

Public Document Pack

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



**Belfast
City Council**

22nd June, 2022

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:

1. Routine Matters

- (a) Apologies
- (b) Declarations of Interest

2. Proposed Abandonment (Pages 1 - 2)

3. Planning Applications

- (a) (Reconsidered Item) LA04/2020/1959/F - New parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture on site including vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver (Pages 3 - 88)

- (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 89 - 136)
- (c) LA04/2019/1819/F & LA04/2019/1820/DCA - Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear at 28 Malone Park (Pages 137 - 192)
- (d) LA04/2022/0140/F - Change of use from an indoor trampoline park to retail, Units E-F, Westwood Shopping Centre, 51 Kennedy Way (Pages 193 - 216)
- (e) LA04/2021/1672/O - Hybrid planning permission for mixed use development on lands at the Gasworks Northern Fringe site (Pages 217 - 256)
- (f) LA04/2022/0535/F & LA04/2022/0468/DCA - Re-cladding of the exterior of the former BHS building at 13-25 Castle Lane Belfast (Pages 257 - 292)
- (g) LA04/2021/1231/O - Demolition of existing buildings and erection of 36. apartments in 2 blocks at 385 Holywood Road (Pages 293 - 314)
- (h) LA04/2021/2519/F - Variation of Condition relating to Operating Hours at Former Church of the Holy Rosary, 348-350 Ormeau Road (Pages 315 - 320)

4. **Miscellaneous Items**

- (a) Local Applications with NI Water Objections (Pages 321 - 336)
- (b) Updated Schedule of Planning Committee Workshops (Pages 337 - 340)

5. **Restricted Item**

- (a) Update on Planning Portal replacement IT system (Pages 341 - 354)

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Your Ref:

Our Ref: MD2/Z/03/1075

Date: 13 June 2022

Dear Sir/Madam

ROADS (NI) ORDER 1993
PROPOSED ABANDONMENT AT SHAWS BRIDGE, BELFAST

Department for Infrastructure are proposing to abandon the land as shown hatched/highlighted on the attached map.

The abandonment is necessary to remove public rights of way over land no longer owned by the Department.

Please let me have your comments on the above proposal.

If I do not receive your reply I shall assume you have no objection and will proceed accordingly.

