

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



**Belfast
City Council**

22nd June, 2021

MEETING OF THE PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Council Chamber and via Microsoft Teams, on Monday, 27th June, 2022 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

- (b) (Reconsidered Item) LA04/2019/0775/F - 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works on lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally (Pages 1 - 48)
- (e) LA04/2021/1672/O - Hybrid planning permission for mixed use development on lands at the Gasworks Northern Fringe site (Pages 49 - 88)
- (g) LA04/2021/1231/O - Demolition of existing buildings and erection of 36. apartments in 2 blocks at 385 Holywood Road (Pages 89 - 110)
- (h) LA04/2021/2519/F - Variation of Condition relating to Operating Hours at Former Church of the Holy Rosary, 348-350 Ormeau Road (Pages 111 - 116)
- (a) Local Applications with NI Water Objections (Pages 117 - 132)

Committee Application – Addendum Report 5

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 27 th June 2022
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received and proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay
<u>ADDENDUM REPORT</u> <p>This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on 2nd September 2021. The application was then re-listed for Planning Committee on 14th September 2021. The application was subsequently withdrawn from the agenda following legal advice in respect of the HRA checklist / form which had not yet been uploaded to the Planning Portal. This information was subsequently uploaded to the Planning Portal on 15th September 2021. The application was then due to be considered by the Planning Committee on 21st October 2021. Prior to the meeting, the item was withdrawn from the agenda in order to deal with an issue raised by DAERA NIEA regarding waste water capacity.</p> <p>The application was then considered by the Planning Committee on 18th January 2022. The application was presented and discussed at this Committee meeting. It was subsequently deferred for officers to consider how to secure the proposed pathway towards Lagan Lands East in the event of permission being granted.</p> <p>The application was listed on the Planning Committee Agenda for 15th February 2022 advising that the developer is willing to enter into a Section 76 planning agreement to secure the creation of a pathway and facilitate access to Lagan Lands East through the application site. Subsequently, the application was withdrawn from the agenda so that officers could provide more information to the Committee in relation to the detailed requirements of the proposed Section 76 planning agreement.</p> <p>The Committee should consider this Addendum Report in conjunction with the original and addendum planning reports, which are appended.</p>	

Section 76 Planning Agreement

As noted above, the application was previously withdrawn from the Agenda of the Planning Committee on 15th February 2022 so that officers can provide more information to the Committee in relation to the detailed requirements of the proposed Section 76 planning agreement.

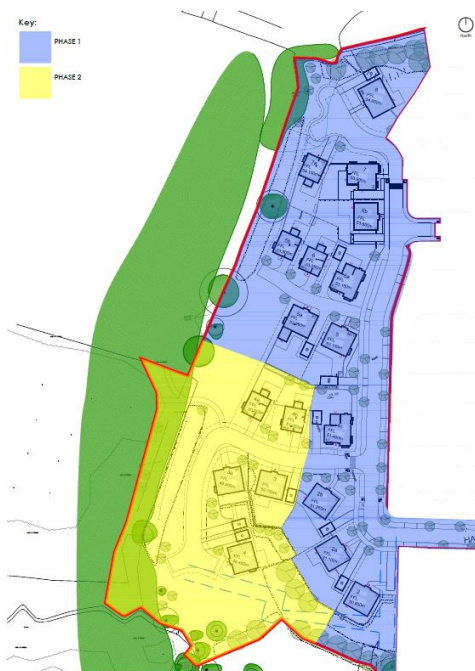
The purpose of the Section 76 planning agreement is to secure the creation of a pathway and facilitate access through the site to and from Lagan Lands East.

The draft terms of the Section 76 planning agreement have been the subject of negotiation between the developer and the Council over the last several months. The main obligations are as follows:

- An access will be provided for pedestrians and cyclists from Hampton Park to Council land which will allow access to the Lagan Gateway project;
- The provision of the access will be subject to permitted closures for the purposes of public safety, maintenance, to assert rights of proprietorship or other necessary closures provided that the closure is agreed in advance by the Council. Any closures are to be kept to a minimum;
- The access can be permanently closed if a public path is provided by virtue of Articles 11 or 12 of the Access to the Countryside (Northern Ireland) Order 1983 which ensures suitable alternative public access from the development through to the Council lands;
- Following the sale of the last of the Residential Units the Owner shall transfer the ownership of the Access and Footway to a management company incorporated for the purpose of (inter alia) managing and maintaining the access in accordance with this Agreement; and
- The owner will organise a quarterly meeting with local residents and Councillors to review the management arrangements for the construction and maintenance of the Development in such a way so that it is not seriously detrimental to the amenities of the neighbourhood.

A copy of the relevant schedules of the agreement are provided at **Appendix 1**.

The phasing plan of the proposed development is shown below (Phase 1 – blue, Phase 2 – yellow):



The location plan below shows the position of the proposed access:



Developer's summary programme of construction

The developer has advised the Council of a summary programme of construction for the proposed development, in the event of approval:

- First occupation of Phase 1: 9-12 months (post commencement of development)
- Completion of Phase 1: 24 months
- Phase 2 occupation: 30-36 months

OTHER MATTERS

DAERA Northern Ireland Environment Agency (NIEA)

A representation was received from the Northern Ireland Badger Group in March 2022. The objection noted that the badger survey was carried out in 2019 and questioned whether this information was valid anymore, as more than two years had lapsed.

Following this, the Council re-consulted with NIEA NED. During the consultation process, additional badger information was submitted by the agent, '*Badger Activity Survey – February 2022 – Ayre Environmental Consulting Ltd*'.

With regard to the badger information, NIEA NED confirmed that they are content that the information is in date and valid. In overall terms, NIEA NED confirmed they have considered the impacts of the proposal on designated sites and other natural heritage interests and, on the basis of the information provided, have no concerns subject to recommendations.

Local Development Plan 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 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.

Representations

Following publication of the Committee report in February 2022, an additional 8 objections have been received prior to the Council meeting on 15th February 2022. Members will note these additional objections were document in the late items report.

Subsequently, an additional 25 objections have been received in relation to the proposed development. Consequently, the overall number of representations stands at 274, with 271 objections, 2 supports and 1 non-committal response.

New issues raised include:

- Biodiversity checklist identified potential risks to environmental receptors, therefore the development will cause too much ecological damage and should cease immediately.
Biodiversity checklist identified various ecological assessments required. All assessments were completed and submitted to the Council. Following consideration, NIEA NED have no objections to the proposal, subject to conditions.
- Without a Northern Ireland Independent Environmental Protection Agency, there are no reliable assurances that the proposal will not devastate local wildlife habitats and ecologies.
NIEA NED have no objections to the proposal, subject to conditions.
- Removal of Tree 30 has potential to impact the badger setts and a nearby tree.
Tree 30 is proposed for retention, as per Drawing No. 49D uploaded to the portal on 13th August 2021.
- Concerns regarding validity of the Badger Survey information. Badger survey carried out in 2019 and cannot therefore be regarded as valid as more than 2 years have lapsed.
Additional Badger information was submitted to the Council in March 2022 (Badger Activity Survey – February 2022 – Ayre Environmental Consulting Ltd). The Council reconsulted with NIEA, who advised they have no objection, subject to conditions.
- Proposed development is contrary to Belfast City Council's Local Biodiversity Action Plan.
The Council's Local Biodiversity Action Plan is currently under review. However, NIEA NED have no objection to the proposed development, subject to conditions.
- All applications relating to this development should be seen as one application and the planning rules for such a vast development should be applied.
Each application is dealt with on its own merits. The Council's statutory role is to assess each individual application in accordance with Section 45 of the Planning Act (NI) 2011.
- The clearance of meadowland in 2021 should be regarded as environmental damage.
*There is an extant approval for 35 dwellings within the overall application site, under ref. Z/2007/1401/F. The application LA04/2020/2324/LDP established the lawful completion of the residential development previously approved under Z/2007/1401/F as the approved development had commenced within 5 years.
Alleged unauthorised works outside the application boundary were referred to the Council's Planning enforcement team.*

- The applicant has created a 'constructive degradation' of the lands and disturbed ancient turf land.
No evidence has been provided to demonstrate that there is 'ancient turf land' within the application site. Furthermore, this has not been raised as an issue by any statutory consultees.
- Case officer recommendation that final wording of conditions should be delegated to the Director of Planning and Building Control is undemocratic.
Delegation of final wording of conditions is standard procedure as all issues to which conditions relate have been set out in the case officer report and or raised by Committee.
- Landowner has made premature alterations to the site, including construction of access road and garage foundations.
The access road has been in place for a significant period of time (circa 2001). The garage foundations were constructed in relation to Z/2007/1401/F. The foundations were constructed within the 5 year period, therefore that approval is still extant.
- Objector states there can be no separation between the application site and the Lagan Valley Regional Park (LVRP).
The application site is not located within the designated LVRP, however the site is located adjacent to it.
- The advice that the decision can be dealt with by reserved matters or conditions does not equate to proper purpose.
The application is a full planning application, therefore no matters will be reserved. Planning conditions are used to control the way a planning permission is implemented and the use of conditions are considered standard procedure when planning permission is granted.
- Ongoing construction work is unlawful, as previous approvals Z/2007/1401/F and Z/2012/1326/F expired prior to works commencing.
There is an extant approval for 35 dwellings within the overall application site, under ref. Z/2007/1401/F. The application LA04/2020/2324/LDP established the lawful completion of the residential development previously approved under Z/2007/1401/F as the approved development had commenced within 5 years.
- Council has failed to consider and act with regard to various environmental legislation, including the Wildlife and Natural Environment (NI) Act 2011, the Environmental Better Regulation (NI) 2016, the Wildlife (NI) Order 1985 and the Water Environment (Water Framework Directive) Regulations (NI) 2017.
In accordance with Section 45 of the Planning Act (NI) 2011, when dealing with applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations. During this process, the Council consults with a range of bodies, including DFI Roads, NIEA, NI Water etc. Consultees assess and provide comment on the proposed development, in accordance with relevant legislation, policy and advice. With regard to the above legislation, NIEA have provided comment on the proposal and advised they have no objection, subject to conditions.
- Objector has requested clarification regarding time limits – how many years does planning permission endure for if the applicant does not proceed with the development? Are there circumstances in which a grant of planning permission is rescinded if this lies in abeyance for a long period of time?
In accordance with Section 61 of the Planning Act (NI) 2011, every planning permission granted must be begun within 5 years of the date on which the permission is granted or such other period deemed appropriate by the Authority. Condition 1 of Z/2007/1401/F specified that the development shall be commenced before the expiry of 5 years from the date of the permission. LA04/2020/2324/LDP established that the residential development previously approved under Z/2007/1401/F had commenced within the five years and could therefore be lawfully completed.

An unimplemented permission will typically expire after a period of 5 year for a full planning permission. A commenced development has permission in perpetuity.

- Dr Andy Bridge of Lagan Valley Regional Park made a representation to the Council on 8th February 2022 advising of concerns with ongoing excavations and heavy plant activity beyond the application site boundary (to the west within the LVRP). The letter set out a number of serious concerns in relation to these unauthorised works, including impact on landscape, breach of HRA previously carried out, impact on invasive species, run off, impact on Belvoir SLNCl, potential ecological impacts.
Complaint relates to lands outside the boundary of the application site. The alleged unauthorised works were referred to the Council's Planning enforcement team.

Recommendation – approval

As per the previous Committee and Addendum reports, the case officer recommendation remains unchanged. It is considered that the proposal is acceptable having regard to the Development Plan, retained planning policies, consultation responses, representations, the planning history of the site and other material considerations. Therefore, the recommendation is to approve, subject to conditions and formal completion of the Section 76 planning Agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the formal completion of the Section 76 planning agreement.

Committee Application – Addendum Report 4

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: Tuesday 15 February 2022
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received – Proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay

ADDENDUM REPORT

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

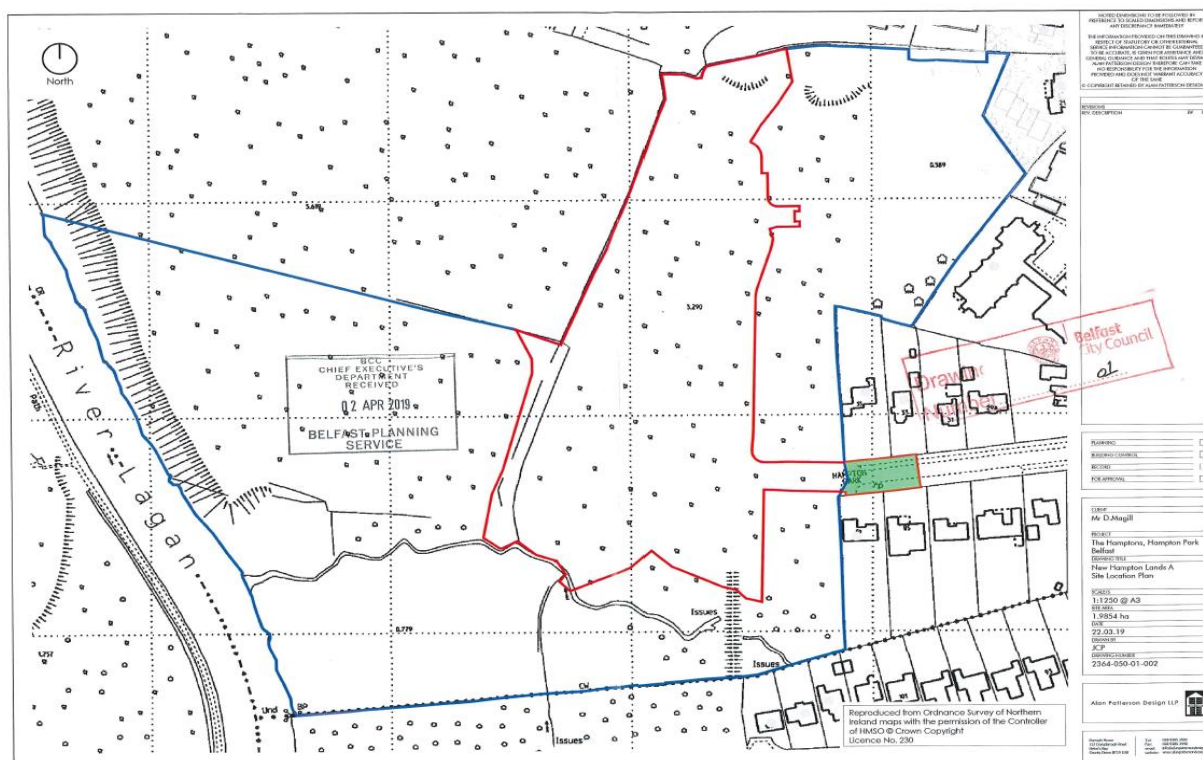
This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on Thursday 2nd September 2021. The application was then re-listed for Planning Committee on 14th September 2021. The application was subsequently withdrawn from the agenda following legal advice in respect of the HRA checklist / form which had not yet been uploaded to the Planning Portal. This information was subsequently uploaded to the Planning portal on 15th September 2021. Further to this, the application was due to be considered by the Planning Committee on 21st October 2021. Prior to that meeting, the item was withdrawn from the agenda in order to deal with an issue raised by DAERA NIEA regarding waste water capacity.

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

Access / Connectivity

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

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



Representations

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

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

New issues raised include:

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

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

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

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

There is a designated watercourse, known as Galwally Stream, flowing immediately along a portion of the south western corner of the site. The application site does not lie within the 1 in 100-year fluvial floodplain. RA have advised that the proposed development will not impede the operational effectiveness of flood defence and drainage infrastructure or hinder access to enable their maintenance.

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

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

Recommendation

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

considerations. Therefore, the recommendation is to approve, subject to conditions and Section 76 Legal Agreement.

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

Committee Application – Addendum Report 3

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 18 January 2022
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received – Proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay

ADDENDUM REPORT

This full application was due to be considered by the Planning Committee on 21st October 2021. Prior to the meeting, the item was withdrawn from the agenda in order to deal with an issue raised by DAERA NIEA regarding waste water capacity.

This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on Thursday 2nd September 2021. The application was then re-listed for Planning Committee on 14th September 2021. The application was subsequently withdrawn from the agenda following legal advice in respect of the HRA checklist / form which had not yet been uploaded to the Planning Portal. This information was subsequently uploaded to the Planning portal on 15th September 2021.

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

Sewage capacity

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

Its Water Management Unit (WMU) noted that in its previous consultation response on 17th May 2019, it had advised that it was content with sewage loading from the proposed development being transferred to Newtownbreda Waste Water Treatment Works (WWTW). It also advised that it continually reviews potential impacts to the surface water environment from proposed developments connected to the various WWTW's including loadings and treatment regimes at those treatment works, as well as considering whether or not the works have been upgraded. Following this review, WMU were now concerned that the sewage loading associated with the above proposal had the potential to cause an environmental impact if transferred to this WWTW.

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

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

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

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

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

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

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

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

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

Representations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

There is no requirement to provide affordable housing.

- Issues raised regarding NI Water consultation response.

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

- Proposed development will ruin views from the towpath.

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

Recommendation

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

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

Committee Application – Addendum Report 2

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

ADDENDUM REPORT

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

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

Habitats Regulations Assessment

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

NIEA consultation response

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

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

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

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

Condition: *No development should take place on-site until the method of sewage disposal has been agreed in writing with Northern Ireland Water (NIW) or a Consent to discharge has been granted under the terms of the Water (NI) Order 1999.*

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

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

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

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

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

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

Recommendation: Approval subject to Conditions

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

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

Committee Application – Addendum Report 1

Development Management Report	
Application ID: LA04/2019/0775/F	Date of Committee: 14 September 2021
Proposal: Erection of 18 dwellings to include revision of site layout of previous approval Z/2007/1401/F at sites 2-8 (7 dwellings) and additional 11 No. dwellings, including landscaping, access via Hampton Park and other associated site works (Amended Proposal Description)	Location: Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park, Galwally, Belfast
Referral Route: Objections received - Proposal is for over 12 residential units	
Recommendation:	APPROVAL
Applicant Name and Address: D & J Enterprises 55 Somerton Road Belfast BT15 4DD	Agent Name and Address: Alan Patterson Design Darragh House 112 Craigdarragh Road Helens Bay
<u>ADDENDUM REPORT</u> <p>This full application was previously listed for Planning Committee on 17th August 2021. The item was withdrawn from the agenda to allow the members to undertake a pre-emptive Planning Committee site visit. The site visit took place on Thursday 2nd September 2021.</p> <p>Members should read this Addendum Report in conjunction with the original full detailed planning report attached below.</p> <p><u>Representations:</u> An additional 29 representations have been received in respect of this planning application, 27 objections and 2 support letters. Consequently, this results in a total of 212 objections and 2 of support.</p> <p>Additional issues raised by the objections include:</p> <ul style="list-style-type: none"> EIA determination is incomprehensive to understand. Objector advises that the mitigation measures should be listed clearly. <i>Response – The EIA Determination sheet is set out as per guidance and best practice. The mitigation measures are contained within the submitted documents and are referred to in the August 2021 Planning committee case officer report. Furthermore, the mitigation measures are included within the suggested conditions of this report (Section 10).</i> Proposed development is an area of public amenity at Belvoir Forest. <i>Response – the site is not located within Belvoir Forest Park.</i> Potential for Hampton Park to become a through road from Annadale Avenue. <i>Response – the proposal does not include a through road from Annadale Avenue.</i> 	

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

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

The support letters raised the following issues:

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

Density issue:

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

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

NIEA consultation response:

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

Recommendation: APPROVAL

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

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

Committee Application

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

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

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

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

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

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

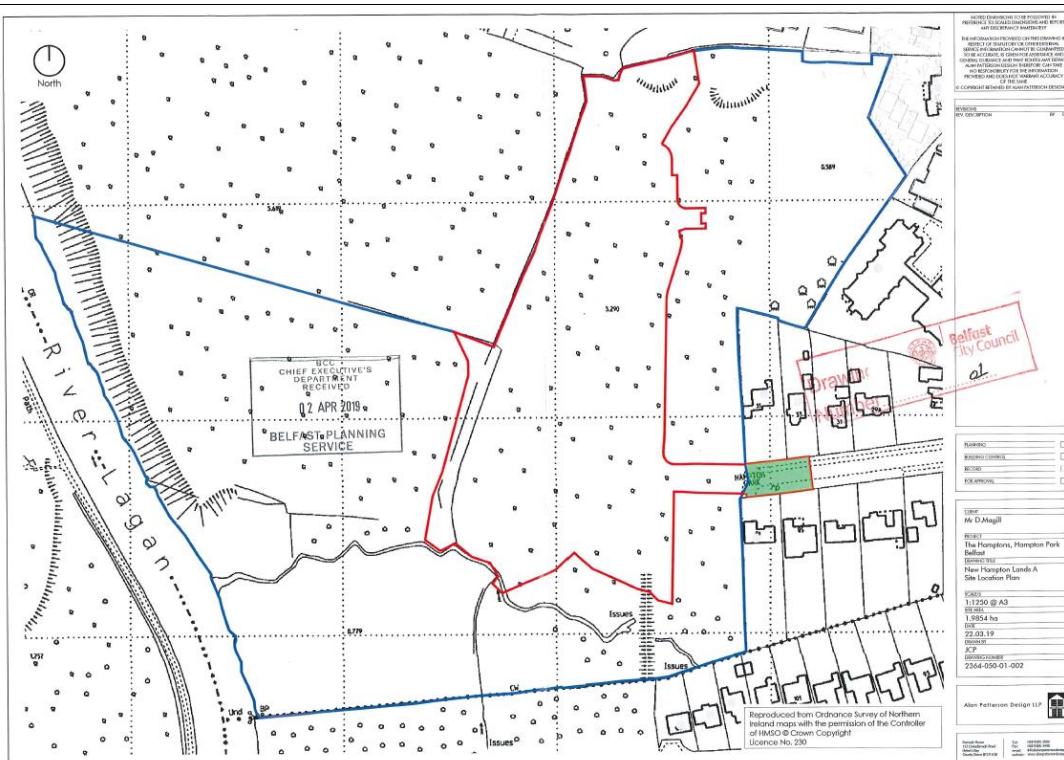
The proposed layout includes a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The Council's Access Officer has also advised that the existing route to Galwally Avenue does not have the hallmarks of a public right of way and is unlikely to be asserted as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

The scheme is considered on balance to be acceptable.

