between Glengall Street and Hope Street including Europa Bus Station, Great Victoria Rail Station, surface car parks at St Andrew's Square; Translink lands to west of Durham Street, south of BT Exchange building and north of Murray's Tobacco Works

4. (a) Request to hold a Pre-Determination Hearing

LA04/2020/1943/F and LA04/2020/1944/LBC - Residential conversion of the existing listed warehouses to form 57 (1 to 3 bed units, including 60% social and affordable to include a minimum of 20% social housing at 3-19 (Former Warehouse) Rydalmere Street.

5. **Planning Decisions Issued** (Pages 43 - 74)

6. **Planning Appeals Notified** (Pages 75 - 76)

7. **Planning Applications**

- (a) (Reconsidered Item) LA04/2020/0847/F & LA04/2020/1208/DCA - Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden at 25-29 University Road (Pages 77 - 122)
- (b) LA04/2021/2285/F - Apartment development at Parkside Gardens (Pages 123 - 136)
- (c) (Reconsidered Item) LA04/2019/0081/F - 12 affordable housing apartments on former site of Maple Leaf at Park Avenue (Pages 137 - 160)
- (d) (Reconsidered Item) LA04/2019/0082/F - Section 54 application to remove condition 2 of planning permission Z/2010/0434/F on former site of Maple Leaf at Park Avenue (Condition 2 relates to the requirement for the approved social club to be constructed and operational). (Pages 161 - 176)
- (e) (Reconsidered Item) LA04/2019/0083/F - Section 54 application to remove condition 2 of planning permission LA04/2015/0075/F on former site of Maple Leaf at Park Avenue (Condition 2 relates to the requirement for the approved social club to be constructed and operational). (Pages 177 - 192)
- (f) LA04/2020/2325/F - 21 dwellings (affordable housing) on former site of Maple Leaf at Park Avenue (Pages 193 - 212)
- (g) LA04/2021/1242/F - Change of use from coffee shop to extension of amusements arcade on the ground floor at 28 Bradbury Place (Pages 213 - 220)
- (h) LA04/2021/2825/A - Retention of mesh banner signage (19.1m by 9.84m) for a temporary period of 24 months on former Belfast Telegraph Printworks, 124-132 Royal Avenue (Pages 221 - 232)
- (i) LA04/2021/0720/F - Change of use of a dwelling to 2 apartments with an extension at 64 Ashley Avenue (Pages 233 - 242)
- (j) LA04/2021/2144/F - Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) at 150 Knock Road. (Change of design to extant planning permission ref: Z/2011/0426/F) (Pages 243 - 272)

- (k) 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 90 no units (47 dwellings, 40 apartments, 3 bungalows) and associated access, parking, landscaping and play park) to vary Condition 9 and Condition 10 (seeking to vary the remediation strategy to be implemented) on lands directly to the South of Kilwee Business Park, Upper Dunmurry Lane (Pages 273 - 298)

8. **Miscellaneous Items**

- (a) Housing Monitor 2021 -2022 (Pages 299 - 320)
- (b) Proposed approach to Employment Monitoring (Pages 321 - 334)

9. **Restricted Items**

- (a) Update on Local Development Plan (LDP) (Pages 335 - 568)
- (b) Lisburn & Castlereagh City Council / Antrim & Newtownabbey Borough Council- LDP Independent Examinations (Pages 569 - 632)
- (c) Local Development Plan (LDP) -Supplementary Planning Guidance (SPG) (Pages 633 - 712)

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## Planning Committee

Tuesday, 15th February, 2022

### HYBRID MEETING OF THE PLANNING COMMITTEE

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

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

(Councillor Hanvey, Deputy Chairperson, in the Chair)

#### **Apologies**

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

#### **Minutes**

The minutes of the meeting of 18th January were taken as read and signed as correct. It was reported that those minutes had been adopted by the Council at its meeting on 1st February, subject to the omission of those matters in respect of which the Council had delegated its powers to the Committee.

#### **Declarations of Interest**

Councillor Spratt declared an interest in item 7c, namely LA04/2021/1702/F - 807 - 809 Lisburn Road and incorporating part of Kingsbridge Private Hospital at Nos 811- 815 Lisburn Road, in that he had met with Council representatives in respect of the application and had expressed an opinion. He therefore left the meeting for the duration of the discussion and did not participate in the vote.

Councillor Murphy declared an interest in item 7d, namely LA04/2021/2154/F - Change of approved design for Community Hub building for a community led mix use regeneration scheme at the site of the former St Gemma's School, in that he had previously engaged with the ABC trust on previous plans. He therefore left the meeting for the duration of the discussion and did not participate in the vote.

#### **Committee Site Visit**

The Committee noted that a site visit had taken place to the below application site on Monday, 14th February 2022:

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

**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**

The Committee agreed to hold a pre-emptive site visit and briefing in respect of the above application.

**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**

The Committee agreed to hold a pre-emptive site visit in respect of the above application.

**Planning Appeals Notified**

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

**Planning Decisions Issued**

The Committee noted a list of decisions which had been taken under the delegated authority of the Strategic Director of Place and Economy, together with all other planning decisions which had been issued by the Planning Department between 11th January and 7th February.

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**DFI Provision of an Accessible/Disabled Parking Bay**

The Committee noted that the correspondence had been considered last month and had been included in the agenda in error.

**NIHE Notifications - Vesting order: Lands at  
Alloa Street**

The Committee noted that correspondence had been received from the Housing Executive in relation to a Vesting Order for Lands at Alloa Street.

**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 Committee noted that the following items had been withdrawn from the agenda:

- **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 - withdrawn by officers in order to further examine relevant issues;
- **(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 - withdrawn in order that officers are able to provide more information to the Committee in relation to the detailed requirements of the proposed Section 76 Agreement.
- **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 - withdrawn by officers upon advice of the Divisional Solicitor.

**LA04/2021/2285/F - Apartment Development  
at Parkside Gardens**

The Committee agreed to defer consideration of this item in order to undertake a site visit.

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**(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**

The Committee was advised that the application had originally been listed for consideration by the Planning Committee on 16th March, 2021. The application was withdrawn from the agenda and the Committee had agreed to hold a pre-emptive site visit. The site visit had taken place on 8th April, 2021. It was then on the agenda for the Committee meeting of 20th April, 2021. At that meeting, the Committee had agreed to defer consideration of it to allow further engagement to take place between the developer and local residents. It was subsequently on the agenda of the 14th September, 2021, however, it was again withdrawn to allow further engagement between the developer and local residents.

The Principal Planning officer explained that the application was originally deferred in April 2021 to allow for further engagement between the developer and the local community. She outlined that, despite considerable delays already, the agent had requested further time to complete a separate PAD process prior to the Council making a decision on the application. To date, she explained that no further information or amended drawings had been received.

The applicant had submitted a Pre-Application Discussion (PAD) in January 2022 in relation to alternative mixed use proposals for the site. The Members were advised that the proposals were fundamentally different to the scheme proposed under the application in front of the Committee and would therefore require a fresh planning application to be made if the applicant wished to pursue that option. She explained that officers considered that deferral through Committee was not the forum to consider alternative schemes which, in themselves, would be required to follow due process.

The Committee was advised that, having afforded an additional 10 months within the process to resolve any local issues, officers considered that the application should be presented to draw it to a conclusion as nothing new had been presented in respect of the application.

The Committee's attention was drawn to the Late Items pack, whereby correspondence had been submitted from an objector stating that the PAD proposals should be shared with the Members. The Principal Planning officer explained that the PAD which had been submitted was not yet valid. She added that an additional 182 objections had been received to the proposed development and that Councillors Gormley and McKeown had both submitted objections in respect of the application.

The main issues raised by objectors included:

- a lack of consultation with the community;
- poor quality and amenity of living space;
- overdevelopment;
- overshadowing;
- fire safety concerns; and

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- the destruction of built heritage

The issues had been addressed within the Case officer's report.

The Principal Planning officer presented the details of the application to the Committee.

She outlined that the key issues which had been considered during the assessment included:

- the 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; and
- social housing need in the area

The site was not zoned for a use within BUAP or draft BMAP, however, it was located within the Victoria Street / Oxford Street Area of Townscape Character (ATC), as designated within dBMAP. As the application site lay within a draft Area of Townscape Character (ATC), it was considered that the test to be applied to assess demolition was whether the proposed development would result in unacceptable damage to the character of the ATC. It was considered that the proposed redevelopment of the site maintained the overall character and respected the built form of the local area. The proposal was respectful of the surrounding context and was appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance. She also highlighted that the proposed building incorporated some of the interesting features of the existing building. It was considered that the proposed development of the site did not result in a net detriment to the character of the ATC, and therefore the proposed demolition was acceptable.

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

The Principal Planning officer reported that NIHE was supportive of the proposed residential scheme and had advised that the proposal would help to address unmet social housing need in the catchment area.

NI Water had responded to the consultation request, advising it had no objections subject to conditions.

The Principal Planning officer advised that, on balance, the proposed development was considered to comply with the tests of the Development Plan and retained planning policy and therefore the officer's recommendation was to approve the application, subject to conditions.

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

- there would be a lack of sunlight and amenity space in some apartments which was contrary to PPS 7, in that it failed to create a quality residential environment;
- the destruction of built heritage, contrary to PPS6, as highlighted by the submission by the Ulster Architectural Heritage Society;
- the lack of comprehensive community consultation;
- the Council had submitted a response to the Department for Communities draft Housing Supply Strategy last week, stating that the Council was “committed to early engagement with local communities and stakeholders to ensure from the outset that they were involved in shaping places to encourage sustainable, thriving and inclusive communities”; and
- he urged the Committee to reject the application.

The Deputy Chairperson then welcomed Mr. D. Worthington, representing the Market Development Association, and Mr. C Mackle, architect, who were objecting to the application.

Together they advised that they believed that the Committee should reject the application as:

- it constituted town cramming and it was contrary to Policy QD1 of PPS5 para 6.137 of SPPS;
- it contained wholly substandard levels of private open space which was contrary to Policy PPS 7 QD1 c and Creating Places, and it contained apartments which would experience constant overshadowing and inadequate light levels due to being located at the rear, contrary to Policy PPS 7 QD1 h and the SPPS para 412;
- private open space was essential for all residential developments, with minimum of 10 square metres per apartment – however, only 45 square metres of communal, un-landscaped hard surface was provided on the roof;
- the fact the development was deemed appropriate by officers was because it was for social housing, which suggested it was second rate;
- MDA had been engaging with the applicant to create a more suitable scheme and was supportive of social housing in the city centre;
- the applicant had submitted a PAD with a revised sketch proposal and it was not acceptable that the Planning Department had only clarified the process for the payment of the fee four weeks after the application date;
- the Council’s Local Development Plan and “Bolder Vision” documents were of material consideration, and one of the focus streets in Bolder Vision was Verner Street; and
- a refusal of the current application would clarify ambition for greater quality, people first and community focused regeneration.

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The Deputy Chairperson welcomed Mr. L. Ross, planning agent for the application, to the meeting. He advised the Committee that:

- he had been involved with the project since it had started 7 years ago, wherein a PAD application process had resulted in a scheme which didn't work;
- a further PAD application was subsequently submitted which had found favour with the statutory consultees and the planners;
- a consultation process had taken place with the Market Development Association, which had expressed concerns regarding the proposal, and had come up with an alternative proposal for the site;
- the applicant, Habinteg Housing Association, had agreed that the best way to continue was to conduct a parallel PAD process alongside the planning application given the large amount of time and money that was involved in a PAD process;
- the applicant was happy to facilitate looking at the MDA proposal but that it had invested a lot of time and money in the process to date and didn't want that effort to have been wasted; and
- requested that the Committee did not refuse the application this evening and instead deferred it to allow more time for the discussions to continue.

A Member stated that the Committee had already deferred the application on a number of occasions to allow further time for those discussions to continue and that officers had advised the Committee that the PAD presented had not yet been validated and would require a new application. He added that he felt that the applicant should have withdrawn the application and continued with the PAD process, however, the Committee had to deal with the application in front of it.

**Proposal**

Moved by Councillor Garrett  
Seconded by Councillor Maskey and

Resolved - That the Committee refuses the application as it is contrary to Policy QD 1 of PPS 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 in quantitative and qualitative terms. Furthermore, the proposal is considered contrary to Policy QD1(h) of PPS 7 as lower apartments would experience an unacceptable impact from overshadowing for prospective residents. The Committee agrees to grant delegated authority to the Director of Planning and Building Control for the final refusal reasons.

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**LA04/2021/0911/F - Demolition of existing building  
and construction of 9 no. apartments and associated  
site works at 236 Upper Newtownards Road**

The Planning Manager (Development Management) presented the details of the application to the Committee.

The Members were advised that the site was 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). It was within a draft Area of Townscape Character (ATC).

The main issues which had been considered included the principle of the proposal at that location; demolition; impact on the character and appearance of the area; impact on built heritage, impact on amenity, access, parking and transport; infrastructure capacity; and impact on human health.

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

He explained that it was considered that the existing building made a positive contribution to the character of the area and its demolition would normally present concerns. However, the difficult history of building was a material consideration and justified the removal of the building. Notwithstanding, he advised that it was still necessary for the applicant to demonstrate an acceptable redevelopment proposal and “put back”. It was 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.

The Committee was advised that sixteen letters of objection had been received, citing issues with parking and traffic; 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; security and health and safety concerns; inaccurate plans; unacceptable use; that further engagement with victims of the abuse scandal was required and that it was contrary to planning policy.

The Members were advised that the Council’s Conservation Officer and Urban Design Officer had submitted objections in relation to the proposals. The Conservation Officer had concluded that the building made a positive contribution to the surrounding area and that its demolition would be contrary to policy. However, in this particular case, the building had a very difficult history as the site was formerly the Kincora Boys’ Home and had been subject to a Historical Institutional Abuse Inquiry in 2017. The Members were advised that that was a relevant material consideration which could be taken into account in the assessment of the application. Given the difficult history of the site, it was considered that the demolition of the building would be acceptable. However, the acceptability of the application was still dependent on a suitable redevelopment scheme.



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The Conservation officer raised concerns about the redevelopment scheme, citing issues around overdevelopment, scale and massing. They had commented that the extensive site coverage represented significant overdevelopment of the site in comparison to both the existing and neighbouring plots.

DFI Roads, HED and Environmental Health had also been consulted in respect of the application and had confirmed that they had no objections.

The Planning Manager advised the Committee that it was recommended that planning permission be refused on the grounds that the design of the proposed apartments was inappropriate and would be detrimental to the character and appearance of the area.

The Committee's attention was drawn to the Late Items pack, whereby NI Water had maintained its objection to the application, as a high level assessment had indicated potential network capacity issues in the local sewer. The Planning Manager outlined that NI Water had raised significant risks of detrimental effect to the environment and on existing properties and that connection to the public sewerage system should therefore be curtailed. If approval was granted, a condition was recommended to prevent development above sub-floor level until an extension to the existing surface water network could be provided.

The Members were also provided with further information from officers in relation to the density in the surrounding area. Whilst density varied in the area, the site proposed a density at around double the highest density in the area and four times the lower densities.

The Deputy Chairperson welcomed Mr. S. Beattie QC, Mr. D. Stelfox and Mr. D. Ewing to the meeting, who represented the applicant and agent.

Mr. Beattie QC advised the Committee that:

- the current building on the site was notorious;
- the original application submitted comprised a traditional design which the planning department did not like;
- the award-winning architect Mr. D. Ewing was then brought in to create a new design, which was peer reviewed by Mr. D. Stelfox, a renowned conservation architect;
- the design created an enhancement to the area which should carry significant weight;
- the draft ATC was not of material weight and PPS6 did not apply;
- to suggest that LC1 was a reason to refuse the application was incorrect, as it was on a main arterial route and there was a presumption in favour of greater density on such a location, as supported by a recent PAC decision on the Antrim Road;
- the character of an area was not defined by abutting premises;
- there was a modern architectural building opposite, Hawarden House;
- it was a mixed use area;
- the PAC had recently described an unashamedly modern development in a draft ATC in Belfast as being acceptable and that policy did not compel proposals to replicate the design of neighbouring development;

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- QD1 paragraph 4.24 expressly stated that the policy did not preclude quality contemporary design using modern materials;
- it was ironic that the previous traditional design was rejected and that officers were recommending a refusal for the more modern design in front of the Committee;
- in Policy QD1 of PPS7 the applicable policy presumption was “unacceptable damage” in established residential areas, not detriment; and
- the assessment ignored the fact that the development was on the corner of North Road and that HED had found that the listed building adjacent to the site would not be adversely affected.

A Member requested further information on the design from the architects in attendance.

Mr. Stelfox advised the Committee that the current façade onto the North Road had a fairly plain return and a large open space which allowed an untidy view of the rear returns of a number of neighbouring properties, thus no attempt to create a streetscape.

He added that the proposal in front of the Committee created an attractive new road frontage and townscape onto both the Upper Newtownards Road and North Road, reflecting the scale and design of the properties on the opposite side of the road and that required extending the building footprint. He pointed out that HED did not find that it would affect the character of the nearby listed buildings or the townscape and did not have any objection to the proposal.

Mr. Ewing explained that the building had been designed to be respectful of the scale and proportion of the surrounding buildings and that the brick and aluminium which were proposed were low maintenance and sustainable for the busy corner site.

In response to a Member’s question in respect of the character of the area, Mr. Stelfox advised the Committee that the area comprised a variety of building styles with a mix of uses, including a number of modern retail units, a fire station and office buildings. He added that the application would enhance the busy junction.

A Member asked officers to confirm whether Policy LC1 applied on arterial routes. The Planning Manager advised the Committee that officers believed that it did apply. He explained that Annex E defined an established residential area as “residential neighbourhoods dominated by medium or low density single family houses with associated private amenity space and gardens... the areas may include buildings in commercial, retail or leisure service uses, usually clustered together and proportionate in scale and size of the neighbourhood being served”.

In response to a further Member’s question as to what the correct policy test was for QD1, whether it was “unacceptable damage” or “respecting the built form”, the Planning Manager advised the Committee that QD1 stated that “all proposals for residential development would be expected to confirm to all of the following criteria – (a) that the development respected the surrounding context and was appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings, structures and landscaped and hard surfaced areas”. He advised the Committee

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that officers believed that the application failed to respect its context for the reasons as outlined within the report.

**Proposal**

Moved by Councillor Hussey,  
Seconded by Councillor Spratt,

That the Committee grants approval to the application, as it does not believe that Policy LC1 applies given that it is a mixed use area and not an established residential area, and that it is on an arterial route; and in respect of Policy QD1, that the application respects the built form in the surrounding area in terms of the use of brick and the design, and how it improves the turn on the corner, and gives delegated authority to the Director of Planning and Building Control to prepare and finalise the wording of the conditions.

On a vote, ten Members voted for the proposal and three against and it was accordingly declared carried.

**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**

The Senior Planning officer presented the details of the application for the demolition of no. 124-126 Lisburn Road and the erection of a 3.5 storey building with two commercial units at ground floor level and 11 apartments above.

The main issues which had been considered included:

- 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; and
- infrastructure capacity

The Members were advised that the site was located within the Malone Conservation Area and involved the demolition of two buildings. It was not considered that the buildings made a material contribution to the Conservation Area and therefore their demolition was acceptable, subject to a suitable replacement scheme.

In terms of amenity provision, he explained that there was a communal courtyard of approximately 120 metres squared, which was above the minimum standards within PPS7 of Creating Places.

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The Senior Planning officer reported that the design of the proposed building reflected the traditional features of the street and appearance of the area. He outlined that the proposed replacement scheme would offer an enhancement to the Malone Conservation Area and that the setting of the nearby listed buildings would be protected.

HED, DFI Roads, Rivers Agency, BCC Environmental Health and BCC Conservation Officer had been consulted and had offered no objections to the proposal.

He explained that there had been an offer of Travel Cards for three years, along with car club and Belfast Bikes membership, to off set any requirements for parking, which would be secured through a Section 76 Planning Agreement.

The Members were advised that the applicant had engaged with NI Water to resolve the capacity issues to serve the development whereby a proposal of attenuation to the storm run-off rate had been proposed which indicated that there was a solution for the storm and water discharge.

The Committee granted approval to the application, subject to conditions, with delegated authority given to the Director of Planning and Building Control to finalise the conditions and the completion of a Section 76 Agreement to secure the green travel measures.

**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**

(Councillor Spratt, having declared an interest in this item, left the meeting at this point in proceedings)

The Principal Planning officer outlined that permission had previously been granted for a two storey extension to the private hospital, which was extant.

He explained that the key issues which had been considered during the assessment of the application included:

- 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; and
- environmental considerations - drainage, contamination and noise

The Members were advised that the principle of a three storey extension to the existing hospital was considered acceptable given that permission was previously granted for a two storey extension on the site.

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The Principal Planning officer explained that the proposal had been the subject of a Pre-Application Discussion (PAD) and that it had been amended during the PAD process to address design issues raised by the Urban Design Officer, HED and the Conservation Officer. He confirmed that the Urban Design Officer, HED and the Conservation Officer were all now content with the proposed scheme.

The Committee was advised that the scale, height and massing of the proposed extension was considered acceptable and appropriate to the surrounding area. The design and materials had drawn cues from the immediate context and were considered acceptable.

The Members were advised that no third party objections had been received.

The Principal Planning officer drew the Member's attention to the Late Items pack, whereby a response had been received from DFI Roads on 14th February. It offered no objection to the proposed development, subject to conditions and to a minor amendment to the car parking layout which necessitated the removal of one car parking space. A revised plan had been submitted to address that technical issue.

He outlined that NI Water had objected to the application on the grounds of insufficient waste-water drainage infrastructure capacity.

A response had been received from NI Water in response to an officer's request for specific evidence to demonstrate the following:-

- lack of capacity for the specific development;
- resultant detrimental harm and how it would manifest;
- how the proposed additional floorspace over and above the previously approved 2 storey development on the site (LA04/2017/0005/F) would have a harmful impact; and
- how the specific proposal would have a harmful impact over and above developments that had already been committed in Belfast (i.e. extant permissions).

In response NI Water had stated that:

1. It had carried out extensive population and flow and load studies which had both confirmed that the existing Belfast Waste Water Treatment Works (WWTW) was operating above design capacity. As a result, NI Water had commenced the upgrade of the treatment works. The initial upgrade work would be completed by June 2023 and some additional capacity would be available from 1st July 2023. Further phases of upgrade work were planned throughout April 2021 – March 2027, subject to available funding;
2. Continuing to approve new foul connections would add additional biological loading to the existing overloaded treatment works, increasing

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the risk of failing its Water Order Consent Standards set by Northern Ireland Environment Agency (NIEA). Its previous consultation response

3. had also confirmed a high level assessment had indicated potential wastewater network capacity issues. If confirmed, that established environmental risks, including pollution, flooding and detrimental impact on existing properties. In accordance with its advice, the applicants Drainage Consultant had applied for a Wastewater Impact Assessment and had submitted additional flow calculations. The application was currently being processed by NI Water;
4. The amended proposal included for 2 additional beds, 8 patient pods, endoscopy suite and administration facilities. It was NI Water's opinion that that would result in an increased biological loading. It was, however, acknowledged that the volumetric discharge (hydraulic loading) to the existing combined sewer could be reduced through on-site attenuation and flow control which would address the network capacity issues; and
5. NI Water had a duty to approve connections for all proposed development with extant planning. Although the site had extant approval for a 2 storey extension, and, it was highly likely the volumetric discharge could be reduced for the proposal (which would address the network capacity issues), it was NI Water's opinion that the additional storey would result in increased biological loading. Subject to successful hydraulic loading outputs from the Wastewater Impact Assessment, NI Water would consider a negative condition to permit the construction of additional storey to be constructed but not occupied until 1st July 2023 when additional biological treatment capacity would be available.

The Principal Planning officer explained that there were ongoing discussions between the applicant and NI Water on this issue. He advised the Committee that NI Water had not addressed the fall-back of the significant number of un-implemented planning permissions for residential and commercial development across the city.

In response to a Member's question, the Planning Manager advised the Committee that there were planned works on the Waste Water Treatment plant within 18 months and that officers did not feel that there were adequate grounds to refuse the application based on capacity for the reasons set out in the report.

The Deputy Chairperson put the officer's recommendation, to grant approval to the application subject to conditions and a Section 76 Agreement to secure an Employability and Skills Plan, with delegated authority given to the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 Agreement, to the Committee.

On a vote, eight Members voted for the proposal, one against and with three no votes, it was accordingly declared carried.

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**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**

(Councillor Murphy, having declared an interest in this item, left the meeting at this point in proceedings)

The Principal Planning officer presented the details of the application to the Committee, for a revised design and layout for a community hub building, which had previously been approved as part of a larger regeneration scheme under reference LA04/2018/1832/F in February 2019.

The key issues which had been considered in the assessment of the proposal included:

- the 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; and
- pre-application community consultation

He advised the Committee that the site was located on unzoned land within the development limits of Belfast. The presumption was, therefore, in favour of development, subject to the planning considerations as discussed within the report. He outlined that the principle of the demolition of the former school building and a mixed-use development, which included housing, retail and community use on the site was acceptable and was established under planning permission LA04/2018/1832/F.

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

The ground floor would comprise training rooms, a dual use area for a café/event space, community offices, gym, boxing ring/training area, with ancillary administration offices, foyer, and toilets. There was also a secure and enclosed external courtyard area for training purposes. The first floor comprised two flexible use halls, changing rooms and gym, with a multi-use sports/community hall at the rear of the building.

The mix of uses was considered acceptable at the location, given the previous approval.

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The Members were advised that consultees, including Environmental Health, had no objections.

The current application substantially removed a buffer landscape area which was 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 was relocated within the layout. He explained that the revision had been necessary for several reasons as discussed in the report, but principally they were required to allow the community groups currently using the site to continue to operate at the site during redevelopment works.

The Principal Planning officer explained that the proposal would provide a more extensive community benefit in terms of physical and economic regeneration to the area than what would likely have been derived from the grassed open space as part of the approved layout. He advised that 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 was compliant with policy and broadly exceeded provision within the locality. The proposed open space was broadly the same size and would still be provided for community use, albeit in a different layout. On balance it was therefore considered that the revised proposal was acceptable in terms of the loss of open space.

A total of 17 letters of support and no objections were received in respect of the application.

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

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

The Senior Planning officer provided the Committee with the details of the application.

He explained that the site was 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 was unzoned in BUAP 2001 and was zoned as a commercial node and area of parking restraint and was set along an arterial route within draft BMAP 2004.

He detailed the main issues which had been considered during the assessment of the case, including:

- the principle of the proposal at that location;
- design, layout and impact on the character and appearance of the area
- impact on amenity;
- access, parking and transport;
- infrastructure capacity; and
- impact on human health



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The Members were advised that the principle of the proposal was acceptable on the basis that the site was within the development limits in both the extant and draft plans and had a history of planning approvals for housing in the past. He explained that the development plan did not preclude housing from the location.

He explained that the proposal followed the general pattern of development in the area and that the design and layout would not create conflict and was in keeping with the local character and would not impact on environmental quality or residential amenity in accordance with PPS 7.

In terms of prospective residents, each unit had adequate outlook to the public street and all units were proposed to be built to a size not less than Housing Executive standards.

The Committee was advised that the design, layout and separation distances proposed were acceptable and would not significantly impact on existing residential amenity by way of overlooking, dominance, loss of light or overshadowing.

The Senior Planning officer outlined that an objection had been received from the neighbouring Crumlin Star Social Club. It had raised a number of concerns, including those relating to impact on trade, access to its property, security issues, interface violence, potential for noise pollution complaints and additional running costs. The Senior Planning officer drew the Members attention to the report which had addresses each of those issues.

In respect of the impact on parking and traffic, he explained that DfI Roads was content. He added that Rivers Agency and Environmental Health had considered the proposal and offered no objections. The applicant had engaged with NI Water to resolve wastewater treatment capacity issues to serve the site and had provided correspondence from NI Water which indicated that there was a solution for storm and foul water discharge which could be addressed.

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

**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)**

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

The Committee was advised that the application sought to vary a condition under Section 54 of the Planning Act (Northern Ireland) 2011 to a previous approval relating to a

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residential development at Upper Dunmurry Lane, LA04/2017/1216/F. The previous approval was granted in February 2019 and the development was substantially complete.

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

The Members were advised that the Tree Officer was satisfied that the proposed replacement trees were appropriate and had no objection to the proposed variation.

One representation was received in respect of the application, raising issues regarding the short period for consultation, that the main contacts were on annual leave over the Christmas period and a lack of detail on the planning portal on the proposed amendments and how they would impact on the aesthetics of the site and what had originally been agreed by the community.

The Principal Planning officer pointed out that details of the proposed amendments were articulated to the objector and the landscape plan and cover letter, which were available on the portal, had been forwarded to the objector to provide clarity on the proposed amendments. Taking account of the planning history on the site, the Committee was advised that the proposed changes were considered compliant with the development plan and other relevant policies.

The Committee granted approval to the application and agreed that delegated authority be 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.

**LA04/2021/2416/F - Retractable canopy for  
outdoor dining to restaurant at The Muddlers Club,  
1 Warehouse Lane**

The Committee was advised of the proposal for the erection of a retractable canopy to provide cover for an outdoor seating area, on a temporary basis of two years.

The key issues which had been assessed included the impact of the proposal on the character and appearance of the conservation area; the impact on the setting of a listed building; and the impact on the amenity of the surrounding area.

The site was located within the Cathedral Conservation Area and within the setting of a number of listed buildings. The area was commercial in nature and the surrounding area was predominantly restaurants and bars.

The application had been neighbour notified and advertised in the local press and no objections were received.

Historic Environment Division had been consulted in relation to the proposal and had no objection to the proposed canopy.

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The Committee granted approval to the application for a period of two years.

**LA04/2021/2896/A - Building signage for  
Walkway Community Association 1-9 Finvoy Street**

The Members were advised that the signage was to be positioned on the newly constructed Walkway Community Association Centre. Three brushed stainless steel signs were to be mounted on to the building, one on each elevation - front, side and rear.

The key issues which had been considered were amenity and public safety.

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

DFI Roads had been consulted and had no objections. The signs would not prejudice public safety.

The Committee granted approval for the three signs, with delegated authority given to the Director of Planning and Building Control to finalise the wording of the conditions.

(The High Sheriff, Councillor Hussey, left the meeting at this point in proceedings)

**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**

The Committee was advised that a Section 54 Application to develop land without compliance with Condition 7 of previous Planning Permission LA04/2019/2343/F, which had been approved on 24th February, 2020. 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 read, "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 was to omit the noted 'PPC Aluminium Cladding Panels - Metallic Beige/Grey' at the rear upper block of the centre and to install a textured render system in an off-white colour instead.

The application had been advertised in the local press and neighbour notified. No letters of representation had been received. The proposal complied with the design requirements of the SPPS and would respect and be sympathetic to the overall character of the draft ATC in line with the Addendum to PPS6.

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The Committee granted approval to the application and agreed that delegated authority be given to the Director of Planning and Building Control to finalise the wording of the varied condition.

**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**

The Committee noted the details of the application which sought to construct an extension to the North-East side elevation of the existing community centre to create an additional 120sq metres space for a new fitness suite and associated changing facilities. An area of sloped ground to the rear of the site was to be levelled and hardstanding introduced to create space for two shipping containers for external storage. Given the nature, form and materials of shipping containers, it was recommended that they were removed after a period of three years with a more permanent storage solution, more fitting to the context, to be found.

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

The Members noted, in the Late Items pack, that a response from HED (Historic Monuments) had now been received and it was content that the proposal satisfied SPPS and PPS 6 archaeological policy requirements.

The Committee granted approval to the application, with temporary approval for the containers, subject to conditions and informatives with delegated power given to the Director of Planning and Building Control to finalise the conditions.

(The Committee adjourned for ten minutes at this point in proceedings)

**Miscellaneous Items**

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

The Director of Planning & Building Control and the Planning Manager (Development Management) presented the undernoted report to the Committee:

**“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

Background

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.

**Report's Key findings and recommendations**

- 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 on to 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)

**Officer commentary on the NIAO report**

- 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 all 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.

Officer commentary on DfI report

- 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 policies 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**

**Development Management**

- 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).

**Planning Consultations**

- 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 prevalent 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).

#### **Impacts**

- 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.

#### **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 costs a lot of 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."

**Meeting of Planning Committee,  
Tuesday, 15th February, 2022**

A Member thanked the Planning Department for their hard work in respect of their consideration of the review.

The Committee noted the contents of the report.

**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.

(Councillor Spratt left meeting at this point in proceedings)

**Update on Local Development Plan**

The Director of Planning and Building Control and the Planning Manager (Policy) presented the Committee with an update on documentation which had been received from the Department for Infrastructure in relation to the results of the Independent Examination and the main issues which had arisen from the statutory Direction which had confirmed that the Planning Appeals Commission conclusion that the Local Development Plan draft Plan Strategy (LDP dPS) could, with modifications, be considered “Sound”.

A number of Members paid tribute to the hard work of the Local Development Plan team for reaching such a significant milestone.

The Committee noted the update which had been provided.

Deputy Chairperson

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<b>Subject:</b>	Motion: Historic Belfast Street Signs
<b>Date:</b>	15th March, 2022
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning and Building Control
<b>Contact Officer:</b>	Louise McLornan, Democratic Services Officer

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	To consider a motion in relation to Historic Belfast Street Signs, which the Standards and Business Committee, at its meeting on 22nd February, referred to this Committee.
<b>2.0</b>	<b>Recommendations</b>
2.1	The Committee is asked to <ul style="list-style-type: none"> <li>Consider the motion and to take such action thereon as may be determined.</li> </ul>
<b>3.0</b>	<b>Main report</b>
3.1	<u>Key Issues</u> The Standards and Business Committee, at its meeting on 22nd February, considered a report providing details of the motions which had been received for consideration by the Council on 1st March.

3.2	In accordance with Standing Order 37(h), the following motion, which had been proposed by Councillor McKeown and seconded by Councillor de Faoite, was referred directly to the Planning Committee for consideration.
3.3	<p><b><u>Historic Belfast Street Signs</u></b></p> <p>“This Council recognises the important role that traditional black tile street signs play in the built heritage of Belfast and the aesthetic benefits they bring to the character of the city. However, it notes with concern the absence of robust protections to ensure their upkeep, which could put at direct threat this significant part of Belfast’s history.</p>
3.4	The Council therefore agrees to undertake a review with the aim of identifying firm and practical recommendations for implementation in consideration of the following:
3.5	<ul style="list-style-type: none"> <li>• Creating a register of all historic street signs in Belfast including, where possible, details of their ownership;</li> </ul>
3.6	<ul style="list-style-type: none"> <li>• Putting in place arrangements for the timely repair and upkeep of historic street signs, including those which are listed and in council ownership, and those that are not listed;</li> </ul>
3.7	<ul style="list-style-type: none"> <li>• Establishing arrangements for the reinstatement of signs which would have originally been traditional black signs but have subsequently been replaced with generic street signs – this could be done when the generic sign needs replaced at the natural end of its lifespan or after damage. Reinstatements should use the traditional white font and black background and may include the use of other materials if appropriate and more practical;</li> </ul>
3.8	<ul style="list-style-type: none"> <li>• Assessing whether steps should be undertaken to request the listing of all traditional Belfast street signs to provide them with legal protection, particularly those that are not in council ownership and may currently have to protection;</li> </ul>
3.9	<ul style="list-style-type: none"> <li>• Putting in place requisite resources to enable the above to be rolled out and continued, including accessing government or third party funding if available to enable heritage and protection work to be undertaken; and</li> </ul>
3.10	<ul style="list-style-type: none"> <li>• Any other relevant issues which arise during the course of this review.”</li> </ul>
3.11	<p>The Committee should note that a motion which incorporated some of the areas above had previously been referred to the Planning Committee:</p> <p><a href="http://www.internalminutes/ieListDocuments.aspx?CId=167&amp;MID=9745#A156216">http://www.internalminutes/ieListDocuments.aspx?CId=167&amp;MID=9745#A156216</a>.</p>
3.12	<p>A number of the street signs set out in the motion were subsequently listed:</p> <p><a href="http://www.internalminutes/documents/s90925/20210420HEDListingStreetSigns.pdf">http://www.internalminutes/documents/s90925/20210420HEDListingStreetSigns.pdf</a></p>
3.13	Officers from Building Control, Planning and City Services are seeking to progress the work set out in paragraph 3 of the original motion and that the motion was referred to the Planning Committee to allow it to determine whether it wishes to incorporate the additional requests.
3.14	<p><b><u>Financial &amp; Resource Implications</u></b></p> <p>None.</p>
3.15	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>None associated with this report.</p>

<b>4.0</b>	<b>Appendices – Documents Attached</b>
	None.

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## Planning Committee

Thursday, 3rd March, 2022

### PLANNING COMMITTEE SITE VISITS – NOTE OF MEETING

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

#### **LA04/2021/2285/F - Apartment Development at 29 Parkside Gardens**

Members Present:	Councillors Carson (Chairperson), Maskey and Murphy.
Officers in Attendance:	Ms. K. Mills, Principal Planning officer; and Mr. M. McErlean, Senior Planning officer.
Apologies:	Councillors Groogan, O'Hara and Spratt.

The Members and the officers convened at the site at 12.00 p.m. for the purpose of undertaking a site visit in respect of the application to allow the Members to acquaint themselves with the location and the proposals at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 12.25 p.m.

#### **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**

Members Present:	Councillors Garrett and Maskey.
Officer in Attendance:	Mr. M. McErlean, Senior Planning officer.
Apologies:	Councillors Groogan, O'Hara and Spratt.

The Members and the officer convened at the site at 1.15 p.m. for the purpose of undertaking a site visit in respect of the application to allow the Members to acquaint themselves with the location and the proposals at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 1.40 p.m.

Chairperson

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## Decisions issued between 8 February and 4 March 2022 - No. 207

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2019/2938/F	LOCDEV	Lands within the Glencairn park adjacent to Forthriver Road & Glencairn Road as well as lands in the Forthriver Linear Park adjacent to the Forthriver Road Cairnmartin Road and extending along existing pathway to both the Forthriver way adjacent to Clarendon park and up until the existing pedestrian and vehicle gates at Somerdale Park.	Lighting , including street lighting, as well as associated electrical control pillars.	PERMISSION GRANTED
LA04/2020/0840/LBC	LOCDEV	Vacant warehouse at Rathbone Street & Former St Malachy's School at Sussex Place Belfast BT2 8LN	Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area (Amended Description and Drawings)	PERMISSION REFUSED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2020/0844/F	LOCDEV	Vacant Warehouse at Rathbone Street & former St Malachy's School at Sussex Place Belfast BT12 8LN	Demolition of existing boundary wall; conversion of former schoolhouse to cafe and office space with new 1st floor mezzanine; and conversion of former warehouse and erection of extension to provide 8 no. apartments with associated cycle parking and bin storage area (Amended Drawings)	PERMISSION REFUSED
LA04/2020/1126/F	LOCDEV	30, 32 and 34 Corrib Avenue, Belfast BT11 9JB	Demolition of existing buildings and construction of 13 no. dwellinghouses and 10 no. apartments with car parking, landscaping, associated site works and access arrangements from Corrib Avenue (23 social housing units).	PERMISSION GRANTED
LA04/2020/1377/F	LOCDEV	12 Parkgate Avenue and lands adjacent to and North East of The Arches Centre North of no.2 Parkgate Avenue and adjacent to and South West of the Connswater River?.	Construction of 14No. 3person 2bed Category 1 (Active Elderly) Social HousingDwellings with associated switch room, water booster store, car parking and landscaping	PERMISSION GRANTED
LA04/2020/2198/F	LOCDEV	52-58 Shankill Road and adjacent vacant site to West of 52-58 Shankill Road Belfast BT13 2BB	Demolition of all buildings on site and construction of new retail unit, petrol filling station, ATM, bulk fuels, parking and site works. Existing site entrance and exit to remain unaltered. (Amended Address)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/0001/F	LOCDEV	Site at junction of Malone Road and Cranmore Park to south of 14-20 Cranmore Park and east of 75 Cranmore Park Belfast BT9 6JG.	Contractor's Temporary Site Compound (for proposed development at adjacent Ulster Independent Clinic planning ref: LA04/2019/0318/F) to include Contractor's buildings, storage, car parking, planted bank, Covid-19 Marshall Station / Testing Area and associated operational development with new, temporary site access from Cranmore Park and new, temporary pedestrian access to the Malone Road. (amended plans and Information)	PERMISSION GRANTED
LA04/2021/0318/O	LOCDEV	90 Lower Braniel Road Belfast BT5 7PU	Proposed 2No Dwellings & Garages. (Renewal of existing approval)	PERMISSION GRANTED
LA04/2021/0581/DC	LOCDEV	Lands adjacent and to south of no.s 1-13 (odds) Lewis Park and no.s 2-20 Lewis Mews Belfast BT4 1FY.	Discharge of condition no. 2 of LA04/2020/0163/F (drainage design)	CONDITION DISCHARGED
LA04/2021/0608/F	LOCDEV	228-234 Upper Newtownards Road Belfast BT4 3ET.	Retrospective application for a platform at first floor level over the rear yard to accommodate a walk in fridge unit.	PERMISSION GRANTED
LA04/2021/0612/F	LOCDEV	McSweeney Centre Henry Place Belfast Antrim BT15 2AY.	Change of use from vacant business unit to personal training studio.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/0950/A	LOCDEV	PIPS House 279 Antrim Road Belfast BT15 2GZ.	2no. Aluminium Signs Displaying Charity Logo and Contact Information to Front Elevation. 1no. Projecting Sign Displaying Charity Logo and Contact Information to Railing at Front Elevation.	PERMISSION GRANTED
LA04/2021/1023/F	LOCDEV	62 Boucher Road Belfast BT12 6HR	2 storey extension to existing parts distribution warehouse including new bin storage area, external storage area and amended parking layout.	PERMISSION GRANTED
LA04/2021/1087/F	LOCDEV	134 Barnfield Road Derriaghy Lisburn BT28 3TQ	Replacement dwelling (amendments to previous approval LA04/2016/2338/RM with revised house design)	PERMISSION GRANTED
LA04/2021/1088/F	LOCDEV	Site adjacent to 134/136 Barnfield Road Derriaghy Lisburn BT28 3TQ.	Dwelling on farm (amendments to previous approval LA04/2019/1319/RM with revised house design, revised access and amended red line).	PERMISSION GRANTED
LA04/2021/1117/O	LOCDEV	Lands at 23 Middle Braniel Road Belfast between no.21 & no.25.	Proposed Infill Site for 1no. Residential Dwelling.	PERMISSION GRANTED
LA04/2021/1234/F	LOCDEV	13 Jocelyn Gardens Belfast BT6 9BA.	Change of use of existing residential property into a house in multiple occupation.	PERMISSION GRANTED
LA04/2021/1379/F	LOCDEV	18 Glenshane Gardens Belfast BT11 8JQ	Retrospective raised timber covered decking area situated at rear of garden (amended description)	PERMISSION REFUSED
LA04/2021/1417/LDE	LOCDEV	8 Ava Avenue Belfast BT7 3BN.	House in Multiple Occupancy (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1420/LDE	LOCDEV	7 Mill Gate Belfast BT5 7GY	Garage conversion	PERMITTED DEVELOPMENT
LA04/2021/1426/F	LOCDEV	121 Knock Road Belfast	Replacement dwelling, and detached garage.	PERMISSION GRANTED
LA04/2021/1537/F	LOCDEV	69 Sicily Park Belfast BT10 0AN	Rear alterations to dwelling with extended opening at first floor and other external alterations. (Amended Scheme)	PERMISSION GRANTED
LA04/2021/1542/F	LOCDEV	36 Denewood Park. Belfast BT11 8FS	Proposed attic conversion including rear dormer roof to provide additional bedroom.	PERMISSION GRANTED
LA04/2021/1552/DC	LOCDEV	64 Andersonstown Road Belfast BT11 8GZ.	Discharge of condition 14 LA04/2020/2077/F.	CONDITION DISCHARGED
LA04/2021/1556/LDP	LOCDEV	19 Forthriver Park Belfast BT13 3UY.	External wall insulation, replacement guttering/new fascias/replacement roof covering and extending roof to verges. Works to include the provision of extract fans and replacement of surfaces within curtilage	PERMITTED DEVELOPMENT
LA04/2021/1629/LDP	LOCDEV	2 Glenalina Crescent Belfast BT12 7JT	Provision of external wall insulation with dry dash render finish, extending roof verges as necessary to suit new insulation, new PVC fascia/soffits/barges, new uPVC double glazed windows and GRP doorsets. New paths and fence alterations on a like for like basis.	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1649/F	LOCDEV	53 Cranmore Park Belfast BT9 6JG	2 storey and single storey rear extension, single storey side extension, juliet balcony on 1st floor, erection of a detached garden store, 2x 1m high retaining walls, proposed siteworks and landscaping	PERMISSION GRANTED
LA04/2021/1654/F	LOCDEV	RFCANI Centre Clonaver Crescent South Belfast BT4 2EY	Erection of New Fencing within Perimeter of Existing Site along Southern Boundary (adjacent to Nos. 13, 14 and 16 Edgcumbe Park, Nos. 8 and 10 Edgcumbe Drive and Nos. 8-10 Edgcumbe Gardens) and Alterations to Existing Access from Clonaver Drive	PERMISSION GRANTED
LA04/2021/1661/F	LOCDEV	Aldersgate House 13-19 University Road Belfast BT7 1NA	Miscellaneous changes to approved application LA04/2016/0525/F including: omission of mihrab feature on front elevation (to University Road), coffee shop changed to canteen for use by worshippers and new shop-front omitted, alterations to proposed steps/ramp/hand-rails at front door, demolition and removal of old chimney to rear, omission of proposed staircase and high-level link corridor to rear, new window frame design changed to give more vertical emphasis, external doors design altered, proposed new railing to side on Fountainville Avenue.	PERMISSION GRANTED
LA04/2021/1683/LDP	LOCDEV	Apt 1 21 the Boulevard Belfast BT7 3LN	The proposal consists of removing part of a balcony solid wall and replacing it with a railing.	PERMITTED DEVELOPMENT



Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1730/F	LOCDEV	70 Glen Road Andersonstown Belfast BT11 8BG	Single storey rear extension	PERMISSION GRANTED
LA04/2021/1752/F	LOCDEV	42A University Street and 97-99 Botanic Avenue Queens Quarter Lower Malone Belfast BT7 1JN	Proposed change of use and reconfiguration from hair salon to 2no. short term let apartments. External walls stripped back to expose existing masonry. Remove internal stud walls, raised platforms and staircase.	PERMISSION GRANTED
LA04/2021/1756/F	LOCDEV	42 Circular Road Belfast BT4 2GA	Two storey side and rear extension with raised terrace areas to front and rear, new rear dormer and rooflights. Alterations to existing dwelling.	PERMISSION GRANTED
LA04/2021/1776/LDP	LOCDEV	21 Spruce Hill Belfast. BT17 OHS.	The proposal relates to the construction of a single storey side extension.	PERMITTED DEVELOPMENT
LA04/2021/1820/F	LOCDEV	741 Lisburn Road Belfast BT9 7GW	Conversion of existing outbuildings to provide ancillary accommodation	PERMISSION GRANTED
LA04/2021/1829/F	LOCDEV	Unit 1 16-22 Arthur Street Belfast BT1 4GD	Alterations to existing shopfront	PERMISSION GRANTED
LA04/2021/1831/A	LOCDEV	Unit 1 16-22 Arthur Street Belfast BT1 4GD	Signage to fascia and projecting sign.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1832/LBC	LOCDEV	Unit 116-22 Arthur Street Belfast BT1 4GD	Alterations to existing shopfront. New main signage to the shopfront. New projecting sign to be installed in place of the current projecting sign. New ground floor fit out	PERMISSION GRANTED
LA04/2021/1859/F	LOCDEV	Lands at and surrounding Former St. Gemma's High School 51 - 59 Ardilea Street Belfast BT14 7DG.	Proposed carport to complex needs bungalow dwelling - plot 01 (as per extant planning permission ref: LA04.2019.1786.F) - D&B social housing development at site of Former St. Gemma's High School.	PERMISSION GRANTED
LA04/2021/1896/DCA	LOCDEV	42A University Street 97-99 Botanic Avenue Queens Quarter Lower Malone Belfast BT7 1JN	Removal of staircases, removal of suspended floors and internal non-loading walls. External walls to be stripped back o expose existing masonry on internal face	PERMISSION GRANTED
LA04/2021/1899/DC	LOCDEV	Lands at 64 Andersonstown Road BT11 8GZ	Discharge of condition nos 11 and 12 of planning approval LA04/2020/2077/f	CONDITION DISCHARGED
LA04/2021/1919/F	LOCDEV	3 Slievemoyne Park Belfast BT15 5GZ	Single storey flat roof extension to allow dinning space.	PERMISSION GRANTED
LA04/2021/1924/DCA	LOCDEV	Belfast & Lisburn Woman's Aid 30 Adelaide Park Belfast Co. Antrim BT9 6FY	Partial demolition of the front elevation chimney stack and re-construction on a like for like basis	PERMISSION GRANTED
LA04/2021/1944/A	LOCDEV	Unit 5 Boucher Plaza 4-6 Boucher Road Belfast BT12 6HR	Shop sign illuminated internally from back	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/1975/A	LOCDEV	Spirit AeroSystems 7 Airport Road Belfast BT3 9DY	Erection of 5m High Sign at the Main Entrance Gate to 7 Airport Road West Site	PERMISSION GRANTED
LA04/2021/2010/LDE	LOCDEV	1 Landseer Street Belfast BT9 5AL.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2011/LBC	LOCDEV	4 Queens Square Belfast BT1 3DJ.	Proposed internal demolition works within an existing listed building at 4 Queens Square Belfast to include removal of existing drylining within the historic Charles Laynon Building to expose the original period architectural features.	PERMISSION GRANTED
LA04/2021/2017/F	LOCDEV	72-78A Connsbrook Avenue Belfast.	Redevelopment of site to erect 12 No. apartments and ancillary/associated works.	PERMISSION REFUSED
LA04/2021/2020/F	LOCDEV	392 Upper Newtownards Road Belfast BT4 3EY	Change of Use from Office to Shop.	PERMISSION GRANTED
LA04/2021/2023/F	LOCDEV	Apartment No.65 Floor 9 Victoria Place 20 Wellwood Street Belfast BT12 5GE	Proposed change of use from residential to short term holiday let (retrospective)	PERMISSION REFUSED
LA04/2021/2049/F	LOCDEV	19 Squires View Belfast BT14 8FS.	Single storey extension to rear of dwelling.	PERMISSION GRANTED
LA04/2021/2051/F	LOCDEV	41 Meyrick Park Belfast BT14 6PD.	First floor extension to side of existing semi-detached dwelling.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2076/F	LOCDEV	32-36 Great Victoria Street Belfast BT2 7BA.	Proposed change of use from office space to retail unit.	PERMISSION GRANTED
LA04/2021/2100/LDE	LOCDEV	Flat 2 19 Fitzwilliam Street Belfast BT9 6AW	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2021/2102/F	LOCDEV	40 Knockbreda Road Belfast BT6 0JB.	Single storey rear extension (Amended Plans)	PERMISSION GRANTED
LA04/2021/2117/F	LOCDEV	54 Lisburn Road Belfast BT9 6AF.	Proposed roofed terrace area to front of building and single storey side extension.	PERMISSION GRANTED
LA04/2021/2136/F	LOCDEV	2 and 2a Hampton Park Belfast BT7 3JL	Change of house type to planning approval LA04/2020/0104/F	PERMISSION GRANTED
LA04/2021/2164/DC	LOCDEV	88-104 Andersonstown Road BT11 9AN.	Discharge of condition LA04/2020/2495/F.	CONDITION NOT DISCHARGED
LA04/2021/2168/DCA	LOCDEV	53 Cranmore Park Belfast BT9 6JG.	Demolition of existing garage/garden store and single lean to porch	PERMISSION GRANTED
LA04/2021/2179/F	LOCDEV	230 Upper Malone Road Belfast BT17 9JZ.	Demolition of existing bungalow. Replacement 2 storey dwelling with associated balcony and double garage.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2197/DC	LOCDEV	64 Andersonstown Road Belfast BT11 9AN.	Discharge of condition 9 LA04/2020/2077/F.	CONDITION DISCHARGED
LA04/2021/2208/F	LOCDEV	24 Rockmore Road Belfast BT12 7PD	Change of use from residential accommodation to short term lease property. Existing building elevations and floor plans to remain the same.	PERMISSION GRANTED
LA04/2021/2223/LBC	LOCDEV	23 Bedford Street Belfast BT2 7EJ	External mounted signage	PERMISSION GRANTED
LA04/2021/2230/A	LOCDEV	23 Bedford Street Belfast BT2 7EJ	Individual cut stainless steel letters set 15mm proud of the facade, 250mm in height	PERMISSION GRANTED
LA04/2021/2234/F	LOCDEV	35 Knightsbridge Manor Malone Lower Belfast BT9 5ET	Single storey rear extension and roofspace conversion including dormer window to rear	PERMISSION GRANTED
LA04/2021/2269/F	LOCDEV	174 Tates Avenue Belfast BT12 6ND	Proposed 2 storey rear extension and internal alterations to allow for increased kitchen space and additional bedroom	PERMISSION GRANTED
LA04/2021/2272/F	LOCDEV	19 Waterloo Park North Belfast BT15 5HW	Two storey rear extension to existing dwelling with lower ground floor rear extension with balcony over ground floor. Patio area to rear.	PERMISSION GRANTED
LA04/2021/2295/F	LOCDEV	120 Hollywood Road Ballyhackamore Belfast BT4 1NY	Single and two storey rear extension, single storey side extension and roofspace conversion with rear dormer and roof lights. (Amended Scheme)	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2321/F	LOCDEV	Site between 30-32 Dunraven Crescent Belfast BT5 5LE	Proposed dwelling house. (renewal of LA04/2016/1348/F )	PERMISSION GRANTED
LA04/2021/2333/F	LOCDEV	9 Broom Drive Twinbrook Dunmurry Belfast BT17 0ZA	Proposed single storey rear extension comprising of bedroom and WC	PERMISSION GRANTED
LA04/2021/2338/F	LOCDEV	56 Kingsdale Park Belfast BT5 7BZ	Single Storey rear extension to existing dwelling, to allow enlarged kitchen, living area.	PERMISSION GRANTED
LA04/2021/2341/F	LOCDEV	8-30 Barrack Street Belfast BT12 4AH	New external lift and enclosure including alteration/extension of first floor walkway to provide wheelchair access to first floor level. Refurbishment of external stairways/railing to rear courtyards including part replacement where required. Refurbishment/replacement of part boundary walls/railings/gates. Facade maintenance including replacement windows, repointing and repairs to brickwork and architectural details.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2342/LBC	LOCDEV	8-30 Barrack Street Belfast BT12 4AH	New external lift and enclosure including alteration/extension of first floor walkway to provide wheelchair access to first floor level. Refurbishment of external stairways/railing to rear courtyards including part replacement where required. Refurbishment/replacement of part boundary walls/railings/gates. Facade maintenance including replacement windows, repointing and repairs to brickwork and architectural details.	PERMISSION GRANTED
LA04/2021/2344/F	LOCDEV	14 Inverary Avenue Belfast BT4 1RN	Erection of Bin Store Enclosure Serving Existing Apartment Development (Retrospective)	PERMISSION GRANTED
LA04/2021/2350/F	LOCDEV	38-40 Gilnahirk Road Belfast BT5 7DG	First Floor Rear Extension to Provide an Area for Storage and Preparation of Goods for Sale	PERMISSION GRANTED
LA04/2021/2362/F	LOCDEV	5 Tokio Gardens Belfast BT15 5EE	Conversion of existing garage into dining room and alterations to existing kitchen to allow access.	PERMISSION GRANTED
LA04/2021/2363/F	LOCDEV	Poleglass Community Associate Bell Steel Road Belfast BT17 0UJ	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.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2370/F	LOCDEV	109 Old Colin Belfast BT17 0AZ.	Single storey extension to rear of dwelling.	PERMISSION GRANTED
LA04/2021/2388/F	LOCDEV	Lough View Integrated Primary School 63 Church Road Belfast BT6 9SA	Proposed replacement nursery at Integrated Primary School, including replacement covered play area, and associated adjacent site works.	PERMISSION GRANTED
LA04/2021/2403/F	LOCDEV	Unit 6-7 Ascot House 24-31 Shaftsbury Square Belfast BT2 7DB.	Change of use from restaurant to dental surgery, with alterations to front facade.	PERMISSION GRANTED
LA04/2021/2415/A	LOCDEV	Unit 6 Channel Wharf 21 Old Channel Road Belfast BT3 9DE.	retrospective Wall mounted business signs.	PERMISSION GRANTED
LA04/2021/2416/F	LOCDEV	The Muddlers Club 1 Warehouse Lane Belfast BT1 2DX.	Retractable canopy for outdoor dining to restaurant temporary for 2 years.	PERMISSION GRANTED
LA04/2021/2421/LBC	LOCDEV	8 Notting Hill Belfast BT9 5NS.	Remedial works to failed external fabric, replacement windows, internal alterations to ground floor kitchen + storage areas, alterations to first floor bedroom + bathrooms, new rooflights, sedum roof, new home/office infill to car port.	PERMISSION GRANTED



Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2435/DC	LOCDEV	Lands directly to the south of Kilwee Business Park Upper Dunmurry Lane Dunmurry BT17 0HD.	Discharge of condition 13 LA04/2018/1932/F.	CONDITION DISCHARGED
LA04/2021/2443/NMC	LOCDEV	32 Cranmore Gardens Belfast BT9 6JL	NMC to planning approval LA04/2020/1290/F	NON MATERIAL CHANGE REFUSED
LA04/2021/2446/NMC	LOCDEV	Corner site between Mayo Street and Mayo Link off Lanark Way Shankill Road Belfast	NMC to Planning Approval LA04/2016/1276/F	NON MATERIAL CHANGE GRANTED
LA04/2021/2457/F	LOCDEV	Springfield Medical Centre 46 Springfield Road Belfast.	First floor extension to rear of building to provide physiotherapy treatment room interview room & administration area.	PERMISSION GRANTED
LA04/2021/2474/DCA	LOCDEV	95 Malone Road Belfast BT9 6SP	Demolition of existing masonry wall of garage front elevation and front entrance. Demolition of external brick wall to front elevation at ground and first floor with removal of internal stud walls.	PERMISSION GRANTED
LA04/2021/2475/F	LOCDEV	95 Malone Road Belfast BT9 6SP	Two storey extension to rear and first floor extension to front elevation. New terrace pergola to rear. (amended description)	PERMISSION GRANTED
LA04/2021/2478/DC	LOCDEV	Lands directly to the south of Kilwee Business Park Upper Dunmurry Lane Dunmurry	Discharge of condition no.15 - LA04/2018/1932/F	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2482/F	LOCDEV	1 Kinedar Crescent Belfast BT4 3LY	First floor rear extension	PERMISSION GRANTED
LA04/2021/2485/F	LOCDEV	17 Fitzwilliam Street Belfast BT9 6AW	Conversion of existing offices into two self contained two bedroom apartments. Restoration of the existing facade, repairs and replacement of defective windows, rebuild of existing bay window to original. External alterations to elevations.	PERMISSION GRANTED
LA04/2021/2487/F	LOCDEV	23 Cyprus Park Belfast BT5 6EA.	Existing porch to be demolished and construction of single storey side and rear extension. External alterations to dwelling and new raised patio.	PERMISSION GRANTED
LA04/2021/2500/F	LOCDEV	23 Holland Park Belfast BT5 6HB.	Garage conversion to annex.	PERMISSION GRANTED
LA04/2021/2505/F	LOCDEV	68 Ailesbury Road Belfast BT7 3FH	Single storey extension to rear with internal works.	PERMISSION GRANTED
LA04/2021/2507/F	LOCDEV	30 Kirkliston Gardens Belfast BT5 6EE.	Demolition of existing garage and construction of single storey side + rear extension with extended patio. Internal and external alterations to dwelling and attic conversion to include change of roof profile from hipped to pitched with rear dormer and roof lights.	PERMISSION GRANTED
LA04/2021/2509/NMC	LOCDEV	79 & 81 Stockmans Lane Belfast BT9 7JD.	Non material change LA04/2019/2726/F.	NON MATERIAL CHANGE REFUSED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2511/DC	LOCDEV	18 Denorrtton Park Holywood Road Belfast BT4 1SF.	Discharge of condition 1 LA04/2020/2181/F.	CONDITION DISCHARGED
LA04/2021/2516/LDE	LOCDEV	Apt. 2 17 Rugby Avenue Belfast	Change of use from residential property to House of Multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2021/2517/F	LOCDEV	22 Ladybrook Drive Belfast BT11 9EZ.	New roof space conversion and extension (forming new dormers to front and rear) to existing semi-detached chalet bungalow and new single storey detached garage.	PERMISSION GRANTED
LA04/2021/2518/DCA	LOCDEV	Aldersgate House 13-19 University Road Belfast BT7 1NA.	Alterations to existing building to facilitate new use as place of worship. Demolitions include removal and replacement of doors and windows, adjustments to external walls to facilitate new internal layouts. Widening of existing doors to facilitate escape requirements. Removal of existing chimney and base.	PERMISSION GRANTED
LA04/2021/2521/LDE	LOCDEV	12 Cairo Street Belfast BT7 1QS.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2523/LDE	LOCDEV	12B Landseer Street Belfast BT9 5AL.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2540/F	LOCDEV	27 Burmah Street Belfast BT7 3AN.	Single storey rear extension.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2547/F	LOCDEV	40 Sydenham Avenue Belfast BT4 2DR	Sun lounge extension to rear of dwelling.	PERMISSION GRANTED
LA04/2021/2557/A	LOCDEV	Bus Shelter adjacent No. 150 Mount Merrion Avenue Belfast. BT6 0FT.	Conversion of existing six sheet display unit incorporated into an existing Adshel Bus Shelter to a six sheet digital display screen.	PERMISSION GRANTED
LA04/2021/2558/F	LOCDEV	5 Lismoyne Park Belfast BT15 5HE.	Demolition of the existing conservatory to rear, construction of a new single storey kitchen/living room extension, a new garden room, minor internal refurbishment, new windows and a new render finish to the whole house. New 2.2m boundary timber fence (AMENDED DESCRIPTION)	PERMISSION GRANTED
LA04/2021/2559/LBC	LOCDEV	11 Arthur Street Belfast BT1 4GA	Removal of existing internal stud and plasterboard walls.Installation of new stud and plasterboard dry lining and walls, alter existing MF suspended ceiling, New flooring and lighting to the sales area.	PERMISSION GRANTED
LA04/2021/2565/F	LOCDEV	6 Wilshere Drive Belfast BT4 2GP.	Single storey rear extension.	PERMISSION GRANTED
LA04/2021/2586/F	LOCDEV	Building A Ground Floor The Studios 89 Holywood Road Belfast BT4 3BD.	Change of Use from Office to Medical Aesthetics Business.	PERMISSION GRANTED
LA04/2021/2590/F	LOCDEV	4 Avoca Close Belfast BT11 8QT.	Two storey extension to side of dwelling and bay window to front.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2599/LDP	LOCDEV	181 Upper Lisburn Road Belfast BT10 0LJ.	Single storey rear extension.	PERMITTED DEVELOPMENT
LA04/2021/2607/LDE	LOCDEV	105 Wellesley Avenue Malone Lower Belfast BT9 6DH.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2613/F	LOCDEV	3 Richmond Mews Belfast BT10 0PB.	Single storey extension to rear of existing townhouse.	PERMISSION GRANTED
LA04/2021/2626/LDE	LOCDEV	45 Damascus Street Belfast BT7 1QR.	LA04/House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2628/F	LOCDEV	12 Knockcastle Park Knock Belfast BT5 6NA.	Alterations to detached dwelling, including replacing front bays & side porch with wrap around bay, new windows to side & demolition of existing rear kitchen extension, coal houses & part of garage-to be replaced with single storey extension & associated works.	PERMISSION GRANTED
LA04/2021/2653/LDP	LOCDEV	172 Grand Parade Belfast BT5 5PE.	Erection of single storey extension to the rear of dwelling	PERMITTED DEVELOPMENT
LA04/2021/2654/A	LOCDEV	Academy Restaurant Ulster University BD Building York Street Belfast BT15 1ED	3no. Frosted Vinyl Sheets to be applied to restaurant entrance doors located on York Street	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2663/F	LOCDEV	41 Stockmans Park Belfast BT11 9AX.	Single storey side extension, raised patio to rear.	PERMISSION GRANTED
LA04/2021/2671/F	LOCDEV	11-16 Donegall Square East Belfast BT1 5UB.	Proposed removal of central externally glazed lobby and replacement of 3 existing frameless glazed doors with 3 weather sealed aluminium doors at listed original portico.	PERMISSION GRANTED
LA04/2021/2675/LDE	LOCDEV	91 Edinburgh Street Belfast BT9 7DT	House of multiple occupation (HMO) - retrospective.	PERMITTED DEVELOPMENT
LA04/2021/2679/DC	LOCDEV	Lands at Boodle's Dam including Wolfhill Mill Race and its intersection with the Ligoniel River located off Mountainhill Road Belfast.	Discharge of condition 9 - LA04/2020/0708/F	CONDITION DISCHARGED
LA04/2021/2681/LBC	LOCDEV	11-16 Donegall Square East Belfast BT1 5UB.	Proposed removal of central externally glazed lobby and replacement of 3 existing frameless glazed doors with 3 weather sealed aluminium doors at listed original portico.	PERMISSION GRANTED
LA04/2021/2688/F	LOCDEV	76 Divis Drive Belfast BT11 8AB	Single storey rear extension	PERMISSION GRANTED
LA04/2021/2694/LDP	LOCDEV	8 Neills Hill Park Belfast	Single storey rear extension	PERMITTED DEVELOPMENT
LA04/2021/2706/LDE	LOCDEV	4 Southview Street Belfast BT7 1PZ	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2725/A	LOCDEV	Waters Edge Clarendon Dock Belfast BT1 3BH.	4no. internally illuminated brand logos.	PERMISSION GRANTED
LA04/2021/2735/F	LOCDEV	36 Wheatfield Crescent Belfast BT14 7HS.	single storey rear and side extension to accommodate living/dining spaces and patio area with 2m timber fence to rear.	PERMISSION GRANTED
LA04/2021/2741/F	LOCDEV	54 St James Road Belfast BT12 6EB.	Single storey extension to side and rear, with alterations to existing boundary treatments (AMENDED DESCRIPTION)	PERMISSION GRANTED
LA04/2021/2753/LDP	LOCDEV	8 Kileen Park Belfast BT11 8HH.	A single storey, pitched roof side/rear extension to dwelling providing open plan kitchen/dining/sitting area.	PERMITTED DEVELOPMENT
LA04/2021/2754/LDP	LOCDEV	72 Locksley Park Belfast BT10 0AS	Conversion of garage to study. Works include replacing garage door with external door and glazed side panels.	PERMITTED DEVELOPMENT
LA04/2021/2755/LDE	LOCDEV	20 Stranmillis Gardens Belfast BT9 5AS.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2762/F	LOCDEV	11 Colinmill Dunmurry BT17 0AP	Attic conversion with increased ridge height to accommodate dormer to rear (amended description)	PERMISSION GRANTED
LA04/2021/2765/DC	LOCDEV	Land adjacent to Queens University Belfast Playing Fields Dub Lane Upper Malone Road Belfast.	Discharge of condition no.16 - LA04/2019/2817/F	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2767/F	LOCDEV	7 Colindale Park Belfast BT17 0QE.	Single storey rear and side extension with removal of existing detached garage.	PERMISSION GRANTED
LA04/2021/2773/LDE	LOCDEV	35 Delhi Street Belfast BT7 3AJ.	House in multiple application (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2775/F	LOCDEV	23 Woodside View Dunmurry Belfast BT17 0ST.	Single storey extension to side and rear. Works to vehicular entrance for the provision of a car parking space.	PERMISSION GRANTED
LA04/2021/2783/LDE	LOCDEV	84 Agincourt Avenue Belfast BT7 1QB.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2784/LDE	LOCDEV	86 Agincourt Avenue Belfast BT7 1QB.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2787/LDP	LOCDEV	6 Orpen Park Ballyfinaghy Belfast BT10 0BN.	Single storey extension to rear providing additional kitchen & dining space with minor internal alterations.	PERMITTED DEVELOPMENT
LA04/2021/2789/LDE	LOCDEV	6 Southview Street Belfast BT7 1PZ.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2791/LDE	LOCDEV	27 Surrey Street Belfast BT9 7FR.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT



Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2793/F	LOCDEV	12 Ardenlee Parade Belfast BT6 0AL.	Single storey extension to rear of dwelling with roof overhang to side and rear.	PERMISSION GRANTED
LA04/2021/2797/F	LOCDEV	55 Springfield Avenue Belfast BT12 7BA	First floor rear extension	PERMISSION GRANTED
LA04/2021/2802/F	MAJDEV	Lands at Upper Dunmurry Lane Belfast BT17 0HG (Lands between and to the rear of 142 Upper Dunmurry Lane and No. 1 Dunmurry Close).	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).	PERMISSION GRANTED
LA04/2021/2807/F	LOCDEV	38 Ladybrook Crescent Belfast BT11 9EU	Dormer extension to rear. New pitched roof to existing front roof dormer. Raised patio to rear.	PERMISSION GRANTED
LA04/2021/2810/DC	LOCDEV	28 & 34-52 Gardiner Street Town Parks Belfast BT13 2GT.	Discharge of conditions 2+3 LA04/2019/1609/F.	CONDITION DISCHARGED
LA04/2021/2814/F	LOCDEV	1 North Link Belfast. BT11 8HW.	Proposed covered area to side of dwelling with 1.9m fence to front.	PERMISSION GRANTED
LA04/2021/2817/F	LOCDEV	31 Sydenham Avenue Belfast BT4 2DJ.	Roofspace conversion to include rear flat roofed dormer & extension of existing roof structure	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2824/F	LOCDEV	28 Rosgoill Park Belfast BT11 9QS.	1.5 storey side extension with dormer window, single storey rear extension and attic conversion with dormer window to rear.	PERMISSION GRANTED
LA04/2021/2828/DC	LOCDEV	Avoniel Leisure Centre Avoniel Road Belfast BT5 4SF.	Discharge of conditions 6 & 7 LA04/2019/2971/F relating to verification of remedial works for contamination	CONDITION DISCHARGED
LA04/2021/2837/LDE	LOCDEV	28 Cairo Street Belfast BT7 1QS.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2021/2858/F	LOCDEV	51 Haddington Gardens Belfast BT6 0AN	Single storey rear extension with associated site works	PERMISSION GRANTED
LA04/2021/2866/LDE	LOCDEV	Flat 1 (ground floor) 30 Wellesley Avenue Belfast BT9 6DG	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2021/2873/LDE	LOCDEV	64 University Street Belfast BT7 1HB	Conversion of a single dwelling house into 6 apartments	PERMITTED DEVELOPMENT
LA04/2021/2875/LDE	LOCDEV	66 University Street Belfast BT7 1HB	Conversion of single dwelling house into 6 apartments.	PERMITTED DEVELOPMENT
LA04/2021/2880/F	LOCDEV	6 Marlborough Heights Belfast BT6 9QR	Single storey rear extension and one and a half side extension incorporating garage on ground floor.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2021/2888/LDE	LOCDEV	7 Fitzroy Avenue Belfast BT7 1HS	House in multiple occupation (HMO)	PERMITTED DEVELOPMENT
LA04/2021/2891/DC	LOCDEV	Lands between Shankill Parade and North Boundary Street Shankill Road Belfast.	Discharge of condition no.s 13, 14 & 15 re LA04/2015/0195/F	CONDITION DISCHARGED
LA04/2021/2896/A	LOCDEV	Walkway Community Association 1-9 Finvoy Street Belfast BT5 5DH	Building signage for Walkway Community Association in brushed stainless steel effect dibond aluminium composite.	PERMISSION GRANTED
LA04/2022/0001/F	LOCDEV	230 Lagmore Meadows Dunmurry BT17 0TJ	Two storey rear extension, level access to side of dwelling, through floor lift and internal alterations	PERMISSION GRANTED
LA04/2022/0003/F	LOCDEV	11 Castlehill Park Belfast BT4 3GU	Single storey rear extension, a new rear box window, a first floor side extension with a rear dormer window, and internal alterations. Replacement rear dormer and one chimney is being demolished.	PERMISSION GRANTED
LA04/2022/0005/F	LOCDEV	105 Hopewell Crescent Belfast BT13 1DP	Single storey extension to rear of property.	PERMISSION GRANTED
LA04/2022/0010/F	LOCDEV	131 Shandon Park Belfast BT5 6NZ	Single storey rear extension and replacement of store to side elevation. 2.1m brick wall to rear. (amended description)	PERMISSION GRANTED
LA04/2022/0033/F	LOCDEV	12 Gransha Drive Belfast BT11 8AL	Two storey side and rear extension including new window openings at ground floor gable wall.	PERMISSION GRANTED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0036/LDE	LOCDEV	13 Palestine Street Belfast BT7 1QJ	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0043/DC	LOCDEV	95 Crumlin Road Belfast BT14 6AD Site of 1-7 (formerly) Cliftonpark Avenue.	Discharge of condition no.7 - LA04/2016/2532/F	CONDITION DISCHARGED
LA04/2022/0065/F	LOCDEV	33 Glenhill Park Belfast BT11 8GA	Single storey rear extension	PERMISSION GRANTED
LA04/2022/0072/LDE	LOCDEV	Flat 3 (second floor) 30 Wellesley Avenue Belfast BT9 6DG	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0079/LDE	LOCDEV	81 Carmel Street Belfast BT7 1QF.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0082/LDE	LOCDEV	159 Dunluce Avenue Belfast BT9 7AX.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0103/CONTPO	LOCDEV	63 Somerton Road Belfast BT15 4DD.	Works to 7 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0104/CONTPO	LOCDEV	Dominican College 38 Fortwilliam Park Belfast BT15 4AQ.	Works to 26 trees.	WORKS TO TREES IN CA - AGREED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0105/CONTPO	LOCDEV	99 Upper Newtownards Road Belfast BT4 3HW.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/0110/LDE	LOCDEV	Flat 2 83 Wellesley Avenue Belfast BT9 6DH	House in multiple occupancy (HMO)	PERMITTED DEVELOPMENT
LA04/2022/0111/LDE	LOCDEV	67 Melrose Street Belfast BT9 7DP.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0112/LDE	LOCDEV	13 Landseer Street Belfast BT9 5AL.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0116/LDE	LOCDEV	Flat 3 (First Floor) 122 Eglantine Avenue Belfast BT9 6EU.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0120/LDE	LOCDEV	38 Wolseley Street Belfast BT7 1LG.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0127/LDE	LOCDEV	25 Landseer Street Belfast BT9 5AL.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0131/DC	LOCDEV	136 -138 University Avenue Belfast BT7 1GY.	Discharge of condition 6 LA04/2017/2110/F.	CONDITION DISCHARGED
LA04/2022/0133/LDE	LOCDEV	23 Agincourt Avenue Belfast BT7 1QA.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0135/DC	LOCDEV	31 Finaghy Road North Belfast BT10 0JA.	Discharge of condition No.6 of LA04/2015/0813/F.	CONDITION DISCHARGED
LA04/2022/0139/DC	LOCDEV	136 ? 138 University Avenue Belfast BT7 1GY.	Discharge of condition 2 LA04/2017/2110/F.	CONDITION DISCHARGED
LA04/2022/0152/CONTPO	LOCDEV	8 Ormiston Square Belfast BT4 2RU.	Works to 7 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0153/LBC	LOCDEV	UNIT'S 3 AND 4 CLEAVER HOUSE 56 DONEGALL PLACE BELFAST BT1 5BB.	Proposed internal works involving the removal/stripping out of non-historical features including stud walls; existing shop and restaurant fit out; existing kitchen equipment; modern staircase; toilet block; floor finishes; suspended grid ceiling and plaster board ceiling on ground floor and first floor levels; external wall finishes as tiling and timber panelling; and all existing mep services to accommodate building survey works of original features.	PERMISSION GRANTED
LA04/2022/0157/DC	LOCDEV	Lands adjacent to 14 College Square North and south of 62-76 Hamill Street Belfast.	Discharge of condition 11 LA04/2018/1719/F relating to cycle parking details	CONDITION DISCHARGED

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0161/DC	LOCDEV	141 & 149 Upper Newtownards Road Belfast BT4 3HX.	Discharge of condition 17 LA04/2019/2334/F.	CONDITION DISCHARGED
LA04/2022/0165/LDE	LOCDEV	Flat 1 6 Tates Avenue Belfast BT9 7BY.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0166/LDE	LOCDEV	Flat 2 6 Tates Avenue Belfast BT9 7BY.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0167/LDE	LOCDEV	Flat 3 6 Tates Avenue Belfast BT9 7BY.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0197/LDE	LOCDEV	Flat 2 20 Malone Avenue Belfast BT9 6ER.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0201/LDE	LOCDEV	Flat 3 20 Malone Avenue Belfast BT9 6ER.	House in multiple occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0212/LDE	LOCDEV	Flat 1 10 India Street Belfast BT7 1LJ.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0213/LDE	LOCDEV	Flat 2 10 India Street Belfast BT7 1LJ.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT
LA04/2022/0214/LDE	LOCDEV	Flat 3 10 India Street Belfast BT7 1LJ.	House in Multiple Occupancy (HMO).	PERMITTED DEVELOPMENT

Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0219/CONTPO	LOCDEV	66 Bawnmore Road Belfast BT9 6LD.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/0221/CONTPO	LOCDEV	92 Malone Road Belfast BT9 5HP.	Works to 15 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0228/CONTPO	LOCDEV	Stranmillis University College Stranmillis Road Belfast Co Antrim BT9 5DY.	Works to 2 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0231/CONTPO	LOCDEV	6 Chlorine Gardens Belfast BT9 5DJ.	Works to 6 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0242/CONTPO	LOCDEV	26 Knockdene Park South Belfast BT5 7AB.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/0253/CONTPO	LOCDEV	21 Derryvolgie Avenue Belfast BT9 6FJ.	Works to 5/6 Trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0256/CONTPO	LOCDEV	21 King's Road Belfast BT5 6JF.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED
LA04/2022/0258/CONTPO	LOCDEV	54 Osborne Park Belfast BT9 6JP.	Works to 5 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0260/CONTPO	LOCDEV	34 Malone Park Belfast BT9 6NJ.	Works to 2 trees.	WORKS TO TREES IN CA - AGREED



Reference Number	Hierarchy	Location	Proposal	Application Status
LA04/2022/0296/CONTPO	LOCDEV	17 Beechlands Belfast BT9 5HU.	Works to 2 trees.	WORKS TO TREES IN CA - AGREED
LA04/2022/0325/CONTPO	LOCDEV	66 Bawnmore Road Belfast BT9 6LD.	Works to 1 tree.	WORKS TO TREES IN CA - AGREED

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## PLANNING COMMITTEE – 15 MARCH 2022

## APPEALS NOTIFIED

**COUNCIL: BELFAST**

ITEM NO 1 PAC REF: 2021/E0048

PLANNING REF: LA04/2021/0827/LDE

APPLICANT: Mr Harry Gannon

LOCATION: 26 Castlereagh Place, Belfast, BT5 4NW

PROPOSAL: House in Multiple Occupancy (HMO)

PROCEDURE:

ITEM NO 2 PAC REF: 2021/A0217

PLANNING REF: LA04/2020/1342/F

APPLICANT: Diamond Homes NI Ltd

LOCATION: 167-177 Oldpark Road, Belfast, BT14 6QP

PROPOSAL: Demolition of existing bar and construction of 12 No 2 bed apartments in a 3 storey block

PROCEDURE:

ITEM NO 3 PAC REF: 2021/A0221

PLANNING REF: LA04/2021/2198/A

APPLICANT: J C Decaux

LOCATION: Gable end wall of 326 Ormeau Road, Belfast

PROPOSAL: Retrospective application to retain existing 48 sheet internally illuminated advertising display

PROCEDURE:

## **PLANNING COMMITTEE – 15 MARCH 2022**

### **APPEALS NOTIFIED (CONTINUED)**

ITEM NO	4	PAC REF:	2021/A0223
PLANNING REF:	LA04/2021/1181/F		
APPLICANT:	Brian Derby		
LOCATION:	116 Harberton Park, Belfast		
PROPOSAL:	Flat roof of existing single storey rear extension to be converted into rooftop terrace with access doors and balustradings		
PROCEDURE:			

## **PLANNING COMMITTEE – 15 MARCH 2022**

### **APPEAL DECISIONS NOTIFIED**

ITEM NO	1	PAC REF:	2020/A0161
PLANNING REF:	LA04/2020/1613/F		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Mr Gary Proctor – Templemore Users Trust Ltd		
LOCATION:	Rear of 5A Downview Park, Belfast		
PROPOSAL:	Proposed change of use from existing class B4 (Storage or Distribution) with ancillary workshop (B3) to Swimming Pool (Sui Generis – Article 3(4)(k) of The Planning (Use Classes) Order (NI) (2015)		

## Committee Application Addendum Report 3

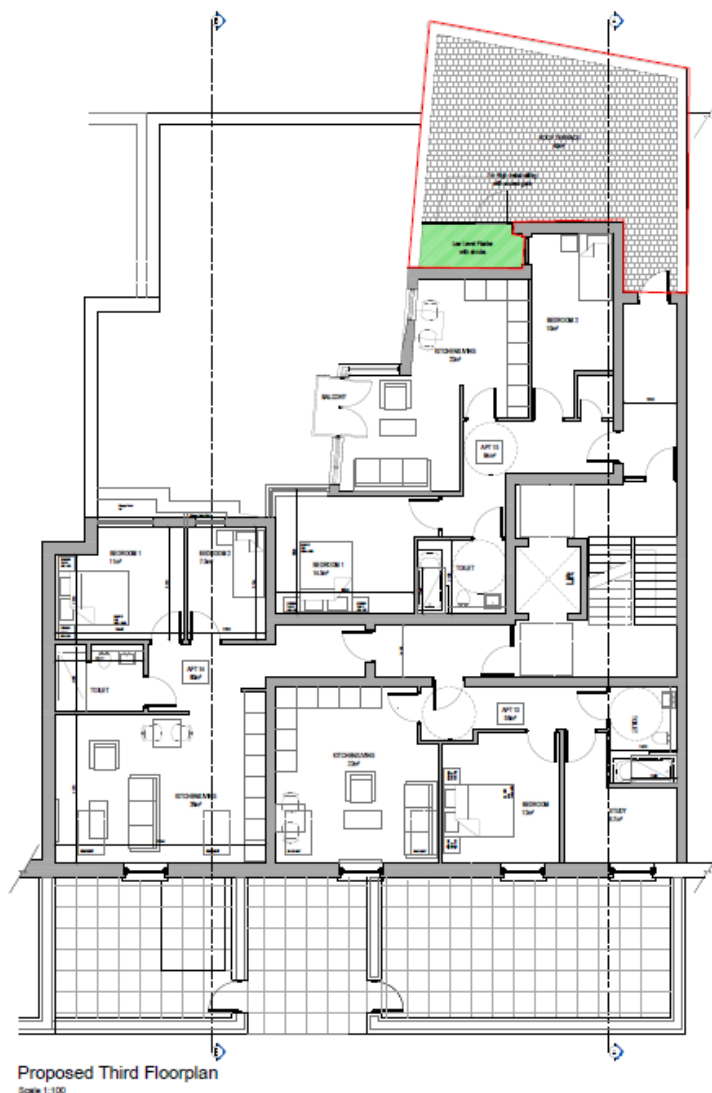
Development Management Report	
<b>Application ID:</b> LA04/2020/0847/F	<b>Date of Committee:</b> Tuesday 15 <sup>th</sup> March 2022
<b>Proposal:</b> Partial demolition and redevelopment of existing buildings to provide 15 apartments (social housing units), communal bin store and external amenity space (Amended Description)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b>	<b>Approval (Previously refusal)</b>
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<p><b><u>ADDENDUM REPORT</u></b></p> <p>This full application was previously listed for Planning Committee on 15<sup>th</sup> June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10<sup>th</sup> August 2021. The application was subsequently relisted for Planning Committee on 17<sup>th</sup> August 2021, however the application was withdrawn from the agenda as amended drawings were submitted late and the proposal description was amended.</p> <p>Further to this, the application was subsequently resolved to refuse by the Planning Committee on Thursday 21<sup>st</sup> October 2021 for the following reasons:</p> <ol style="list-style-type: none"> <li>1) The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the scheme results in overdevelopment of the site as it fails to provide a quality residential environment for prospective residents due to inadequate and inappropriate public and private amenity space; and</li> <li>2) The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the proposed amenity space will result in an unacceptable adverse impact on proposed residents by way of noise and nuisance.</li> </ol> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report and previous addendum report attached below.</p> <p><b><u>Receipt of Amended Drawings</u></b></p> <p>An amended P1 form and drawings were submitted on 22<sup>nd</sup> October 2021, the day after the October Planning Committee meeting. The amended drawings included the reduction of 1 residential unit and the addition of a roof terrace on the 3<sup>rd</sup> floor.</p> <p>The Planning Department took legal advice regarding the submission of the drawings. Whilst the amendments addressed the refusal reasons in respect of the provision of amenity space (i.e. amenity space provision in excess of 10 sq m per unit), additional concerns were raised regarding personal</p>	

safety and overlooking. There is no legislative provision to require the Council to consider amended plans at any point in the planning process, however the Council is duty bound to have regard to all material considerations. In this case, the amended drawings addressed the Council's concerns with regard to proposed amenity space, in accordance with the guidance in Creating Places.

The additional concerns in relation to overlooking and personal safety were not considered to be insurmountable, and the agent submitted further amended drawings to address these concerns. The amended Drawing No's 05D and 06E were uploaded to the Planning portal on 4<sup>th</sup> February 2022. The amended application was re-advertised in the local press, additional neighbour notification was undertaken and the Conservation Area Officer (CAO) was reconsulted.

The amendments result in the reconfiguration of the third floor:

- Reduction in number of apartments on third floor from 4 to 3. Apartment 16 on the previous drawings is now known as Apartment 15. The apartment has been reconfigured to provide two bedrooms instead of one (3 person 2 bedroom apartment).
- Roof terrace (measuring approx. 40 sq metres) proposed at the rear of the third floor, shown edged red in the below floorplan. The roof terrace includes a small, landscaped area immediately adjacent to the window of Bedroom 2 of Apartment 15. This provides defensible space and mitigates potential overlooking from the roof terrace.



- The roof terrace is bound by a brick wall with coping on top. The height of the boundary has been increased to 1.4 m due to personal safety and overlooking concerns.



### Update on Belfast dLDP

The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.

### Amenity Space

The provision of the roof terrace results in an additional 40 sq metres of amenity space within the proposed development. The reduction in number of units also results in a reduction in the quantity of amenity space required. The overall amenity space provision is now 177 sq metres, equating to 11.8 sq metres per unit.

As per the previous Addendum report, it is acknowledged that the application site is located within an inner urban location and it is therefore accepted that amenity space of 10 sq m per unit would be acceptable.

The previous Addendum report expressed concern regarding the over reliance on the two private amenity areas at the front of the building. Whilst concerns regarding the quality of these two areas remain, the addition of the 3<sup>rd</sup> floor roof terrace offers additional choice and space for prospective residents. Given the proposal now complies with the guidelines of Creating Places, it is considered that the proposed amenity space is acceptable.

#### Representations

One additional objection has been received in respect of the proposal. The objection stated that the buildings within the existing terrace were originally residential in the form of individual dwellings separated by party walls. It also states that the residential aspect is entirely removed and of no comparable form in latest proposals.

#### Response

*No. 25 and 27 University Road had been in use as a restaurant for a significant period of time, prior to the fire. The earliest planning permissions in relation to this use date back to the late 1980s (ref. Z/1987/2381 and Z/1989/0933). The existing drawings submitted as part of this application show that No. 25 and 27 had been merged, with open plan dining on the ground floor. As previously noted, No. 29 University Road was redeveloped approximately 17-19 years ago, in accordance with previous approval(s) Z/2002/1532/F and Z/2002/1533/F, therefore it is a relatively modern building.*

#### Conservation Area Officer (CAO)

The CAO has provided additional comments on the proposed development, advising that previous concerns in relation to the rear return and rear dormers remain. The CAO acknowledges that consideration of the application is likely at too advanced a stage but advised that ideally, the ground floor restoration should be based on accurate historical record which *may* have indicated central doorcases, with gate access to boundaries to each. He also advised that rooflights should be of a conservation type and suggested this could be conditioned in the event of approval. He also advised that metal cladding to front dormers should have a lead type appearance.

The CAO's comments in relation to the ground floor are noted, however it is acknowledged that this wasn't raised previously, and the application is now at an advanced stage of the process. The CAO notes that the historical record *may* have indicated central doorcases etc, however there is no evidence of this. As noted earlier in this report, No. 25 and 27 have been merged for use as a restaurant with an open plan ground floor for a significant period of time and No. 29 was redeveloped approximately 17-19 years ago.

The CAO's suggestions regarding the style / material of rooflights and dormers on the front elevation are noted and appropriate conditions can be imposed in the event of approval.

#### Section 76

A Planning Agreement will be necessary as no parking is provided for the scheme, this will secure a Travel Plan to provide membership of a Car Club, membership of Belfast Bikes and travel cards for 3 years. The Agreement will also secure a façade retention system to ensure the building fabric, important to the appearance of the Conservation Area is secured during construction, retained and repaired where necessary.

#### **Recommendation – APPROVAL**

On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement. It is recommended that authority is delegated to The Director of Planning and Building Control to finalise the wording of any conditions and to agree a Section 76 in relation to green travel measures and securing the retention of the building façade during demolition works.



## Committee Application Addendum Report 2

Development Management Report	
<b>Application ID:</b> LA04/2020/0847/F	<b>Date of Committee:</b> 21 <sup>st</sup> October 2021
<b>Proposal:</b> Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), which comprise 10 one bedroom and 6 two-bedroom units and communal bin store (Amended Description and Drawings)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b>	<b>REFUSAL (Previously approval)</b>
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<b><u>ADDENDUM REPORT</u></b>  <p>This full application was previously listed for Planning Committee on 15<sup>th</sup> June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10<sup>th</sup> August 2021. The application was subsequently relisted for Planning Committee on 17<sup>th</sup> August 2021, however the application was withdrawn from the agenda as amended drawings were submitted late and the proposal description was amended.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report and previous addendum report attached below.</p> <p>This application was previously recommended for approval, subject to a Section 76 agreement to secure the inclusion of an area of rear amenity. Following the submission of amendments, including a change of the description to social housing and the removal of the rear communal amenity area, this application is now recommended for refusal for the reason set out below.</p> <p><u>Amendments</u></p> <p>The proposal description has been amended to 'Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), which comprise 10 one bedroom and 6 two-bedroom units and communal bin store'.</p> <p>Additionally, amended drawings have been received which include the following changes:</p> <ul style="list-style-type: none"> <li>• Removal of rear communal amenity area.</li> <li>• Relocation of bin store / cycle parking area.</li> <li>• Amendment of internal floor plans.</li> </ul> <p>Representations</p>	

Two further objections have been received in relation to the development. Both objectors had previously objected to the proposal. Additional issues raised include:

- Fire safety issues – there is only one means of escape and one stair to upper levels. Poor design from a fire safety perspective.
- No mature landscaping is proposed.
- Proposed residential use is not suitable for this location.
- Proposed density is unacceptable.
- Proposed development does not represent family accommodation and is not suitable for special needs use.
- Potential structural / subsidence issues.

#### Amenity Space

The amended proposal includes the removal of the communal amenity space located at the rear of the site. The agent has advised that the overgrown area to the rear will be cleared and grassed, to improve the visual appearance / outlook, but not included as formal amenity space. Consequently, the total area of proposed amenity space is approximately 137 sq m, equating to 8.5 sq m per apartment (please note this is a correction to the previous stated measurement (as 123 square metres). Whilst the applicant states that the area will be improved, the area is not within the ownership or control of the applicant and no longer forms part of the application.

The agent has provided additional information in support of the proposed amenity space. The additional information identifies potential 'precedent' cases whereby the Council has previously accepted a reduced standard of amenity space. Further consideration of these 'precedent' cases is included later in this report. In addition, the agent states that the proposed development is circa 1 minute walking distance from Crescent Gardens. In conclusion, the agent states that *'it is difficult to grasp how the public interest is better served by refusing this planning application, as the provision of amenity space far exceeds the level being approved in other developments across the City, the proposed development will greatly enhance the Conservation Area and deliver 16 quality residential units to address the social housing need confirmed by Radius and NIHE. The balance is clearly in favour of approval'*.

Para 5.20 of 'Creating Places' advises that *'private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to around 30 sq m per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. Generally developments in inner urban locations and other high-density areas will tend towards the lower figure'*.

It is acknowledged that the application site is located within an inner urban location and it is therefore accepted that amenity space of 10 sq m per unit would be acceptable.

The proposed amenity space breaks down as follows:

Courtyard – 39 sq m

Apartment 1 – 38 sq m

Apartment 2 – 24.5 sq m

Apartment 3 – 19 sq m

Apartment 4 – 12.5 sq m

Apartment 7, 8, 11, 12, 15, 16 – 6 sq m (each apartment has a balcony measuring 1 sq m).

10 of the proposed apartments benefit from some degree of private open space (from small balconies to large patio areas), however 6 apartments have no private amenity and are thus completely reliant on the small communal courtyard at the rear of the site.

Para 5.20 of 'Creating Places' puts emphasis on private *communal* open space in the form of landscaped areas, courtyards and roof gardens. It is noted that only 39 sq m of the proposed amenity space is communal amenity space.

A large proportion of the proposed amenity space relates to two private areas at the front of the building for Apartment No's 1 and 2 (approximately 62.5 sq m – approximately 45% of the total proposed space). It is not considered that this area represents a quality amenity space, due to the noise associated with traffic along University Road. Para 8.40 of the original case officer report stated '*that it is unlikely that recommended WHO guideline limits would be met*' in relation to the two front areas and the proposed balconies. EHO noted the additional communal amenity area at the rear of the proposed development and advised that it is likely that noise level during the day may achieve levels below the recommended noise limit as residents had the choice of using this area. EHO also refer to British Standard guidance regarding noise '*the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBLAeq,16hr*'. The standard continues, however, as follows: "*these 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*'.

As the original scheme included the rear communal garden, which would have been protected to a great extent from traffic and street noise, the original case officer report concluded that, given the various amenity options within the development, the proposal was considered acceptable in terms of noise. However, following amendments removing the rear amenity area and reducing the total amenity space to approximately 137 sq metres, it is now considered that the scheme is more reliant on the small amenity space provided at the front and balconies and it now falls short in terms of both space and quality of space. Consequently, it is now considered that the proposed amenity space will result in an unacceptable adverse effect on proposed properties in terms of noise.

Whilst a communal courtyard is proposed at the rear of the development, it is minimal at approximately 39 sq metres and likely to be overshadowed for a significant period of the day.

The agent raised the close proximity of Crescent Gardens, King William Park and Mount Charles Gardens as public areas of open space easily accessed from the proposed development. Although it is acknowledged that the proposed development is located in relatively close proximity to these public areas, it is not considered that this is an acceptable substitute for the deficit of communal space within the proposed development.

Members will be aware of the 'Eia Street' appeal decision (PAC ref. 2018/A0070), whereby the Council refused permission for 15 apartments as adequate provision was not made for appropriate open space as an integral part of the development. Approximately 80 sq m of open space was proposed within the application site, with the developer relying on close proximity to public parks to make up the shortfall. The PAC agreed with the Council's reason for refusal and dismissed the appeal (the other refusal reason was not sustained). It is however acknowledged that all planning applications are considered on their own merits and the Eia Street example differs from the proposed development, in that it was not located along an arterial route.

#### Suggested Precedent cases

The agent has submitted a number of examples of previous cases whereby the Council has departed from Policy QD1 and the advice contained in 'Creating Places' to allow residential developments with a reduced standard of amenity. As noted in the above paragraph, all planning applications are considered on their own merits and are rarely directly comparable. Notwithstanding this, each suggested 'precedent' application is considered below:

*LA04/2017/1268/F – Refurbishment and Change of use to 18 No. apartments – 14-16 Upper Crescent*

This application was approved with a reduced standard of amenity space as the proposal involved the re-use of an existing vacant listed building. The building is also located directly adjacent to Crescent Gardens.

*LA04/2016/0967/F – Proposed eight storey residential development comprising 88 apartments – 55-71 Ormeau Road*

The site is located within the city centre. The case officer report advises of issues with the proposed development, however, notes there is a legitimate 'fall back' scenario. Approval was recommended with determining weight given to the planning history of the site.

*LA04/2019/0517/F – Residential development comprising 154 units – El Divino Nightclub*

The site is located within the city centre. The case officer report states that 'the amount of provision is considered acceptable, on balance, given the circumstances of the site with the open space area adjacent to the building and the improvements proposed to it, and location on the riverbank with riverside access'.

*LA04/2017/2811/F – 16 storey residential building comprising 90 units – 81-87 Academy Street & 2-6 Exchange Street*

The site is located within the city centre. Total provision of amenity space is approximately 480 sq m. The case officer report states that 'Given the inner urban context of the site this level of amenity is acceptable'.

*LA04/2019/2387/F – Residential development comprising 151 apartments – Lands adjacent to Quay Gate House, 15 Scrabo Street*

The site is located within the city centre. The case officer report states 'Total communal provision equates to approximately 756sqm, or 5sqm per unit. The majority of apartments also have small outdoor balcony areas. The amount of provision is considered acceptable, on balance, given the circumstances of the site and proximity to open space along the River Lagan'.

*LA04/2020/2280/F - Proposed mixed use development comprising 1no. ground floor retail unit and 13no. apartments – 93-95 Falls Road*

This proposal has not yet been decided, however it has been previously brought before Planning committee. The committee report states 'the total area of the 2 spaces is 43sqm. This falls short of the minimum provision of 10sqm for each apartment as set out in Creating Places, however with Dunville Park directly opposite, a reduced provision is considered acceptable for this inner urban location along an arterial route'. In this case, Dunville Park is located directly opposite the proposed development.

*LA04/2020/0732/F - Change of use of first and second floor from office to 2No. apartments – 32 University Road*

This site is located directly opposite to the application site. The case officer report indicates that the reduction in amenity space standards is acceptable given the accessibility to existing public open space at Crescent Gardens and Botanic Gardens. It is noted that this application related to a change of use of an existing building, rather than demolition and redevelopment. In such circumstances, it is conceivable that a reduction in amenity space standards may be acceptable.

*LA04/2017/2463/F – Mixed use proposal including change of use of first and second floor level to provide 4 apartment units – 43-47 University Road*

This site is located approximately 70 metres south of the application site. The case officer report confirms no amenity space is provided with the proposal, however justification is given, stating that flat conversions are common in the area and Botanic Gardens is located in close proximity. Similarly to the above example, this application relates to a change of use, rather than demolition and redevelopment. In such circumstances, it is conceivable that a reduction in amenity space standards may be acceptable. Furthermore, in this example, the subject buildings were listed, therefore the proposed residential use offers a sustainable future use for the building.

*LA04/2020/2328/F - Conversion into 6no self-contained apartments – 4 Eglantine Avenue*

This proposed development does not fail the policy tests in relation to amenity space.

*LA04/2020/2494/RM - Demolition of existing building and construction of 6 apartments – 93-95 Castlereagh Road*

The approved site layout shows two specific areas of external amenity space measuring approximately 32 sq m. In addition to this specific area, there is also an area at the side of the building measuring approximately 30 sq m. The case officer report notes that the proposal has a reduced amenity space, however this does not appear to be the case upon review of the approved drawings. Furthermore, although it is acknowledged that this site is located on an arterial route, in contrast to this application, EHO did not raise any issues regarding noise within the external amenity area at the front.

NIHE consultation response

NIHE were consulted on the proposal as the proposal description was amended to refer specifically to social housing.

NIHE 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 Lower Ormeau & Markets HNA which has a five year unmet social housing need of 200 units.'*

NIHE advise that they are aware that the developer is in contact with a Housing Association regarding the proposed apartments, however they advise that *'the units proposed do not appear to meet DfC Design Standards for social housing'*.

Internal floorspace

Para 8.37 of the original case officer report stated that *'Policy LC1 does not apply to this proposed development as the site location is not within an 'established residential area' as defined by Annex E of PPS 7 Addendum. Although the policy does not apply, it is noted that only 7 of the proposed apartments comply with the space standards, as set out in Annex A'*.

Amended floorplans have been submitted to partially address the issue raised regarding internal floorspace. Four apartments, No's 2, 5, 9 and 13 have all been amended from 3 person 2 bedroom apartments to 2 person 1 bedroom apartments with a study. Apartment No's 1, 3, 8, 12 and 16 have an internal floorspace less than 50 sq m, however the floor plan graphic shows that they are designed for 2 persons with 1 bedroom. Consequently, the Council previously concluded that these 5 apartments were also below the space standards as set out in Annex A of PPS 7 Addendum. Additionally, it is noted that NIHE also came to the same conclusion. The agent has now submitted a supporting statement clarifying that these apartments are designed for use by 1 person. The required floorspace for a 1 person 1 bedroom apartment is 35 sq m; the proposed floorspace of all 5 apartments is in excess of 35 sq m therefore it is considered that the proposed internal floorspaces of each apartment accords with the space standards, as set out in Annex A. If members are minded to approve the application, this arrangement can be supported by planning condition.

Summary

The agent has provided amendments and clarification regarding the internal floorspace standards of the proposed apartments. Consequently, it is considered that these previous concerns have been addressed.

However, concerns regarding the proposed amenity space remain unaddressed. As noted above, the proposed amenity space totals 137 sq m, equating to 8.5 sq m per unit. 'Creating Places' advises that private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens and should range from 10 sq m to 30 sq m per unit, depending on the site context. Given the application site is located within an inner urban setting and on an arterial route, it is considered that a

provision of 10 sq m per unit would be acceptable. Although the overall amenity space totals 137 sq m, it is noted that only 39 sq m of the overall provision relates to communal open space.

Furthermore, as noted above, a large proportion of the proposed amenity space relates to two private areas at the front of the building for Apartment No's 1 and 2. EHO have previously provided comments, advising of concerns regarding noise within these areas and to a lesser extent, the balconies at the rear.

The application was previously recommended for approval when it was initially listed for the June Planning Committee. The report set out concerns with the proposal, however it was recommended for an on balance approval. At that stage, the proposed amenity space was well in excess of the recommended standards and contributed to the approval recommendation. However, following the reduction of the proposed amenity space to below standards, it is now considered, on balance, that the proposed development should be refused for the reasons below.

### **RECOMMENDATION: REFUSAL**

#### **Refusal Reasons:**

- 1) The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the scheme results in overdevelopment of the site as it fails to provide a quality residential environment for prospective residents due to inadequate and inappropriate public and private amenity space.
- 2) The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the proposed amenity space will result in an unacceptable adverse impact on proposed residents by way of noise and nuisance.

## Committee Application Addendum Report 1

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/0847/F	<b>Date of Committee:</b> 17 August 2021
<b>Proposal:</b> Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), communal bin store and landscaped communal garden (Amended Description and Drawings)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b>	<b>REFUSAL (Previously approval)</b>
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<b><u>ADDENDUM REPORT</u></b>  <p>This full application was previously listed for Planning Committee on 15<sup>th</sup> June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10<sup>th</sup> August 2021.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p><u>Further Representations</u>            Prior to the June Planning Committee meeting, three additional objections were received in relation to the above proposed development (details of which were included in the late items for the June meeting). The content of the objections are detailed below:</p> <p>Email received on 11<sup>th</sup> June 2021 from one objector raising the following issues:</p> <ul style="list-style-type: none"> <li>The objector notes planning approval and questions why he has not been notified of the outcome of the application.</li> <li>Issues previously raised by objector are not indicated in the Planning Service Public Statement.</li> <li>The clash of two areas, one an Area of Townscape character (ATC) and one a Conservation Area (CA) have not been properly addressed. DFC Heritage advice through the PAC states their concerns that this clash is in need of addressing. It is a material consideration the application falters on.</li> <li>This is contrary to the requirement for due consideration at a time when the difficulties of formal / informal approaches have been hugely impacted. Caution in taking decisions in these circumstances is not evident.</li> <li>Objector advises that he intends to seek a judicial review on the grounds of proposal failing to full address the ATC and CA standards as PAC and DFC have made intentional in their planning service instructions. This includes high density occupation of areas and overspill in</li> </ul>	

granting more high-density occupation in oversaturated area outside the 'Holylands' and is evident in the absence of previously formed HMOs which this proposal is a variation of. With regard to this objection, members should note the following points:

- Applications LA04/2020/0847/F and LA04/2020/1208/DCA have not been approved. Both applications were previously recommended for approval and listed for presentation at the June Planning Committee meeting, during which the applications were deferred for a committee site visit.
- The issues previously raised by the objector were summarised and addressed in the report for LA04/2020/0847/F.
- Issues pertaining to the ATC and CA designation are discussed in the case officer report for LA04/2020/0847/F. The other application LA04/2020/1208/DCA relates to the proposed demolition within the CA, therefore only the CA was considered in respect of this application.
- Initial neighbour notification for LA04/2020/0847/F took place on 16<sup>th</sup> June 2020, with further notification taking place on 25<sup>th</sup> November 2020 and 19<sup>th</sup> May 2021.
- The objector was notified on 19<sup>th</sup> May 2021 following submission of amended drawings.
- Case officer report for LA04/2020/0847/F provides assessment of residential density of proposal in relation to surrounding context.
- The proposed development relates to residential apartments. HMOs are not included within the proposal. In the event of approval, planning permission would be required to change the use to HMO.

Following the Council's response to the above email, a further email from the same objector was received on 15<sup>th</sup> June 2021:

- The email advised that there are material considerations not accounted for which compromise the current considerations and may make them subject to judicial review if not properly considered.
- Access to the application site from Claremont Street is via an existing archway. The objector advises that timber bearings and unsound structural arch support the first floor flat above and advises that this is not in the ownership of the applicant. Fire access is severely compromised at this point due to minimal headroom, structural defects and subject to other's control.
- Issue regarding the potential use of the internal stairs as a means of escape in emergency.
- Paladins and refuse storage on street pavement are in front of 3 Levels Restaurant fire exit and delivery point.

With regard to this second email, members should note the following points:

- The issues raised were considered in the original case officer report, with exception of proposed refuse storage in front of the '3 Levels Restaurant'.
- The structural issues and potential fire escape issues will be assessed by Building Control. Building Control are the relevant Authority to assess compliance with the Building Regulations.
- The proposal does not include car parking. The 2 no. parking spaces marked on Drawing No. 01B are for the use of the owner of No. 23. Therefore, it is anticipated that the majority of people accessing the rear of the site via the archway will be on foot or bicycle.
- The proposed development does not include paladin fencing on Claremont Street. Bins are stored at the rear of the site within a secured area. Bins will only be stored on Claremont Street temporarily on collection days.

A further objection was received from Ulster Architectural Heritage on 15<sup>th</sup> June 2021. The letter states:



*Ulster Architectural Heritage objects to the above applications and supports the Planning Officer's report which concludes that the proposals would be contrary to policy.*

*To grant demolition and partial demolitions of the properties, which are situated in a conservation area, would be contrary to policies PPS6 BH14, BH10 and BH12.*

*On these grounds, UAH calls for the application to be refused and new proposals brought forward which are more sympathetic to the historic buildings and maintain their material contribution to the Queens Conservation Area.*

Members should note that the original case officer report did not conclude that the proposal is contrary to policy. Initially, the Case officer report concludes that, on balance, the proposed demolition and development complies with the policy tests of the SPPS and PPS 6.

Subsequent to the June Planning Committee, a further objection (including photographs) was received dated 23<sup>rd</sup> June 2021. This objection raised the following issues:

- Fire Safety and the uncontrolled means of escape.
- Structural Archway is supported on timber bearings, which are in very unsound condition.
- The applicant has ignored these issues as well as several other aspects of Fire Safety.

#### Amended Scheme and Reconsideration

On 4<sup>th</sup> August, the agent submitted amendments, specifically relating to the description of the proposal and proposed drawings. The proposal description has been amended to **'Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), communal bin store and landscaped communal garden'**. The proposed drawings have been amended to show the removal of the landscaped garden at the rear.

It is noted that the proposal description still refers to the landscaped communal garden which has been removed. It is also noted that the drawing notes refer to the proposed amenity space of the original scheme, not the amended scheme.

The agent has advised the Council that the applicant is in advanced discussions with Radius Housing Association (HA) and has indicated that there is significant social housing need in the area. The site has also been registered with Northern Ireland Housing Executive (NIHE). The Council has consulted with NIHE, however no response has yet been received. It is anticipated that members will be updated through the late items.

#### Amenity Space Provision

The agent has advised that Radius HA have indicated that they do not want the communal garden area at the rear of the development as it will be difficult to manage and maintain. The agent has advised that the overgrown area to the rear will be cleared and grassed, to improve the visual appearance / outlook, but not included as formal amenity space. Consequently, this results in a total amenity space of approximately 123 sq metres, equating to approximately 7.7 sq metres per apartment

The agent has advised that the Council has previously accepted reduced amenity space standards for similar residential schemes, with previous approval LA04/2017/1268/F referenced as a potential precedent. Upon further consideration of this approved development, it is acknowledged that the proposed amenity space was lower than the proposed development. However, the 'precedent' scheme involved the re-use of listed buildings on Upper Crescent which has direct access to Crescent Gardens directly opposite the site. Consequently, it is not considered that this previous approval represents a precedent for a reduction in amenity space.

### Reduced Amenity Space and Noise Impact

It is also noted that 55 sq metres of the proposed amenity space relates to two private areas at the front of the building for Apartment No's 1 and 2. It is not considered that this area represents a quality amenity space, due to the noise associated with traffic along University Road. Para 8.40 of the original case officer report stated '*that it is unlikely that recommended WHO guideline limits would be met*' in relation to the two front areas and the proposed balconies. EHO noted the additional communal amenity area at the rear of the proposed development and advised that it is likely that noise level during the day may achieve levels below the recommended noise limit as residents had the choice of using this area. EHO also refer to British Standard guidance regarding noise '*the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBLAeq,16hr*'. The standard continues, however, as follows: '*these 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*'.

As the original scheme included the rear communal garden, which would have been protected to a great extent from traffic and street noise, the case officer report concluded that, that given the various amenity options within the development, the proposal was considered acceptable in terms of noise. However, following amendments removing the rear garden and reducing the total amenity space to approximately 123 sq metres, it is now considered that the scheme is more reliant on the small amenity space provided at the front and balconies and it now falls short in terms of both space and quality of space. Consequently, it is now considered that the proposed amenity space will result in an unacceptable adverse effect on proposed properties in terms of noise.

Whilst a communal courtyard is proposed at the rear of the development, it is minimal at approximately 35 sq metres and likely to be overshadowed for a significant period of the day and therefore again is not appropriate.

### Internal Space Standards

Para 8.37 of the original case officer report stated that '*Policy LC1 does not apply to this proposed development as the site location is not within an 'established residential area' as defined by Annex E of PPS 7 Addendum. Although the policy does not apply, it is noted that only 7 of the proposed apartments comply with the space standards, as set out in Annex A*'.

The proposed development has now been amended to 'social' housing specifically. It is noted that the space standards contained within Annex A of PPS 7 Addendum have been derived from DSD's Housing Association Guide 2009: Design Standards. Consequently, it appears that over half, 9 out of 16, of the proposed apartments are below the standard internal floor area. This is unacceptable, as the impact on the quality of residential environment for this small space living accommodation is exacerbated by the loss of amenity through the loss of the rear garden area. Therefore, it is considered that the loss of space results in unacceptable over development of the site.

## **RECOMMENDATION: REFUSAL**

### Refusal Reasons:

1. The proposal is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the scheme results in overdevelopment of the site as it fails to provide a quality residential environment for prospective residents due to inadequate and inappropriate public and private amenity space; the internal living space fails to meet the standards set out and will further

impact the quality of the living environment due to the failure to provide adequate and appropriate amenity space.

2. The proposed is contrary to the SPPS and Policy QD1 of Planning Policy Statement 7 in that the proposed amenity space will result in an unacceptable adverse impact on proposed residents by way of noise and nuisance.

## Committee Application

Development Management Report	
<b>Application ID:</b> LA04/2020/0847/F	<b>Date of Committee:</b> 15 June 2021
<b>Proposal:</b> Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden (Amended Drawings / Additional Information)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<b>Executive Summary:</b>  <p>The proposed development relates to 'Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden'.</p> <p>An associated application for Conservation Area Consent has been submitted in respect of the application site, proposing 'Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor façade' (reference LA04/2020/1208/DCA).</p> <p>6 representations have been received in relation to this proposed development, 5 objections and 1 support letter.</p> <p>The site is not zoned for a use within BUAP or draft BMAP. The building and front portion of the site is located within the Queens Conservation Area (CA), whilst the rear part of the site is located within the draft 'Lower Lisburn Road' Area of Townscape Character (dBMAP). The site is also located within the designated Queens Office Precinct (dBMAP). The site fronts on to University Road, which is a designated arterial route, as designated by dBMAP.</p> <p>The key issues to consider relate to:</p> <ul style="list-style-type: none"> <li>• Principle of demolition in the Conservation Area</li> <li>• Impact of proposal on the Conservation Area</li> <li>• Impact on residential amenity</li> </ul> <p>In relation to the proposed demolition, it is acknowledged that No. 25 and 27 have been damaged by fire. The CA Officer (CAO) has advised that there is no objection to the proposed demolition, provided the submitted structural information is accurate. An independent engineer has advised that, following consideration of the information, there is a case for partial demolition. The proposal results in the retention of the building facades, thereby protecting the features of the buildings which contribute to the character of the CA. Furthermore, it is noted that No. 29 University Avenue is a relatively new building and the internal layout of No. 25-27 has been amended over the years in line</p>	

with its restaurant use. In conclusion, it is considered that, on balance, the proposed demolition is acceptable.

With regard to the proposed development, it is considered that the retention of the front facades and improvements will result in the preservation of the character of the CA. However, the CAO has advised of concerns regarding the proposed rear elevation. These concerns are alleviated by the limited public views of the rear of the building. The only views of the proposed development from Queens CA will be of the front elevation. On balance, it is considered that the proposed development complies with the policy tests of the SPPS, PPS 6 and PPS 7 in respect of new development within CA's.

It is considered that the proposed development will not result in an adverse impact on residential amenity of proposed or existing occupiers. However, in order to achieve this, mitigation measures such as 'opaque glazing' and 'sound reduction' windows will need to be utilised. This can be secured by imposition of planning conditions. The proposal results in an acceptable provision of communal and private amenity space.

#### Section 76 Agreement

- As it is integral to the acceptability of the proposal, the communal amenity space to the rear will be secured through a Section 76 agreement.
- A Travel Plan Co-ordinator will be appointed, establishment of a 'car club' scheme, provision of residential travel cards and cycle schemes for 3 years.
- Façade retention system to ensure the building is adequately secured during demolition works.

There are no concerns with regard to impact on the nearby listed building, site access, parking, drainage, flooding or sewage infrastructure.

#### **Recommendation - APPROVAL**

On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement. It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to finalise the wording of any conditions and to agree a Section 76.

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The proposed development relates to 'Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden'.
1.2	The proposed development includes demolition of rear and internal walls with retention of the front façade and reinstatement of the fire damaged roof at No's 25 and 27.
1.3	The proposed development will result in a 3-storey terraced building between the two existing buildings at No. 23 and 31. The proposal includes the retention of the front façade, with a three-storey cantilevered extension at the rear. Two car parking spaces, bin storage, cycle parking and a communal amenity area are located at the rear of the building, whilst there are two small areas of private amenity at the front of the building.
1.4	The proposed front elevation includes 4 dormer windows and 4 roof lights within the proposed roof plane. The external materials include dark grey roof slates, hard wood sliding sash windows, render walls, metal downpipes and metal clad dormers.
1.5	The proposed rear elevation includes two metal clad dormers within the roof plane. The rear extension is proposed to be finished in a mix of dark grey and buff white brick.
1.6	An associated application for Conservation Area Consent has been submitted in respect of the application site, proposing 'Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor façade' (reference LA04/2020/1208/DCA).
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located within the urban limits of Belfast. The application site relates to 3 buildings located within an existing terrace along University Road. Two of the buildings (No. 25 and 27) have been badly damaged in a fire, with damage to the roof, windows, doors and internal fittings clearly visible from the street. The buildings are 3 storeys in height, with a dormer window located on the roof plane of No. 29. The buildings are finished in render and the style / dimensions of the existing window openings of the application buildings replicate the neighbouring buildings along the terrace. The ground floor doors and windows are more modern in design and appearance. The front of the site is currently secured with fencing. The rear of the site is accessible via an existing archway located directly beside No. 3 Claremont Street. There is a small yard at the rear of the site, which is currently used for parking and storage. At the rear of this yard, there is an elongated triangular area that runs along the rear of No. 9 – 17 Claremont Street. This area is quite overgrown with vegetation and appears to have been used for small scale dumping in the past.
2.2	The surrounding area is characterised primarily by a mix of land uses, primarily residential and commercial (including restaurants, retail, offices and financial services). The front portion of the site, including the buildings, is located within the

2.3

Queens Conservation Area, whilst the rear portion is located within a draft Area of Townscape Character.