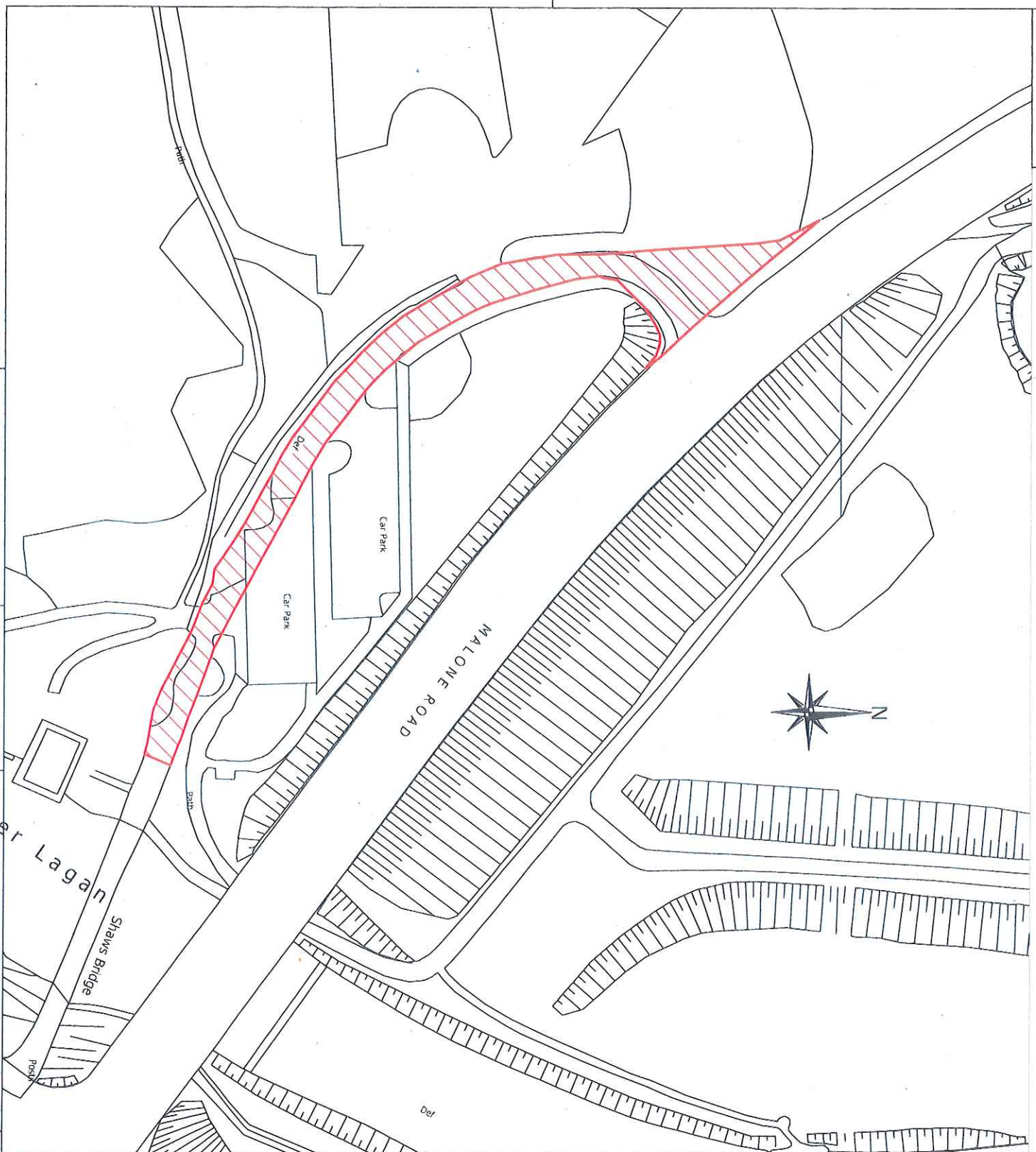
Yours faithfully



Sandra Connolly
Lands Section

ENC





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Notes:



Area = 1721.234 Sq.m.

Map Refs:-

147-9-SW1
147-9-SW3

NO	REVISION	DATE

Disposal of Lands

Title:

Drawing Title

FILE NO	DESIGNED	J.B.G.	DATE	6/12/18
DRAWN	CHECKED	INIT	DATE	00/00/00
TRACED	APPROVED	INIT	DATE	00/00/00

Dwg No	Revision
Dwg No.	0

Scale: 1:1250

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ADDENDUM REPORT

Committee Meeting Date:	27 th June 2022
Application ID:	LA04/2020/1959/F
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) – foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
Referral Route: Application for Major development. Belfast City Council as applicant.	
Recommendation: Approval subject to Conditions	
Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
<p>ADDENDUM REPORT</p> <p>This planning application was to be considered by the Planning Committee at its meeting on 14th June 2022. However, the Committee agreed to defer consideration to the Special Meeting on 27th June 2022 in order to allow the objectors more time to consider the Case officer's report and the Judicial Review findings.</p> <p>This addendum report should be read in conjunction with the report to the 14th June 2022 Committee and Late items report to that meeting, a copy of which are appended.</p> <p>The recommendation remains that planning permission should be granted for the reasons set out in the report to the 14th June 2022 Committee. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.</p>	

Planning Committee Development Management Officer Report

Committee Meeting Date:	14 th June 2022
Application ID:	LA04/2020/1959/F