Recommendation – APPROVAL SUBJECT TO CONDITIONS

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

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





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

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

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

Ecology and Landscape / Open Space

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

	<p>environment, an environmental risk assessment should be undertaken.</p> <ul style="list-style-type: none"> • DAERA have not been consulted in relation to the impact on local wildlife. • Concerns raised regarding NIEA's consultation response in relation to potential adverse effects on surrounding natural environment and habitat. • Construction works may cause water runoff pollution. • Lack of studies assessing how the proposed development will impact the River Lagan. • The subject lands should be owned and preserved by the National Trust, not built over. • The existing site has stored carbon over time. Disturbing this ecosystem goes against recent commitments by Belfast City Council (BCC) to conserve nature and aim to reduce carbon emissions, improve air quality, reduce flooding (note the site's proximity to the Lagan), increase urban cooling, support and enhance biodiversity and improve the mental and physical wellbeing of people living in or visiting the area. • BCC has declared a climate and biodiversity emergency. • Current Building Regulations are totally inadequate to reduce carbon emissions, to preserve water and to reduce flooding. • Carbon neutralising green spaces such as this will become absolutely crucial in the future to tackle climate change locally. • The tree survey appears lacklustre, with little to no detail applied to the trees poised for removal. • Proposal goes against BCC's 'One Million Trees' initiative, where the Council has committed to plant one million native trees across the city, not cut them down. • Proposal does not support the Council's initiative to return 30% of the city to nature by 2030. • Proposal will result in additional light, noise and air pollution. • Open, green spaces such as the application site are a scarcity in the city and should be protected at all costs. During the Covid 19 pandemic, the value of outdoor amenity space was recognised. • Northern Ireland has the least amount of accessible green space in relation to other parts of the UK. • Access to open space / nature helps to maintain mental health and physical wellbeing. • Lagan Bank has been encroached over recent decades by private housing developments. • There are plenty of alternative brownfield sites within the city centre that could benefit from rejuvenation. • There is no need for extensive housing to be built within green areas so close to the city centre due to the change in work patterns with majority of people now working from home. • It is unclear whether the proposed development will include planting of mature trees along the roadside, similar to the existing arrangement along Hampton Park. <p>Design, Character, Density and Residential Amenity</p> <ul style="list-style-type: none"> • Proposed site is extremely close to Lowry Court, a residential facility, and will be detrimental to the comfort, safety and wellbeing of the residents. • Open space should be provided as an integral part of the development, in accordance with PPS 8. • Proposed development would be detrimental to the character of Hampton Park.
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	<ul style="list-style-type: none"> • Proposed development will be visible from LVRP, thereby changing the distinct character of the area. • Proposed density should not be significantly higher than the existing development along Hampton Park, in accordance with PPS 7 Addendum. Proposed dwellings are tightly squeezed together. • Proposed development should be low density and support green spaces within its boundaries. • Plot ratio is not respectful of surrounding context. • Proposed development envisages a higher density development than previously approved, including more extensive excavation and potentially, construction of retaining walls. • Proposed development may require retaining walls, contrary to Para 4.13 of PPS 7. • Proposed development will increase anti-social behaviour in the area. • Proposal will result in further criminal activity within the area. • Issues raised with quality / size of garden areas. • Proposal results in overdevelopment. Amount of development has more than doubled from original approval Z/2007/1401/F. • Proposed development is incompatible with the policies of the Belfast Urban Area Plan 2001, the statutory development plan for the Council area. Proposed development does not pass policy tests in relation to conservation, archaeology, recreation and transport. • Proposed design has little architectural merit, not in keeping with the strong heritage and highly sensitive nature of the surrounding contextual environment. • Proposed houses will affect views on to the Lagan Valley AONB for existing residents. • Detrimental impact on residential amenity of existing residents, specifically impact on privacy, natural light, noise, odour, late night activities. <p>Traffic, Parking and Movement</p> <ul style="list-style-type: none"> • Proposed development will result in increased traffic and an intensification of the Hampton Park junction with Ormeau Road. Issues raised regarding the number of dwellings served by a single road. • A survey should be conducted by Police Traffic Branch to assess the likely impact and safety risk due to the additional traffic generated by the proposal. • Traffic control will need to be introduced at the Hampton Park road junction. • Impact on road safety, particularly in relation to pedestrians (children and elderly) and cyclists. • There is no lighting or traffic infrastructure on the main road to access Hampton park. • Detrimental impact on access for emergency vehicles. • Construction vehicles will cause damage to Hampton Park roadway. • Proposed development does not include access to LVRP. • Proposed development should provide access to the Lagan Gateway greenway. • Issues raised regarding potential access to LVRP and users potentially parking in Hampton Park for access. • No consideration has been given to the path from Hampton Park through the site to Galwally Avenue. This path has been in operation for 40 years and is considered to constitute a public right of way (PROW).
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	<ul style="list-style-type: none"> Proposed development impacts on the current pathways interconnecting Galwally Avenue / Belvoir Forest Park, Hampton Park and the Annadale Embankment. These paths have been in use for over 30 years and should be designated PROWs. <p>Other Environmental Matters</p> <ul style="list-style-type: none"> Proposed development will cause a further strain to the drainage and sewage infrastructure of the surrounding area. Detrimental impact on archaeological heritage. Issues raised with plans to construct more houses beside the River Lagan on a flood plain.
8.0	Assessment
8.1	<p><u>Preliminary Matters</u></p> <p>It is considered that the proposal description is accurate, in accordance with Article 3 (2) (a) of the Planning (General Development Procedure) Order (NI) 2015.</p>
8.2	A recent application for a Certificate of Lawfulness for proposed use / development (CLEUD) under ref. LA04/2020/2324/LDP confirmed that the previously approved development under ref. Z/2007/1401/F has commenced and can lawfully be completed.
8.3	The application site has been measured at 1.98 Ha, therefore the proposed development is correctly classified as a local development, in accordance with the Planning (Development Management) Regulations (NI) 2015.
8.4	The front portion of the site extends into the Hampton Park Area of Townscape Character (ATC), therefore a Design and Access Statement is required for the proposed development, in accordance with Section 6 of the Planning (General Development Procedure) Order (NI) 2015. A Design and Access Statement was submitted as required.
8.5	Objections in relation to unauthorised commencement of development have been referred to the Council's Planning Enforcement Team. However, it is noted that there is an extant approval within part of the site for 35 dwellings, previously approved under ref. Z/2007/1401/F.
8.6	Issues have been raised in relation to neighbour notification. The Council is content that neighbour notification has taken place, in accordance with Section 41 of the Planning Act (NI) 2011 and Article 8 of the Planning (General Development Procedure) Order (NI) 2015.
8.7	Issues have also been raised regarding the completion of the P1 application form, specifically Question 14 which asks if the applicant is ' <i>aware of the existence on the application site of any wildlife protected under the Wildlife (NI) Order 1985 (as amended)</i> '. The P1 form did not tick yes or no but referred to the submitted NI Biodiversity Checklist. Further inspection of the submitted Checklist provides reference to specific species that may be affected by the proposed development and what surveys / assessments are required to determine potential impacts.

8.8	A small portion of the application site is located outside the settlement limit of Belfast. This portion is located along the southern portion of the western boundary. No development is proposed within this part of the site.
8.9	<p><u>Development Plan</u></p> <p>Section 45 (1) of the Planning Act (Northern Ireland) 2011 requires regard to be had to the Development Plan, so far as material to the application and to any other material considerations. Section 6(4) states that where regard is to be had to the Development Plan, the determination must be made in accordance with the Plan unless material considerations indicate otherwise. The appeal site is located within the urban area of Belfast. The adopted Belfast Metropolitan Area Plan 2015 (BMAP) has been quashed as a result of a judgement in the Court of Appeal delivered on 18th May 2017. As a consequence of this, the Belfast Urban Area Plan 2001 (BUAP) is now the statutory development plan for the area with draft BMAP remaining a material consideration.</p>
8.10	The site is undesignated whiteland within the BUAP, however it is zoned for housing within dBMAP (ref. SB05/04). The Housing zoning includes a number of key site requirements (KSRs) in relation to residential density, access, natural environment, landscaping, connectivity, flood risk, watercourses and overhead lines. The PAC made general points regarding KSRs and advised that many of the KSRs were not in accordance with guidance set out in Para 39 of PPS 1 (now superseded by the SPPS) and in any case, many of the matters are covered by regional policy in PPS 7 and can be addressed in the concept plan and at detailed application stage. Subsequently, the adopted BMAP (since declared unlawful) retained the zoning but all KSRs were removed.
8.11	During the BMAP Inquiry, the PAC considered an objection to the housing zoning, which argued that part of the zoning was located within the LVRP, therefore in breach of the policies of the LVRP Local Plan 2005. The PAC concluded that the zoning was outside the LVRP and consequently, recommended no change to the plan. It is therefore assumed that in the event of adoption of BMAP, this housing zoning would be included.
8.12	The site is located within the Lagan Valley AONB. A small portion of the site (southern portion of western boundary) is located within the LVRP, however no development is proposed on this part of the site (following amendments). The remaining part of the site is not located within LVRP.
8.13	The front portion of the site is located within the Hampton Park ATC.
8.14	The site is located within Belvoir SLNCI and Area of constraint on mineral development. In addition, Lagan Meadows SLNCI is located approximately 185 metres to the west of the site and Galwally SLNCI is located approximately 320 metres to the east of the site.
8.15	dBMAP also included plans for a rapid transit scheme that passed close to the western boundary of the application site. During the BMAP Inquiry, the PAC recommended that details of this part of the route were deleted from the Plan and further assessment was undertaken.
8.16	<p><u>Principle of development</u></p> <p>There is an extant planning approval on a large portion of the site for 35 dwellings, approved under ref. Z/2007/1401/F. A recent application for a Certificate of Lawfulness for existing use / development (CLEUD) under ref. LA04/2020/2324/LDP</p>

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

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

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

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

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

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

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

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

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

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

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

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

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

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Development Management Report Committee Application

Summary	
Committee Meeting Date: Tuesday 27 June 2022	
Application ID: LA04/2021/1672/O	
<p>Proposal: Outline planning permission (with all matters reserved) for mixed use development on Sites A, B, C, D. Comprising up to 7,710 sqm GEA mixed use to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units on Site A, up to 6,980 sqm GEA of Hotel (C2) floorspace on Site B, the erection of a multi-storey car park comprising of up to 231 spaces (4,130 sqm GEA) and up to 7,130 sqm GEA of employment or community (A1 or A2 or B1 or B2) floorspace on Site C and up to 1,110 sqm GEA mixed use to include residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise (A1 or A2 or B1 or B2 or D1) floorspace on Site D.</p> <p>Outline planning permission (with no matters reserved) for the erection of 94 residential dwellings (social housing). Comprising of 44 residential units on Site A and 50 residential units on Site D/NIE. Access to be provided from Raphael Street and Stewart Street respectively. Along with the provision of landscaping, parking, public open space, pumping station and associated works.</p>	<p>Location: Lands at the Gasworks Northern Fringe site; bounded to the north by McAuley Street Stewart Street and Raphael Street; Cromac Street to the west; the River Lagan and Belfast-Newry railway line to the east; and the Gasworks Business Park to the south.</p>
Referral Route: Application for Major development / BCC as joint applicant / BCC as landowner	
Recommendation:	Approval
Applicant Name and Address: Belfast City Council and Radius Housing	<p>Agent Name and Address: AECOM 10th Floor Clarence West Building 2 Clarence Street West Belfast BT2 7GP</p>
<p>Executive Summary: This is a hybrid application seeking outline planning permission for mixed use development as described above. All matters are reserved in respect of the proposed hotel, multi-storey car park, Class B, Class A, Class C, Class D and community uses. No matters are reserved (i.e. full details</p>	

are provided) in respect of the proposed 94 residential units. The residential element is in effect an application for full planning permission, but procedurally it is an outline application. A broad range of uses have been included in the mixed use proposals. Indicative floorplans and accommodation schedules have been provided to illustrate how the “outline elements” could be delivered to comply with the relevant planning policy framework and the proposed parameters provided on the application drawings. Outline elements include an extension to the existing Radisson Blu Hotel; a commercial building corresponding with the previously approved office block on Site C (reference: LA04/2016/2267/F); a multi-storey car park and three mixed-use buildings on Sites A and D.

The application also seeks outline planning permission (with no matters reserved) for the erection of 94 residential dwellings (social housing). Comprising of 44 residential units on Site A and 50 residential units on Site D/land owned by NIE. Access is to be provided from Raphael Street and Stewart Street respectively. Along with the provision of landscaping, parking, public open space, pumping station and associated works.

The key issues in the assessment of the proposed development are:

- Principle of development of residential and other mixed uses
- Impact on Built Heritage
- Impact on the character and appearance of the area
- Open Space Provision
- Traffic and Parking
- Impact on Amenity
- Land contamination
- Impact on Air Quality
- Noise and Odour
- Drainage and Flooding
- Waste Water Capacity
- Impact on Protected Sites
- Other Environmental Matters
- Developer Contributions
- Pre-application Community Consultation

The proposal will provide a comprehensive mixed use regeneration scheme on zoned lands within the Gasworks estate. The mix of industrial/commercial units is complimented by much needed social housing comprising 94 units, and is considered to follow the thrust of BUAP, and draft BMAP zonings for the area.

Consultation responses are summarised below.

Statutory consultees

DFC Historic Environment Division – objection
 DFI Roads – further issues need to be addressed
 NI Water – objection
 DAERA – awaiting response
 Rivers Agency – no objection
 Shared Environmental Services – no objection
 NI Transport Holding Company – no objection
 NIHE – supports the proposal

Non-statutory consultations

Environmental Health – awaiting further response
BCC Plans and Policy team – no objection
BCC Landscape Planning & Development Team – no objection
BCC City Regeneration & Development – no objection
BCC Economic Development Unit – no objection

DFC Historic Environment Division (HED) has expressed concern about the potential impact of the taller elements of the proposal on nearby listed buildings in the area. NI Water has highlighted concerns about the capacity of waste water treatment infrastructure. DFI Roads is seeking further information in terms of the submitted Travel Plan and green travel measures, including a commitment to Travel Cards, Car Club membership and Belfast Bikes membership.

One third party objection has been received, which raises issues regarding direct access from residential to non-residential uses within the site, proposed retail and potential for anti-social behaviour.

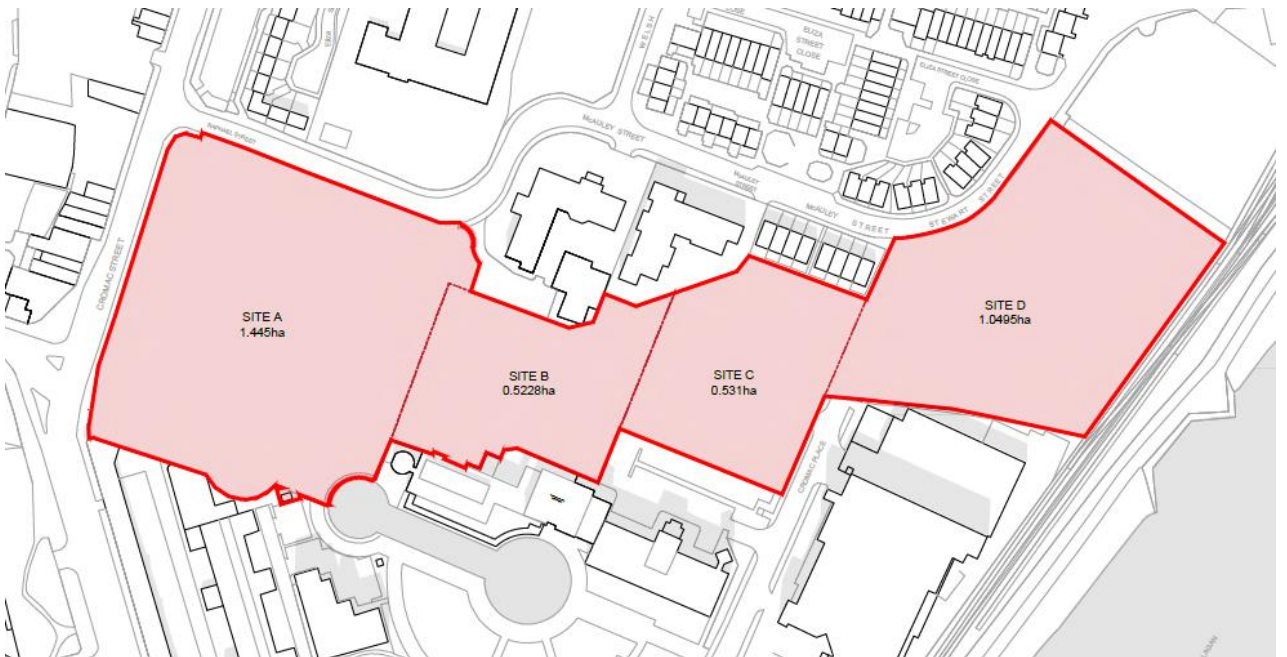
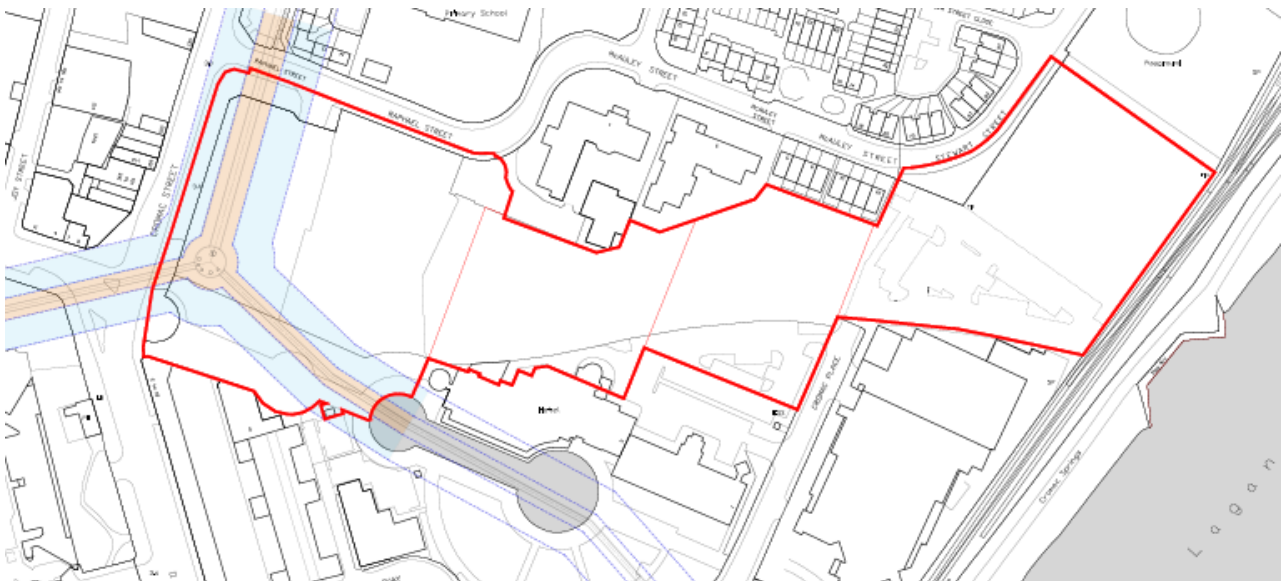
It is recommended that planning permission is granted subject to conditions and Developer Contributions being sought through a legal agreement between the Council as landowner and the developer/s when the site is leased/disposed of.

In view of the objection from DFC HED and current position of DFI Roads, the application will need to be notified to the Department for Infrastructure in accordance with the Planning (Notification of Applications) Direction 2017. Assuming that the Department does not “call in” the application, the application will then need to be subject to a Pre-Determination Hearing before further consideration by the Planning Committee.

Signature(s):

Case Officer Report

Site Location Plan and layout



The general breakdown of the scheme is described below and illustrated above:

Site A – Residential and Mixed Use

Site B – Proposed Hotel Extension

Site C – Commercial and Mutli-storey Car Park

Site D – Residential and Mixed Use



1.0 Description of Proposed Development

- 1.1 The application site is divided into four areas, defined on an overall “masterplan” as Site A, B, C and D, as illustrated above.
- 1.2 Although the application is in outline it is effectively a hybrid application, part “outline” and part “full”. The “outline elements” with all matters reserved relate to up to 7,710 sqm GEA mixed use to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units on Site A, up to 6,980 sqm GEA of Hotel (C2) floorspace on Site B, the erection of a multi-storey car park comprising of up to 231 spaces (4,130 sqm GEA) and up to 7,130 sqm GEA of employment or community (A1 or A2 or B1 or B2) floorspace on Site C and up to 1,110 sqm GEA mixed use to include residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise (A1 or A2 or B1 or B2 or D1) floorspace on Site D.
- 1.3 The “full elements” (with no matters reserved) relate to the two residential sites within the overall masterplan area, one containing 44 units and accessed off Raphael Street (Site A) and the other containing 50 units and accessed off Stewart Street (Site D).
- 1.4 A breakdown of the proposed floor space is set out below.

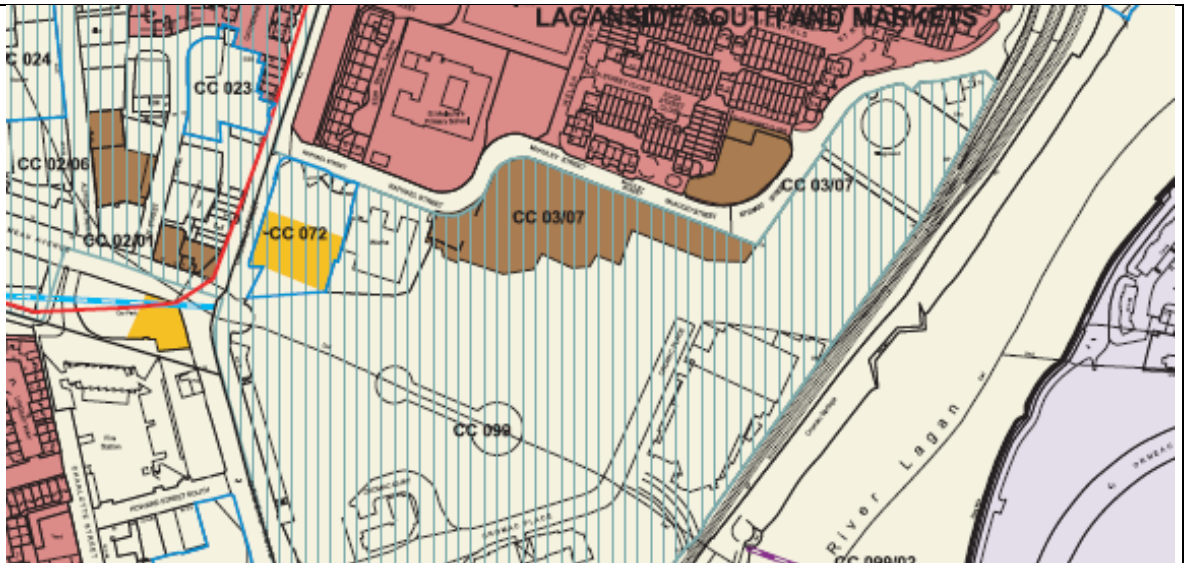
Site/Block	Use	Gross Internal Area sqm	Net Internal Area sqm
Site A/Block A	Retail	420	336
	Office	1,260	1,050
	Residential	1,350	1,086
Site A/Block B	Tourist Hostel	4,180	3,585
Site B	4 star Hotel	6,590	102 bedrooms
Site C	Multi Storey Car Park	3,990	231 spaces
	Office	6,520	5,430
Site D	Office	1,020	880
Total		25,330	

1.5	Whilst the application includes floorplans and accommodation schedules for the outline elements, these are provided for indicative purposes only. These indicate how the masterplan could be delivered. Illustrative details relating to materials, building types, and internal layouts are included within the Design Code and Design and Access Statement. Parameters plans are provided that show the maximum height of buildings.
1.6	Full details have been provided of the proposed housing in Sites A and D.
1.7	The proposal was subject to a Pre-Application Discussion although not all issues had been resolved at the point the planning application was submitted.
2.0	Description of Site
2.1	The site is previously developed (brownfield) land on the northern periphery of the city centre enclosed by roads and built form (predominantly residential to the north and commercial to the south). Cromac Street to the west leads on from Ormeau Road, and forms a junction with Ormeau Avenue. Ormeau Road is one of the main arterial routes to and from the city centre and beyond. The buildings within the Gasworks estate are located to the south of the site including Listed buildings. A railway line immediately abuts the eastern boundary of the site with the River Lagan just beyond this.
2.2	The site is relative flat and has an area of approximately 3.55 ha
2.3	Site A is a rectangular site of approximately 1.1 ha and is situated immediately adjacent to Cromac Street. It is currently used as a council staff car park and is largely enclosed by boundary mesh fencing. Housing is located to the opposite site of Raphael Street to the north. The site backs onto the Gas Works to the south.
2.4	Site B is further east and immediately to the rear of the existing Radisson hotel (6 storeys) and has an approximate area of 0.56 ha. Part of the site is currently in the hotel's demise. The current boundary to Raphael Street is comprised of metal fencing. To the north of this part of the site are 4 storey residential apartments.
2.5	Site C is located further to the east again and to the north of the existing 'Lighthouse' office building and consists partly of surface car parking and partly vacant land. It has an area of approximately 0.55 ha. To the north is three storey residential housing. Part of this site has been the subject of a recent planning approval LA04/2016/2267/F for office development, granted 15 th April 2022.
2.6	Site D currently comprises approximately 0.43ha of Council owned land, mostly used as a short stay visitors car park. The boundary to the north of this part of the site is a 2m high wall and fence which currently separates the Gasworks site from the Market residential area. An additional 0.52ha of lands owned by Northern Ireland Electricity (NIE) and is incorporated within this masterplan, separated by fencing and overgrown vegetation. The current NIE site fronts onto Stewart Street within the Market area. A play park is located to the north.
2.7	The site is not within a Conservation Officer or Area of Townscape Character. However, the Linen Conservation Area is located very close by to the west of the site, approximately 20m from its western most boundary to the other side of Cromac Street.
3.0	Relevant Planning History
3.1	Z/2001/0983/F - Reduction in car parking provision from 198 to 183 - non-compliance with condition No.2 of application Z/1999/2850/F. Permission Granted 31 st May 2001