### Planning Assessment of Policy and other Material Considerations

#### 3.0 Site History

LA04/2020/0392/DCA – 25-29 University Road - Full demolition of existing first and second floors including facades with facade retention of ground floor front and rear walls due to fire damage – Application Withdrawn

LA04/2019/1523/F - 25-29 University Road - Partial demolition, alteration and extension of existing buildings including change of use from restaurant/offices to 20 apartments and erection of communal bin store – Application Withdrawn


	<p>LA04/2019/1526/DCA - 25-29 University Road - Partial demolition of internal and external walls, roof and rear returns – Application Withdrawn</p> <p>Z/2005/0326/A – 25-27 University Road - Advertising Banner on front elevation of Restaurant (Retrospective) – Permission refused 28/6/05</p> <p>Z/2004/0152/F – 25-27 University Road - Change of use and refurbishment of existing restaurant to provide public house – Permission Granted 18/5/04</p> <p>There are also various older applications associated with the historic restaurant use.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (dBMAP)
4.3	<p>Strategic Planning Policy Statement (SPPS)</p> <p>PPS 3 Access, Movement and Parking</p> <p>PPS 6 Planning, Archaeology and the Built Heritage</p> <p>PPS 6 Addendum Areas of Townscape Character</p> <p>PPS 7 Quality Residential Environments</p> <p>PPS 7 Addendum - Safeguarding the character of established residential areas</p> <p>PPS 12 Housing in Settlements</p> <p>PPS 15 Planning and Flood Risk</p>
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DFI Roads – No objections, subject to conditions.
5.2	Historic Environment Division – No objections, subject to condition.
5.3	NI Water – No objections
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objections, subject to conditions
6.2	Rivers Agency – No objections
6.3	BCC Conservation Area Officer – No objection to demolition, on the basis that submitted structural information is accurate. Concerns with proposed development noted, however balanced against the limited public views.
<b>7.0</b>	<b>Representations</b>
7.1	6 representations have been received in relation to this proposed development, 5 objections and 1 support letter.
7.2	<p>The objections raised the following issues:</p> <ul style="list-style-type: none"> <li>Land ownership issues have been raised by third parties.</li> <li>Claremont Street being dealt with by two separate planning officers as it is split by postcode.</li> </ul>



7.3	<ul style="list-style-type: none"> <li>• Only one means of escape and only one staircase for all upper floor accommodation, resulting in fire risk.</li> <li>• Open living rooms / kitchens are compressed into the unsized flats with no consideration of amenity or safety.</li> <li>• Minimal outlook from apartments.</li> <li>• Apartments accessed through a very low archway under separate management and therefore not a reliable escape route or fire access route.</li> <li>• Rear of the site is used for car parking by restaurant and other occupants, restricting the amenity, safety, refuse, air quality, anti-social activities and neighbourhood intensity.</li> <li>• The proposal has no community benefit.</li> <li>• The proposal removes historic diversity.</li> <li>• Overbearing nature of the rear extension is without design precedent and is of poor design standard.</li> <li>• Proposal represents overdevelopment.</li> <li>• The archway on Claremont Street is compromised by this application.</li> <li>• Buildings and site access are all affected by subsidence, including adjacent restaurant and nearby housing at Claremont Court.</li> <li>• Proposed building is not fully wheelchair accessible.</li> <li>• Proposal fails to meet the ATC and historical aspects of the location.</li> <li>• Proposal raises a prematurity issue in relation to the Local Area Plan.</li> <li>• Proposal is inappropriate and questions whether it is HMO / Air BnB style accommodation.</li> </ul> <p>The support letter raised the following issue:</p> <ul style="list-style-type: none"> <li>• The removal of the fire damaged building is welcomed.</li> </ul>
8.0	<b>Assessment</b>
8.1	<p><u>Preliminary Matters</u></p> <p>Objections has been received from third parties claiming that parts of the site are not in the ownership of the applicant. Following receipt of the first objection regarding land ownership, the applicant served notice on a 3<sup>rd</sup> party landowner and amended the planning certificate on the P1 form to reflect the 3<sup>rd</sup> party ownership. One objection related to the land at the rear of the site behind No. 11 Claremont Street. The Council sought further clarification from the planning agent, who advised that the application certificate in relation to ownership had been completed correctly. In the absence of any evidence to the contrary, it is assumed that the correct certificate has been completed. The grant of planning permission relates to the land, not the applicant.</p>
8.2	<p>A further objection letter advised that Claremont Street is being dealt with by two separate planning officers as it is split by postcode. It is not unusual for different planning officers to deal with proposed developments on the same street or within the same area. Belfast City Council is the statutory Planning Authority and the identity of the individual case officer is not considered to be material.</p>
8.3	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan</p>

	<p>unless material considerations indicate otherwise. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP remaining a material consideration.</p>
8.4	<p>The site is not zoned for a use within BUAP or draft BMAP. The front portion of the site including the buildings is located within the Queens Conservation Area (CA), whilst the rear part of the site is located within the draft 'Lower Lisburn Road' Area of Townscape Character (dBMAP). The site is also located within the designated Queens Office Precinct (dBMAP). The site fronts on to University Road, which is a designated arterial route, as designated by dBMAP.</p>
8.5	<p><u>SPPS</u> The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.6	<p>Para 6.18 of the SPPS states that the guiding principle for managing development within a CA is to <i>'afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle'</i>. This is consistent with Section 104 of the Planning Act (Northern Ireland) 2011 (The 2011 Act).</p>
8.7	<p>Development proposals within the CA should be sympathetic to the characteristic built form of the area, respect the character of adjoining buildings, not result in environmental problems, protect important views within, into and out of the area, protect trees and landscape features and conform with the guidance set out in the Conservation Area Design Guide.</p>
8.8	<p>The SPPS also aims to promote more sustainable housing development within existing urban areas and places emphasis on increasing housing density within settlements, particularly locations that benefit from high accessibility to public transport facilities. The SPPS also encourages balanced communities and good design.</p>
8.9	<p><u>Principle of Demolition</u> Policy BH14 of PPS 6 states <i>'The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area'</i>. The Conservation Area Officer (CAO) has provided comment on the proposal, advising that the existing buildings make a significant contribution to the architectural and historic interest / character and appearance of the CA. As such, there is a presumption against demolition. In assessing proposals for demolition, the Department will have regard to the same broad criteria for demolition of listed buildings.</p>
8.10	<p>Para 6.5 of PPS 6 provides further amplification of the issues that are generally relevant to listed building consent applications, specifically importance of the building, its architectural and historic interest, the particular physical features of the</p>

	building, the building's setting and contribution to the local scene and the extent to which proposed works would bring substantial benefits to the community.
8.11	The CAO has identified the features of the buildings which make a significant contribution to the architectural and historic interest / character and appearance of the CA, i.e. the buildings feature a stuccoed finish, with decorative quoins, console brackets supporting eaves and sliding sash windows within moulded surrounds. The agent has advised that the proposed demolition does not include these features as the front facades are to be retained.
8.12	Policy BH10 of PPS 6 states ' <i>There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form</i> '.
8.13	The agent advises that the exceptional reason for demolishing the internal parts of the building and rear elevations is that the building has been severely fire damaged. It is noted that only two of the three buildings (No's 25 and 27) are fire damaged.
8.14	In accordance with Para 6.23 and 6.25 of PPS 6, the agent has provided additional information in support of the case for demolition. The agent advises that the building is fire damaged and is not currently in use, therefore the proposal offers a viable new use for the site. He does not believe that it would be viable for a charitable or community organisation to bring this building back into use. Furthermore, he advises that the important features of the buildings previously identified by the CAO are proposed for retention and there are clear benefits to regenerating the site to provide housing in line with the Belfast Agenda and emerging LDP. The agent advises that the condition of the building is very poor as outlined in the structural reports and the intention of the scheme is to repair the building whilst retaining and enhancing the historic features identified by the CAO. He considers the proposed scheme represents an alternative proposal for the site.
8.15	The CAO acknowledges the information submitted by the agent in support of the proposed demolition and recommends that an independent structural engineer's report is sought to verify the submitted details. The CAO advises further that on the basis that the submitted details are bona fide and sufficient to meet the PPS6 criteria, there would be no objections to the demolition works.
8.16	As noted earlier, information has been submitted by the agent to support the case for demolition. The Council has sought independent expert advice and has been advised that there appears to be a case for some demolition (or careful dismantling), however the engineer questioned the argument in relation to demolition of No. 29 as it had not been damaged in the fire.
8.17	Further research into the history of the building at No. 29 shows that this building was actually constructed approximately 16-18 years ago, in accordance with previous approval(s) Z/2002/1532/F and Z/2002/1533/F. The below image from Google earth shows the site of No. 29 as a vacant gap site in December 2001. It is noted that the redevelopment of the site took place subsequent to the designation of Queens CA.
8.18	

8.19		
8.20	<p>In addition, there is a significant planning history associated with No. 25 and 27 in relation to the previous use as a restaurant. Consequently, the internal layout of both buildings had been amended significantly from the traditional layout when the buildings were first constructed.</p>	
8.21	<p><u>Character</u> As indicated previously, the front portion of the site is located within the Queens CA, whilst the rear portion of the site is located within the draft 'Lower Lisburn Road' Area of Townscape Character (ATC).</p>	
8.22	<p>There was an objection to the proposed ATC designation during the BMAP public inquiry. Although the PAC report advises that no site-specific details were included with the objection, it is unclear if a Lower Lisburn Road ATC designation will be included, if and when BMAP is adopted.</p>	
8.23	<p>The PAC also considered objections to the general policy for the control of development in ATCs which is contained in the draft BMAP. The PAC recommended that the policy be deleted and that detailed character analysis be undertaken, with a design guide produced for each ATC. It would be wrong to make any assumptions as to whether these recommendations will be reflected in any lawfully adopted BMAP or as to whether the text detailing the key features of the Lower Lisburn Road ATC will be repeated. As it stands, it is unclear how the area will be characterised in any lawfully adopted BMAP and by extension, how the proposal will impact the character. Regardless of the lack of a policy context, the impact of the proposal on the proposed ATC remains a material consideration and can still be objectively assessed.</p>	
8.24	<p>With regard to the proposed development, the CAO has provided comments, advising of no objections in relation to the front elevation, <i>'As now proposed the front elevation is considered of suitable scale, form, massing, design and elevational treatment to preserve the character and appearance of the conservation area. Considering the damage that has been done to the existing building, it would also represent an enhancement over the current situation on site'</i>.</p>	

8.25	<p>The CAO advises that the existing rear returns do not respect the traditional three-dimensional hierarchical arrangement of domestic architecture, however, suggests that the proposed rear building line should project no further than the existing returns. Concerns are noted that the rear return projects in an irregular shape beyond the ground floor building line, thereby increasing the overall massing/bulk, resulting in a return which is not subservient to the parent building. The CAO also raises issue with the roof form of the rear return and the proposed dormers at the rear of the primary building. The Queens Conservation Area Design Guide states that <i>'Dormer windows will not be permitted to collectively occupy more than 30% of the area of any particular roof elevation'</i>. The proposed dormer windows cover approximately 36% of the rear roof elevation. However, the CAO acknowledges that there are no public views onto the rear return from the street scene therefore it is difficult to conclude that it would result in a negative visual impact on the CA.</p>
8.26	<p>In summary, with regard to the proposed rear return, the CAO advises that <i>'Concerns remain with scale, form and massing of the rear extension/alterations, and it would be preferable if the scheme was revised to address these; however I acknowledge that due to the limited views of the rear return from the public realm, that there would be no demonstrable harm arising as a direct consequence. As such the character and appearance of the conservation area would still be preserved'</i>.</p>
8.27	<p>Following consideration of the CAO's comments, it is concluded that the proposed front elevation represents an opportunity to enhance the character and appearance of the CA, both in the repair of the existing fire damaged building and the addition and refurbishment of architectural details, such as decorative quoins and console brackets supporting eaves. On close inspection of the existing buildings, the brackets on No. 29 are not as ornate and are missing the decorative panels as exhibited on No's 25-27. The proposed elevation results in No. 29 replicating the architectural details of the other two buildings. As the proposal includes retention of the existing building facades, a Section 76 agreement is required to secure this.</p>
8.28	<p>Despite this, there are concerns with the proposed rear elevation, in relation to the form / massing / roof form of the rear return and the provision of large dormer windows on the roof of the primary building. These concerns are balanced somewhat by the limited views of the rear elevation from the public realm. Furthermore, the only achievable views of the proposed development from Queens CA are limited to the front elevation.</p>
8.29	<p>It is not considered that the proposed development conflicts with the policy tests of Policy ATC 2 of PPS 6 Addendum. The portion of the site within the draft ATC does not include any built development.</p>
8.30	<p>In summary, on balance, it is considered that the proposed development complies with the policy tests of the SPPS and PPS 6 in that it results in an enhancement of the character and appearance of the CA. Furthermore, the proposal complies with the tests of PPS 7 in that the development respects the surrounding context and is appropriate to the character and topography of the site.</p> <p><u>Residential Density</u></p> <p>The application site measures approximately 800 sq metres. The proposed development for 16 apartments equates to a residential of approximately 200 dwellings per Hectare and is therefore considered a high-density development. It is important to consider the surrounding context in terms of residential density. University Road is defined by a mix of uses, predominantly of a commercial and</p>

8.31	<p>residential nature. There are examples of high-density residential development along University Road within close proximity of the site, such as University Court, an apartment development located approximately 60 metres to the north of the site. University Court has a residential density equating to approximately 280 dwellings per Hectare. Claremont Street is a predominantly residential area, with 2 relatively large apartment developments. The residential density of Claremont Street equates to approximately 166 dwellings per Hectare. Claremont Court, an apartment development located approximately 30 metres south of the application site has a residential density of approximately 380 dwellings per Hectare.</p>
8.32	<p>The front of the application site, including the existing buildings, is located within the Queens CA. This contrasts with most of the surrounding residential development, which is located outside the CA. It is not considered that the application site is located within a residential part of the CA. Furthermore, the SPPS advises that higher density housing development should be promoted in locations that benefit from high accessibility to public transport facilities. It is therefore considered that the proposed residential density is acceptable.</p>
8.33	<p><u>Impact on Listed buildings</u></p> <p>The application site is located in close proximity to a Grade B listed Building, Methodist Church (Deconsecrated), University Road (Ref. HB26/28/006). Historic Environment Division have considered the effects of the proposal on the listed building and concluded that it satisfies the policy tests of the SPPS para 6.12 and Policy BH11 of PPS 6, subject to a condition ensuring all works, materials and finishes are in accordance with the submitted drawings.</p>
8.34	<p><u>Residential Amenity</u></p> <p>An 'Internal Daylight Report' was submitted in support of the proposed development following a request from the Council. It is noted that the ground floor apartments at the rear will be most impacted by reduced levels of daylight / sunlight, however the proposed design has been amended to include additional windows. For example, Apartment 4 kitchen / living room has been amended to include 4 separate windows to increase the amount of daylight received internally. The report concludes that the proposed development meets the target design standards and published guidance in terms of daylight levels within habitable rooms.</p>
8.35	<p>The front of the building is orientated in an easterly direction, whilst the windows in the proposed rear extension are generally orientated in a southerly or westerly direction. The building at No. 31 University Road has a large rear extension and is located due south of the application site. It is considered that this extension will result in overshadowing of the proposed development, however the courtyard provides separation of approximately 6.5 – 8.5 metres between the two extensions. Given the surrounding context, it is not considered that the potential overshadowing will create an adverse impact.</p> <p>Six of the rear apartments include balconies orientated in a southerly direction. The orientation of the rear extension means that potential for overlooking towards the dwellings from No. 3 to 17 Claremont Street is limited. The closest dwellings on Claremont Street (No. 3, 5 and 7) are located to the south west of the proposed return therefore mitigating against potential overlooking. No. 9 Claremont Street has a rear return with two windows facing the proposed building. The separation distance is approximately 17 metres. The primary windows in the living areas of Apartments 7, 11 and 15 are orientated to the south, however each apartment has a bedroom window and living room window orientated in a westerly direction. On balance, whilst views of No. 9 Claremont Street are achievable, it is not considered</p>

8.36	to represent an unacceptable adverse impact. There are concerns with potential overlooking from the rear access ramp into the living area of Apartment 4. It is considered that this can be mitigated by a condition requiring opaque glazing in the event of approval.
8.37	8 of the 16 proposed apartments have outlook on to University Road. Furthermore, the private amenity space at the front of the development provides defensible space. The remaining apartments located at the rear have outlook over the courtyard and / or the communal amenity area at the rear of the site. The inclusion of the communal green area is important in this scheme to provide an outlook for the rear facing apartments which otherwise would not be acceptable.
8.38	<p><u>Space Standards</u></p> <p>Policy LC1 does not apply to this proposed development as the site location is not within an 'established residential area' as defined by Annex E of PPS 7 Addendum. Although the policy does not apply, it is noted that only 7 of the proposed apartments comply with the space standards, as set out in Annex A.</p>
8.39	<p><u>Noise &amp; Odour</u></p> <p>A Noise and Odour Impact Assessment was originally submitted in support of the proposed development, however additional noise and odour information was submitted throughout the process to address issues raised by BCC Environmental Health (EHO). The Assessment identified that the proposal could be impacted by traffic noise and plant / equipment noise associated with the adjoining restaurant at No. 31 University Road.</p>
8.40	EHO have considered the properties at No. 21 and 23 University Road in relation to potential noise nuisance. There is an extant approval for 'Change of use from place of worship (sui generis) to public house (sui generis)' at 21 University Road (ref. Z/2014/1655/F) and there is an existing restaurant at No. 23, which is currently closed. Information was submitted calculating the potential noise impact as a result of patron dispersal from these premises. It is considered that this impact can be mitigated by addition of 'sound reduction' windows.
8.41	<p>EHO have also provided comment on the proposed amenity areas of the proposed development. In relation to the private amenity spaces and balconies, the noise consultant advises that it is unlikely that recommended WHO guideline limits would be met. However, EHO note the additional communal amenity area at the rear of the proposed development and advise that it is likely that noise level during the day may achieve levels below the recommended noise limit. Furthermore, EHO also refer to British Standard guidance regarding noise '<i>the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBLAeq,16hr</i>'. The standard continues, however, as follows: "<i>these 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</i>". Given the above comments in addition to the urban location of the proposal and the various amenity options within the development (i.e. communal amenity area, courtyard, private amenity areas and balconies), it is considered that the proposal is acceptable in terms of noise.</p> <p>EHO provided additional comment on the communal amenity area at the rear of the development, advising that it could create potential nuisance for the neighbouring residents. Consequently, EHO recommend a condition should be placed in the</p>

8.42	<p>event of approval restricting access to the area after 11.00 pm. A management Plan for the apartments will also be conditioned.</p> <p>In relation to odour, EHO have considered the aforementioned restaurant at No. 23 University Road, which is currently closed. EHO note that it is unlikely that the kitchen extraction system was designed to provide a very high level of odour control as at that time there would not have been residential premises immediately adjoining it. However, the dispersion point for this extraction system is such that it would not be expected to arise in a significant odour concern.</p>
8.43	<p><u>Amenity Space</u></p> <p>The proposed development includes an area of communal amenity space to the rear, including benches and landscaping. This area measures approximately 167 sq metres. Furthermore, there is a courtyard at the rear of proposed building with benches for amenity. The four ground floor apartments have private amenity areas, whilst six of the apartments on the upper floors have private balconies. Consequently, the proposed development includes adequate provision of amenity space.</p>
8.44	<p>As it is integral to the acceptability of the proposal, the communal amenity space to the rear will be secured through a Section 76 agreement. Members should note that this part of the site is not currently within the ownership of the applicant. The applicant has advised that notice has been served on the appropriate landowner.</p>
8.45	<p><u>Access and Parking</u></p> <p>The proposal does not include any parking spaces (2 spaces are retained for use of the owner of No. 23), however 16 covered cycle parking spaces are provided. A Parking survey and Travel Plan have been submitted in support of the proposal. The Travel Plan includes measures to encourage the use of other modes of transport other than the private car, including appointment of a Travel Plan Co-ordinator, establishment of a 'car club' scheme, provision of residential travel cards and cycle schemes for 3 years. DFI Roads provided comment on the proposal and offered no objections.</p>
8.46	<p>Ramped access is provided at the rear of the proposed building, in addition to level access at the front. Furthermore, there is a lift proposed within the building, therefore assisting the needs of people whose mobility is impaired.</p>
8.47	<p><u>Movement and Connectivity</u></p> <p>The site is located on an arterial route and is highly accessible for walking, cycling, driving and by public transport. Local neighbourhood facilities are also located in close proximity to the site.</p>
8.48	<p><u>Sewage infrastructure</u></p> <p>NI Water (NIW) have advised that there is available capacity within the existing sewage network to facilitate the proposal.</p>
8.49	<p><u>Flooding &amp; Drainage</u></p> <p>A Drainage Assessment was submitted in support of the proposal, in accordance with Policy FLD 3 of PPS 15. Rivers Agency provided comment on the DA and advised they have no objections to the proposed development</p>
	<p><u>Fire safety &amp; Structural issues</u></p> <p>The objections have raised issues regarding fire safety and structural issues in relation to the archway. It is not considered that the internal layout of the proposed development will contribute to risks in the event of fire. In any case, in the event of</p>



8.50	<p>approval, an application will need to be made to Building Control who assess the proposal in accordance with the Building Regulations.</p> <p><u>Section 76 Agreement</u></p> <ul style="list-style-type: none"> <li>• As it is integral to the acceptability of the proposal, the communal amenity space to the rear will be secured through a Section 76 agreement.</li> <li>• A Travel Plan Co-ordinator will be appointed, establishment of a 'car club' scheme, provision of residential travel cards and cycle schemes for 3 years.</li> <li>• Façade retention system to ensure the building is adequately secured during demolition works.</li> </ul>
<p><b>9.0</b></p> <p>9.1</p> <p>9.2</p> <p>9.3</p> <p>9.4</p> <p>9.5</p>	<p><b>Summary of Recommendation: APPROVAL</b></p> <p>In relation to the proposed demolition, it is acknowledged that No. 25 and 27 have been damaged by fire. The CAO has advised that there is no objection to the proposed demolition, provided the submitted structural information is accurate. An independent engineer has advised that, following consideration of the information, there is a case for demolition. The proposal results in the retention of the building facades, thereby protecting the features of the buildings which contribute to the character of the CA. Furthermore, it is noted that No. 29 University Avenue is a relatively new building and the internal layout of No. 25-27 has been amended over the years in line with its restaurant use. In conclusion, it is considered that, on balance, the proposed demolition is acceptable.</p> <p>With regard to the proposed development, it is considered that the retention of the front facades and improvements will result in an enhancement of the character of the CA. However, the CAO has advised of concerns regarding the proposed rear elevation. These concerns are alleviated by the limited public views of the rear of the building. The only views of the proposed development from Queens CA will be of the front elevation. On balance, it is considered that the proposed development complies with the policy tests of the SPPS, PPS 6 and PPS 7 in respect of new development within CA's.</p> <p>It is considered that the proposed development will not result in an unacceptable adverse impact on residential amenity of proposed or existing occupiers. However, in order to achieve this, mitigation measures such as 'opaque glazing' and 'sound reduction' windows will need to be utilised. This can be secured by imposition of planning conditions. The proposal results in an acceptable provision of communal and private amenity space.</p> <p>There are no concerns with regard to impact on the nearby listed building, site access, parking, drainage, flooding or sewage infrastructure.</p> <p>On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement. It is requested that the Section 76 Agreement and final wording of conditions is delegated to the Strategic Director of Place and Economy.</p>
10.0	<p><b>Conditions</b></p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p>

	<p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No dwelling shall be occupied until weather protected cycle parking has been fully provided in accordance with Drawing No. 01B uploaded to the Planning Portal on 20th November 2020.</p> <p>REASON: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p> <p>3. No dwelling shall be occupied until hard surfaced parking areas have been provided and permanently marked in accordance with Drawing No. 01B uploaded to the Planning Portal on 20th November 2020. . These facilities shall be permanently retained.</p> <p>REASON: To ensure acceptable parking facilities on the site.</p> <p>4. The development shall operate in accordance with the Waste Management Plan uploaded to the Planning Portal on 22nd May 2020.</p> <p>REASON: In the interests of road safety and the convenience of road users.</p> <p>5. The development shall operate in accordance with the Travel Plan uploaded to the Planning Portal on 7th January 2021.</p> <p>REASON: To encourage alternative modes of transport to the private car.</p> <p>6. 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 on all facades of the hereby permitted development. The window specification for habitable rooms shall be in line with recommendations of section 5 of the Layde Acoustic Noise and Odour Impact Assessment (dated March 2020, referenced P389/2).</p> <p>Reason: Protection of residential amenity.</p> <p>7. 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</p> <p>Reason: Protection of residential amenity.</p> <p>8. Prior to installation, the applicant shall submit to the Planning Authority, for review and approval in writing, confirmation of the specification of alternative mechanical means of ventilation. The specification shall be located at rooftop as recommended in section 6.3 of the Layde Consulting Noise and Odour Impact Assessment dated March 2020. The specification for the alternative means of ventilation shall demonstrate that the operation of the system will not compromise the recommended internal noise levels of habitable rooms outlined in British Standard BS8233:2014.</p> <p>Reason: Protection of residential amenity.</p>
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	<p>9. 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</p> <p>Reason: Protection of residential amenity.</p> <p>10. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed.</p> <p>Reason: Protection of residential amenity.</p> <p>11. 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.</p> <p>Reason: Protection of residential amenity.</p> <p>12. The fire damaged party walls between the commercial premises at no. 23 and no.31 University Road shall be upgraded to a finished construction as presented in point 11 of the Layde Consulting letter dated 8th July 2020, referenced P/389/2 and shall be capable of providing a sound reduction of at least 55dBRw.</p> <p>Reason: Protection of residential amenity.</p> <p>13. The fire damaged party walls between the commercial premises at no. 23 and no.31 University Road shall be upgraded to a finished construction as presented in point 11 of the Layde Consulting letter dated 8th July 2020, referenced P/389/2 and shall be capable of providing a sound reduction of at least 55dBRw.</p> <p>Reason: Protection of residential amenity.</p> <p>14. Access to and use of the communal external amenity area located between the rear of Claremont Street and Fountainville Street shall not be permitted between the hours of 23:00-07:00hrs.</p> <p>Reason: Protection of residential amenity.</p> <p>15. The rear external communal amenity area shall incorporate a 1.8m high close boarded fence and include retention of the boundary wall as shown in Drawing No. 01B uploaded to the Planning Portal on 20th November 2020.</p> <p>Reason: Protection of residential amenity.</p> <p>16. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted, have been submitted to and approved, in writing, by the Council. The development shall be carried out in accordance with the approved details.</p> <p>Reason: In the interests of visual amenity and to allow the Council to control the external appearance.</p>
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	<p>17. The window marked with an X on Drawing No. 06C uploaded to the Planning Portal on 4th June 2021 shall be finished in opaque glass, shall be permanently retained, and in the event of breakage shall be replaced with obscure glass within four weeks to the satisfaction of Belfast City Council.</p> <p>Reason: In the interests of amenity.</p> <p>18. All works, materials and finishes shall be completed in accordance with Drawing No. 06C uploaded to the Planning Portal on 4th June 2021.</p> <p>Reason: Protection of nearby listed building.</p> <p>19. Prior to the first occupation of the dwelling units hereby approved an Apartment Management Plan (AMP) shall be submitted for agreement in writing by the Council. The AMP will include the management of resident activity in the communal amenity area, hours of operation; and the retention &amp; management of boundaries and landscaping and access.</p> <p>Reason: In the interests of residential amenity</p>
<b>Notification to Department (if relevant)</b>	
<b>Representations from Elected members:</b>  <b>N/A</b>	

## Development Management

### Addendum Report 3

<b>Application ID:</b> LA04/2020/1208/DCA	<b>Date of Committee:</b> Tuesday 15 March 2022
<b>Proposal:</b> Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor facade (Amended Description & Drawings)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b>	<b>Approval (Previously Refusal)</b>
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast

#### **ADDENDUM REPORT**

This Conservation Area Consent application was previously listed for Planning Committee on 15<sup>th</sup> June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10<sup>th</sup> August 2021. The application was subsequently relisted for Planning Committee on 17<sup>th</sup> August 2021, however the application was withdrawn from the agenda as additional drawings were submitted and the proposal description was amended. Further to this, the application was subsequently refused by the Planning Committee on Thursday 21<sup>st</sup> October 2021, in accordance with the SPPS and Policy BH14 of PPS 6 as the proposed redevelopment scheme was not considered acceptable.

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

An associated full application for redevelopment of the site has been submitted in respect of the application site, which now, as amended, proposes *'Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), which comprise 10 one bedroom and 6 two-bedroom units and communal bin store'*. (reference LA04/2020/0847/F).

The Planning Committee previously agreed to refuse this full application on 21<sup>st</sup> October 2021, however an amended P1 form and drawings were subsequently submitted on 22<sup>nd</sup> October 2022. The amendments included the reduction of 1 residential unit and the addition of a roof terrace on the 3<sup>rd</sup> floor. Consequently, the amendments addressed the previous reasons for refusal. Following further submission of amended drawings to address overlooking and personal safety concerns, the full application is being presented to Planning Committee in March 2022 with a recommendation to approve.

As noted in previous reports, the Conservation Area Officer (CAO) has advised that there is no objection to the proposed demolition, provided the submitted structural information is accurate. An independent engineer has advised that, following consideration of the information, there is a case for demolition. The proposal results in the retention of the building facades, thereby protecting the features of the buildings which contribute to the character of the CA. Furthermore, it is noted that No.

29 University Avenue is a relatively new building and the internal layout of No. 25-27 has been amended over the years in line with its restaurant use. In conclusion, it is considered that, on balance, the proposed demolition is acceptable.

#### LDP update

The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.

#### Section 76

A Planning Agreement will be necessary to secure a façade retention system to ensure the building fabric, important to the appearance of the Conservation Area to be secured during construction, retained and repaired where necessary. To be over seen by a suitably qualified structural engineer.

#### **Recommendation: APPROVAL**

On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement. It is recommended that authority is delegated to finalise the wording of any conditions and to agree a Section 76 in relation to retention of the building façade during demolition works (and green travel measures).

Development Management Addendum Report 2	
<b>Application ID:</b> LA04/2020/1208/DCA	<b>Date of Committee:</b> 21 October 2021
<b>Proposal:</b> Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor facade (Amended Description & Drawings)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b>	<b>REFUSAL (Previously Approval)</b>
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<p><b><u>ADDENDUM REPORT</u></b></p> <p>This Conservation Area Consent application was previously listed for Planning Committee on 15<sup>th</sup> June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10<sup>th</sup> August 2021. The application was subsequently relisted for Planning Committee on 17<sup>th</sup> August 2021, however the application was withdrawn from the agenda as additional drawings were submitted and the proposal description was amended.</p> <p>Members should read this Addendum Report in conjunction with the original full Case Officer report attached below.</p> <p>An associated full application for redevelopment of the site has been submitted in respect of the application site, which now, as amended, proposes '<i>Partial demolition and redevelopment of existing buildings to provide 16 apartments (social housing units), which comprise 10 one bedroom and 6 two-bedroom units and communal bin store</i>'. (reference LA04/2020/0847/F).</p> <p>This application was previously recommended for approval, subject to a Section 76 agreement to secure the inclusion of an area of rear amenity. Following a late submission of amendments including</p>	

the description changing to social housing and the removal of the rear communal amenity area, the full application is now recommended for refusal.

Without the rear amenity area, the provision of amenity space falls to approximately 8.5 sq m per apartment, below the minimum standard advised in Creating Places. Furthermore, removal of this area results in a reliance on the private balconies and amenity areas at the front of the building, which is not appropriate as it will be impacted by noise for potential occupiers as its located on a busy main road. It is noted that the previous recommendation to approve was a balanced recommendation, with concerns noted in relation to the proposed demolition, impact on Queens Conservation Area and residential amenity. The rear amenity space was considered integral to the acceptability of the proposed development. Following the removal of same, it is considered that the balance is no longer in favour of approval, the officer recommendation has therefore changed and the proposal is recommended for refusal.

PPS 6 clarifies that full information and detailed plans about what is proposed for the site after demolition will be required with any conservation area consent applications, and where consent may be granted, this would normally be subject to conditions requiring redevelopment in line with an approved scheme.

Consequently, whilst there is no objection in principle to the proposed demolition under Policy BH14, consent would only be considered appropriate where a suitable replacement scheme has been fully evaluated and found to be acceptable in accordance with planning policy. The full application LA04/2020/0847/F has been recommended for refusal, therefore the proposed demolition does not comply with Policy BH 14 of PPS 6 and is therefore recommended for refusal.

### **RECOMMENDATION: REFUSAL**

#### **Refusal Reasons:**

- 1) The proposal is contrary to the SPPS and Policy BH 14 of Planning Policy Statement 6 in that appropriate arrangements for the redevelopment of the site have not been approved.



Development Management Addendum Report 1	
<b>Application ID:</b> LA04/2020/1208/DCA	<b>Date of Committee:</b> 17 August 2021
<b>Proposal:</b> Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor facade (Amended Description & Drawings)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b>	<b>REFUSAL (Previously Approval)</b>
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<p><b><u>ADDENDUM REPORT</u></b></p> <p>This Conservation Area Consent application was previously listed for Planning Committee on 15<sup>th</sup> June 2021. The item was deferred to allow the members of the Planning Committee to visit the site. The site visit took place on Tuesday 10th August 2021.</p> <p>Members should read this Addendum Report in conjunction with the original full Case Officer report attached below.</p> <p>An associated full application for redevelopment of the site has been submitted in respect of the application site, which now as amended proposes 'Partial demolition and redevelopment of existing buildings to provide 16 apartments (<i>social housing units</i>), communal bin store and landscaped communal garden' (reference LA04/2020/0847/F).</p> <p>The proposal description has been amended since the June 2021 Planning Committee meeting to include 'social housing' in the description. This application was previously recommended for approval, subject to a Section 76 agreement to secure the inclusion of an area of rear amenity. Following the recent submission of amendments including the description to social housing and the removal of the rear communal amenity area, the full application is now recommended for refusal.</p>	

Without the rear amenity area, the provision of amenity space falls to approximately 7.7 sq m per apartment, below the minimum standard advised in Creating Places. Furthermore, removal of this area results in a reliance on the private balconies and amenity areas at the front of the building, which is not appropriate as it will be impacted by noise for potential occupiers as its located on a busy main road. It is noted that the previous recommendation to approve was a balanced recommendation, with concerns noted in relation to the proposed demolition, impact on Queens Conservation Area and residential amenity. The rear amenity space was considered integral to the acceptability of the proposed development. Following the removal of same, it is considered that the balance is no longer in favour of approval, the officer recommendation has therefore changed and the proposal is recommended for refusal.

PPS 6 clarifies that full information and detailed plans about what is proposed for the site after demolition will be required with any conservation area consent applications, and where consent may be granted, this would normally be subject to conditions requiring redevelopment in line with an approved scheme.

Consequently, whilst there is no objection in principle to the proposed demolition under Policy BH14, consent would only be considered appropriate where a suitable replacement scheme has been fully evaluated and found to be acceptable in accordance with planning policy. The full application LA04/2020/0847/F has been recommended for refusal, therefore the proposed demolition does not comply with Policy BH 14 of PPS 6 and is therefore recommended for refusal.

### **RECOMMENDATION: REFUSAL**

#### **Refusal Reasons:**

- 2) The proposal is contrary to the SPPS and Policy BH 14 of Planning Policy Statement 6 in that appropriate arrangements for the redevelopment of the site have not been approved.

## Committee Application

<b>Development Management Report</b>	
<b>Application ID:</b> LA04/2020/1208/DCA	<b>Date of Committee:</b> 15 June 2021
<b>Proposal:</b> Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor facade (Amended Description & Drawings)	<b>Location:</b> 25-29 University Road and lands to the rear of 3 -17 Claremont Street, Belfast, BT7 1NA
<b>Referral Route:</b> Objections received - Proposal is for over 12 residential units	
<b>Recommendation:</b> APPROVAL	
<b>Applicant Name and Address:</b> HOLG Ltd 159 Durham Street Belfast	<b>Agent Name and Address:</b> Carlin Planning Limited Forsyth House Cromac Street Belfast
<b>Executive Summary:</b>  <p>The proposed demolition works relate to 'Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor façade'.</p> <p>An associated full application for redevelopment of the site has been submitted in respect of the application site, proposing 'Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden' (reference LA04/2020/0847/F). This application is recommended for approval.</p> <p>The site is not zoned for a use within BUAP or draft BMAP. The front portion of the site including the buildings is located within the Queens Conservation Area (CA), whilst the rear part of the site is located within the draft 'Lower Lisburn Road' Area of Townscape Character (dBMAP). The site is also located within the designated Queens Office Precinct (dBMAP). The site fronts on to University Road, which is a designated arterial route, as designated by dBMAP.</p> <p>1 objection has been received in relation to this proposed demolition.</p>	

The CA Officer (CAO) has advised that there is no objection to the proposed demolition, provided the submitted structural information is accurate. An independent engineer has advised that, following consideration of the information, there is a case for demolition. The proposal results in the retention of the building facades, thereby protecting the features of the buildings which contribute to the character of the CA. Furthermore, it is noted that No. 29 University Avenue is a relatively new building and the internal layout of No. 25-27 has been amended over the years in line with its restaurant use. In conclusion, it is considered that, on balance, the proposed demolition is acceptable.

#### Section 76 Agreement

The façade will be secured by a façade retention system and over seen by a suitably qualified structural engineer and secured by a Sec 76 Agreement.

#### Recommendation: APPROVAL

On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement.

It is recommended that the Chief Executive, or her nominated officer, uses her delegated authority to finalise the wording of any conditions and to agree a Section 76.

#### Characteristics of the Site and Area

<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The proposed demolition works relate to 'Demolition of 25-29 University Road with retention of front facade and alterations to the ground floor façade'.
1.2	An associated full application for redevelopment of the site has been submitted in respect of the application site, proposing 'Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden' (reference LA04/2020/0847/F).
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located within the urban limits of Belfast. The application site relates to 3 buildings located within an existing terrace along University Road. 2 of the buildings (No. 25 and 27) have been badly damaged in a fire, with damage to the roof, windows, doors and internal fittings clearly visible from the street. The buildings are 3 storeys in height, with a dormer window located on the roof plane of No. 29. The buildings are finished in render and the style / dimensions of the existing window openings of the application buildings replicate the neighbouring buildings along the terrace. The ground floor doors and windows are more modern in design and appearance. The front of the site is currently secured with fencing. The rear of the site is accessible via an existing archway located directly beside No. 3 Claremont Street. There is a small yard at the rear of the site, which is currently used for parking and storage. At the rear of this yard, there is an elongated triangular area that runs along the rear of No. 9 – 17 Claremont Street. This area is quite overgrown with vegetation and appears to have been used for small scale dumping in the past.

- 2.2 The surrounding area is characterised primarily by a mix of land uses, primarily residential and commercial (including restaurants, retail, offices and financial services). The front portion of the site, including the buildings, is located within the Queens Conservation Area, whilst the rear portion is located within a draft Area of Townscape Character.

2.3



### Planning Assessment of Policy and other Material Considerations

#### 3.0 Site History

LA04/2020/0392/DCA – 25-29 University Road - Full demolition of existing first and second floors including facades with facade retention of ground floor front and rear walls due to fire damage – Application Withdrawn

LA04/2019/1523/F - 25-29 University Road - Partial demolition, alteration and extension of existing buildings including change of use from restaurant/offices to 20 apartments and erection of communal bin store – Application Withdrawn

LA04/2019/1526/DCA - 25-29 University Road - Partial demolition of internal and external walls, roof and rear returns – Application Withdrawn

Z/2005/0326/A – 25-27 University Road - Advertising Banner on front elevation of Restaurant (Retrospective) – Permission refused 28/6/05

Z/2004/0152/F – 25-27 University Road - Change of use and refurbishment of existing restaurant to provide public house – Permission Granted 18/5/04

Z/2002/1532/F – 29 University Road - Retail/Office development – Permission Granted 30/5/03

Z/2002/1533/F – 29 University Road – Office Development – Permission Granted 30/5/03

Z/1997/0741 – Fitzzy's Restaurant, 25-27 University Road - Extension and general refurbishment of restaurant – Permission Granted

	<p>Z/1995/0928 – 25-27 University Road - First floor extension to rear of Fitzys Restaurant</p> <p>Z/1994/0763 – 25-27 University Road - Alterations &amp; improvements to new restaurant frontage</p> <p>Z/1994/0665 - 25-27 University Road - Extension to rear of existing restaurant and change of use of first floor to licensed restaurant</p> <p>Z/1992/1171 - 25-27 University Road - Change of use of existing licensed restaurant, hot food outlet and offices to public house licensed premises</p> <p>Z/1992/1170 – 25 University Road - Change of use of ground floor of No 25 University Road from hot food outlet to form extension to existing licensed restaurant at No 27 University Road</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (dBMAP)
4.3	Strategic Planning Policy Statement (SPPS) PPS 6 Planning, Archaeology and the Built Heritage
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	Not applicable
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Conservation Area Officer – No objection to demolition, on the basis that submitted structural information is accurate. Concerns with proposed development noted, however balanced against the limited public views.
<b>7.0</b>	<b>Representations</b>
7.1	1 objection has been received in relation to this proposed demolition.
7.2	<p>The objection raised the following issues:</p> <ul style="list-style-type: none"> <li>• Shared party wall between objector's property (No. 23) and the application building (No. 25) is experiencing structural movements and deteriorating due to exposure to the elements.</li> <li>• Current Conservation Area consent application should consider and mitigate against adverse impact of No. 23.</li> <li>• Further information requested regarding how party wall stability will be maintained, waterproofed and protected from the elements and how the party wall will be monitored for movements through the demolition process.</li> </ul>
<b>8.0</b>	<b>Assessment</b>
8.1	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other</p>

	material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP remaining a material consideration.
8.2	The site is not zoned for a use within BUAP or draft BMAP. The front portion of the site including the buildings is located within the Queens Conservation Area (CA), whilst the rear part of the site is located within the draft 'Lower Lisburn Road' Area of Townscape Character (dBMAP). The site is also located within the designated Queens Office Precinct (dBMAP). The site fronts on to University Road, which is a designated arterial route, as designated by dBMAP.
8.3	<p><u>Policy / Legislative Framework</u></p> <p>The site of the proposed demolition is located within the City Centre Conservation Area. The proposal is considered under Section 104(11) of the Planning Act (NI), Paragraph 6.19 of the SPPS and policy BH 14 of Planning Policy Statement 6: Planning, Archaeology and the Built Environment. Section 104(11) of the Planning Act (NI) 2011 states that special regard must be had to the desirability of;</p> <ul style="list-style-type: none"> <li>(a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;</li> <li>(b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.</li> </ul>
8.4	Similarly, Paragraph 6.18 of the SPPS states special regard to the desirability of enhancing the character or appearance of Conservation Areas should be afforded when an opportunity to do so exists, or the character or appearance should at least be preserved where an opportunity to enhance does not exist.
8.5	Policy BH 14 of PPS 6 relates specifically to demolition in a conservation area. The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Policy BH14 also states that where the principle of demolition is acceptable, it will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.
8.6	<p><u>Principle of Demolition</u></p> <p>Policy BH14 of PPS 6 states '<i>The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area</i>'. The Conservation Area Officer (CAO) has provided comment on the proposal, advising that the existing buildings make a significant contribution to the architectural and historic interest / character and appearance of the CA. As such, there is a presumption against demolition. In assessing proposals for demolition, the Department will have regard to the same broad criteria for demolition of listed buildings.</p>
8.7	Para 6.5 of PPS 6 provides further amplification of the issues that are generally relevant to listed building consent applications, specifically importance of the building, its architectural and historic interest, the particular physical features of the building, the building's setting and contribution to the local scene and the extent to which proposed works would bring substantial benefits to the community.

8.8	The CAO has identified the features of the buildings which make a significant contribution to the architectural and historic interest / character and appearance of the CA, i.e. the buildings feature a stuccoed finish, with decorative quoins, console brackets supporting eaves and sliding sash windows within moulded surrounds. The agent has advised that the proposed demolition does not include these features as the front facades are to be retained.
8.9	<i>Policy BH10 of PPS 6 states 'There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form'.</i>
8.10	The agent advises that the exceptional reason for demolishing the internal parts of the building and rear elevations is that the building has been severely fire damaged. It is noted that only two of the three buildings (No's 25 and 27) are fire damaged.
8.11	In accordance with Para 6.23 and 6.25 of PPS 6, the agent has provided additional information in support of the case for demolition. The agent advises that the building is fire damaged and is not currently in use, therefore the proposal offers a viable new use for the site. He does not believe that it would be viable for a charitable or community organisation to bring this building back into use. Furthermore, he advises that the important features of the buildings previously identified by the CAO are proposed for retention and there are clear benefits to regenerating the site to provide housing in line with the Belfast Agenda and emerging LDP. The agent advises that the condition of the building is very poor as outlined in the structural reports and the intention of the scheme is to repair the building whilst retaining and enhancing the historic features identified by the CAO. He considers the proposed scheme represents an alternative proposal for the site.
8.12	The CAO acknowledges the information submitted by the agent in support of the proposed demolition and recommends that an independent structural engineer's report is sought to verify the submitted details. The CAO advises further that on the basis that the submitted details are bona fide and sufficient to meet the PPS6 criteria, there would be no objections to the demolition works.
8.13	As noted earlier, information has been submitted by the agent to support the case for demolition. The Council has sought independent expert advice and has been advised that there appears to be a case for some demolition (or careful dismantling), however the engineer questioned the argument in relation to demolition of No. 29 as it had not been damaged in the fire.
8.14	Further research into the history of the building at No. 29 shows that this building was actually constructed approximately 16-18 years ago, in accordance with previous approval(s) Z/2002/1532/F and Z/2002/1533/F. The below image from Google earth shows the site of No. 29 as a vacant gap site in December 2001. It is noted that the redevelopment of the site took place subsequent to the designation of Queens CA.





- 8.15 In addition, there is a significant planning history associated with No. 25 and 27 in relation to the previous use as a restaurant. Consequently, the internal layout of both buildings had been amended significantly from the traditional layout when the buildings were first constructed.
- 8.16 An objection has been received raising issues in relation to the structural integrity of the party wall boundary between No. 23 and 25. The purpose of this application for Conservation Area Consent is to assess the impact of the proposed demolition works on the appearance and character of the CA. Notwithstanding, it is considered that the proposed demolition can be undertaken appropriately without harm to the neighbouring building. Furthermore, as the roof of No's 25 and 27 is currently damaged, it is considered that the current situation is potentially more harmful than the proposed demolition and subsequent redevelopment of the site.
- 8.17 In summary, it is acknowledged that No. 25 and 27 have been damaged by fire. The CAO has advised that there is no objection to the proposed demolition, provided the submitted structural information is accurate. An independent engineer has advised that, following consideration of the information, there is a case for demolition. The proposal results in the retention of the building facades, thereby protecting the features of the buildings which contribute to the character of the CA. Furthermore, it is noted that No. 29 University Avenue is a relatively new building and the internal layout of No. 25-27 has been amended over the years in line with its restaurant use. In conclusion, it is considered that, on balance, the proposed demolition is acceptable.
- 8.18 Redevelopment  
PPS 6 clarifies that full information and detailed plans about what is proposed for the site after demolition will be required with any conservation area consent applications, and where consent may be granted, this would normally be subject to conditions requiring redevelopment in line with an approved scheme.
- 8.19 This application is linked with LA04/2020/0847/F for 'Partial demolition and redevelopment of existing buildings to provide 16 apartments, communal bin store and landscaped communal garden', which has also been recommended for approval

<b>9.0</b>	<b>Summary of Recommendation: APPROVAL</b>
9.1	On balance, it is considered that the proposed development complies with the tests of the Development Plan and retained planning policy, therefore recommendation is to approve, subject to conditions and Section 76 agreement. It is requested that the Section 76 Agreement and final wording of conditions is delegated to the Strategic Director of Place and Economy.
<b>10.0</b>	<b>Conditions</b>
10.1	The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted.  Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.
10.2	This consent is granted subject to the implementation of a satisfactory replacement scheme as approved under planning application reference LA04/2020/0847/F. The approved demolition is prohibited until such time as a contractor has been appointed and contracts have been signed for the approved redevelopment of the site.  Reason: To ensure the implementation of a satisfactory scheme in the interest of the Queens Conservation Area.
<b>Notification to Department (if relevant)</b>	
DFI to be consulted, if approved by BCC Planning Committee.	
<b>Representations from Elected members:</b>	
N/A	

## Addendum Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 15 <sup>th</sup> March 2022	
<b>Application ID:</b> LA04/2021/2285/F	
<b>Proposal:</b> Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works (Amended Plans)	<b>Location:</b> 29 Parkside Gardens, Belfast, Co. Antrim, BT15 SAW
<b>Referral Route:</b> Referred to Committee by Director or Planning and Building Control proximity to interface	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> JAMDAC Developments Ltd 16 Mount Charles Belfast BT7 1NZ	<b>Agent Name and Address:</b> Clyde Shanks Ltd Second Floor 7 Exchange Place Belfast BT1 2NA
<p><b><u>ADDENDUM REPORT</u></b></p> <p>This full application was previously listed for Planning Committee on 15<sup>th</sup> February 2022. The application was not presented and subsequently deferred for a site visit to be undertaken to allow the Committee to acquaint itself with the location and the proposal at first hand. Member should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p>A site visit for elected members took place on Thursday 3rd March 2022.</p> <p><b><u>Assessment</u></b></p> <p>The proposal has been considered and assessed in accordance with the relevant prevailing planning policies and development plan.</p> <p><b><u>LDP update</u></b></p> <p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.</p> <p><b><u>Summary</u></b></p> <ul style="list-style-type: none"> <li>The site visit by members has taken place;</li> </ul>	

- No further information or amendments have been received and the recommendation remains unchanged.

In conclusion, the recommendation remains as set out in the case officer's report and this addendum.

### **Recommendation**

The proposal is recommended for refusal. 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.

## **Development Management Officer Report Committee Application**

<b>Summary</b>	
<b>Committee Meeting Date:</b> Tuesday 15 February 2022	
<b>Application ID:</b> LA04/2021/2285/F	
<b>Proposal:</b> Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works (Amended Plans)	<b>Location:</b> 29 Parkside Gardens, Belfast, Co. Antrim, BT15 SAW
<b>Referral Route:</b> Referred to Committee by Director or Planning and Building Control proximity to interface	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> JAMDAC Developments Ltd 16 Mount Charles Belfast BT7 1NZ	<b>Agent Name and Address:</b> Clyde Shanks Ltd Second Floor 7 Exchange Place Belfast BT1 2NA
<b>Executive Summary:</b>  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; <ul style="list-style-type: none"> <li>Principle of development and use;</li> <li>Loss of Economic land;</li> <li>Height, Scale, Massing and Design;&amp; Layout;</li> <li>Provision of amenity space;</li> <li>Parking provision and access;</li> <li>Impact on residential amenity of both existing and proposed residents;</li> </ul>	

- 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



<b>Representations:</b>	
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

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
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.
<b>2.0</b>	<b>Description of Site</b>
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.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
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
<b>4.0</b>	<b>Policy Framework</b>
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
<b>5.0</b>	<b>Statutory Consultees Responses</b>
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; <ul style="list-style-type: none"> <li>Water Management advised the proposal had the potential to adversely impact the surface water environment.</li> <li>Regulation Unit has no objection to the proposal subject to conditions;</li> <li>Natural Heritage has no objection.</li> </ul>
5.5	Historic Environments Division were consulted and advised of the following; <ul style="list-style-type: none"> <li>Historic Buildings advised the proposal is sufficiently removed from the Listed Building and have no objection to the proposal;</li> <li>Historic monuments considered the Archaeological Impact Assessment and concurs with its findings and has no objection to the proposal.</li> </ul>
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	BCC Environmental Health - No objection subject to conditions.
6.2	BCC Tree Officer – Response to follow.
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press; no representations from neighbours have been received.
<b>8.0</b>	<b>Other Material Considerations</b>



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.
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The Key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Loss of Economic land;</li> <li>• Height, Scale, Massing and Design; &amp; Layout;</li> <li>• Provision of private amenity space;</li> <li>• Parking provision and access;</li> <li>• Impact on residential amenity of both existing and proposed residents;</li> <li>• Impact on heritage;</li> <li>• Other environmental factors.</li> </ul>
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.
9.5	<p><b><u>Principle of development and use</u></b></p> <p>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.</p>
9.6	<p><b><u>Loss of Economic Land</u></b></p>

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.
9.11	<b><u>Height, Scale, Massing and Design and Layout</u></b> 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	<p>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.</p>
9.17	<p>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 outlook to the west will outlook on to the shared communal amenity space.</p>
9.18	<p>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.</p>
9.19	<p><b><u>Amenity for Prospective Residents</u></b></p> <p>In terms of amenity space, there is no private amenity space proposed within the development. There is a total of approximately 83m<sup>2</sup> of communal amenity space proposed, with no individual private amenity space for the apartments. Whilst the applicant's block plan states 167m<sup>2</sup>, 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 recommended minimum amenity space provision per apartment is in the range of 10m<sup>2</sup> to 30m<sup>2</sup>, 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<sup>2</sup>. In addition, there are units proposed that are 2 bedroom and would reasonable be expected to accommodate families, which require greater amenity space provision.</p>
9.20	<p>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.</p>
9.21	<p>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.</p>
9.22	<p>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.</p>
9.23	<p>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.</p>

9.24	<p><b><u>Impact on Neighbouring Residential Amenity</u></b></p> <p>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.</p>
9.25	<p><b><u>Impact on trees</u></b></p> <p>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.</p>
9.26	<p>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 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.</p>
9.27	<p><b><u>Parking Provision and Access</u></b></p> <p>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.</p>
9.28	<p>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.</p> <p><b><u>Bins &amp; waste collection</u></b></p> <p>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</p>

9.29	<p>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.</p> <p><b><u>Other Environmental Factors</u></b></p> <p>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.</p> <p>Environmental Health were consulted and have no objection subject to conditions.</p> <p>NIEA Water Management advised the proposal had the potential to adversely impact the surface water environment.</p> <p>NIEA Regulation Unit have no objection subject to conditions.</p> <p>NIEA Natural Heritage advised they had no concerns and recommended informatives.</p> <p>Rivers agency has no objection subject to condition to the proposal.</p>
10.0	<p><b><u>Recommendation</u></b></p> <p>The proposal is considered to be unacceptable and refusal of planning permission is recommended.</p>
10.1	<p>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.</p>
10.2	<p><b>Summary of Recommendation: Refusal</b></p>
11.0	<p><b>Refusal Reasons</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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</li> </ol>

	<p>of the site which would introduce to the location an unacceptable density and an uncharacteristic layout.</p> <p>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.</p> <p>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.</p>
<b>Neighbour Notification Checked:</b>	
Yes	
<b>Notification to Department (if relevant)</b>	
N/A	
<b>Representations from Elected members:</b>	
N/A	

ANNEX	
<b>Date Valid</b>	30th September 2021
<b>Date First Advertised</b>	22nd October 2021
<b>Date Last Advertised</b>	22nd October 2021
<b>Details of Neighbour Notification</b> (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	
<b>Date of Last Neighbour Notification</b>	28th January 2022
<b>Date of EIA Determination</b>	n/a
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
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	

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<b>Development Management Report</b> <b>Addendum Report 2</b>	
<b>Application ID:</b> LA04/2019/0081/F	<b>Date of Committee:</b> 15 March 2022
<b>Proposal:</b> Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> Previously considered by the Planning Committee in December 2019	
<b>Recommendation:</b>	Approval subject to S76 planning agreement
<b>Applicant Name and Address:</b> Latner 10 Developments Ltd Unit 983 Moat House 54 Bloomfield Avenue Belfast BT5 5AD	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Addendum Report:</b>  <u>Background</u>  <p>This application, along with associated applications LA04/2019/0082/F and LA04/2019/0083/F, were considered by the Planning Committee in December 2019. The Committee resolved to approve all three applications subject to conditions and a Section 76 planning agreement. The planning agreement was intended to secure the following:</p> <ul style="list-style-type: none"> <li>• a developer contribution of £52k for enhancement works at the King George V playing fields</li> <li>• securing the 12 apartments as affordable housing</li> <li>• ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments</li> </ul> <p>The Planning Committee should consider this Addendum Report 2 in conjunction with the original Development Management Officer Report of June 2019 and Addendum Report 1 of December 2019, both appended to this report.</p> <p>Since the applications were approved by the Planning Committee, both the Planning Service and Legal Services have been making significant efforts to finalise the planning agreement. However, it has not been possible to progress the planning agreement with the applicant. Firstly, it was disputed that the 12 apartments should be delivered as affordable housing despite it being central to the consideration of the planning balance and justification for the grant of planning permission, the proposal being contrary to Policy OS 1 of PPS 8 through the loss of Open Space. Secondly, and more recently, by failure to commit to the delivery of the pocket park, which is essential recreation space to off-set the lack of amenity space within the proposed development as well as to help compensate for the loss and limited provision of Open Space overall. Officers consider the terms of the planning agreement originally agreed by the Committee to be wholly reasonable. The three applications (LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F) are linked as explained in the previous reports, attached. Officers advise that the three applications cannot be separated out from the agreement as they are intrinsically connected.</p>	

### Recap of the planning history

In June 2011, planning permission was granted on the site and adjacent land to the east where the Maple Leaf Club was originally located for mixed use development comprising 21 dwellings and replacement social club (Z/2010/0434/F). The social club is to be located on the current application site where 12 apartments are now proposed with the 21 dwellings to the east. The original planning permission included conditions requiring the provision of social housing and build out of the replacement social club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

In 2019, the applicant applied for planning permission for 12 apartments on the land where the replacement social club was to be built (LA04/2019/0081/F). Two associated applications were submitted at the same time seeking removal of the conditions requiring the construction of the replacement social club attached to planning permissions Z/2010/0434/F and LA04/2015/0075/F (LA04/2019/0082/F and LA04/2019/0083/F respectively).

All three applications were approved by the Planning Committee in December 2019 subject to conditions and completion of a Section 76 planning agreement as explained above.

In terms of the original planning permission for the erection of 21 dwellings and replacement social club on the application site and adjacent land (Z/2010/0434/F) and subsequent modifications (planning permissions Z/2011/0827/F, Z/2011/0829/F and LA04/2015/0075), these are considered to have commenced by virtue of the formation of the access and road. Therefore, the applicant has a fall-back position, albeit the housing development cannot be occupied without the delivery of the community building as previously granted. The granting of the variation of condition applications (LA04/2019/0082/F and LA04/2019/0083/F) would permit the housing development to proceed and being occupied **without** the replacement club having to be delivered.

### New application for 21 dwellings on land to the east

A further, more recent application for 21 dwellings on the adjacent land has been submitted by the landowner and Housing Association (LA04/2020/2325/F). That application is being considered by the Planning Committee at this same meeting due to the linked nature of the applications. That application is also for affordable housing and is being brought forward by a Housing Association with funding support from NIHE. NIHE has advised that in order to secure the funding from this year's housing programme, planning permission will need to be granted by 31 March 2022 although it might still be possible to progress the scheme with a resolution from the Council to grant permission.

The Committee will note from the case officer report to application LA04/2020/2325/F that the recommendation to approve the 21 dwellings is reliant on applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F being progressed to approval as it is reliant on the pocket

park being granted planning permission – this would serve not only the proposed 12 apartments but also the proposed 21 dwellings (as well as other surrounding housing).

### Assessment

As set out in the previous reports, the proposed development of the site for 12 apartments would result in the loss of Open Space. Moreover, it would no longer be possible to bring forward the new social club to replace the original Maple Leaf Club, which was otherwise critical to the off-set of loss of Open Space from the wider site resulting from development of the 21 dwellings.

The Planning Committee accepted that in the planning balance, the loss of the original off-set (i.e. the dropping of the replacement social club) was justified providing that the following is achieved:

- a developer contribution of £52k for enhancement works at the King George V playing fields
- securing the 12 apartments as affordable housing
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments

These obligations were to be secured by a Section 76 planning agreement, which the applicant has not signed. Officers provide an update on each of the above obligations as follows.

**Developer Contribution of £52k for off-site Open Space** – officers advise that the value of the Contribution should be subject to an inflationary uplift due to the passage of time since the Committee's original decision to grant planning permission in December 2019. In effect, the £52k Developer Contribution has devalued over time.

**Provision of affordable housing** – at the time of the Planning Committee's original decision in December 2019, NIHE had confirmed that there was a housing need and that they were supportive scheme coming forward as social housing. However, in a recent meeting with officers, NIHE confirmed that they cannot currently support the 12 apartments as social housing. This is because of the change in circumstances since December 2019 including the bringing forward of other affordable housing schemes in the area such as the redevelopment of the Park Avenue Hotel site for an affordable housing led housing scheme (LA04/2021/0493/F) and NIHE's commitment to delivery of the 21 dwellings on the adjacent site (LA04/2020/2325/F). It is understood that it is concerned about over saturation. However, NIHE verbally advised that it is very likely that the proposed 12 apartments on the application site would be supported within the 5 year live span of the planning permission if granted. It is therefore considered that the Committee can still proceed to secure the 12 apartments as affordable housing through the Section 76 planning agreement.

**Delivery and ongoing maintenance of the pocket park** – as set out in the previous reports, this is essential to off-set the substandard level of amenity within the proposed 12 apartments as well as to help off-set the loss of open space and lack of open space within the wider development. Officers advise that it remains essential for the pocket park to be delivered and maintained. The Committee will note that officers are advising that the pocket park is delivered prior to occupation of the 21 dwellings on the adjacent site as part of the recommendation for application LA04/2020/2325/F. Therefore, if planning permission is not granted for the 12 apartments and pocket park under application LA04/2019/0081/F, it will not be possible to secure the Section 76 planning agreement proposed by officers for application LA04/2020/2325/F.

### Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:

- a developer contribution of £52k for enhancement works at the King George V playing fields – the value of the contribution to be subject to an inflationary uplift for the period from December 2019 to when the planning agreement is signed;
- Securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the planning agreement.

If the Section 76 planning agreement is not signed and completed within 3 months, the application shall be reported back to the Planning Committee.

## Development Management Report

### Addendum Report 1

<b>Application ID:</b> LA04/2019/0081/F	<b>Date of Committee:</b> December 2019
<b>Proposal:</b> Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> At the request of the Director of Planning and Building Control	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Dixon Contractors 89 Broughshane Street Ballymena	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<p><b>Addendum Report:</b></p> <p>This application was previously scheduled for Planning Committee on the 11<sup>th</sup> June 2019 with a recommendation for refusal. However, was not presented as a legal Agreement under Section 76 was submitted setting out mitigation against the proposed loss of open space. The application was withdrawn from committee to enable the consideration of the proposed terms of the Section 76 Agreement.</p> <p>Members should read this Addendum Report in conjunction with the original Development Management Officer Report of June 2019, attached below.</p> <p>The Case officer report attached below sets out two reasons for refusal in relation to</p> <ol style="list-style-type: none"> <li>1. The loss of open space</li> <li>2. The under provision of amenity space for the proposed development</li> </ol> <p>There were no other reasons for refusal. Notwithstanding the issue of principle the scheme was considered acceptable in terms of its design, height, scale, and mass; and access and parking. Therefore, this addendum deals only with the two matters set out above, all other considerations are set out in the case officer report.</p> <p><b><u>Principle of development</u></b></p> <p>Historically the site was in use as a substantial area of open space, a bowling green and club house / social club. Residential development was granted on the site subject to a replacement recreational social club being provided to off-set the loss of open space. The provision of the recreational social club in combination with the social housing to be provided was the justification for setting aside Policy OS1 of PPS 8 – Open Space, Sport and Recreation and granting the proposal.</p> <p>This current application proposes to build an apartment block in place of the social recreation club. In these particular circumstances, given the history of this site, the principle of the development on this site, was initially considered to be unacceptable as it will result in the almost total loss to the community of the open space and recreation use, in addition to providing minimal amenity space for residents. Therefore, refusal was originally recommended.</p>	

Following the publication of the officer report, the applicant submitted a Section 76 Agreement, setting out terms to offset the loss and under provision of open space / recreation facility by offering to provide a financial contribution towards improvements to a local park. Policy OS1 allows developers to offer an alternative provision, which is as accessible to current users, at least equivalent in terms of its size, usefulness, attractiveness, safety and quality. In this case, the offer is to provide an upgrade to an existing Council owned park rather than 'new' or additional open space, however, the offer must be considered alongside the community benefits of the provision of the 12 social and affordable apartments themselves. The developer has agreed to provide a financial contribution of over £52K to be used to enhance existing open space in the area. The combination of the associated community benefits are considered on balance to decisively outweigh the loss of the provision of the recreation club and the shortage in the amenity provision.

### **Terms of the Section 76 Agreement**

In respect of the proposed off set, the applicant has agreed to a developer contribution through a Section 76 Agreement. In broad terms, monies (£52k) will be used by the Council to enhance existing open space at King George V Playing Fields, which is an 8 minute walk away from the site and serves the local community. As set out above, this in part is considered, in this case, to adequately address Policy OS1 of PPS8 to off-set the loss of existing open space.

The following works are proposed for the King George V playing fields;

#### **Improve Parkgate site boundary**

Remove exiting concrete boundary fencing/walling  
 Install new 250 x 125 x 905mm road kerb edge  
 New hedge planting along boundary to kerb edge  
 Supply & install new vehicular access barrier  
 Construct low brick piers with existing concrete crest  
 Pedestrian road crossing markings

#### **Trim Trail**

New 1.2m wide bitmac path to site boundary  
 Form new mounds with excavated material  
 Remedial landscape works/seeding

#### **Screen planting**

Screen planting to western boundary

### **Provision of private amenity space**

In terms of private amenity space only 3 of the proposed 12 apartments has their own private amenity space. Creating Places recommends a minimum of between 10m<sup>2</sup>- 30m<sup>2</sup> per unit. Apartments 11 and 12 meet the recommended minimum however apartments 1-10 do not. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space. It is considered that insufficient private amenity space is proposed for the individual apartments. In respect of the communal amenity space provided this is in the form of a pocket park which will provide 450 square metres of amenity space. The provision of the pocket park between the proposed apartments and Park Avenue with landscaping and play equipment with access from Park Avenue so other residents can benefit and; the proposed developer contribution of over £52K to enhance 2.88ha of existing open space at the King George V playing fields, provides a wider community benefit to the existing and proposed residents and is considered to make an otherwise unacceptable scheme acceptable in these particular circumstances.

**Linked Applications**

Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.

The applicant also seeks the removal of condition no.2 of planning permissions Z/2010/0434/F and LA04/2015/0075/F, which are attached to the original permissions and relate to the provision of the recreational club and to ensure the orderly development of the site and community benefits of the development are fully implemented. This proposal would replace the social club with 12 social/affordable apartments.

**Consultees**

DFI Roads were consulted and have advised of no objection in principle with amendments sought to address clarification in terms of bicycle parking and visibility splays for previous approvals within the wider proposal site and Private Streets Determination drawings.

**Further Representations**

No further objections or information has been received in respect of the proposal itself. A draft Section 76 Agreement was submitted and BCC Legal Services and City and Neighbourhoods have been consulted in respect of the Section 76 Agreement and the enhancement of open space through the developers contribution.

**Summary**

In conclusion, the recommendation has changed for the reasons as set out in this addendum. The proposal on balance is considered to be acceptable and contributes to the delivery of the Belfast Agenda aims and objectives - Living Here and City Development and the Local Development Plan Strategic Aims – Shaping a liveable place, a green and active place and a smart connected and resilient place.

**Recommendation**

Approval subject to the signing and delivery of the Section 76 Agreement and conditions.

It is requested that committee delegate authority to the Director of Planning and Building Control to finalise the Section 76 and the wording of conditions. Draft Conditions below:

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 residential development hereby approved shall be allocated for social housing use and shall be managed by a registered Housing Association.

Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.