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) – foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
Referral Route: Application for Major development. Belfast City Council as applicant.	
Recommendation: Approval subject to Conditions	
Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
Background <ol style="list-style-type: none"> 1. This planning application was first considered by the Planning Committee at its meeting on 14th September 2021 following a Committee site visit on 9th September 2021. The Committee resolved to grant conditional planning permission with the final wording of conditions delegated to the Director of Planning and Building Control. 2. The Council issued the decision notice on 25th January 2022. The decision was subsequently subject to Judicial Review which the Council conceded. 3. The Judicial Review was conceded on one ground of illegality, which specifically related to the misinterpretation of Belfast Urban Area Plan 2001 (BUAP) and the erroneous introduction of “complementary” as a relevant planning test, where the BUAP uses only the term “ancillary.” 4. The Council’s decision to grant planning permission was quashed and the status of the application has reverted to “undetermined”. The application is reported back to the Committee so that it can make a new decision. 5. This report has considered the wider grounds of challenge contained in the judicial review. The judicial review raised a number of planning policy issues and, although the challenge was conceded on the narrow ground noted above, there were other grounds raised. In particular a detailed report was submitted by the challenger’s planning consultants that raised a number of policy issues. That report is attached to this report at Appendix 4 for ease of reference. Briefly the grounds of challenge were: 	