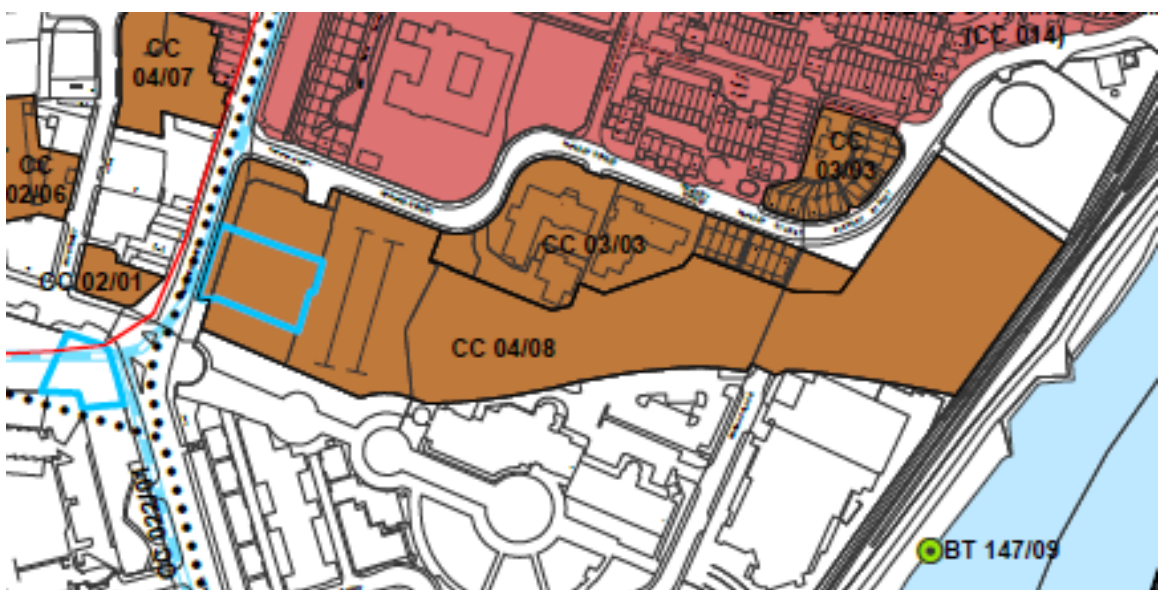
3.2	Z/2001/2500/F - Relocation of existing 109 space ancillary car park. Permission Granted 27 th April 2002.
3.3	Z/2008/0518/F - Proposed 9-storey, 169-bed courtyard hotel incorporating restaurant, bar, dry fitness, small meeting rooms, access and servicing arrangements. Permission Granted 4 th November 2010.
3.4	LA04/2016/2267/F - Erection of office building (ranging in height from four to six storeys) and associated access road, re-configuration of existing car park and ancillary works at Site C. Permission Granted 15 th April 2022.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) Public Local Inquiry into Objections to the Belfast Metropolitan Area Plan 2015 Part 2 'Report on Belfast City Council Area' Belfast Local Development Plan 2035 Draft Plan Strategy
4.2	Regional Development Strategy Strategic Planning Policy Statement for Northern Ireland Planning Policy Statement 3 – Access, Movement and Parking Planning Policy Statement 4 – Planning and Economic Development Planning Policy Statement 6 – Planning, Archaeology and the Built Heritage Planning Policy Statement 7 – Quality Residential Environments Planning Policy Statement 8 – Open Space, Sport and Outdoor Recreation Planning Policy Statement 12 – Housing in Settlements Planning Policy Statement 13 – Transportation and Landuse Planning Policy Statement 15 – Planning and Flood Risk Creating Places
5.0	Statutory Consultees DFC Historic Environment Division – objection DFI Roads – further issues need to be addressed NI Water – objection DAERA – awaiting response Rivers Agency – no objection Shared Environmental Services – no objection NI Transport Holding Company – no objection NIHE – supports the proposal
6.0	Other Material Considerations The Belfast Agenda BCC's Car Parking Strategy and Action Plan (Published April 2018)
7.0	Non-Statutory Consultees Environmental Health – awaiting further response BCC Plans and Policy team – no objection BCC Landscape Planning & Development Team – no objection BCC City Regeneration & Development – no objection BCC Economic Development Unit – no objection

8.0	<p>Representations</p> <p>One third party representation has been received, expressing the following concerns.</p> <ul style="list-style-type: none"> Uncontrolled access from housing onto 'non-residential' parts of the site. <p>Officer response: The two main housing areas link into the main road and public footpath network to either end of the masterplan area on Cromac Street (Site A) and Stewart Street (Site D). The most obvious link between residential and non-residential occurs at Site A but this will ensure the residents can avail of the adjacent public realm space off Cromac Place and promote this sense of a sustainable mixed use development and avoid any obtrusive visual barrier between the two parts of the site. At Site D the link is much less obvious with a narrow pedestrian linkage from Stewart Street south to the proposed central non-residential elements. These links promote connectivity and provide much needed linkages from the site and beyond to the city centre to the west through the existing housing and River to the north and east.</p> <ul style="list-style-type: none"> Proposed retail uses and potential for anti-social behaviour particularly at night. <p>Officer response: the nature of the retail units, if delivered, including their detailed design and any necessary mitigation can be considered further at reserved matters stage. At this stage there is no objection in principle to retail units at this location as part of a comprehensive mixed use scheme.</p>
9.0	<p>PLANNING ASSESSMENT</p> <p>Development Plan Context</p> <p>9.1 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 consideration indicate otherwise.</p> <p>9.2 Following the recent Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan. However, given the stage at which the Draft Belfast Metropolitan Area Plan (Draft BMAP) had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. The 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>9.3 Given the advanced stage that BMAP 2015 reached (i.e. pre-adoption following a period of independent examination), and that the only areas of contention were policies relating to Sprucefield Shopping Centre, BMAP 2015 is considered to hold significant weight.</p> <p>9.4 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</p>

	<p>(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> <p>Key Considerations</p>
9.5	<p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> • Principle of development of residential and other mixed uses • Impact on Built Heritage • Impact on the character and appearance of the area • Open Space Provision • Traffic and Parking • Impact on Amenity • Land contamination • Impact on Air Quality • Noise and Odour • Drainage and Flooding • Waste Water Capacity • Impact on Protected Sites • Other Environmental Matters • Developer Contributions • Pre-application Community Consultation <p>Principle of Development</p>
9.6	<p><i>Belfast Urban Area Plan (BUAP)</i></p> <p>In the BUAP the site is zoned as part of an Area of Business Development Potential.</p>
9.7	<p>Policy IND2 of the BUAP identifies former industrial and commercial sites in the inner city as areas where urban renewal should facilitate business development. The former Gasworks site is identified as one such area. The policy goes on to state that the retention of these sites in business use will also help to locate jobs close to housing communities in the inner city. It also states that it may not be possible to retain all the land for industrial and commercial uses with the result that a mix of land uses may be more appropriate on some sites.</p>
9.8	<p>The Office Development Strategy within BUAP states that office development will be concentrated in the city centre with large scale office development directed to the Main Office Area.</p>
9.9	<p><i>Draft BMAP</i></p> <p>In draft BMAP (2004), the application site is in the City Centre (CC 001) and falls within designations CC 009 (Main Office Area), CC 017 (Laganside South and Markets Character Area) and CC 102 (Area of Parking Restraint). Part of the site to the west, along the Cromac Street frontage, is designated as a Development Opportunity Site ("DOS") (Cromac Street / Raphael Street CC 072). Zoning CC 03/07 is a committed housing site. The relevant excerpt from the proposal map is provided overleaf.</p>



- 9.10 The Public Inquiry into the draft published in 2004 ran from April 2007 to May 2008. The Planning Appeals Commission (PAC) report into the draft Plan and adoption Statement are material considerations.
- 9.11 In draft BMAP (2014), the application site is in the City Centre (CC 001) and the DOS has been removed following the PAC report and replaced with a social housing zoning (CC 04/08 - Social Housing Cromac Street / Raphael Street) for the entire application site. The site also falls within the Laganside South and Markets Character Area (CC 014) and an Area of Parking Restraint (CC 025).
- 9.12 In draft BMAP (2014), the application site is in the City Centre (CC 001) and the DOS has been removed and extent of the city centre gateway designation reduced. A social housing zoning (CC 04/08 - Social Housing Cromac Street / Raphael Street) now covers the entire application site. The site also falls within the Laganside South and Markets Character Area (CC 014) and an Area of Parking Restraint (CC 025).
- 9.13 The relevant excerpt from the proposal map is shown below:



9.14	The policies in draft BMAP (v2014) which was purported to be adopted are considered to have significant weight given the advanced stage in the development process that the draft plan had reached. Draft BMAP (v2014) is at the furthest possible stage that the draft development plan could have reached without being formally adopted.
9.15	The thrust of the BUAP and draft BMAP (v2004) is that office development is desirable in the Gasworks area. However, this has changed to a social housing zoning in dBMAP (v2014). In this case it is considered that the proposal would strike an appropriate balance between delivering high quality social housing and providing employment and community uses which would support the new housing and wider locality. It is pertinent that the NIHE is supportive of this mixed use scheme in its current form.
9.16	<p>Since parts of the site were previously used for industry, the proposed redevelopment of the site has also been assessed against Policy PED 7 of PPS 4 which states that:</p> <p><i>'On unzoned land a development proposal that would result in the loss of an existing Class B2, B3 or B4 use, or land last used for these purposes, will only be permitted where it is demonstrated that:</i></p> <p><i>(a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or</i></p> <p><i>(b) the proposal is a specific mixed-use regeneration initiative which contains a significant element of economic development use and may also include residential or community use, and which will bring substantial community benefits that outweigh the loss of land for economic development use; or</i></p> <p><i>(c) the proposal is for the development of a compatible sui generis employment use of a scale, nature and form appropriate to the location; or</i></p> <p><i>(d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or</i></p> <p><i>(e) the site is unsuitable for modern industrial, storage or distribution purposes; or</i></p> <p><i>(f) an alternative use would secure the long-term future of a building or buildings of architectural or historical interest or importance, whether statutorily listed or not; or</i></p> <p><i>(g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.</i></p>
9.17	It is clear that exception (b) applies here with the proposal being a mixed-use regeneration scheme that contains a significant element of economic development use and also includes social housing, which will bring substantial community benefits that outweigh the loss of land for economic development use.
9.18	The provision of much needed social housing in an area of housing stress, with a mixed of uses that will create job opportunities, is considered to be of substantial benefits to the local community. It is therefore considered that the proposed redevelopment of the site meets the requirements of PED7 of PPS4.
9.19	The previous industrial site land has over time been developed primarily as surface level car parks, a hotel (the Radisson) and more recently part of the site has been the subject of an approval for office development (Site C). This reflects the recent thrust of redevelopment for the former Gasworks Industrial site, zoned in BUAP as an Area of Business Development Potential. With the introduction of a number of uses, alongside proposed social housing, which acknowledges the most recent zoning in the Draft BMAP v2014, there is a balance to the proposed redevelopment and as such any loss of 'employment land' will be outweighed by wider community benefits, and a generous level of commercial, business and light industrial uses providing a sustainable, job creation package for a site largely vacant of any industrial or employment uses for some time. As

	such, approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally.
9.20	<p><i>Principle of Residential Use</i></p> <p>The site is located within a social housing zoning in draft BMAP (v2014), which officers advise should be given significant weight. As discussed, the proposed mix of uses is considered to sit comfortably with the BUAP zoning and the social housing zoning in the most advanced version of draft BMAP. The principle of social housing as part of the redevelopment of this mixed use masterplan area is considered acceptable and is supported by the Northern Ireland Housing Executive (NIHE) in recognition of the substantial unmet need for social housing in the area.</p>
9.21	This site sits within the Markets Common Landlord Area and the Lower Ormeau Housing Need Area (HNA), and the NIHE has confirmed that as of March 2021 there were 353 applicants in housing stress. The NIHE 'Place Shaping Team' has been working with Radius Housing Association, being the joint applicant, and has agreed a housing mix comprising 94 units, including eight wheelchair accessible units.
9.22	<p><i>Principle of Mixed Use blocks</i></p> <p>Three mixed use blocks located are proposed within masterplan area within Sites A and D. All matters are reserved for subsequent approval.</p>
9.23	<p>Site A</p> <p>The mixed use elements in Site A are located within an indicative eight storey and a five storey block located south of the residential layout. The maximum height parameters for these buildings are 30m and 23m respectively, as set out in the Design Code. The proposed uses include up to 7,710 sqm of floorspace to include tourist hostel, residential, office, retail, commercial including community enterprise, community infrastructure and social enterprise floor space (A1 or A2 or B1 or B2 or C1 or C2 or D1) units.</p>
9.24	<p>Site D</p> <p>The mixed use block on Site D is indicatively three storeys high, with a total floor area of 1020 sqm, and is located just south of the residential layout. Its maximum proposed height parameter is 11m. The proposed uses include office, retail, commercial including community enterprise, community infrastructure and social enterprise.</p>
9.25	Policy IND2 of the BUAP identifies former industrial and commercial sites in the inner city as areas where urban renewal should facilitate business development. Given the location of the site within the city centre, its BUAP designation as an Area of Business Development Potential, and the provision as part of a wider mixed use scheme including social housing, with community benefits, and economic and community uses, the proposed mixed use blocks are considered acceptable in principle.
9.26	<p><i>Principle of Hotel Extension</i></p> <p>A 6,980 sqm maximum extension is proposed on Site B immediately to the rear of the existing Radisson Blu Hotel, comprising the following indicative elements:</p> <ul style="list-style-type: none"> • Five storey bedroom block with provision for approximately 101 bedrooms and a gym • Three storey hotel amenity block including multi-functional room, back of house and admin.
9.27	The maximum height parameter of this proposed extension would be 18m.

9.28	The hotel is an established use on the adjacent site, having been granted initial approval in 2010. The proposed heights and massing are in principle considered in keeping with the existing hotel, with a reduction in height to three storeys to the west ensuring there would be no adverse impact on the prospective residents in the proposed dwellings and namely the 5 storey apartment block located 10m to the west of the Hotel's curtilage. The final design of the hotel extension would be subject to a separate Reserved Matters application. The principle of a hotel use in this town centre location is considered acceptable.
9.29	<i>Principle of a Commercial Building</i> The proposed development on Site C includes an indicative six storey building with two storey set back, comprising a total of 7,130m ² employment or community (A1 or A2 or B1 or B2) floorspace. No maximum height parameters are provided which means that height and scale are matters for subsequent approval.
9.30	The proposed six storey building corresponds with the office building approved under planning permission LA04/2016/2267/F. This previously approved proposal included a surface car park, providing approximately 79 car parking spaces on Site C. This hybrid application includes a new multi storey car park (MSCP) in place of the surface car park, which is discussed in more detail below.
9.31	In terms of impact on residential amenity, a generous separation distance of approximately 23m to the boundary of the nearest dwellings to the north should ensure no significant effect. The previously approved building on this site should also be taken into consideration and the impact is not anticipated to be any greater. The final design of the office building would be subject to a separate Reserved Matters application. The principle of an office building here is already established through the existing permission.
9.32	<i>Principle of Multi-storey car park (MSCP)</i> The proposed development on Site C also includes an indicative five storey car park with additional half storey set back, incorporating up to approximately 231 car parking spaces (4,130m ² floorspace). No maximum height parameters are provided which means that height and scale are matters for subsequent approval.
9.33	The proposed MSCP has been assessed against the SPPS and Policies AMP9 and AMP10 of PPS3. The SPPS sets out the following requirements: <i>'In determining proposals for public and private car parks, including extensions, the planning authority should be satisfied that there is a need for the development by reference to the councils overall parking strategy following a robust analysis by the applicant'</i> . BCC's Car Parking Strategy and Action Plan (Published April 2018) promotes MSCPs, stating that: <i>'There should therefore be a shift away from surface car parking into multi-storeys'</i> and <i>'additional MSCPs should only be provided when a number of adjacent surface sites are closed and in consultation with adjacent communities.'</i>
9.34	There is an overall loss of 160 car parking spaces across the application site as a result of the proposed redevelopment. The MSCP seeks to facilitate the parking displaced by other development across the application site. As set out in the applicant's Transport Assessment, the need for car parking is stated to be in the range of 214-242 spaces, therefore, the 231 space MSCP would help to fulfil this requirement.
9.35	The proposed MSCP is supported by Policy CC13 of the BUAP, which encourages the provision of adequate and convenient car parking, including multi-storey car parks.
9.36	The application site is located within the Belfast City Core Area of Parking Restraint. Policy AMP 10 of PPS 3 establishes a need for proposed car parks in areas of parking

	<p>restraint to be limited to short-stay parking and to be appropriately managed to deter long stay commuter parking. Whilst some of the parking in the MSCP provides for the new development, the majority is replacement parking for vehicles already travelling to the site. Parking on parts of the Gasworks site is already managed to deter long stay, evidenced by barriers and ticket machines. It is expected that the proposed MSCP will be managed in a similar manner. It is considered that the MSCP would help address some of the loss of parking within the site, adheres to BCC's Parking Strategy and the SPPS, with the MSCP performing the same function of the existing surface car parks.</p>
9.37	<p>In terms of any potential impact on adjacent uses, there is a residential block located immediately north of the proposed MSCP. However, a 'building to building' separation distance of approximately 25m should ensure the amenity is not prejudiced to an unacceptable degree. It is also worth noting that the proposed roadway serving the buildings on Site B is not a through road and will be used only to serve the commercial building, the MSCP and the Hotel. The final design of the MSCP would be subject to a separate Reserved Matters application.</p>
9.38	<p>Impact on Built Heritage</p> <p>The application site is in close to listed buildings. HED considers that the following Listed Buildings would be impacted by the proposals:</p> <p>HB26 30 010 C The Gas Office, 4-14 Cormac Quay, Grade A HB26 30 010 B Klondyke Building, Cormac Ave, Gasworks, Grade B1 HB26 30 010 C Meter House, The Gasworks, Ormeau Road, Grade B+ HB26 30 041 Ormeau Baths Galley, 18 Ormeau Ave, Grade B+</p>
9.39	<p>HED advises that it is content in principle with the concept of new development on this site. However, it has significant concerns relating to aspects of the development which it advises would have an adverse impact on the setting of the listed buildings.</p>
9.40	<p><u>Site A</u></p> <p>HED notes that the 2 and 3 storey residential blocks have been developed to a high level (detailed plans, elevations and sections) at this outline stage. Notably, the residential blocks which feed onto/off Raphael Street and the north west of Cromac Street associated with the Housing Association, Radius Housing.</p>
9.41	<p>HED is content with the scale and mass of the development of the detailed residential elements within the overall application site. Aspects around their materiality selection and finer detailing can be assessed and developed at (potential) later Reserved Matters stage or conditions.</p>
9.42	<p>HED notes that Site A also proposes to incorporate further development, as indicated by blocks 'Mixed Use – A' and 'Mixed Use – B' (Plot A and Plot B respectively). HED notes that these are less developed in design but the application package does present outline forms to indicate scale within contextual drawings and datum heights. Also presented is a series of 3D images (referred to as 'Scene 1-4 CGI' within the Planning Portal) from a limited number of key public views.</p>
9.43	<p>HED advises that the 3D CGI images, notably Scene 2 and Scene 4 highlight how Plots A and B would act as a completing focus from the listed building markedly via the designed views along Cromac Street towards The Gas Office (HB26 30 010 C).</p>

9.44	<p><i>Plot A – indicative 8 Storeys</i></p> <p>HED considers the indicative 8 storeys (including 2 storey setback) would have an adverse impact on the character of the listed buildings and their setting, notably The Gas Office, due to its scale, mass and height.</p>
9.45	<p>Officers advise that part of Site A was once designated as a development opportunity site in draft BMAP (v2004). This designation promoted the potential for a 6-9 storey building at this location. Admittedly the proposed 8 storey building is not at the exact location of this designation but is not far removed from it. This recognised the site's important role as a potential gateway into the city centre. In considering the appropriateness of the proposed 8 storey Plot A one must not simply focus on the existing built heritage but also the built context within the immediate vicinity of the site, most notably the 8 storey Lucas building at the junction of Ormeau Avenue and Cromac Street, a short distance west of the site at the edge of the 'Linen Quarter' Conservation Area.</p>
9.46	<p>The proposed 8 storey building is located some 60m east of the Lucas Building and would help create a gateway, and establish a degree of balance and symmetry on what is a landmark location at the junction of Ormeau Road and Ormeau Avenue. It is also noteworthy that there are existing newer developments within the Gasworks complex which have substantial height including the Radisson Blu Hotel, which is a substantial building, adjacent to Site A and to the immediate rear of Site B. This establishes an existing context of taller buildings in the area.</p>
9.47	<p>In terms of HED's position, one must consider where the main public viewpoints of the proposed building would be and how it would be read with the Listed structure in terms of their intervisibility. There are arguably three main views: the view travelling north towards the site along Ormeau Road, the view travelling east towards the site along Ormeau Avenue and the view travelling south towards the site along Cromac Street. Two of these views (travelling north and east towards site), including the proposed development, are shown below. Each view will now be discussed in turn.</p> <p><i>Travelling north along Ormeau Road</i></p>
9.48	<p>Given the bend in the road at the junction with Ormeau Avenue, when passing the Gas Office Building, one would not be aware of the development beyond it to the north and east. It is arguably the more distant views from this approach which are more critical.</p>
9.49	<p>Again, the bend in the road plays an important role in how the proposed building will be read in relation to the listed Gas Office and indeed the Gasworks area as a whole. There is doubt as to whether or not the proposed building would be visible at all from parts of this approach, certainly in terms of intervisibility with the listed building. But at best these views would be minimal and fleeting. With the proposed building being located approximately 35m to the north of the listed building at its closest point, it is not considered that the setting of the listed structure would be harmed when experienced from this this approach. Once the proposed building comes not view one is beyond the listed Gas Offices, and as such the appreciation of this building is not affected as the proposed building would not act as a competing focus.</p> <p><i>Travelling east along Ormeau Avenue</i></p>
9.50	<p>There is no doubt that this view is critical, and it will be the view from which there is the highest, and most prolonged, degree of intervisibility between the proposed 8 storey, and indeed 5 storey mixed use building, and the Gas Office Building. This is indicated in the visual below.</p>



- 9.51 The key point here is how the proposed building(s) reads within the existing built form, namely that of the 8 storey building at the junction of Ormeau Avenue and Cromac Street (on the left above). The proposed building, and the proposed 5 storey building in the backdrop, help frame this approach to the Gasworks Business Park. The two storey setback on the eight storey building is critical from this viewpoint and reduces the overall weight and massing of the structure. This undoubtedly reduces the potential impact on the setting of the listed building, whilst addressing the scale at the eastern periphery of the Linen Conservation Area and being sympathetic to this. With the Lucas Building already proving something of stark contrast to the modest two storey scale of the Gas Office Building, it is not considered that the proposed eight storey building will be of any further detriment to the setting of the building or offer any greater visual competition than that which already exists. It should also be noted that the existing context, that of a surface level car park, is not the traditional planned context of the area and thus the existing setting is somewhat alien to the original planned setting of the more established Gasworks Buildings.

Travelling South along Cromac Street.

- 9.52 Again, the bend in the road at the junction with Ormeau Avenue becomes critical when considering this main view, highlighted in the visual below:



9.53 It is clear that the 8 storey building will demand attention, however, this dominance will be reduced by the stepping down to 6 storeys to the east, which is visible beyond the first roadside tree above.

9.54 Although intervisible with the southern end of the Gas Office Building it can be argued that this is very much a secondary façade, with the main, and indeed longest, elevation facing onto the Ormeau Road. This façade is located around the bend of the road in the distance and as such will not be impacted by the higher buildings from this approach. Again, this building must also be considered in tandem with the Lucas Building, which although just out of picture to the right above, steps up significantly from the two storey scale of the Gas Office Building, and thus also acting as something of a competing focus on this southern transition past the western boundary of the site. Aside from the 8 storey building, it is evident that the three storey townhouses along Cromac Street will provide a strong built frontage and with a sympathetic red bricked finish will compliment the traditional finish of the Gas Office Building and are of a scale which will ensure the frontage does not detract from the setting of the listed building.

Plot B – indicative 5 storeys

9.55 HED states that they are minded that a 5 storey block, including a 2 storey setback, may be achievable on this plot without any significant adverse impact on the character of the listed buildings or their setting.

9.56 Again, this building should be considered in terms of the key views discussed above. And with the lower height, and its location further into the site from the main Cromac Street frontage, an even stronger argument can be made as to how this building would not compete visually with the Gas Office Building, and indeed other listed buildings in the area. In terms of the Gas Office Building the main approach in terms of key views is without doubt from Ormeau Avenue. And as stated above, with the building of a lower scale, and set further into the site, approximately 45m north-east of the listed building, it is not considered the building would appear in any way dominant or act as a competing focus to the listed building. Thus, it is considered that it would not impact negatively upon its setting.