3. Double glazed float units 4-12-4 (or similar) with a sound reduction of 26dB  $R_{tra}$  / 31dB  $R_w$  must be installed in bedroom and living room windows to the Park Avenue façade of the proposed apartments and to any habitable rooms situated on either side elevation. Alternative means of acoustic ventilation capable of meeting the same sound reduction value of the windows must also be installed in all bedroom and living room windows to the Park Avenue façade and side elevations and be in accordance with building control regulations.

Reason: Protection of Residential Amenity

4. Double glazed float units 4-12-4 (or similar) with a sound reduction of 26 dB  $R_{tra}$  / 31 dB  $R_w$  must be installed in bedroom and living room windows of the rear façade of the proposed apartments.

Reason: Protection of Residential Amenity

5. All soft landscaping works shall be carried out in accordance with the approved details on drawing no 13C, dated 3<sup>rd</sup> June 2019. The works shall be carried out prior to the occupation of the first apartment / 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 the Council.

Reason: In the interests of visual amenity

7. Prior to any work commencing all protective barriers (fencing) and ground protection measures 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 is 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 tree hedging.

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.



DFI Roads conditions to follow.

## ANNEX 1

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 11 June 2019	
<b>Application ID:</b> LA04/2019/0081/F	
<b>Proposal:</b> Erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> At the request of the Director of Planning and Building Control	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Dixon Contractors 89 Broughshane Street Ballymena	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Executive Summary:</b>  <p>The proposal is for full planning permission for the erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed &amp; 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.</p> <p>This application is linked to two further applications (LA04/2019/0082/F and LA04/2019/0083/F) both of which are Section 54 applications and seek to remove a planning condition from the original approvals. Condition no.2 of these planning permissions relate to the provision of a recreational social club under planning permissions Z/2010/0434/F and LA04/2015/0075/F.</p> <p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Height, scale, massing, layout and design;</li> <li>• Provision of private amenity space and Provision of open space;</li> <li>• Parking and access;</li> <li>• Impact on residential amenity of neighbours;</li> <li>• Impact on protected trees;</li> <li>• Other environmental factors.</li> </ul> <p>The applicant proposes a building containing 12 apartments on a site which has been secured by planning condition to be used for recreational open space in lieu of the loss of an extensive area of open space, bowling green and a club house / social club.</p> <p>The original approval set aside OS1 of PPS 8 Open space Sport and Recreation and allowed the loss of the space to provide 21 social dwelling units and the construction of a new Recreation</p>	

Social Club. The applicant makes a case that the occupier of the social club, the Maple Leaf Club is no longer in existence. The applicant states that they have sought an alternative occupier, however they have not provided sufficient evidence to demonstrate that a new occupier has been sought and all avenues explored.

The principle of the development therefore, is considered to be unacceptable and would if permitted result in the permanent loss of the open space by failing to provide the social club to the community. Which is contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation.

The proposed development fails to meet criterion (c) of policy QD1 of Planning Policy Statement 7 – Quality Residential Environments. In that the loss will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided for the combined development and will therefore also be contrary to Policy OS 2 of PPS8.

Consultees: Environmental Health, Rivers Agency, BCC Tree Officer and NIHE offer no objection to the proposal.

DFI Roads advised the applicant has failed to demonstrate acceptable parking arrangements.

There have been no third party objections received.

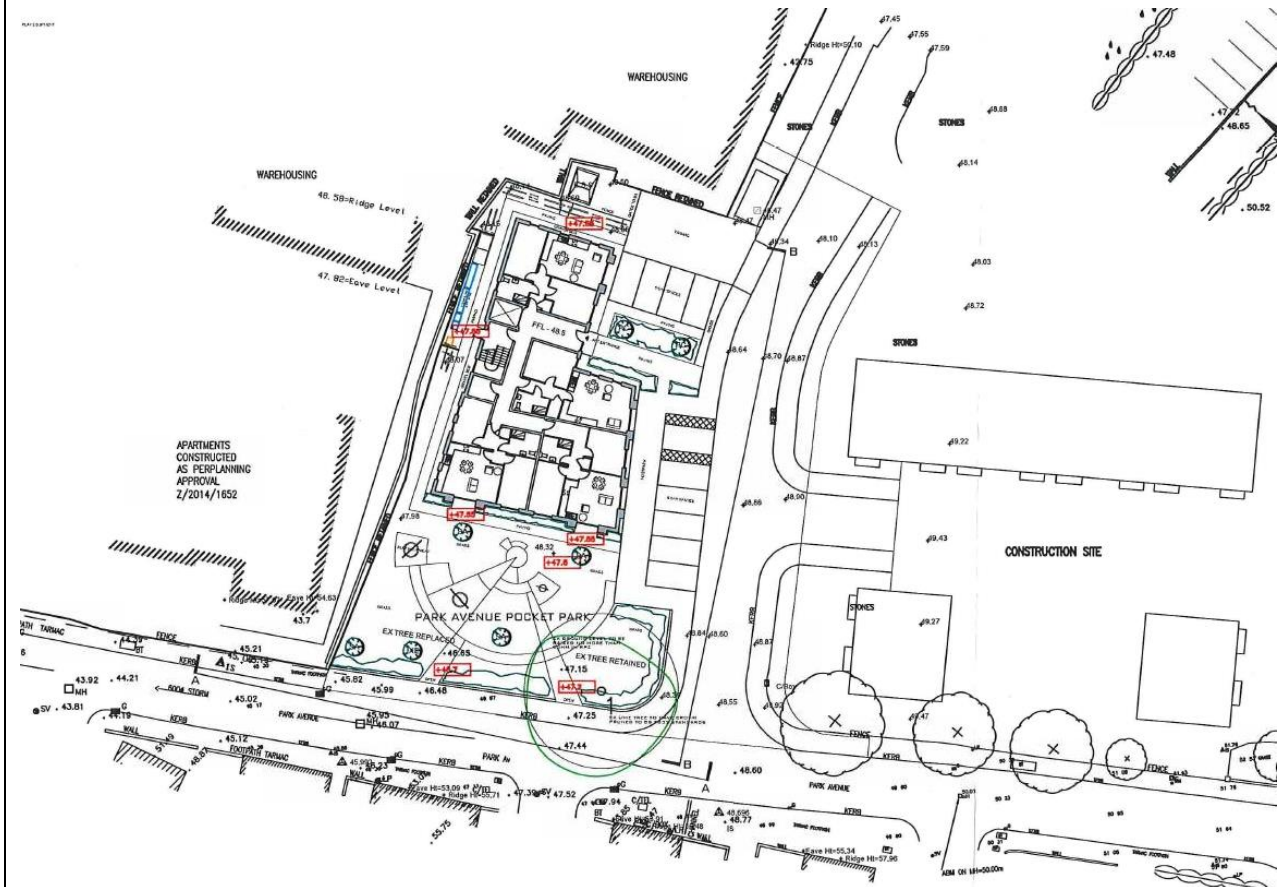
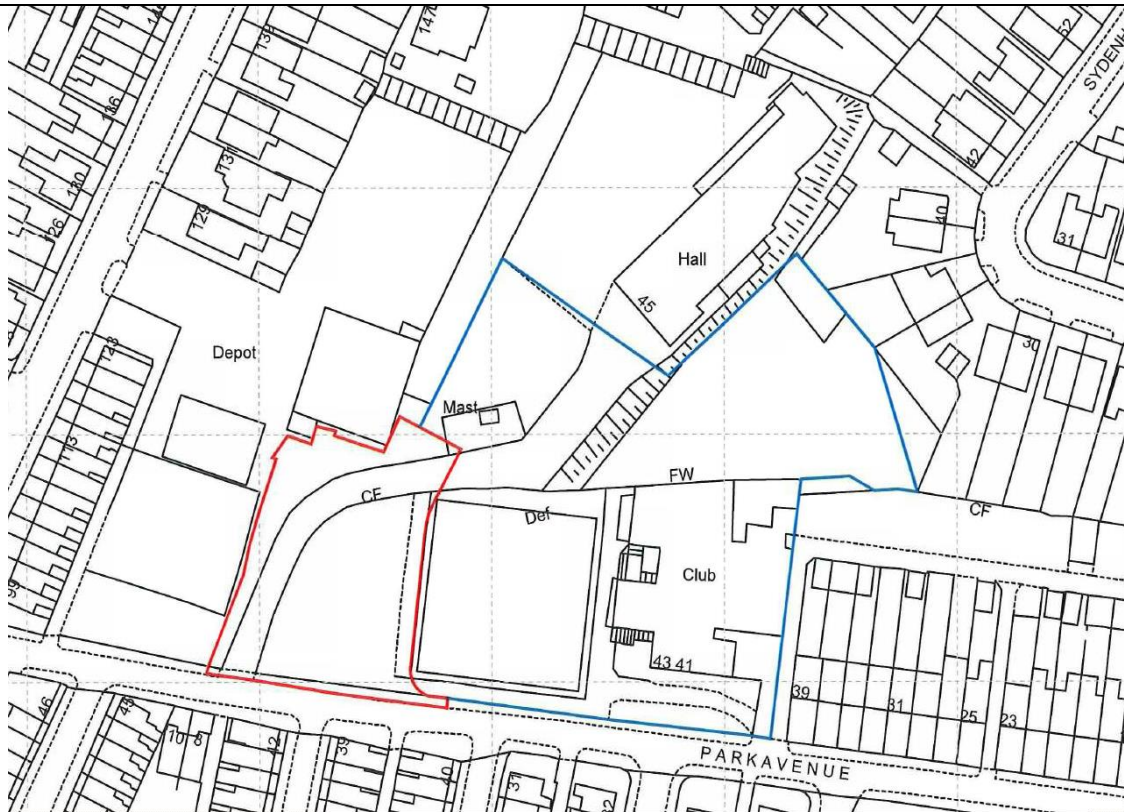
Recommendation:

Refuse

Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.

## Case Officer Report

### Site Location Plan



<b>Consultations:</b>		
<b>Consultation Type</b>	<b>Consultee</b>	<b>Response</b>
Non Statutory	Environmental Health Belfast City Council	No objection subject to conditions
Statutory	Rivers Agency	No objection
Advice and Guidance	NIHE - Corporate Planning	No objection - support
Statutory	DFI Roads - Hydebank	Unacceptable
Statutory	NI Water - Multi Units East - Planning Consultations	No Response
<b>Representations:</b>		
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	

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The proposal is for full planning permission for the erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
1.2	This application is linked to LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club element of planning permissions Z/2010/0434/F and LA04/2015/0075/F.
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located at lands at the former Maple Leaf Club, 41-43 Park Avenue, Belfast. The site has been cleared and is currently under construction. Formerly on the site was a bowling green and car park and the now derelict Maple Leaf Club building. The site is accessed from Park Avenue which slopes steeply from Holywood Road to Connsbrook Avenue. The area is characterised by two storey terrace dwellings and two storey semi-detached dwellings. Adjacent to the site and accessed from Connsbrook Avenue is a fuel and oil distribution depot. The site bounded by existing mature vegetation. Seven of the previously approved dwellings (10-22 Park Avenue Heights) have been constructed and are now occupied.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	LA04/2019/0083/F - Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing – Pending
3.2	LA04/2019/0082/F - Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing - Pending
3.3	LA04/2015/0075/F - Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 - Granted
3.4	Z/2011/0829/F - Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted
3.5	Z/2011/0827/F - Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club - Granted

3.6	Z/2010/0434/F - Mixed use development to include the relocation and replacement of the Ulster Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works - Granted
3.7	Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements - Granted
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
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 7: Quality Residential Environments 4.4.4 Addendum to Planning Policy Statement 7: Safeguarding the Character of Established Residential Areas 4.4.5 Planning Policy Statement 8: Open Space and Recreation 4.4.6 Planning Policy Statement 12: Housing in Settlements 4.4.7 Planning Policy Statement 15: Planning & Flood Risk 4.4.8 Creating Places 4.4.9 Development Control Advice Note 15: Vehicular Access Standards
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	Rivers Agency has no objection.
5.2	DFI Roads advised the proposal was unacceptable and failed to demonstrate acceptable parking arrangements.
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	Environmental Health has no objection subject to conditions.
6.2	BCC Tree Officer has no objection subject to conditions.
6.3	Northern Ireland Housing Executive – Corporate Planning provided advice and guidance. NIHE advised there is currently unmet social housing need in this part of East Belfast and the site has previously been registered by a housing association for the provision of social housing. NIHE supports the current proposal for the site.
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.

8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
8.4	The site is the subject of a Tree Preservation Order – TPO/2006/0081
<b>9.0</b>	<b>Assessment</b>
9.1	<p>The key issues in the assessment of the proposed development include;</p> <ul style="list-style-type: none"> <li>• Principle of development and use;</li> <li>• Height, scale, massing, layout and design;</li> <li>• Provision of private amenity space;</li> <li>• Provision of open space;</li> <li>• Provision of parking and access;</li> <li>• Impact on residential amenity of neighbours;</li> <li>• Impact on protected trees;</li> <li>• Other environmental factors.</li> </ul>
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 now the statutory development plan for the area.
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	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could have been through public inquiry. The site was designated as white land.
9.6	Draft BMAP 2004 version also designated the site as white land.
9.7	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.8	<p><b><u>Principle of development</u></b></p> <p>In other circumstances the construction of apartments within the development limits within a residential area would be acceptable however, the circumstances and history of this site is such that the principle of the development in this case, on this site, is considered to be unacceptable. This proposal site was granted as a recreational social club under application references Z/2010/0434/F and LA04/2015/0075/F in which the replacement social club was to be provided to off-set the loss of a substantial area of open space, a bowling green and club house / social club. The provision of the recreational social club in combination with the social housing to be provided was the rationale for setting aside OS1 of PPS 8 – Open Space, Sport and Recreation.</p>
9.9	The supporting statement submitted by the applicant states that the Maple Leaf Club has been permanently closed and evidence has been provided at Annex 2 in the supporting statement. It is on this basis that the applicant seeks the removal of condition no.2 of



	planning permissions Z/2010/0434/F and LA04/2015/0075/F, which related to the social club and to ensure the orderly development of the site and community benefits of the development are fully implemented. This proposal would replace the social club with 12 social/affordable apartments.
9.10	Linked applications LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club aspect of planning permissions Z/2010/0434/F and LA04/2015/0075/F are also under consideration.
9.11	The applicant submitted a supporting statement. Paragraphs 6.15-6.18 refer to the search for an alternative operator. It is stated that the applicant has no viable option for delivering the club building and the social housing due to the 'winding up' of the Maple Leaf Club and no club interested in relocating and therefore the removal of the club from the proposal is required. However, whilst this has been stated in the supporting statement, no evidence has been provided by the applicant to demonstrate and marketing or tendering for an alternative occupier and therefore have failed to demonstrate that all avenues to secure an occupier have been investigated.
9.12	The group report of the original planning permission Z/2010/0434/F, stated that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area'</i> . The two conditions that attached to the permission, condition no.2 which the applicant seeks to remove and condition no.3 in relation to the allocation of the residential development for social housing were both attached and the same reason <i>'To ensure the orderly development of the site and community benefits of the development are fully implemented'</i> . Therefore it is considered that the construction of the social club was equally required to be provided to ensure the community benefits.
9.13	Application Z/2011/0829/F, was an Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club.
9.14	Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.
9.15	Therefore, considering the previous use of the site, the protection afforded under PPS8 and the planning history of the site the principle of the development is unacceptable and would result in the loss of the replacement social club which was to provide the off set for the loss of open space for the whole development. It is considered that the supporting statement from the applicant does not provide a compelling case that would outweigh the loss to the community.
9.16	<b><u>Height, scale, massing, layout and design</u></b> The proposed building is to be 'L' shaped and 8.4m in height from finished floor level (FFL), 27.3m long along the western elevation and 18m wide along the southern (Park Road) elevation. In terms of the footprint of the proposed apartments is be approximately 392m <sup>2</sup> . This is an increase in the footprint from the previously reduced social club at

	387m <sup>2</sup> which was reduced by 49m <sup>2</sup> from the original approval. The difference in the increase in the footprint is considered to be marginal. The proposed height of the building is similar to that granted for the social club under LA04/2015/0075/F. The height, scale and massing of the proposed apartments is considered to be acceptable.
9.17	In terms of layout all apartments outlook either on to Park Avenue of the entrance to the whole development. It is considered this outlook on to public realm in acceptable.
9.18	In terms of the proposed design this is not dissimilar from that previously approved for the social club building. The proposed finished of smooth red facing brick and grey mortar, dark grey framed windows, glazed balcony and grey zinc cladding on the roof and pent houses are considered to be acceptable. The architectural approach is modern yet sympathetic to its context. The proposed design and architectural treatment and materials are acceptable.
9.19	Policy LC 1 – Protecting Local Character, Environmental Quality and Residential Amenity of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas applies. The proposed density of the development and pattern of development is considered to be acceptable and not out of keeping with the character of the area. The size of each of the proposed apartments are outlined below;
9.20	Apartment 1 - 2 bed 3 person: 65m <sup>2</sup> Apartment 2 - 1 bed 2 person: 57 m <sup>2</sup> Apartment 3 - 2 bed 3 person: 70 m <sup>2</sup> Apartment 4 - 2 bed 3 person: 65 m <sup>2</sup> Apartment 5 - 2 bed 3 person: 65 m <sup>2</sup> Apartment 6 - 2 bed 3 person: 68 m <sup>2</sup> Apartment 7 - 2 bed 3 person: 70 m <sup>2</sup> Apartment 8 - 2 bed 3 person: 65 m <sup>2</sup> Apartment 9 - 2 bed 3 person: 65 m <sup>2</sup> Apartment 10 - 2 bed 3 person: 63 m <sup>2</sup> Apartment 11 - 1 bed 2 person: 50 m <sup>2</sup> Apartment 12 - 1 bed 2 person: 50 m <sup>2</sup>
9.21	The proposed apartments meet the minimum space standards as set out in Annex A of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas.
9.22	Therefore it is considered that the proposal complies with the criterion set out in policy LC 1 of the Addendum to Planning Policy Statement 7- Safeguarding the Character of Established Residential Areas.
9.23	<b><u>Provision of private amenity space</u></b> In terms of private amenity space only 3 of the proposed 12 apartments has their own private amenity space. They do all however share communal bin storage and secure bicycle parking. The following private amenity space provision is as below for 3 apartments on the second floor;
9.24	Apartment 10 - 63.3 m <sup>2</sup> Apartment 11 - 22.3 m <sup>2</sup> Apartment 12 - 10.98 m <sup>2</sup>
9.25	Creating Places recommends a minimum of between 10m <sup>2</sup> - 30m <sup>2</sup> . Apartments 11 and 12 meet this recommended minimum however apartments 1-10 do not. . Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away

	<p>from the site. Considering this and the recent EIA Street planning appeal decision 2018/A0070 it was considered that existing other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms. Therefore it is considered that insufficient private amenity space has been provided for prospective residents. The site on which the apartments are proposed was to provide the off set for loss of open space through the construction of a social club and was conditioned as so to ensure the community benefit of the existing club would continue to be provided. Linked applications LA04/2019/0082/F and LA04/2019/0083/F both of which are Section 54 applications to remove condition no.2 of planning permission Z/2010/0434/F and LA04/2015/0075/F. Both of these conditions also relate to the implementation of the social club aspect of planning permissions Z/2010/0434/F and LA04/2015/0075/F. The provision of open space is discussed below.</p>
9.26	<p><b><u>Provision of open space</u></b></p> <p>The proposal includes the provision of a pocket park which will provide 0.045ha of public amenity space. Planning permission Z/2010/0434/F for the residential development and replacement of the social club and LA04/2015/0075/F for a change of house type at plots 14 to 21 and included the reduction in the proposed replacement social club were both granted on the basis of provision of the social club to offset the loss of open space, in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation. Whilst the social club was to be reduced under planning permission LA04/2015/0075/F it still provided the off set for the loss of open space in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation.</p>
9.27	<p>However the applicants statement of case states at paragraph 6.26 the delivery of 12 apartments in lieu of the social club yields a substantially greater benefit to the community and that as the case officer acknowledged the proximity of similar bowling facilities in close proximity to the site which were equally accessible in their view. The applicant states that in this context, the total loss of the facility is therefore negligible to the local community and its loss therefore will have no significant detrimental impact and states this is consistent with para. 6.025, of the Strategic Planning Policy Statement for Northern Ireland (SPPS). It is considered that the loss of the social club which was the off set for the loss of all quality open space is not negligible to the local community as stated. Particularly as the private amenity provision is below recommended requirements. Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away from the site. As per recent appeal decision 2018/A0070, it was considered that existing of other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms.</p>
9.28	<p>This acknowledged the community benefit the club itself provided and while the open space was to be lost, the offset to this was through the provision of a new social facility, albeit reduced but would continue to provide community benefit as was provided by the existing club. Therefore it is considered that in order to comply with policy OS 1 of Planning Policy Statement 8 – Open Space and Recreation to ensure adequate alternative provision that the social facility must be implemented and form part of the overall development of the site.</p>
9.29	<p>It is also noted that the original development comprised of 21 dwelling units. The applicant proposed the construction of an additional 12 apartments. This would provide a total of 33no. social/ affordable housing units. However, the additional units would exceed the threshold of 25 units as set out in policy OS 2 of Planning Policy Statement 8. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space.</p>
9.30	<p>As stated in the original case officers report for Z/2010/0434/F, the proposal did not provide sufficient amenity space for the majority of the proposed dwellings and would be limited in its</p>

	usability. Nor is it located adjacent to existing public open space. Therefore it would be considered that it would not be an exception to Policy OS 2 and therefore it would be expected that at least 10% of the site would be for the provision of public open space. The proposal would not be able to facilitate this and the addition of 12 no. apartments was add extra pressure to the demand for amenity space in the whole development. Although this application proposes the provision of a pocket park between the proposed apartments and Park Avenue providing an area of 0.045ha with landscaping and play equipment with access from Park Avenue so other residents can benefit. It is considered to be insufficient to warrant the loss of the social facility and the wider community benefit which it would provide.
9.31	On balance with the provision of private amenity for the approved apartments being below the requirements as per Creating Places, it is considered that the social facility is essential to address the loss of the open space and the club facility, particularly as private amenity space is insufficient to meet requirements. The proposal to not provide the social facility is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open Space and Recreation.
9.32	<b><u>Provision of parking and access</u></b> DFI Roads were consulted and responded stating that the applicant had failed to demonstrate acceptable parking arrangements and required a number of issues to be addressed and the submission of Private Streets Determination drawings. This information was not requested as to have done so would have put the applicant to unnecessary expense when Planning Service had fundamental concerns with the proposal and the two (LA04/2019/0082/F and LA04/2019/0083/F) associated Section 54 applications for the removal of conditions.
9.33	<b><u>Impact on residential amenity of neighbours</u></b> In terms of residential amenity the proposed apartments will be located to the east of the existing apartments on Park Avenue. In terms of overshadowing considering the sun path it is considered that some overshadowing will result to the apartments adjacent to the west in the morning, however this will travel from east to west from midday on it is considered that no unacceptable overshadowing will result to the apartments located to the west of the site. It is also considered that an unacceptable level of overlooking will not result from the proposed apartments to the existing apartments to the west due to sufficient separation distance and existing boundary treatment. To the north of the site is an existing depot and to the east whilst currently no under construction dwelling with extant permission are to be located. However it is considered that sufficient separation distances will ensure no unacceptable overshadowing or overlooking will result to these dwellings form the proposed apartments. This is also considered to be the same for those dwellings located on the opposite of Park Avenue.
9.34	<b><u>Impact on protected trees</u></b> Belfast City Council's Tree Officer was consulted and following the submission of a tree survey and amended plans the Tree Officer has no objections to the proposal subject to conditions. The proposal includes the retention of an existing protected Lime tree along the Park Avenue boundary, which is to be crown cleaned. Protective root barriers in the form of Geocells has been shown at specific locations to ensure root and soil compaction is avoided during and after construction. The proposal includes the removal of x1 Chestnut tree a protected tree and replacement planting of x8 extra heavy standard Rowan and Ornamental Pear trees to compensate for its loss. A new hawthorn boundary hedge is proposed. The tree officer commented that the proposed tree choice, was considered appropriate in terms of species to complement the proposed pocket park. Tree officer has no objection to the proposal subject to conditions.
9.35	<b><u>Other environmental factors</u></b> Environmental Health were consulted and considered the Noise Impact Assessment and an updated contaminated land report. Environmental Health has no objection subject to

9.36	<p>conditions. Rivers Agency were consulted with a Drainage Assessment and responded stating that the proposal was acceptable and that the proposal was deemed to provide a robust drainage solution.</p> <p><b><u>Recommendation</u></b> The proposal is considerable to be unacceptable and refusal is recommended asset out in paragraph 11 below.</p>
9.37	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>
<b>10.0</b>	<b>Summary of Recommendation:</b> Refusal
<b>11.0</b>	<p><b>Refusal Reasons</b></p> <ol style="list-style-type: none"> <li>1. The proposal is contrary to OS1 of PPS 8 in that it will result in a loss of open space and the applicant has failed to demonstrate that the redevelopment will bring substantial community benefits that decisively outweigh its permanent loss.</li> <li>2. The proposal is contrary to OS2 of PPS 8 Open Space Sport and Recreation QD1 of PPS7 Quality Residential Environments in that it fails to provide adequate or quality private amenity space or sufficient communal open space for prospective residents of this development or the overall development.</li> </ol>
<p><b>Notification to Department (if relevant)</b></p> <p>N/A</p>	
<p><b>Representations from Elected members:</b></p> <p>Cllr Newton</p>	

<b>ANNEX</b>	
<b>Date Valid</b>	3rd January 2019
<b>Date First Advertised</b>	25th January 2019
<b>Date Last Advertised</b>	25th January 2019
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 10 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 12 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 125 Connsbrook Avenue,Belfast,Down,BT4 1JX The Owner/Occupier, 14 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 16 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 18 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 20 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 22 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 31 Sefton Park, Belfast, BT4 1PN The Owner/Occupier, 31 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 32 Sefton Park, Belfast, BT4 1PN The Owner/Occupier, 36 Sefton Drive, Belfast, BT4 1PL The Owner/Occupier, 39 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 39 Park Avenue, Belfast, BT4 1PU The Owner/Occupier, 40 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 42 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 45 Park Avenue, Belfast, BT4 1PU The Owner/Occupier, 8 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, Apartment 1,47 Park Avenue,BELFAST,BT4 1PU	

The Owner/Occupier,  
 Apartment 10,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 11,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 12,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 13,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 14,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 15,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 2,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 3,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 4,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 5,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 6,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 7,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 8,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 9,47 Park Avenue,BELFAST,BT4 1PU

<b>Date of Last Neighbour Notification</b>	12th February 2019 Additional neighbours consulted 24 <sup>th</sup> May 2019 due to new dwellings now being occupied.
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<b>Date of EIA Determination</b>	N/A
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<b>ES Requested</b>	No
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<b>Drawing Numbers and Title</b>
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Drawing No. Type:
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<b>Development Management Report</b> <b>Addendum Report 2</b>	
<b>Application ID:</b> LA04/2019/0082/F	<b>Date of Committee:</b> 15 March 2022
<b>Proposal:</b> Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> Previously considered by the Planning Committee in December 2019	
<b>Recommendation:</b>	Approval with S76 planning agreement
<b>Applicant Name and Address:</b> Latner 10 Developments Ltd Unit 983 Moat House 54 Bloomfield Avenue Belfast BT5 5AD	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Addendum Report:</b>  <u>Background</u>  This application, along with associated applications LA04/2019/0081/F and LA04/2019/0083/F, were considered by the Planning Committee in December 2019. The Committee resolved to approve all three applications subject to conditions and a Section 76 planning agreement. The planning agreement was intended to secure the following: <ul style="list-style-type: none"> <li>• a developer contribution of £52k for enhancement works at the King George V playing fields</li> <li>• securing the 12 apartments as affordable housing</li> <li>• ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments</li> </ul> The Planning Committee should consider this Addendum Report 2 in conjunction with the original Development Management Officer Report of June 2019 and Addendum Report 1 of December 2019, both appended to this report.  Since the applications were approved by the Planning Committee, both the Planning Service and Legal Services have been making significant efforts to finalise the planning agreement. However, it has not been possible to progress the planning agreement with the applicant. Firstly, it was disputed that the 12 apartments should be delivered as affordable housing despite it being central to the consideration of the planning balance and justification for the grant of planning permission, the proposal being contrary to Policy OS 1 of PPS 8 through the loss of Open Space. Secondly, and more recently, by failure to commit to the delivery of the pocket park, which is essential recreation space to off-set the lack of amenity space within the proposed development as well as to help compensate for the loss and limited provision of Open Space overall. Officers consider the terms of the planning agreement originally agreed by the Committee to be wholly reasonable.	

The three applications (LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F) are linked as explained in the previous reports, attached. Officers advise that the three applications cannot be separated out from the agreement as they are intrinsically connected.

#### Recap of the planning history

In June 2011, planning permission was granted on the site and adjacent land to the east where the Maple Leaf Club was originally located for mixed use development comprising 21 dwellings and replacement social club (Z/2010/0434/F). The social club is to be located on the current application site where 12 apartments are now proposed with the 21 dwellings to the east. The original planning permission included conditions requiring the provision of social housing and build out of the replacement social club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

In 2019, the applicant applied for planning permission for 12 apartments on the land where the replacement social club was to be built (LA04/2019/0081/F). Two associated applications were submitted at the same time seeking removal of the conditions requiring the construction of the replacement social club attached to planning permissions Z/2010/0434/F and LA04/2015/0075/F (LA04/2019/0082/F and LA04/2019/0083/F respectively).

All three applications were approved by the Planning Committee in December 2019 subject to conditions and completion of a Section 76 planning agreement as explained above.

In terms of the original planning permission for the erection of 21 dwellings and replacement social club on the application site and adjacent land (Z/2010/0434/F) and subsequent modifications (planning permissions Z/2011/0827/F, Z/2011/0829/F and LA04/2015/0075), these are considered to have commenced by virtue of the formation of the access and road. Therefore, the applicant has a fall-back position, albeit the housing development cannot be occupied without the delivery of the community building as previously granted. The granting of the variation of condition applications (LA04/2019/0082/F and LA04/2019/0083/F) would permit the housing development to proceed and being occupied **without** the replacement club having to be delivered.

#### New application for 21 dwellings on land to the east

A further, more recent application for 21 dwellings on the adjacent land has been submitted by the landowner and Housing Association (LA04/2020/2325/F). That application is being considered by the Planning Committee at this same meeting due to the linked nature of the applications. That application is also for affordable housing and is being brought forward by a Housing Association with funding support from NIHE. NIHE has advised that in order to secure the funding from this year's housing programme, planning permission will need to be granted by 31 March 2022 although it might still be possible to progress the scheme with a resolution from the Council to grant permission.

The Committee will note from the case officer report to application LA04/2020/2325/F that the recommendation to approve the 21 dwellings is reliant on applications LA04/2019/0081/F,

LA04/2019/0082/F and LA04/2019/0083/F being progressed to approval as it is reliant on the pocket park being granted planning permission – this would serve not only the proposed 12 apartments but also the proposed 21 dwellings (as well as other surrounding housing).

### Assessment

As set out in the previous reports, the proposed development of the site for 12 apartments would result in the loss of Open Space. Moreover, it would no longer be possible to bring forward the new social club to replace the original Maple Leaf Club, which was otherwise critical to the off-set of loss of Open Space from the wider site resulting from development of the 21 dwellings.

The Planning Committee accepted that in the planning balance, the loss of the original off-set (i.e. the dropping of the replacement social club) was justified providing that the following is achieved:

- a developer contribution of £52k for enhancement works at the King George V playing fields
- securing the 12 apartments as affordable housing
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments

These obligations were to be secured by a Section 76 planning agreement, which the applicant has not signed. Officers provide an update on each of the above obligations as follows.

**Developer Contribution of £52k for off-site Open Space** – officers advise that the value of the Contribution should be subject to an inflationary uplift due to the passage of time since the Committee's original decision to grant planning permission in December 2019. In effect, the £52k Developer Contribution has devalued over time.

**Provision of affordable housing** – at the time of the Planning Committee's original decision in December 2019, NIHE had confirmed that there was a housing need and that they were supportive scheme coming forward as social housing. However, in a recent meeting with officers, NIHE confirmed that they cannot currently support the 12 apartments as social housing. This is because of the change in circumstances since December 2019 including the bringing forward of other affordable housing schemes in the area such as the redevelopment of the Park Avenue Hotel site for an affordable housing led housing scheme (LA04/2021/0493/F) and NIHE's commitment to delivery of the 21 dwellings on the adjacent site (LA04/2020/2325/F). It is understood that it is concerned about over saturation. However, NIHE verbally advised that it is very likely that the proposed 12 apartments on the application site would be supported within the 5 year live span of the planning permission if granted. It is therefore considered that the Committee can still proceed to secure the 12 apartments as affordable housing through the Section 76 planning agreement.

**Delivery and ongoing maintenance of the pocket park** – as set out in the previous reports, this is essential to off-set the substandard level of amenity within the proposed 12 apartments as well as to help off-set the loss of open space and lack of open space within the wider development. Officers advise that it remains essential for the pocket park to be delivered and maintained. The Committee will note that officers are advising that the pocket park is delivered prior to occupation of the 21 dwellings on the adjacent site as part of the recommendation for application LA04/2020/2325/F. Therefore, if planning permission is not granted for the 12 apartments and pocket park under application LA04/2019/0081/F, it will not be possible to secure the Section 76 planning agreement proposed by officers for application LA04/2020/2325/F.

### Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:

- a developer contribution of £52k for enhancement works at the King George V playing fields – the value of the contribution to be subject to an inflationary uplift for the period from December 2019 to when the planning agreement is signed;
- Securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the planning agreement.

If the Section 76 planning agreement is not signed and completed within 3 months, the application shall be reported back to the Planning Committee.

<b>Development Management Report</b> <b>Addendum Report 1</b>	
<b>Application ID:</b> LA04/2019/0082/F	<b>Date of Committee:</b> December 2019
<b>Proposal:</b> Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> At the request of the Director of Planning and Building Control	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Dixon Contractors 89 Broughshane Street Ballymena	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Addendum Report:</b> <p>This application was previously scheduled for Planning Committee on the 11<sup>th</sup> June 2019 with a recommendation for refusal (See report at Annex 1), however was not presented as a Section 76 was submitted to mitigate against the proposed loss of open space. The application was withdrawn from committee to enable the consideration and discussion around the proposed Section 76 Agreement.</p> <p>Members should read this Addendum Report in conjunction with the original Development Management Officer Report of 11<sup>th</sup> June 2019, attached below.</p> <p>The applicant seeks the removal of condition no.2 of planning permission Z/2010/0434/F, which related to 'no part of the residential development hereby permitted, shall be occupied until the social club was constructed and in operation'. This condition was attached to ensure the orderly development of the site and community benefits of the development are fully implemented. The applicant seeks to remove it as the Maple Leaf Club has been closed and no replacement occupier found.</p> <p>Members are referred to the addendum report for LA04/2019/0081/F.</p> <p>Following the publication of the first officer report, the applicant submitted a Section 76 Agreement, setting out terms to offset the loss and under provision of open space / recreation facility by offering to provide a financial contribution towards improvements to a local park. Policy OS1 allows developers to offer an alternative provision, which is as accessible to current users, at least equivalent in terms of its size, usefulness, attractiveness, safety and quality. In this case, the offer is to provide an upgrade to an existing Council owned park rather than 'new' or additional open space, however, the offer must be considered alongside the community benefits of the provision of the 12 social and affordable</p>	

apartments themselves. The developer has agreed to provide a financial contribution of over £52K to be used to enhance existing open space in the area. The combination of the associated community benefits are considered on balance to decisively outweigh the loss of the provision of the recreation club and the shortage in the amenity provision.

#### **Terms of the Section 76 Agreement**

In respect of the proposed off set, the applicant has agreed to a developer contribution through a Section 76 Agreement linked to LA04/2019/0081/F. In broad terms, monies (£52k) will be used by the Council to enhance existing open space at King George V Playing Fields, which is an 8 minute walk away from the site and serves the local community. As set out above, this in part is considered, in this case, to adequately address Policy OS1 of PPS8 to off-set the loss of existing open space.

The following works are proposed for the King George V playing fields;

#### **Improve Parkgate site boundary**

Remove exiting concrete boundary fencing/walling  
 Install new 250 x 125 x 905mm road kerb edge  
 New hedge planting along boundary to kerb edge  
 Supply & install new vehicular access barrier  
 Construct low brick piers with existing concrete crest  
 Pedestrian road crossing markings

#### **Trim Trail**

New 1.2m wide bitmac path to site boundary  
 Form new mounds with excavated material  
 Remedial landscape works/seeding

#### **Screen planting**

Screen planting to western boundary

#### **Summary**

In conclusion, the recommendation has changed for the reasons as set out in this addendum. The removal of condition no.2 of planning permission Z/2010/0434/F, will enable the granting of LA04/2019/0081/F and the developer contribution tied to that application will contribute to the delivery of the Belfast Agenda priorities - Living Here and City Development and the Local Development Plan Strategic Aims – Shaping a liveable place, a green and active place and a smart connected and resilient place.

#### **Recommendation**

Approval subject to the completion of the Section 76 Agreement and conditions under planning reference LA04/2019/0081/F.

## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 11 June 2019	
<b>Application ID:</b> LA04/2019/0082/F	
<b>Proposal:</b> Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, "No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans." The removal of the condition is necessary to allow the construction of the social/affordable housing.	<b>Location:</b> 41-43 Park Avenue, Belfast.
<b>Referral Route:</b> At the request of the Director of Planning and Building Control	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Dixon Contractors 89 Broughshane Street Ballymena	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Executive Summary:</b> The proposal is a Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F.  Condition no.2 is <b>'No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans.'</b>  <b>Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.'</b>  The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing.  This application is linked to two other current applications: <ul style="list-style-type: none"> <li>LA04/2019/0081/F for the erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed &amp; 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.</li> <li>LA04/2019/0083/F is also a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F. The condition also relates to the implementation of the social club aspect of the planning permission.</li> </ul>	

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

- Change in circumstances;
- Open space provision.

Applicant has advised that the occupier of the social club, the Maple Leaf club is no longer an entity. The applicant states they have sought an alternative occupier, however have not provided sufficient evidence that shows a new occupier has been actively sought and that all avenues have been explored.

In terms of the open space, the new social club was considered to provide an off set for the loss of an extensive area of open space and a club house that provided a substantial community benefit in accordance with policy OS 1 of Planning Policy Statement 8: Open space and recreation. This condition was necessary to allow the development of housing to be approved. The removal of condition no.2 of planning permission Z/2010/0434/F would result in the loss of the proposed social club to the wider community benefit and is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation. In addition, the loss will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided and will therefore also be contrary to Policy OS 2 of PPS8.

Recommendation:

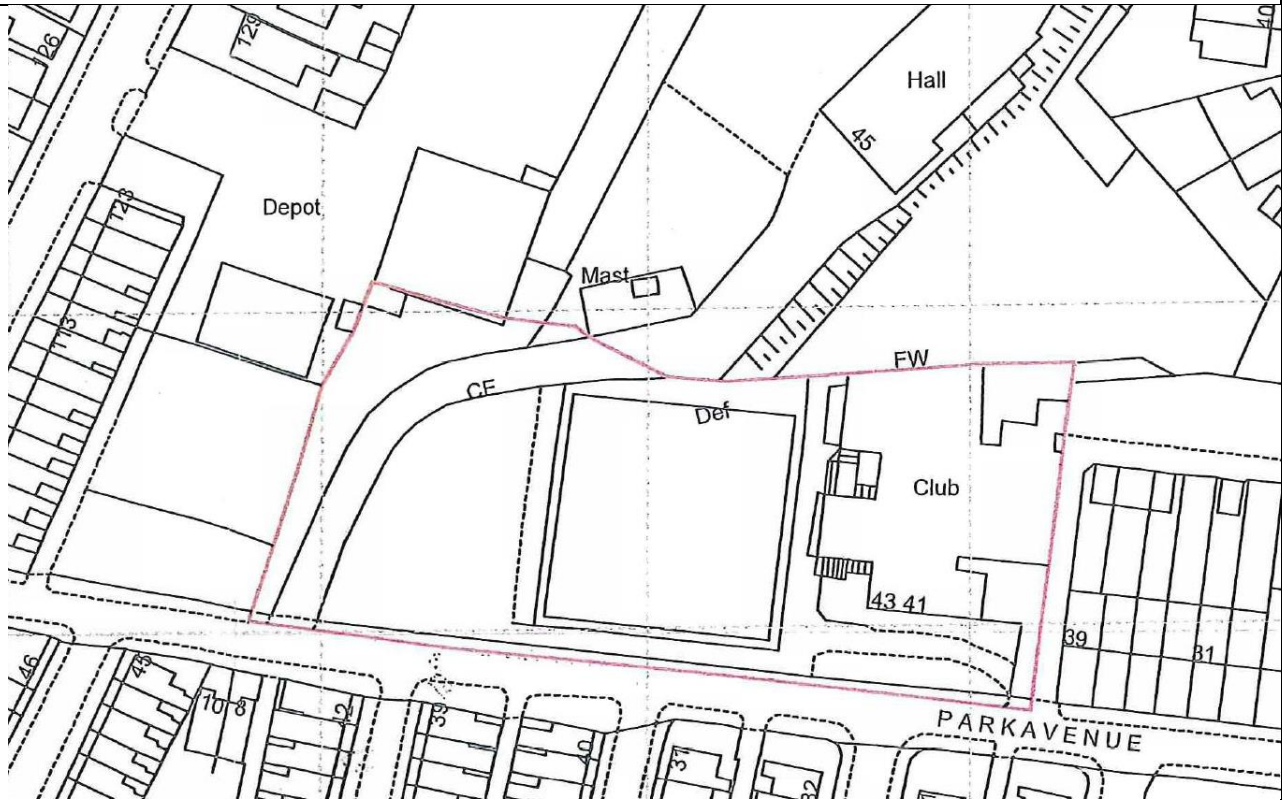
Refusal

Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
N/A	N/A	N/A

### 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

<b>1.0</b>	<b>Description of Proposal</b>
1.1	The proposal is a Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F.
1.2	<p>Condition no.2 is</p> <p><i>'No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans.'</i></p> <p><i>Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.'</i></p>
1.3	The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing as the original club no longer exists as an entity.
1.4	This application is linked to LA04/2019/0081/F for the erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
1.5	Application LA04/2019/0083/F is also a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F. The condition is as stated above.
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located at lands at the former Maple Leaf Club, 41-43 Park Avenue, Belfast. The site has been cleared and is currently under construction. Formerly on the site was a bowling green and car park and the now derelict Maple Leaf Club building. The site is accessed from Park Avenue which slopes steeply from Holywood Road to Connsbrook Avenue. The area is characterised by two storey terrace dwellings and two storey semi-detached dwellings. Adjacent to the site and accessed from Connsbrook Avenue is a fuel and oil distribution depot. The site bounded by existing mature vegetation. Seven of the previously approved dwellings (10-22 Park Avenue Heights) have been constructed and are now occupied.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>
3.1	LA04/2015/0075/F - Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 - Granted
3.2	Z/2011/0829/F - Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted
3.3	Z/2011/0827/F - Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club - Granted
3.4	Z/2010/0434/F - Mixed use development to include the relocation and replacement of the Ulster Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works - Granted

3.5	Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements - Granted
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 8: Open Space and Recreation
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	None
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	None
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
<b>9.0</b>	<b>Assessment</b>
9.1	The key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> <li>• Case of need;</li> <li>• Open space provision.</li> </ul>
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 now the statutory development plan for the area.
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	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.

9.5	<p>The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could having been through public inquiry. The site was designated as white land.</p> <p>Draft BMAP 2004 version also designated the site as white land.</p>
9.6	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.7	<b><u>Case of need</u></b>
9.8	<p>The supporting statement submitted by the applicant states that the Maple Leaf Club has been permanently closed and evidence has been provided at Annex 2 in the supporting statement. It is on this basis that the applicant seeks the removal of condition no.2 of planning permission Z/2010/0434/F, which related to 'no part of the residential development hereby permitted shall be commenced until the social club was constructed and in operation'. This condition was attached to ensure the orderly development of the site and community benefits of the development are fully implemented.</p>
9.9	<p>Paragraphs 6.15-6.18 refer to the search for an alternative operator. It is stated that a representative from Tennant's assisted the applicant in the search for a new occupier. This representative spoke with the Con Club on Newtownards Road, however members felt Park Avenue was too far away. The applicant was also approached by the Mount Masonic and following discussions withdrew their interest.</p>
9.10	<p>It is stated that the applicant has no viable option for delivering the club building and the social housing due to the 'winding up' of the Maple Leaf Club and no other club is interested in relocating and therefore the removal of the club from the proposal is required. However whilst this has been stated in the supporting statement, no evidence has been provided by the applicant to demonstrate this. There has been no marketing or tendering for an alternative occupier. Whilst it is stated that options for community benefit were discussed with local elected members no evidence of either sports or local church or worship associations have been approached and therefore, they have failed to demonstrate that all avenues to secure an occupier have been investigated.</p>
9.11	<p>The Officers report on planning permission Z/2010/0434/F stated that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area'</i>. The two conditions that attached to the permission, condition no.2 which the applicant seeks to remove and condition no.3 in relation to the allocation of the residential development for social housing were both attached and the same reason <i>'To ensure the orderly development of the site and community benefits of the development are fully implemented'</i>. Therefore it is considered that the construction of the social club was equally required to be provided to ensure the community benefits.</p>
9.12	<p><b><u>Provision of open space</u></b></p> <p>Z/2010/0434/F was originally recommended for refusal by the case officer, with one concern in respect of the private amenity provision. The case officer considered that the proposal did not provide sufficient amenity space, failing to meet the requirements as set out in Creating Places for the majority of the proposed dwellings and would be limited in usability. The Group report states that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area. The concerns about the scheme are not considered substantial enough to warrant a refusal'</i>. Indicating that the benefits equally from the social housing and the social facility were both crucial in permitting the development as a whole.</p>

9.13	The case officers report also states ' <i>On balance I accept that the existing club facility makes a contribution to the local community and is an important resource to the locality</i> '. Whilst the case officer acknowledged the proximity of similar bowling facilities in close proximity to the application site and that regardless of the physical condition, they accepted there was some gain to the amenity of the area with the redevelopment of the site and the benefits of social housing provision.
9.14	However the applicants statement of case states at paragraph 6.26 the delivery of 12 apartments in lieu of the social club yields a substantially greater benefit to the community and that as the case officer acknowledged the proximity of similar bowling facilities in close proximity to the site which were equally accessible in their view. The applicant states that the in this context, the total loss of the facility is therefore negligible to the local community and its loss therefore will have no significant detrimental impact and states this is consistent with para. 6.025, of the Strategic Planning Policy Statement for Northern Ireland (SPPS). It is considered that the loss of the social club which was the off set for the loss all quality open space is not negligible to the local community as stated. Particularly as the private amenity provision is below recommended requirements. Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away from the site. As per recent appeal decision 2018/A0070, it was considered that existing other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms.
9.15	This acknowledged the community benefit the club in itself provided and while the open space was to be lost, the offset to this was through the provision of a new social facility which would continue to provide community benefit as was provided by the existing club. Therefore it is considered that in order to comply with policy OS 1 of Planning Policy Statement 8 – Open Space and Recreation to ensure adequate alternative provision that the social facility must be implemented and form part of the overall development of the site.
9.16	It is also noted that the original development comprised of 21 dwelling units. The applicant seeks removal of condition no.2 to facilitate the construction of 12 apartments in lieu of the social facility. This would provide a total of 33no. social/ affordable housing units. However, the additional units would exceed the threshold for open space provision of 25 units as set out in policy OS 2 of Planning Policy Statement 8. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space.
9.17	As stated in the original case officers report for Z/2010/0434/F, the proposal did not provide sufficient amenity space for the majority of the proposed dwelling and would be limited in its usability. Nor is it located adjacent to existing public open space. Therefore it would be considered that it would not be an exception to Policy OS 2 and therefore it would be expected that at least 10% of the site would be for the provision of public open space. The proposal would not be able to facilitate this and the addition of 12 no. apartments was add extra pressure to the demand for amenity space in the whole development. Application LA04/2019/0081/F proposes the provision of a pocket park between the proposed apartments and Park Avenue providing an area of 0.045ha with landscaping and play equipment with access from Park Avenue so other residents can benefit. However this provision is deemed to be insufficient to warrant the removal of condition no.2 of planning permission Z/2010/0434/F.
9.18	On balance with the provision of private amenity for the approved dwellings being below the requirements as per Creating Places, it is considered that the social facility is essential to address the loss of the open space and the club facility, particularly as private amenity space is insufficient to meet requirements. The proposal to not provide the social facility is

9.19	<p>considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open Space and Recreation.</p> <p><b><u>Recommendation</u></b></p> <p>The proposal is considerable to be unacceptable and refusal is recommended as the applicant has failed to provide evidence demonstrating that an alternative occupier for the social facility have been exhausted.</p>
9.20	<p>Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.</p>
<b>10.0</b>	<b>Summary of Recommendation:</b> Refusal
<b>11.0</b>	<p><b>Refusal Reasons</b></p> <p>The proposal is contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation as the removal of the condition will result in the loss of open space and will fail to provide a social recreation facility which will be detrimental to the amenity of the local area for both existing and prospective residents.</p> <p>The proposal is contrary to Policy QD1 of PPS7 Quality Residential Environments and Policy OS 2 of PPS 8 of Planning Policy Statement 8: Open space and recreation in that the removal of the condition will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided.</p>
<p><b>Notification to Department (if relevant)</b></p> <p>N/A</p>	
<p><b>Representations from Elected members:</b></p> <p>Cllr Newton</p>	

ANNEX	
<b>Date Valid</b>	8th January 2019
<b>Date First Advertised</b>	25th January 2019
<b>Date Last Advertised</b>	25th January 2019
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 10 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 12 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 125 Connsbrook Avenue,Belfast,Down,BT4 1JX The Owner/Occupier, 14 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 16 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 18 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 20 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 22 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 31 Sefton Park,Belfast,Down,BT4 1PN The Owner/Occupier, 31 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 32 Sefton Park,Belfast,Down,BT4 1PN The Owner/Occupier, 36 Sefton Drive,Belfast,Down,BT4 1PL The Owner/Occupier, 39 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 39 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 40 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 42 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 45 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 8 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 	

Apartment 1 47 Park Avenue BELFAST  
 The Owner/Occupier,  
 Apartment 10,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 11,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 12,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 1247 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 13,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 14,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 15,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 2,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 3,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 4,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 5,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 6,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 7,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 8,47 Park Avenue,BELFAST,BT4 1PU  
 The Owner/Occupier,  
 Apartment 9,47 Park Avenue,BELFAST,BT4 1PU

<b>Date of Last Neighbour Notification</b>	12th February 2019 Additional Neighbours consulted 24 <sup>th</sup> May 2019 due to new dwellings now being occupied.
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<b>Date of EIA Determination</b>	N/A
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<b>ES Requested</b>	No
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<b>Drawing Numbers and Title</b>
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Drawing No. 01 Type: Site Location Map
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<b>Development Management Report</b> <b>Addendum Report</b>	
<b>Application ID:</b> LA04/2019/0083/F	<b>Date of Committee:</b> 15 March 2022
<b>Proposal:</b> Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> Previously considered by the Planning Committee in December 2019	
<b>Recommendation:</b>	Approval subject to S76 planning agreement
	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Addendum Report:</b>  <u>Background</u>  This application, along with associated applications LA04/2019/0081/F and LA04/2019/0082/F, were considered by the Planning Committee in December 2019. The Committee resolved to approve all three applications subject to conditions and a Section 76 planning agreement. The planning agreement was intended to secure the following: <ul style="list-style-type: none"> <li>• a developer contribution of £52k for enhancement works at the King George V playing fields</li> <li>• securing the 12 apartments as affordable housing</li> <li>• ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments</li> </ul> The Planning Committee should consider this Addendum Report 2 in conjunction with the original Development Management Officer Report of June 2019 and Addendum Report 1 of December 2019, both appended to this report.  Since the applications were approved by the Planning Committee, both the Planning Service and Legal Services have been making significant efforts to finalise the planning agreement. However, it has not been possible to progress the planning agreement with the applicant. Firstly, it was disputed that the 12 apartments should be delivered as affordable housing despite it being central to the consideration of the planning balance and justification for the grant of planning permission, the proposal being contrary to Policy OS 1 of PPS 8 through the loss of Open Space. Secondly, and more recently, by failure to commit to the delivery of the pocket park, which is essential recreation space to off-set the lack of amenity space within the proposed development as well as to help	

compensate for the loss and limited provision of Open Space overall. Officers consider the terms of the planning agreement originally agreed by the Committee to be wholly reasonable. The three applications (LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F) are linked as explained in the previous reports, attached. Officers advise that the three applications cannot be separated out from the agreement as they are intrinsically connected.

#### Recap of the planning history

In June 2011, planning permission was granted on the site and adjacent land to the east where the Maple Leaf Club was originally located for mixed use development comprising 21 dwellings and replacement social club (Z/2010/0434/F). The social club is to be located on the current application site where 12 apartments are now proposed with the 21 dwellings to the east. The original planning permission included conditions requiring the provision of social housing and build out of the replacement social club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

In 2019, the applicant applied for planning permission for 12 apartments on the land where the replacement social club was to be built (LA04/2019/0081/F). Two associated applications were submitted at the same time seeking removal of the conditions requiring the construction of the replacement social club attached to planning permissions Z/2010/0434/F and LA04/2015/0075/F (LA04/2019/0082/F and LA04/2019/0083/F respectively).

All three applications were approved by the Planning Committee in December 2019 subject to conditions and completion of a Section 76 planning agreement as explained above.

In terms of the original planning permission for the erection of 21 dwellings and replacement social club on the application site and adjacent land (Z/2010/0434/F) and subsequent modifications (planning permissions Z/2011/0827/F, Z/2011/0829/F and LA04/2015/0075), these are considered to have commenced by virtue of the formation of the access and road. Therefore, the applicant has a fall-back position, albeit the housing development cannot be occupied without the delivery of the community building as previously granted. The granting of the variation of condition applications (LA04/2019/0082/F and LA04/2019/0083/F) would permit the housing development to proceed and being occupied **without** the replacement club having to be delivered.

#### New application for 21 dwellings on land to the east

A further, more recent application for 21 dwellings on the adjacent land has been submitted by the landowner and Housing Association (LA04/2020/2325/F). That application is being considered by the Planning Committee at this same meeting due to the linked nature of the applications. That application is also for affordable housing and is being brought forward by a Housing Association with funding support from NIHE. NIHE has advised that in order to secure the funding from this year's housing programme, planning permission will need to be granted by 31 March 2022 although it might still be possible to progress the scheme with a resolution from the Council to grant permission.

The Committee will note from the case officer report to application LA04/2020/2325/F that the recommendation to approve the 21 dwellings is reliant on applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F being progressed to approval as it is reliant on the pocket park being granted planning permission – this would serve not only the proposed 12 apartments but also the proposed 21 dwellings (as well as other surrounding housing).

### Assessment

As set out in the previous reports, the proposed development of the site for 12 apartments would result in the loss of Open Space. Moreover, it would no longer be possible to bring forward the new social club to replace the original Maple Leaf Club, which was otherwise critical to the off-set of loss of Open Space from the wider site resulting from development of the 21 dwellings.

The Planning Committee accepted that in the planning balance, the loss of the original off-set (i.e. the dropping of the replacement social club) was justified providing that the following is achieved:

- a developer contribution of £52k for enhancement works at the King George V playing fields
- securing the 12 apartments as affordable housing
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided as part of the development of the 12 apartments

These obligations were to be secured by a Section 76 planning agreement, which the applicant has not signed. Officers provide an update on each of the above obligations as follows.

**Developer Contribution of £52k for off-site Open Space** – officers advise that the value of the Contribution should be subject to an inflationary uplift due to the passage of time since the Committee's original decision to grant planning permission in December 2019. In effect, the £52k Developer Contribution has devalued over time.

**Provision of affordable housing** – at the time of the Planning Committee's original decision in December 2019, NIHE had confirmed that there was a housing need and that they were supportive scheme coming forward as social housing. However, in a recent meeting with officers, NIHE confirmed that they cannot currently support the 12 apartments as social housing. This is because of the change in circumstances since December 2019 including the bringing forward of other affordable housing schemes in the area such as the redevelopment of the Park Avenue Hotel site for an affordable housing led housing scheme (LA04/2021/0493/F) and NIHE's commitment to delivery of the 21 dwellings on the adjacent site (LA04/2020/2325/F). It is understood that it is concerned about over saturation. However, NIHE verbally advised that it is very likely that the proposed 12 apartments on the application site would be supported within the 5 year live span of the planning permission if granted. It is therefore considered that the Committee can still proceed to secure the 12 apartments as affordable housing through the Section 76 planning agreement.

**Delivery and ongoing maintenance of the pocket park** – as set out in the previous reports, this is essential to off-set the substandard level of amenity within the proposed 12 apartments as well as to help off-set the loss of open space and lack of open space within the wider development. Officers advise that it remains essential for the pocket park to be delivered and maintained. The Committee will note that officers are advising that the pocket park is delivered prior to occupation of the 21 dwellings on the adjacent site as part of the recommendation for application LA04/2020/2325/F. Therefore, if planning permission is not granted for the 12 apartments and pocket park under application LA04/2019/0081/F, it will not be possible to secure the Section 76 planning agreement proposed by officers for application LA04/2020/2325/F.

### Recommendation

It is recommended that planning permission is granted with conditions and subject to a Section 76 planning agreement which secures the following:

- a developer contribution of £52k for enhancement works at the King George V playing fields – the value of the contribution to be subject to an inflationary uplift for the period from December 2019 to when the planning agreement is signed;
- Securing the 12 apartments as affordable housing in perpetuity; and
- ensuring the delivery and ongoing maintenance of the proposed pocket park to be provided prior to occupation of any of the approved 12 apartments.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the planning agreement.

If the Section 76 planning agreement is not signed and completed within 3 months, the application shall be reported back to the Planning Committee.

## Development Management Report

### Addendum Report

<b>Application ID:</b> LA04/2019/0083/F	<b>Date of Committee:</b> 10 <sup>th</sup> December 2019
<b>Proposal:</b> Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing.	<b>Location:</b> Lands at former Maple Leaf Club 41-43 Park Avenue Belfast.
<b>Referral Route:</b> At the request of the Director of Planning and Building Control	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Dixon Contractors 89 Broughshane Street Ballymena	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL

#### Addendum Report:

This application was previously scheduled for Planning Committee on the 11<sup>th</sup> June 2019 with a recommendation for refusal (See report at Annex 1), however was not presented as a Section 76 was submitted to mitigate against the proposed loss of open space. The application was withdrawn from committee to enable the consideration and discussion around the proposed Section 76 Agreement.

Members should read this Addendum Report in conjunction with the original Development Management Officer Report of 11<sup>th</sup> June 2019, attached below.

The applicant seeks the removal of condition no.2 of planning permission LA04/2015/0075/F, which related to 'no part of the residential development hereby permitted, shall be occupied until the social club was constructed and in operation'. This condition was attached to ensure the orderly development of the site and community benefits of the development are fully implemented. The applicant seeks to remove it as the Maple Leaf Club has been closed and no replacement occupier found.

Members are referred to the addendum report for LA04/2019/0081/F.

Following the publication of the first officer report, the applicant submitted a Section 76 Agreement, setting out terms to offset the loss and under provision of open space / recreation facility by offering to provide a financial contribution towards improvements to a local park. Policy OS1 allows developers to offer an alternative provision, which is as accessible to current users, at least equivalent in terms of its size, usefulness, attractiveness, safety and quality. In this case, the offer is to provide an upgrade to an existing Council owned park rather than 'new' or additional open space, however, the offer must be considered alongside the community benefits of the provision of the 12 social and affordable apartments themselves. The developer has agreed to provide a financial contribution of over £52K to be used to enhance existing open space in the area. The combination of the associated community

benefits are considered on balance to decisively outweigh the loss of the provision of the recreation club and the shortage in the amenity provision.

### **Terms of the Section 76 Agreement**

In respect of the proposed off set, the applicant has agreed to a developer contribution through a Section 76 Agreement linked to LA04/2019/0081/F. In broad terms, monies (£52k) will be used by the Council to enhance existing open space at King George V Playing Fields, which is an 8 minute walk away from the site and serves the local community. As set out above, this in part is considered, in this case, to adequately address Policy OS1 of PPS8 to off-set the loss of existing open space.

The following works are proposed for the King George V playing fields;

#### **Improve Parkgate site boundary**

Remove exiting concrete boundary fencing/walling  
 Install new 250 x 125 x 905mm road kerb edge  
 New hedge planting along boundary to kerb edge  
 Supply & install new vehicular access barrier  
 Construct low brick piers with existing concrete crest  
 Pedestrian road crossing markings

#### **Trim Trail**

New 1.2m wide bitmac path to site boundary  
 Form new mounds with excavated material  
 Remedial landscape works/seeding

#### **Screen planting**

Screen planting to western boundary

### **Summary**

In conclusion, the recommendation has changed for the reasons as set out in this addendum. The removal of condition no.2 of planning permission LA04/2015/0075/F, will enable the granting of LA04/2019/0081/F and the developer contribution tied to that application will contribute to the delivery of the Belfast Agenda priorities - Living Here and City Development and the Local Development Plan Strategic Aims – Shaping a liveable place, a green and active place and a smart connected and resilient place.

### **Recommendation**

Approval subject to the completion of the Section 76 Agreement and conditions under planning reference LA04/2019/0081/F.

## ANNEX 1

### Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 11 June 2019	
<b>Application ID:</b> LA04/2019/0083/F	
<b>Proposal:</b> Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows "No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015". The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing.	<b>Location:</b> 41-43 Park Avenue Belfast.
<b>Referral Route:</b> At the request of the Director of Planning and Building Control	
<b>Recommendation:</b>	Refusal
<b>Applicant Name and Address:</b> Dixon Contractors 89 Broughshane Street Ballymena	<b>Agent Name and Address:</b> TSA Planning 20 May Street Belfast BT1 4NL
<b>Executive Summary:</b>  The proposal is a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F.  Condition no.2 is <b>No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20 August 2015, drawing 07B date stamped 03 February 2016 and drawing 08 date stamped 01 April 2015.</b>  <b>Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.</b>  The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing.  The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing.	