- a) The approach to and interpretation of the BUAP, and in particular Policy IND6;
 - b) The approach to and interpretation of the draft BMAP;
 - c) The approach to and interpretation of Planning Policy Statement 4, Policy PED 7;
 - d) The approach to and interpretation of the Strategic Planning Policy Statement (“SPPS”) paragraph 6.39;
 - e) The parkland application and the scale of proposed development compared to the green way referenced in the draft Belfast Metropolitan Area Plan (“draft BMAP”);
 - f) Relatedly the approach to BUAP R3 and draft BMAP OS policy; and
 - g) the creation of parkland, as proposed, was the delivery of a community greenway misinterpreting BUAP Policy R3 and BMAP Policy OS 1.
6. This is a new case officer report which undertakes a fresh assessment of the application, having regard to the issues raised in the Judicial Review. Planning policies which are particularly relevant to consideration of the application are listed in full at **Appendix 1**.
7. By way of background, a copy of the original case officer report to the 14th September 2022 Committee is provided at **Appendix 2**. A copy of the Late items report to the same Committee is provided at **Appendix 3**.

Description of the Site

8. The site location plan is reproduced below.

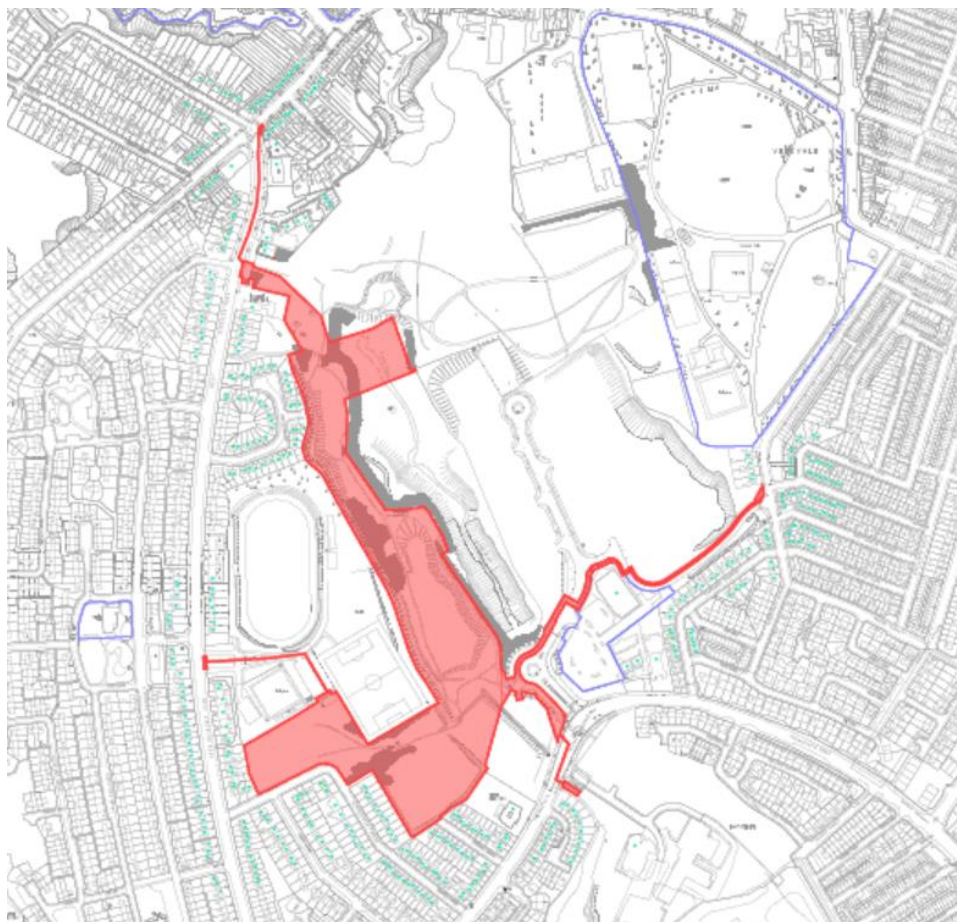


Figure 1: Site Location Plan

9. The application site comprises approximately 6 hectares (ha) of undeveloped land in the west of the city. The site is located to east of West Circular Road, south of Ballygomartin Road and north of Springfield Road.
10. The site is located to the west of the former industrial Mackies site and extends from West Circular Road to the north and Springfield Road to the south. It also connects to West Circular Road to the west and Woodvale Avenue to the east.
11. The site is a large area of open land, characterised by grassed areas, planting and a variety of trees, and includes the Forth River ravine to the east of the site. Paisley Park track and infield pitch and Albert Foundry Bowling Club are adjacent to the site curtilage to the west. There is a large area of flat open land to the east, which once formed the industrial Mackies site but has since been cleared. A new distributor road has been formed into that land to the east to provide access to this part of the employment zoning. The Innovation Factory which provides workspace and support to entrepreneurs, is situated immediately adjacent to the site, to the south east.
12. Further to the north, west, south and east of the site is housing. A Tesco supermarket is located off Ballygomartin Road further to the north east.

Description of the Proposed Development

13. The application seeks full planning permission for a parkland including foot and cycle pathways, lighting columns, new entrances and street furniture.
14. The proposal forms Section 2 of the wider Forth Meadow Community Greenway, which is intended to provide connectivity through the west and north of the city, see Figure 1 below.