9.57	<p><i>Impact on Historic Monuments</i></p> <p>The application site is located in an area of high historic industrial activity, including the location of the Raphael Street Pipe Works (IHR 10141), the Cromac Steam Saw Mill (IHR 10010), and the Soap Works (IHR 10006). While the above-ground structures associated with these buildings no longer exist, there is the potential for below-ground remains to survive <i>in situ</i> within the development area.</p>
9.58	<p>HED is content that the proposal satisfies PPS 6 policy requirements, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works, including an Industrial Archaeology survey and a mitigation strategy focussing on the industrial archaeological remains of the site. This is to identify and record any industrial archaeological remains in advance of new construction, or to provide for their preservation <i>in situ</i>, as per Policy BH 4 of PPS 6. Relevant conditions are detailed below.</p>
9.59	<p><i>Impact on the setting of the Linen Conservation Area</i></p> <p>The application site is located a short distance east of the Linen Conservation Area and as such has been assessed against Policy BH12 of PPS 6.</p>
9.60	<p>As with the listed buildings within the Gasworks site, the key views from within the Conservation Area are from Ormeau Avenue travelling west towards the site. Again, as with the discussions above, the key buildings will be the mixed use 8 storey and 5 storey buildings. As shown in the visual, it is clear that the 8 storey building takes a strong design cue from the Lucas Building located on the eastern edge of the Conservation Area. The indicative two storey setback certainly helps reduce any potential dominance from the eastwards journey from the middle of the Conservation Area towards the site and the scheme would read comfortably with those buildings on the junction of Ormeau Avenue and Cromac Street. With the further reduction in scale to the five storey mixed use building beyond, there would be a relatively smooth transition in terms of built form from the edge of the Conservation Area to the western edge of the site and beyond to the heart of the proposed scheme.</p>
9.61	<p>Similar to the argument about the impact on the setting of the Listed Gasworks Buildings, the bend in the road takes the built form away from the south-eastern corner of the conservation area, at the junction of Ormeau Avenue and Cromac Street. On the northwards approach along Ormeau Road, one would only start to read the proposal with the Conservation Area at this main junction with Ormeau Avenue. The scale and design of the housing, with three storey red-bricked townhouses onto Cromac Street, is very much reflective of the built form along the eastern edge of the Conservation Area to the other side of the road. It is considered that the character and appearance of the adjacent Linen Conservation Area would be preserved. The proposal, by reason of its nature and the location of the site, is not considered to provide opportunities for enhance of the Conservation Area.</p>
9.62	<p>Impact on the character and appearance of the area</p> <p>The proposal has been assessed against design policies in the SPPS and Policy QD1 of PPS 7.</p>
9.63	<p>The housing elements of the proposal are located on two separate sites at either end of the masterplan area, Sites A and D. These aspects of the proposal have been assessed against the detailed criteria in Policy QD1 of PPS 7, and each site will be assessed in turn below, having regard to the design analysis already undertaken in the report in the “in principle” section which considers the acceptability of the various proposed uses.</p>

	<u>Site A</u>
9.64	This site is located off Raphael Street to its north and shares a frontage with Cromac Street to the west. In terms of built context there are two storey terraced properties a short distance north of the site fronting onto the site and to Cromac Street to the west. A four storey apartment complex is located north-east of the site.
9.65	The proposed layout of Site A consists of four rows of townhouses running north to south on a loop from Raphael Street. There are two apartment blocks. One three storey fronting onto Raphael Street and one five storey located in the south-eastern corner of the site.
9.66	The town houses, two storey and three storey, would provide a strong traditional character reflective of the existing built context and indeed that of the industrial heritage of the site with their traditional design and red/ brown bricked finish. The three storey apartment block provides a strong frontage onto Raphael Street, whilst acting as a book end for the two central rows of north- south two storey back to back terraced dwellings.
9.67	One element of the layout which has given officers concerns during the design process is the fact that the proposed three storey townhouses onto Cromac Street back onto this primary route. This is a point also raised by BCC's City Regeneration and Development team. To address these concerns the design of these dwellings has been specifically tweaked to ensure a 'dual frontage' appearance. This has been accompanied by careful landscaping and boundary treatment to the rear of the dwellings, with a low wall and hedge providing a high quality frontage onto Cromac Street whilst also ensuring the private amenity areas to the rear of these dwellings is suitably protected.
9.68	The anomaly in terms of residential scale is the five storey block located in the south-eastern corner of the site. However, this scale and form again reflects that of some of the older industrial buildings that would have been found on the site and are still found in other areas of Belfast, many of which have been converted into apartments. This block also acts as something of a step to the higher 5 and 8 storey mixed use buildings to the south of the dwellings, thus enabling a smoother transition in built form from residential to non-residential, avoiding a stark contrast in height and also creating a unique character in this part of the site.
9.69	There would be two mixed use buildings, 5 storey and 8 storey, proposed to the immediate south of the residential development on Site A.
9.70	These buildings on Site A would create a strong sense of place providing landmark structures on a key nodal point close to the intersection of Ormeau Road, Cromac Street, Cromac Place and Ormeau Avenue. It is worth noting that the opportunity for a taller building along the eastern boundary of Site A was identified in the gateway designations in both versions of the draft BMAP.
9.71	The 8 storey building, with the upper two floors set back in the indicative design, would complement the Lucas Building to the other side of Cromac Street and create a strong gateway feature from what is an important arterial route to the city centre.
9.72	The proposed 5 storey building would then act as a transitional structure towards the 5 storey residential apartment block and hotel to the north and east and would be in keeping with the scale of other non-residential buildings within the Gasworks to the south
	<u>Site D</u>
9.73	As with Site A the housing is located off a loop road with five rows of terraced townhouses fronting onto the street. Again, as with Site A, three storey apartment blocks provide a strong frontage onto Stewart Street, and act as something of a book end to the

	two rows of two storey back to back housing located NW-SE in the middle of the site. The proposed row of dwellings along the southern boundary respects the established building line of the existing dwellings facing onto McAuley Street to the immediate west.
9.74	The rows of townhouses provide a strong traditional character reflective of the existing built context in the area immediately north of Site D and again that of the industrial heritage of the site with their traditional design, strong vertical emphasis and red/brown bricked finish.
9.75	An indicative 3 storey mixed use block is proposed just south-west of the residential development on Site D. Its location, form and scale would be in keeping with the site and its surroundings.
9.76	<i>Landscaping, public realm and entrances</i> The proposal includes areas of proposed public realm works, namely to Cromac Place to the south of the residential and mixed use blocks on Site A. It should be noted that the public realm proposals are outline and indicative by nature. Details of the public space would be considered in detail at reserved matters stage. The public realm works would help contribute to the overall regeneration of the area and would compliment the new landscaping within the residential Sites A and D.
9.77	HED sought clarity on the boundary treatments to the development, notably at the existing access to The Gasworks site at the junction of Cormac Street, Ormeau Road and Ormeau Ave (within Site A). The drawings show the existing access being altered, i.e. the existing curved wall, decorative pillars and gates are to be removed with the access to The Gasworks site being increased in width and being made more open.
9.78	HED highlights this design approach as a concern and a significant step away from the historic experience or understanding of this access point to The Gasworks. HED also accepts the character has altered significantly in the recent past the current access to The Gasworks at the junction of Ormeau Road, Cromac Street and Ormeau Avenue seek to retain the design ethos of 'entering' the industrial site. Therefore, HED are of the opinion the historic design character must be enhanced as part of this development opportunity. To remove the boundary edge of The Gasworks would have an adverse impact and significantly alter its character of the historic setting. It is worth noting that the entrance to Cromac Place is defined by fencing and gates. As this forms part of the outline application with matters reserved this is something which can be considered further at detailed design stage.
9.79	Open Space Provision The proposal has been assessed against Policies QD1 of PPS7 and OS2 of PPS8 and 'Creating Places' guidance.
9.80	Site A The private garden areas of the proposed residential units range from approximately 30 sqm to approximately 80 sqm per dwelling. The overall average is approximately 50 sqm per dwelling. Although this falls below the recommended 70 sqm as set out in 'Creating Places' it should be noted that this is an inner urban brownfield site on the edge of the city centre. Given the surrounding residential context it is considered that the garden spaces are generous and well above the norm in the area. As such the level of private amenity for dwellings within Site A is considered acceptable.
9.81	Site D The private garden areas range from approximately 45sqm to approximately 55 sqm per dwelling. The average provision is around 48 sqm per dwelling. As above this falls short

	<p>of the 70 sqm recommendation in 'Creating Places' but again, given the context of the site and the general level of private amenity provision in the area, almost 50 sqm per units is found to be acceptable.</p>
9.82	<p><i>Private communal open space</i></p> <p>Each of the two residential plots include apartments, which also require a level of private communal open space. These are provided in the form of enclosed communal gardens to the rear of the three main apartment blocks, two on Site A and one on Site D.</p>
9.83	<p><u>Site A</u></p> <p>Two three storey apartment blocks are located along the northern boundary of the site onto Raphael Street. These are served by an enclosed courtyard area measuring approximately 160 sqm to the rear. There are 9 apartments in these block, thus the level of private communal open space provision is approximately 18 sqm sqm per unit. This is above the minimum recommended 10sqm per units as set out in Creating Places and thus found to be acceptable.</p>
9.84	<p>The five storey block located in the SE corner of Site a has a total of 185 sqm of private communal space located to the rear of the building line. There are 10 apartments in this block, thus providing a total of 18.5 sqm of communal space per unit. As above this is in excess of the recommended 10 sqm per unit and as such is found to be acceptable.</p>
9.85	<p><u>Site D</u></p> <p>There are four apartment blocks located on this plot. Three at the front of the site onto McAuley Street and Stewart Street and another in the southern corner of the site. The apartments fronting onto Stewart Street have the same level of communal amenity provision as the same block on Site A, 160 sqm. With 9 apartments in these two blocks, that equates to approximately 18 sqm of amenity provision per unit, and as is the case with Site A is found to be acceptable. The other block along the site frontage has a more limited area of 'private' communal space with most of the amenity associated with this block located to the front. However, there is still approximately 50 sqm of private space to its rear, and with there only being 3 apartments in this block, ensures the level of provision is still greater than the recommended 10 sqm per unit.</p>
9.86	<p>The remaining apartment block is located in the rear corner of the site and has a generous level of open space provision adjacent to it, with approximately 225 sqm of communal space to its rear, equating to approximately 75 sqm per units for each of the three apartments in this block. This level of amenity provision well exceeds the Creating Places standards and as such is found acceptable.</p>
9.87	<p><i>Communal Open Space</i></p> <p>Policy OS2 of PPS8 requires that any residential developments in excess of 25 units, has at least 10% of the overall site area given over to communal open space. Each of the residential Plots A and D will be considered in turn.</p>
9.88	<p><u>Site A</u></p> <p>There is no central area of open space as such but a strand of landscaped space is proposed along the street frontage onto Raphael Street. The total area of this strip is approximately 270 sqm, plus two small pockets of landscaped space at the end of the terraces gable onto Raphael Street, totalling approximately 60 sqm and a landscaped strip along Cromac Street of approximately 580 sqm. The total area of the residential element of Site A is approx. 7,500 sqm, and subsequently a total of 750 sqm of communal space is required. The provision of approximately 910 sqm communal open space is therefore considered acceptable.</p>

9.89	<p>Site D</p> <p>There are three main pockets of communal open space within Plot D. Two are located along the frontage onto McAuley Street and Stewart Street, totalling approximately 580 sqm, and one located beside one of the apartment blocks in the southern corner of the Plot, approx. 170 sqm. The overall provision is approximately 750 sqm. The total area of the site is approximately 9,000 sqm, therefore a total of 900 sqm is required as per Policy OS2. Although the provision falls slightly short of the policy requirement, this must be weighed up against the level of communal space provided for the apartment blocks and the inner urban context of the site. On balance, it is considered the level of communal open space is considered to be acceptable.</p>
9.90	<p>Traffic and Parking</p> <p>The Transport Assessment submitted with the application is still under consideration by DFI Roads, however no fundamental issues have been raised to date with regard to the overall impact of the proposal on the road network. After some discussion and various amendments to the proposed residential layouts an agreement has been reached, with a more informal street layout proposed, to enhance the overall quality of the scheme and ensuring a less engineered appearance. In terms of these detailed residential aspects of the proposal the parking ratio is approximately 0.5 spaces per unit. This parking ratio is similar to other recently approved residential schemes, and indeed social housing schemes, within close proximity to the city centre and beyond.</p>
9.91	<p>In such cases it is now standard practice that a Travel Plan accompanies the applications, setting out various green travel measures that promote alternatives to the private car, and reduce reliance upon it. A Travel Plan has been proposed as part of the Transport Assessment. This proposes initiatives such as car club membership and the option of travel cards for residents, however no specific details are offered as to how the provision would be subsidised by the applicant. This is something which has been raised by DFI Roads, and it has been acknowledged in their most recent consultation response that the green travel measures as proposed are insufficient. Amongst other measures DFI Roads are seeking a three year subsidised Travel Card for every resident, three years subsidised car club membership and a three year subsidised membership of the Belfast Bikes Scheme (the site is within 400m of a docking station).</p>
9.92	<p>Discussions are ongoing with the applicant to firm up an appropriate level of green travel measures, which will ultimately be secured through relevant clauses in the legal agreement. Given the proximity of the site to the city centre, it is considered appropriate to moderate the travel cards requirement from three years to one year. Fully subsidised car club membership and Belfast Bikes membership for the first three years of occupation is considered appropriate to off-set the lower provision of parking and encourage a modal shift to more sustainable modes of transport.</p>
9.93	<p>Impact on amenity</p> <p>The proposal has been assessed against the SPPS and Policy QD1 of PPS7. Mixed use schemes with residential units proposed alongside substantial buildings, in this case three, five and eight storey buildings, will inevitably have an impact on proposed properties both within the development itself and existing properties beyond.</p>
9.94	<p>In assessing the potential impact of these larger blocks on the amenity of prospective residents on Site A shadow studies were requested and considered. It has been demonstrated that the private gardens of all proposed dwellings benefit from sunlight at some point of the day. The most significant impact on residential amenity would be on the front of some of the units within the lower floors of the five storey apartment block on Site A. These would spend most of the day in shadow. Having said this, they will still benefit from natural light and their outlook is not compromised in any way, benefiting from the</p>

	unimposing two storey terrace in front of the block across the street. On balance, the overshadowing of these three or four apartments within this block, in a scheme of 44 units, is not considered to be a fundamental issue.
9.95	On Site D the mixed use block is three storeys and given the separation distance there should be no significant loss of light or dominance experienced to the rear of the proposed dwellings backing onto this block.
9.96	It is evident that the housing layouts and positions of main windows and gables within the residential elements have been considered on the basis of the adjacent tall building, with separation distances, step downs and setbacks designed into the mixed use buildings to mitigate any overshadowing or amenity issues. No dwelling fronts directly onto any of the taller mixed use buildings with each receiving an acceptable level of natural light and sunlight both internally and externally.
9.97	In terms of the existing residential uses within the surrounding area separation distances are such that amenity should not be prejudiced to an unacceptable level as a result of any of the proposed uses or the scale or mass of any of the built form. The site is very much a standalone scheme and would relate sympathetically to neighbouring land uses.
9.98	<p>Contaminated Land</p> <p><i>Detailed Quantitative Risk Assessment (DQRA)</i></p> <p>Environmental Health has noted that the Detailed Quantitative Risk Assessment has been updated to include a section which considers the risk to adjacent residential properties. This assessment is based on the concentrations of a number of contaminants in deeper groundwater on the site and has determined an insignificant risk to off-site properties.</p>
9.99	<p><i>Remediation Strategy</i></p> <p>A Remediation Strategy has now been submitted for those aspects of the site which are subject to the outline with no matters reserved part of this hybrid application – specifically the 94 residential dwellings proposed across Site A and Site D. The report notes that prior to the commencement of site works, a detailed Remediation Implementation Plan will need to be prepared and submitted by the Contractor (or their representative) to address, in detail, the design and working methods by which the requirements of this Remediation Strategy will be implemented.</p>
9.100	A number of potential contaminant linkages have been identified on Sites A and D. A remedial options appraisal has been completed to identify the best remedial options to break the direct contact and inhalation pathway (associated with shallow soils), and the pathway associated with the migration of ground gases and volatile organic compounds into buildings.
9.101	The report notes that the sites will be subject to a regrading exercise. A clean cover capping layer is proposed for emplacement across all soft landscaped areas in sub-sites A and D/NIE. The cover layer is to comprise 600mm of clean topsoil and a permeable geo-membrane to act as a warning and prevent mixing.
9.102	The report notes that groundwater may pose a risk to site users where present at depths less than the proposed capping thickness (0.6m bgl). Environmental Health has suggested that consideration is given to the incorporation of a capillary break layer in order to help control upward movement of dissolved and/or mobile contaminants. Detail on this further assessment and on the final detailed design of the clean cover capping layer must be provided in the Remediation Implementation Plan.

9.103	The report does not provide a final design for gas and vapour protection but notes that a vapour barrier will be installed. Detail on the final detailed design of the gas and vapour protection measures and their validation must be provided in the Remediation Implementation Plan. A Remediation Implementation Plan will need to be presented prior to commencement of construction for all aspects of the site which are contained within the outline with no matters reserved part of the application. This will be the subject of a condition as detailed below.
9.104	<p>Impact on Air Quality</p> <p>The Air Quality Screening Report- Addendum, Gasworks Northern Fringe Masterplan Site, AECOM, (November 2021) has been provided to address air quality queries raised by Environmental Health. This Addendum document has been prepared primarily with regards to the 'no matters reserved' part of the planning application for 94 residential dwellings (Phase 1).</p> <p><i>Road sources</i></p> <p>9.105 The applicant has assessed the predicted impact of the proposed development on human health in terms of nitrogen dioxide (NO₂) and particulate matter (PM₁₀ and PM_{2.5}) air quality objectives.</p> <p>9.106 The predicted impacts of the proposed development on annual mean NO₂, PM₁₀ and PM_{2.5} concentrations at all assessed receptor locations are described as negligible with no exceedances of the respective air quality objectives anticipated in the opening year of the development. Subsequently, the applicant's consultants have concluded that the impact of road vehicle exhaust emissions associated with the operation of the proposed development on local air quality is predicted to be not significant, in accordance with appropriate guidance and standards.</p> <p>9.107 Environmental Health reiterate that in accordance with the Air Quality Screening Report (AECOM, June 2021) and the Transport Assessment (TA) (AECOM, June 2021) <i>the Proposed Development would result in a minor change to traffic flows throughout the locale</i> and also that the site is well served by walking, cycling and public transport facilities. Consequently, Environmental Health conclude that estimated road transport emissions, as a result of the proposed development, are likely to have a 'negligible' impact on nitrogen dioxide and particulate matter concentrations in the local area.</p> <p><i>Railway sources</i></p> <p>9.108 The applicant's consultants have stated within the <i>Air Quality Screening Report- Addendum, Gasworks Northern Fringe Masterplan Site, AECOM, (November 2021)</i> that the potential impact of railway emissions (stationary/moving diesel locomotives) on the proposed development has been screened following the government's <i>Local Air Quality Management Technical Guidance LAQM.TG(16)</i>. The consultants have stated that although the closest part of the development to the railway is 13.5m, it is unlikely that trains will be idling directly adjacent to the development for periods of 15 minutes or more. Consequently, and in accordance with the government guidance, there is no predicted risk of exceedances of air quality objectives as a result of railway emissions.</p> <p><i>Combustion Processes</i></p> <p>9.109 It has been stated within the submitted document (<i>Air Quality Screening Report- Addendum, Gasworks Northern Fringe Masterplan Site, AECOM, November 2021</i>) that heating and hotwater provisions for the development (Phase 1) are to be provided by individual domestic boilers; it has been confirmed there is no central energy centre proposed for the site.</p>

9.110	Consequently, Environmental Health has no concerns in relation to air quality impacts from domestic combustion sources.
9.111	The consultants undertook a construction impact assessment in accordance with <i>Guidance on the assessment of dust from demolition and construction IAQM (2014)</i> .
9.112	They have defined the dust emission magnitude during earthworks, construction and trackout activities as Low-Medium and also within the Outline Construction Environmental Management Plan, it is predicted that dust impacts will be Low.
9.113	Environmental Health has recommended a condition in relation to the submission of a Construction Environmental Management Plan which will also require the dust management measures recommended by AECOM in Chapter 6 are incorporated into this Plan. This condition is detailed below.
	Noise and Odour
	<u>Site A and D (Housing)</u>
9.114	Site A – further information has been submitted by the acoustic consultant with additional supporting rationale to provide greater confidence that the shorter term monitoring and a robust assessment of the noise climate impacting the proposed houses.
9.115	With regard to Site D, it has been confirmed that the proposed pumping station is for storm drainage only, no foul waste to be pumped, therefore, an assessment of odour impact is no longer required. The Noise consultants have also concluded there will be no negative impact on amenity due to the operation of the pumping station.
9.116	Additional clarity has been provided around exactly what noise sources were accounted for from the railway line, confirming that during the baseline measurement noises such as signalling horns, idling engines, PA announcements, rail wheel noise etc were included in the measurements. The Noise Consultants also advise that no freight movements were noted during the several days of baseline measurements.
9.117	With regard to the noise level in external amenity areas of houses within Site D, it is advised by the Noise Consultants that a close boarded fence to a height of 1.8m and a self-weight of 25kg/m ² is to be constructed at the boundary of all rear gardens of those houses that are proposed along the railway line. This proposed boundary acoustic fence between the rear gardens of Site D and the railway line will be secured via planning condition, as detailed below.
9.118	The specification for alternative means of ventilation should be clarified for these affected facades of the houses in Site D overlooking the railway. The windows to the rear facades of the houses overlooking the railway line need to be kept closed to insulate against noise ingress; therefore, an alternative means of suitable ventilation needs to be provided. Further technical information has been submitted to provide clarity on means of suitable ventilation in these windows. Final comments from Environmental Health remain outstanding, however a condition is likely to be recommended requiring the specification of windows and alternative means of ventilation to the habitable rooms of these houses on Site D be confirmed for review and approval prior to installation. Delegated authority is sought to resolve this issue.
	Drainage and Flooding
9.119	The proposal has been assessed against Policies FLD1, FLD2 and FLD3 of PPS 15.
9.120	The Flood Hazard Map (NI) indicates that portions of the northern boundary of the site lies within the 1 in 200 year coastal flood plain. As such, development within these areas

	is contrary to Policy FLD 1 of PPS 15, Planning but for it being deemed an exception or overriding regional importance by the Council. The proposal is considered an exception given that this is a zoned brownfield site within the city centre limits with material benefits to the economy in terms of proposed uses and provision of much needed social housing. DfI Rivers advises that 'If the Planning Authority deems this application to be an exception under Policy FLD 1', while not being responsible for the preparation of the Flood Risk Assessment accepts its logic and has no reason to disagree with its conclusions.
9.121	A culverted watercourse which is designated under the terms of the Drainage (Northern Ireland) Order 1973 and known to DfI Rivers as the 'Lower Blackstaff River' is located within the south-western boundary of the site. The site may be affected by undesigned watercourses of which we have no record.
9.122	Under paragraph 6.32 of Policy PPS 15, an adjacent working strip along a watercourse must be retained to facilitate future maintenance by DfI Rivers, other statutory undertaker or the riparian landowners. The working strip should have a minimum width of 5m, but up to 10m where considered necessary, and be provided with clear access and egress at all times. Under 6.33 of the Policy there is a general presumption against the erection of buildings or other structures over the line of a culverted watercourse in order to facilitate replacement, maintenance or other necessary operations. A suitable maintenance strip of minimum 5m must also be in place. DfI Rivers PAMU acknowledge the provision for a working strip has been illustrated on the most recent drainage layout. The proposed development has been specifically designed to avoid the culvert and ensure a suitable maintenance strip.
9.123	DfI Rivers has also reviewed the applicant's Drainage Assessment, dated 25th May 2021, and acknowledges the submission of additional drainage information uploaded to the planning portal on 26th Nov 2021, including Schedule 6 consent to discharge from the local DfI Rivers Area Office.
9.124	DfI Rivers has stated, that while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. The Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event could be contained through the addition of an underground online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NI Water prior to adoption.
9.125	However, in order to ensure compliance with PPS 15, DfI Rivers requests that the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition. A recommended condition is detailed below.
	Waste Water Capacity
9.126	The application proposes to dispose of foul sewage to a Northern Ireland Water Limited (NIW) sewer. The drainage assessment outlines issues with NIW accepting the foul sewage from the site due to capacity issues within the network.
9.127	NI Water has advised that no further connections should be made to the foul network. Sufficient waste water treatment capacity is not available at present for the proposed development. The public system cannot presently serve this development proposal without significant risk of environmental harm. NI Water plans to upgrade the Waste Water Treatment Works in this drainage area. While this remains subject to prioritisation

	and the availability of funding NI Water is recommending connections to the system are curtailed.
9.128	The applicant has since advised that as a result of the remodelling work there is now agreement to the storm water offsetting solution. This may change NI Water's position but for the moment they are recommending refusal for reasons stated above.
9.129	In any event, regard has to be had to the significant number of un-implemented and extant planning permissions across the city for substantial numbers of new housing, industrial and commercial floor space, which NIW has a duty to connect to. All those developments will not come forward as once and it would be unreasonable to refuse planning permission for the proposed development on the basis of this strategic fall-back.
	Other Environmental Matters
9.130	Due to the proximity to watercourses Water Management Unit also require a full Final Construction Environmental Management Plan (CEMP) from the appointed contractor and that it should be submitted to NIEA Water Management Unit, at least 8 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. This Final CEMP should include the mitigation and best practice outlined in the OCEMP document uploaded to the planning portal on 21st July 2021. An appropriate condition is detailed below.
	Impact on Protected Sites
9.131	Following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, Shared Environmental Services (SES) has advised the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including any mitigation. This conclusion is subject to mitigation measures being conditioned with the submission of a final Construction Environmental Management Plan required and details of the method of sewage disposal has been agreed with Northern Ireland Water (NIW) or a consent to discharge for private treatment plants. These conditions are detailed below.
9.132	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 25/05/2022. This found that the project would not have an adverse effect on the integrity of any European site.
	Developer Contributions
9.133	In this instance it is considered appropriate that the following Developer Contributions are secured to fulfil planning policy requirements and mitigate the impacts of the proposal.
9.134	<ul style="list-style-type: none"> • Securing the residential units as affordable housing in view of the dBMAP zoning; • Securing the implementation of the travel plan and green travel measures including travel cards for each residential unit for one year; full membership of a car club for each residential unit for three years; and full membership of Belfast Bikes for each residential unit for three years; • Management of the open space and common parts of the site

9.135	The Council's Economic Development Unit has advised that an Employability and Skills Developer Contribution is not required on the basis that the contract for redevelopment is subject to Buy-Social considerations. It is understood that the Council would insist on social clauses as part of its transaction to lease or dispose of the site.
9.136	The Council controls the application site and it is not possible for the Council to enter into a Section 76 planning agreement with itself. Therefore, the above planning obligations will need to form part of a legal agreement in respect of the Council's leasing or disposal of the land which will require those obligations to be delivered. This same approach was used in respect of the planning permission for the office building on Site C (LA04/2016/2267/F).
9.137	<p>Pre-application Community Consultation</p> <p>For applications that fall within the major category as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicant for planning permission to consult the community in advance of submitting an application.</p>
9.138	Section 27 also requires that a prospective applicant, prior to submitting a major applications must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. A PAN (LA04/2017/1900/PAN) was submitted to the Council on 17 th August 2017.
9.139	Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.
9.140	<p>A Pre Application Community Consultation Report has been submitted in support of this application. The Report has confirmed the following:</p> <ul style="list-style-type: none"> • Two 'open house' public drop-in events were carried out as part of the consultation process. The first open house event took place on Friday 10th November 2017 at Cromac Regeneration Initiative, Donegall Pass, Belfast. The second took place on Friday 24th November 2017 at the Radisson Blu Hotel, Cromac Place. • The material shown at the open house events was also placed on public exhibition at the Ground Floor of the Cecil Ward Building at 4-10 Linenhall Street, Belfast from Monday 13th November 2017 to Friday 9th February 2018. • The project team held four individual workshops with the following identified stakeholders: <ul style="list-style-type: none"> ➤ Market Development Association - Markets Community Centre (11th January 2018) ➤ Donegall Pass Community Forum - Donegall Pass Community Centre (25th January 2018) ➤ Gasworks Estate tenants - Radisson Blu Hotel (13th February 2018) ➤ Lower Ormeau Resident's Action Group - Shaftsbury Community & Recreation Centre (21st February 2018). • In addition, the applicants held three meetings with representatives from the Market Development Association on 30th July 2020, 26th January 2021 and 26th February 2021. • Notification of the webinar was advertised in the Belfast Telegraph and The Irish News on 16th October 2017. • The PAN was circulated to a number of Councillors and MLAs.