This application is linked to two other current applications:

- LA04/2019/0081/F for the erection of 12No. Apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
- LA04/2019/0083/F is also a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F. The condition also relates to the implementation of the social club aspect of the planning permission.

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

- Case of need;
- Open space provision.

Applicant has advised that the occupier of the social club, the Maple Leaf club is no longer an entity. The applicant states they have sought an alternative occupier, however have not provided sufficient evidence that shows a new occupier has been actively sought and that all avenues have been explored.

In terms of the open space, the new social club was considered to provide an off set for the loss of an extensive area of open space and a club house that provided a substantial community benefit in accordance with policy OS 1 of Planning Policy Statement 8: Open space and recreation. This condition was necessary to allow the development of housing to be approved. The removal of condition no.2 of planning permission LA04/2015/0075/F would result in the loss of the proposed social club to the wider community benefit and is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation. In addition, the loss will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided and will therefore also be contrary to Policy OS 2 of PPS8.

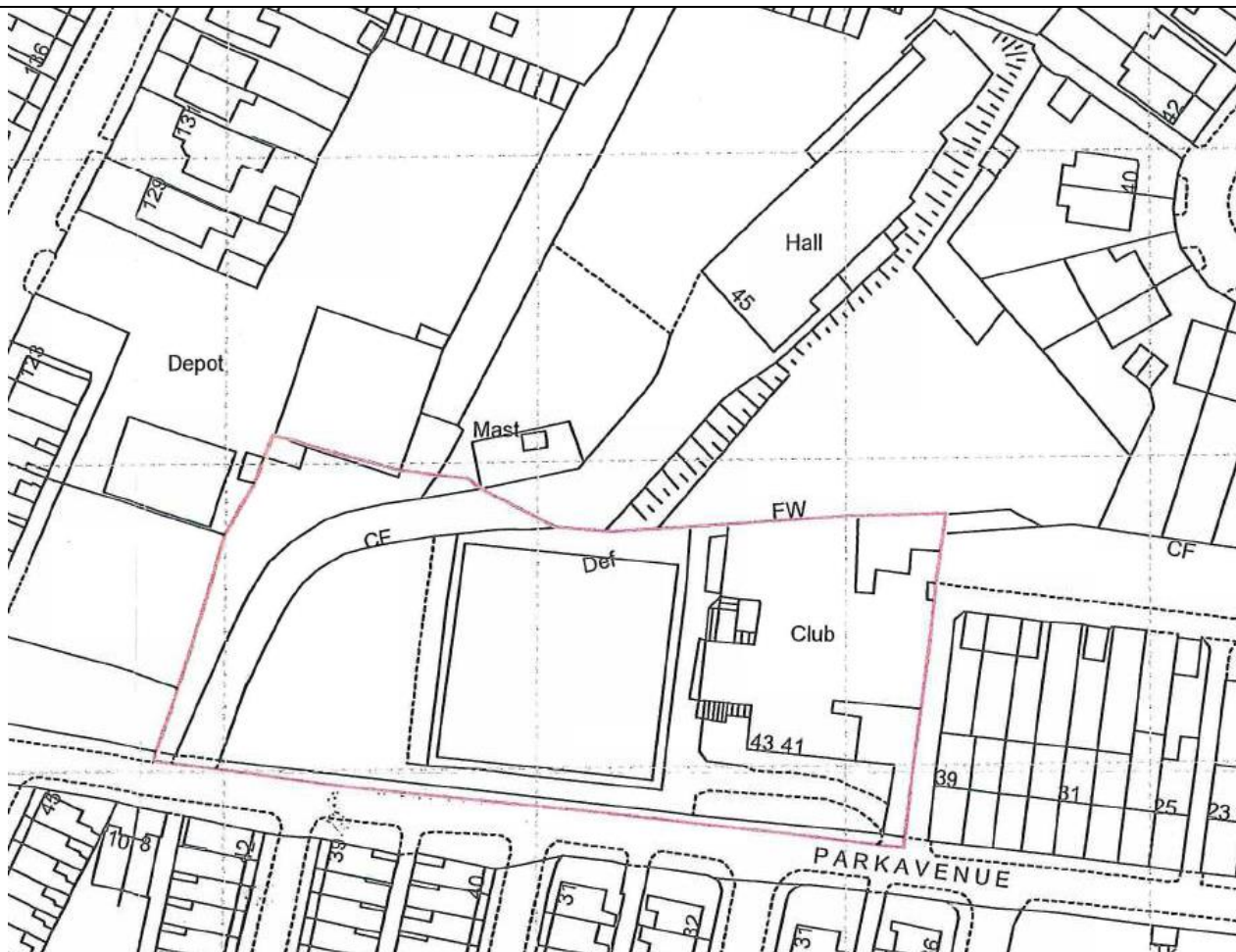
#### Recommendation:

Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.



## Case Officer Report

### Site Location Plan



### Consultations:

Consultation Type	Consultee	Response
N/A	N/A	N/A

### 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	
<b>1.0</b>	<b>Description of Proposed Development</b>
1.1	The proposal is a Section 54 application to remove condition no.2 of planning permission LA04/2015/0075/F.
1.2	<p>Condition no.2 is</p> <p><i>No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20 August 2015, drawing 07B date stamped 03 February 2016 and drawing 08 date stamped 01 April 2015.</i></p> <p><i>Reason: To ensure the orderly development of the site and community benefits of the development are fully implemented.</i></p>
1.3	The applicant states that the removal of the condition is necessary to allow the construction of the social/affordable housing.
1.4	This application is linked to LA04/2019/0081/F for the erection of 12No. apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works.
1.5	Application LA04/2019/0082/F is also a Section 54 application to remove condition no.2 of planning permission Z/2010/0434/F. The condition also relates to the implementation of the social club aspect of the planning permission.
<b>2.0</b>	<b>Description of Site</b>
2.1	The site is located at lands at the former Maple Leaf Club, 41-43 Park Avenue, Belfast. The site has been cleared and is currently under construction. Formerly on the site was a bowling green and car park and the now derelict Maple Leaf Club building. The site is accessed from Park Avenue which slopes steeply from Holywood Road to Connsbrook Avenue. The area is characterised by two storey terrace dwellings and two storey semi-detached dwellings. Adjacent to the site and accessed from Connsbrook Avenue is a fuel and oil distribution depot. The site bounded by existing mature vegetation. Seven of the previously approved dwellings (10-22 Park Avenue Heights) have been constructed and are now occupied.
Planning Assessment of Policy and other Material Considerations	
<b>3.0</b>	<b>Site History</b>
3.1	LA04/2015/0075/F - Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 - Granted
3.2	Z/2011/0829/F - Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted
3.3	Z/2011/0827/F - Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club - Granted

3.4	Z/2010/0434/F - Mixed use development to include the relocation and replacement of the Ulster Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works - Granted
3.5	Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements - Granted
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015
4.3	Draft Belfast Metropolitan Area Plan 2004
4.4	4.4.1 Strategic Planning Policy Statement for Northern Ireland (SPPS) 4.4.2 Planning Policy Statement 8: Open Space and Recreation
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	None
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	None
<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press. No representations have been received.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
8.2	Draft Belfast Metropolitan Area Plan (BMAP) 2015 plan the site is designated as white land.
8.3	Draft Belfast Metropolitan Area Plan (BMAP) 2004 plan the site is designated as white land.
<b>9.0</b>	<b>Assessment</b>
9.1	The key issues in the assessment of the proposed development include; <ul style="list-style-type: none"> <li>• Case of need;</li> <li>• Open space provision.</li> </ul>
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 now the statutory development plan for the area.
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	As the decision to adopt BMAP has been quashed in its entirety, it is as though the draft BMAP has never been adopted, however, the version of draft BMAP which was purported to be adopted remains a material consideration.
9.5	The site is located within the settlement development limit for Belfast. However given that the Belfast Metropolitan Area Plan 2015 version was adopted and subsequently quashed weight is afforded to it as it had reached the most advanced stage a draft plan could have been through public inquiry. The site was designated as white land.
9.6	Draft BMAP 2004 version also designated the site as white land.
9.7	The adopted Belfast Urban Area Plan 2001 designates the site as white land.
9.8	<p><b><u>Case of need</u></b></p> <p>The supporting statement submitted by the applicant states that the Maple Leaf Club has been permanently closed and evidence has been provided at Annex 2 in the supporting statement. It is on this basis that the applicant seeks the removal of condition no.2 of planning permission LA04/2015/0075/F, which related to no part of the residential development hereby permitted shall be occupied until the social club was constructed and in operation. This condition was attached to ensure the orderly development of the site and community benefits of the development are fully implemented.</p>
9.9	Paragraphs 6.15-6.18 refer to the search for an alternative operator. It is stated that a representative from Tennant's assisted the applicant in the search for a new occupier. This representative spoke with the Con Club on Newtownards Road, however members felt Park Avenue was too far away. The applicant was also approached by the Mount Masonic and following discussions withdrew their interest.
9.10	It is stated that the applicant has no viable option for delivering the club building and the social housing due to the winding up of the Maple Leaf Club and no club interested in relocating and therefore the removal of the club from the proposal is required. However whilst this has been stated in the supporting statement, no evidence has been provided by the applicant to demonstrate and marketing or tendering for an alternative occupier and therefore have failed to demonstrate that all avenues to secure an occupier have been investigated.
9.11	The Officers report of the original planning permission Z/2010/0434/F, stated that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area'</i> . The two conditions that attached to the permission, condition no.2 which the applicant seeks to remove and condition no.3 in relation to the allocation of the residential development for social housing were both attached and the same reason <i>'To ensure the orderly development of the site and community benefits of the development are fully implemented'</i> . Therefore it is considered that the construction of the social club was equally required to be provided to ensure the community benefits.
9.12	Application Z/2011/0829/F, was an Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club.
9.13	Planning permission LA04/2015/0075/F was a modification to the original planning permission Z/2010/0434/F. This included the reduction in the size of the social club to be constructed. Whilst this was a reduction and was considered to be of a scale more in keeping with the established residential area, the community benefit to be gained remained an integral part of the proposal and was appropriately conditioned to reflect this. The condition in relation to the provision of the social club was attached to the permission and was worded that the residential dwellings would not be occupied. The same reason as per planning permission

	Z/2010/0434/F for the condition was given to ensure the orderly development of the site and to ensure the community benefits of the development are fully implemented.
9.14	<p><b><u>Provision of open space</u></b></p> <p>Z/2010/0434/F was originally recommended for refusal by the case officer, with one concern in regards to the private amenity provision. The case officer considered that the proposal did not provide sufficient amenity space, failing to meet the requirements as set out in Creating Places for the majority of the proposed dwellings and would be limited in usability. The Group report states that <i>'the main benefits are the provision of much needed social housing and provision of a new social facility to serve the local area. The concerns about the scheme are not considered substantial enough to warrant a refusal'</i>. Indicating that the benefits from the social housing and the social facility the proposal where both crucial in the permitting of the overall development as a whole.</p>
9.15	The case officers report also states <i>'On balance I accept that the existing club facility makes a contribution to the local community and is an importance resource to the locality'</i> . Whilst the case officer acknowledged the proximity of similar bowling facilities in close proximity to the application site and that regardless of the physical condition, they accepted there was some gain to the amenity of the area with the redevelopment of the site and the benefits of social housing provision.
9.16	Planning permission LA04/2015/0075/F was for a change of house type at plots 14 to 21 and included the reduction in the proposed replacement social club. Whilst the social club was to be reduced it still provided the off set for the loss of open space in line with policy OS 1 of Planning Policy Statement 8: Outdoor space and recreation.
9.17	However the applicants statement of case states at paragraph 6.26 the delivery of 12 apartments in lieu of the social club yields a substantially greater benefit to the community and that as the case officer acknowledged the proximity of similar bowling facilities in close proximity to the site which were equally accessible in their view. The applicant states that the in this context, the total loss of the facility is therefore negligible to the local community and its loss therefore will have no significant detrimental impact and states this is consistent with para. 6.025, of the Strategic Planning Policy Statement for Northern Ireland (SPPS). It is considered that the loss of the social club which was the off set for the loss all quality open space is not negligible to the local community as stated. Particularly as the private amenity provision is below recommended requirements. Whilst the applicant refers to other facilities in the locality including Victoria Park, this is 0.7mile away from the site. As per recent appeal decision 2018/A0070, it was considered that existing other public spaces were not an acceptable substitute for the deficit of communal space in quantitative and qualitative terms.
9.18	This acknowledged the community benefit the club it's self-provided and while the open space was to be lost, the offset to this was through the provision of a new social facility, albeit reduced but would continue to provide community benefit as was provided by the existing club. Therefore it is considered that in order to comply with policy OS 1 of Planning Policy Statement 8 – Open Space and Recreation to ensure adequate alternative provision that the social facility must be implemented and form part of the overall development of the site.
9.19	It is also noted that the original development comprised of 21 dwelling units. The applicant seeks removal of condition no.2 to facilitate the construction of 12 apartments in lieu of the social facility. This would provide a total of 33no. social/ affordable housing units. However, the additional units would exceed the threshold of 25 units as set out in policy OS 2 of Planning Policy Statement 8. Policy OS 2 states that an exception to this will only be permitted in the case of apartment developments or specialised housing where a reasonable level of private communal open space is being provided or where it will make use of adjoining public open space.

9.20	As stated in the original case officers report for Z/2010/0434/F, the proposal did not provide sufficient amenity space for the majority of the proposed dwelling and would be limited in its usability. Nor is it located adjacent to existing public open space. Therefore it would be considered that it would not be an exception to Policy OS 2 and therefore it would be expected that at least 10% of the site would be for the provision of public open space. The proposal would not be able to facilitate this and the addition of 12 no. apartments was add extra pressure to the demand for amenity space in the whole development. Application LA04/2019/0081/F proposes the provision of a pocket park between the proposed apartments and Park Avenue providing an area of 0.045ha with landscaping and play equipment with access from Park Avenue so other residents can benefit. However this provision is deemed to be insufficient to warrant the removal of condition no.2 of planning permission Z/2010/0434/F.
9.21	On balance with the provision of private amenity for the approved dwellings being below the requirements as per Creating Places, it is considered that the social facility is essential to address the loss of the open space and the club facility, particularly as private amenity space is insufficient to meet requirements. The proposal to not provide the social facility is considered to be contrary to policy OS 1 of Planning Policy Statement 8: Open Space and Recreation.
9.22	<b><u>Recommendation</u></b> The proposal is considerable to be unacceptable and refusal is recommended as the applicant has failed to provide evidence demonstrating that an alternative occupier for the social facility have been exhausted.
9.23	Having regard to the policy context and other material considerations above, the proposal is considered unacceptable and refusal of planning permission is recommended and delegated authority is sought for the final wording of refusal reasons from the Director of Planning and Building Control.
<b>10.0</b>	<b>Summary of Recommendation:</b> Refusal
<b>11.0</b>	<b>Refusal Reasons</b>  The proposal is contrary to policy OS 1 of Planning Policy Statement 8: Open space and recreation as the removal of the condition will result in the loss of open space and will fail to provide a social recreation facility which will be detrimental to the amenity of the local area for both existing and prospective residents.  The proposal is contrary to Policy QD1 of PPS7 Quality Residential Environments and Policy OS 2 of PPS 8 of Planning Policy Statement 8: Open space and recreation in that the removal of the condition will impact the amenity for those prospective new residents of the approved housing as there will be insufficient amenity space provided.
<b>Notification to Department (if relevant)</b>  N/A	
<b>Representations from Elected members:</b>  Cllr Newton	

ANNEX	
<b>Date Valid</b>	8th January 2019
<b>Date First Advertised</b>	25th January 2019
<b>Date Last Advertised</b>	25th January 2019
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 10 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 10 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 12 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 125 Connsbrook Avenue,Belfast,Down,BT4 1JX The Owner/Occupier, 14 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 16 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 18 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 20 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 22 Park Avenue Heights, Belfast, BT4 The Owner/Occupier, 31 Sefton Park,Belfast,Down,BT4 1PN The Owner/Occupier, 31 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 32 Sefton Park,Belfast,Down,BT4 1PN The Owner/Occupier, 36 Sefton Drive,Belfast,Down,BT4 1PL The Owner/Occupier, 39 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 39 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 40 Shaw Street,Belfast,Down,BT4 1PT The Owner/Occupier, 42 Colvil Street,Belfast,Down,BT4 1PS The Owner/Occupier, 45 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier, 8 Park Avenue,Belfast,Down,BT4 1PU The Owner/Occupier,	

Apartment 1 47 Park Avenue BELFAST The Owner/Occupier, Apartment 10,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 11,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 12,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 13,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 14,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 15,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 2,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 3,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 4,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 5,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 6,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 7,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 8,47 Park Avenue,BELFAST,BT4 1PU The Owner/Occupier, Apartment 9,47 Park Avenue,BELFAST,BT4 1PU	
<b>Date of Last Neighbour Notification</b>	12th February 2019 Additional neighbours notified 24 <sup>th</sup> May 2019 due dwellings now being occupied.
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Map	



## Committee Application

Development Management Report	
<b>Application ID:</b> LA04/2020/2325/F	<b>Date of Committee:</b> 15 March 2022
<b>Proposal:</b> Proposed erection 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4no. semi-detached), car parking, landscaping and all associated site and access works (Amended drawings, additional information)	<b>Location:</b> Lands at Former Maple Leaf Club, 41-43 Park Avenue, Belfast
<b>Referral Route:</b> Proposal would secure a Financial Developer Contribution exceeding £30,000. Application also in association with applications LA04/2019/0081/F, LA04/2019/0082/F and LA04/2019/0083/F, previously considered by the Planning Committee and on the same agenda.	
<b>Recommendation:</b> Approval subject to conditions and Section 76 planning agreement	
<b>Applicant Name and Address:</b> Choice Housing Association & Latner 10 Developments, Unit 983 Moat House, 54 Bloomfield Avenue, Belfast	<b>Agent Name and Address:</b> TSA Planning, 20 May Street, Belfast, BT1 4NL
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for the erection of 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4 no. semi-detached), car parking, landscaping and all associated site and access works.</p> <p>The key issues to consider are:</p> <ul style="list-style-type: none"> <li>• Principle of development</li> <li>• Loss of open space</li> <li>• Provision of public and private amenity space</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on residential amenity</li> <li>• Impact on existing trees / proposed landscaping</li> <li>• Access and parking</li> <li>• Drainage and flood risk</li> <li>• Waste-water infrastructure</li> </ul> <p>The site is un-zoned 'whiteland' within the BUAP 2001 and draft BMAP 2015.</p> <p>The proposed development would result in the loss of open space (including the bowling green previously located on the site) protected by Policy OS1 of PPS 8.</p> <p>By way of background, planning application Z/2010/0434/F was granted planning permission in June 2011 on essentially the same site, but also including land to the west, for a mixed use development including replacement of the original Maple Leaf club and 21 dwellings. That planning permission included conditions requiring the provision of social housing and build out of the replacement social</p>	

club, required to offset the loss of open space. These conditions were subsequently varied under applications Z/2011/0827/F and Z/2011/0829/F.

Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple Leaf Club has been erected in accordance with the new approved plans. Condition 3 requires the development to be delivered as social / affordable housing. It appears the main site access and part of the access road between Blocks A and C have been constructed and this serves the development of 13 houses to the north of the site (LA04/2015/0052/F). Therefore, it is considered that the development has commenced and represents a fall-back for the developer, albeit it would require the construction of the replacement social club.

The current application for 21 dwellings (social / affordable) is a standalone application for residential development, i.e. the developer does not wish to construct the social club as previously approved.

The Planning Committee has previously resolved to approve application LA04/2019/0081/F for 12 apartments (social/affordable housing) on the part of the site previously approved for the replacement social club. It also approved associated applications LA04/2019/0082/F and LA04/2019/0083/F to vary the previous permissions for 21 dwellings and replacement Maple Leaf Club in order to relax the requirement to construct and operate the new social club.

Policy OS2 requires public open space to be provided as an integral part of new housing schemes of 25 units or more and states that at least 10% of the total site area should be open space in normal circumstances. Whilst the proposal is for 21 dwellings – being less than the 25 unit threshold – it is being brought forward in combination with the development of the immediately surrounding lands of 13 units built to the north and the proposed 12 apartments to the west (i.e. 46 units in total). The proposal includes some minor areas of maintained open space, however, these areas do not amount to 10% and offer limited amenity value. The proposal is therefore contrary to Policy OS 2 of PPS 8.

Policy OS1 of PPS 8 states that development resulting in the loss of existing open space will not be permitted, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. It is considered that the provision of affordable housing does not by itself outweigh the loss of the open space in this instance.

In resolving to grant planning permission for the 12 apartments to the west (LA04/2019/0081/F), the Planning Committee took the view that the relaxation of the requirement to provide a new club to replace the Maple Leaf Club and off-set the loss of open space from the site would be justified provided that 1) the 12 apartments were delivered as affordable housing; 2) a Financial Developer Contribution of £52k is paid to improve off-site open space facilities, and 3) that the proposed pocket park in front of the apartments is delivered to provide valuable open space to serve not only the proposed 12 apartments but also the surrounding houses including the extant permissions for 21 dwellings on the application site.

Therefore, consistent with the Committee's previous decisions in December 2019 in respect of the 12 apartments on the adjacent site, it is also necessary that the pocket park is delivered as part of the scheme for 21 dwellings. Otherwise, it would have insufficient open space and there would be insufficient off-set for the loss of the original open space on the site. Moreover, the £52k should also be secured as part of any permission for the 21 dwellings. This amount was agreed by the Planning Committee in December 2019 but should be increased to allow for inflation. An obligation should also secure temporary treatment of the site if the construction of the 12 apartments are delayed or not built. Subject to these obligations to be secured by means of a Section 76 planning agreement, the proposal is considered acceptable having regard to Policies OS 1 and OS 2 of PPS 8.

On balance, it is considered the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and landscaped and hard surfaced areas. Furthermore, whilst there are concerns regarding the design of the proposed development, given the extant approval on the site and the similar design, it is considered acceptable.

Minor concerns regarding overlooking between Blocks C and D have been raised, however, given the extant approval on the site and the similar layout, it is considered acceptable. There are no concerns regarding natural light, outlook or shadow.

BCC Environmental Health Service has raised concerns regarding the level of noise within the external amenity areas of the 4 semi-detached dwellings. However, they conclude that if the development is desirable and given its urban location, it should not be prohibited on the basis of high external noise levels in some garden areas. Consequently, they have not offered any objections to the proposal.

Each dwelling enjoys access to private amenity space, ranging from 33 sq m to 100 sq m, with the average provision approx. 50 sq m. There are slight concerns regarding the amenity space provision of some proposed dwellings. However, given there is an extant approval on the site for a similar layout, the arrangement is considered acceptable.

The proposed development is accessed via Park Avenue. No in-curtilage parking is proposed, however, communal car parking space are proposed within the development. DFI Roads have provided comments on the proposal and offered no objection, subject to conditions.

The proposal involves the removal of trees along the Park Avenue boundary, however, a tree survey has been submitted and the Council's Tree Officer has no objection. Furthermore, additional compensatory planting has been proposed which helps to soften the proposal and assist its integration.

## **Recommendation**

Having regard to the development plan and the other material planning considerations, including planning history of the site and adjacent land, it is considered that, on balance, the proposed development is acceptable. It is therefore recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement to secure the following:

- provision of the 21 units as affordable housing (social / intermediate housing)
- delivery of the pocket park proposed under LA04/2019/0081/F prior to occupation of any of the 21 dwellings
- temporary treatment of the site for 12 apartments if these are delayed or not built out
- securing of the £52k with inflationary uplift since December 2019 (if this already been paid in relation to applications LA04/2019/0081, LA04/2019/0082 or LA04/2019/0083 then it will not have to be paid twice).

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement.

## Characteristics of the Site and Area

### 1.0 Description of Proposed Development

- 1.1 The application seeks full planning permission for the erection of 21 no. dwellings (social/affordable housing units comprising 17 no. townhouses and 4 no. semi-detached), car parking, landscaping and all associated site and access works.
- 1.2 It follows previous planning permissions being granted on the site and adjacent land for 21 dwellings including the erection of a new club to replace the original Maple Leaf Club, which has since been demolished.



<b>2.0</b>	<b>Description of Site</b>
2.1	The application site is located to the north side of Park Avenue on lands at the former Maple Leaf social club. The site has been cleared and is currently secured from public access. Previously, the Maple Leaf social club, a bowling green and a car park were located on the site, however, the bowling green appears to have been removed circa 2015/16 and the Maple Leaf club demolished circa 2018/19.
2.2	The site is accessed from Park Avenue which slopes steeply in a westerly direction from Holywood Road towards Connsbrook Avenue. There is an existing access road through the site, which currently serves 13 residential units and a Masonic Hall to the north. The same access is proposed to serve the development.
2.3	The surrounding area is characterised primarily by residential development, however, there is a Masonic Hall in close proximity and a commercial vehicle sales yard to the west (accessed off Connsbrook Avenue). The surrounding residential development is relatively high density, in the form of terraced housing and apartments.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>  <b><i>Application site</i></b>  Z/2010/0434/F – Mixed use development to include the relocation and replacement of the Maple Leaf Club premises and residential development comprising 21 dwellings (3no. 2 bed, 18no. 3 bed dwellings), landscaping and associated site works – Granted 9/6/11  Z/2011/0827/F – Article 28 application to vary condition 3 of permission Z/2010/0434/F to include social/affordable housing within the residential development and the social club – Granted 30/3/12  Z/2011/0829/F – Article 28 application to vary condition 2 of permission Z/2010/0434/F to allow simultaneous commencement of development of the residential development and the social club – Granted 30/3/12  LA04/2015/0075/F – Modifications to previous planning approval Z/2010/0434/F comprising of a reduction in the size of the replacement club premises and change of house types to the dwellings at plots 14-21 – Granted 25/2/16 Z/2002/2542/A41 – Conversion of existing offices to bowling viewing lounge – Permitted Development  Z/1999/0307 - Proposed bowling green in part of existing car park including new access arrangements – Granted 10/4/01  <b><i>Land to West (Currently under consideration)</i></b>  LA04/2019/0081/F – Erection of 12 apartments (social/affordable housing units comprising 3No. one bed & 9No. two bed) with provision of community pocket park, car parking, landscaping and all associated site and access works. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i>

	<p>LA04/2019/0082/F – Section 54 application to remove condition 2 of Z/2010/0434/F. The condition reads as follows, ‘No part of the residential development hereby permitted shall be commenced until the social club hereby approved is constructed and operational in accordance with the approved plans.’ The removal of the condition is necessary to allow the construction of the social/affordable housing. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p> <p>LA04/2019/0083/F – Section 54 application to remove condition 2 of LA04/2015/0075/F. The condition reads as follows ‘No part of the residential development hereby permitted shall be occupied until the social club hereby approved is constructed and operational in accordance with drawing 06A date stamped 20th August 2016, drawing 07B date stamped 03 February 2016 and drawing 08 stamped 01 April 2015’. The removal of the condition is necessary to allow for the construction and occupation of the social/affordable housing. <i>The Planning Committee resolved to grant planning permission subject to a Section 76 planning agreement at its meeting in December 2019</i></p> <p><b>Wider lands</b></p> <p>LA04/2015/0052/F - Lands to the north of 41-43 Park Avenue , Belfast, and to the south of 45 Park Avenue, Belfast - Erection of 13 No. social/affordable housing units (7No. 2 bed townhouses &amp; 6No. 2 bed apartments) with associated parking, landscaping and road works, with access from Park Avenue via adjacent approval Z/2010/1434/F including provision for revised access/parking to masonic hall – Granted 22/9/16.</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	Draft Belfast Metropolitan Plan 2015 (v2004) (dBMAP 2015 v2004)
4.3	Draft Belfast Metropolitan Plan 2015 (v2014) (dBMAP 2015 v2014)
4.3	<p>Strategic Planning Policy Statement (SPPS)</p> <p>PPS 2 Natural Heritage</p> <p>PPS 3 Access, Movement and Parking</p> <p>PPS 7 Quality Residential Environments</p> <p>PPS 7 Addendum - Safeguarding the character of established residential areas</p> <p>PPS 8 Open Space, Sport and Outdoor Recreation</p> <p>PPS 12 Housing in Settlements</p> <p>PPS 15 Planning and Flood Risk</p> <p>Creating Places</p> <p>Developer Contribution Framework (adopted 2020)</p>
<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DFI Roads – No objection, subject to conditions
5.2	NIEA – No objection, subject to conditions
5.3	NI Water – No objection

5.4	DFI Rivers – No objection
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b>
6.1	BCC Environmental Health – No objection, subject to conditions
6.2	BCC Tree and Landscaping officer – No objection, subject to conditions
<b>7.0</b>	<b>Representations</b>
7.1	37 neighbours have been notified of the proposed development. No representations were received.
<b>8.0</b>	<b>Assessment</b>
8.1	<p><u>Development Plan context</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with dBMAP 2015 remaining a material consideration. Given the advanced stage at which dBMAP 2015 (v2014) pre-adoption including modification following the Planning Appeals Commission's report on the Examination in Public, it is considered that it holds significant weight, save for retail policies relating to Sprucefield, Lisburn, which remain contentious.</p>
8.2	<p>The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p>
8.3	<p><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.4	<p>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. The SPPS also seeks to protect Open Space.</p>

	<u>Principle of development including loss of Open Space</u>
8.5	The site is un-zoned 'whiteland' within the BUAP and draft BMAP.
8.6	The proposed development would result in the loss of open space including the bowling green previously located on the site, protected by Policy OS1 of PPS 8.
8.7	Planning application Z/2010/0434/F was granted planning permission in June 2011 for a mixed use development of the site and adjacent land to include the relocation and replacement of the Maple Leaf club premises and 21 dwellings, landscaping and associated site works. This planning permission included conditions requiring the provision of social housing and a new social club. Condition 2 prevents commencement of the construction of the houses until the replacement Maple Leaf Club has been erected in accordance with the approved plans and is operational. Condition 3 requires the development to be delivered as social housing. These conditions were imposed to offset the loss of open space.
8.8	Planning application Z/2011/0829/F was granted in March 2012 to vary condition 2 to allow simultaneous construction of the Maple Leaf Club and 21 dwellings approved under application Z/2010/0434/F. The condition was varied to prevent <u>occupation</u> of the residential units until the replacement Maple leaf Club had been erected in accordance with the approved plans and is operational.
8.9	Planning application Z/2011/0827/F was granted in March 2012 to vary condition 3 to include the term affordable in addition to social housing, in order to be less restrictive for the applicant as it would allow the sale of dwellings in the future under the 'right to buy' scheme.
8.10	Planning application LA04/2015/0075/F was granted in February 2016 for modifications to the original scheme for replacement of Maple Leaf Club and erection of 21 dwellings (Z/2010/0434/F). The amended scheme reduced the size of the club and amended some of the house types. Condition 2 prevents occupation of the residential units until the replacement Maple leaf Club has been erected in accordance with the new approved plans and is operational. Condition 3 requires the development to be delivered as social / affordable housing. Conditions 2 and 3 of this approval replicate the previous variation of condition approvals under Z/2011/0827/F and Z/2011/0829/F.
8.11	It appears that the main site access and part of the access road between Blocks A and C have been constructed. Google Earth images appear to show this in place in June 2016. The only pre-commencement condition of LA04/2015/0075/F relates to the provision of the site access onto Park Avenue. As this access appears to have been constructed within 5 years of the date of the permission, it is considered that this development has likely commenced and this represents a fall back.
8.12	The current application for 21 dwellings is a standalone application for residential development, i.e. the developer does not wish to construct the social club as previously approved. In December 2019, the Planning Committee resolved to approve application LA04/2019/0081/F for 12 apartments (social/affordable housing) on the part of the site previously approved for the social club. In addition, it resolved to approve applications LA04/2019/0082/F and LA04/2019/0083/F to remove the conditions requiring construction and operation of the social club from the previous 2010 and 2015 approvals.
8.13	



8.14	<p>As previously noted, the principle of development on the current application site was considered acceptable as the original proposal included both the provision of affordable housing and a replacement social club. The current proposal includes the provision of social / affordable housing, however, the social club has now been removed entirely from the proposal. Since the provision of a replacement social club was to form part of the original off-set for the loss of Open Space, this now needs to be reconsidered.</p>
8.15	<p>Policy OS1 of PPS 8 states that development resulting in the loss of existing open space will not be permitted, however, an exception will be permitted where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. It is considered that the provision of affordable housing does not by itself outweigh the loss of the open space in this instance.</p>
8.16	<p>In resolving to grant planning permission for the 12 apartments to the west (LA04/2019/0081/F), the Planning Committee took the view that the relaxation of the requirement to provide a new club on the site to replace the Maple Leaf Club and loss of Open Space from the site would be justified provided that the 12 apartments were delivered as affordable housing, that a Financial Developer Contribution of £52k be paid to improve off-site Open Space facilities, and that the proposed pocket park in front of the apartments is delivered to provide value Open Space to serve not only the 12 apartments but also the surrounding houses including the extant permissions for 21 dwellings on the application site.</p>
8.17	<p>Therefore, consistent with the Committee's previous decisions in respect of the 12 apartments on the adjacent site, it is also necessary that the pocket park is delivered as part of the scheme for 21 dwellings. Otherwise, it would have insufficient Open Space and there would be insufficient off-set for the loss of the original Open Space on the site. It is conceivable that only the pocket park element of the adjacent scheme for 12 apartments comes forward and in these circumstances there should be an additional obligation requiring temporary treatment of the location of the 12 apartments. Moreover, the £52k should also be secured as part of any permission for the 21 dwellings (although it would not need to be paid twice – it should be secured from whichever of the two permissions comes forward first). This amount was agreed by the Committee in December 2019 but should be increased to allow for inflation. Subject to these obligations to be secured by means of a Section 76 planning agreement, the proposal is considered acceptable having regard to Policies OS 1 and OS 2 of PPS 8.</p> <p><u>Impact on the character and appearance of the area</u></p> <p><i>Layout</i></p> <p>The proposal includes 17 terraced dwellings and 4 semi detached dwellings. Block C is a pair of semi-detached dwellings located directly facing the site access. Block A includes 8 terraced dwellings located perpendicular to the existing access road. The terraced dwellings are 3 storey (10.1 m to ridge), with a heavier roof at the rear giving the appearance of 2 storeys. The proposal includes an internal access road between Blocks A and C in an easterly direction. To the south of the access road and to the north of the existing Park Avenue is Block D, another pair of semi detached dwellings. Block D includes one 2 storey dwelling and one 3 storey dwelling. At the end of the access road and arranged perpendicular to Park Avenue is Block E, a row of 9 terraced dwellings with a similar 3 storey / 2 storey design to Block C. The proposed dwellings are orientated gable ended towards Park Avenue,</p>

8.18	<p>similar to the residential developments directly opposite the site. No in curtilage parking is provided, which is generally characteristic of the surrounding area.</p> <p><i>Materials</i></p>
8.19	<p>The proposed materials include a mix of red brick and smooth render external walls, grey concrete roof tiles, grey uPVC windows, timber hardwood doors and black uPVC rainwater goods. The proposed materials are considered in keeping with the site and surrounding area and are acceptable.</p>
8.20	<p>There are concerns regarding the form of the proposed dwellings, e.g. Block D is a pair of semi detached dwellings, one two storey and one three storey in height. However, given the extant approval on the site which included an almost identical arrangement, it is considered acceptable in this case.</p> <p><i>Residential density</i></p>
8.21	<p>The proposed residential density equates to approximately 42 dwellings per hectare. Densities within the immediate surrounding areas range from approximately 40 dwellings per Ha (Phase 1 and development along Park Avenue) up to 120 dwellings per Ha (terraced dwellings along Colvil Street, Shaw Street, Sefton Park etc). It is considered the proposed density is in keeping with the area.</p>
8.22	<p>On balance, it is considered the proposed development respects the surrounding context and is appropriate to the character and topography of the site in terms of layout, scale, proportions, massing and appearance of buildings and landscaped and hard surfaced areas, having regard to the previous permission which was for a similar layout and design.</p> <p><u>Residential amenity</u></p>
8.23	<p>It is not considered that the proposed development will create conflict with adjacent land uses.</p>
8.24	<p>As already noted, Blocks C and D are two pairs of semi-detached dwellings arranged back to back within the proposed development. The separation distance between the two blocks is approximately 17 metres, which is below the guidelines as detailed in Creating Places. However, given the extant approval on the site which included a similar arrangement, it is considered acceptable in this case. There are no other concerns regarding overlooking, natural light, shadow or outlook.</p>
8.25	<p>The application site is located close to the busy Park Avenue road and will therefore potentially be impacted by noise. A Noise Impact Assessment (NIA) was submitted in support of the proposal. BCC Environmental Health (EHO) has raised concerns regarding the level of noise within the external amenity areas of the 4 semi-detached dwellings. The British Standard guidance advises that <i>'the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dBL<sub>Aeq,16hr</sub>'</i>. The standard continues... <i>'these 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.'</i></p>
	<p>Consequently, EHO have advised that if the development is desirable and given its urban location, it should not be prohibited on the basis of high external noise levels in some garden areas. Furthermore, EHO also acknowledge the previous approval</p>

8.26	granted for a similar layout on the site. In conclusion, Environmental Health Has requested conditions in the event that planning permission is granted.
8.27	<p>An updated Generic Quantitative Risk Assessment (GQRA) and further clarifications document were submitted in support of the proposal in relation to contaminated land. Following review of this information, EHO advise they have no objection, subject to conditions.</p> <p><u>Space standards</u></p> <p>The proposed development includes a mix of 5 person 3 bedroom dwellings and 3 person 2 bedroom dwellings. The 5P3B dwellings measure approximately 103-104 sq metres and the 3P2B dwellings measure approximately 80 sq metres. Consequently, the proposed dwellings comply with the space standards, as per Policy LC1 of PPS 7 Addendum.</p>
8.28	<p><u>Amenity space</u></p> <p>Creating Places (CP) states that 'a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sq m per house or greater'. CP also states that a private amenity area of less than around 40 sqm would generally be unacceptable. Each dwelling enjoys access to private amenity space, ranging from 33 sq m to 100 sq m, with the average provision approx. 50 sq m. There are slight concerns regarding the amenity space provision of a number of proposed dwellings, e.g. House No's 6, 7 and 8 have relatively small rear gardens measuring approx. 33 sqm. However, given there is an extant approval on the site for a similar layout, the arrangement is considered acceptable.</p>
8.29	<p>As previously noted, Policy OS2 of PPS 8 is relevant to the proposed development. Policy OS2 requires public open space to be provided as an integral part of new housing schemes of 25 units or more and states that at least 10% of the total site area should be open space in normal circumstances. Whilst the proposal is for 21 dwellings – being less than the 25 unit threshold – it is being brought forward in combination with the development of the immediately surrounding lands of 13 units built to the north and the proposed 12 apartments to the west (i.e. 46 units in total). The proposal includes some minor areas of maintained open space, however, these areas do not amount to 10% and offer limited amenity value. The proposal is therefore contrary to Policy OS 2 of PPS 8. This was also true of the extant schemes, however, these were to provide a replacement social club to provide off-set. Linking the proposed development to provision of the pocket park (as proposed under ref. LA04/2019/0081/F) on land directly adjacent to the site would help offset the reduced provision of public open space within the site.</p>
8.30	<p><u>Access and Parking</u></p> <p>The proposed development is accessed via Park Avenue. As noted previously, no in-curtilage parking is proposed, however 28 communal car parking spaces are proposed within the development (1.33 spaces per dwelling). It is noted that one additional space is now proposed on the western portion of the site, however the proposal has been amended to remove the social club and apartments are now proposed on this part of the site (ref. LA04/2019/0081/F). DFI Roads have provided comments on the proposal and offered no objection, subject to conditions.</p>
8.31	<p>The proposed development incorporates an acceptable movement pattern that supports walking and cycling and offers convenient access to public transport, along Hollywood Road and Connsbrook Avenue. The proposal incorporates traffic calming</p>

8.32	measures and assists in meeting the needs of people whose mobility is impaired (level access, tactile paving, accessible parking bays etc.).
8.33	<p>The proposed development is not large enough for provision of local neighbourhood facilities, however, local amenities are located in close proximity on Connsbrook Avenue, Holywood Road and Belmont Road.</p> <p><u>Trees and Landscaping</u></p> <p>Trees along the front boundary of the site were originally proposed for retention but are now proposed for removal. The tree survey that has assessed 9 trees in total, two of which are outside the redline boundary of the application site. Out of the 7 remaining trees, 4 were found to be in poor condition, 3 of which are recommended for felling. The other 3 trees were found to be in fair condition but that 2 of these (No's 5 and 6) have evidence of root disturbance, most likely from demolition works to remove old structures. Updated arborist details have been provided in regard to tree no. 4. The report states that the current situation adjacent to the tree and construction measures is likely to result in the future stress and strain of the tree. Given the location of the tree adjacent to the public footpath, the Council's Tree Officer advises that the most appropriate long-term approach would be to remove and replace the tree with a suitable species.</p>
8.34	<p>Compensatory planting is proposed for the loss of the trees along the front boundary. These will be 16 x extra heavy standard size at the time of planting. The proposed planting has been revised to include a mix of species, including birch, sweetgum, cherry, rowan and apple. The Tree Officer is content with the proposed landscaping and the long term management plan relating to same. Consequently, it is considered that the proposed landscaping helps to soften the visual impact of the development and assists in integration with the surrounding area.</p>
8.35	<p><u>Drainage and Flood Risk</u></p> <p>A Drainage assessment (DA) was submitted in accordance with Policy FLD 3 of PPS 15. DFI Rivers accepts the logic of the DA and have no reason to disagree with the conclusions. Furthermore, a copy of the Schedule 6 consent to discharge has been submitted. Consequently, DFI Rivers has no objection to the proposal.</p>
8.35	<p><u>Waste water infrastructure</u></p> <p>NI Water (NIW) has confirmed that there is available capacity at the receiving waste water treatment works and offers no objection to the proposal.</p>
8.36	<p><u>Other issues</u></p> <p>There are no concerns regarding impact on features of archaeological or built heritage. Furthermore, the proposal is designed to deter crime and promote personal safety, meeting Secure By Design standards.</p>
<b>9.0</b>	<b>Summary of Recommendation:</b> Approve subject to conditions and S76
9.1	<p>Having regard to the development plan and the other material planning considerations, including planning history of the site and adjacent land, it is considered that, on balance, the proposed development is acceptable. It is therefore recommended that planning permission is granted, subject to conditions and a Section 76 planning agreement to secure the following:</p> <ul style="list-style-type: none"> <li>• provision of the 21 units as affordable housing (social / intermediate)</li> </ul>

9.2	<ul style="list-style-type: none"> <li>• delivery of the pocket park proposed under LA04/2019/0081/F prior to occupation of any of the 21 dwellings</li> <li>• temporary treatment of the site for 12 apartments if delayed or not built out</li> <li>• securing of the £52k with inflationary uplift since December 2019 (if this already been paid in relation to applications LA04/2019/0081, LA04/2019/0082 or LA04/2019/0083 then it will not have to be paid twice).</li> </ul> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement.</p>
<b>10.0</b>	<b>Draft Conditions</b>
10.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
10.2	<p>The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with Private Streets Determination drawing No.201001-C100 Rev.B uploaded to the Planning Portal 10th February 2022, prior to the occupation of any other works or other development hereby permitted.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
10.3	<p>The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter.</p> <p>REASON: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users.</p>
10.4	<p>The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992. The Council 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.201001-C100 Rev.B bearing the Department for Infrastructure Determination date stamp 3rd March 2022.</p>
10.5	<p>REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</p> <p>No dwelling shall be occupied until that part of the service road which provides access to it has been constructed to base course. The final wearing course shall be applied on the completion of each phase of the development.</p> <p>REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling.</p>
10.6	<p>Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no buildings, walls or fences shall be erected, nor hedges nor formal rows of trees grown in service strips determined for adoption.</p>

10.7	<p>REASON: To ensure adequate visibility in the interests of road safety and the convenience of road users and to prevent damage to or obstruction of services within the service strip.</p> <p>Notwithstanding the provisions of the Planning (General Permitted Development) (Northern Ireland) Order 2015, no planting other than grass, flowers or shrubs with a shallow root system and a mature height of less than 0.5m shall be carried out in service strips determined for adoption.</p> <p>REASON: To prevent damage to or obstruction of services within the service strip.</p>
10.8	<p>The development hereby permitted shall not be occupied until hard surfaced areas have been constructed in accordance with Private Streets Determination drawing No.201001-C100 Rev.B uploaded to the Planning Portal 10th February 2022 to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles.</p> <p>REASON: To ensure adequate provision has been made for parking within the site.</p>
10.9	<p>The development hereby permitted shall not be occupied until any retaining structure 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.</p> <p>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.</p>
10.10	<p>No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until tree protection measures have been put in place in accordance with recommendations in the Andrew Boe BS5837 Tree Survey and Arb Impact Assessment Report, dated the 20 January 2021 and approved Drawing No.15A, uploaded to the planning portal on 20th December 2021. These protection measures shall remain in place until the construction works hereby approved are complete and all plant and machinery has been removed from the site.</p>
10.11	<p>Within the fenced area no activities associated with building operations shall take place, no storage of materials, and the ground levels within those areas shall not be altered.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development works to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p>
10.12	<p>All soft landscaping works shall be carried out in accordance with the approved details on approved Drawing No.15A, uploaded to the planning portal on 20th December 2021. The works shall be carried out prior to the occupation of the development hereby approved or within the first available planting season after occupation, whatever is the sooner or unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a</p>

10.13	<p>period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>Once completed, all soft landscaping shall be maintained in accordance with the B. Moore ‘Landscape Management Plan’ titled ‘Proposed Housing at Park Avenue Belfast’, uploaded to the planning portal on 20th December 2021.</p>
10.14	<p>Reason: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a high standard of landscape.</p> <p>No retained tree shall be cut down, uprooted or destroyed, or have its roots damaged within the crown spread nor shall arboricultural work or tree surgery take place on any retained tree to be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the Planning Authority. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.</p>
10.15	<p>Reason: To ensure the continuity of the biodiversity value afforded by existing trees.</p> <p>The Proposed drainage Strategy, as set out in section 5.0 of <i>Drainage Assessment</i>, produced by Civil Design Services (Doc Ref: 201001/DA/10-20LJW), dated October 2020 and uploaded to the Planning Portal on 16<sup>th</sup> November 2020, shall be implemented in full.</p>
10.16	<p>Reason: To protect the water environment.</p> <p>If during the development works, new contamination or risks are encountered which have not previously been identified, works must cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.</p>
10.17	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>After completing the remediation works under Condition 16; and prior to occupation of the development, a verification report shall be submitted to and approved in writing and agreed by the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <a href="https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks">https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks</a>.</p> <p>The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.</p>

10.18	<p>Reason: Protection of environmental receptors to ensure the site is suitable for use. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the PM Ltd report entitled: 'Updated Contamination Assessment - New Housing at Park Avenue Phase 1, Belfast' for Latner Developments Ltd (dated October 2020 and referenced PM20-1141) and as updated in the PM Ltd 'Contamination Assessment Clarifications' letter dated 11th February 2021, referenced PM20-1141_Let1 have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential with home-grown produce). It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance. In particular, this Verification Report must demonstrate that:</p> <ul style="list-style-type: none"> <li>a. the final site layout is as per the proposed development plan within Appendix I of the PM Ltd report entitled: 'Updated Contamination Assessment - New Housing at Park Avenue Phase 1, Belfast' for Latner Developments Ltd (dated October 2020 and referenced PM20-1141);</li> <li>b. Soils of private garden areas as shown in Figure A of the PM Ltd 'Contamination Assessment clarifications letter', dated February 2021, referenced PM20-1141_Let1, drawing titled: 'Updated areas of gardens requiring remediation', have been encapsulated with a 1m depth capping layer comprising 300mm of granular material, overlain by 700mm of demonstrably clean subsoils and topsoil. Any imported and /or site won material for this cover system must be demonstrably fit for end use (residential with home-grown produce);</li> <li>c. Soils of landscaped areas as shown in Figure A of the PM Ltd: 'Contamination Assessment clarifications letter', dated February 2021, referenced PM20-1141_Let1 drawing titled: 'Updated areas of gardens/landscaping requiring remediation' have been encapsulated with a physical capping layer comprising a minimum of 500mm of gravel and subsoil / topsoil demonstrably fit for the end use (Residential with homegrown produce);</li> <li>d. Any imported soils for use on site in all other remaining private gardens and/or landscaped areas is demonstrably fit for the end (Residential with homegrown produce);</li> <li>e. The Verification Report must include the necessary appropriate documentary evidence as outlined in section 6.3 'Validation' in the October 2020 PM Ltd Report referenced PM20-1141.</li> </ul> <p>Reason for condition: Protection of human health.</p>
10.19	<p>Prior to installation within the hereby permitted development, the final window schedule confirming the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of Blocks C and D and to the first two houses of Block E shall be submitted to and approved in writing by the Council. The window specification for habitable rooms shall be in line with recommendations of the FR Mark &amp; associates Noise Impact Assessment dated February 2021, planning referenced LA04/2020/2325/F. The windows shall not be installed unless in accordance with the approved details.</p>



10.20	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to installation, details of the specification of alternative mechanical means of ventilation proposed to be installed within Blocks C and D and the first two houses of Block E shall be submitted to and approved in writing by the Council. The specification for the alternative means of ventilation shall be in line with the recommendations as per table 2 pages 13 and 14 of the FR Mark &amp; associates NIA dated February 2021, planning referenced: LA04/2020/2325/F. The details shall demonstrate that the specification selected for the alternative means of ventilation will not compromise the recommended internal noise levels specified for habitable rooms outlined in British Standard BS8233:2014. Blocks C and D and the first two houses of Block E shall not be occupied unless the approved details have been installed and shall be permanently retained as such.</p>
10.21	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>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</p>
10.22	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to occupation of the hereby permitted development, the applicant 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, a copy of which shall be submitted to the Council in writing.</p>
10.23	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Prior to occupation of the hereby permitted development, a boundary wall to a minimum height of 2m and at least 2225mm thick shall be constructed to the rear boundary of Block E and a 1m high wall at the boundary of blocks C and D along Park Avenue as shown on approved Drawing No. 03A uploaded to the planning portal on 11th May 2021.</p>
10.24	<p>Reason for conditions: Protection of residential amenity against adverse noise impact.</p> <p>Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015, or any Order revoking and/or re-enacting that Order, no extensions or enlargements, buildings, walls, gate pillars, fences or other structures shall be constructed without the grant of a separate planning permission from the Council.</p> <p>Reason: Construction of further extensions or buildings requires detailed consideration to safeguard the amenities of the surrounding area.</p>

**Notification to Department (if relevant)**

Not applicable.

**Representations from Elected members:**

None

**Details of Neighbour Notification (all addresses)**

The Owner/Occupier,  
10 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
12 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
125 Connsbrook Avenue,Belfast,Down,BT4 1JX  
The Owner/Occupier,  
14 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
16 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
18 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
31 Sefton Park,Belfast,Down,BT4 1PN  
The Owner/Occupier,  
31 Shaw Street,Belfast,Down,BT4 1PT  
The Owner/Occupier,  
32 Sefton Park,Belfast,Down,BT4 1PN  
The Owner/Occupier,  
36 Sefton Drive,Belfast,Down,BT4 1PL  
The Owner/Occupier,  
39 Colvil Street,Belfast,Down,BT4 1PS  
The Owner/Occupier,  
39 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
40 Shaw Street,Belfast,Down,BT4 1PT  
The Owner/Occupier,  
42 Colvil Street,Belfast,Down,BT4 1PS  
The Owner/Occupier,  
6 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
8 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
Apartment 1,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
The Owner/Occupier,  
Apartment 1,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 10,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 11,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 12,47 Park Avenue,Belfast,Down,BT4 1PU  
The Owner/Occupier,  
Apartment 13,47 Park Avenue,Belfast,Down,BT4 1PU

The Owner/Occupier,  
 Apartment 14,47 Park Avenue,Belfast,Down,BT4 1PU  
 The Owner/Occupier,  
 Apartment 15,47 Park Avenue,Belfast,Down,BT4 1PU  
 The Owner/Occupier,  
 Apartment 2,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
 The Owner/Occupier,  
 Apartment 2,47 Park Avenue,Belfast,Down,BT4 1PU  
 The Owner/Occupier,  
 Apartment 3,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
 The Owner/Occupier,  
 Apartment 3,47 Park Avenue,Belfast,Down,BT4 1PU  
 The Owner/Occupier,  
 Apartment 4,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
 The Owner/Occupier,  
 Apartment 4,47 Park Avenue,Belfast,Down,BT4 1PU  
 The Owner/Occupier,  
 Apartment 5,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
 The Owner/Occupier,  
 Apartment 5,47 Park Avenue,Belfast,Down,BT4 1PU  
 The Owner/Occupier,  
 Apartment 6,4 Park Avenue Heights,Belfast,Down,BT4 1SH  
 The Owner/Occupier,  
 Apartment 6,47 Park Avenue,Belfast,Down,BT4 1PU  
 The Owner/Occupier,  
 Apartment 7,47 Park Avenue,Belfast,Down,BT4 1PU  
 The Owner/Occupier,  
 Apartment 8,47 Park Avenue,Belfast,Down,BT4 1PU  
 The Owner/Occupier,  
 Apartment 9,47 Park Avenue,Belfast,Down,BT4 1PU

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## Committee Report

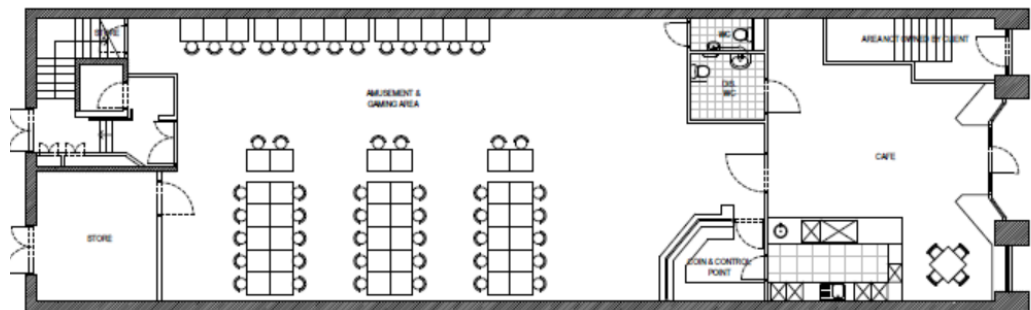
Development Management Report	
<b>Application ID:</b> LA04/2021/1242/F	<b>Date of Committee:</b> 15 <sup>th</sup> March 2022
<b>Proposal:</b> Proposed change of use from coffee shop to extension of amusements arcade on the ground floor	<b>Location:</b> 28 Bradbury Place Belfast BT7 1RQ
<b>Referral Route:</b> Amusement Arcade (par. 3.8.2 (d) of the Scheme of Delegation)	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Gareth Raymond McCausland 28 Bradbury Place Belfast BT7 1RQ	<b>Agent Name and Address:</b> Shane Birney Architects Building 80/81 Ebrington Derry BT47 6FA
<p><b>Executive Summary:</b></p> <p>The proposal is for a change of use from a coffee shop to form an extension of an existing amusement arcade on ground floor at 28 Bradbury Place, Belfast.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of amusement arcade in this location</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on amenity</li> </ul> <p>The site is “white land” within BUAP and dBMAP and within the Belfast City Centre in both Development Plans. The surrounding area is of mixed character containing a variety of retail, offices, bars, restaurants and a hotel opposite. New purpose built managed student accommodation is being constructed on the land to the south. There are no family dwellings or schools in the immediate area.</p> <p>Environmental Health and DFI Roads offer no objections. Building Control, which is responsible for amusement licensing, is concerned that the proposal may result in a cumulative impact due to the number of amusement arcades in the surrounding area. There are currently three other amusement / gambling premises within 200 metres in the immediate area.</p> <p>Officers advise that the proposal is to extend an existing amusement arcade and not to create new amusement arcade premises. The site is located within the City Centre where main town centre uses such as this are acceptable in principle. There would be no harmful impacts on the character and appearance of the area, amenity or transportation.</p> <p>No third-party objections have been received.</p> <p><b>Recommendation</b></p> <p>It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.</p>	

# Case Officer Report

## Site Location Plan

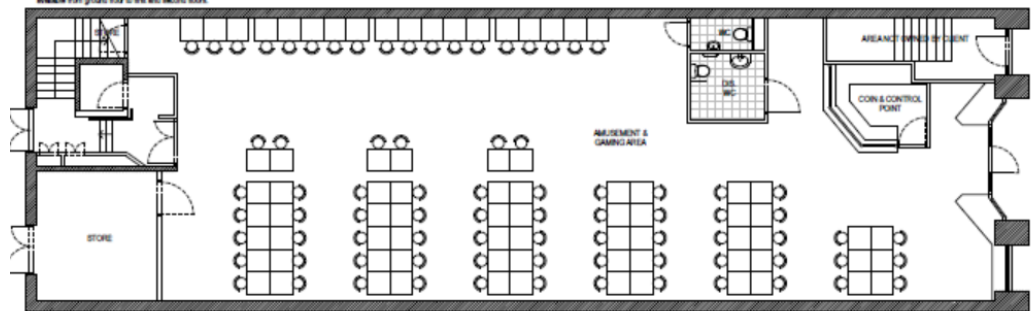


## Block Plan



EXISTING GROUND FLOOR PLAN

First and second floors not in use if vacant. Applicant has full control of building. No customer access will be available from ground floor to first and second floors.