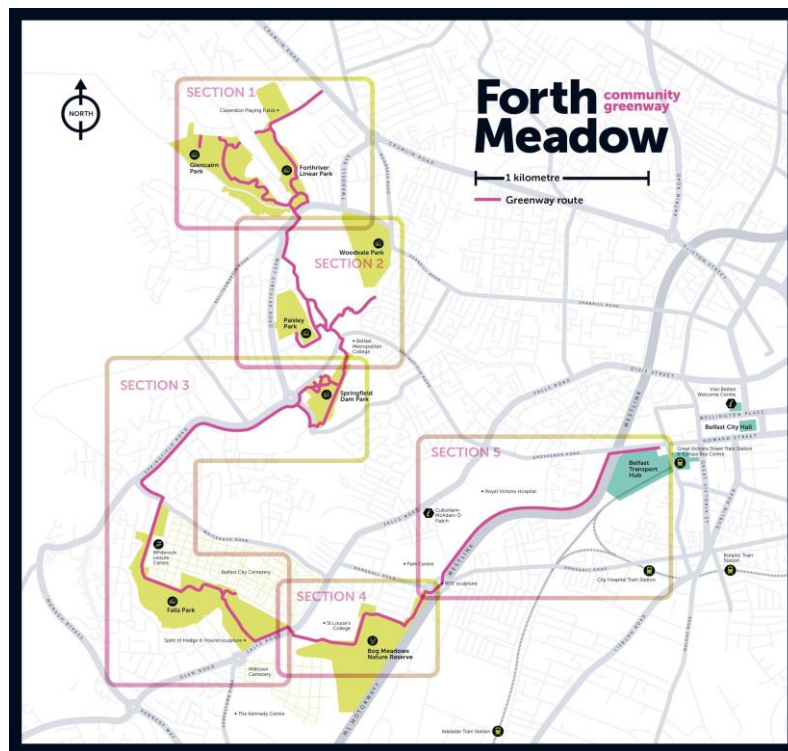


Figure 1: Location of Forth Meadow Community Greenway

Relevant Planning History

15. The application has been subject to a Proposal of Application Notice (PAN) as required by Section 27 of the Planning Act (Northern Ireland) 2011 and subsequent pre-application community consultation (reference LA04/2019/1869/PAN). The reassessment of the current substantive planning application is on the basis of the information and documentation originally submitted, taking account of the objections, which were part of the judicial review. It has been supplemented by a further site visit and consideration noted in this report.
16. In May 2017, planning permission was granted for provision of vehicular and pedestrian gates and fencing, street lighting and 10 no. columns along the access road to Woodvale Avenue (LA04/2016/2678/F). The permission was essentially for an alternative route for the link to Woodvale Avenue proposed by the current application.
17. To the south of the application site, adjacent Springfield Road, is a current undetermined application for a 24 space car park to serve Springfield Primary School (LA04/2021/1188/F).
18. In relation to the former industrial Mackies site to the east, planning permission was granted in February 2004 for infrastructure development comprising an access road and services linked to new Springfield Road junction and the formation of levelled site development plateaus (Z/2003/2058/F). A subsequent amended application for infrastructure development including access road, service links and levelling of development plateaus was approved in November 2004 (Z/2004/1997/F). The access road has subsequently been built out to facilitate future development of the former industrial Mackies site.
19. Planning permission was granted in April 2005 for the construction of 12 units in three separate blocks for light industrial use, associated car parking and a security hut (Z/2004/2845/F) on the land to the east. The permission was unimplemented.
20. Planning permission was granted in June 2012 on land to the north and north east for infilling of land and culverting works of Forth River (retrospective) and proposed erection of 247 residential units comprising 117 no. townhouses, 68 no. mews dwellings, 14 semi-detached dwellings and 48 no. apartments, new access and right turning lane at West Circular Road, associated car parking, open space and improvements to Woodvale Park. The permission was unimplemented.
21. Planning permission granted in June 2009 for demolition of existing structures and construction of 34 no. apartments and 4 no. townhouses with associated site works (Z/2008/0064/F). This permission has been implemented.

Planning Policy Framework

22. The planning policy framework relevant to the assessment of this application is summarised below.

Development Plan

Belfast Urban Area Plan 2001

Draft Development Plan

Belfast Metropolitan Area Plan 2015 (v2004)
Belfast Metropolitan Area Plan 2015 (v2014)

Belfast Local Development Plan 2035 Draft Plan Strategy

Regional Planning Policy

Regional Development Strategy 2035 (RDS)
Strategic Planning Policy Statement 2015 (SPPS)
Planning Policy Statement 2: Natural Heritage (PPS 2)
Planning Policy Statement 3: Access, Movement and Parking (PPS 3)
Planning Policy Statement 4: Planning and Economic Development (PPS 4)
Planning Policy Statement 6: Planning, Archaeology, and the Built Heritage (PPS 6)
Planning Policy Statement 8: Open Space, Sport and Outdoor Recreation (PPS 8)
Planning Policy Statement 15: Planning and Flood Risk (PPS 15)

Local Planning Policy

Belfast City Council Developer Contributions Framework 2020

Consultation Responses

23. Consultation responses and representations are summarised below.

Statutory consultees

DfI Roads – No objection
DfI Rivers Agency – No objection
DAERA – No objection subject to conditions
DfC Historic Environment Division – No objection
NI Water – No objection

Non-statutory consultees

BCC Plans and Policy team – No objection
BCC Environmental Health – No objection subject to conditions
BCC Tree Officer – No objection subject to conditions
BCC Landscape, Planning and Development – No objection
Shared Environmental Services – No objection

Representations

24. The application has been neighbour notified, advertised in the local press and made available on the Planning Portal Public Access. Five representations have been received, including two letters in support and three objections.
25. The two representations in support of the proposal are from a neighbouring resident and Belfast Hills Partnership. They outline general support for the proposal but also bring to the Council's attention that there are invasive species on the site.
26. Three objections were received (one of which was addressed to Members of the Planning Committee at its September 2021 meeting). A summary of these objections is provided below.