<p>9.141</p> <p>9.142</p> <p>9.143</p>	<ul style="list-style-type: none"> • Leaflets inviting people to the drop in webinars were distributed to approximately 7,000 properties in the vicinity of the site. <p>In total, 61 feedback forms were returned. 48% did not agree with the overall regeneration proposals. Concerns were raised about the proximity of the 'gateway' building on Site A to proposed housing. Concerns were also expressed about the on-street parking layout and green spaces. General concerns were raised around the private commercial proposals at the expense of social housing (on social housing zoning).</p> <p>In response to these concerns the level of social housing provision was increased and the proposed 94 units have met with the full support of the NIHE. The amount of commercial/ mixed use floor space was reduced to make way for the additional housing. In terms of the heights of the mixed use buildings and potential proximity issues, there has been a two storey stepping in on the upper floors of both the 5 storey and 8 storey buildings on Site A.</p> <p>It is considered that the Pre-Community Consultation Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
<p>10.0</p> <p>10.1</p> <p>10.2</p> <p>10.3</p>	<p>Summary of Recommendation:</p> <p>The proposal would provide a comprehensive mixed use redevelopment and regeneration of zoned lands within the Gasworks Estate. The mix of industrial/commercial units is complimented by much needed social housing provision of 94 units, and follows the thrust of BUAP, and draft BMAP zonings for the area. Having regard to the Development and relevant material considerations, the proposal is considered acceptable.</p> <p>It is recommended that planning permission is granted subject to conditions and a completion of a planning agreement.</p> <p>In view of the objection from DFC HED and current position of DFI Roads, the application will need to be notified to the Department for Infrastructure in accordance with the Planning (Notification of Applications) Direction 2017. Assuming that the Department does not "call in" the application, the application will then need to be subject to a Pre-Determination Hearing before final consideration by the Planning Committee.</p>
<p>11.0</p>	<p>DRAFT CONDITIONS</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun by the following, whichever is the later. <ul style="list-style-type: none"> • Five years from the date of this permission; or • The expiration of two years from the date of approval of the last of the reserved matters <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p> 2. Application/s for approval of the reserved matters in respect of all parts of the development, other than the 94 residential units across Sites A and D for which full details have been provided, shall be made to the Council within three years from the date of this permission. <p>Reason: As required by Section 62 of the Planning Act (Northern Ireland) 2011.</p>

	<p>3. No development shall commence on site, other than the 94 residential units across Sites A and D, unless details of the siting, design, external appearance, means of access and landscaping (herein called "the reserved matters") have been submitted to and approved in writing by the Council. The development shall not be carried out unless in accordance with the approved details.</p> <p>Reason: This permission is in outline only and further details of the development are required under section 4(1) of The Planning (General Development Procedure) Order (Northern Ireland) 2015.</p> <p>4. The reserved matters referred to in condition 3 above shall include the following:</p> <p>Siting: the two dimensional location of buildings within the site.</p> <p>Design: the two dimensional internal arrangement of buildings and uses and the floor space devoted to such uses, the three dimensional form of the buildings and the relationship with their surroundings including height, massing, number of storeys, general external appearance and suitability for the display of advertisements.</p> <p>External appearance of the Buildings: the colour, texture and type of facing materials to be used for external walls and roofs.</p> <p>Means of Access: the location and two dimensional design of vehicular and pedestrian access to the site from the surroundings and also the circulation, car parking, facilities for the loading and unloading of vehicles and access to individual buildings within the site.</p> <p>Landscaping: the use of the site not covered by buildings and the treatment thereof including the planting of trees, hedges, shrubs, grass, the laying of hard surface areas, the formation of banks, terraces or other earthworks and associated retaining walls, screening by fencing, walls or other means, the laying out of gardens and the provisions of other amenity features.</p> <p>Reason: To enable the Council to consider in detail the proposed development of the site.</p> <p>5. No external facing or roofing materials shall be applied to the 94 residential units across Sites A and D unless in accordance with a written specification of the materials, 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> <p>6. Prior to the commencement of construction of the approved residential units on Sites A and D/NIE, a Remediation Implementation Plan shall be submitted to and approved in writing by the Council. This Remediation Implementation Plan should be based on the remediation proposals outlined in the AECOM Infrastructure & Environment UK Ltd report entitled 'Remediation Strategy, Belfast Gasworks, Radius Housing, Project number: 60635685, 9 November 2021' (Revision 0). The Remediation Implementation plan should be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance and must provide the final detail of the remediation works to be completed on the site and how they are to be verified. The development shall not be carried out unless in accordance with the approved Remediation Implementation Plan.</p>
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Reason: Protection of human health.

7. Prior to the occupation of any of the 94 residential units on Sites A and D/NIE, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall 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 Implementation Plan have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: Protection of human health.

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

Reason: Protection of human health.

9. At reserve matters stage the applicant shall provide to and have agreed in writing by the Council, a Detailed Remediation Strategy for the hotel, car park, commercial building or any of the mixed use buildings. This Detailed Remediation Strategy should consider the risk assessment presented within the AECOM Ltd report entitled 'Tier 2: Generic Quantitative Risk Assessment, Belfast Gasworks, Belfast City Council, Project reference: PR- 60554325_ENV_ACM_RP_003_05, Project number: 60554325, 03 November 2021' (Revision 05). The Detailed Remediation Strategy should be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance and must provide the final detail of the remediation works to be completed on the site and how they are to be verified. All construction thereafter must be in accordance with the approved Detailed Remediation Strategy.

Reason: Protection of human health.

10. Prior to occupation of the hotel, car park, commercial building or any of the mixed use buildings, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Detailed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health.

Reason: Protection of Human Health.

11. At full or reserve matters stage the applicant shall include an air quality impact assessment. The assessment should have regard to recent up-to-date guidance and best practice for air quality, such as Local Air Quality Management Technical

Guidance document LAQM.TG(16) and Environmental Protection UK and the Institute of Air Quality Management, Land-use Planning & Development Control: *Planning For Air Quality (January 2017)*. The assessment must demonstrate that there will be no significant adverse air quality impacts or exceedances of Air Quality Strategy objectives at relevant human receptor locations, associated with the development.

Where exceedances of air quality objectives are identified at relevant human receptor locations, the AQIA shall include appropriate mitigation measures to demonstrably achieve compliance with the objectives in the development year of opening.

Reason: Protection of human health against adverse air quality impact.

12. No development shall commence on site (including demolition, site clearance and site preparation) unless an Environmental Construction Management Plan (CEMP) has been submitted to and approved in writing by the Council. The Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Environmental Construction Management Plan. The CEMP must also have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration.

The dust management measures shall be based on the dust risk assessment and recommendations detailed by AECOM Consultants within Chapter 6 of the Air Quality Screening Report (June 2021) and have cognisance to good practice contained within the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014.

No variations to the CEMP shall be implemented without prior written agreement of the Council and the development shall be carried out in accordance with the revised arrangements at all times.

Reason: To safeguard the amenities of the area and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

13. At reserve matters stage, development-specific noise assessments, for all aspects of the proposal with all matters reserved, shall be submitted detailing the baseline noise conditions and identifying any potential noise generating sources associated with the proposals. Suitable mitigation measures shall be recommended for each subsequent block within each phase of development.

Reason: Protection against adverse noise impact and protection of residential amenity.

14. No works shall be carried out (other than those required to fulfil this condition) until a programme of archaeological work (POW) has been submitted to and approved in writing by the Council.

The POW shall provide for:

- The identification and evaluation of archaeological remains within the site;

	<ul style="list-style-type: none">• Mitigation of the impacts of development through licensed excavation recording or by preservation of remains in-situ;• Post-excavation analysis sufficient to prepare an archaeological report, to publication standard if necessary; and• Preparation of the digital, documentary and material archive for deposition. <p>The development shall not be carried out unless in accordance with the approved POW.</p> <p>Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.</p> <p>15. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition No. 14. These measures shall be implemented and a final archaeological report shall be submitted to Belfast City Council within 12 months of the completion of archaeological site works, or as otherwise agreed in writing with Belfast City Council.</p> <p>Reason: To ensure that the results of archaeological works are appropriately analysed and disseminated and the excavation archive is prepared to a suitable standard for deposition.</p> <p>16. Prior to the commencement of any of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere.</p> <p>Reason: In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.</p> <p>17. Prior to occupation of any residential units within Site D a close boarded fence to a height of 1.8m (as shown on drawing No. GSW-ACM-SW-XX-DR-LA-600002 Rev.4 dated My 2022), and a self-weight of 25kg/m2, shall be constructed at the boundary of all rear gardens of those houses that are proposed along the railway line and thereafter retained at all times.</p> <p>Reason: In the interests of residential amenity.</p> <p>18. No residential unit hereby approved on Sites A and D shall be occupied or operated unless details of covered bicycle storage has been submitted to the Council, and approved in writing. The covered bicycle storage shall be retained in accordance with the approved details at all times</p> <p>Reason: To ensure adequate provision and availability of cycle parking and to encourage sustainable travel.</p>
12.0	Notification to Department (if relevant) Yes – Objections from statutory consultees (HED and NI Water)
13.0	Representations from elected members: None received
Neighbour Notification Checked	
Yes	

ANNEX	
Date Valid	18th June 2021
Date First Advertised	30th July 2021
Date Last Advertised	30 th July 2021
Details of Neighbour Notification (all addresses) 106 Joy Street,Belfast,Antrim,BT2 8AP 11 Mcauley Street,Belfast,Antrim,BT7 2BU 12 Eliza Street Terrace,Belfast,Antrim,BT7 2AX 12 Stewart Street,Belfast,Antrim, 124a Joy Street,Belfast,Antrim,BT2 8LG 128a, Eglantine Avenue, Belfast, Antrim, Northern Ireland, BT9 6EU 13 Eliza Street Terrace,Belfast,Antrim,BT7 2AX 13 Mcauley Street,Belfast,Antrim,BT7 2BU 14 Eliza Street Terrace,Belfast,Antrim,BT7 2AX 15 Mcauley Street,Belfast,Antrim,BT7 2BU 153 Cromac Street,Belfast,Antrim,BT2 8JE 155 Cromac Street,Belfast,Antrim,BT2 8JE 157 Cromac Street,Belfast,Antrim,BT2 8JE 161-165 ,Cromac Street,Belfast,Antrim,BT2 8JE 167 Cromac Street,Belfast,Antrim,BT2 8JE 169 Cromac Street,Belfast,Antrim,BT2 8JE 17 Mcauley Street,Belfast,Antrim,BT7 2BU 18 Mcauley Street,Belfast,Antrim,BT7 2BW 19 Mcauley Street,Belfast,Antrim,BT7 2BU 2-6 Unit 6,Raphael Street,Belfast,Antrim,BT7 2DD 20 Mcauley Street,Belfast,Antrim,BT7 2BW 22 Mcauley Street,Belfast,Antrim,BT7 2BW 24 Cromac Place,Belfast,Antrim,BT7 2JB 3 Cromac Place,Belfast,Antrim,BT7 2JB 42-54 ,Raphael Street,Belfast,Antrim,BT7 2DD 5 Cromac Quay,Belfast,Antrim,BT7 2JD 5 Mcauley Street,Belfast,Antrim,BT7 2BU 57 Stewart Street,Belfast,Antrim,BT7 2BT 59 Stewart Street,Belfast,Antrim,BT7 2BT 61 Stewart Street,Belfast,Antrim,BT7 2BT 63 Stewart Street,Belfast,Antrim,BT7 2BT 65 Stewart Street,Belfast,Antrim,BT7 2BT 67 Stewart Street,Belfast,Antrim,BT7 2BT 69 Stewart Street,Belfast,Antrim,BT7 2BT 7 Mcauley Street,Belfast,Antrim,BT7 2BU 71 Stewart Street,Belfast,Antrim,BT7 2BT 73 Stewart Street,Belfast,Antrim,BT7 2BT 9 Mcauley Street,Belfast,Antrim,BT7 2BU	

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 Apartment 1,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN
 Apartment 10,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Apartment 10,10 Stewart Street,Belfast,Antrim,BT7 2BL
 Apartment 10,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN
 Apartment 11,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Apartment 11,10 Stewart Street,Belfast,Antrim,BT7 2BL
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 Apartment 6,10 Stewart Street,Belfast,Antrim,BT7 2BL
 Apartment 6,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN
 Apartment 7,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Apartment 7,10 Stewart Street,Belfast,Antrim,BT7 2BL
 Apartment 7,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN
 Apartment 8,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Apartment 8,10 Stewart Street,Belfast,Antrim,BT7 2BL
 Apartment 8,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN
 Apartment 9,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Apartment 9,10 Stewart Street,Belfast,Antrim,BT7 2BL
 Apartment 9,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN
 Central Fire Station,6 Bankmore Street,Belfast,Antrim,BT7 1AQ
 Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BW
 First Floor Flat,106 Joy Street,Belfast,Antrim,BT2 8AP
 Flat 1, 19 Raphael Street,Belfast,Antrim,BT7 2DD
 Flat 1,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 1,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 10,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 10,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 101,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 102,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 103,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 104,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 105,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 106,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 107,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 11,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 11,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 12,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 12,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 13,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 14,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 15,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 15,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 16,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 16,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 17,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 17,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 18,1 Mcauley Street,Belfast,Antrim,BT7 2BP

Flat 18,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 19,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 19,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 2, 19 Raphael Street,Belfast,Antrim,BT7 2DD
 Flat 2,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 2,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 20,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 20,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 201,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 202,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 203,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 204,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 205,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 206,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 207,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 21,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 21,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 22,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 22,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 23,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 23,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 24,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 24,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 25,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 25,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 26,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 26,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 27,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 27,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 28,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 28,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 29,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 29,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 3,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 3,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 30,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 30,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 301,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 302,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 303,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 304,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 305,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 306,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 307,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 31,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 31,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 32,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 32,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 33,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 33,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ

Flat 34,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 34,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 35,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 35,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 36,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 36,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 37,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 37,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 38,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 38,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 39,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 39,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 4,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 40,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 40,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 401,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 402,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 403,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 404,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 405,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 406,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 407,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 41,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 41,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 42,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 42,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 43,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 44,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 45,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 5,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 5,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 501,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 502,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 503,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 504,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 505,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 506,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 507,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 6,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 6,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 601,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 602,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 604,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 605,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 606,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 607,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 7,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 7,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 701,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 702,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB

Flat 703,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 704,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 705,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 706,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 707,1-3 The Lucas Building,Ormeau Avenue,Belfast,Antrim,BT2 8HB
 Flat 8,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 8,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Flat 9,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Flat 9,Cromac Wood Court,3 Mcauley Street,Belfast,Antrim,BT7 2BQ
 Office (Gd Floor),135 Cromac Street,Belfast,Antrim,BT2 8JE
 St Malachys Primary School,1 Eliza Street,Belfast,Antrim,BT7 2BJ
 Suite 1 (1st Floor - Front),135 Cromac Street,Belfast,Antrim,BT2 8JE
 Suite 2 (1st Floor - Side),135 Cromac Street,Belfast,Antrim,BT2 8JE
 Suite 3 (1st Floor - Rear),135 Cromac Street,Belfast,Antrim,BT2 8JE
 Suite 4 (2nd Floor - Front),135 Cromac Street,Belfast,Antrim,BT2 8JE
 Suite 5 (2nd Floor - Rear),135 Cromac Street,Belfast,Antrim,BT2 8JE
 Suite 6 (3rd Floor),135 Cromac Street,Belfast,Antrim,BT2 8JE
 The Lighthouse,1 Cromac Place,Belfast,Antrim,BT7 2JB
 Unit 1 ,Raphael Street,Belfast,Antrim,BT7 2DD
 Unit 2-6,Raphael Street,Belfast,Antrim,BT7 2DD

Date of Last Neighbour Notification	28th July 2021
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Date of EIA Determination	N/A
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ES Requested	No
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Notification to Department (if relevant)

Date of Notification to Department:
 Response of Department:

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 th June 2022	
Application ID: LA04/2021/1231/O	
Proposal: Demolition of existing buildings and erection of 36 No. apartments in 2 blocks rising to 3 storeys with associated basement car parking, and landscaped areas	Location: 385 Holywood Road, Ballymisert, Belfast, BT4 2LS
Referral Route: Referral request from Cllr Cobain	
Recommendation:	Refusal
Applicant Name and Address: P McClean 402 Lisburn Road Belfast BT9 6GN	Agent Name and Address: Povall Worthington Ltd Unit1 405 Holywood Road Belfast BT4 2GU
<p>Executive Summary:</p> <p>The proposal is for outline planning permission for the demolition of existing buildings and erection of 36 No. apartments in 2 blocks rising to 3 storeys with associated basement car parking, and landscaped areas.</p> <p>The Key issues in the assessment of the proposed development include.</p> <ul style="list-style-type: none"> • Principle of redevelopment and residential use • Loss of employment use • Impact on existing adjacent employment uses • Design, layout and impact on the character and appearance of the area • Impact on residential amenity • Access and Parking • Drainage and Flood Risk • Environmental Health <p>The applicant seeks outline permission i.e to establish the principle of proposed development on the site. The applicant has also submitted a range of further information including floor plans and elevations and therefore Officer consideration of the detail is also set out.</p> <p>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 existing use of the land is as employment and PPS 4 sets out where land is used for employment it should be retained. Whilst the applicant demonstrated that there are locations that the employment use could be re-located to, the proposal still fails to meet the tests of the policy, as set out in the report. Therefore, it is considered that the proposal is contrary to PPS 4 Policy PED 7 (Retention of Economic Development Uses) in that the proposal</p>	

would result in the loss of existing economic development uses as proposed. In addition, the introduction of an incompatible landuse i.e residential use to an employment site has the potential to result in the loss of the remaining employment uses contrary to PED 8 (Development incompatible with Economic Development Uses) by potentially prejudicing the effective operation of the remaining employment use and potentially impacting the amenity of new residents by way of nuisance and disturbance.

The scale, mass, and design of the buildings is considered to be unacceptable and out of character with the area. The layout is unacceptable as it results in unsatisfactory access and serving arrangements for prospective residents. In addition, servicing of the site is reliant on an area (outlined blue) shared with the economic development uses adjacent, this arrangement has the potential for conflict and is unacceptable.

Environmental Health are satisfied subject to conditions. However, in its current form Rivers Agency (Drainage and flood risk) and DFI Roads (parking and reliance on the motor vehicle) have concerns with the proposal. NI Water has recommended refusal due to insufficient capacity.

The application has been advertised and neighbour notified. Three letters of objections relating to the loss of the economic development uses, incompatible with adjacent uses, concerns regarding security, access, rights of way and service arrangements have been received from existing employer adjacent to the site.

Recommendation:

Refuse

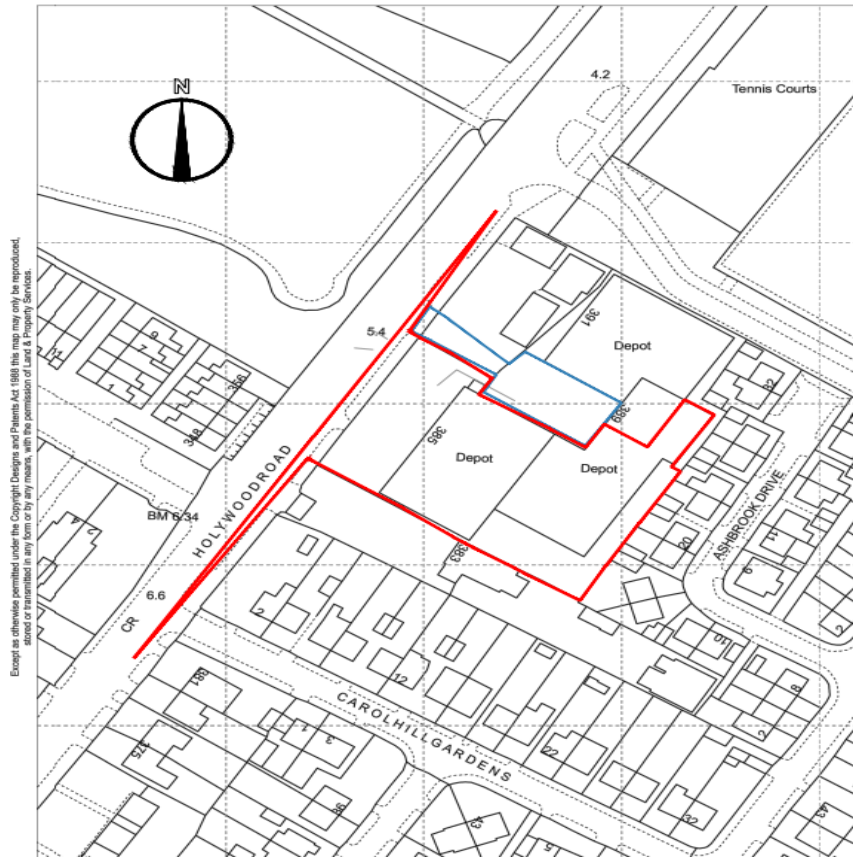
Having regard to the policy context and other material considerations, the proposal is considered unacceptable, and refusal of planning permission is recommended for the reasons set out below. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons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

Signature(s):

Case Officer Report	
Representations:	
Letters of Support	0
Letters of Objection	2
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Case Officer Report

Site Location Plan



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Characteristics of the Site and Area

1.0	Description of Proposed Development
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Demolition of existing buildings and erection of 36 No. apartments in 2 blocks rising to 3 storeys with associated basement car parking, and landscaped areas. The proposal is an outline application. The applicant has submitted a suite of plans

	and elevations for the development. The proposal seeks outline planning permission for 36no. apartments in two blocks rising to three storeys. The development consists of 3no. three bed, 21no. two bed and 12no. one-bedroom apartments. The existing buildings on the site will be demolished to accommodate the development.
2.0	<p>Description of Site and surrounding Area</p> <p>The site currently comprises two storey commercial buildings that are occupied by two businesses and with a separate building south west occupied by a community group. The larger building is utilitarian in design and finished in grey brick with a blue cladding detail along the east line. The building is 4 bays deep but each having a pitched roof that runs parallel to the Hollywood Road and finished at corrugated metal tiles. The smaller unit to the south west has a glazed frontage with signage above the ground and first floors that runs the full width of the building. The roof has a very shallow pitch and is finished in metal cladding.</p> <p>In terms of the occupiers presently on the site, these comprise the following:</p> <p>Eds & Eds, part of the KEW Electrical Group is located in the first two bays of the larger building fronting onto Holywood Road. This business is in large part electrical wholesaler with a retail showroom open to the public.</p> <p>The two bays to the rear of Eds & Eds are occupied by Foster & Sons removal company. Tenants include the Christian science reading room, the Cause Charity and Thorn lighting. To the rear at No. 391 is Denis D Evans commercial printers. All of these properties use the communal access and service yard with number 385. In the smaller unit fronting Holywood Road is Action Deaf Youth, a community outreach group.</p> <p>The wider area consists of a mixture of uses including commercial, residential, community and educational. The character of the road is defined by its wide, sweeping nature, with the building line generally well set back. The buildings are varied mix of style and material, typically two storey semi-detached dwellings to mid-century two storey apartments.</p> <p>Immediately to the south is a large detached dwelling that has been converted into a B&B (Ashfield B&B). A number of two storey semi-detached dwellings back onto the site in Ashbrook Drive. To the North is an existing office development at number 393 Holywood Road.</p> <p>The area is relatively suburban in character within a sustainable location with good access to shops, services, jobs, and public transport. The area is a mixed but primarily medium to low density residential in character. The immediate site is commercial and occupied by a number of employers as set out above.</p> <p>In terms of topography, the site is approximately one metre above the level of Holywood Road and rises gradually up towards the rear. The roadside boundary comprises a one-metre-high brick wall with 1.5-metre-high railing on top. The northern boundary is part railing and part open to the service yard. There are several trees and other vegetation in the south western corner of the site. The site fronts onto an arterial route (Holywood Road) which it will be accessed from.</p>