PROPOSED GROUND FLOOR PLAN

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> The application seeks planning permission for a change of use from coffee shop to extension of amusements arcade on the ground floor.
<b>2.0</b>	<b>Description of Site</b> The site is located within a building of a modern design situated within a row of terrace buildings. The building has two storeys and a glass frontage. The surrounding area is of mixed use containing a mix of retail, offices, bars, restaurants and a hotel opposite. Building heights vary between single and two storey buildings on the side of the street the site is on and 3-4 storeys on the opposite side.  The site is located within the City Centre as defined by both BUAP and draft BMAP.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b>  <u>Application site</u>  Z/2013/0608/F, 24-28 Bradbury Place, Belfast, BT7 1RQ, Proposed change of use from fast food outlet to coffee shop and amusement arcade on the ground floor only, Permission Granted, 25.09.2013  <u>Surrounding Area</u>  Z/2014/0448/F, 22-23 Shaftesbury Square, Belfast, Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No22. – Permission Granted 01.01.2015 This planning permission has not been implemented, the permit license was refused  LA04/2021/2846/F, 22-23 Shaftesbury Square, Belfast, Change of use of ground floor of No. 23 to amusement arcade including extension and frontage alterations to allow for amalgamation with No22. – Under consideration This is a resubmission of the previous 2014 approval
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan 2001
4.2	Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2015)  The extant Development Plan is the BUAP. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage that Draft BMAP had reached including modification after independent examination, the most recent version of Draft BMAP is considered to hold significant weight.
4.3	Belfast Local Development Plan – Draft Plan Strategy  The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals

	Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.4	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.5	Planning Policy Statement 3: Access, Movement and Parking
4.6	Development Control Advice Note 1: Amusement Centres
<b>5.0</b>	<b>Statutory Consultees Responses</b> DFI Roads – No objection
<b>6.0</b>	<b>Non-Statutory Consultees Responses</b> Environmental Health – No objections Building Control – Raises concerns about proliferation of amusement arcades in the area and cumulative impact (see main assessment of the report).
<b>7.0</b>	<b>Representations</b> The application was advertised on the 3 <sup>rd</sup> June 2021 and neighbour notified on 16 <sup>th</sup> June 2021. No representations were received.
<b>8.0</b>	<b>Other Material Considerations</b> BCC Amusement Permit Policy (2013)
<b>9.0</b>	<b>Assessment</b>
9.1	The key issues to be considered are: <ul style="list-style-type: none"> <li>• Principle of amusement arcade in this location</li> <li>• Impact on the character and appearance of the area</li> <li>• Impact on amenity</li> </ul>
	<b>Principle of amusement arcade in this location</b>
9.2	The site is located within the City Centre as defined by both BUAP and draft BMAP where main town centre uses, including amusement arcades, are acceptable in principle.
9.3	The Council's Amusement Permit Policy (2013) is a material consideration. Building Control, which is responsible for issuing licensing permits for amusement arcades, has been consulted on the application.
9.4	Building Control advises that the premises to the rear have been operating as an amusement arcade since 2017. Both planning permission (Z/2013/0608/F) and an amusement permit were granted at the time.
9.5	The current planning application seeks to extend the premises into the area of the redundant coffee shop at the frontage of the premises onto Bradbury Place. The site area is modest at 53 square metres.
9.6	Building Control has concerns about the proposal. It notes that it would extend the area of the existing amusement arcade by around a third. The Amusement Permit Policy seeks to avoid clustering of these uses in the interests of promoting the vibrancy and



	<p>regeneration of Belfast. Whilst there are no other amusement arcades on this commercial frontage, there are three others operating nearby within 200m walking distance of the application site. These are:</p> <ul style="list-style-type: none"> <li>• Players, 22-23 Shaftesbury Square</li> <li>• Oasis gaming centre, 1-7 Donegall Road/14 Shaftesbury Square</li> <li>• Onassis Amusements, 25-41 Botanic Avenue (2<sup>nd</sup> floor)</li> </ul>
9.7	<p>Building Control advises that the proposal would result in an 11% increase in gambling machines in the area (303 machines in total). It is concerned about a cumulative build-up of amusement arcades at this location, adversely impacting on the character and amenity of the area. Officers advise that whilst an Amusement Arcade permit can stipulate the number of gambling machines, it is not an offence to breach that number.</p>
9.8	<p>Officers advise that the Council's Amusement Permit Policy lists five criteria for assessing site suitability. Of these, the following are particularly relevant to planning:</p> <ul style="list-style-type: none"> <li>• <b>Impact on the retail vitality and viability of Belfast City</b> – the Policy seeks to control amusement arcades in the retail core of the City Centre. However, the site is outside the retail core. The Policy also seeks to prevent the breakup of an otherwise continuous shopping frontage. The application site does not form part of a continuous shopping frontage with adjacent premises being made up of bars, fast food and restaurants. The site to the south is being redeveloped as purpose built managed student accommodation. There is therefore no conflict with this criterion.</li> <li>• <b>Cumulative build-up of amusement arcades in a particular location</b> – the Policy seeks to prevent more than one amusement arcade per shopping or commercial frontage and one per shopping centre. The policy goes on to state that under this criterion, 2 or more amusement arcades in adjacent ground-floor units will not be allowed (except for those already existing), including the ground-floor extension or merger of an existing establishment into an adjoining unit.</li> </ul> <p>The proposal is to extend an existing amusement arcade and does not create a second one and is not within a gateway location. In this regard, the proposal is acceptable.</p> <ul style="list-style-type: none"> <li>• <b>Proximity to residential use</b> – the Policy seeks to prevent amusement arcades in areas that are predominantly residential in character. They will also not be granted in non-residential property that is immediately adjacent to residential property. The area in question is largely commercial in question although student accommodation is being constructed on the site to the south. Regard is had to the fact that the proposal is to extend an existing amusement arcade, not to create a new one. In these respects, the proposal is acceptable.</li> </ul>
9.9	<p>In a planning policy context, it is considered that it would be unreasonable to argue that the proposal would give rise to planning harm due to a proliferation of amusement arcades given that the proposal is to extend an existing amusement arcade, not to create new premises.</p>
9.10	<p>It is acknowledged that a new planning application has been received for an extension of the Players amusement arcade at 22-23 Shaftesbury Square (LA04/2021/2846/F) into the adjoining ground floor unit which is a resubmission of the previous lapsed 2014 planning permission (see planning history section above). In the 2014 planning permission at 22-23 Shaftesbury Square, officers did cite concern over the risk of any</p>

	future gambling establishments resulting in the dominating cumulative build-up of such uses in the one area. Whilst taking this into account, the current proposal at Bradbury Place is for a small extension of existing amusement arcade within the same unit and not for the creation of a new one, therefore officers remain of the view that the proposal will not result in additional cumulative impacts. It is considered that this current application and that of 22-23 Shaftesbury Square can be considered on their own merits.
9.11	The Department's Development Control Advice Note 1: Amusement Centres (DCAN 1) is a material consideration, although it was published in 1983 and is a dated policy. It advises that relevant planning considerations include impact on amenity and the character of the area (discussed in the following sections of this report), and the impacts on road safety and traffic (DFI Roads advises no objection and the proposal is not considered to raise any access or transportation concerns).
9.12	DCAN 1 advises that amusement arcades are usually best located in districts of mixed commercial development. It also seeks to regulate proposals that would breakup an otherwise continuous shopping frontage. In this case, the site is located in a largely commercial area and the proposal would not breakup a continuous shopping frontage
9.13	In conclusion, the proposal is considered acceptable in principle. It is recommended that a condition is imposed to prevent future subdivision of the premises.
9.14	<p><b>Impact on the character and appearance of the area</b></p> <p>The proposal is for a change of use only with no alterations to the exterior of the building. The frontage unit is currently an empty coffee shop with the front entrance to the existing amusement arcade at the rear being quite modest and not particularly noticeable. In this regard, the proposal would make the amusement arcade use much more prominent. However, it not considered that this would of itself significantly alter or harm the character and appearance of the area. In this regard, the proposal is acceptable.</p>
9.15	<p><b>Impact on amenity</b></p> <p>Bradbury Place has a largely commercial character although a Purpose Built Managed Accommodation facility comprising 100 bedrooms and 56 studio flats is under construction on the site to the immediate south. Environmental Health was consulted and has no objections. In view of the response from Environmental Health, it is considered that the proposal would not give rise to unacceptable noise and other environmental impacts. It is considered that the proposal would not give rise to demonstrable harm to the amenity of the area.</p>
9.15	<p><b>Conclusion</b></p> <p>Having regard for the Development Plan, relevant material considerations and above assessment, the proposal is considered acceptable. It is recommended that planning permission is granted with delegated authority given to the Director of Planning and Building Control to finalise the conditions.</p>
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<p>Conditions</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>

	<p>2. Prior to occupation, the walls and floors of the amusement arcade shall be lined with a suitable sound insulation material to provide and noise reduction value of 60 Db (A) in adjacent premises. This sound insulation shall be retained at all times.</p> <p>Reason: In the interests of public amenity.</p> <p>3. The extended amusement arcade hereby approved shall at all times remain part of the same planning unit as the amusement arcade at No. 28 Bradbury Place (shown blue in the location plan provided with the application) and shall not be sub-divided or operated as a separate amusement arcade.</p> <p>Reason: To prevent proliferation of amusement arcades in the locality, which would be detrimental to the amenities and character of the area.</p>
<b>Notification to Department (if relevant)</b>  N/A	
<b>Representations from Elected members:</b>  None received.	

<b>Date Last Advertised</b>	4 <sup>th</sup> June 2021
<b>Details of Neighbour Notification</b> (all addresses) The Owner/Occupier, 18 Bradbury Place, Malone Lower, Belfast, Antrim, BT7 1RS, The Owner/Occupier, 20-22, Bradbury Place, Malone Lower, Belfast, Antrim, BT7 1RS, The Owner/Occupier, 21 Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JG, The Owner/Occupier, 23 Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JG, The Owner/Occupier, 23 Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JG, The Owner/Occupier, 23-31, Bradbury Place, Malone Lower, Belfast, Antrim, BT7 1RR, The Owner/Occupier, 36 Bradbury Place, Malone Lower, Belfast, Antrim, BT7 1RT, The Owner/Occupier, 9-11, Botanic Avenue, Malone Lower, Belfast, Antrim, BT7 1JG,	
<b>Date of Last Neighbour Notification</b>	22nd August 2013
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> 15 <sup>th</sup> March 2022	
<b>Application ID:</b> LA04/2021/2825/A	
<b>Proposal:</b> Retention of mesh banner signage (19.1m x 9.84m) for a temporary period of 24 months	<b>Location:</b> Former Belfast Telegraph Printworks 124-132 Royal Avenue Belfast BT1 1DN
<b>Referral Route:</b> BCC joint venture with applicant	
<b>Recommendation:</b> Refusal	
<b>Applicant Name and Address:</b> BelTel LLP C/O McAleer & Rushe 17-19 Dungannon Road Cookstown BT80 8TL	<b>Agent Name and Address:</b> Todd Architects Ltd 2nd Floor Titanic House 6 Queens Road Belfast BT3 9DT
<b>Executive Summary:</b> Retrospective advertisement consent is sought for a temporary mesh banner sign (19.1M X 9.84m) for a period of 24 months.  The Belfast Telegraph Building itself, adjacent, is listed and the site is directly opposite the Cathedral Quarter Conservation Area.  The key issues in assessment of the proposed development include: <ul style="list-style-type: none"> <li>• Impact on local amenity</li> <li>• Impact on public safety</li> <li>• Impact on the setting of listed buildings</li> <li>• Commercial and regeneration considerations</li> </ul> The site is located within the city development limits for Belfast as designated within the Draft Belfast Metropolitan Area Plan 2004.  Historic Environment Division was consulted and considered that the proposal is contrary to the policy requirements of SPPS 6.12 & BH11 of PPS6. It stated that the material, size, scale, alignment and location of the banner signage, in proximity to the historic fabric of the listed building, adversely affects its setting. HED noted previous permissions 'LA04/2017/2802/A' and 'LA04/2020/0662/A' which granted consent for 2 years and 1 year respectively. HED are not supportive of longevity establishing	

The proposed advertisement is considered contrary to Planning Policy (PPS17 Outdoor Advertisements) and is therefore considered unacceptable. There is history of previous applications on this site for the same proposal; LA04/2017/2802/A was approved for a temporary period of 2 years in 2018. In 2020, application LA04/2020/0662/A was given temporary approval for 1 year. However, the most recent application, LA04/2021/1586/A, went before the Planning Committee in October 2021; the Committee raised concerns with the fact that the proposal had already been granted an extension and there was no further advancement in the development of the site. Committee resolved to refuse in November 2021 on the following grounds:

1. The proposed advertising, is contrary to AD 1 of PPS 17, in that the advertising by virtue of its position on the host building, its size and scale would through its undue prominence and excessive visibility have an adverse impact on the amenity of the area, the character of the area and detract from the appearance of the building.
2. The proposed advertising shroud, is contrary to BH 11 of PPS 6, in that the advertisement would, if permitted, not respect the architectural form and detailing of the Listed Building by reason of its scale, height and alignment and does not respect the character of the setting of the heritage asset.

The supporting statement for the application outlines the difficulty in the commercial property market as a result of the covid pandemic. It outlines how the locality is going through a period of transition with the construction of the university campus etc and that the aim of this application is to secure a tenant and funding package to enable the commencement of development of the site.

Whilst the applicant's position is not unreasonable, it can equally be argued that if the advert being in place for such an extended period has failed to garner the required interest then the owners should consider deploying other means of advertising.

No representations have been received.

#### **Recommendation:**

It is recommended that Advertising Consent is refused as the proposal is contrary to PPS 17 – Control of Outdoor Advertisements, Policy AD1 and paragraphs 6.12 of the SPPS and Para's 6.20, 6.59 & Para 6.60 of the SPPS in relation to the impact on the setting of the Listed Building and the Conservation Area.

## Case Officer Report

### Site Location Plan

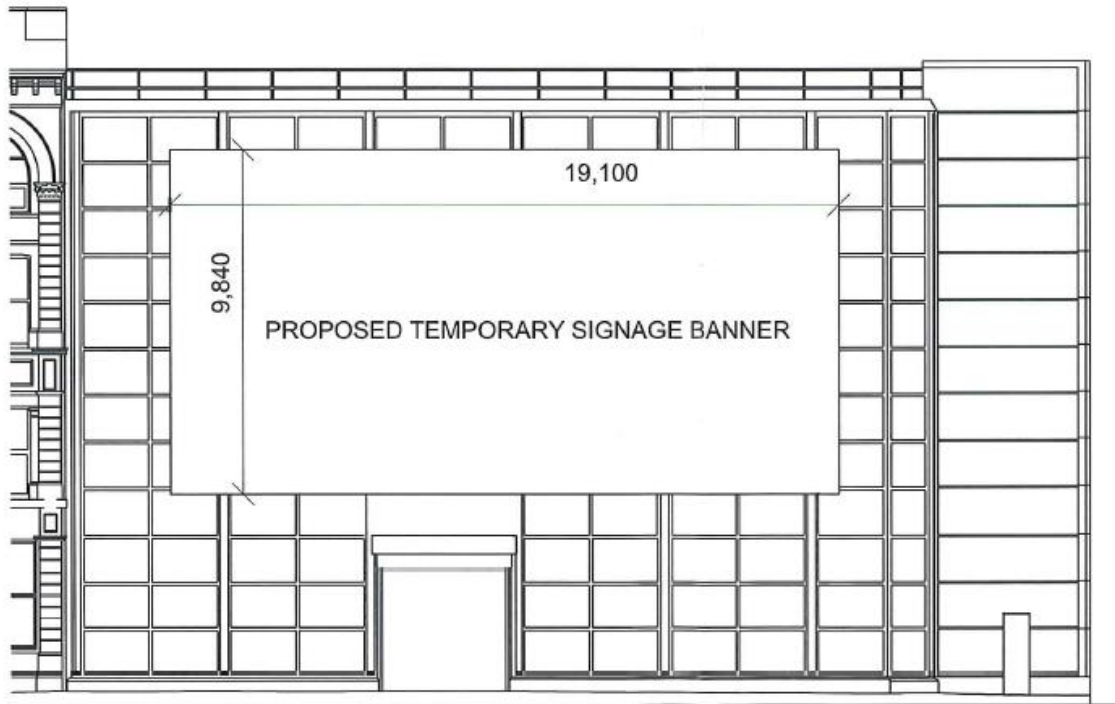


### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

1.1 The application seeks Advertisement Consent to retain mesh banner signage (19.1m x 9.84m) for a further temporary basis of 24months.

The application seeks to extend temporary approvals previously granted under LA04/2017/2802/A and 'LA04/2020/0662/A.



Proposed South-East Elevation

**2.0****Description of Site**

2.1

The site is the former Belfast Telegraph Printworks, a listed building, located at 124-132 Royal Avenue and bounds the corner of Donegal Street. The building was granted a 2 year temporary permission for use as an event space in November 2017 and subsequently a 3 year extension to this use in October 2019. Planning permission was also granted in 2019 for the regeneration of the site comprising Grade A offices with ground floor active retail, cafes and restaurant uses.

2.2

The area is characterised by a variety of commercial uses including multi-storey office development with ground floor retail outlets. The University of Ulster Belfast Campus is located to the east of the site.



<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<p><b>Site History</b></p> <p>LA04/2021/1586/A - Former Belfast Telegraph Printworks, 124-132 Royal Avenue, Belfast, BT1 1DN - Proposed mesh banner signage (19.1m x 9.84m) for a temporary basis of 24months – PERMISSION REFUSED, 10.11.21</p> <p>LA04/2020/0662/A - Former Belfast Telegraph Printworks, 124-132 Royal Avenue - Mesh banner signage (19.1m X 9.84m) (temporary for 1 year) - PERMISSION GRANTED 27.08.2020</p> <p>LA04/2019/0878/F - Ground floor print hall, 122-144 Royal Avenue - Extension of time for temporary change of use of and alterations of former printing hall to event space for a period of 3 years - PERMISSION GRANTED 30.10.2019</p> <p>LA04/2018/1991/F - Former Belfast Telegraph complex at, 124-144 Royal Avenue and, 1-29 Little Donegall Street - Demolition of existing non listed buildings and redevelopment of site to accommodate office led mixed use development comprising Class B1 (a) office, ancillary Class B2 industrial floorspace, active ground floor uses retail (A1), restaurants, cafes and bars (sui generis); basement parking and associated access and circulation. Proposals include the retention and restoration of the listed Seaver building comprising facade restoration, new roof and reintroduction of dormers, replacement windows and reinstatement of original entrance to southern facade [amended scheme] - PERMISSION GRANTED 22.02.2019</p> <p>LA04/2018/1968/LBC - Former Belfast Telegraph complex at, 124-144 Royal Avenue and, 1-29 Little Donegall Street - Demolition of attached structures, retention and restoration of the listed Seaver building comprising internal reconfiguration works, facade restoration of dormers, replacement windows and reinstatement of original entrance to southern façade - PERMISSION GRANTED 22.02.2019</p> <p>LA04/2017/2802/A - Former Belfast Telegraph Printworks - Proposed mesh banner signage (19.1M X 9.84m) - temporary for 2 years - PERMISSION GRANTED 15.03.2018</p> <p>LA014/2017/2209/F – Ground floor 122-144 Royal Avenue - Temporary change of use of former printing hall to event space for a period of 2 years including internal alterations and creation of two emergency exits onto Donegall Street - PERMISSION GRANTED 29.11.17</p>
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>Belfast Urban Area Plan 2001</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2004)</p> <p>Draft Belfast Metropolitan Area Plan 2014 (v2014)</p> <p>Strategic Planning Policy Statement (SPPS)</p> <p>Planning Policy Statement 6: Planning, Archaeology and the Built Heritage</p> <p>- Policy BH11</p> <p>Planning Policy Statement 17: Control of Outdoor Advertisements</p> <p>- Policy AD1</p>

<b>5.0</b>	<b>Statutory Consultees Responses</b>
5.1	DfI Roads – No objection.
5.2	DfC Historic Environment Division (HED) were consulted and considered the impact of the application on the former Belfast Telegraph Offices, 124-144 Royal Avenue (Grade B2 Listed). HED advises that the proposal is contrary to the policy requirements of SPPS 6.12 and PPS 6, Policy BH11 in that the material, size, scale, alignment and location of the large sign impact the setting of the listed building.
<b>6.0</b>	<b>Non Statutory Consultees Responses</b>
6.1	None
<b>7.0</b>	<b>Representations</b>
7.1	The application has been advertised in the local press and neighbours notified. No representations have been received regarding the application.
<b>8.0</b>	<b>Assessment</b>
8.1	<u>Background</u>
8.2	<p><u>A previous application to retain the banner sign was refused by the Planning Committee with the decision notice issued on 10 November 2021 (LA04/2021/1586/A). The grounds for refusal of the previous application were:</u></p> <ol style="list-style-type: none"> <li>1. The proposed advertising on drawings 01, 02 &amp; 04, date stamped 09 June 2021, is contrary to AD 1 of PPS 17, in that the advertising by virtue of its position on the host building, its size and scale would through its undue prominence and excessive visibility have an adverse impact on the amenity of the area, the character of the area and detract from the appearance of the building.</li> <li>2. The proposed advertising shroud shown on drawings 01, 02 &amp; 04, date stamped 09 June 2021, is contrary to BH 11 of PPS 6, in that the advertisement would, if permitted, not respect the architectural form and detailing of the Listed Building by reason of its scale, height and alignment and does not respect the character of the setting of the heritage asset.</li> </ol>
8.3	<u>The key consideration is whether the proposal addresses the previous refusal reasons.</u>
8.3.1	<p><u>Policy AD1 – Amenity and Public Safety</u></p> <p>Policy AD1 states:</p>
8.3.2	<p><i>Consent will be given for the display of an advertisement where:</i></p> <p><i>(i) it respects amenity, when assessed in the context of the general characteristics of the locality; and</i></p> <p><i>(ii) it does not prejudice public safety.</i></p>

	<u>Impact on Amenity</u>
8.4	The proposal comprises a fixed building mesh banner sign on the Royal Avenue elevation of the former Belfast Telegraph print works premises. The applicant proposes it to be on display for a further two year period.
8.5	The proposed banner is 19.1m in width and 9.84m in height. The building height is 17.9m and the glazed section of the front elevation is 24m wide. The bottom of the banner is to be fixed at 5.8m above ground level and 2.2m from the top of the building. Therefore, it will take up virtually the entire elevation above main entrance level. The banner is to display branding relating to the redevelopment of the site.
8.6	In relation to advertisements, 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.
8.7	PPS17 provides guidance on Shroud Advertisement Displays which is relevant to the proposed mesh banner. It sets out that their scale and size can seriously conflict with the visual amenity of the host building and the surrounding area. Whilst it acknowledges that this type of advertisement may only be acceptable in commercial areas where it is attached to scaffolding surrounding the building and a contract for the building works/renovations has been drawn up, this is not the case for this proposal as the building is neither construction nor likely to be soon.
8.8	It also states that to prevent clutter, consideration will be given to similar proposals located within close proximity to the site and others that have the benefit of advertisement consent. There are no other shroud advertisements within close proximity to this site and so on this basis, the proposal would be considered acceptable.
8.9	In line with that noted above, the proposal is sited in a commercial area. However, the buildings in the area are not commercial warehouses such as those found in retail parks and the proposed banner is to be attached directly to the building itself rather than scaffolding. Whilst the building is not considered to be of any architectural interest, it forms part of a listed building and the buildings in the area are generally quite attractive and many are heritage assets.
8.10	The applicant's justification to extend the previous approvals by two years is as follows:  <i>"Our client is in the process of trying to secure a suitable tenant and funding package which in turn will enable the commencement of development of the site. Our client considers Planning Permission for the mesh signage banner will assist with securing the potential tenant."</i>
8.11	The design of the proposed banner has not changed since the previous application, which was refused. In the line with the Council's previous decision, the proposed would have an unacceptable impact on amenity by reason of its prominence and visibility.
8.12	Whilst it is acknowledged that the area is going through a transitional period with the construction of the University campus adjacent and reconfiguration of Buoy's Park opposite combined with the slowing of the market as a result of the Covid pandemic, these factors had bearing on the Council's consideration of the previous application and are not considered to outweigh the impact of the proposal on the amenity and character of the area. Advertising consent at this site has received a total combined temporary period of 3 years with no contract drawn up for the building/renovation works. Further approvals may result in a perception of precedence for banners of a similar duration.

	<u>Impact on Public Safety</u>
8.13	The proposed signage has no illumination or projection and is not considered to create any hazard. It will therefore not prejudice the safety of public safety and is compliant with AD1 (ii). It should also be noted that this was not reason for refusing the previous application.
	<u>Impact on Setting of nearby Listed Buildings</u>
8.14	The site is adjacent to the listed Belfast Telegraph Offices and is in the site line of St Anne's Cathedral. It is also adjacent to Central Library which is listed.
8.15	Par. 6.20 of the SPPS relates to adverts in or close to a Conservation Area. Consent for the display of advertisements in or close to a Conservation Area should only be granted where they would not adversely affect the overall character, appearance or setting of the area.
8.16	Para 6.59 and Para 6.60 go on to say that 'Care must be taken to ensure that all proposals will not detract from the place where advertising is to be displayed or its surroundings. In particular, it is important to prevent clutter, to adequately control signs involving illumination and to protect features such as listed buildings, and conservation areas from the potential adverse effects of advertising. The subject matter of advertising is not normally a material planning consideration. Particular care is also necessary to ensure that advertisements do not detract from the unique qualities and amenity [of our countryside] nor diminish our archaeology and built heritage (Para 6.60)
8.17	HED were consulted and stated that the material, size, scale, alignment and location of the banner signage, in proximity to the historic fabric of the listed building, adversely affects its setting. HED noted previous permissions 'LA04/2017/2802/A' and 'LA04/2020/0662/A' which granted consent for 2 years and 1 year respectively. HED are not supportive of longevity establishing.
8.18	HED noted that it is a somewhat retrospective application as the banner is currently in place and considered any decision on approval of such a proposal is ultimately to be determined by Belfast City Council.
8.19	<u>Commercial and regeneration considerations</u> A supporting statement accompanied the application which sets out that the proposed redevelopment of this site ' <i>contributes to the need for transformational, heritage-led regeneration</i> ' in this part of the city. The statement notes the impact of the COVID-19 pandemic on the Grade A office market in Belfast City and the need to mitigate against the impacts of the pandemic to allow businesses to grow.
8.20	It further sets out that the applicant is ' <i>actively pursuing investment and development opportunities in seeking a suitable tenant and funding package for The Sixth</i> '.
8.21	However, whilst it is acknowledged that the Covid-19 pandemic has had a significant impact on the development sector, the proposal has not addressed the refusal reasons of the previous application in that, the size, scale and prominence of the signage has not changed and is still considered to have a significant adverse impact on the setting of the listed building and character of the area.

	Based on the assessment the proposed signage is not considered to be compliant with relevant advertising guidance. Given the history of this site and HED's concerns regarding PPS6 are noted, this application is recommended for refusal.
<b>9.0</b>	<b>Summary of Recommendation:</b> It is considered that this application does not satisfactorily address the reasons for refusal of the previous application. The proposal is considered contrary to the SPPS and relevant policies set out in PPS 6 and PPS 17, therefore, it is recommended for refusal.
<b>10.0</b>	<b>Refusal Reasons</b>  1. The proposed advertising on drawings 01, 02, 03 & 04, date stamped 20 December is contrary to AD 1 of PPS 17, in that the advertising by virtue of its position on the host building, its size and scale would through its undue prominence and excessive visibility have an adverse impact on the amenity of the area, the character of the area and detract from the appearance of the building.  2. The proposed advertising shroud shown on drawings 01, 02, 03 & 04, date stamped 20 December 2021, is contrary to the SPPS Para 6.20, Para 6.59 & 6.60, in that the advertisement would, if permitted, diminish and fail to respect the architectural form and detailing of the Listed Building and does not respect the character of the setting of the heritage asset and also impacts on the views out of the Cathedral Quarter Conservation Area by reason of its scale, height and alignment

ANNEX	
<b>Date Valid</b>	15 <sup>th</sup> December 2021
<b>Planning History</b> Ref ID: LA04/2021/1586/A Proposal: Proposed mesh banner signage (19.1m x 9.84m) for a temporary basis of 24months Address: Former Belfast Telegraph Printworks, 124-132 Royal Avenue, Belfast, BT1 1DN Decision: Refused Decision Date: 10 November 2021  Ref ID: LA04/2020/0662/A Proposal: Mesh banner signage (19.1m X 9.84m) (temporary for 1 year) Address: Former Belfast Telegraph Printworks, 124-132 Royal Avenue Decision: Permission Granted Decision Date: 27 August 2020  Ref ID: LA04/2017/2802/A Proposal: Proposed mesh banner signage (19.1M X 9.84m) - temporary for 2 years Address: Former Belfast Telegraph Printworks Decision: Permission Granted Decision Date: 15 March 2018	
<b>Summary of Consultee Responses</b> <b>DfI Roads – no objection</b>  <b>HED – do not support</b>	
<b>Drawing Numbers and Title</b>	
Drawing No. 01 Type: Site Location Map Status: Submitted  Drawing No. 02 Type: Site Plan Status: Submitted  Drawing No. 03 Type: Existing Elevation Status: Submitted  Drawing No. 04 Type: Proposed Signage Elevation Status: Submitted	
<b>Notification to Department (if relevant)</b> Date of Notification to Department: N/A Response of Department: N/A	

**Elected Member Interest:** none

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## Committee Report

Development Management Report	
<b>Application ID:</b> LA04/2021/0720/F	<b>Date of Committee:</b> 15 <sup>th</sup> March 2022
<b>Proposal:</b> Subdivision of existing dwelling into two apartments with two storey rear extension	<b>Location:</b> 64 Ashley Avenue Malone Lower Belfast BT9 7BU
<b>Referral Route:</b> Referral to the Planning Committee - objection from statutory consultee	
<b>Recommendation:</b> Approval	
<b>Applicant Name and Address:</b> Mr & Mrs McRoberts 4c Haddockstown Road Ballinderry Lisburn BT28 2LP	<b>Agent Name and Address:</b> William Shannon Architect Studio 27 Middle Road Saintfield BT24 7LP
<p><b>Executive Summary:</b> The proposal is for the subdivision of an existing dwelling into two apartments with a two storey rear extension. An apartment on each floor.</p> <p><b>Area Plan</b> The surrounding area is residential. The only designation is that the site is located within the Lisburn Road draft Area of Townscape Character as designated in dBMAP (2014).</p> <p>The application is brought before committee as NIW object to the proposal.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of dwelling in this location</li> <li>• Character/Layout/Design</li> <li>• Private amenity/landscaping</li> <li>• Access/Parking</li> <li>• Impact on neighbouring amenity</li> <li>• Impact on established residential area</li> <li>• NI Water consultation response</li> </ul> <p>The area displays both dwelling houses and apartments as well as conversion to apartments and therefore in principle the conversion is acceptable. The scale and massing of the extension is considered sympathetic with the existing dwelling and surrounding area. The internal space standards are exceeded, and the private amenity space provided is also well in excess of that recommended.</p> <p>NI Water have not recommended refusal but they state that public foul and public storm capacity is not available at present to service the proposed development.</p>	

No supporting data or information has been provided particular to this application. Clearly the objection is a material consideration. It is however a matter for the decision maker to determine the weight to be attached to it and all other material considerations.

The applicant has been advised to liaise with NIW and NIW advise they intend to upgrade the Waste Water Treatment Works. The proposed apartments contain 3 bedrooms which is the same as the existing dwelling, the maximum no. of occupants is therefore not being increased. Whilst it is acknowledged that each apartment will have its own kitchen/toilet which may generate more waste water, it is considered that the modest scale of the scheme presents a significantly like for like proposal which will not exacerbate the impact on the waste water system to a level that would warrant a refusal. The applicant is currently in discussions with NI Water regarding a potential solution. It is considered that the issue can be resolved by means of a pre occupation condition.

It is also noted that NI Water has a duty to connect significant committed development across the city to its waste water infrastructure. Such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will not all come forward at once and some may not come forward at all.

In those circumstances it is considered unlikely that the proposal would result in a significant impact on waste water infrastructure over and above the existing use of the site. It is also considered unreasonable to conclude that the proposal, either of itself or in combination with other development, would likely have significant impact on protected environmental assets including Belfast Lough.

For these reasons' officers are of the view that it would be unreasonable to give determining weight to the NI Water objection.

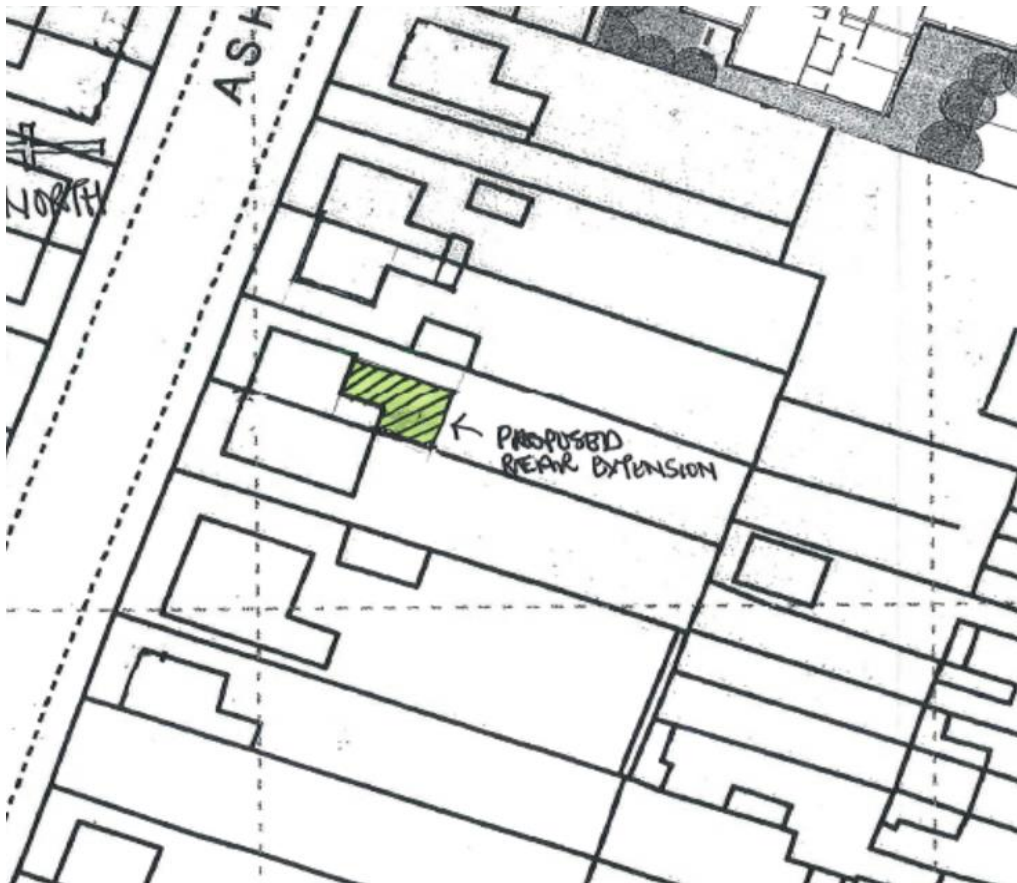
**Recommendation**

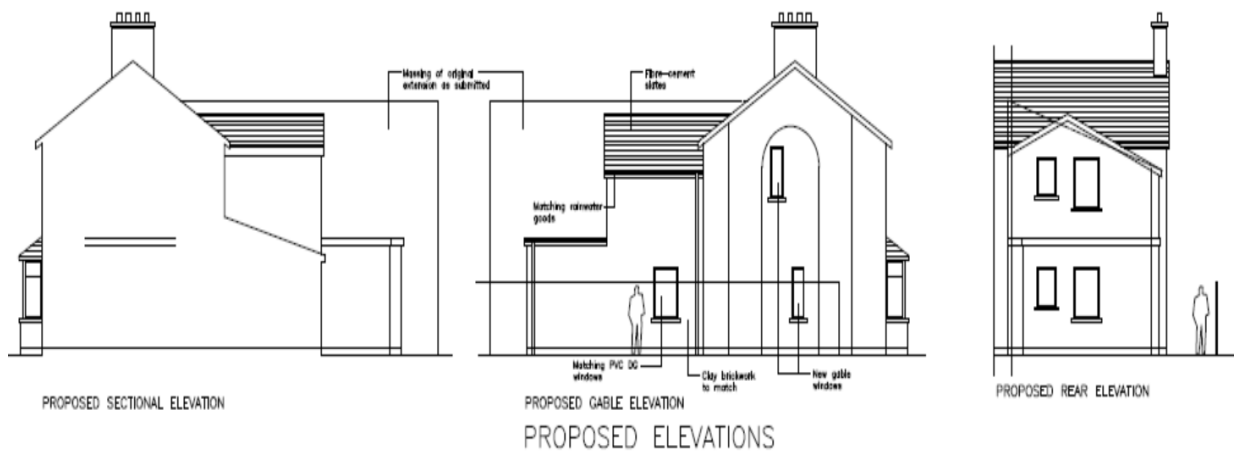
The application is recommended for approval subject to Conditions

<b>Case Officer Report</b>
<b>Site Location Plan</b>

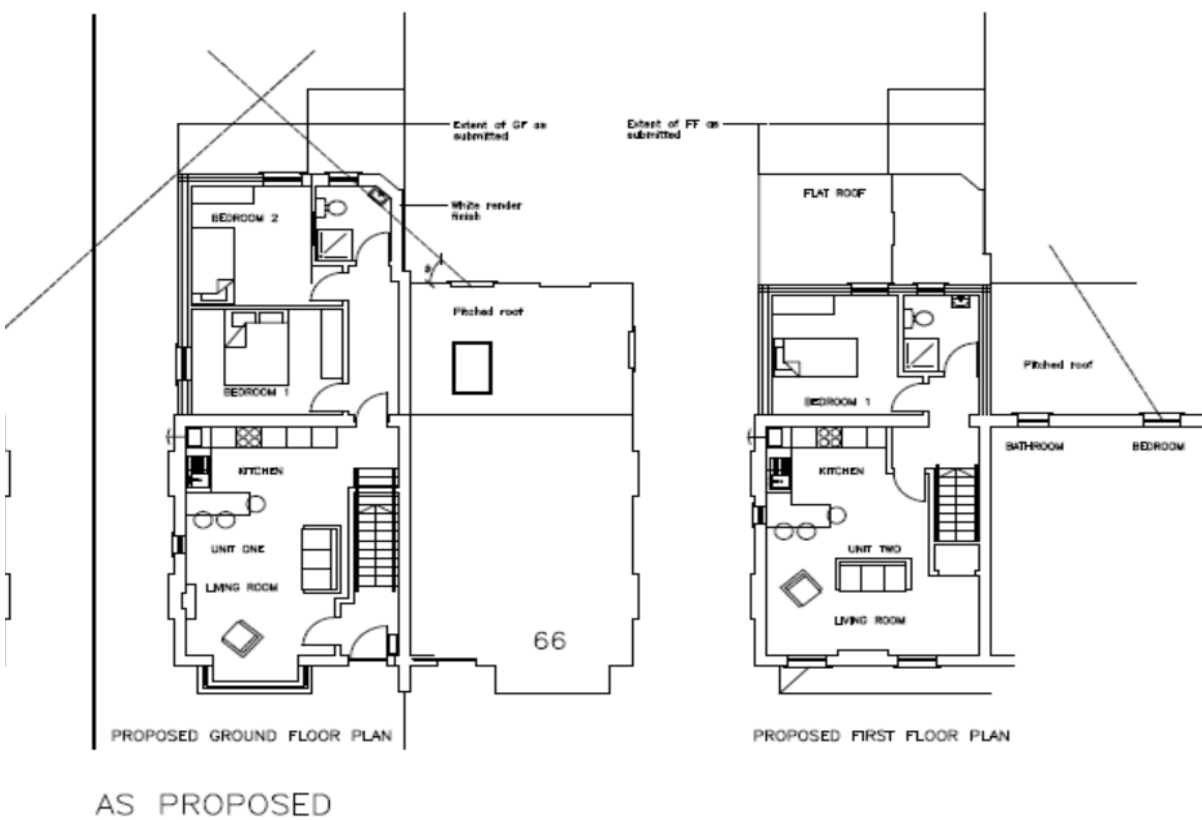


## Block Plan





## Elevations



## Floorplans

<b>Characteristics of the Site and Area</b>	
<b>1.0</b>	<b>Description of Proposed Development</b> Subdivision of existing dwelling into two apartments with two storey rear extension.
<b>2.0</b>	<b>Description of Site</b> The site is located at 64 Ashley Avenue. The dwelling is a two storey, semi-detached, red brick property with a single storey rear return. There is a small amount of amenity space to the front and a large garden to the rear. The surrounding area is residential. The immediate surrounding area is comprised of similar semi-detached and detached dwellings, further to the east and west along Ashley Avenue is higher density terrace housing as well as apartments. The site is located within the Lisburn Road draft Area of Townscape Character as designated in dBMAP.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Site History</b> Z/2001/1166/F, 64 Ashley Avenue, Malone Lower, Belfast, Northern Ireland, BT09 7BU, Extension to dwelling, PERMISSION GRANTED, 23.10.2001.
<b>4.0</b>	<b>Policy Framework</b>
4.1	Belfast Urban Area Plan
4.2	<b>Draft Belfast Metropolitan Area Plan 2015</b> 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.  <b>Belfast dLDP</b> The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from DfI in relation to additional required steps before it can be considered Sound and adopted. Paragraph 1.10 states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during the transitional period planning authorities will apply existing policy together with the SPPS.
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	PPS 3: Access, Movement and Parking
4.5	PPS 7: Quality Residential Environments
4.6	PPS 7 (Addendum): Safeguarding the Character of Established Residential Areas
<b>5.0</b>	<b>Statutory Consultees Responses</b> DFI Roads- No objections NI Water- No Waste Water Capacity Available

<b>6.0</b>	<b>Non-Statutory Consultees Responses</b> Environmental Health- No objections
<b>7.0</b>	<b>Representations</b>
	The application has been neighbour notified on the 6 <sup>th</sup> May 2021 and advertised in the local press on the 7 <sup>th</sup> May 2021. One objection was received and is summarised below: <ul style="list-style-type: none"> <li>• Application relies upon on-street parking.</li> </ul>
<b>8.0</b>	<b>Other Material Considerations</b> None
<b>8.1</b>	<b>Any other supplementary guidance</b> Creating Places
<b>9.0</b>	<b>Assessment</b>
9.1	The proposal is considered to be in compliance with the development plan.
9.2	<p>Assessment</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> <li>• Principle of dwelling in this location</li> <li>• Character/Layout/Design</li> <li>• Private amenity/landscaping</li> <li>• Access/Parking</li> <li>• Impact on neighbouring amenity</li> <li>• Impact on established residential area</li> <li>• NI Water consultation response</li> </ul>
9.3	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.
9.4	<p><b>Principle of apartments in this location</b></p> <p>The immediate surrounding area is comprised of semi-detached and detached dwellings with the exception of no. 70 which is comprised of two apartments. Ashley Avenue does contain apartment developments approximately 90m to the east towards the Lisburn Road. With consideration to Creating Places which encourages a mix of housing types as well as the surrounding area and previous approvals the principle of apartments in this location is considered acceptable.</p>
9.5	<p><b>Character/Layout/Design</b></p> <p>The proposal includes a two storey rear extension which is stepped back at the first floor. The extension measures 6.45m in length at ground floor level and 3.5m at first floor level, the extension contains a pitched roof at a height of 6.1m. two apartments are proposed one on the ground floor with two bedrooms and one on the first floor with one bedroom. The scale and massing of the extension is considered sympathetic with the existing dwelling and surrounding area. The stepped back building line at first floor level ensures</p>

	the extension remains subservient while the roof form is pitched to match the existing dwelling and will sit below the ridge height.
9.6	<p><b>Private amenity/landscaping</b></p> <p>Creating Places recommends a minimum of 10sq metres should be provided per apartment. The proposed apartments comply with creating places and provides sufficient amenity space with a total of 156sq m. The existing boundaries are comprised of hedgerows with a number of trees to the rear, these will be conditioned to ensure a high level of landscaping.</p>
9.7	<p><b>Access/Parking</b></p> <p>The proposed apartments rely upon on street car parking. One objection was received with concerns relating to the impact of on street parking. DFI Roads were consulted and had no objections. The proposed apartments are not of a scale which will cause an unacceptable reduction of available on street parking. The commissioner in the appeal 2017/A0126 at 70 Ashley Avenue noted an acceptable level of parking observed when on site visits. It is also considered that the site is located off the Lisburn Road which is an arterial route and avails of good public transport and readily accessible amenities.</p>
9.8	<p><b>Impact on neighbouring amenity</b></p> <p>The proposed extension will not cause an unacceptable impact on neighbouring dwellings. An angles test has been carried out and the proposal complies. It should be noted that the applicant has shown a breach of the angles test from no. 66, however the angle shown is a 45 degree angle but as the extension is single storey at the section, the 60 degree angle is appropriate. The proposal complies with the 60 degree angle. The scale and massing of the extension ensures that there will be no overshadowing or loss of light to neighbouring properties. There is one ground floor bedroom window located on the side elevation and will be screened by the existing boundary.</p>
9.9	<p><b>Impact on Established Residential Area</b></p> <p>It is considered that the proposal complies with policy LC1 of the addendum to PPS 7. Given the surrounding area consists of some apartment development the proposed density will not significantly differ. The pattern of development is common within the surrounding area and therefore will not impact the character of the established residential area. The proposed apartments comply with the space standards, the ground floor apartment is a two bed, 3 person apartment of 63sq m and the 1st floor apartment is a 1 person 1 bedroom apartment of 48sq m. The space standards require a minimum of 60sq m for the ground floor and 35sq m for the first floor.</p>
9.10	<p><b>NI Water Consultation Response</b></p> <p>NI Water state that waste water treatment capacity is not available for the proposed development. This position was confirmed with the submission of a Pre-Development Enquiry to NI Water by the applicant, the applicant advises that they continue to work with NIW to agree a solution and that they are content to accept a condition that will restrict occupation in the meantime until a solution is agreed. The proposed apartments contain 3 bedrooms which is the same as the existing dwelling, the maximum no. of occupants is therefore not being increased. While acknowledged that with each apartment having its own kitchen/toilet which may generate more waste water, it is considered that the modest scale of the scheme presents a significantly like for like</p>

	proposal which will not exacerbate the impact on the waste water system to a level that would warrant a refusal.
9.3	Having regard for the policy context and the considerations above, the proposal is deemed acceptable.
<b>10.0</b>	<b>Summary of Recommendation: Approval</b>
<b>11.0</b>	<b>Conditions</b> <ol style="list-style-type: none"> <li>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.</li> <li>The development hereby approved shall not be occupied until the units hereby granted have obtained NI Water consent to connect to the foul and storm water system. Reason: In the interests of the environment.</li> </ol> <p>Informatives</p> <ol style="list-style-type: none"> <li>The applicant is advised to contact NIW Waterline on 03457 440088 or <a href="mailto:waterline@niwater.com">waterline@niwater.com</a>, upon receipt of this consultation to discuss any areas of concern. Application forms and guidance are also available via these means.</li> </ol>
<b>Notification to Department (if relevant)</b>	
<b>Representations from Elected members:</b>	
<b>ANNEX</b>	
<b>Date Valid</b>	23rd April 2021
<b>Date First Advertised</b>	7th May 2021
<b>Date Last Advertised</b>	



**Details of Neighbour Notification** (all addresses)

The Owner/Occupier,

62, 66, 71, 73, 75 Ashley Avenue, Belfast, Antrim, BT9 7BU

The Owner/Occupier,

65 - 71 Tates Avenue, Belfast, Antrim, BT9 7BY

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## Development Management Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 15 March 2022	
<b>Application ID:</b>	LA04/2021/2144/F
<b>Proposal:</b> Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).	<b>Location:</b> 150 Knock Road Belfast BT5 6QD
<b>Referral Route:</b> Planning Committee – major application	
<b>Recommendation:</b>	APPROVAL
<b>Applicant Name and Address:</b> GEDA Limited 36 Moore Street Coalisland Dungannon BT71 4QB	<b>Agent Name and Address:</b> Barry Owens Consulting 38 Highfields Avenue Dublin Road Newry BT35 8UG
<p><b>Executive Summary:</b></p> <p>The application seeks full planning permission for residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair &amp; 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).</p> <p>The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>- The principle of the proposed development and use at this location;</li> <li>- Layout, scale, form, massing, and design;</li> <li>- Impact on built heritage;</li> <li>- Impact on amenity;</li> <li>- Impact on transport and associated infrastructure;</li> <li>- Flooding and drainage impacts;</li> <li>- Impact on natural heritage assets;</li> <li>- Contamination and remediation of the site; and</li> <li>- Developer contributions.</li> </ul> <p>The site falls within the development limit within the BUAP and in both versions of dBMAP and is not subject to any zonings. Redevelopment of the site for residential use was accepted under the previously granted permission and there has been no change in policy direction since that time subject to detailed considerations as set out in regional policies.</p>	

The proposed layout essentially repeats the previously approved layout arrangements, comprising two blocks, one behind the other, with areas of landscaping and parking. Both blocks repeat the separation distances to the southern site boundary. The front block layout/siting has been revised from the previous permission. It is in a broadly similar position on the site but within a more constrained footprint with the result that the block does not extend as close to the site frontage (c.6.5m reduction). Separation distances between the apartment blocks are slightly reduced by approximately 6m on average to an average of 33m. The rear block is located largely further away from the rear/eastern site boundary compared to the previous approval by approximately 1.5m, with overall separation distance ranging from c.8m at narrowest increasing to c. 16m at widest point. The revised layout details are considered acceptable taking account of the extant permission.

The layout does not include a basement level of parking within the layout as previously approved, rather parking court areas instead. This results in an increased area of hard-surfacing compared to the previous permission. However, this roughly equates to the larger built form area of the buildings in the previous permission. The layout is acceptable due to the similar approach/characteristics previously approved.

The proposed apartment blocks remain 4 storeys. Block 1 (front) at 17.75m is a slight reduction in height of approximately 1m compared to the previous approval. The height of the rear block is also revised, with an overall reduction of approximately 1.9-2m from the highest section, but a slight increase of the lower section of 1.3m compared to the previously approved details. Materials include a mix of render and brick. Massing is considered to be slightly less than the previous permission given the reduction in the height and extent of built form. Visual impacts to the site will also therefore be less than the previous permission and as demonstrated in the supporting visual impact assessment. These aspects are therefore considered acceptable and in accordance with policy requirements.

The proposed materials, design and fenestration are acceptable, incorporating a similar, fenestration, and solid to void ratios, as other development in the locality.

The proposal will not adversely impact on the amenity of existing residents due to the separation distances to existing properties and the layout ensures no adverse amenity impacts for prospective residents. Amenity space provision equates to 18sqm per unit and overall open space provision exceeds the 10% requirement in PPS7 & PPS8. The site is also in close proximity to public open space. Floorspace/sizes of the proposed apartments are in accordance with the space standards as set out in aPPS7.

Parking is provided at a ratio of 1:1 which is slightly below parking standards. Travel cards for a period of 3 years in addition to a car club facility are proposed as part of the travel plan arrangement to mitigate the deficit. DFI Roads have no objections to traffic, access, parking and related issues and the proposal is therefore considered compliant with relevant policies.

35 objections have been received and 1 letter of support. The Issues raised are fully considered in the report.

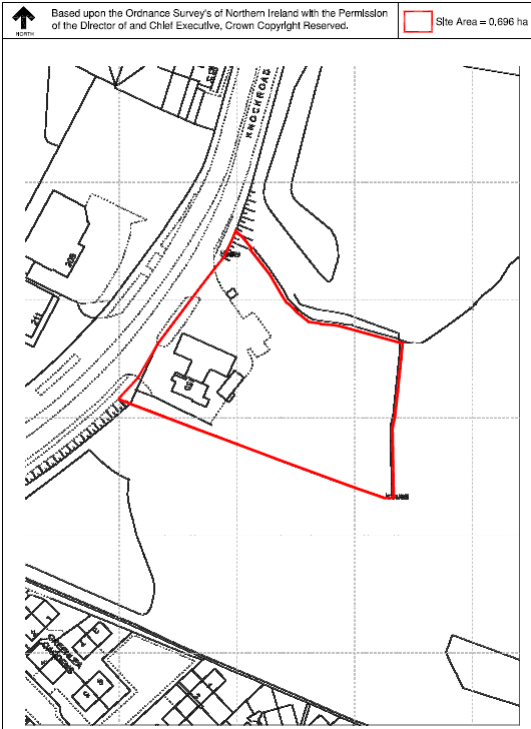
NI Housing Executive have no objections to the application and advise that they are supportive of the proposals. No other consultees have any objections to the application.

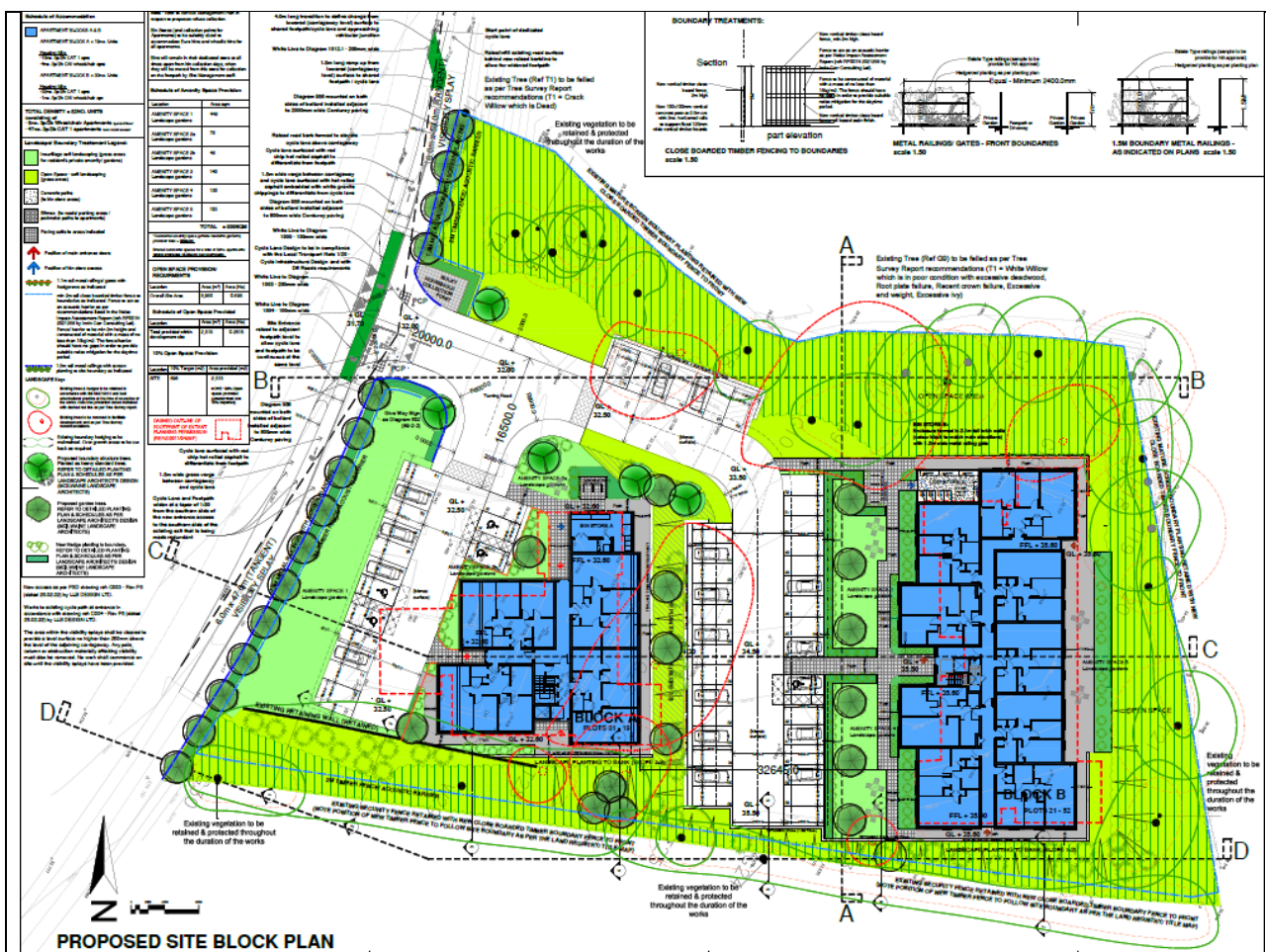
Having regard to the Development Plan and relevant material considerations, the proposal is considered acceptable subject to resolution of the outstanding matters.

It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission subject to conditions and enter into a S76 Planning Agreement with the applicant to secure green travel measures.

Case Officer Report

Site Location Plan







Previously approved elevations (front block):



Previously approved rear block front elevation:



Representations:	
Letters of Support	1
Letters of Objection	35
Number of Support Petitions and signatures	No Petitions Received



Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Members	None received. Meeting held with Cllr McReynolds and objectors
Neighbour Notification Checked	Yes

### 1.0 Characteristics of the Site and Area

The application site is located at a former petrol station in east Belfast, which has now ceased trading. It is located adjacent to and is accessed from the Knock Road. Site clearance works are being undertaken at the time of writing.

The site is broadly rectangular in shape and a largely level area in which the former petrol station, hardstanding and associated structures were located. There are number of mature trees located generally around the periphery of the site.

The surrounding area is predominantly residential, comprising typical 2 storey terraced and semi-detached dwellings to the north east and south west. There is a petrol station and car sales premises opposite the site also on Knock Road. The site is bounded on 3 sides by a golf club, to the east and south.

### 2.0 Proposal

The application seeks full planning permission for Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).

### Planning Assessment of Policy and Other Material Considerations

#### 3.0 Site History

There is a previous permission on the site under reference Z/2011/0426/F for Demolition of petrol filling station. Development of residential scheme comprising 2 No. apartment buildings containing 52 No. units, basement and surface car parking, and landscaping, granted on 08.03.2013. the current application seeks to vary the details of this permission.

The site has also been subject to an application for a Certificate of Lawful Development under reference LA04/2020/2208/LDE for "Rear part of site development commenced on 19th February 2018 with construction of substructure foundations associated with approved planning application ref. no. Z/2011/0426/F". This was approved on 02.03.2021 and confirms works completed were in accordance with the approved application.

#### 4.0 Policy Framework

- 4.1 Belfast Urban Area Plan 2001
- 4.2 Draft Belfast Metropolitan Area Plan 2015 (v2004)
- 4.3 Draft Belfast Metropolitan Area Plan 2015 (v2014)
- 4.4 Strategic Planning Policy Statement (SPPS)
- 4.5 Planning Policy Statement 2 (PPS2) – Planning and Nature Conservation
- 4.6 Planning Policy Statement 3 (PPS3) - Access, Movement and Parking
- 4.7 Planning Policy Statement 6 (PPS6) – Planning and the Historic Environment



- 4.8 Planning Policy Statement 7 (PPS7) – Residential Development
- 4.9 Planning Policy Statement 12 (PPS12) – Housing in Settlements
- 4.10 Planning Policy Statement 13 (PPS13) – Transportation and Land Use
- 4.11 Planning Policy Statement 15 (PPS15) – Planning and Flood Risk
- 4.12 BCC Developer Contribution Framework (2020)

4.13 Supplementary Planning Guidance including ‘Creating Places’, Development Control Advice Note 8 Housing in Existing Urban Areas, and Parking Standards.

## **5.0 Statutory Consultee Responses**

- 5.1 DFI Roads – awaiting response;
- 5.2 DFI Rivers – No objection;
- 5.3 DAERA – Waste Management - No objection subject to conditions;
- 5.4 NI Water – No objection;
- 5.5 DAERA – Natural Heritage – no objection;
- 5.6 DFC HED – no objections;
- 5.7 NIE – no response.