Participation and the Practice of Rights (PPR)

- This section of the proposed community greenway is an anomaly as the other sections are in parkland whereas this is a brownfield site.
- The Council previously committed to resolving equality concerns but these have yet to be properly addressed. The previous screening for the wider community greenway project failed to acknowledge that the site is brownfield and capable of delivering development that will address equality at the site in line with the Council's obligations.
- People in Belfast are waiting on average 23 months for a home – the longest waiting time of any area. Nearly 3,000 people in West Belfast are in housing stress compared to only 401 homes allocated to new tenants. NIHE recognises that there is a supply issue. The proposal would set-aside a large windfall site in an area of the highest housing need.
- The potential use of brownfield land as parkland has potential equality impacts.
- The dimensions of the proposed site do not correspond with any specific need.
- The site has no surveillance by design and would be an unwelcoming and threatening space. A linear park with housing facing it would be preferable.
- The proposal violates regional policy including the SPPS and PPS 4 which seek to protect zoned employment land. The land is zoned for employment in both the BUAP 2001 and draft BMAP 2015. Only the LDP process can redesignate the land. The Planning Appeals Commission (PAC) recommended removal of the LLPA designation as it would compromise the employment zoning. The LLPA was subsequently dropped.
- According to the PAC, draft BMAP 2015 has no material relevance.
- The proposal is premature to the new Belfast LDP and growth strategy.
- The proposal is contrary to the Council's Green and Blue Infrastructure Plan. It deviates from the established route in draft BMAP 2015, GBIP and draft Belfast Plan Strategy. It would also prejudice delivery of employment land.

Solicitors acting on behalf of PPR also submitted a critique of the original case officer report to the 14th September 2021 Planning Committee, as summarised below. This new case officer report addresses the substantive points raised.

- The September 2021 Committee report refers to Policies IND4 and IND6 of the BUAP 2001. In relation to Policy IND4, the site is not a Simplified Planning Zone (SPZ). Policy SPZ states that the establishment of SPZs will be considered. The Planning Act 2011 permits the Council to make SPZs. No SPZ has ever been made for this site and it is unclear why it is being referenced in the Committee report.
- Policy IND6 seeks to reserve industrial and commercial and for appropriate types of development and protects such land from non-employment uses. Policy IND6 does state that it is necessary to be flexible but this is limited to industry and employment and does not support replacement with a park. Additional uses that would be acceptable include:
 - Light and general manufacturing
 - Warehousing and stockholding
 - Car and commercial vehicles sales
 - Repair businesses
 - Building suppliers and associated storage
 - Training centres, vehicle inspection and driving test centres
 - Ancillary local needs e.g. banks, cafes
- The September 2021 Committee report refers to the zonings in dBMAP 2015 (version 2004) and dBMAP 2015 (version 2014). Par. 9.10 of the report is misleading as it states that the employment zoning is overwritten by Policy BT162 of draft BMAP 2015 (v2014), however, this policy does not exist and is only present in draft BMAP 2015 (v2004).
- The greenway zoning is aligned with and is located on the Forth River Valley, not on the western side of zoning BT 004 in dBMAP 2015 (v2014). There are good planning

reasons for this which relate to ecology and topography. The community greenways are identified on Map Nos. 4/001 to 4/004.

- In any event dBMAP 2015 (v2014) cannot override regional planning policy and PPS 4 which seeks to protect employment land. Policy PED 7 of PPS 4 states:
'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'
- Par. 9.10 of the Committee report ignores the key site requirement that the land shall only be used for employment purposes. Reference to development being excluded from the landscape corridor only relates to the housing zoning and not to the employment land.
- The proposal would result in the loss of 30% of the wider employment land and no consideration has been given to PPS 4 including Policy PED 7.
- The statement about prematurity at par. 9.12 of the Committee report is incorrect because the Belfast LDP Plan Strategy is entirely reliant on the conversion of a significant proportion of employment land to residential use. The letter disagrees with the assessment of prematurity and believes that the matter does go to the heart of the Plan Strategy. The loss of 30% of protected employment land would create a city-wide precedent with significant ramifications for the Development Plan process.
- The Committee is invited to adjourn consideration of the application so that fuller representations on the Committee report can be made.