Planning Assessment of Policy and other Material Considerations	
3.0	<p>Planning History</p> <p>Ref ID: LA04/2020/0058/O Proposal: Erection of 42no. apartments in 3 blocks rising to 3 storeys with associated surface car parking and landscaped areas. Address: 385 Holywood Road, Ballymisert, Belfast, BT4 2LS, Decision: WITHDRAWN Decision Date: 02.11.2020</p> <p>Ref ID: LA04/2017/0109/O Proposal: Erection of 49 apartments in 2 blocks with associated surface car parking and landscaped areas. Address: 385 Holywood Road, Ballymisert, Belfast, BT4 2LS, Decision: WITHDRAWN Decision Date: 28.02.2018</p> <p>Ref ID: Z/2007/2500/O Proposal: 64no. residential apartments (in two 4 storey blocks) and 68no. car parking spaces with associated landscaped communal and individual gardens. (amended description & plans) Address: 385 Holywood Road, Ballymisert, Belfast, BT04 2LS Decision: WITHDRAWN Decision Date: 13.06.2008</p> <p>Ref ID: Z/2008/2129/O Proposal: 50 No. apartments (in two blocks) with associated surface car parking and landscaped areas. (amended plans) Address: 385 Holywood Road, Ballymisert, Belfast, BT04 2LS Decision: Granted Decision Date: 30.03.2010</p> <p>Ref ID: Z/1988/0554 Proposal: Extension to existing premises to provide ancillary offices, store and showroom. Address: 389 HOLYWOOD ROAD, BELFAST BT4 Decision: Granted Decision Date: 07.08.1988</p> <p>Ref ID: Z/1991/0634 Proposal: Conversion from vacant warehouse to manufacturer of shop and truck signs Address: 397A HOLYWOOD ROAD BELFAST BT4 Decision: Granted Decision Date: 09.09.1991</p>

4.0	Policy Framework
4.1	<p>BUAP Draft BMAP 2015 Draft BMAP 2004 Strategic Planning Policy Statement for Northern Ireland (SPPS) PPS 3 – Access, Movement and Parking PPS 4 – Planning and Economic Development PPS 7 – Quality Residential Environments PPS 7 – Addendum Safeguarding the Character of Established Residential Areas PPS 15 - Planning and Flood Risk</p> <p>Other Guidance</p> <p>DCAN 8 – Housing in Existing Urban Areas Creating Places</p>
5.0	Statutory Consultee Responses
	<p>NIEA: No objection subject to the satisfaction of NI Water</p> <p>Belfast City Airport: No objection</p> <p>NIE: No objection</p> <p>NI Water: Objection - Wastewater treatment capacity issues</p> <p>DfI Roads: Unacceptable due to car parking provision and the lack of information (Parking Survey and Travel Plan)</p> <p>Rivers: Further information required relating to technical drainage information, flood mitigation measures and discharge consent.</p>
6.0	Non-Statutory Consultees Responses
	<p>Environmental Health – No objections subject to conditions</p> <p>Urban Design Officer- Further design changes required regarding façade articulation, boundary treatments. Concerns relating to internal space standards and servicing arrangements.</p> <p>BCC Development Plan Team- Indicated that there appears to be a significant supply of employment land within a 3km radius of the application and commented that development management should satisfy themselves that the proposal complies with regional planning policy including the SPPS and PPS 4 Policy PED 7.</p>
7.0	Representations
7.1	<p>The Council has received two representations to the proposal objecting to the proposal.</p> <p><i>No. 1: Judith English, Dennis D. Evans and Co. Ltd, 391 Hollywood Road, Belfast.</i></p> <ul style="list-style-type: none"> Concerns around the loss of the employment uses. Proposal is contrary to Policy PED 7 of PPS 4 and the SPPS.

- Dispute over land ownership. Objector claims that a laneway is within the exclusive control and ownership of Dennis D. Evans & Co. (NI) Ltd.
- Objector claims that they own the yard where the proposed service vehicle access will be. They state that the applicant has a right of way over this yard, but it is not within the applicant's control.
- Concerns regarding use of yard for service vehicles as Dennis D Evans & Co. Ltd use it for business operations. Daily lorries and forklift truck movements in this yard. They state that the use of this yard for servicing apartments is incompatible with the existing use.
- Concerns regarding security. A security gate which is locked at night and over the weekends and the objector asks how residents will be able to access the area if it is secured.
- Concerns regarding potential boundary walls and associated security fears.
- Potential impact on existing businesses during construction and demolition.
- Lack of engagement from applicant to the objector's business regarding the proposal.

No. 2: Donaldson Planning on behalf of Dennis D. Evans and Co. Ltd, Commercial Printing and Signage business

- Proposal is contrary to the SPPS, PPS 4 Economic Development Policy PED 7 (Retention of Economic Development Uses) and Policy PED 8 (Development incompatible with Economic Development Uses).
- Proposal offers no alternative community, environmental or other benefits that would outweigh the loss of the employment use.
- Use of the yard for servicing arrangements is an indication of overdevelopment

Officers respond as follows to these objections (where those objections are not addressed in the main assessment later in the report).

- The report sets out the loss of the employment uses within the policy context. This is dealt with in the report.
- The applicant has indicated that the Property certificate on the P1 application form is correct and that the applicant owns the lands within the red line. The applicant acknowledges that there is a right of way in the adjoining blue area. This area is proposed to be used as part of the servicing arrangement for the proposal. This is dealt with in the report.
- Boundary walls and landscaping are considered in the report. EHO have recommended conditions relating to fencing which would mitigate against adverse noise and nuisance. There use of the neighbouring yard as an area to bring the bins from and to the development to the roadside on collection days is discussed in the report.
- The comments relating to the impact on neighbouring businesses during demolition and construction are vague. However, subject to any approval any construction Management Plan would be conditioned.
- There is no statutory requirement for the applicant to directly engage with neighbours on the proposal. Neighbour notification is a statutory requirement for the Planning Authority and this has been undertaken.

	<ul style="list-style-type: none"> Compatibility matters are set out in the assessment section of the report. <p><i>No. 3 A further representation was received by Donaldson Planning on behalf of Dennis D. Evans and Co. (NI) Ltd on the 21st June 2022. The letter of objection was submitted following amendments to the proposal. They have no objection to the use of the right of way land for emergency vehicles. However, concerns have once again been raised in relation to the proposed servicing arrangement for bins. They feel that the proposed arrangement will pose a health and safety risk and have potential amenity and road safety issues. They have reiterated previous issues with holiday access arrangements as the yard is closed off for security purposes which will prevent the movement of bins.</i></p> <p><u>Officer comment:</u> Officers have echoed the concerns raised above. These matters are dealt within the assessment section of the report.</p> <ul style="list-style-type: none"> <i>The objection also states that there is no provision for service vehicles to the site.</i> <p><u>Officer comment:</u> The proposal is contrary to PPS 3. Matters relating to access, servicing and parking are dealt with in the assessment section of the report.</p> <ul style="list-style-type: none"> <i>This objection repeats concerns regarding PPS 4 Policy PED 7 and PED 8. They comment that the submission fails to address the critical policy issue in that there is no evident alternative community, environmental or other benefits. They comment that regarding the schedule of other potential warehouses are all a considerable distance from this location. They state that the policy requires the applicant to demonstrate that redevelopment As for employment use or mixed use which would hardware the loss of land for economic development use. They comment that the applicant has made no attempt to demonstrate that the subject site is no longer suitable for modern industrial for storage purposes unstop</i> <p><u>Officer comment:</u> Officers do not disagree with the comments relating to PPS 4 Policy PED 7. Comments within the assessment section of the report support this position.</p>
8.0	Assessment
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. The Belfast Urban Area Plan 2001 (BUAP) is the statutory development plan for the area with dBMAP 2015 remaining a material consideration. The weight afforded to dBMAP 2015 (v2014) is a matter for the decision maker.</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</p>

	<p>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>SPPS</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>Principle of Development</p> <p>The site is un-zoned 'whiteland' within the BUAP and both draft BMAPs. In essence a residential use may be acceptable on the site subject to complying with prevailing planning policy. However, whilst the site is unzoned, it is currently in economic use and is occupied by commercial warehousing and a community use. The proposal is therefore subject to the requirements of PPS 4 Economic Development.</p>
8.5	<p>The principle of a residential use was previously considered acceptable under planning history Z/2008/2129/O for 50 units granted in early 2010 – this permission expired in 2015. Subsequently in November 2010, PPS 4 Planning and Economic Development was published, therefore this application is considered within a different policy context.</p>
8.6	<p>Loss of Employment Use</p> <p>It is considered that the proposal is contrary to PPS 4 Economic Development Policy PED 7 Retention of Zoned Land and Economic Development Uses (Unzoned Land in Settlements). It states that on unzoned land a development proposal that would result in the loss of an existing Class B2, B4 or B4 use, or land last used for these purposes, to other uses would only be permitted where it is demonstrated that the proposal meets a number of criteria (a-g). It states that redevelopment will 'only' be permitted where it meets one of the identified criteria. The proposal fails to meet any of the criteria listed within Policy PED 7.</p> <ul style="list-style-type: none"> - There is no evidence to suggest that the site has been marketed for alternative commercial uses; - The proposal is not a mixed-use regeneration scheme which will offer substantial community benefits. - There is no evidence to suggest that the present use has an adverse impact on character. - EHO have not raised any issues regarding the relationship between the existing business uses and the neighbouring residential areas. However, currently the relationship from the surrounding residential to the commercial is not interactive. The commercial turns its back to the residential dwellings and presents relatively low blank facades to the boundaries of the residential dwellings.
8.7	<p>The applicant's planning statement argued that the site was bounded on two sides by residential properties and that they have a poor relationship with the properties.</p>

	It states that the existing commercial buildings are dated and utilitarian in appearance with few windows. The commentary in the statement does not prove that the site is unsuitable in its current form or capacity for modern industrial purposes. The site is active and occupied and therefore, there is no substantial evidence to suggest that the site is unsuitable for modern industrial, storage or distribution purposes.
8.8	The submission also sets out that there are alternative sites that can accommodate the business use and BCC Local Development Plan Team were consulted on the proposal and concur with the applicant that there appears to be a significant supply of employment land within a 3km radius of the application site. However, it has not been demonstrated that there is a <i>firm</i> proposal to replicate existing economic benefits on an alternative site in the vicinity. As such the loss of the existing employment use is unacceptable and contrary to Policy PED 7.
8.9	The LDP Team also set out that Officers should satisfy themselves that the proposal complies with regional planning policy including the SPPS and PPS 4.
8.10	It is considered that the proposal is not compliant with Policy PED 8 <i>Development Incompatible with Economic Development Uses</i> . Policy PED 8 sets out that a proposal for development in the vicinity of an existing or approved economic development use that would be incompatible with this use or that would prejudice its future operation will be refused. Whilst EHO have not raised any objections in terms of statutory nuisance and have recommended conditions to mitigate against noise from neighbouring employment uses, including boundary treatments, glazing and ventilation, Officers are of the view that the proposal will put at risk the future of adjacent employment uses contrary to PED 8. Whilst existing businesses adjacent to the site have been operating in proximity to residential areas for years, the relationship is a different one to that proposed, in that the employment site turns its back on residential streets and the servicing and traffic relating to the employment is accessed off the Hollywood Road and away from the residents. The
8.11	buildings whilst clearly commercial do not open up to residential but have relatively low blank gables along the boundaries again minimising current impacts. Apart from the basement parking, there is no vehicular access on to the site therefore the proposed use will also be reliant on the commercial shared right of way for servicing the residential site including the collection of bins and in emergencies.
8.12	It is considered that the proposed residential use would prejudice existing uses. The conditions set out by EHO would mitigate against noise if permission were granted but would not mitigate against potential for general disturbance and nuisance from the proposed arrangement which may result in complaints that would impact the future of those uses.
8.13	In addition, if permission were granted for the loss of part of the overall commercial site, then the remainder would be vulnerable to loss due to the policy criteria that sets out that once a substantial part of a site has been re-developed for an alternative site then the remainder can also be re-developed.
8.14	There is no objection to the loss of the D1 community use (Action Deaf Youth premises).

8.15	<p>Design, layout and impact on the character and appearance of the area</p> <p>Policy QD1 of PPS 7 states that planning permission will only be granted for new residential development where it is demonstrated that the proposal will create a quality and sustainable residential environment. The design and layout of residential development should be based on an overall design concept that draws upon the positive aspects of the character and appearance of the surrounding area. The policy sets out nine criteria that proposals for residential development will be expected to conform to.</p>
8.16	<p><u>Layout and Scale</u></p> <p>Criterion (a) requires that the 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, structures and landscaped and hard surfaced areas. The existing buildings will be demolished and replaced with 2 no. apartment blocks both three storeys in height. The 2no. of apartment blocks contain a total of 36 no. units. The site will be accessed to a basement from Hollywood Road. A central undercroft access for residents is also provided at ground floor level.</p>
8.17	<p>Block A will face directly onto the Hollywood Road with Block B located to the rear. Space in between the blocks and the rear will be a mix of communal and private amenity spaces. An underground car park accessed via a 2-way ramp will allow 37 cars and 40 bike spaces. The buildings measure approximately 10m in height. Block A is a three-storey building which will accommodate 18 no. apartments. Block B will also accommodate 18 no. apartments.</p>
8.18	<p>This creates an open space open lawn area to the front which is characteristic of the Hollywood Road. The massing is broken into the 2 blocks each to help it sit comfortably within the site topography without overshadowing the neighbouring houses. Space in between the blocks and the rear will be a mix of communal and private amenity spaces.</p>
8.19	<p>Whilst the Urban Design Officer had no objection in principle to the heights of both blocks, as they would generally align with ridge heights of neighbouring commercial buildings to the north. Officers consider whilst it is acknowledged that the presence of three storey buildings exist in the immediate area these are for civic and commercial buildings and are set well back from the road front. In this case the proposed comes forward of the residential building line and cumulatively with the scale, height and continuous width of the proposed building will be overly dominant to the road frontage which is out of character with the area.</p>
8.20	<p>The three storey buildings in the area do not form the residential character, two three storey blocks as proposed would not respect the immediate residential context and streetscape. The design doesn't relate to domestic architecture in the area. It would be inappropriate to the character of the area in terms of its scale and massing and when read as an entity 2 buildings of this scale in the local context is an indicator of overdevelopment.</p>

8.21	It is also considered that additional massing would be required at roof level to accommodate ancillary elements such as lift/stair overruns, air handling units etc and any resultant visual impact that may arise. This is evident when examining the elevations where the lift and smoke shaft are at a higher point than the roof line.
8.22	The Urban Design Officer commented that the proposed facade treatment looks relatively flat and required façade articulation with little provision in the way of variation in planes (other than the proposed recessed terraces). He stated that consideration should also be given to extending the articulation of primary elevations around the building onto side elevations, which look bland and largely devoid of window openings. This is particularly relevant to Block A given how prominent these side elevations will be when viewed north/south along the well-travelled Hollywood Road.
8.23	Furthermore, the main access to both buildings appears to be through an undercroft access arrangement from Block A through the courtyard to Block B, there is also a narrow path through to the north but taking account of a proposed private garden and the 1.8m high boundary wall this path is narrow. There is no vehicular access at ground floor. These arrangements are an indicator of over development of the site and do not promote surveillance and safety for prospective residents
8.24	There are fundamental concerns relating to the servicing arrangement for the development. The proposed layout would appear to be entirely reliant on the service yard of the adjoining site for its entire service provision, including bin storage and collection. Land ownership/rights of way issues aside, the proposed site layout arrangement should be self-sufficient in its servicing arrangements with clear provision made within the red line of the site for both access for servicing, bin storage and bin collection points. The applicant provided a folio map and a lease map which failed to address this issue. The development would be reliant on the co-operation of the neighboring businesses to successfully implement and manage a workable servicing arrangement. Adjacent commercial premises including Dennis D Evans & Co. Ltd use it for business operations and this point was raised in objection letters and is a legitimate issue with this proposal.
8.25	Failing securing access to the adjacent service yard for the servicing needs of this building, bins would then need to be traversed along a circuitous route through the common amenity areas as well as potentially the lobby of Block A which is highly undesirable. It is considered that the design and layout of the proposal is contrary to the SPPS, Policy QD1 of Planning Policy Statement 7 in that the development does not respect the surrounding context and is inappropriate to the character of the locality in terms of layout, and design and if permitted would result in overdevelopment of the site.
8.26	<u>Density</u> The proposed residential density equates to approximately 90 dwelling units per hectare (dph). Densities within the surrounding context range from approximately 40 units per hectare along Carolhill Gardens to 70 units per hectare at the adjacent Ashbrooke Drive and 60 dwellings per hectare along Hollywood Road. The proposed density of 90 units per hectare results in large blocks built boundary to boundary and resulting in a scale with little visual relief and will be unduly dominant.

8.27	<p><u>Materials</u></p> <p>Whilst the proposal is an outline application the proposed plans list the materials to be used. The buildings are proposed to be predominantly finished with red brick and smooth render. Windows and doors will be aluminium. The Urban Design Officer commented that further information should be provided in relation to proposed materials. This would be to ensure for example that the proposed brick picks up contextually on the tonal/mottled qualities of surrounding red brick buildings and to avoid an overly engineered and uniform brick colour.</p>
8.28	<p><u>Space standards</u></p> <p>The proposed development includes a mix of 3no. three bed, 21no. two bed and 12no. one-bedroom apartments. The proposed 1 bed (two person) apartments (Types A, B and C) are below the recommended space standards (these range from 45-48m² compared to the recommended 50-55m²). This is concerning as it impacts a total of 12 apartments out of the overall provision of 36 apartments. Policy LC 1 of PPS 7 addendum does not apply as the proposal is located along an arterial route, but the aforementioned units, due to their size would not result in a quality residential development and are indicative of over development.</p>
8.29	<p><u>Amenity space</u></p> <p>Residents will also avail of communal landscaped areas which in total will be in accordance with the requirements of Creating Places guidance document for this location. Ground floor apartments have private outside space, averaging about 29sqm. Shared amenity space including lawn and courtyard area are provided within the enclosed curtilage of the site. This shared space is equal to about 50sqm per apartment (including ground floor), which is well in excess of Creating Places guidelines. Additionally, the site is opposite the Alderman Tommy Patton Memorial Park, which contains a children's playpark, and there is a bowling green and various pitches and sports clubs in the immediate area. The private amenity provision will result in potential for overlooking from the communal amenity areas and will resulting the need for screens which has the potential to impact visually and may result in shadow, thereby impacting the quality of the spaces.</p>
8.30	<p>Impact on Residential amenity</p> <p>The layout/aspect of buildings within the site is such that there will be no significant overlooking into neighbouring properties. In addition, there is sufficient separation distances to existing neighbouring properties to ensure that dominance and overshadowing will not occur to an unacceptable degree. There will be no opportunity for overlooking into neighbouring properties due to the separation distances and existing boundary treatments.</p>
8.31	<p>The relationship between Block B and No. 383 Holywod Road (B&B) was initially raised as a concern due to the proximity between the buildings and the potential impact on the residential amenity of No. 383 Holywood Road through dominance, overlooking and overshadowing. The proposal will have a 4.5m separation distance from No. 383 Holywood Road. However, the existing building on site is less than 2 metres from No. 383 Holywood Road. The gable of Block B would effectively look onto a blank wall of No. 383. This side of the property has no amenity provision. As such it is considered that the relationship arrangement is</p>

	acceptable. In terms of prospective residents, each unit has adequate outlook to the public street or amenity areas. It is considered that the separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.
8.32	<p>Access and Parking</p> <p>Parking is provided at a rate of 1 no. space per apartment in a basement below Block B. The underground car park will be accessed via the Hollywood Road. Basement arrangements are not typical in the area and are largely considered to be financially unviable.</p> <p>DfI Roads commented that the proposal was unacceptable as acceptable car parking provision had not been demonstrated and a Travel Plan and up to date Parking Survey were required. It is considered that the proposal is contrary to the SPPS, PPS 7 Policy QD 1 and Policies AMP1 and AMP7 of PPS 3 Access, Movement and Parking, in that the applicant has failed to submit information to demonstrate that adequate provision for car parking has been made and alternative modes of travel encouraged. The proposal also fails to provide adequate servicing arrangements.</p>
8.34	<p>Drainage and Flood Risk</p> <p>Rivers Agency provided comments on the proposal. They highlighted that FLD 3 Development and Surface Water is applicable. A Drainage Assessment has been submitted with this application. DfI Rivers requested additional information including.</p> <ul style="list-style-type: none"> • Drainage Calculations for a 1 in 2 year, 1 in 30 year and 1 in 100-year storm event, to include: <ul style="list-style-type: none"> ➤ A summer and winter event profile, ➤ Storm return periods for up to and including seven-day (10080 mins) duration, ➤ A 10% allowance for urban expansion, and; ➤ A 10% allowance for climate change. • Details of flood mitigation measures which are to be implemented in the design. • A PDE response from NIW consenting to discharge to their system
8.35	In the absence of a completed Drainage Assessment, the applicant has failed to demonstrate that adequate measures will be put in place to effectively mitigate the flood risk to the proposed and from development elsewhere. The proposal is therefore contrary to Policy FLD 3 of Planning Policy Statement 15 'Planning and Flooding' and the Strategic Planning Policy Statement for Northern Ireland.
8.36	<p><u>Wastewater Infrastructure</u></p> <p>NI Water advise that there is a public foul sewer located within 20m of the proposed development boundary. However, due to the sewer network being at capacity they are recommending no further connections should be made to this network or the applicant should engage directly with NI Water to ascertain whether an alternative drainage/treatment solution can be agreed.</p>

8.37	<p>NI Water advised that there is no public surface water sewer within 20m of the proposed development boundary. A high-level assessment has indicated potential network capacity issues. This establishes significant risks of detrimental effect to the environment and detrimental impact on existing properties. For this reason, NI Water is recommending connections to the public surface water system are curtailed. The Applicant is advised to consult directly with NI Water (to ascertain whether any necessary alternative surface water solution can be agreed.</p> <p>The applicant has not provided any evidence of a PDE with NIW.</p>
8.38	<p>Environmental Health</p> <p>EHO provided comment in relation to the proposed development in terms of noise, air pollution, ambient air quality, contaminated land and other considerations. EHO have offered no objections in terms of impact on human health. Conditions relating to noise, odour and contamination have been suggested.</p> <p>EHO engaged directly with the applicant and requested additional information throughout the process relating to an updated noise impact assessment with mitigation measures including fencing, glazing and ventilation. Conditions have been recommended requiring the developer to submit for review and approval a final schedule of the sound reduction of all window to all facades of the development as well as the sound reduction performance of the alternative means of ventilation to ensure the specification meets the recommendations of the Noise Impact Assessment.</p>
10.0	Summary of Recommendation:
10.1	Refusal for the reasons set out below
11.0	Refusal Reasons
	<p>1. The proposal is contrary to the SPPS and PPS 4 Planning and Economic Development PED 7 in that the proposal will result in the loss of employment uses and no exception as set out in policy has been met.</p> <p>2. The proposal is contrary to PPS 4 Planning and Economic Development PED 8 by introducing an incompatible land use that has the potential to prejudice the future operation of adjacent economic uses.</p> <p>3. The proposal is contrary to the SPPS, Policy QD1 of Planning Policy Statement 7 in that the development fails to create a quality residential environment as it does not respect the surrounding context and is inappropriate to the character of the locality in terms of layout, height, scale, proportions, massing and appearance of buildings and if permitted would result negatively impact the area,</p> <p>4. The proposal is contrary to the SPPS, Policy QD1 of Planning Policy Statement 7 in that the development fails to create a quality residential environment as the layout will result in unsatisfactory access arrangements for prospective residents</p>

	<p>which will potentially impact safety and surveillance and potentially conflict with adjacent economic land uses.</p> <p>5: The proposal is contrary to the SPPS and Policy FLD 3 from Planning Policy Statement 15: Planning and Flood Risk in that it has not been demonstrated that the proposal would provide satisfactory measures for the mitigation of flood risk and in particular drainage.</p> <p>6: The proposal is contrary to the SPPS, PPS 7 Policy QD 1 (e and f) and Policies AMP1 and AMP7 of PPS 3 Access, Movement and Parking, in that the applicant has failed to submit information to demonstrate that adequate provision for car parking has been made and alternative modes of travel encouraged.</p>
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ANNEX	
Date Valid	11th May 2021
Date First Advertised	11th June 2021
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 16 Ashbrook Drive, Belfast, Down, BT4 2FG The Owner/Occupier, 18 Ashbrook Drive, Belfast, Down, BT4 2FG The Owner/Occupier, 20 Ashbrook Drive, Belfast, Down, BT4 2FG The Owner/Occupier, 22 Ashbrook Drive, Belfast, Down, BT4 2FG The Owner/Occupier, 24 Ashbrook Drive, Belfast, Down, BT4 2FG The Owner/Occupier, 26 Ashbrook Drive, Belfast, Down, BT4 2FG The Owner/Occupier, 28 Ashbrook Drive, Belfast, Down, BT4 2FG The Owner/Occupier, 348 Holywood Road, Belfast, Down, BT4 1SL The Owner/Occupier, 350 Holywood Road, Belfast, Down, BT4 1SL The Owner/Occupier, 352 Holywood Road, Belfast, Down, BT4 1SL The Owner/Occupier,	

354 Hollywood Road,Belfast,Down,BT4 1SL
 The Owner/Occupier,
 356 Hollywood Road,Belfast,Down,BT4 1SL
 The Owner/Occupier,
 383 Hollywood Road,Belfast,Down,BT4 2LS
 The Owner/Occupier,
 385 Hollywood Road,Belfast,Down,BT4 2LS
 The Owner/Occupier,
 385 Hollywood Road,Belfast,Down,BT4 2LS
 The Owner/Occupier,
 387-389 ,Hollywood Road,Belfast,Down,BT4 2LS
 The Owner/Occupier,
 391 Hollywood Road,Belfast,Down,BT4 2LS
 Judith English
 391, Hollywood Road, Belfast, Down, Northern Ireland, BT4 2LS
 The Owner/Occupier,
 Building 3,393 Hollywood Road,Belfast,Down,BT4 2LS
 David Donaldson
 Donaldson Planning,50a High Street,Hollywood,BT18 9AE

Date of Last Neighbour Notification	
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Date of EIA Determination	
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ES Requested	No
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Planning History

Ref ID: LA04/2020/0058/O

Proposal: Erection of 42no. apartments in 3 blocks rising to 3 storeys with associated surface car parking and landscaped areas.