## **6.0 Non - Statutory Consultee Responses**

- 6.1 BCC Environmental Health – No objection subject to conditions;
- 6.2 BCC Landscape Team – No objections;
- 6.4 BCC Tree Officer – no objection;

<b>7.0</b>	<b>Representations</b>
7.1	The application has been neighbour notified and advertised in the local press.
7.2	35 objections and 1 letter of support have been received from the public / neighbours. These are summarised at paragraph 9.37 of the report.
7.3	No representations have been received from elected representatives.
<b>8.0</b>	<b>Other Material Considerations</b>
8.1	Belfast Agenda (Community Plan).
<b>9.0</b>	<b>Assessment</b>
9.1	The application seeks full planning permission for Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incutillage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).
9.2	<p>The key issues in the assessment of the proposal are:</p> <ul style="list-style-type: none"> <li>- The principle of the proposed development and use at this location;</li> <li>- Layout, scale, form, massing, and design;</li> <li>- Impact on built heritage;</li> <li>- Impact on amenity;</li> <li>- Impact on transport and associated infrastructure;</li> <li>- Flooding and drainage impacts;</li> <li>- Impact on natural heritage assets;</li> <li>- Contamination and remediation of the site; and</li> </ul>

	<p>- Developer contributions.</p> <p><b>Regional Policy Context:</b></p>
9.3	The Regional Development Strategy 2035 (RDS) includes a number of policies relevant to the proposal including Tourism (RG4), Supporting Urban Renaissance (RG7), and Conserve, protect and enhance where possible the built and natural heritage.
9.4	In relation to Belfast, the RDS includes policies to promote economic development, grow the city population, and protect and enhance the setting of the Metropolitan Area and its environmental assets. Policy SFG3 seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services, and cultural amenities.
9.5	The Strategic Planning Policy Statement for Northern Ireland (SPPS) sets out the five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating, and enhancing shared space, and supporting good design and place making.
9.6	The SPPS states at paragraph 1.13 that a number of policy statements, including those listed at paragraph 4.2 of this report, remain relevant under the 'transitional arrangements' in advance of a council's adoption of its new Local Development Plan. Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
	<b>Development Plan</b>
9.7	Section 45 (1) of the Planning Act (NI) 2011 requires the Council to have regard to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
9.8	Following the Court of Appeal decision that quashed the adoption of the Belfast Metropolitan Area Plan 2015, the extant Development Plan is now the Belfast Urban Area Plan 2001 (BUAP). Both the draft Belfast Metropolitan Area Plan 2015 (dBMAP v2004) and Belfast Metropolitan Area Plan (dBMAP v2014) are material considerations. The weight to be afforded the draft Belfast Metropolitan Area Plan is a matter of judgement for the decision maker. The Committee is advised that significant weight should be afforded to the latest version of dBMAP 2015 (v2014) given the advanced stage it reached in the adoption process.
9.9	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the

	<p>Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.</p> <p><b>Principle of development and proposed uses:</b></p>
9.10	<p>The site falls within the development limit within the BUAP and in both versions of dBMAP and is not subject to any zonings. Redevelopment of the site for residential use has been previously accepted under extant permission Z/2011/0426/F and there has been no change in policy direction since that time subject to detailed considerations as set out in regional policies.</p>
9.11	<p>In relation to the demolition of the existing building and structures, the site is not located in a Conservation Area or Area of Townscape Character, and the buildings are not listed or of any historic interest or architectural merit. Demolition of the existing buildings and structures is therefore not subject to planning control. Accordingly, the demolition of these structures is acceptable in principle. The removal of all existing structures was also accepted through the previous permission. Site clearance works have already commenced.</p>
9.12	<p>The proposal would assist the regeneration of the site with the existing petrol station no longer in operation and the site in derelict condition. The proposal would also make effective use of a brownfield site (previously developed land) in a sustainable location with good access to shops, services, jobs, and public transport. This is an affordable housing scheme which will help address an identified affordable housing need in the area. These factors support the case for the granting of planning permission in principle subject to acceptable detail issues.</p> <p><b>PPS7 – Design, Character and Appearance of Area and amenity</b></p>
9.13	<p>The proposal has been assessed against Policy QD 1 of PPS 7. The preamble to PPS7 advises that it applies to all residential applications with the exception of single houses in the countryside. Policy QD1 states that planning permission will be granted for new residential development only where it is demonstrated that it will create a quality and sustainable residential environment. It indicates that housing will not be permitted in established residential areas where it would result in unacceptable damage to local character, environmental quality, or residential amenity of these areas. The policy sets out nine criteria which all residential development proposals are expected to meet. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies LC1-3.</p>
9.14	<p><b>Layout</b></p> <p>The proposed layout essentially repeats the previously approved layout arrangements, comprising two blocks, one behind the other with areas of landscaping and parking. Both blocks repeat the separation distances to the southern site boundary. The front block layout/siting has been revised from the previous permission. It is in a broadly similar position on the site but within a more constrained footprint with the result that the block does not extend as close to the site frontage (c.6.5m reduction). Separation distances between the apartment blocks are slightly reduced by approximately 6m on average to 33m.</p>

	<p>The rear block is located largely further away from the rear/eastern site boundary compared to the previous approval by approximately 1.5m, with overall separation distance ranging from c.8m at narrowest increasing to c. 16m at the widest point.</p> <p>The layout does not include a basement level of parking within the layout as approved previously, rather parking court areas instead. This results in an increased area of hard-surfacing compared to the previous permission. However, this roughly equates to the larger built form area of the buildings in the previous permission. The layout is acceptable due to the similar approach/characteristics previously approved.</p> <p><b>Scale, height, massing, and design</b></p>
9.15	<p>The proposed apartment blocks retain the previously approved 4 storey building heights but are subject to revisions resulting generally in a reduction in height. Block 1 (front) is 17.75m and is a slight reduction in height of approximately 1m compared to the previous approval. The height of the block is also revised, with an overall reduction of approximately 1.9-2m from the highest section, but a slight increase of the lower section of 1.3m. Materials include a mix of render and brick. Massing is considered to be slightly less than the previous permission given the reduction in the height and extent of built form. Visual impacts to the site will also therefore be less than the previous permission and as demonstrated in the supporting visual impact assessment. These aspects are therefore considered acceptable and in accordance with policy requirements.</p>
9.16	<p>The proposed materials, design and fenestration are consistent with the area, incorporating a similar, fenestration, and solid to void ratios, and in the locality. The proposed design is therefore compliant with criteria [g] of PPS7.</p> <p><b>Impact on Residential Amenity</b></p>
9.17	<p>There are significant distances between the site and existing properties which are considered sufficient to mitigate against amenity impacts on existing properties in terms of dominance, overshadowing, and overlooking/loss of light. The floorplan arrangement is very similar to the previous permission. It ensures that habitable rooms have adequate outlook to adjacent public space and will not result in direct overlooking or intervisibility of other apartments within the development.</p>
9.18	<p>Boundary treatments proposed repeat those evident in the local context and are acceptable. Conditions are necessary to secure the provision of these elements prior to occupation, including evidence that the retaining structures have been completed to a suitable structural design by an appropriate competent person / engineer to ensure public safety and amenity.</p>
9.19	<p>Amenity space provision includes external communal garden areas at ground floor which total approximately 939sq sqm, equating to approximately 18sqm per unit, which is above the minimum standard (10sqm min). This excludes the sloped landscaped areas located along the northern and eastern boundaries of the site but are also of amenity value to the site and prospective residents. Communal provision is in line with supplementary guidance which requires provision of between 10-30sqm, taking account of the context. Provision therefore is at the median of this requirement and is therefore acceptable. The overall open space provision of the site is 2515sqm which is well above the 10% of site area minimum requirement in PPS8. In addition, adequate public open space and management arrangements is provided as part of the development and related requirements under PPS7 and PPS8 are therefore satisfied. The site also benefits from close proximity to public open space to the south and</p>

	northwest/opposite of the site, the latter which includes a direct pedestrian linkage to Knock Road. Environmental Health have confirmed adequate arrangements are proposed to ensure residential amenity will be protected.
9.20	Policy LC 1 of PPS 7 (Addendum) sets out that in established residential areas planning permission will only be granted for the infilling of vacant sites to accommodate new housing, where all the criteria set out in Policy QD1 of PPS7, and additional criteria are met. Annex E of PPS 7 Addendum states that Policy LC 1 will not apply “along key and link transport corridors (including designated arterial routes)”. As such, LC1 does not apply to the proposed development.
9.21	Notwithstanding the above, the accommodation proposed range in size from approximately 62 sqm to 85 sqm and comprise 3p/2bed apartments. These sizes are compliant with the space standards prescribed in LC1. (60-65sqm and 80-85sqm) and are therefore acceptable.
	<b>Impact on Trees and Landscape Proposals</b>
9.22	The layout includes a landscaping scheme for the areas of open space, and includes the planting of trees, hedge, shrub, and screen planting. A tree health and condition survey and impact drawing information has been submitted in support of the application. The loss of existing trees is offset by the new tree planting proposed (approx.36). BCC Landscape team has no objections to the proposed arrangements.
9.23	Objectors have raised concerns regarding impact on and loss of existing trees and vegetation. Taking account of the response from the Landscape team, the acute need for social and affordable housing within the area, and the additional planting proposed it is considered that the loss of trees is acceptable. Root systems and damage to retained trees can be avoided through planning conditions. The extent of works required to the exiting trees is set out in the health and condition report. A planning condition is necessary to ensure remedial works are completed in accordance with these details. Conditions are also necessary to secure provision of the new planting as well as protecting existing trees during construction and maintenance and management of the landscaping proposed and retained trees.
	<b>PPS15 – Flooding and drainage</b>
9.24	Rivers Agency and NI Water have been consulted on the application and assessed the submitted flood risk assessment. Neither consultee has any objections to the proposal. Therefore, it is considered that the proposal will not result in or be impacted unacceptably by flooding. It is considered that the proposal is compliant with PPS15 requirements.
	<b>Impact on Built Heritage:</b>
9.25	HED (Historic Monuments) has assessed the application and based on the information provided is content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.
	<b>PPS3 - Traffic, Parking, and associated Roads considerations</b>
9.26	DFI Roads were consulted and are satisfied that there is sufficient vehicle and bicycle parking provision proposed, the access arrangements are adequate, and that the proposal will not result in a significant impact on traffic or road safety. The proposal includes 52 parking spaces and dedicated internal cycle. A 1:1 parking ratio is

	therefore proposed. Whilst this is less than standard, DFI Roads has had regard to the fact that the proposal is an affordable housing scheme and the applicant's evidence that car ownership for the type of housing proposed is less than the usual standard for private housing.
9.27	DFI Roads has also had regard to the applicant's travel plan and Green transport measures to promote alternative travel to the private car. These include provision of travel cards for each apartment for the first three years of occupation and a car club scheme with a recognised car hire provider. DFI Roads advise that these measures are acceptable and assist in mitigating the impacts of parking under-provision below the standards set out in guidance. These measures will require a S76 Planning Agreement to secure green travel measures.
9.28	In assessing the level of proposed parking, regard is also had to the sustainable location of the site which is on an arterial route and has good access to shops, services, jobs, and public transport. The level of proposed parking is therefore considered acceptable and compliant with PPS3, associated guidance, and criteria [f] of QD1.
9.29	The proposal includes modifications to the site access and provision of internal access roads and associated infrastructure. DFI Roads offers no objections to these alterations and the proposed access arrangements are considered acceptable having regard to PPS 3 and DCAN15. Objections are noted in respect of concerns raised on parking provision, access, traffic, and related issues. However, these aspects are considered acceptable due to the assessment and response from DFI Roads.
	<b>Consultee Responses</b>
9.30	Environmental Health has no objections to the proposal in terms of public health matters including contamination, noise, disturbance, and associated matters subject to conditions.
9.31	DEARA Regulation Unit has no objections regarding land contamination issues.
9.32	DEARA Water Management Unit has no objections subject to conditions.
9.33	DAERA Natural Heritage have considered an ecological report submitted in support of the application. They have no objections to the application subject to a condition requiring the submission of a final Construction Environmental Management Plan prior to the commencement of development. This includes a requirement to survey several existing trees identified for removal for bats. Accordingly, the application is compliant with PPS2.
9.34	Shared Environmental Service have been consulted as the site is hydrologically linked to Belfast Lough via the watercourse that traverses the northern site boundary. 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 03/03/2022. This found that the project would not have an adverse effect on the integrity of any European site. Accordingly, the application is compliant with PPS2.
9.35	NI Housing Executive have no objections to the application and advise that they are supportive of the proposals. They have advised that the proposed development site is located within the Middle East Housing Need Area which has a five year need for 307

units 2021-2026. They have also provided following table provides a summary of Braniel/Cherrywood and Clarawood CLA (areas adjacent to the site) Waiting List information for December 2021:

ii					
□	Singles□	Couples□	Families□	Elderly□	TOTAL□
All-Applicants□	371□	31□	162□	197□	761□
Housing-Stress□	239□	26□	136□	144□	545□
Allocations-to <sup>oo</sup> □ September-2020□	55□	4□	38□	38□	135□

The proposal will assist in meeting some of the overall housing needs for the area.

9.36 NIE have been consulted on the application to ascertain any adverse impacts on NIE infrastructure and have no objections. Accordingly the proposal will not adversely impact on NIE infrastructure.

### Representations

9.37 35 objections have been received raising the following issues (summarised):

- a. Health and safety impacts on/from adjacent golf course/risk of injury/liability if a ball inadvertently is hit into this site;
- b. Detrimental impacts to the environment;
- c. Risk of ground collapse from earthworks/proposed basement;
- d. It ignores the surrounding established environment and usage of the golf course;
- e. this is a major development for which the developer failed to consult stakeholders (including SPGC which has been established for 100 years);
- f. It assumes use of Shandon Park Golf Club land to enable the development to proceed;
- g. It will not achieve most of the aims the application documentation claims;
- h. The development, if constructed as indicated in the application, will completely destroy the existing boundary treeline. The hedgerow (which was partly on our land) has already been removed by the contractors.
- i. The site layout indicates steep banking and retaining walls along the boundary;
- j. Work has commenced when planning permission has not been granted and should be stopped;
- k. The height and positioning of this building is inappropriate;
- l. The site location accessed directly off a protected carriageway, on a bend and at the bottom of a hill, at a point where cars are often travelling at pace is a serious concern for cars accessing and egressing the proposed apartment development as well as pedestrians who may live in this development;
- m. Impacts on traffic;
- n. Inappropriate for residential use in such close proximity to the A55 due to pollution from vehicle fumes and noise;
- o. Tourism impacts from inappropriate development;
- p. Impact on birds and wildlife from loss of vegetation;
- q. Height inappropriate for local character and does not blend in with the local landscape and topography;
- r. landscape plan is very basic in its layout and detail and in no way helps to address the loss of a well established habitat that has already in part been removed with further loss to occur should the development proceed;

	<p><b>Response:</b></p> <p>9.38 Many of the issues above have been considered as part of the assessment of the report above. Other issues raised are discussed below:</p> <p>a. Whilst the health as safety concern is noted and acknowledged as a potential issue, this is considered a civil matter between the relevant parties to ensure that health and safety is not adversely affected in the development and ongoing activities at the site. It is not considered that the likely impacts would be so severe as to warrant withholding on this basis. In any event the extant permission has determining weight in relation to this issue as the proposed apartments blocks are located in broadly the same position as the previous approval.</p> <p>b. the proposal will not adversely impact the environment taking account of the extant permission and consultee responses as discussed above.</p> <p>c. any subsidence, structural damage as a result of the development site is a civil matter between the relevant parties. It is the responsibility of the developer and other agencies to ensure that development works are completed in a safe and appropriate manner</p> <p>d. considered above and the proposal is considered acceptable as discussed.</p> <p>e. the application was subject to a PACC process and public consultation was undertaken (further discussion below).</p> <p>f. the applicant has been made aware of the queries/challenges on land ownership and boundary locations. The applicant has confirmed that the development is wholly located within their ownership.</p> <p>j. there is an extant permission on the application site and therefore siteworks in association with that permission can be undertaken lawfully.</p> <p>o. it is not considered that the proposal will impact on tourism to any unacceptable degree. It is compliant with relevant policies as discussed above.</p> <p><b>Pre-Community Consultation</b></p> <p>9.39 For applications that fall within the category of Major development as prescribed in the Development Management Regulations, Section 27 of the Planning Act (Northern Ireland) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p> <p>9.40 Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted.</p> <p>9.41 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.</p> <p>9.42 It is considered that the Pre-application Community Consultation Report (PACC) submitted with the application has demonstrated that the applicant has carried out their duty under Section 27 of the Act to consult the community in advance of submitting an application.</p> <p>9.43 It is noted that objectors have raised concerns regarding lack of consultation and notification of the development. The PACC report and process meets legislative requirements and on that basis is acceptable. The application has been advertised and neighbours notified following receipt of the application and following receipt of revised information. Notification has been completed in accordance with legal requirements.</p>
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9.44	<p><b>Developer Contributions</b></p> <p>In this case the application site is subject to an extant permission for a similar proposal that was not subject to a planning agreement under previous legislation namely the Planning (Northern Ireland) Order 1991. The site is not identified or zoned for social or affordable housing under the relevant development plans and as such constitutes a 'windfall' social housing site. In these circumstances it is considered that it is not appropriate to require developer contributions for this case.</p>
10.0	<p><b>Summary of Recommendation</b></p>
10.1	<p>Having regard to the Development Plan and relevant material considerations, the proposal is considered acceptable subject to resolution of the outstanding matters.</p>
10.2	<p>It is recommended that delegated authority is given to the Director of Planning and Building Control to grant planning permission subject to conditions and enter into a S76 Planning Agreement with the applicant to secure green travel measures.</p>
Conditions/Reasons for Refusal:	
Conditions to Follow	

<b>ANNEX</b>	
<b>Date Valid</b>	1st October 2021
<b>Date First Advertised</b>	15th October 2021
<b>Date Last Advertised</b>	
<b>Details of Neighbour Notification (all addresses)</b> The Owner/Occupier, 1 Greenlea Gardens,Belfast,Down,BT5 7JD The Owner/Occupier, 1 Whincroft Road,Belfast,Down,BT5 7JY Dennis McConnell1, Kingsland Drive, Belfast, Down, Northern Ireland, BT5 7EY The Owner/Occupier, 10 Glen Rise,Belfast,Down,BT5 7LF The Owner/Occupier, 11 Glen Rise,Belfast,Down,BT5 7LF John McCormick 14, Motelands, Belfast, Down, Northern Ireland, BT4 2JH Harry Thompson 15 Ascot Gardens Belfast Down Gordon Strain 15, Knock Link, Belfast, Down, Northern Ireland, BT5 6GG [REDACTED] William McDowell 17, Fort Road, Dundonald, Down, Northern Ireland, BT16 1XR The Owner/Occupier, 209 Knock Road,Belfast,Down,BT5 6QE The Owner/Occupier, 211 Knock Road,Belfast,Down,BT5 6QD Colin Stevenson 221, Orby Drive, Belfast, Down, Northern Ireland, BT5 6BE MALCOLM CALVERT 25 Greenwood Park Belfast Down Peter McALLISTER 250 Lisnahunshin Road Tehorny Cullybackey Grahame Jenkins 29, Richhill Crescent, Belfast, Down, Northern Ireland, BT5 6HF Stephen Taylor 3, Charters Avenue, Belfast, Down, Northern Ireland, BT5 7QH Alan McCormick 58, Shandon Park, Belfast, Down, Northern Ireland, BT5 6NY The Owner/Occupier, 6 Glen Rise,Belfast,Down,BT5 7LF The Owner/Occupier, 7 Glen Rise,Belfast,Down,BT5 7LF Marianne Hood, 73 Shandon Park Belfast Down Simon Moore, 73 Shandon Park Belfast Down Peter Young, 78, Gilnahirk Road, Belfast, Down, Northern Ireland, BT5 7DJ The Owner/Occupier, 8 Glen Rise,Belfast,Down,BT5 7LF The Owner/Occupier, 8 Greenlea Gardens,Belfast,Down,BT5 7JD The Owner/Occupier, 87 Knockwood Park,Belfast,Down,BT5 6GB The Owner/Occupier, 89 Knockwood Park,Belfast,Down,BT5 6GB The Owner/Occupier, 9 Glen Rise,Belfast,Down,BT5 7LF The Owner/Occupier, 91 Knockwood Park,Belfast,Down,BT5 6GB The Owner/Occupier, 93 Knockwood Park,Belfast,Down,BT5 6GB Diarmuid Maguire, Captain Shandon Park Golf Club,2 Carnesure Manor,Comber,BT23 5SJ The Owner/Occupier, Knock Filling Station,211 Knock Road,Belfast,Down,BT5 6QE Lyle Carson Shandon Park Golf Club The Owner/Occupier, Shandon Park Golf Club, 73 Shandon Park, Belfast, Northern Ireland, BT5 6NY Richard Lewis Michael Brown John West Martin McDowell Julian Wilson Michelle Page Richard Cloke Nicci Wilson	

David Scott Paul Stewart Raymond Limmer Frazer Hood Maeve Hamilton David Currie John Slane Simon Moore Kenneth Hanna Alan Paterson Derek Stewart Cathal Cunningham	
<b>Date of Last Neighbour Notification</b>	
<b>Date of EIA Determination</b>	
<b>ES Requested</b>	No
<b>Planning History</b>  Ref ID: LA04/2020/2215/PAN Proposal: Proposed residential development comprising 2no. apartment buildings containing 52no. units with associated incutillage parking and landscaping. Address: 150 Knock Road, Belfast, BT5 6QD, Decision: PANACC Decision Date:  Ref ID: LA04/2020/2208/LDE Proposal: Rear part of site development commenced on 19th February 2018 with construction of substructure foundations associated with approved planning application ref. no. Z/2011/0426/F Address: 150 Knock Road, Carnamuck, Belfast, BT5 6QD, Decision: PG Decision Date:  Ref ID: LA04/2018/0240/DC Proposal: Discharge of condition 15 of planning application ref. no. Z/2011/0426/F Address: 150 Knock Road, Belfast, BT5, Decision: AL Decision Date:  Ref ID: Y/1974/0047 Proposal: ERECTION OF A DWELLING Address: SHANDON PARK GOLF CLUB, KNOCK ROAD Decision: Decision Date:  Ref ID: Z/2011/0426/F Proposal: Demolition of petrol filling station. Development of residential scheme comprising 2 No. apartment buildings containing 52 No. units, basement and surface car parking, and landscaping Address: 150 Knock Road, Belfast, BT5, Decision: PG Decision Date: 08.03.2013	

Ref ID: Z/1987/0721

Proposal: Redevelopment of filling station

Address: KNOCK ROAD FILLING STATION BELFAST

Decision:

Decision Date:

Ref ID: Z/1989/0496

Proposal: Extension to petrol station

Address: SHANDON PARK FILLING STATION, KNOCK DUAL CARRIAGEWAY BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/1985/1698

Proposal: ERECTION OF CAR WASH AND LIQUID PETROLEUM GAS STORE

Address: KNOCK ROAD FILLING STATION

Decision:

Decision Date:

Ref ID: Z/2000/2007/O

Proposal: Proposed sit in and drive through restaurant and associated car parking.

Address: Land adjacent to 150 Knock Road, Belfast BT5 6QD

Decision:

Decision Date:

Ref ID: Z/1992/0606

Proposal: Construction of fast-food premises to rear of petrol filling station

Address: 150 KNOCK ROAD BELFAST BT5

Decision:

Decision Date:

Ref ID: Z/2010/0775

Proposal: Residential development

Address: 150 Knock Road, Carnamuck, Belfast, Northern Ireland, BT

Decision: ESA

Decision Date:

Ref ID: Z/2004/2684/F

Proposal: Erection of replacement commercial premises to include convenience store, petrol forecourt, jetwash and drive through car wash.

Address: 150 Knock Road, Carnamuck, Belfast, Northern Ireland.

Decision:

Decision Date: 10.10.2005

Ref ID: Y/1989/0470

Proposal: Construction of palisade fencing and protective mesh fencing.

Address: BOUNDARY OF SHANDON PARK GOLF CLUB AND SOUTHLAND DALE AND WHINCROFT WAY, LOWER BRANIEL.

Decision:

Decision Date:

<b>Drawing Numbers and Title</b>
<b>Notification to Department (if relevant) N/A</b>  Date of Notification to Department: Response of Department:

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<b>Application ID:</b>	LA04/2021/2144/F	
<b>Proposal:</b> Residential (social housing) development comprising of 2no. Apartment buildings containing 52no. apartments (housing mix of 5no. 3p/2b Wheelchair & 47no. 3p/2b CAT 1 apartments) with associated incurtilage parking and landscaping (change of design to extant planning permission ref: Z/2011/0426/F).	<b>Location:</b> 150 Knock Road Belfast BT5 6QD	
<p>Conditions (delegated authority to Director of Planning &amp; Building Control to finalise conditions requested)</p> <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. Prior to the occupation of any apartment hereby approved, boundary walls and fencing shall be erected in accordance with the approved plans and shall be permanently retained thereafter.</p> <p>Reason: In the interest of privacy and amenity.</p> <p>3. Prior to the occupation of any apartment hereby permitted the bin store area shall be constructed in accordance with the approved drawings and retained thereafter. Access to the bin storage area shall be available to residents of the apartments hereby permitted at all times.</p> <p>Reason: In the interests of residential and visual amenity.</p> <p>4. There shall be no servicing (including those for water supply, drainage, heating, and gas supplies) affixed to the exterior of the buildings hereby approved, unless specifically shown on the approved plans.</p> <p>Reason: In the interests of visual amenity.</p> <p>5. No equipment, machinery or materials are to be brought on the site for the purpose of the development including demolition and site clearance until all trees to be retained have been protected by fences or other suitable means of enclosure as per recommendations of BS 5837 'Trees in relation to design, demolition and construction' 2012 section 6.2 (or equivalent British Standard current at time of works).</p> <p>Within the fenced area no activities associated with building operations shall take place, and the ground levels within those areas shall not be altered. All means of protection shall be retained in situ for the duration of the development.</p> <p>Reason: To ensure that adequate protection measures are put in place around trees prior to the commencement of development to ensure that the trees to be retained are not damaged or otherwise adversely affected by building operations and soil compaction.</p> <p>6. The developer shall inform the Council on completing the installation of all tree protection measures so that the Council or their representative may pass such measures before</p>		

allowing development to commence. Development shall not commence until these measures have been agreed by the Council in writing.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (residential without plant uptake). It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

- a) Any remaining fuel storage tanks or associated infrastructure has been fully decommissioned and dealt with in accordance with Guidance for Pollution Prevention (GPP2), the Pollution Prevention Guidance (PPG27), and in accordance with the actions and procedures presented in Tetra Tech's Updated Contaminated land Risk Assessment and Updated Remedial Strategy report Ref. B030728 dated September 2021 prior to the occupation of any apartment hereby permitted. The quality of surrounding soils and groundwater shall be verified and should contamination be identified during this process, Conditions 13 and 14 will apply.
- b) A minimum 600mm capping layer has been emplaced in all communal landscaped areas formed from material that is demonstrably suitable for use (residential without plant uptake).
- c) Gas protection measures commensurate with the Characteristic Situation 2 classification of the site have been incorporated in the development in accordance with BS 8485:2015+A1:2019. These measures should include:
  - A reinforced concrete cast in situ monolithic concrete floor slab (suspended, non-suspended or raft, well reinforced with minimal penetrations) OR
  - A passively ventilated 150mm underfloor subspace capable of providing 1 complete air change per 24 hours AND
  - A gas and hydrocarbon resistant membrane with all joints and penetrations sealed, verified in accordance with CIRIA C735.

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

13. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk

Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation

strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

14. After completing the remediation works under Condition 13; and prior to the occupation of any apartment hereby permitted, a verification report shall be submitted in writing and agreed with Council. This report shall be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>.

The verification report shall present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

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

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

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

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

Reason: In the interests of amenity.

17. Prior to installation of window units throughout each block of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The window specification for habitable rooms shall be in accordance with the recommendations in appendix D and E of the Irwin Carr Consulting Ltd ?Noise Impact Assessment, 150 Knock Road, Belfast?, report reference: Rp001N 2021258, dated 12th November 2021.

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

18. Prior to installation of alternative means of ventilation throughout each block of the hereby permitted development, the applicant shall submit to the planning authority, for review

and approval in writing, confirmation of the specification of the alternative means of ventilation. The sound reduction specification for the alternative means of ventilation shall be in accordance with the recommendations outlined in appendix E of the Irwin Carr Consulting Ltd 'Noise Impact Assessment, 150 Knock Road, Belfast', report reference: Rp001N 2021258, dated 12th November 2021 to be equivalent to or greater than the sound reduction specification of the windows.

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

19. Prior to occupation of any hereby permitted apartment, the window schedule and approved alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided. The approved windows and alternative means of ventilation shall be retained thereafter.

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

20. Prior to occupation of any apartment hereby permitted, a report verifying that the window schedule and alternative means of ventilation as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.

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

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

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

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

Reason: Protection of amenity within the surrounding area.

23. No development activity, including ground preparation or vegetation clearance, shall take place until a final Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Planning Authority. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Planning Authority. The CEMP shall include the following:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan; including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and the watercourses or surface drains present on or adjacent to the site;

c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures;

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

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

24. Prior to works commencing on site a temporary fence shall be erected on site along the length of the of the Kenban stream at a distance of 20 metres from the centre of the stream. No works, infill, storage or construction activity shall take place to the north of the fenced area without the consent of the Department. The fence shall be maintained and shall not be removed until the occupation of the apartments hereby permitted.

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

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

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

26. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No C003 Rev P6 and Drawing C004 Rev P5, prior to the occupation of any other works or other development hereby permitted.

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

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

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

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

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

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

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

30. 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.

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

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

32. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:C003 Rev P6 bearing the Department for Infrastructure determination date stamp 4/3/22.

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

33. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.  
No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined blue on Drawing No:C003 Rev P6 bearing the date stamp 4/3/22. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

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

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

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

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

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

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

#### Informatives

1. This planning permission includes condition(s) which require additional details to be submitted to and approved by the Council. Please read the conditions carefully. You should

allow at least 8 weeks for the Council to assess the details and respond. This may take longer in cases which involve the submission of detailed technical reports. You should allow for this when planning your project. If you proceed without the approval of these details from the Council, you do so at your own risk.

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

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

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

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

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

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

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

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

If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT7 2JA. Tel. 028 9056 9558 or 028 9056 9557.

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

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

eggs or young; or

- disturb dependent young of such a bird.

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

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

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## Development Management Officer Report Committee Application

Summary	
<b>Committee Meeting Date:</b> Tuesday 15 <sup>th</sup> March 2022	
<b>Application ID:</b> LA04/2021/2780/F	
<b>Proposal:</b> Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2018/1932/F (residential development comprising 90 no units (47 dwellings, 40 apartments, 3 bungalows) and associated access, parking, landscaping and play park) to vary Condition 9 and Condition 10 (seeking to vary the remediation strategy to be implemented).	<b>Location:</b> Lands directly to the South of Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast.
<b>Referral Route:</b>	Major application
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Choice Housing Ireland Ltd 37-41 May Street Belfast BT1 4DN	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Executive Summary:</b>  This Section 54 planning application seeks to vary conditions 09 and 10 of planning permission LA04/2018/1932/F to amend the required remediation strategy for the site.  Condition 9 was successfully discharged under LA04/2019/1741/DC on 03 September 2019. However, under the current variation of condition application, an Updated Remediation Strategy has been submitted for consideration. The Updated Remediation Strategy updated the assessment of the site with respect to ground gas, concluding in Section 3.1.1 that the site is classified as CS1 and therefore special gas protection measures are not required.  Environmental Health has been consulted and offers no objections to the variation of conditions 9 and 10, recommending the following wording: <p>9. <i>The development hereby permitted shall be carried out in accordance with the RSK Ireland Ltd report entitled 'Choice Housing Ireland Limited, Updated Remediation Strategy, Lands South of Kilwee Business Park, Belfast, 603931-R1(00), December 2021'.</i></p> <p><i>Reason: Protection of human health.</i></p> <p>10. <i>Prior to occupation of the proposed development, the applicant shall submit to and have agreed by the Council, a Verification Report. This 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</i></p>	

*Remediation Strategy have broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. This report must be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). Should new contamination or risks be encountered, which have not previously been identified, during the approved development of the site, the Verification Report must also demonstrate that the remediation measures within the agreed documentation have been implemented. The Verification Report shall 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 human health and environmental receptors to ensure the site is suitable for use.*

Officers advise that the precise wording of the amended conditions will need to be updated to reflect the Six Tests for planning conditions and best practice. The recommended wording is included in section 11 of the main report, below.

It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate.

Having regard to the Development Plan, and relevant material considerations, particularly the expert advice from the Council's Environmental Health Service, the proposed amendment to the conditions of the original planning permission is considered acceptable.

It is recommended that planning permission is granted subject to conditions and conclusion of public re-consultation. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions

The top map is a detailed site plan of the Colin Valley Golf Course area. It shows existing infrastructure, including several depots, a pumping station, and a sewer line. The map is labeled with various street names and landmarks, such as 'Depots', 'Pumping Station', 'Sinks', 'Issues', 'Depot', 'Colin Valley Golf Course', and 'Cotton River'. The bottom map is a conceptual site plan showing proposed developments. It features a large residential area with color-coded lots (yellow, orange, blue, green, and red) and a central park area. The map is labeled with various street names and landmarks, such as 'Upper Dumberry Lane', 'Colin Valley Golf Course', and 'Cotton River'. The maps are labeled with various street names and landmarks, such as 'Depots', 'Pumping Station', 'Sinks', 'Issues', 'Depot', 'Colin Valley Golf Course', and 'Cotton River'.

1.0	<b><u>Description of Proposed Development</u></b>
1.1	On 5 <sup>th</sup> April 2019, full planning permission was granted under application LA04/2018/1932/F for the construction of a mixed-tenure social housing development of 90 no. units including landscaping and a playpark on a currently undeveloped piece of land off Upper Dunmurry Lane. The units comprise apartments and semi-detached houses, including units which are specifically designed for wheelchair access or other specific needs.

1.2	On 13 <sup>th</sup> December 2021, the current application was submitted seeking to vary Condition 9A of planning approval LA04/2018/1932/F under application LA04/2021/2780/F.
1.3	<p>Condition 9 stated:</p> <p><i>No remediation shall be commenced on site unless a full Implementation plan has been submitted to and approved in writing by the Council. No remediation works shall take place unless in accordance with the approved Implementation Plan.</i></p> <p><i>Reason: Protection of human health.</i></p> <p>The proposal is to vary Condition 9 to the following:</p>
1.4	<p><i>The development hereby permitted shall be carried out in accordance with the RSK Ireland Ltd report entitled 'Choice Housing Ireland Limited, Updated Remediation Strategy, Lands South of Kilwee Business Park, Belfast, 603931-R1(00), December 2021'.</i></p> <p><i>Reason: Protection of human health.</i></p>
1.5	<p>Condition 10 stated:</p> <p><i>The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Belfast Planning Service, for approval, a Verification Report. This report must demonstrate that the remedial measures as outlined in the Section 7.0 of the RSK Environmental Site Assessment and Generic Quantitative Risk Assessment Reference 601446-R1 (01) dated August 2018 and as specified in the Implementation Plan as required in condition 9 above have been implemented.</i></p> <p><i>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end use. It must demonstrate that the identified contaminant-pathway-target linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular the Verification report must demonstrate that:</i></p> <ul style="list-style-type: none"> <li><i>a. Gas and vapour protection measures commensurate with Gas Characteristic Situation 2, have been designed and installed in accordance with BS 8485:2015 and CIRIA C716 and their installation has been verified in line with CIRIA C735.</i></li> <li><i>b. Soils in the vicinity of the contamination hotspots have been removed and verification soil sampling undertaken in line with industry best practice.</i></li> <li><i>c. All remaining areas are covered with hard standing.</i></li> </ul> <p><i>Reason: Protection of human health.</i></p>
1.6	<p>The proposal is to vary Condition 10 to the following:</p> <p><i>Prior to occupation of the proposed development, the applicant shall submit to and have agreed by the Council, a Verification Report. This 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 broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. This report must be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). Should new contamination or risks be encountered, which have not previously been identified, during the approved development of the site, the Verification Report must also demonstrate that the remediation measures within the agreed documentation have been implemented. The Verification Report shall present all the</i></p>

	<p><i>remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</i></p> <p><i>Reason: Protection of human health and environmental receptors to ensure the site is suitable for use.</i></p>
<b>2.0</b>	<b><u>Description of Site and Area</u></b>
2.1	The site at present has a relatively short area of frontage to Upper Dunmurry Lane with the site expanding eastwards adjacent to Kilwee business Park. There are mature trees on some of the site boundaries, particularly to the east and south of the site adjacent to the golf course. Construction of approval LA04/2018/1932/F has commenced.
<b>Planning Assessment of Policy and other Material Considerations</b>	
<b>3.0</b>	<b>Planning History</b>
3.1	Full details of all historical applications are provided at Annex A.
<b>4.0</b>	<b>Policy Framework</b>
4.1	<p>Belfast Urban Area Plan 2001 (BUAP)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2004)</p> <p>Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.2	<p>Regional Development Strategy 2035 (RDS)</p> <p>Strategic Planning Policy Statement for Northern Ireland (SPSS)</p> <p>Planning Policy Statement 2 (PPS 2) – Planning and Nature Conservation</p> <p>Planning Policy Statement 3 (PPS 3) – Access, Movement and Parking</p> <p>Planning Policy Statement 4 (PPS 4) – Planning and Economic Development</p> <p>Planning Policy Statement 13 (PPS 13) – Transportation and Land Use</p> <p>Planning Policy Statement 15 (Revised) (PPS 15) – Planning and Flood Risk</p> <p>Developer Contribution Framework 2020</p>
<b>5.0</b>	<b><u>Statutory Consultees</u></b>
	N/A
<b>6.0</b>	<b><u>Non-Statutory Consultees</u></b>
	<b>Environmental Health BCC</b> – no objections subject to conditions
<b>7.0</b>	<b><u>Representations</u></b>
7.1	No representations were received.
<b>8.0</b>	<b><u>ASSESSMENT</u></b>
<b>8.1</b>	<b><u>Development Plan</u></b>
8.1.1	Section 45 (1) of the Planning Act (NI) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.
8.1.2	Following the Court of Appeal decision on Belfast Metropolitan Area Plan in May 2017, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the

	stage at which draft BMAP 2015 (v2014) had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.
8.1.3	Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, dBMAP 2015 (v2014) is considered to hold significant weight. dBMAP 2015 (v2004) also carries weight.
8.1.4	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
<b>8.2</b>	<b><u>The acceptability of the proposed amendments to the conditions</u></b>
8.2.1	Environmental Health comment that the ' <i>...main difference presented in this December 2021 Updated Remediation Strategy is Section 3, which presents a further assessment of the ground gas risk on the site. Although originally classified as Characteristic Situation (CS) 2, this assessment considers the ground gas monitoring results in more detail alongside the ground conditions encountered. RSK have updated their assessment of the site with respect to ground gas, concluding in Section 3.1.1 that the site is classified as CS1 and therefore special gas protection measures are not required.</i>
8.2.2	Environmental Health goes on to state that ' <i>...with regards to the current application, this Service notes that construction works appear to have commenced on site. This Service would have anticipated that updates to the risk assessment and remediation strategy for the site would have been submitted and agreed in writing by the Council prior to commencement of construction. However, this Service is content with the technical amendments presented in the RSK Updated Remediation Strategy report (dated December 2021 and referenced 603931-R1 (00))</i> '
8.2.3	As the condition 10 originally stated 'prior to construction commencing', officers asked the applicant to amend their suggested wording to ' <i>...development shall be carried out...</i> '. The applicant confirmed their agreement to this change. Environmental Health confirms that subject to the addition of the name and date of the relevant report, it is content with the proposed variations of condition and offers no objection to the application.
<b>8.3</b>	<b><u>Public Consultation</u></b>
8.3.1	The application was advertised on 25 <sup>th</sup> December 2021 and 4 <sup>th</sup> March 2022 and neighbour notifications were issued on 12 <sup>th</sup> January 2022 and 2 <sup>nd</sup> March 2022. No representations have been received.
8.3.2	Whilst public consultation is not due to end until 18 <sup>th</sup> March 2022 (i.e. three days after the Planning Committee meeting), due to the technical nature of the proposal and absence of any representations made in relation to the original consultations in December 2021 and January 2022, it is considered unlikely that representations will be made. Notwithstanding, the recommendation is subject to conclusion of public consultation with delegated authority given to officers to consider any representations made. If the points are substantive then the application will need to be reported back to the Planning Committee.

<p><b>8.4</b></p> <p>8.4.1</p>	<p><b><u>Conclusion</u></b></p> <p>The proposal to vary conditions 09 and 10 following submission of an Updated Remediation Strategy with regard to ground gases is considered reasonable and acceptable. There are no technical objections to the application. Having regard to the planning policy context and relevant material considerations, the variation of the conditions is considered acceptable.</p>
<p><b>10.0</b></p> <p>10.1</p> <p>10.2</p>	<p><b>Summary of Recommendation:</b></p> <p>Having regard to the policy context and other relevant material considerations, the proposal is considered acceptable.</p> <p>The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision. It is recommended that planning permission is granted subject to conditions and conclusion of public re-consultation. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>
<p><b>11.0</b></p> <p>01</p> <p>09</p> <p>10</p>	<p><b>Draft Conditions:</b></p> <p>*Please note that the other original conditions will need to be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2018/1932/F have been discharged and final wording will make reference to this.</p> <p>The development hereby permitted shall be begun before 15<sup>th</sup> April 2024.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011,</p> <p>The development hereby permitted shall be carried out in accordance with the RSK Ireland Ltd report entitled 'Choice Housing Ireland Limited, Updated Remediation Strategy, Lands South of Kilwee Business Park, Belfast, 603931-R1(00), December 2021'.</p> <p>Reason: Protection of human health.</p> <p>Prior to occupation of the development hereby approved, a Verification Report shall be submitted to and approved in writing by the Council. This 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 broken the relevant pollutant linkages and that the site no longer poses a potential risk to human health. This report must be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11). Should new contamination or risks be encountered, which have not previously been identified, during the approved development of the site, the Verification Report must also demonstrate that the remediation measures within the agreed documentation have been implemented. The Verification Report shall present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of human health and environmental receptors to ensure the site is suitable for use.</p>
<p><b>12.0</b></p>	<p><b>Representations from Elected Representatives</b> (if relevant)</p> <p>N/A</p>

<b>13.0</b>	<b>Referral to DfI (if relevant)</b> N/A
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## **ANNEX A** (LA04/2021/1358/F)

<b>Date Valid</b>	8th December 2021
<b>Date First Advertised</b>	24th December 2021
<b>Date Last Advertised</b>	4 <sup>th</sup> March 2021

### **Details of Neighbour Notification (all addresses)**

The Owner/Occupier

1 Brooklands Grange, Dunmurry, Antrim, BT17 0SA  
 1 Corrina Avenue, Dunmurry, Antrim, BT17 0HR  
 1 Corrina Park, Dunmurry, Antrim, BT17 0HA  
 1 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 1 Netherlands Park, Dunmurry, Antrim, BT17 0EX  
 1 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 11 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 115 Blacks Road, Belfast, Antrim, BT10 0NF  
 13 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 130 Upper Dunmurry Lane, Dunmurry, Dunmurry, Antrim, BT17 0EW  
 15 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 17 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 19 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 2 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 21 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 23 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 25 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 26 Kilwee Industrial Estate, Dunmurry, Antrim, BT17 0HD  
 27 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 29 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 3 Brooklands Grange, Dunmurry, Antrim, BT17 0SA  
 3 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 3 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 31 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 33 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 35 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 37 Corrina Avenue, Dunmurry, Antrim, BT17 0HR  
 37 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 39 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 4 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 4 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 41 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 43 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 45 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 47 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 49 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 5 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 5 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 51 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 53 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR



55 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 57 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 6 Upper Dunmurry Lane, Harcourt Terrace, Dunmurry, Antrim, BT17 0HB  
 7 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 7-9 , Kilwee Industrial Estate, Dunmurry, Dunmurry, Antrim, BT17 0HD  
 9 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 Apartment 1, 59 Kilwee Lane, Dunmurry, Belfast, Antrim, BT17 0ZR  
 Kilwee Industrial Estate, Dunmurry, Dunmurry, Antrim, BT17 0HD  
 Kilwee Industrial Estate, Dunmurry, Dunmurry, Antrim, BT17 0HD  
 Kilwee Industrial Estate, Dunmurry, Dunmurry, Antrim, BT17 0HD  
 Kilwee Industrial Estate, Dunmurry, Dunmurry, Antrim, BT17 0HD  
 Unit 13, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 3, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 4, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 5, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 6, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Unit 6a, Unit 6a Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD  
 Units 10-11, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, Antrim, BT17 0HD

<b>Date of Last Neighbour Notification</b>	2 <sup>nd</sup> March 2022
<b>Date of EIA Determination</b>	N/A
<b>ES Requested</b>	No

### Planning History

Ref ID: LA04/2016/1983/PAN

Proposal: Proposed residential development (Total 94 Units) to include 70 No. Semi-detached and 24 No. apartments and associated landscaping with vehicular/pedestrian access onto Upper Dunmurry Lane.

Address: Lands directly to the south of Kilwee Business park, Upper Dunmurry lane, Dunmurry, Belfast, BT17 0HD,

Decision: PANACC

Decision Date:

Ref ID: S/2005/1271/O

Proposal: Proposed housing development (Renewal of previous approval S/2001/1497/O).

Address: Vacant Land, Kilwee Lands, Upper Dunmurry Lane, Belfast.

Decision: Permission Granted

Decision Date: 26.11.2007

Ref ID: S/2008/0240/RM

Proposal: Proposed 107 No dwellings comprising of linked detached, townhouses & apartments, with carports and other associated siteworks.(amended description).

Address: Lands to the north of Colin Valley Golf Course, Upper Dunmurry Lane, Kilwee, Dunmurry

Decision: Permission Granted

Decision Date: 10.02.2010



**ANNEX B**

Development Management Officer Committee Report for LA04/2018/1932/F

## Development Management Officer Report Committee Application

<b>Summary</b>	
<b>Committee Meeting Date:</b> 9 <sup>th</sup> April 2019	
<b>Application ID:</b> LA04/2018/1932/F	
<b>Proposal:</b> Residential development comprising 90 no units (47 dwellings, 40 apartments, 3 bungalows) and associated access, parking, landscaping and play park.	<b>Location:</b> Lands directly to the south of Kilwee Business Park Upper Dunmurry Lane Dunmurry Belfast
<b>Referral Route:</b> Major Application	
<b>Recommendation:</b>	Approval
<b>Applicant Name and Address:</b> Choice Housing Ireland Ltd 37-41 May Street Belfast BT1 4DN	<b>Agent Name and Address:</b> Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<b>Executive Summary:</b>  This application seeks the creation of a social housing scheme comprising 90 no units (47 dwellings, 40 apartments, 3 bungalows) and associated access, parking, landscaping and play park.  The main issues to be considered in this case are; <ul style="list-style-type: none"> <li>The principle of housing at this location</li> <li>The design and layout of the proposal</li> <li>The impact on traffic and road safety</li> <li>The impact on amenity of nearby residents and businesses</li> <li>Waste management</li> <li>Human health</li> <li>Natural heritage</li> <li>Parking provision and access</li> <li>Drainage and flooding</li> <li>The consideration of developer contributions</li> </ul> The site is located the development limits of Belfast in the BUAP 2001 and Draft BMAP 2015 (dBMAP) and is zoned for housing under dBMAP.	

Given the development plan zoning and the surrounding context which consists of housing, a business park and open space, the principle of housing at this site is acceptable subject to detailed design and layout considerations.

Consultees including Environmental Health, Rivers Agency, NIEA, Northern Ireland Housing Executive and NI Water have no objection to the proposal subject to conditions. Their consultations are detailed in the main body of the report. DFI Roads are currently finalising the Private Streets Determination and will be in a position to provide conditions and informatives thereafter.

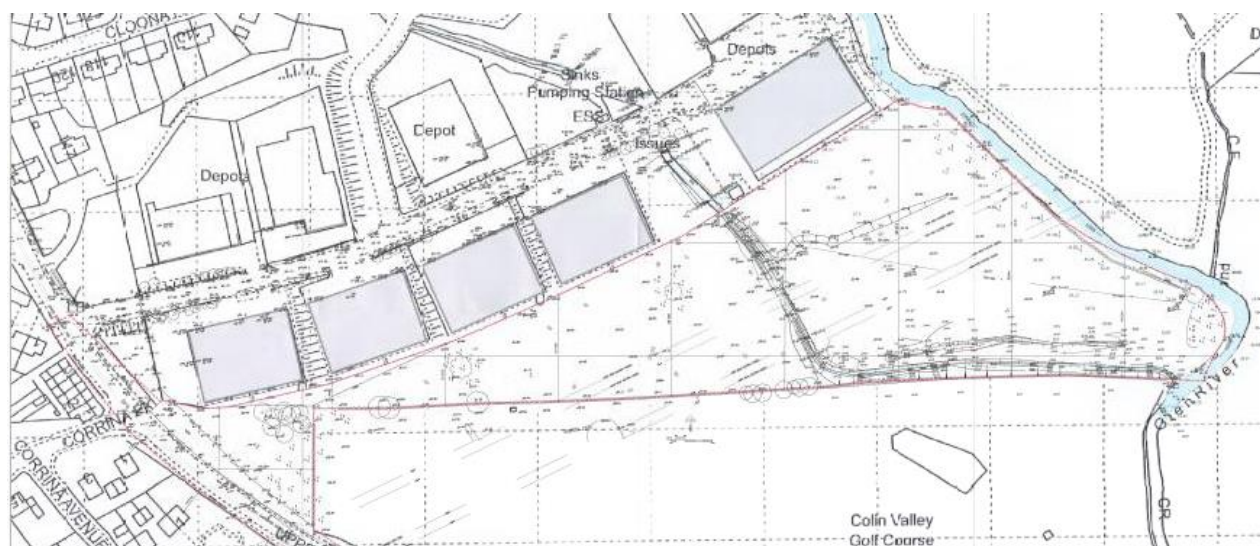
3 no representations were received, 2 no from the Upper Dunmurry Lane Steering Group and 1 no from the Colin Glen Trust. No written representations from any elected representatives have been received. However Orlaithí Flynn, MLA for Sinn Féin and Councillor Seanna Walsh, Sinn Féin attended meetings facilitated by BCC planners to listen to concerns raised by the local residents' group.

Having regard to all of the submitted information and reports, consultee responses and representations, officers consider that the proposed scheme will create a quality residential environment, contribute positively to the local environment developing an unused site, and will meet social housing need therefore meeting the relevant policy tests in PPS 2, PPS 3, PPS 7, PPS 8, PPS 12 and PPS 15.

Having regard to the Development Plan, and other material considerations, the proposed development is considered acceptable. It is recommended that the application is approved subject to conditions and delegated authority is given to the Director of Planning and Building Control to resolve the outstanding matters pertaining to the consultation responses from DfI Roads and to finalise the wording of conditions.

## Case Officer Report

### Site Location Plan



### Characteristics of the Site and Area

#### 1.0 Description of Proposed Development

- 1.1 This application seeks full planning permission for the construction of a mixed-tenure social housing development of 90 no. units on a currently undeveloped piece of land off Upper Dunmurry Lane. The units comprise apartments and semi-detached houses, including units which are specifically designed for wheelchair access or other specific needs.
- 1.2 The scheme is a social housing development (Choice Housing Ireland Ltd) and all dwellings contain private amenity space and have access to public open space within the development.
- 1.3 All dwellings are two-storey, semi-detached with the apartments ranging from 2.5 to 3 storeys.

#### 2.0 Description of Site and Area

- 2.1 The site at present has a relatively short area of frontage to Upper Dunmurry Lane with the site expanding eastwards adjacent to Kilwee business Park. There are mature trees on some of the site boundaries, particularly to the east and south of the site adjacent to the golf course.

<b>Planning Assessment of Policy and other Material Considerations</b>		
<b>3.0</b>	<b><u>Site History</u></b>	
3.1	An outline permission was approved in November 2007 followed by a reserved matters application (S/2008/0240/RM) which was approved in February 2010 for 107 no units including townhouses and apartments. This reserved matters permission expired in 2015 and was not implemented.	
<b>4.0</b>	<b><u>Policy Framework</u></b>	
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (Draft BMAP 2015) Draft Belfast Metropolitan Plan 2004	
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 2 – 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 Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 15 (Revised) - Planning and Flood Risk	
<b>5.0</b>	<b><u>Statutory Consultees</u></b> <b>Transport NI</b> – have agreed the layout and access in principle, subject a Private Streets Determination (PSD) – awaiting final response <b>Rivers Agency</b> – no objection <b>NIEA Natural Heritage</b> – no objections subject to conditions regarding illumination and a Construction Environmental Management Plan (CEMP) <b>NIEA Water Management Unit</b> – issued standing guidance <b>NIEA Historic Environment Division</b> – no objections subject to conditions regarding an archaeological programme of works <b>NIEA Land, Soil, and Air</b> – no objections subject to conditions <b>NIW</b> – No objections <b>NIE</b> – No objections	
<b>6.0</b>	<b><u>Non-Statutory Consultees</u></b> <b>Environmental Health BCC</b> – no objections subject to conditions <b>Northern Ireland Housing Executive</b> – support for the provision of social housing on the site due to high levels of need in the vicinity <b>Parks and Leisure BCC</b> – Previous concerns regarding the housing layout in proximity to the watercourse, landscaping and trees were resolved. Concerns remain regarding NIE lines, layout of playground and future connection to greenways. These issues are dealt with in the body of the report.	
<b>7.0</b>	<b><u>Representations</u></b>	
7.1	3 representations have been received to the application from: <ul style="list-style-type: none"> <li>- Upper Dunmurry Lane Steering Group</li> <li>- Colin Glen Trust</li> <li>- Martin Harney on behalf of Upper Dunmurry Lane Steering Group</li> </ul>	
7.2	Issues raised are summarised as follows: <ul style="list-style-type: none"> <li>- That the proposal is not in keeping with the existing general housing characteristics of this established residential area</li> <li>- That the proposal is inappropriate to the local character and topography of the site and constitutes overdevelopment</li> </ul>	

7.3	<ul style="list-style-type: none"> <li>- That the proposal is contrary to PPS 7, PPS 8, PPS 3, PPS 2, BMAP and Creating Places</li> <li>- Concerns regarding Japanese knotweed</li> <li>- Concerns regarding mature trees and potential bats and birds</li> <li>- Concerns regarding badgers on the site</li> <li>- Traffic congestion and road safety</li> <li>- Concerns regarding engagement with local residents being insufficient</li> <li>- Concerns regarding the adjacent golf course proximity and danger of golf balls</li> </ul> <p>No written representations from any elected representatives have been received. However MLA Órlaithí Flynn, Sinn Féin and Councillor Séanna Walsh, Sinn Féin attended a meeting facilitated by BCC planners to listen to concerns raised by the local residents group.</p>
8.0	<p><b><u>ASSESSMENT</u></b></p> <p><b>8.1</b></p> <p><b><u>Development Plan</u></b></p> <p>8.1.1 Section 6 (4) of the Planning (Northern Ireland) 2011 Act states that in making any determination under the said Act, regard is to be had to the local development plan, and that the determination must be made in accordance with the plan unless material consideration indicate otherwise.</p> <p>8.1.2 Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within it still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The weight to be attached to policies in emerging plans will depend upon the stage of plan preparation or review, increasing as successive stages are reached.</p> <p>8.1.3 Given the advanced stage that draft BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the main areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p> <p>8.1.4 The proposed development lies within a Zoned Committed Housing Site (ML 03/07) in west Belfast adjacent to several zonings such as the Colin Glen Landscape Wedge, Existing Recreation and Open Space (Bogstown Glen) and Community Greenway (Lady Dixon).</p> <p>8.1.6 There are nine key site requirements associated with Zoning ML 03/07 which can be summarised as follows:</p> <ul style="list-style-type: none"> <li>- Minimum density of 20 dwellings per hectare</li> <li>- Access shall be from Upper Dunmurry Lane</li> <li>- Existing trees, shrubs, hedgerows shall be retained</li> <li>- A full flora and fauna survey shall be carried out</li> <li>- Design and layout shall include measures to mitigate possible noise nuisances from adjacent uses</li> <li>- A 3m wide landscape buffer of trees and hedges shall be provided</li> <li>- Pedestrian access shall be provided to the Belfast Hills Community Greenway</li> </ul> <p><b>8.2</b></p> <p><b><u>The principle of residential development at this location</u></b></p> <p>8.2.1 The SPSS sets out five core planning principles of the planning system, including improving health and wellbeing, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making.</p>

8.2.2	The site is located within the settlement limits of draft BMAP 2015. The presumption is therefore in favour of development subject to the planning considerations discussed below.
8.2.3	The previous approvals on the site led to the site being zoned as Committed Housing (ML 03/07).
8.2.4	Given the planning history, development plan zoning and the surrounding context, which is predominantly housing, the principle of housing at this site is acceptable subject to detailed considerations set out in PPS7, and the addendum to PPS 7. A mix of housing types is proposed including apartments, semi-detached and complex needs units. A mix of dwelling types is encouraged in regional policy as well as PPS 12 to assist with social inclusion and other benefits. It is not considered that the number of apartments would be out of keeping with the area as there is a good balance between dwellings and apartments in the development and apartments are not alien to the locale.
8.2.5	Northern Ireland Housing Executive (NIHE) were consulted and confirmed that there is an identified need in the area for social housing and welcomed the one-bedroom, Category 1 Older People and Family Accommodation.
<b>8.3</b>	<b><u>Design and layout</u></b>
8.3.1	The initial application was for 102 no units however there were a number of concerns regarding the design and layout of same. As a result an amended scheme was submitted on 1st February 2019 which revised the layout and design and reduced the overall number of units to 90. The proposal is assessed under the relevant policies and guidance below.
8.3.2	Paragraphs 4.11 and 4.12 of the SPPS require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraphs 4.23-7 stress the importance of good design. Paragraphs 4.18-22 states that sustainable economic growth will be supported. The SPPS states the majority of PPS's remain applicable under 'transitional arrangements', including PPS 3. The SPPS states that PPS3, 7 and 12 remain applicable under 'transitional arrangements'.
8.3.3	Planning Policy Statement 7 relates to quality in housing developments. PPS 7 objectives places emphasis on achieving quality residential development not only in terms of respecting local character and amenity of established residential areas, but also the developments themselves should be attractive for prospective residents. QD1 lists 9 criteria with which all proposals for residential development must conform. PPS12, DCAN 8 and Creating Places relate to housing developments and are also material considerations. PPS7 addendum safeguarding character is also a material consideration and includes three policies LC1-3
8.3.4	Criterion (a) of QD1 of PPS 7 requires the development to respect the surrounding context and to be appropriate in terms of layout, scale, massing, appearance and surfacing. The proposal has been amended to ensure that the scale of the apartments facing Upper Dunmurry Lane are of appropriate scale and design for the site context and provide an appropriate entrance to the development.
8.3.5	Criterion (b) requires features of the archaeological and built heritage and landscape features are identified and, where appropriate, protected and integrated in a suitable manner into the overall design and layout of the development. The site has mature landscaping and watercourses and the layout of the development has respected these constraints in an innovative way.
8.3.6	Criterion (c) requires adequate provision for public and private open space and landscaped areas as an integral part of the development. In addition to generous front gardens and the



	public amenity space in the centre of the development, the rear private gardens range on average from 80m2 to 180m2. Within this suburban context, the level of open space provision is considered acceptable, also taking account of the proximity of public open space within Colin Glen Forest Park. The proposal is therefore also compliant with Planning Policy Statement 8, Policy OS2 Public Open Space in New Residential Development and exceeds the recommended requirements of Creating Places	
8.3.7	The development includes a central area of public amenity space with children's play facilities, seating areas and landscaping. It was not possible to agree the full specification of the playpark and open space due to ongoing discussions with NIE. Full details of this space will therefore be conditioned to be submitted to the Council and a requirement for the facilities to be completed prior to occupation of the dwellings.	
8.3.8	Criterion (d) relates to the provision of local neighbourhood facilities. It is considered that it is not necessary to provide community facilities for a proposal of this scale.	
8.3.9	Criteria (e) and (f) requires adequate and appropriate provision for parking, walking and cycling. DfI Roads were consulted and have no objection in relation access, parking and pedestrian walkways. Whilst the development is not being formally linked to greenways at present, provision has been made to allow for this in the future.	
8.3.10	Criterion (g) relates to design and materials. This proposed design and materials have been revised following discussions between the agent, applicant and the Council and the amended scheme is considered acceptable and appropriate for the site context.	
8.3.11	Criterion (h) deals with the impact the development may have on adjacent land uses and residents. The site is adjacent to a business park however taking into account the existing and proposed boundary treatment and separation distances, it is considered that there will be no unacceptable adverse impact on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.	
8.3.12	All dwelling units and apartments comply with the space standards set out Policy LC1 Protecting Local Character, Environmental Quality and Residential Amenity of the addendum to PPS 7.	
<b>8.4</b>	<b><u>Landscaping and boundary treatments</u></b>	
8.4.1	The site contains mature boundaries and a landscape plan has been submitted which includes a yearly maintenance schedule.	
8.4.2	A full schedule of boundary treatments has been submitted and is considered acceptable however the detailing of the maintenance schedule is insufficient and therefore a condition will be placed on the decision notice to require full details to be discharged prior to completion – see Para 11.19.	
8.4.3	The planting scheme has been reviewed by the BCC Tree Officer and is acceptable in terms of species proposed. Conditions are necessary to secure provision, maintenance and management of the landscaping proposed.	
8.4.4	The proximity of the golf course has not been raised as an issue by Environmental Health however the applicant has been made aware that if issues arise and ballstop fencing is required that this will require a separate planning application.	
<b>8.5</b>	<b><u>Traffic, Movement and Parking</u></b>	
8.5.1	DFI Roads have no objection in principal and have been closely involved in order to achieve the appropriate levels of incutillage parking, visitor parking and safe access and egress. The Private Streets Determination is currently with DfI Roads and therefore delegation to the	

8.6	Director of Planning and Building Control is sought to allow final conditions to be agreed regarding this matter.
8.6.1	<p><b><u>Contaminated Land</u></b></p> <p>The application is supported by a Phase 2 contaminated land report as well as a remediation strategy. Environmental Health have provided conditions regarding these and have no objection.</p>
8.7	<p><b><u>Noise</u></b></p> <p>The application is supported by a Noise Impact Assessment and Acoustic Design Statement. Environmental Health have provided conditions regarding these and have no objection. There are two acoustic barriers conditioned for installation on the boundary between Kilwee Industrial Park and the proposed development which are conditioned under Para 11.9</p>
8.8	<p><b><u>Site Drainage/Flood Assessment</u></b></p> <p>The application is supported by a Flood Risk Assessment and Drainage Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. Rivers Agency are content that the information provided in the Flood Risk and Drainage Assessments is sufficient to ensure these policy provisions albeit they have noted the requirement for discharge consents and culvert works.</p>
8.9	<p><b><u>Natural Heritage</u></b></p> <p>NIEA were consulted and they confirmed that the submitted information demonstrate that there are no badgers on site. They have provided conditions pertaining to the riparian strip/waterways and artificial lighting.</p>
8.9.2	They have confirmed that there is a record of Japanese Knotweed on the site and therefore requested a condition pertaining to an Invasive Species Management Plan to be submitted to the Council.
8.9.3	The proposed development therefore complies with PPS 2: Natural Heritage.
8.10	<p><b><u>Pre-Community Consultation</u></b></p> <p>For applications that fall within the major category a prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on the applicant for planning permission to consult the community in advance of submitting an application.</p>
8.10.2	Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2016/1940/PAN) was submitted to the Council on 14 <sup>th</sup> September 2016 and was deemed acceptable on 26 <sup>th</sup> September 2016.
8.10.3	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report (PACC) to accompany the planning application. A PACC Report has been submitted in support of this application which includes details of three public meetings, stakeholder letters, leaflets and the public advertisement. It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.
8.11	<p><b><u>Developer Contributions</u></b></p> <p>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". The proposal includes</p>

	enhancements to the public realm immediately abutting the site and the provision of open space and play facilities.	
<b>8.12</b>	<b><u>Statutory Consultation</u></b>	
8.12.1	The revised scheme was first advertised on 10 <sup>th</sup> August 2018 and neighbours notified on 1 <sup>st</sup> August 2018. The amended scheme was advertised on 22 <sup>nd</sup> February 2019 and neighbours/objectors notified on 13 <sup>th</sup> February 2019.	
8.12.2	<p>3 no representations were received, 2 no from the Upper Dunmurry Lane Steering Group and 1 no from the Colin Glen Trust. Concerns can be summarised as follows:</p> <ul style="list-style-type: none"> <li>- Issues regarding another planning application</li> <li>- Overdevelopment of the site</li> <li>- Cumulative impact of the proposal</li> <li>- Proposals being contrary to the SPPS, BMAP and Creating Places</li> <li>- Proposals being contrary to PPS 2, PPS 3, PPS 7, PPS 8</li> <li>- Presence of Japanese Knotweed</li> <li>- Presence of Bats and Badgers</li> <li>- Traffic and road safety concerns</li> <li>- Proximity to the golf course</li> <li>- Poor community consultation</li> <li>- The number of apartments being out of character</li> <li>- Lack of affordable housing</li> <li>- Too few units for elderly and disabled</li> </ul> <p>- Welcome the reduction in units in amended scheme, amended design of front apartments and increase in number of units for elderly and disabled.</p>	
8.12.3	The issues raised have been considered under Section 8.0 above.	
<b>10.0</b>	<b>Summary of Recommendation:</b>	
10.1	Having regard to the policy context and other material considerations above, the proposal is considered acceptable and approval of planning permission is recommended subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to resolve any matters in relation the outstanding consultation responses from DfI Roads and to finalise the wording of conditions.	
<b>11.0</b>	<b>Conditions (final wording to be delegated to the Director of Planning and Building Control)</b>	
11.1	<p>The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>	
11.2	<p>No works or development shall commence on site until a Construction Method Statement has been submitted to and approved in writing by the Council. No works, development, site clearance or site preparation shall be carried out unless in accordance with the approved Construction Management Plan.</p> <p>Reason: In order to protect the water environment on the site.</p>	
11.3	No site works of any nature or development shall commence on site until a programme of archaeological work has been implemented, in accordance with a written scheme and programme prepared by a qualified archaeologist, submitted by the applicant and approved by the Council. The programme should provide for the identification and	

	<p>evaluation of archaeological remains within the site, for mitigation of the impacts of development, through excavation recording or by preservation of remains, and for preparation of an archaeological report.</p> <p>Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p>	
11.4	<p>Access shall be afforded to the site at all reasonable times to any archaeologist nominated by the Local Planning Authority (in consultation with the Department) to observe the operations and to monitor the implementation of archaeological requirements.</p> <p>Reason: To monitor programmed works in order to ensure that identification, evaluation and appropriate recording of any archaeological remains, or any other specific work required by condition, or agreement is satisfactorily completed.</p>	
11.4	<p>No remediation shall be commenced on site unless a full Implementation plan has been submitted to and approved in writing by the Council. No remediation works shall take place unless in accordance with the approved Implementation Plan.</p> <p>Reason: Protection of human health.</p>	
11.5	<p>The applicant, on completion of the works and prior to the occupation of the proposed development, shall provide to the Belfast Planning Service, for approval, a Verification Report. This report must demonstrate that the remedial measures as outlined in the Section 7.0 of the RSK Environmental Site Assessment and Generic Quantitative Risk Assessment Reference 601446-R1 (01) dated August 2018 and as specified in the Implementation Plan as required in condition 6 above have been implemented.</p> <p>The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end use. It must demonstrate that the identified contaminant-pathway-target linkages are effectively broken. The Verification Report should be in accordance with current best practice and guidance as outlined by the Environment Agency. In particular the Verification report must demonstrate that:</p> <ol style="list-style-type: none"> <li>Gas and vapour protection measures commensurate with Gas Characteristic Situation 2, have been designed and installed in accordance with BS 8485:2015 and CIRIA C716 and their installation has been verified in line with CIRIA C735.</li> <li>Soils in the vicinity of the contamination hotspots have been removed and verification soil sampling undertaken in line with industry best practice.</li> <li>All remaining areas are covered with hard standing.</li> </ol> <p>Reason: Protection of human health.</p>	
11.6	<p>If during the development works, new contamination and risks are encountered which have not previously been identified, works must cease and the Council must be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and current best practice. A written report detailing the nature of this contamination and its management must be submitted to the Council for approval. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.</p> <p>Reason: Protection of human health.</p>	
11.7	<p>No works or development shall commence on site unless a Remediation Strategy has been submitted to and approved in writing by the Council. This Strategy must follow the process</p>	

	<p>outlined in Model Procedures for the Management of Land Contamination (CLR11) and clearly demonstrate how the identified pollutant linkages will be demonstrably broken and that the risks to human health are effectively managed.</p> <p>In particular, this Remediation Strategy must detail the remedial measures necessary to deal with the identified lead contamination in subsoils, and what ground gas protection measures are required. This Remediation Strategy must also detail how the proposed remedial measures are to be verified. No works, development, site clearance or site preparation shall be carried out unless in accordance with the approved Remediation Strategy.</p> <p>Reason: Protection of human health.</p>	
11.8	<p>The development hereby permitted shall not be occupied until a Noise Verification Report has been submitted to and approved in writing by the Council. This Noise Verification Report shall demonstrate that the entire window system (including frames and seals, etc.) as outlined in the Lester Acoustics Inward Sound Level Impact Assessment &amp; Acoustic Design Statement Reference MRL/1273/L01 Proposed Residential Development, lands directly to the south of, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, BT17 0HD. (dated 1 Feb 2019) have been implemented and so installed to ensure that the internal noise levels within any proposed residential unit shall:</p> <p>Not exceed 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;</p> <p>Not exceed 30 dB LAeq,8hr at any time between the hours of 23:00hrs and 07:00hrs within any proposed bedrooms, with the windows closed and alternative means of acoustic ventilation provided in accordance with current building control requirements;</p> <p>Not exceed 45 dB LAmax for any single event on more than 10 occasions 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:</p> <p>Reason: Protection of human health.</p>	
11.9	<p>The development hereby permitted shall not be occupied until a solid acoustic barrier has been installed 3.0 metre high and the surface weight of this barrier should be at least 10kg/m<sup>2</sup>, as detailed on the location in yellow on Figure H in Rolston Architects Drawing No.16.835Sk60 of Lester Acoustics Inward Sound Level Impact Assessment &amp; Acoustic Design Statement Reference MRL/1273/L01 Proposed Residential Development, lands directly to the south of, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, BT17 0HD. Kingsway, Dunmurry. February 2019 and Drawing No 40 dated 2<sup>nd</sup> April 2019.</p> <p>The development hereby permitted shall not be occupied unless a solid acoustic barrier has been installed 2.4 metre high and the surface weight of this barrier should be at least 6kg/m<sup>2</sup> as detailed on the location in blue on Figure H in Rolston Architects Drawing No.16.835Sk60 of Lester Acoustics Inward Sound Level Impact Assessment &amp; Acoustic Design Statement Reference MRL/1273/L01 Proposed Residential Development, lands directly to the south of, Kilwee Business Park, Upper Dunmurry Lane, Dunmurry, Belfast, BT17 0HD. Kingsway, Dunmurry. February 2019 and Drawing No 40 dated 2<sup>nd</sup> April 2019.</p> <p>Both acoustic barriers shall be permanently retained to the standard and specification stated above.</p> <p>Reason: Protection of human health.</p>	

11.10	<p>No external lighting shall be installed on the site unless a Lighting Plan has been submitted to and approved in writing by the Council. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority. The Plan shall include the following:</p> <ul style="list-style-type: none"> <li>-Specifications of lighting to be used across the site.</li> <li>-All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, including low lighting levels to be used across the site.</li> <li>-A map showing predicted light spillage across the site (isolux drawing).</li> <li>-The watercourse and the associated riparian vegetation are to be kept free from any artificial lighting.</li> </ul> <p>Reason: To protect bats and otters.</p>
11.11	<p>No development activity, including ground preparation or vegetation clearance, shall take place unless a Construction and Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council. The approved CEMP shall be implemented in accordance with the approved details and all works on site shall conform to the approved CEMP, unless otherwise agreed in writing by the Council. The CEMP shall include (but not be limited to) the following:</p> <ul style="list-style-type: none"> <li>-Pollution Prevention Plan; including details of the establishment of buffer zones to watercourses (50m to streams and 20m to minor drains) and details of watercourse crossings;</li> <li>-Environmental Emergency Plan.</li> </ul> <p>Reason: To protect priority habitats</p>
11.12	<p>No development activity shall commence on site unless an Invasive Species Management Plan has been submitted to and approved in writing by the Council. The approved Plan shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Council.</p> <p>Reason: To prevent the spread of an invasive plant species listed on Schedule 9 of the Wildlife (Northern Ireland) Order 1985 (as amended) and to minimise the impact of the proposal on the biodiversity of the site, including protected species</p>
11.13	<p>The development hereby permitted shall not be occupied unless all boundary walls and fencing in association with each dwelling have been erected in accordance with the approved plans. All boundary walls and fencing hereby approved shall be permanently retained.</p> <p>Reason: In the interest of privacy and amenity.</p>
11.14	<p>All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 39A, date stamped 25<sup>th</sup> March 2019. 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.</p> <p>Reason: In the interests of the character and appearance of the area</p>
11.15	<p>All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during</p>

	<p>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.</p> <p>Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.</p>	
11.16	<p>Prior to any work commencing all protective barriers (fencing) and ground protection is to be erected or installed as specified in British Standard 5837: 2012 (section 6.2) on any trees / hedging to be retained within the site, and must be in place before any materials or machinery are brought onto site for demolition, development or soil stripping. Protective fencing must remain in place until all work is completed and all associated materials and equipment are removed from site.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by any existing trees to be retained within the site and on adjacent lands.</p>	
11.17	<p>If roots are accidentally damaged the tree council must be notified and given the opportunity to inspect the damage before it is covered over.</p> <p>Reason: To ensure the protection of, and to ensure the continuity of amenity afforded by existing trees / hedging.</p>	
11.18	<p>No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site and adjacent lands during the construction period.</p> <p>Reason: To avoid compaction within the RPA.</p>	
11.19	<p>No development including site clearance works, lopping, topping or felling of trees, shall take place unless a landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, has been submitted to and approved by the Belfast City Council Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and no changes to the management plan shall be implemented without prior consent of the Council.</p> <p>Reason: To ensure the provision of the amenity afforded by an appropriate landscape design.</p>	

## ANNEX A

<b>Date Valid</b>	24th July 2018
<b>Date First Advertised</b>	10th August 2018
<b>Date Last Advertised</b>	22nd February 2019

**Details of Neighbour Notification** (all addresses)

1 Corrina Avenue,Dunmurry,Antrim,BT17 0HR,  
 1 Corrina Park,Dunmurry,Antrim,BT17 0HA,  
 1 Netherlands Park,Dunmurry,Antrim,BT17 0EX,  
 1 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,  
 2 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,  
 3 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,  
 36 Corrina Avenue,Dunmurry,Antrim,BT17 0HR,  
 4 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,  
 5 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,  
 6 Upper Dunmurry Lane,Harcourt Terrace,Dunmurry,Antrim,BT17 0HB,  
 7-9 ,Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,  
 Colin O'Neill  
 Colin Glen Trust 163 Stewartstown Road Dunmurry Dunmurry  
 Colin Valley Golf Course, 115 Blacks Road, Belfast, BT17 0NF  
 G & O Electrical Services Ltd,26 Kilwee Industrial Estate,Dunmurry,Antrim,BT17 0HD,  
 Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,  
 Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,  
 Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,  
 Kilwee Industrial Estate,Dunmurry,Dunmurry,Antrim,BT17 0HD,  
 Martin Harney

<b>Date of Last Neighbour Notification</b>	13 <sup>th</sup> February 2019
<b>Date of EIA Determination</b>	8th August 2018
<b>ES Requested</b>	No



**Planning History**

Ref ID: LA04/2016/1983/PAN

Proposal: Proposed residential development (Total 94 Units) to include 70No. Semi-detached and 24No. apartments and associated landscaping with vehicular/pedestrian access onto Upper Dunmurry Lane.