Town and Country Planning Association

- Supports the principle of community greenways but objects to this application.
 - The land is zoned for employment in BUAP 2001 and draft BMAP 2015. The proposal is contrary to both the SPPS and PPS 4 which seek to protect employment land.
 - The PAC recommended removal of the LLPA from draft BMAP 2015 as it would compromise the employment zoning.
 - The proposal is premature as it would prejudice the outcome of the new Belfast Local Development Plan. The proposal would be prejudicial to the new LDP process.
 - The proposal would prejudice the Council's own growth strategy which seeks to confine new housing and employment to within the boundary of the city.
27. With reference to the equality concerns, the recommendation to grant planning permission has been the subject of an equality screening process as defined in the Council's Equality Scheme. The officer recommendation to grant planning permission has been screened out; with no adverse impacts identified.
28. In relation to the objection that the site and lands should instead be used for social housing, the Council must assess the proposal before it – the proposal is not for social housing. The Council cannot compel the landowner to bring forward an application for social housing. The Council's draft Plan Strategy includes specific planning policy provisions which seek to address social housing needs. The future zoning of land for housing will be addressed through the next stage of the development plan process, the Local Policies Plan.
29. The substantive points are considered within the main assessment below.

ASSESSMENT

30. The application site has been re-visited by officers and the proposal reconsidered.
31. It is apparent that a large portion of the application site is physically constrained. The Forth River ravine is located immediately to the east. From the river, there is a steep gradient up to a narrow plateau which forms the central part of the site. The site then narrows again further northwards. This is illustrated in the Google aerial image, photographs and topographical survey of the site shown overleaf. The site is topographically constrained and falls away towards the existing hardstanding pathway by approximately 6-7m before descending sharply towards the Forth River Ravine.
32. Beyond the proposal site to the east is a much more expansive and flatter area of land.



Figure 2a: Aerial Google image looking north west



Figure 2b: Aerial photograph looking north



Figure 2c: Aerial photograph looking south



Figure 3: Topographical survey of site

33. The steeply sloped topography of the edge of the proposal site and its confined physical nature limit the development potential of large parts of the site for development, whether for employment, housing or other built form. It is clear that not insignificant re-profiling of parts of the site would be required to facilitate built development and this would make development of the site less attractive.

34. The site is also situated in an elevated position and it is reasonable to expect that new development on the plateau would require additional landscaping on the eastern boundary to screen views from the east. This would further reduce the developable area within the proposal site. In short, the topographical and physical constraints limit the site's developability.
35. The catchment of the Forth River to the east is close to parts of the application site as shown in Figure 4.1 below.



Figure 4.1: River and Coasal Flood Maps

36. A review of the surface water maps shows that surface water flooding is predicted within part of the site during a Q100 rainfall event (including climate change). The affected area is in the northern part of the site as shown in Figure 4.2 below. According to the applicant's flood risk and drainage assessment, the site levels indicate that the northern part of the site is relatively flat and surface flow is not adequate to drain this area through the ravine to the River Forth.



Figure 4.2: Surface Water Flood Map

Planning Policy Context

37. Section 6(4) of the Planning Act (Northern Ireland) 2011 (“the Act”) states that: ‘*Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise.*’
38. Section 45(1) of the Act states that the council must ‘*...have regard to the local development plan, so far as material to the application, and to any other material considerations...*’.
39. In considering the elements of applicable policy, Officers have been mindful of the local and regional policy presumptions against the loss of industrial, commercial or employment lands.
40. The adopted local development plan for the area is the Belfast Urban Area Plan 2001 (BUAP).
41. It was originally intended that the Belfast Metropolitan Area Plan 2015 (BMAP) would replace the BUAP. Draft BMAP (version 2004) was first published in 2004 and subsequently subject to an Independent Examination presided over by the Planning Appeals Commission (“the PAC”). The PAC published its report in 2011 following the Independent Examination. Draft BMAP (version 2014) was subsequently amended and the (then) Minister for the Department for the Environment purported to adopt it. However, following a legal challenge, the purported adoption was held to be unlawful by the courts. Draft BMAP remains a draft plan and has retained this draft status ever since.
42. Following the reform of local government in April 2015 and most planning powers being devolved to councils, the Council began working on a new local development plan to replace the BUAP. The draft Plan Strategy has been subject to Independent Examination by the PAC and the Council has been provided with a copy of its 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 the Council’s draft 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 Planning Policy Statements.
43. The RDS, SPPS and PPSs are regional planning policies issued by central government and important material considerations.