Address: 385 Hollywood Road, Ballymisert, Belfast, BT4 2LS,

Decision: WITHDR

Decision Date: 02.11.2020

Ref ID: LA04/2021/1231/O

Proposal: Demolition of existing buildings and erection of 36 No. apartments in 2 blocks rising to 3 storeys with associated basement car parking, and landscaped areas

Address: 385 Hollywood Road, Ballymisert, Belfast, BT4 2LS,

Decision:

Decision Date:

Ref ID: Z/1979/0459

Proposal: CARRY OUT HOT FOOD BAR

Address: 397 HOLYWOOD ROAD

Decision:

Decision Date:

Ref ID: LA04/2017/0109/O

Proposal: Erection of 49 apartments in 2 blocks with associated surface car parking and landscaped areas.

Address: 385 Holywood Road, Ballymisert, Belfast, BT4 2LS,

Decision: WITHDR

Decision Date: 28.02.2018

Ref ID: LA04/2018/0963/PAD

Proposal: Proposed development includes 50 apartments with a new entrance, landscaping and parking with associated site works

Address: 385 Holywood Road, Belfast, BT4 2LS,

Decision:

Decision Date:

Ref ID: Z/1978/1677

Proposal: EXTENSION TO CAR PARK AND ERECTION OF SECURITY OFFICE

Address: 389 HOLYWOOD ROAD

Decision:

Decision Date:

Ref ID: Z/1989/0307

Proposal: Installation of two shop front signs and one free standing sign

Address: 389 HOLYWOOD ROAD BELFAST BT4

Decision:

Decision Date:

Ref ID: Z/2007/2500/O

Proposal: 64no. residential apartments (in two 4 storey blocks) and 68no. car parking spaces with associated landscaped communal and individual gardens. (amended description & plans)

Address: 385 Holywood Road, Ballymisert, Belfast, BT04 2LS

Decision:

Decision Date: 13.06.2008

Ref ID: Z/2008/2129/O

Proposal: 50 No. apartments (in two blocks) with associated surface car parking and landscaped areas. (amended plans)

Address: 385 Holywood Road, Ballymisert, Belfast, BT04 2LS

Decision:

Decision Date: 30.03.2010

Ref ID: Z/1988/0554

Proposal: Extension to existing premises to provide ancillary offices, store and showroom.

Address: 389 HOLYWOOD ROAD, BELFAST BT4

Decision:

Decision Date:

Ref ID: Z/1976/0739

Proposal: ALTERATIONS TO FORM ANCILLARY OFFICE ACCOMMODATION

Address: 395 HOLYWOOD ROAD

Decision:

Decision Date:

Ref ID: Z/1976/0954

Proposal: ERECTION OF SECURITY KIOSK

Address: 389 HOLYWOOD ROAD

Decision:

Decision Date:

Ref ID: Z/1991/0634

Proposal: Conversion from vacant warehouse to manufacturer of shop and truck signs

Address: 397A HOLYWOOD ROAD BELFAST BT4

Decision:

Decision Date:

Ref ID: Z/1984/1922

Proposal: PROVISION OF LANCE WASH

Address: 397 HOLYWOOD ROAD, BT4

Decision:

Decision Date:

Ref ID: Z/1986/2249

Proposal: Provision of two underground fuel tanks, off-set fill and extension of existing pump islands

Address: ASHFIELD FILLING STATION 397 HOLYWOOD ROAD, BELFAST BT4 2LS

Decision:

Decision Date:

Ref ID: Z/2001/1940/A

Proposal: Business signs & plaque

Address: Unit 1, Lesley Office Park, 393 Holywood Road, Belfast, BT4 2LS

Decision:

Decision Date: 05.11.2001

Ref ID: Z/1991/0072

Proposal: Provision of a gas storage installation

Address: ASHFIELD FILLING STATION 397 HOLYWOOD ROAD BELFAST BT4

Decision:

Decision Date:

Ref ID: Z/1990/0587

Proposal: Installation of illuminated signs

Address: ASHFIELD FILLING STATION HOLYWOOD ROAD BELFAST BT4

Decision:

Decision Date:

Ref ID: Z/2000/0876

Proposal: Office Building

Address: 393 Holywood Road, Belfast

Decision:

Decision Date:

Ref ID: Z/2000/1018/F

Proposal: Proposed office development.

Address: 393 Holywood Road, Belfast.

Decision:

Decision Date: 11.12.2000

Drawing Numbers and Title

Notification to Department (if relevant)

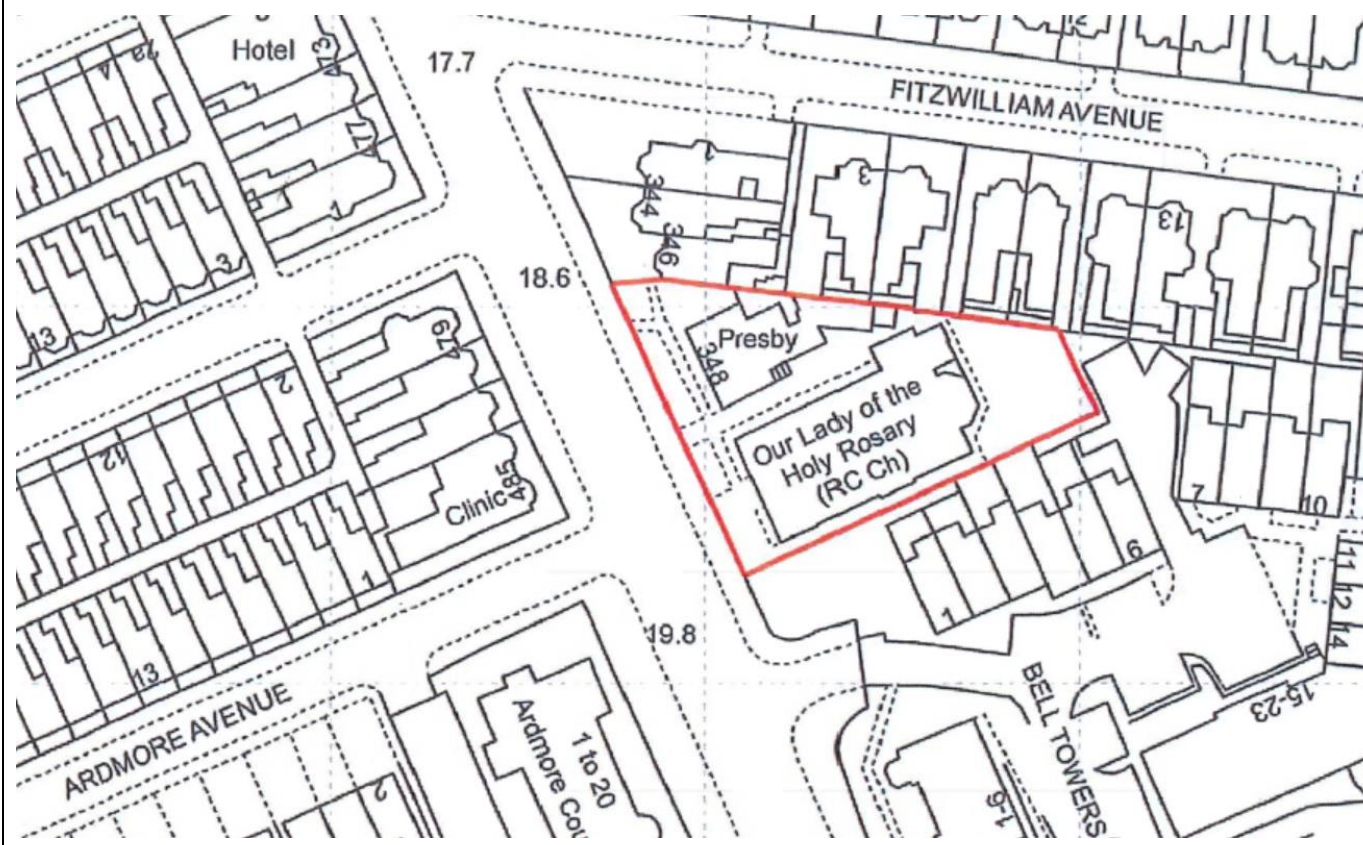
Date of Notification to Department:

Response of Department:

Committee Report

Development Management Report	
Application ID: LA04/2021/2519/F	Date of Committee: Tuesday 27 th June 2022
Proposal: Variation of condition no.11 of planning approval LA04/2018/0059/F (variation of restricted opening hours from 11pm to 1.00am)	Location: Lands at Nos 348-350 Ormeau Road Belfast BT7 2FZ.
Referral Route: Referral to the Planning Committee original approval LA04/2018/0059/F granted by Committee	
Recommendation:	Approval
Applicant Name and Address: Fratelli Ormeau Road Ltd C/O Galgorm Spa & Golf Resort Galgorm BT42 1EA	Agent Name and Address: Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast
Executive Summary: <p>The proposal is for a variation of planning condition 11 of LA04/2018/0059/F to extend the opening hours of the proposed licenced restaurant from 11pm to 1am.</p> <p>The site is located within the existing settlement limits of the City as defined within the BUAP and draft BMAPs and the buildings on site are Listed. Planning approval was granted for an 18 bedroom hotel and licenced restaurant on 22 November 2019. No works have commenced on site to date.</p> <p>The key issue to be considered is:</p> <ul style="list-style-type: none">• Impact on neighbouring amenity due to noise, nuisance and general disturbance <p>The site is the Former Holy Rosary Church and Parochial Hall and is primarily surrounded by residentially dwellings in the Bell Towers and in Fitzwilliam Avenue. 18 objections have been received, raising concern in respect of noise impact and parking issues. Two letters of support for the development have also been received.</p> <p>BCC Environmental Health was consulted and offered no objections to the change in hours subject to planning conditions.</p> <p>Having had regard to the expert advice of Environmental Health it is recommended that the condition be varied to allow the following opening times:</p> <ul style="list-style-type: none">-1am for Friday and Saturday nights,-mid-night for Sunday night- the remaining nights retained at 11pm. <p>Recommendation - Approve subject to conditions</p> <p>It is recommended that the application is approved, and it is requested that delegated authority be given to the Director of Planning and Building Control to finalise the wording of conditions</p>	
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Site Location Plan



Front of site



Arial image – site outlined red

Characteristics of the Site and Area

1.0	Description of Proposed Development The proposal is for a variation of planning condition 11 to extend the opening hours of the proposed licenced restaurant from 11pm to 1am.
2.0	Description of Site The application site is a vacant parochial house and Church which enjoys extant planning permission and listed building consent for limited demolition and extensions to facilitate a change of use to a hotel and restaurant. The site fronts onto the Ormeau Road an arterial route serving the city. There is currently a 2.4m timber hoarding on the boundary which currently has the benefit of temporary planning permission. The surrounding area is defined by commercial, ecclesiastic, and residential developments.

Planning Assessment of Policy and other Material Considerations

3.0	Site History LA04/2020/1229/F Variation of planning condition no 11 of permission refused LA04/2018/0059/F; Demolition of 2 storey rear return, external steps and single storey outbuilding of former Parochial House, demolition of existing vestry entrance porch, external steps, single storey boiler house and part of internal wall to tower and relocation of internal spiral staircase of former Holy Rosary Church. Erection of 3 storey and single storey rear and 2 storey side extensions and associated works. Change of use to 18 bed hotel and licensed restaurant Planning Permission granted LA04/2018/2017/2800/LBC associated listed building consent Planning Permission granted LA04/2018/1979/F; Retention of boundary fence around the grounds of former church & parochial house. Planning Permission granted LA04/2018/1977/LBC associated listed building consent Planning Permission granted
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001

4.2	Draft Belfast Metropolitan Area Plan 2004
4.3	<p>Draft Belfast Metropolitan Area Plan 2015</p> <p>The extant development plan is the BUAP. However, given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker.</p>
4.4	<p>Belfast Local Development Plan Draft Plan Strategy 2035</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 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>
4.5	Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	<p>Statutory Consultees Responses</p> <p>None</p>
6.0	<p>Non-Statutory Consultees Responses</p> <p>BCC Environmental Health</p>
7.0	<p>Representations</p> <p>The application was neighbour notified and advertised in the local press. The planning service received 18 letters of objection. The objections are from residents of the adjacent streets and raised the following concerns:</p> <ul style="list-style-type: none"> - Noise impact - Parking <p>Two letters of support were received from Bredagh GAA Club and Ormeau Business Assoc</p> <ul style="list-style-type: none"> - Support hotel in the area and the re-use of the church will be an improvement. Hours will be comparable with others. <p>Issues addressed below.</p>
8.0	<p>Other Material Considerations</p> <p>None</p>
8.1	<p>Any other supplementary guidance</p> <p>None</p>
9.0	Assessment
9.1	The proposal is considered to be in compliance with the development plan.
9.2	Consideration:
9.3	<p>The principle of the site being used for hotel and restaurant has been established within the extant planning approval on site LA04/2018/0059/F for an 18-bedroom hotel with an associated licenced restaurant. The issue for consideration is the acceptability of extending the opening hours of the restaurant and the potential to impact on the neighbour amenity, primarily by way of increased noise at unsociable hours.</p>

9.4	It is noted that within Environmental Health response to application LA04/2018/0059/F dated 30th October 2019 that a closing time for the restaurant was recommended to be 00.00hrs however this was altered to 11pm on the Decision Notice under delegated authority as officers considered 11pm closing to be appropriate. This was based on the tight residential context and that the primary use was a hotel and restaurant and therefore, a restaurant closing at 11pm is typical. The 11pm closing time was considered to allow the restaurant to operate on the same footing as other licenced restaurants and to offer a level of protection to the neighbouring residential properties from increased noise at unsociable hours and to residents of the hotel. EH advised that the original 00.00hrs closing time was to facilitate patrons of the hotel and not the public and therefore was content with the alteration.
9.5	In processing this current application for extended opening hours, Officers retained concerns regarding potential increased noise levels impacting on neighbouring amenity at unsociable hours given the proximity of the residential dwellings. This is reflective in the level of objections received, 18 in total, all indicating a concern regarding noise impact.
9.6	The current application was submitted to extend the opening hours from 11pm to 1am, information within the statement to support the increased opening hours, by various ways of noise control mitigation, was supplied to Environmental Health. Having assessed the information EH has advised that the potential for noise disturbance can be controlled by way of Planning Conditions and Noise Management Plan enforced by the operator.
9.7	Officers, concerns regarding the potential for noise disruption and nuisance to neighbouring amenity are guided by the comments and expertise of BCC Environmental Health. EH advise that the level of noise can be controlled to allow the premises to be operated as a licenced restaurant with extended opening hours. Subject to a recommended conditions from EH setting out extended opening hours for Friday and Saturday to 1am, Sunday to mid-night and the remainder of the week to remain at 11pm and through a Noise Management Plan.
9.8	Officers consider that a recommendation to refuse would not be sustainable given the support for the proposal from Environmental Health and therefore the proposal subject to a new hours of operating condition is acceptable.
9.9	In regard to an increase on street parking raised by objectors the level of parking was considered within the original approval LA04/2018/0059/F, it is not anticipated that any significant impact on demand will arise from the change in operating hours.
10.0	<p>Summary of Recommendation: Approval subject to conditions.</p> <p>Conditions attached to the original approval LA04/2018/0059/F will also be repeated in addition to those set out below.</p>
11.0	Conditions
11.1	<p>The development hereby permitted shall be begun before 21st Nov 2024. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p>
11.2	<p>The hereby permitted licenced restaurant shall not be permitted to operate beyond 1am on Fridays and Saturday nights, midnight on a Sunday and 11pm Monday to Thursday.</p> <p>Reason: Protection of residents against adverse noise impact.</p>
11.3	<p>Prior to operation of the hereby approved bar/restaurant, the applicant shall submit to the planning authority, for review and approval in writing, a final Noise Management Plan. The NMP shall outline operational measures to be put in place to control noise breakout such as ensuring doors are not left open, managing the settings on the in-house music and speaker system to ensure these are kept at the recommended settings, supervision and management of patrons within the premises and outside during patron arrival and dispersal.</p> <p>Reason: Protection of residents against adverse noise impact.</p>

	<p>The hereby approved Noise Management Plan shall be adhered to at all times thereafter.</p> <p>Reason: Protection of residents against adverse noise impact.</p>
11.4	<p>Prior to operation of the hereby approved bar/restaurant the applicant shall submit to planning service, for review and approval in writing, a noise verification report. The verification report shall confirm the maximum permissible internal music level as well as confirm the details of the music limiting technology installed to ensure a maximum level across 1/1octave bands will not be exceeded. The verification report shall include noise measurements, and calculations where necessary, taken by a competent acoustic consultant which demonstrates compliance with noise rating curve NR15 across octave centre frequency bands inside habitable rooms of nearby sensitive receptors after 11pm while music is being played within the bar/restaurant.</p> <p>Reason: Protection of residents against adverse noise impact.</p>
11.5	<p>The maximum permissible music noise level from any amplified sound as presented in the verification report, once approved, within the hereby permitted bar/restaurant shall not be exceeded at all times thereafter to ensure the noise levels across octave centre frequency bands (Leq) will not exceed NR15 target levels inside habitable rooms of nearby sensitive residential premises</p> <p>Reason: Protection of residents against adverse noise impact.</p>
Notification to Department (if relevant): No	
Representations from Elected members: None	



Subject:	Delegation of Local applications with NI Water objections
Date:	27 June 2022
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Kelly Mills (Principal Planning Officer)

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

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To seek the Planning Committee's agreement to delegate to officers those Local planning applications to which NI Water has objected as set out at Appendix 1 .
1.2	For the avoidance of doubt, it is only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water which are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it may later transpire require to be referred to the Committee for other reason/s (other than the NI Water objection) will be reported to the Committee to determine.
1.3	Delegated authority is sought to determine only those Local applications listed at Appendix 1 . If necessary, a further report will be brought to the Committee seeking delegated authority to determine an updated list of Local applications with NIW objections.

2.0	Recommendation
2.1	That the Committee agrees to delegate those Local planning applications to which NI Water has objected as set out at Appendix 1 .
3.0	Main Report
3.1	<p><u>Background</u></p> <p>The Committee will be aware from the Committee Workshop on 18 November 2021 that NI Water has objected to a significant number of Local applications on grounds of insufficient waste-water infrastructure capacity.</p>
3.2	<p>As advised at the Committee Workshop, officers have been engaging with NI Water over the past several months to try to resolve those objections. Whilst progress is being made, and NI Water is actively considering a threshold for the scale and nature of development above which they would like to be consulted on future planning application, the objections to these Local applications remain.</p> <p><u>Scheme of Delegation</u></p>
3.3	Members will be aware that the Council operates a Scheme of Delegation for Planning which identifies which matters are to be determined by the Committee and which are delegated to officers.
3.4	Paragraph 3.8.5 (f) of the Scheme of Delegation (January 2020) states that planning applications are not delegated where <i>'There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.'</i> This means that those applications are required to be determined by the Planning Committee.
3.5	The Planning (General Permitted Development) Order (Northern Ireland) 2016 identifies NI Water as a statutory consultee <i>'...where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.'</i>
3.6	This means that where NI Water has lodged an objection to a Local application and the officer recommendation is to approve, the application cannot be delegated and must be determined by the Committee.
3.7	There are currently 97 undetermined planning applications subject to NIW objections, for which officers could, in theory, recommend for approval. In accordance with the Scheme of Delegation, should all those applications be recommended for approval, all 97 applications would need to be reported to the Committee for a decision. It would be logistically extremely difficult to report all 97 applications individually, potentially requiring several sittings of the Planning Committee to hear each of the applications. This would be both costly and time consuming, as well as causing further delays for applicants in circumstances where officers do not consider the objections from NI Water to be reasonable.
3.8	Therefore, delegated authority is sought to determine those applications on a case by case basis.
3.9	<p><u>Nature of NI Water objections</u></p> <p>NI Water has lodged objections to Local applications for one or both of the following reasons.</p>

	<p>a) There is insufficient capacity at the local Waste Water Treatment Plant to support the proposed development; and/or</p> <p>b) There is insufficient network capacity within existing Combined Storm Overflows to support the development.</p>
3.10	In broad terms, NI Water is concerned that a lack of infrastructure capacity would give rise to risk of environmental harm including pollution, flooding and adverse impact on existing property. In some cases, NI Water is concerned that the application site may be hydrologically linked to Belfast Lough and may harm its water quality.
3.11	However, despite requests, NI Water has to date not provided robust evidence to support their objections including demonstration of actual specific impacts resulting from individual proposals that stems from their broad concerns outlined above.
3.12	Importantly, allowance must be made for existing significant committed development across the city including extant planning permissions. It is highly unlikely that all such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will come forward at once, if at all. In practical terms it would be unreasonable for the Council to withhold planning permission given the fall-back of the need to connect those developments to existing waste water infrastructure.
3.13	In the case of Waste Water Treatment capacity, NI Water advises that there will be increased capacity from July 2023, albeit this will not be sufficient to address long term waste water treatment plant infrastructure requirements.
3.14	The Council must be mindful that were it to refuse planning permission based on NI Water's concerns, it would need to provide robust evidence to the Planning Appeals Commission in the event that the applicant appeals the decision. In the absence of robust evidence, it would be unreasonable to refuse planning permission.
	<u>Habitats Regulations Assessment</u>
3.15	Officers have met with Shared Environmental Services (SES). Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also "in combination" impacts with other development.
3.16	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a "significant effect" on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This would also trigger statutory consultation with DAERA NI Environment Agency. The Planning Service will consult SES and DAERA on a case by case basis as required.

	<u>Local applications for which delegated authority is sought to determine</u>
3.17	The Local applications to which NI Water has objected and which delegated authority is sought to determine are listed at Appendix 1 .
3.18	It should be noted that only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it transpires need to be referred to the Committee for other reason/s under the Scheme of Delegation will be reported to the Committee to determine.
4.0	Financial & Resource Implications
4.1	Officers are aware of the infrastructure issues which NI Water are facing and have had regard to that in making this recommendation to Committee. However, each application must be assessed on its own merits and officers have sought detailed evidence to support the objections which have been provided by NI Water. That has not been forthcoming.
4.2	The cost and resources involved in individually reporting all Local applications to which NI Water has objected to the Planning Committee would be considerable. It would also require several additional sittings of the Committee.
4.3	Regard is also had to the considerable current pressures on the Planning Service and staff with an unprecedented high volume of live applications on hand due to the impacts of COVID-19. This was reported in detail to the 15 th February Planning Committee, item 12a . (hyperlink). The Committee will be aware that following the initial lock-down in March 2020, Council offices were closed for a time when it was not possible to receive or process applications. Site visits were initially suspended for health and safety reasons. New IT infrastructure had to be rolled out to support staff working remotely. Some staff were furloughed for a period. The knock-on impact has been that live application numbers have risen by approximately 35% from around 900 pre-pandemic to approximately 1,200. This has also been exacerbated by significant ongoing consultee delays. Whilst incoming applications and outgoing decisions has normalised, it has proven very difficult to shift the “backlog” caused by the pandemic. Current work volumes are unsustainable on the Planning Service and its staff.
4.4	For the reasons set out above, officers are of the view that it would be appropriate to delegate these applications.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	Appendix 1 – List of Local applications which are proposed to be delegated to officers to determine.