Address: Lands directly to the south of Kilwee Business park, Upper Dunmurry lane, Dunmurry, Belfast, BT17 0HD,

Decision: PANACC

Decision Date:

Ref ID: S/2005/1271/O

Proposal: Proposed housing development (Renewal of previous approval S/2001/1497/O).

Address: Vacant Land, Kilwee Lands, Upper Dunmurry Lane, Belfast.

Decision:

Decision Date: 26.11.2007

Ref ID: S/2008/0240/RM

Proposal: Proposed 107 No dwellings comprising of linked detached, townhouses & apartments, with carports and other associated siteworks.(amended description).

Address: Lands to the north of Colin Valley Golf Course, Upper Dunmurry Lane, Kilwee, Dunmurry

Decision:

Decision Date: 10.02.2010

**Notification to Department (if relevant) N/A**

Date of Notification to Department:

Response of Department:

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<b>Subject:</b>	Housing Land Availability Monitor Report
<b>Date:</b>	15 <sup>th</sup> March 2022
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & Building Control
<b>Contact Officer:</b>	Keith Sutherland, Planning Manager (Policy & Plans) Dermot O'Kane, Principal Planning Officer

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

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

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>
1.1	<p>To provide an overview of the Council's Housing Land Availability Summary Report for the 2020/21 monitoring period.</p> <p>The report presents the outcomes of annual housing land monitoring and provides a snapshot of the amount of land available for new residential development as of 01 April 2020. It will be supported by an online map portal showing the status of all existing housing monitor sites. The map portal will also spatially reflect key information contained within the tables of the report.</p>

<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is asked to note the outcomes of the annual Housing Monitor report for 2020/21 contained at <b>Appendix 1</b> and the intention to publish this summary document and accompanying online map portal on the Council's website.
<b>3.0</b>	<b>Main Report</b>
3.1	<p><b>Background</b></p> <p>Members are reminded that the Planning Act (NI) 2011 requires the Council to make an annual report to the Department for Infrastructure (DfI) outlining the extent to which the objectives set out in the Local Development Plan (LDP) are being achieved. As the Council</p>

	are currently preparing the first new LDP for Belfast under this new legislation, the production of Annual Monitoring Reports has not yet commenced. Instead, annual Housing Land Availability Monitor reports (referred to as the 'Housing Monitor' reports) are being prepared by the Council until the new LDP is adopted.
3.2	Members will be aware that the draft Plan Strategy, the first formal stage of the Belfast LDP, was subject to Independent Examination between November 2020 and March 2021. Although the Council generally aim to publish the Housing Land Availability Summary Report for the previous monitoring period in the Autumn each year, the 2020/21 Report was prepared subsequent to the Independent Examination. The publication of the report was therefore delayed to avoid the introduction of new evidence in advance of the Independent Examination report being forwarded to the Council. The Council received the 'Independent Examination Report of Belfast City Council's Local Development Plan: Plan Strategy' on 4 <sup>th</sup> February 2022.
3.3	While the Housing Land Availability Summary Report for the 2020/21 monitoring period is being brought to Committee at this late stage, work has commenced on the Housing Land Availability Summary Report for the 2021/22 monitoring period which will be brought to Committee in late summer for publication in the Autumn 2022.
3.4	<p><b>Housing Land Availability Reports</b></p> <p>The primary purpose of the Housing Monitor is to inform the formulation of the Council's new LDP. However, it will also help the Council identify where a shortfall in potential land supply might exist and can inform house-builders on the availability of land that may be suitable for housing.</p>
3.5	The Housing Land Availability Summary Report contained at Appendix 1 presents the headline figures from a register of potential housing land maintained by the Council, based on current planning policy designations and planning permissions. This provides a snapshot of the amount of land available for new homes and capacity for future housing units as of 1st April 2020, as well as providing the net gains in housing units for the 2020/21 period. This differs from the new dwelling completion statistics published routinely by central Government which only provide a total for new build homes, without accounting for units lost as a result of redevelopment.
3.6	<p>This information is summarised within the report in relation to:</p> <ul style="list-style-type: none"> <li>• Each settlement within the District, including settlement areas in the case of Belfast City;</li> <li>• Whether land falls within the existing urban footprint<sup>1</sup> or is classified as greenfield land; and</li> <li>• The type of land use zoning (i.e. land zoned for housing or land zoned for mixed use development) or all other land.</li> </ul>
3.7	The report will be supported by the online map portal showing the status of all existing housing monitor sites, on the Development Plan and Policy part of the Council website.

<sup>1</sup> The continuous built-up area of the settlement.

	During the 2020/21 monitoring year 603 units were completed on 14.2ha of land across the District. 371.2ha of land remains, with potential capacity for 21,680 residential units. This is based on deliverable planning approvals and land allocated within the development plan, but doesn't include other potential sites that may be suitable for residential development.
3.8	The total number of dwellings completed in the district has fallen by 13.6% from 698 in 2019/20 to 603 in the current monitor year. The proportion of dwellings completed within the Urban Footprint is recorded at 81.6% and, as of 1 April 2021, 36.1% of the remaining potential available for future dwellings is on land zoned for housing or mixed use development.
3.9	It is emphasised that the monitor represents a register of housing land based on policy designations and planning permissions, rather than an accurate picture of all potentially viable housing land. It should also be noted that this year's report is based on data for the period thus far impacted by the Covid-19 public health emergency. The full implications of the Coronavirus pandemic are likely to be reflected in subsequent reports.
	<b><u>Finance and Resource Implications</u></b>
3.10	There are no resource implications associated with this report.
	<b><u>Asset and Other Implications</u></b>
3.11	None noted.
	<b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b>
3.12	The Housing Monitor report presents factual information and makes no recommendations relating to the future allocation of land for housing. There are therefore no relevant equality or good relations implications attached to this report.
<b>4.0</b>	<b>Appendices</b>
	<b>Appendix 1 – Belfast Housing Land Availability Summary Report 2020/21</b>

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# Belfast Housing Land Availability Summary Report

2020/2021

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# 1. Introduction

The Strategic Planning Policy Statement (SPPS) for NI (September 2015) outlines a 'plan, monitor and manage' approach to ensure that, as a minimum, a 5 year supply of land for housing is maintained. It states that monitoring should be an ongoing process with annual reporting and review. As a minimum, it states that monitoring must include:

- The housing land supply at the beginning and end of the annual reporting period;
- The number of net additional units built during the annual reporting period; and
- The number of net additional housing units built in the period since adoption of the local plan.

The primary purpose of the Housing Land Availability Monitor (referred to as the 'Housing Monitor') is to inform the formulation of the Council's new Local Development Plan (LDP). However, it will also help the Council identify where a shortfall in potential land supply might exist and can inform house-builders on the availability of land that may be suitable for housing.

The information collated will allow a clear view of the overall progress in meeting the housing objectives of the existing development plan and in identifying issues likely to require intervention. For example, a need to release phased housing sites in order to maintain a 5 year supply of available housing land, or the release of a site providing for a particular housing need.

The Planning Act (NI) 2011 requires Belfast City Council to make an annual report to the Department for Infrastructure outlining the extent to which the objectives set out in the LDP are being achieved. As the Council are currently preparing the first new LDP for Belfast under this new legislation, the production of Annual Monitoring Reports has not yet commenced. Instead, annual Housing Monitor reports are being published by the Council until the new LDP is adopted.

## 2. Methodology

The Housing Land Availability Monitor (the “Monitor”) measures net gains in housing within the Belfast City Council boundary. It provides a snapshot of the amount of land available for new homes as of 1st April each year. The process followed to produce the Annual Housing Monitor is summarised at Appendix A.

The Monitor presents a register of potential housing land, based on current planning policy designations<sup>1</sup> and planning permissions, rather than an accurate picture of viable housing land. It is the role of an Urban Capacity Study (UCS), which will be undertaken from time to time, to assess the suitability, availability and achievability of monitored sites to contribute to a viable supply of land. The most recent UCS<sup>2</sup> was completed in March 2018 and, although new sites identified are not included in the Monitor, the outcomes are summarised within the 2017/2018 Belfast Housing Land Availability Summary Report.

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<sup>1</sup> *For the purposes of the Housing Land Availability Monitor, the draft Belfast Metropolitan Area Plan (BMAP) 2015 is utilised rather than the former Belfast Urban Area Plan (BUAP) 2001. The adopted BMAP was quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017 and, although this means the BUAP is now the statutory development plan for the area, the draft BMAP, in its most recent, post-examination, form remains a significant material consideration in future planning decisions. Draft BMAP therefore refers to that which was purported to be adopted and not the pre-examination draft published in 2004.*

<sup>2</sup> [Belfast City Council Urban Capacity Study – Final, 20 March 2018](https://bit.ly/324Ny8i) or <https://bit.ly/324Ny8i>

### 3. Summary Tables and Graphs

The following summary tables detail the supply of housing for the Belfast district from 1 April 2020 to 31 March 2021 and provide a snapshot of the land remaining for housing and its associated potential capacity to accommodate new homes. Cumulative totals are also provided since the Council's housing monitor was established – i.e. 1 April 2015, the date at which the Council gained statutory responsibility for planning.

It should be noted that these cumulative totals will reflect the total since the Council gained statutory responsibility for planning until such time as an up-to-date Local Development Plan for the new district is adopted, establishing appropriate targets to monitor delivery against.

#### 3.1 Settlement Summary

Table 1 provides a breakdown of the housing supply, land availability and capacity for future housing units for each Settlement within the District, including Belfast City and the Small Settlements of Edenderry, Hannahstown and Loughview.

Belfast City is then further sub-divided into a number of settlement areas or sectors based on key designations within the prevailing development plan. These areas include Belfast City Centre, the Belfast Harbour Estate and Outer Belfast, which is defined as the area covered by the Settlement Limit of Belfast City outside of the City Centre and Harbour Area.

The data within the table is divided into the following columns:

- **Area Developed 1 April 2020 to 31 March 2021** – the area of land in hectares (ha) developed during the current monitor year;
- **Area Developed 1 April 2015 to 31 March 2021** – the cumulative area of land in hectares (ha) developed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning);
- **Units Complete 1 April 2020 to 31 March 2021** – the number of dwellings completed during the current monitor year;

- **Units Complete 1 April 2015 to 31 March 2021** – the cumulative total number of dwellings completed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning);
- **Available Potential (Hectares)** – the area of land estimated as available for additional dwelling completions within monitored sites as at 31 March 2021; and
- **Available Potential (Dwelling Units)** – the estimated number of dwellings that could be accommodated on the available potential land as at 31 March 2021.

During the 2020/21 monitoring year 603 units were completed on 14.2 ha of land across the District. 371.2 ha of land remains, with potential capacity for 21,680 units. Within Belfast City, 568 units completed were within Outer Belfast, with a further 35 units completed within the City Centre. 13,214 of the available potential units are within Outer Belfast, whilst 5,305 and 3,138 potential dwelling units remain in the City Centre and Harbour Area respectively. There were no completions in Edenderry, Hannahstown or Loughview with a total of 23 potential dwelling units available across these three Small Settlements.

Figure 1 shows the total dwellings completed for the district from 2015/16 to present, to allow for an analysis of trends over a longer timeframe. The total number of dwellings completed in the district has decreased by 13.6% from 698 in 2019/20 to 603 in the current monitor year.

### 3.2 Urban Footprint Summary

Table 2 provides a breakdown of the housing supply, land availability and capacity for future housing units within Belfast City, further categorised into land within the identified 'Urban Footprint'<sup>3</sup> or Greenfield land. This only refers to Belfast City, given that the Urban Footprint is only defined in relation to settlements with a population greater than 5,000 people. This excludes Belfast's three Small Settlements.

In addition to the columns as described in Table 1 above, the **Units within the Urban Footprint (%)** row calculates the proportion of dwellings completed within the Urban

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<sup>3</sup> The Urban Footprint is defined within the Regional Development Strategy 2035 as "the continuous built-up area of the settlement". The Urban Footprint boundary was updated as part of the UCS (March, 2018) as explained in the 2017/2018 Belfast Housing Land Availability Summary Report. The 2018 Urban Footprint forms a revised baseline position for the 2017/2018 monitor period onwards.

Footprint during the current monitor year and the cumulative total number of dwellings completed to date from 1 April 2015 (the date at which the Council gained statutory responsibility for planning), expressed as a percentage of the total number of dwellings completed over the respective time periods.

81.6% of the 603 units completed within Belfast City were built on land within the Urban Footprint. Of the remaining potential dwelling units, 94.9% are within the Urban Footprint.

Figure 2 shows the proportion of dwellings within the Urban Footprint for the district from 2015/16 to present, to allow for an analysis of trends over a longer timeframe. The proportion of dwellings completed within the Urban Footprint has increased from 76.4% in 2019/20 to 81.6% in the current monitor year.

### 3.3 Land Use Zoning Summary

Table 3 provides a breakdown of the dwelling units completed by type of land use zoning within the prevailing development plan within each settlement or settlement area. The data within this table is divided into the following columns:

- **Land Zoned for Housing** – the number of units completed and the remaining potential units on land allocated for residential use within the prevailing development plan;
- **Land Zoned for Mixed Use** – the number of units completed and the remaining potential units on land zoned for mixed use development, which includes an element of residential development within key site requirements;
- **All other land** – the number of units completed and the remaining potential units on any other land not falling within the first two, which include non-zoned land and land zoned for non-residential uses; and
- **Proportion of Zoned Land (%)** – the proportion of units completed on either housing or mixed use zoned land expressed as a percentage of the total number of dwellings completed.

29.0% of the dwelling units completed during 2020/21 have been delivered on zoned land within Belfast City. The number of units completed on all other land was 428 dwellings.

Figure 3 shows the proportion of units completed for the district on both housing or mixed use zoned land expressed as a percentage of the total number of dwellings completed from 2015/16 to present. This proportion has increased from 27.7% in 2019/20 to 29.0% in the current monitor year. Figure 4 shows the total number of units completed on all other land. This 'windfall' provision has decreased by 15.2% from 505 units in 2019/20 to 428 in the current monitor year.

Table 4 provides details of the capacity for future dwelling units on the same basis as Table 3. Of the remaining potential available for future dwellings, 36.1% is currently zoned for housing or mixed use. 4,143 of the available 21,680 potential dwelling units can be delivered on land zoned for housing and 3,678 units on land zoned for mixed use. In comparison, 13,859 of the remaining potential units can be provided on all other land.

Table 1: Settlement Summary 2020/21

Settlement	Area Developed (Hectares)		Units Complete		Available Potential (Hectares)	Available Potential (Dwelling Units)
	01-04-20 to 31-03-21	01-04-15 to 31-03-21	01-04-20 to 31-03-21	01-04-15 to 31-03-21		
Belfast City						
Outer Belfast	14.0	104.9	568	3,696	253.8	13,214
City Centre	0.2	2.3	35	340	30.3	5,305
Harbour Area	0.0	0.0	0	0	85.9	3,138
Belfast City Total	14.2	107.2	603	4,036	370.0	21,657
Small Settlements						
Edenderry	0.0	0.0	0	0	0.7	20
Hannahstown	0.0	1.0	0	23	0.3	2
Loughview	0.0	0.0	0	0	0.2	1
Small Settlement Total	0.0	1.0	0	23	1.2	23
DISTRICT TOTAL	14.2	108.2	603	4,059	371.2	21,680

Note – Hectare values may not tally due to rounding

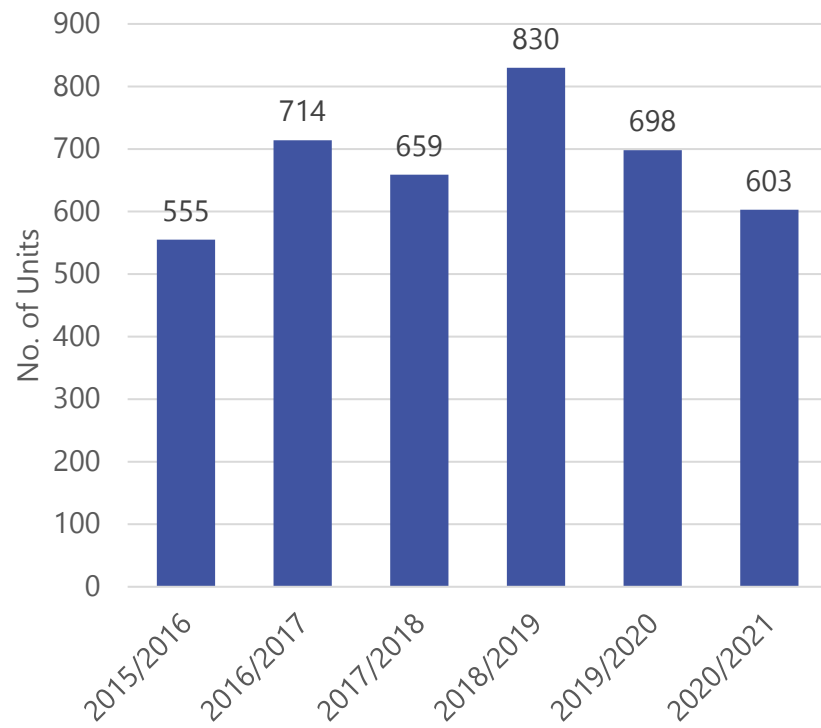


Table 2: Urban Footprint Summary 2020/21

Settlement / Area	Area Developed (Hectares)		Units Complete		Available Potential (Hectares)	Available Potential (Dwelling Units)
	01-04-20 to 31-03-21	01-04-15 to 31-03-21	01-04-20 to 31-03-21	01-04-15 to 31-03-21		
Urban Footprint	9.7	76.7	492	3,408	324.8	20,554
<i>Units within the Urban Footprint (%)</i>	-	-	<i>81.6%</i>	<i>84.4%</i>	-	<i>94.9%</i>
Greenfield	4.5	30.6	111	628	45.3	1,103
<b>Belfast City Total</b>	<b>14.2</b>	<b>107.2</b>	<b>603</b>	<b>4,036</b>	<b>370.0</b>	<b>21,657</b>

Note – Hectare values may not tally due to rounding

**Figure 1: Total Dwellings Completed  
2015-2021**



**Figure 2: Proportion of Dwellings Within the Urban Footprint  
2015-2021**

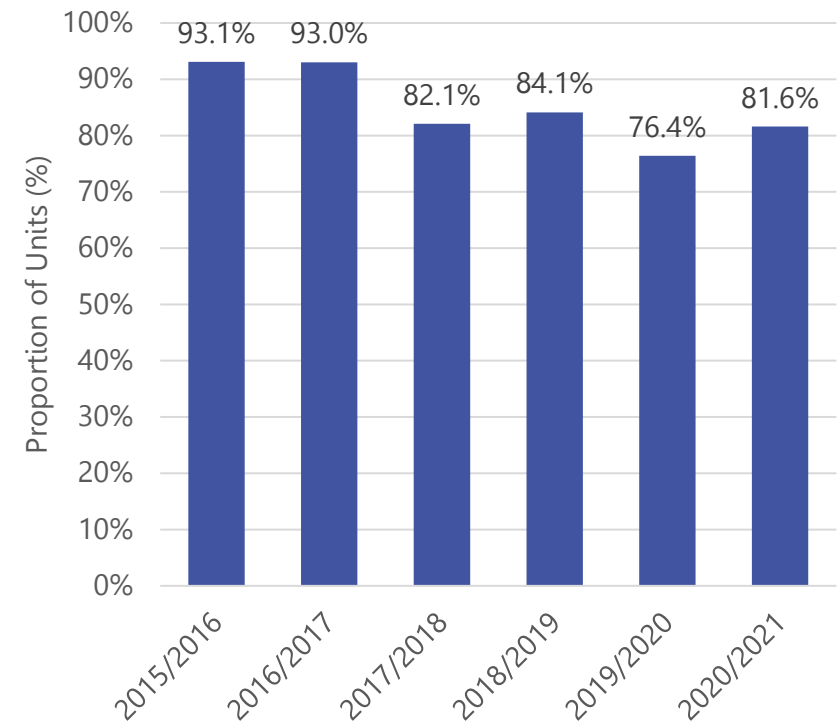
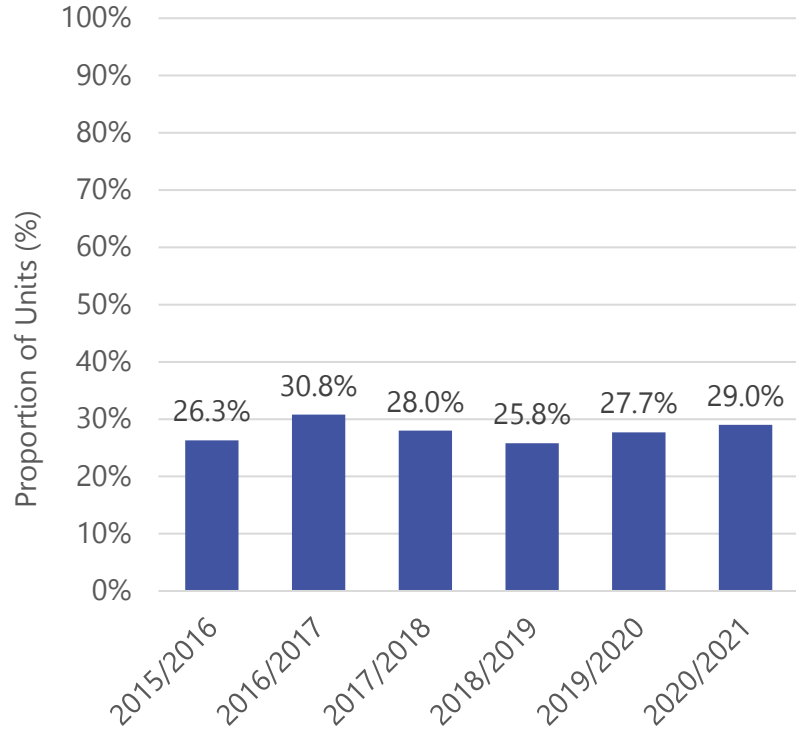


Table 3: Land Use Zoning Completed Units 2020/21

Settlement / Area	Units Complete									
	Land Zoned for Housing		Land Zoned for Mixed Use		All other land		Total		Proportion on Zoned Land (%)	
	01-04-20 to 31-03-21	01-04-15 to 31-03-21	01-04-20 to 31-03-21	01-04-15 to 31-03-21	01-04-20 to 31-03-21	01-04-15 to 31-03-21	01-04-20 to 31-03-21	01-04-15 to 31-03-21	01-04-20 to 31-03-21	01-04-15 to 31-03-21
<b>Belfast</b>										
Outer Belfast	149	1,067	0	60	419	2,569	568	3,696	26.2%	30.5%
City Centre	26	30	n/a	n/a	9	310	35	340	74.3%	8.8%
Harbour Area	n/a	n/a	0	0	0	0	0	0	0.0%	0.0%
<b>Belfast Total</b>	<b>175</b>	<b>1,097</b>	<b>0</b>	<b>60</b>	<b>428</b>	<b>2,879</b>	<b>603</b>	<b>4,036</b>	<b>29.0%</b>	<b>28.7%</b>
<b>Small Settlements</b>										
Edenderry	n/a	n/a	n/a	n/a	0	0	0	0	n/a	n/a
Hannahstown	n/a	n/a	n/a	n/a	0	23	0	23	n/a	n/a
Loughview	n/a	n/a	n/a	n/a	0	0	0	0	n/a	n/a
<b>Small Settlement Total</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>n/a</b>	<b>0</b>	<b>23</b>	<b>0</b>	<b>23</b>	<b>n/a</b>	<b>n/a</b>
<b>DISTRICT TOTAL</b>	<b>175</b>	<b>1,097</b>	<b>0</b>	<b>60</b>	<b>428</b>	<b>2,902</b>	<b>603</b>	<b>4,059</b>	<b>29.0%</b>	<b>28.5%</b>

**Figure 3: Proportion of Units Complete on Zoned land  
2015-2021**



**Figure 4: No. of Units Complete on All Other Land  
2015-2021**

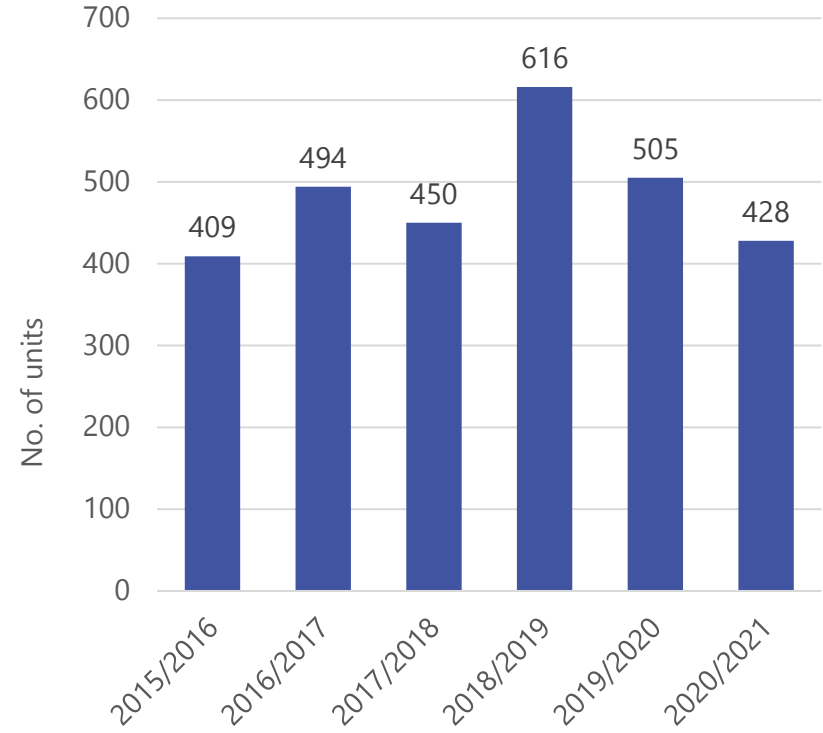


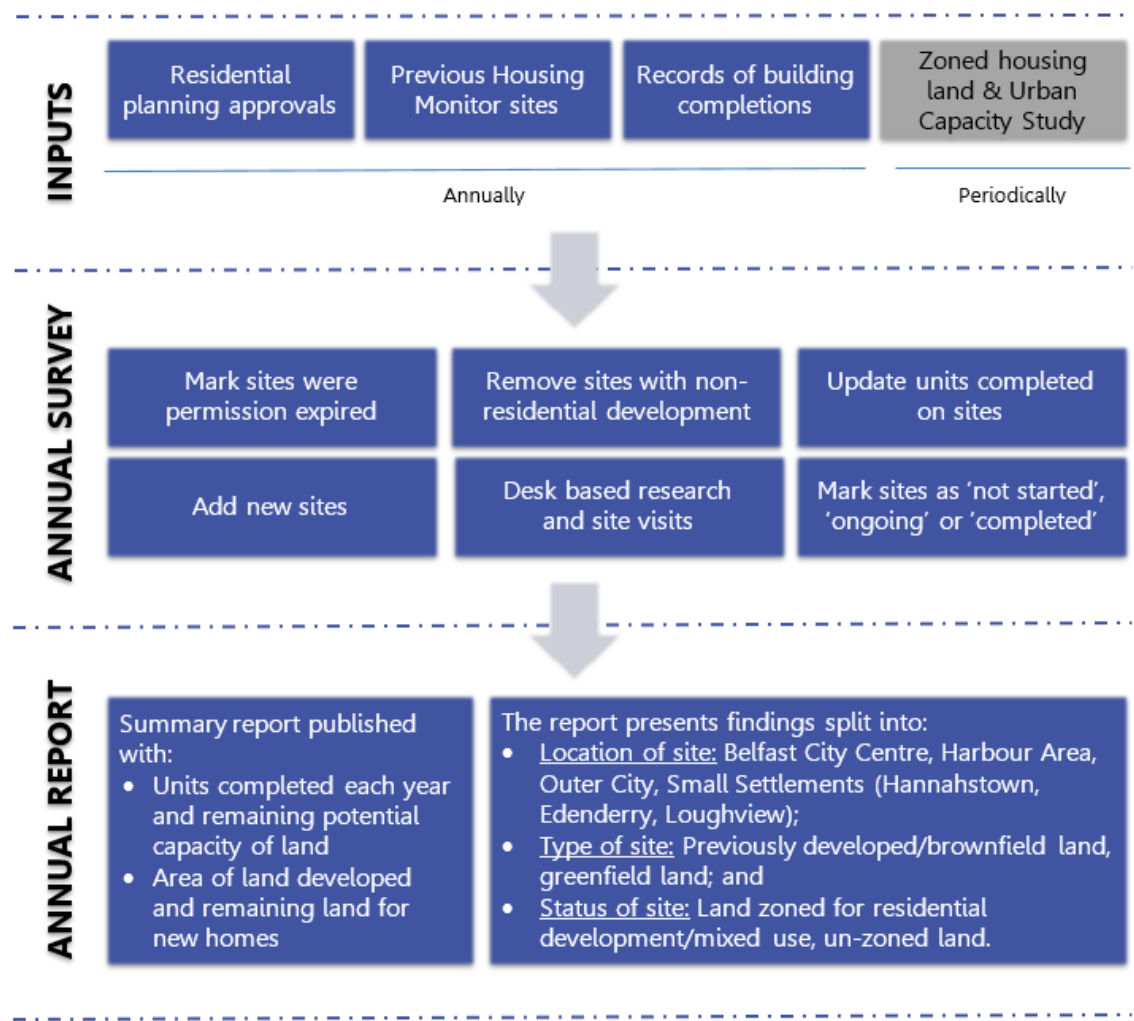
Table 4: Land Use Zoning Remaining Potential Units 2020/21

Settlement / Area	Remaining Potential Units				
	Land Zoned for Housing	Land Zoned for Mixed Use	All other land	Total	Proportion on Zoned Land (%)
<b>Belfast City</b>					
Outer Belfast	3,417	653	9,144	13,214	30.8%
City Centre	726	n/a	4,579	5,305	13.7%
Harbour Area	n/a	3,025	113	3,138	96.4%
<b>Belfast City Total</b>	<b>4,143</b>	<b>3,678</b>	<b>13,836</b>	<b>21,657</b>	<b>36.1%</b>
<b>Small Settlements</b>					
Edenderry	n/a	n/a	20	20	n/a
Hannahstown	n/a	n/a	2	2	n/a
Loughview	n/a	n/a	1	1	n/a
<b>Small Settlement Total</b>	<b>n/a</b>	<b>n/a</b>	<b>23</b>	<b>23</b>	<b>n/a</b>
<b>DISTRICT TOTAL</b>	<b>4,143</b>	<b>3,678</b>	<b>13,859</b>	<b>21,680</b>	<b>36.1%</b>

# Appendix A: Summary Methodology

The Housing Land Availability Monitor measures net gains in housing within the Belfast City Council area. It provides a snapshot of the amount of land available for new homes as of 1st April each year. The Monitor demonstrates the presence of an adequate and continuous supply of housing land in the city and provides evidence to inform the preparation of the Local Development Plan and to make planning decisions.

The Monitor presents a register of potential housing land, based on current planning policy designations and planning permissions, rather than an accurate picture of viable housing land. An Urban Capacity Study will be undertaken from time to time to assess the suitability, availability and achievability of monitored sites to contribute to a viable 5 year supply of land. An Urban Capacity Study for Belfast was published in March 2018.



## Belfast Planning Service

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<b>Subject:</b>	Proposed Local Development Plan Employment Land Monitor
<b>Date:</b>	Tuesday 15 <sup>th</sup> March 2022
<b>Reporting Officer:</b>	Kate Bentley, Director of Planning & Building Control
<b>Contact Officer:</b>	Keith Sutherland, Planning Manager (Policy & Plans) Dermot O'Kane, Principal Planning Officer

<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>

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

<b>1.0</b>	<b>Purpose of Report or Summary of Main Issues</b>
1.1	To make members aware of the on-going work in relation to the development of the first draft Employment Land Monitor (ELM) for Belfast. Members should note that additional work will continue in respect of the digital mapping within the district to gain a complete picture in relation to employment land across the city.
1.2	The council is required to develop and maintain the Monitor to support the delivery of the Local Development Plan and to inform future decision making. Once established it will support the monitoring of policy and the uptake of employment land as projected within Policy EC2 (employment land supply) of the draft Plan Strategy.
1.3	The proposed approach for the ELM reflects that established for the Housing Land Availability Report and will be supported by a similar online map portal.

<b>2.0</b>	<b>Recommendation</b>
2.1	The Committee is asked to note the proposed form and content of the draft Employment Land Monitor report for 2020/21 as set out below and in <b>Appendix 1</b> .
<b>3.0</b>	<b>Main Report</b>
	<b>Background</b>
3.1	The Planning Act (NI) 2011 requires the council to make an annual monitoring report to the Department for Infrastructure (DfI) in respect of the Local Development Plan (LDP) implementation. The work on the evidence base for the draft Plan Strategy has provided the foundation for the employment land monitoring that will be formalised alongside the work to deliver Local Policies Plan.
	<b>Employment Monitor Report</b>
3.2	The primary purpose of the draft ELM is to inform decision making and the ongoing performance of policy in respect of land supply across the city. As an evolving information

	source, it will provide a mechanism to identify where imbalances in land supply may develop and can inform prospective investors or developers on the availability of land that may be suitable for employment uses across the city.
3.3	The draft ELM (Appendix 1) sets out the headline data from the register of potential employment land, based on current planning policy designations and planning permissions. This provides an assessment at a point in time (31 <sup>st</sup> March 2021) for the amount of land available for employment purposes and capacity for future employment across the city.
3.4	<p>This information is summarised within the report in relation to:</p> <ul style="list-style-type: none"> <li>• completed net employment gains over the period 2020/21;</li> <li>• remaining net supply (comprising extant consents and sites where development is on-going) at 31<sup>st</sup> March 2021; and</li> <li>• the potential additional supply in terms of vacant land suitable for employment use at 31<sup>st</sup> March 2021;</li> </ul>
3.5	This ELM report will be supported by the online map portal showing the status of all existing employment monitor sites alongside the other spatial mapping for the LDP on the council's website. For the 2020/21 monitoring year there was 2724m <sup>2</sup> of employment floorspace completed with the majority of this being office floorspace. At the 31 March 2021 there was approximately 101,000 m <sup>2</sup> of employment floorspace under construction and 509,000m <sup>2</sup> remaining by way of extant planning permissions. Applying the 40% building to plot ratio to the remaining areas provided an additional yield of 344,000m <sup>2</sup> .
3.6	As this is the first year of publication, the data relates only to one year. It is difficult to identify pattern or trends or make conclusions that might be more apparent with average figures calculated over a longer timeframe.
3.7	<p><b><u>Finance and Resource Implications</u></b></p> <p>There are no resource implications associated with this report.</p>
3.8	<p><b><u>Asset and Other Implications</u></b></p> <p>None noted.</p>
3.9	<p><b><u>Equality or Good Relations Implications/Rural Needs Assessment</u></b></p> <p>The draft Employment Monitor Report presents factual information and makes no recommendations relating to the future allocation of land for housing. There are therefore no relevant equality or good relations implications attached to this report.</p>
<b>4.0</b>	<b>Appendices</b>
	<b>Appendix 1 –</b> draft Employment Land Monitor Report 2020/21

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
<b>2</b>	<b>Methodology.....</b>	<b>1</b>
<b>3</b>	<b>Limitations.....</b>	<b>2</b>
<b>4</b>	<b>Summary Tables.....</b>	<b>2</b>
4.1	Belfast LGD overview 01 April 2020- 31 March 2021 .....	3
4.2	Belfast LGD extant and under construction overview.....	3
4.3	Belfast LGD completions (gains) and remaining capacity by location .....	3
4.4	Belfast LGD completions (losses) and remaining potential losses by location.....	4
	<b>Appendix A: Summary Methodology .....</b>	<b>11</b>

# 1 Introduction

- 1.1 As part of the preparation of a new Local Development Plan (LDP) for Belfast, the Strategic Planning Policy Statement (SPPS) for NI (September 2015) states that “a system to monitor the take up and loss of land allocated for economic development purposes should be implemented.
- 1.2 The primary purpose of the employment monitor is to inform the formulation of the council’s new LDP. However, it will also help the council identify where a shortfall in potential land supply might exist.
- 1.3 The information collated will allow a clear view of the overall progress in meeting the employment objectives of the emerging development plan and in identifying issues likely to require intervention.
- 1.4 The Planning Act (NI) 2011 requires the council to make an annual report to the Department for Infrastructure outlining the extent to which the objectives set out in the LDP are being achieved. Although the new plan is not yet adopted it is still important to report on the availability and take-up of employment land in advance of its adoption.

# 2 Methodology

- 2.1 This section will explain the data collection methods used to analyse employment land availability within the district. It provides information relating to employment land data between 01 April 2020 and 31 March 2021. An analysis has been undertaken of all new sites with planning approvals within the periods stated above. The survey identifies and records sites that have been completed, sites that are currently under construction and sites with outstanding planning permission, yet to be implemented. Any existing employment land which was lost to non-employment uses during the monitoring year has also been recorded. Sites identified for the purposes of this report are those that fall within Class B of the Use Classes Order. These are defined as:

<b>Class B1a</b>	General offices
<b>Class B1b</b>	Call centres
<b>Class B1c</b>	Research and development
<b>B2</b>	Light industry
<b>B3</b>	General industry
<b>B4</b>	Storage and Distribution
<b>Mixed Emp*</b>	Mixed employment use

\*Captures schemes that have a mix of employment uses

- 2.2 The process followed to produce the employment land monitor is summarised at Appendix A.
- 2.3 The Monitor presents a register of potential employment land, based on current planning policy designations and planning permissions<sup>1</sup>. It is the role of an Urban Capacity Study (UCS) and the Employment Land Review which will be undertaken from time to time, to assess the suitability, availability and achievability of monitored sites to contribute to a viable supply of land.

### 3 Limitations

- 3.1 The figures included in this document do not include all development. It should therefore be assumed that some refurbishments and other permitted development have been developed and are not included in this document as there is no requirement for such works to be subject to the planning process. Where there has been an application permitted which includes intensification of an existing employment site, i.e. an extension or additional floor to existing employment building, only net additional floorspace is recorded as the site area already exists and would be misrepresentative.
- 3.2 It must also be recognised that the site area for planning applications expressed in hectares has been reduced in some instances to reflect only the site and not the access arrangements as this would have the potential to give misleading results. the results. In a small number of schemes, the floorspace figures were not readily available and estimates of the floorspace gained or lost has been provided based on the existing building footprint and the number of storeys. Due to rounding, numbers presented throughout this report may not add up precisely to the totals provided .
- 3.3 As this is the first year of publication, the data relates only to one year. It is difficult to identify pattern or trends or make conclusions that might be more apparent with average figures calculated over a longer timeframe.

### 4 Summary Tables

---

<sup>1</sup> For the purposes of the employment monitor, the draft Belfast Metropolitan Area Plan (BMAP) 2015 is utilised rather than the former Belfast Urban Area Plan (BUAP) 2001. The adopted BMAP was quashed as a result of a judgement in the Court of Appeal delivered on 18 May 2017 and, although this means the BUAP is now the statutory development plan for the area, the draft BMAP, in its most recent, pre-examination, form remains a significant material consideration in future planning decisions. Draft BMAP therefore refers to that which was purported to be adopted and not the pre-examination draft published in 2004.

The following summary tables detail the uptake and loss of employment space for the monitoring period (01 April 2020-31 March 2021). The position at the 31<sup>st</sup> March 2021 in terms of the remaining supply of vacant employment land and as well as committed floorspace gains through extant planning permission for B use classes balanced against committed losses (extant planning permission for alternative uses) for Belfast district is also included. Please note that there will be minor differences in totals due to computerised rounding up of data.

#### **4.1 Belfast LGD overview 01 April 2020- 31 March 2021**

Table 1 provides a breakdown for the gains and losses in employment land over the monitoring year period of 01 April 2020 to 31 March 2021. The total amount of floorspace competed was 2724 sq. metres, almost all of which was use class B1A general offices.

#### **4.2 Belfast LGD extant and under construction overview**

Table 2 provides overall totals for schemes where development is on-going and where planning permission remains extant on 31 March 2021. At the 31 March 2021 there were 14 schemes under construction. The completion of all schemes under construction has the potential to deliver approximately 101,545 sq. metres of new floorspace. At the end of March 2021 there were 86 schemes (involving floorspace gain) with planning permission yet to start. The completion of all schemes yet to start has the potential to deliver approximately 509,000 sq. metres of new employment floorspace. Further analysis of the extant permissions demonstrates that approximately 80% (419,000 sq. metres) is B1A general offices.

#### **4.3 Belfast LGD completions (gains) and remaining capacity by location**

Table 3 sets out the completions (gains) by location over the period 01 April 2020 to 31 March 2021. It also sets out the remaining capacity by way of extant planning permissions for employment use by location and areas of developable land which are within existing employment locations (that is, land where there is no development under construction or that does not have an extant planning consent). In line with best practice a 40% building to plot ratio was applied to these areas to reflect the servicing, parking and landscaping requirements. As of the 31 March 2021 there is approximately 344,000 sq. metres of vacant land suitable for employment purposes

#### **4.4 Belfast LGD completions (losses) and remaining potential losses by location**

Table 4 outlines the completion (losses) by location over the period 01 April 2020 to 31 March 2021. It also sets out the remaining potential losses of employment uses to non-employment uses if all extant planning permissions are realised.

Table 1: Completions for Monitor period 01 April 2020 to 31 March 2021

	Office (B1A)		Call centres (B1B)		R & D (B1C)		Light industry (B2)		General Industry (B3)		Storage & Distribution (B4)		Total	
	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>
<b>Completed (gains) 01/04/2020- 31/03/2021</b>	0.22	2,624	0	0	0	0	0	0	0	0	0.3	100	1	2,724
<b>Completed (losses) 01/04/2020- 31/03/2021</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Net Change</b>	<b>0.2</b>	<b>2,624</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0.3</b>	<b>100</b>	<b>0.5</b>	<b>2,724</b>



Table 2: Totals for development on-going, extant permissions (gains & losses)

	Office (B1A)		Call centres (B1B)		R & D (B1C)		Light industry (B2)		General Industry (B3)		Storage & Distribution (B4)		Mixed Emp		Vacant employment land		Total	
	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>	Area (Ha)	m <sup>2</sup>
<b>Development on-going at 31-03-21</b>	5.38	82,077	0	0	0	0	0.18	874	0	0	0	0	1.9	18,594	*	*	7	101,545
<b>Not started gains- Full &amp; Outline at 31-03-21</b>	66.86	419,114	0	0	0.03	6,180	36.06	18,425	40	35,050	9.34	18,664	40.5	12,376	*	*	192.79	509,809
<b>Sub-total</b>	72.24	501,191	0	0	0.03	6180	36.24	19299	40	35050	9.34	18664	42.4	30970	*	*	200	611,354
<b>Losses not started at 31.03.31</b>	4.12	34,734	0	0	0	0	2.02	8,966	0.54	6,000	1.84	8,511	0.54	5,619	0.9	5,101	9.06	68,931
<b>Net Total</b>	<b>68.12</b>	<b>466,457</b>	<b>0</b>	<b>0</b>	<b>0.03</b>	<b>6,180</b>	<b>34.22</b>	<b>10,333</b>	<b>39.46</b>	<b>29,050</b>	<b>7.5</b>	<b>10,153</b>	<b>41.86</b>	<b>18,594</b>	<b>0.9</b>	<b>5,101</b>	<b>191.19</b>	<b>542,423</b>

\*For vacant employment land not covered by an existing planning consent please refer to table 3.

**Table 3: Completions (gains) and remaining potential gains by location**

Ref No	Location	Completions (sqm)	Remaining Capacity (sqm)	
		01-04-2020 to 31-03-2021	Extant permissions & under construction	Vacant developable land
CC	City Centre	2480	300,799	•
ML 08	Kilwee Industrial Estate, Dunmurry	0	0	811
BT 005/05	Hillview Road	0	4428	1,415
BT 005/19	Ballygomartin Industrial Estate, Ballygomartin Road	0	0	1,487
BT 005/10	Glenbank Business Park, Crumlin Road	0	0	11,986
BT 005/25	North Howard Link	0	0	0
BT 005/15	Kennedy Way	0	4386	0
BT 005/04	Castlereagh Road	0	0	2,260
MCH 09	Prince Regent Road	0	0	0
ML 07	Springbank Industrial Estate	0	0	36,343
BT 005/13	Ravenhill Business Park	0	937	0
BT 005/09	Shore Road/Skegoneill Street	0	0	629
BT 004	Land At Springfield Road (Former Mackie's Site)	0	0	65,122
BT 005/11	Donegall Road	0	0	0
BT 005/08	Duncairn Gardens	0	2256	341
BHA 06	Belfast Harbour	244	58107	117,947
BT 005/17	Westlink Enterprise Centre, Distillery Street	0	0	1,280
MCH 10	Montgomery Road	0	3097	0
BT 005/20	Lanark Way	0	1162	2,000
BT 005/07	York Road Including Jennymount Business Park	0	627	0
BT 005/12	Stockmans Way	0	365	0
MCH 11	Ballygowan Road	0	0	0
BT 005/02	Island Street/Ballymacarrett Road	0	0	334
BT 005/21	Argyle Business Park, Shankill Road	0	874	0
BT 005/01	Newtownards Road/Tamar Steet	0	0	0
BT 005/18	Springfield Road	0	0	7,675
BT 005/22	Agnes Street Industrial Estate	0	0	0
BT 005/03	East Belfast Enterprise Park	0	0	0
BT 005/23	Louden Street/Townsend Street	0	0	0
BT 005/16	Whiterock Industrial Estate, Springfield Road	0	12635	9,564
BT 005/26	Conway Street	0	0	0
BT 005/06	Cambrai Street	0	223	0

**Table 3: Completions (gains) and remaining potential gains by location**

Ref No	Location	Completions (sqm)	Remaining Capacity (sqm)	
		01-04-2020 to 31-03-2021	Extant permissions & under construction	Vacant developable land
BT 005/24	Andrews Mill, Divis Street	0	0	0
BT 005/14	Glen Road	0	57	0
BHA 01	Titanic Quarter	0	95277	0
BT 002	Land At Monagh Bypass / Upper Springfield Road		4030	0
ML 05	Seymour Industrial Estate	0	0	3,453
BHA04	D3, Airport Road West	0	0	81,981
ROC	Rest of City	0	122094	0
		<b>Total</b>	<b>611,354</b>	<b>344,628</b>
		<b>Combined total</b>	<b>955,982</b>	

**Table 4: Completions (losses) and remaining potential losses by location**

Ref No	Location	Completed losses (sqm)	Remaining potential losses (sqm)
		01-04-2020 to 31-03-2021	Remaining commitments at 31-03-2021
CC	City Centre	0	35,020
ML 08	Kilwee Industrial Estate, Dunmurry	0	0
BT 005/05	Hillview Road	0	750
BT 005/19	Ballygomartin Industrial Estate, Ballygomartin Road	0	0
BT 005/10	Glenbank Business Park, Crumlin Road	0	0
BT 005/25	North Howard Link	0	0
BT 005/15	Kennedy Way	0	0
BT 005/04	Castlereagh Road	0	0
MCH 09	Prince Regent Road	0	0
ML 07	Springbank Industrial Estate	0	0
BT 005/13	Ravenhill Business Park	0	0
BT 005/09	Shore Road/Skegioneill Street	0	0
BT 004	Land At Springfield Road (Former Mackie's Site)	0	0
BT 005/11	Donegall Road	0	0
BT 005/08	Duncairn Gardens	0	0
BHA 06	Belfast Harbour	0	1,221
BT 005/17	Westlink Enterprise Centre, Distillery Street	0	0
MCH 10	Montgomery Road	0	0
BT 005/20	Lanark Way	0	3,880
BT 005/07	York Road Including Jennymount Business Park	0	0
BT 005/12	Stockmans Way	0	561
MCH 11	Ballygowan Road	0	0
BT 005/02	Island Street/Ballymacarrett Road	0	0
BT 005/21	Argyle Business Park, Shankill Road	0	0
BT 005/01	Newtownards Road/Tamar Street	0	0
BT 005/18	Springfield Road	0	0
BT 005/22	Agnes Street Industrial Estate	0	0
BT 005/03	East Belfast Enterprise Park	0	0
BT 005/23	Louden Street/Townsend Street	0	0
BT 005/16	Whiterock Industrial Estate, Springfield Road	0	0
BT 005/26	Conway Street	0	0
BT 005/06	Cambrai Street	0	1,672

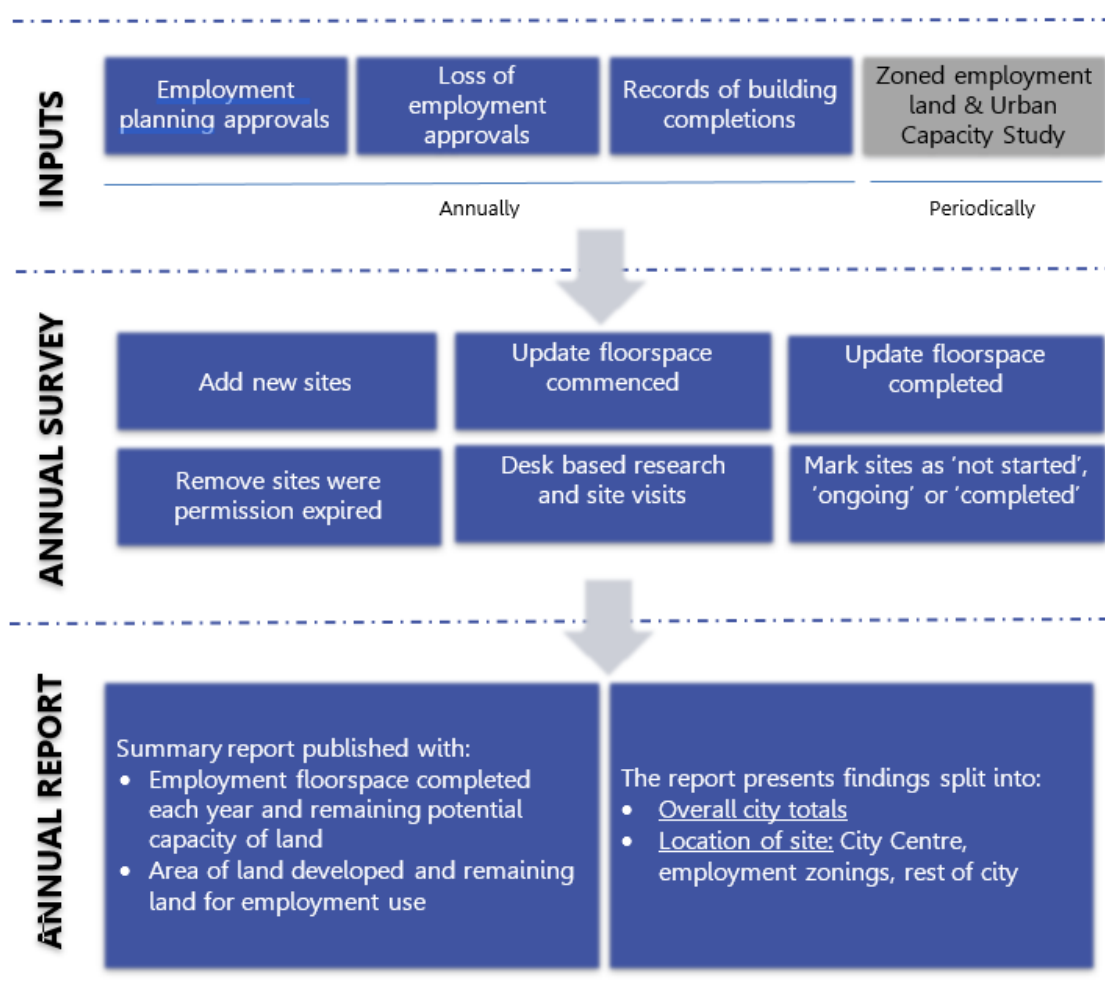
**Table 4: Completions (losses) and remaining potential losses by location**

BT 005/24	Andrews Mill, Divis Street	0	0
		<b>Completed losses (sqm)</b>	<b>Remaining potential losses (sqm)</b>
<b>Ref No</b>	<b>Location</b>	<b>01-04-2020 to 31-03-2021</b>	<b>Remaining commitments at 31-03-2021</b>
BT 002	Land At Monagh Bypass /. Upper Springfield Road	0	0
ML 05	Seymour Industrial Estate	0	0
ROC	Rest Of City	0	25,827
		<b>Total</b>	<b>68,931</b>

## Appendix A: Summary Methodology

The employment land monitor measures net gains and losses in employment floorspace within the Belfast City Council area. It provides a snapshot of the amount of land available for employment as of 1st April each year. The Monitor demonstrates the presence of an adequate and continuous supply of employment land in the city and provides evidence to inform the preparation of the Local Development Plan and to make planning decisions. The Monitor presents a register of potential housing land, based on current planning policy designations and planning permissions, rather than an accurate picture of viable housing land.

An Urban Capacity Study will be undertaken from time to time to assess the suitability, availability and achievability of monitored sites to ensure the land required to facilitate the required jobs growth over the plan period is met. An Urban Capacity Study for Belfast was published in March 2018. ([https://www.belfastcity.gov.uk/getmedia/3794156e-b2b5-4437-ab36-2f13f2f4f742/DPS028\\_Evi-05.pdf](https://www.belfastcity.gov.uk/getmedia/3794156e-b2b5-4437-ab36-2f13f2f4f742/DPS028_Evi-05.pdf))



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