Appendix 1 – Local applications with NIW objections (June 2022)

	DEA	REFERENCE	DATE RECEIVED	PROPOSED	ADDRESS
1	Botanic	LA04/2021/1285/F	25/05/2021	Demolition with retention of front facade and erection of 3no. apartments.	26 Rugby Avenue Belfast BT7 1RG
2	Balmoral	LA04/2021/1267/F	08/06/2021	Erection of 2 storey building for hot food bar and restaurant at ground floor	32c Upper Malone Road Belfast BT9 5NA
3	Castle	LA04/2021/1842/F	08/09/2021	Change of use of existing property to licensed restaurant with erection of new full height kitchen extract flue to rear; installation of new shop front to front.	Unit 2 Warehouse Lane Waring Street Belfast BT1 2DX
4	Balmoral	LA04/2022/0367/RM	16/02/2022	New dwelling & garage in an existing cluster (in lieu of extant outline approval LA04/2019/0355/O).	Lands adjoining & north of 55 & 57 Ballylesson Road & south of 9 Ballynahatty Road Belfast.
5	Castle	LA04/2021/2704/F	06/12/2021	Proposed development of 2No. dwellings (semi-detached).	Land adjacent to No. 54 Cavehill Road Belfast BT15 5BT.
6	Ormiston	LA04/2020/2310/O	04/11/2020	Proposal for a 1.5 storey detached house, with a new private access off Cedar Grove with a double garage	Lands North of 186 Old Hollywood Road Knockagoney Holywood BT189QB.
7	Ormiston	LA04/2021/0604/O	08/03/2021	Erection of a detached dwelling in side garden area.	Lands approx. 2m South east of 112 Orangefield Road Belfast BT5 6DD.
8	Ormiston	LA04/2021/0889/F	08/04/2021	Detached 2 storey dwelling and integrated garage with independent driveway access to Cloverhill Park.	Garden of dwelling at 35 Cloverhill Park, Belfast BT4 2JW.
9	Castle	LA04/2021/2219/F	07/10/2021	Change of use of ground floor from residential to retail unit with new shopfront; 2no. 1 bed apartments on the 1st and 2nd floor; 3 storey rear extension with first floor rear terrace and roof alterations	162 North Queen Street BELFAST BT15 1HQ
10	Oldpark	LA04/2021/2343/F	18/10/2021	Proposed erection of new 1no. three storey terrace dwelling.	126 Duncairn Gardens Belfast BT15 2GL
11	Castle	LA04/2021/2801/F	10/02/2022	Demolition of existing dwelling and construction of 2 no. New detached dwellings, associated detached garages and landscaping.	514 Antrim Road Belfast BT15 5GG

12	Ormiston	LA04/2021/0874/O	13/04/2021	Proposed 2 storey dwelling house and garage.	Land to rear of (Access via Marfield Drive) 186 Lower Braniel Road Belfast BT5 7NH.
13	Oldpark	LA04/2021/1276/F	18/05/2021	Construction of vertical extensions on the two existing rear apartment blocks 1 more apartment to each (2no. in total), replacing existing roof terraces.	45 Little Donegall Street Belfast BT1 2JD.
14	Castle	LA04/2021/1705/F	07/07/2021	Demolition of existing commercial & office premises and erection of 2 no. commercial units and 6 no. apartments (four 2 bed & two 1 bed), including the creation of a new access and in curtilage parking	158 Cavehill Road Belfast BT15 5EX
15	Titanic	LA04/2021/2647/F	09/11/2021	Change of use from offices to two self contained apartments (1no. one bed & 1no. three bed). Amended Description	155 Bloomfield Avenue Belfast BT5 5DZ.
16	Ormiston	LA04/2021/2447/F	15/11/2021	1no. detached (3 bed) and 2no. semi-detached (3 bed) 2-storey dwellings to the side and rear of existing dwelling	Land to the side and rear of 184 Lower Braniel Road Belfast BT5 7NH
17	Titanic	LA04/2021/2834/F	15/12/2021	Change of use from retail premises to 2No. apartments including first floor rear extension.	29 Castlereagh Road Belfast BT5 5FB.
18	Lisnasharragh	LA04/2022/0992/O	04/05/2022	Proposed dwelling	20M North of 14 Galwally Park Belfast BT8 6AH
19	Lisnasharragh	LA04/2022/0068/F	05/01/2022	Erection of a new storage/distribution unit with mezzanine	5 Prince Regent Road Belfast BT5 6QR
20	Ormiston	LA04/2022/0061/F	15/12/2021	Proposed amendments to previously approved application for 4 No. detached dwellings under Z/2014/1341/F	484 Upper Newtownards Road Belfast BT4 3GZ
21	Lisnasharragh	LA04/2020/2285/O	18/11/2020	Two Storey detached dwelling with garden and associated parking	Land adjacent to 39 & 40 Stirling Road Belfast BT6 9LX
22	Oldpark	LA04/2021/0441/F	08/03/2021	Construction of mixed use development including ground floor retail unit and six apartments above comprising five 2 bedroom and one 1 bedroom with associated access stair, lift, cycle and bin storage	3 Pim Street Antrim Road Belfast BT15 2BN

23	Titanic	LA04/2021/0651/F	15/03/2021	6 No. 1 bedroom apartments with associated site amenity space.	Vacant land at corner of Dundela Avenue & Dundela Crescent Belfast BT4.
24	Oldpark	LA04/2021/1152/F	27/05/2021	Change of use of ground floor 11 Union Street from taxi office to restaurant with a ground floor single storey extension, change of use of 1st and 2nd floor 11 Union Street to 2 1 bed apartments accessed via first floor open deck at 45 Little Donegall Street and an extension of metal gantry at 2nd floor level	45 Little Donegall St BT1 2JD and 11 Union St BT1 2JF
25	Titanic	LA04/2021/1384/F	28/05/2021	Demolition of garage block and replacement with 2no. three storey 3-bed townhouses and associated site works.	Lands 15m south of 48 Finvoy Street Belfast
26	Titanic	LA04/2021/1425/F	08/06/2021	Change of use from commercial and residential use to 4no apartments with facade alterations.	58 Upper Newtownards Road & 34 Grampian Avenue Belfast BT4 3EN.
27	Titanic	LA04/2021/1618/F	08/06/2021	Proposed redevelopment of existing commercial, B2 listed, vacant bank building to include change of use of part ground, entire first and second floor to 11.no. self contained short stay apartments. (Amended Description)	142-146 Albertbridge Road Belfast BT5 4GS.
28	Lisnasharragh	LA04/2021/1701/F	22/07/2021	Demolition of 430 & 432 Woodstock Road and erection of new 2 storey building to accommodate 1no retail unit, 2no one bedroom apartments and 2 no two bedroom apartments with ancillary accommodation bin store and cycle parking	430-432 Woodstock Road Belfast BT6 9DR
29	Titanic	LA04/2021/2174/F	26/08/2021	Change of use on ground floor from office space to coffee & record shop to include renovation and one storey rear extension with associated ancillary works. Change of use on first floor from office space to 1No. one bedroom apartment including change to shop front to include new entrance door to apartment.	381 Beersbridge Road Belfast BT5 5DT.
30	Lisnasharragh	LA04/2021/2200/F	27/09/2021	Removal of existing garage, replacing with new two storey dwelling. Retaining existing vehicle entrance for the new dwelling and introducing new vehicle entrance	1 Chesham Terrace Belfast BT6 8GY

31	Castle	LA04/2021/1854/F	29/09/2021	Proposed extension and alterations to form 6no. self contained flats.	336 Antrim Road Belfast BT15 5AB
32	Titanic	LA04/2022/0461/F	15/03/2022	Change of use from commercial use to 2no bed apartment on first and second floor.	352 Newtownards Road Belfast BT4 1HG
33	Titanic	LA04/2022/0719/F	10/05/2022	Change of use from vacant shop to public house to facilitate extension of Prince Albert Bar.	363-365 Newtownards Road Belfast.
34	Black Mountain	LA04/2022/0929/F	18/05/2022	Proposed alterations to existing Social Club to provide extensions to Main Hall, lounge with new external entrance, bar with covered seated patio area, smoking area and boundary wall removal.	Andersonstown Social Club South Link Andersonstown Belfast BT11 8GX
35	Court	LA04/2020/2218/F	23/11/2020	Proposed 2 storey extension to provide 6 commercial units (Class B2) and 3.4m boundary wall (amended plans - reduced site)	Unit 4 Agnes Street Industrial Estate Belfast BT13 1GB
36	Botanic	LA04/2021/0263/F	09/02/2021	Proposed extension and change of use of HMO to 6 no. 1 bedroom apartments (amended description)	32 Canterbury Street Belfast BT7 1LB
37	Black Mountain	LA04/2021/1700/F	07/07/2021	Demolition of existing office premises and construction of apartment block of 15 no. units (social housing cat 1-active elderly)	218-226 Falls Road Belfast BT12 6AH
38	Oldpark	LA04/2021/2126/F	17/09/2021	Demolition of existing Flax Centre building to provide a residential development for social housing use comprising 45no. units - 27no. houses & 18no. apartments with associated site works including new landscaping, road access, car parking and open space provision.	Lands at and surrounding The Flax Centre Ardoyne Avenue Belfast BT14 7DA.
39	Castle	LA04/2021/2181/F	01/11/2021	Construction of mixed use development comprising of ground floor retail unit & 8no apartments	448 Shore Road Belfast
40	Castle	LA04/2021/2756/F	16/11/2021	Alteration & refurbishment, with change-of-use, of existing commercial premises to 6No 1-bed apartments with 2No integral garages.	61 Alexandra Park Avenue Belfast BT15 4ES.
41	Court	LA04/2021/2618/F	02/12/2021	Demolition of existing hall and construction of 3No. two storey terraced dwellings including alterations to existing entrance, and removal of existing entrance.	55 Disreali Street Belfast BT13 3HW.
42	Court	LA04/2022/0207/F	19/01/2022	Proposed change of use from D1 use class (church halls) to B1(a) use class (offices) with ancillary storage/green room (amended description) .	The Old School House Townsend Street Presbyterian Church 32 Townsend St

43	Court	LA04/2022/0777/O	08/03/2022	7No. houses including 6 townhouses and 1 detached house.	Lands at 13 Barrack Street Belfast BT12 4AH.
44	Castle	LA04/2022/0568/F	31/03/2022	Change of use from dwelling to 6No. flats including 4No. 1 bedroom flats & 2No. 2 bedroom flats.	381 Antrim Road Belfast BT15 3BG.
45	Castle	LA04/2022/0097/F	04/04/2022	Proposed three and a half storey residential development comprising of 18no. units (3no. wheelchair apartments and 15no. Category 1) and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping works.	22-30 Hopefield Avenue Belfast BT15 5AP
46	Balmoral	LA04/2021/0686/F	12/03/2021	Replacement of existing dwelling with 2no detached dwellings with associated landscape works. The proposal will be utilizing the existing accesses on Newforge Lane and Piney Lane	28 Piney Lane Belfast BT9 5QS
47	Botanic	LA04/2021/1288/F	26/03/2021	Demolition with retention of front facade and erection of 2no. apartments.	1 Damascus Street Belfast BT7 1QQ.
48	Botanic	LA04/2021/0992/F	15/06/2021	Erection of a two storey dwelling and alterations to roof of No 15 Donegal! Parade.	Land adjacent to 15 Donegal! Parade Belfast BT12 6NW
49	Botanic	LA04/2021/2056/O	18/08/2021	Demolition of existing warehouse and erection of 2no. 3 bedroom semi-detached dwellings with front and rear gardens.	22 Rydalmere Street Belfast BT12 6GF.
50	Botanic	LA04/2021/2022/F	19/08/2021	First & Second Floor addition above existing single storey return to accommodate 2no. new short term stay apartments.	140 Lisburn Road Belfast BT9 6AJ
51	Botanic	LA04/2021/2396/F	11/10/2021	Conversion, alteration and demolition of rear return of former office building to 6No. apartments and construction of 30No. apartments, parking and associated developments.	Land to the west and including No. 81 University Street Belfast.
52	Botanic	LA04/2021/2308/O	25/10/2021	Proposed erection of 2no 3 bedroom townhouses with associated alterations to 232 Tate Avenue and change of use from veterinary practice and 1st floor apartment to dwelling	232 to 236 Tate Avenue Belfast BT12 6NB
53	Balmoral	LA04/2021/2440/F	03/12/2021	Proposed demolition of existing dwelling and garage to allow for the erection of a new semi-detached dwelling and two apartments.	362 Lisburn Road Belfast BT9 5GL

54	Botanic	LA04/2021/2796/F	07/12/2021	Proposed five storey building containing 4 apartments.	40-42 Kensington Street Donegall Road Belfast BT12
55	Botanic	LA04/2021/2839/F	13/12/2021	Proposed change of use from offices to 17no. 1 bedroom and 2no. 2 bedroom apartments with alterations to rear facade and dormers.	29-32 College Gardens Belfast BT9 6BT
56	Botanic	LA04/2022/0075/F	30/12/2021	Change of use and conversion of existing first and second floors to 6no. 1 bed apartments and amendments to existing rear fire escape.	7-11 Botanic Avenue Belfast BT7 1JQ
57	Castle	LA04/2022/0077/F	21/01/2022	The proposed erection of 2no. apartment buildings comprising a total of 18no. apartments units (building 1; 6 units, Building 2; 12 Units) of traditional construction over two and a half storeys, with associated car parking, site and landscaping works and the alteration of an existing vehicular access.	100 Whitewell Road Newtownabbey BT36 7ER
58	Balmoral	LA04/2022/0422/F	01/03/2022	Change of use from assisted living accommodation (use class C3) to HMO (sui generis use).	430 Lisburn Road Belfast BT9 6GN
59	Botanic	LA04/2022/0550/F	21/03/2022	Proposed change of use from bank/offices to ground floor retail and 9no. apartments.	185-189 Lisburn Road Belfast BT9 7AJ
60	Titanic	LA04/2022/0731/F	12/04/2022	Change of Use of an existing guest house to provide 3 no. apartments on ground floor and the change of use of 10 no. existing guest house bedrooms to provide 1 no. eight-bed HMO development on the first and second floor, and minor alterations to existing ground floor and associated works.	254 Ravenhill Road Belfast BT6 8GJ.
61	Botanic	LA04/2021/0260/F	19/01/2021	Change of use from office to residential to include refurbishment of listed building and conversion to 1 No. 2bed apartment at ground floor, 2 No. 1 bed apartments at first floor and 2 No. 1 bed apartments at second floor level. Extension to second floor level back return (Amended drawings and additional information)	4 Lower Crescent Belfast BT7 1NR

62	Balmoral	LA04/2021/0687/F	04/03/2021	Proposed demolition of 5no dwellings (nos2,8,10,12 & 14 Piney Hills) to facilitate proposed residential development of 11no detached dwellings and garages, new access road and all associated site works (Amended plans)	Lands at Nos 2 8, 10 12 & 14 Piney Hills Belfast (including lands adjacent and south of Nos 11-23 Newforge Lane Belfast)
63	Botanic	LA04/2021/1588/F	15/07/2021	Part change of use from Church minor halls to 1 no. 4 bedroom apartment and 1 no. 1 bedroom apartment, internal reconfiguration of existing church hall along with elevational alterations (Amended drawings / additional information)	Ballynafeigh Methodist Church 469 Ormeau Road Belfast BT7 3GR.
64	Botanic	LA04/2022/0047/F	12/01/2022	Proposed change of use from residential care home to ten no. apartments including proposed first floor rear extension, elevational changes, internal reconfiguration, car parking, amenity space, bicycle stands and ancillary site works (Amended Drawings)	22-24 Windsor Park Malone Lower Belfast BT9 6FR
65	Titanic	LA04/2021/2304/F	07/10/2021	Creation of new Storage facility and 24 no. space car park to accomodate NIEA and Rivers Agency responding to flooding and enviromental emergencies.	1A Airport Road Belfast BT3 9DY
66	Botanic	LA04/2020/1437/F	05/11/2020	Proposed renovation and extension to provide 9 no apartments. (amended description & plans)	12 Windsor Avenue Belfast BT9 6EE
67	Botanic	LA04/2020/2065/DCA	05/11/2020	Proposed renovation and extension to provide 9No. apartments.	12 Windsor Avenue Belfast BT9 6EE
68	Court	LA04/2020/2332/F	24/11/2020	Proposed development of 2 No. Retail units & 4No. 2 Bed apartments to upper floors	7-11 Woodvale Road Belfast BT13 3BN
69	Balmoral	LA04/2020/2596/DCA	11/12/2020	Proposed part demolition for change of use from guest house plus refurbishment, alterations and extensions to form 9no apartments and associated site works.	356-358 Lisburn Road Belfast BT9 6GJ
70	Botanic	LA04/2021/0004/F	18/12/2020	New infill 2.5 storey dwelling house with single storey ground floor store and living space to include new pedestrian and vehicular access onto Dermore Drive. (amended plans)	Side garden of No 25 Dermore Drive Belfast BT9 5JR

71	Botanic	LA04/2021/0315/F	23/01/2021	Demolition of both existing two storey rear returns. Construction of 2 storey returns on similar footprints as 4no 1 bed apartments. Renovation and remodelling of existing 3 storey building as 12no 1 bed apartments. Associated site works	37-39 Wellington Park Belfast BT9 6DN
72	Botanic	LA04/2021/2420/F	20/02/2021	Conversion of existing dwelling to 2No. dwellings with associated rear extension and ancillary works.	6 Chlorine Gardens Belfast BT9 5DJ.
73	Botanic	LA04/2021/0472/F	22/02/2021	Renewal of planning application LA04/2015/0494/F. Demolition of two storey returns and part interior, Change of use from one HMO house and four flats (two in HMO use) to eighteen (1 Bed) flats including alterations and new three and a half storey extension.	22-28 University Street Belfast BT7 1FY.
74	Balmoral	LA04/2021/2393/F	02/11/2021	Change of use Grade B2 listed Church and ancillary offices to a dwelling-house (use class c1) with works to include alterations and reconfiguration of internal layout, repointing of brickwork, repair and/or replace windows, doors and roof; provision of solar panels, and the erection of a detached single storey garage, canopy to rear entrance door masonry and timber enclosure to form a rear courtyard and associated landscape works.	28-32 Annadale Avenue Belfast BT7 3JJ
75	Botanic	LA04/2021/1677/F	21/07/2021	Change of use to restaurant works to include ground floor extension to front connection into restaurant at no 40b. Demolition of dilapidated two storey rear return and the construction of three storey rear return for restaurant extension	40c Donegall Pass Belfast BT7 1BS
76	Balmoral	LA04/2022/0130/F	17/01/2022	Change of use and alterations from domestic garage to a self contained residential unit, associated access and landscaping.	Land to rear of 46 Sicily Park Belfast BT10 0AA.
77	Botanic	LA04/2021/0004/F	18/12/2020	New infill 2.5 storey dwelling house with single storey ground floor store and living space to include new pedestrian and vehicular access onto Dermore Drive. (amended plans)	Side garden of No 25 Dermore Drive Belfast BT9 5JR
78	Oldpark	LA04/2021/0535/F	26/02/2021	Demolition of existing building and erection of 4no. 1 bedroom apartments and 1 no. 2 bedroom apartment in a 3 storey building (amended proposal)	371 Oldpark Road Belfast BT14 6QS

79	Ormiston	LA04/2021/0908/F	01/04/2021	Proposed construction of 4no. apartments with associated car parking and landscaping.	Parklands on lands west of numbers 70 to 76 Knocknagoney Road Knocknagoney Belfast
80	Botanic	LA04/2021/1112/F	20/04/2021	Proposed change of use from retail to restaurant at ground floor and 12no. apartments at first to fourth floors (including demolition of internal walls, stairwell, rear return and window openings) and refurbishment works.(amended description)	31-39 Royal Avenue Belfast BT1 1FD
81	Titanic	LA04/2021/0502/F	20/04/2021	Change of use for upper floors of the former Ulster Bank building at 431-441 Newtownards Road Belfast, from current use class chartered surveyors/engineer's premises (Class B1 Use) into 7 apartments (Class C1 use) 5x 1bed & 2 2xbed	431-441 Newtownards Road Belfast Co. Antrim BT4 1PG
82	Ormiston	LA04/2021/1231/O	11/05/2021	Demolition of existing buildings and erection of 36 No. apartments in 2 blocks rising to 3 storeys with associated basement car parking, and landscaped areas	385 Holywood Road Ballymisert Belfast BT4 2LS
83	Titanic	LA04/2021/1127/F	14/05/2021	Proposed change of use from a Church to Office space.	122-128 Ravenhill Road Belfast BT6 8ED
84	Titanic	LA04/2021/1406/O	17/05/2021	Demolition of the existing building and the erection of a 3 storey apartment building and all associated works.	3 Lord Street Ballymacarret Belfast BT5 4QG.
85	Ormiston	LA04/2021/2030/F	02/08/2021	Proposed construction of 8no. apartments with associated car parking and landscaping.	Parklands lands west of numbers 70 to 76 Knocknagoney Road Knocknagoney Belfast.
86	Titanic	LA04/2021/1749/F	18/08/2021	Demolition of existing hall buildings and ancillary facilities with the construction of 32no. social housing units in 5no. blocks (to include 2no. wheelchair accessible apartments, 8no. general needs apartments, and 22no. category 1 (elderly apartments) with associated car parking, site works and public (landscaped) open space.	Mount Masonic Hall Park Avenue Heights Belfast BT4 1PU
87	Black Mountain	LA04/2021/2138/O	10/09/2021	Construction of new dwelling house	Site between 64 and 66 Norglen Parade Belfast BT11

88	Castle	LA04/2021/2285/F	30/09/2021	Proposed 2.5 storey residential apartment building comprising 11 No. apartments (social), amenity space, landscaping, access, parking and ancillary site works (Amended Plans)	29 Parkside Gardens Belfast Co. Antrim BT15 SAW
89	Black Mountain	LA04/2021/2424/F	08/12/2021	Proposed change of use from vacant office to 2no. apartments at 1st and 2nd floor level, and the proposed extraction unit on ground floor for takeaway and rear yard access.	197 Falls Road Belfast BT12 6FB (first and second floors)
90	Titanic	LA04/2021/2832/F	18/12/2021	Change of use from offices to 4No. residential units including small ground floor rear extension and erection of boundary treatment to front elevation to create garden space.	337-339 Woodstock Road Belfast BT6 8NB.
91	Titanic	LA04/2022/0118/F	13/01/2022	The proposed erection of 46No. apartment units over three story's, with associated car parking site and landscaping works and the alteration of an existing vehicular access.	146 Parkgate Avenue Strandtown Belfast BT4 1JD.
92	Titanic	LA04/2022/0209/F	28/01/2022	proposed development of 31No. social housing units comprising of 16No. apartments and 15No. townhouses, car parking, landscaping and all associated site and access works.	Lands at Nos. 176-184 and No. 202 Woodstock Road and Nos. 2-20 Beersbridge Road Belfast.
93	Ormiston	LA04/2022/0457/F	01/03/2022	Partial demolition of existing building, change of use from care home to 6No. apartments, erection of a 2 1/2 storey detached block NE to provide a further 6No. apartments and erection of 2No. semi detached dwellings with associated car parking and landscaping.	2 Cherryvalley Park Belfast BT5 6PL.
94	Titanic	LA04/2022/0428/F	16/03/2022	Proposed erection of 13 no. apartments with associated amenity space, car parking, landscaping and access arrangements from Mountpottinger Road.	Lands immediately south of the junction of Mountpottinger Road and Mountpottinger Link and east of Short Strand Bus Station Belfast BT5 4LA.
95	Titanic	LA04/2022/0651/F	30/03/2022	Erection of 16no apartments with associated car parking and landscaping	6 - 20 Bloomfield Avenue Belfast BT5 5AD.

96	Castle	LA04/2022/0841/F	05/04/2022	Demolition of existing building at No. 779 Antrim Road and erection 22 no. two bed and 8 no. one bed apartments (30 in total), landscaping, car parking and all associated works	779-781 Antrim Road Belfast BT36 7PW
97	Black Mountain	LA04/2021/1447/F	02/06/2021	28 house development, mixed of social housing [to rent] and affordable housing [to purchase] including provision of new access, below ground pumping station, open space and landscape (Amended drawings / Additional information)	Lands to NE of 265 Whiterock Road Ballymurphy Belfast BT12 7FZ

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