Protection of Employment Land

Belfast Urban Area Plan 2001

44. In the BUAP, the majority of the proposed development site forms part of a wider zoning for Industry and Commerce land, shown in purple in the proposals map at Figure 5, overleaf. This diagram also shows the application site overlaid the proposals map as outlined in red. The black triangle indicates an Area of Business Development Potential. The black square indicates a potential Simplified Planning Zone.

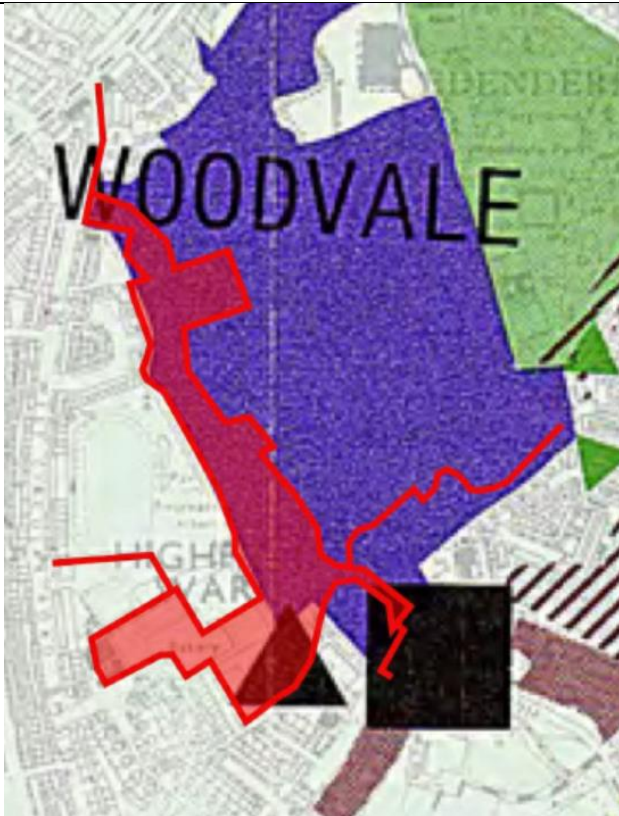


Figure 5: BUAP zoning of Industry and Commerce land (purple)

45. Policy IND 1 of the BUAP zones approximately 375 acres of land across Belfast to meet the expansion needs of existing industry and commerce and to provide for new industries and enterprises. The BUAP states that this will provide employment land to help meet the Industrial Development Board's target-based job predictions up to 2001.
46. Policy IND 6 of the BUAP seeks '*To ensure that land zoned for Industrial and Commercial use is reserved for appropriate types of development.*'
47. Recognising that '*...it is necessary to allow flexibility in the use of industrial and commercial land...*', the policy states that the following additional uses will normally be acceptable in industrial estates:
 - light and industrial manufacturing;
 - warehousing or stock-housing;
 - car and commercial vehicle sales including showrooms, servicing, storage (stock-piling), but excluding breaking and scrap/dismantling;
 - repair businesses;
 - builders suppliers with their associated open storage;
 - training centres, vehicle inspection and driving test centres;
 - ancillary local needs, e.g. banks, cafes.
48. The proposal does not fall under an industrial or commercial use or uses listed above. It is therefore contrary to Policy IND 6 of the BUAP.
49. Policy IND 5 is entitled '**Environmental Treatment**' and states:

'An appropriate standard of environmental treatment will be required in new industrial and commercial areas and developments.'

Proposed Industrial Developments

Where industrial proposals involve the comprehensive development of new sites, an overall landscape framework plan will be required before development commences. Appropriate landscape conditions will be imposed on planning consents to ensure the implementation of landscape schemes. In the Inner City a combination of hard and soft landscaping schemes may be desirable and again appropriate landscaping conditions will be imposed on planning permissions.

Existing Industrial Estates and Developments

The environmental treatment of many existing industrial estates and other industrial developments is deficient by modern standards. The Industrial Development Board is pursuing a policy of upgrading by means of landscaping its existing publicly owned industrial sites and estates within the urban area. The Belfast City Council and Belfast Harbour Commissioners are also actively involved in similar schemes on their respective holdings. These combined public efforts will create new industrial images as the landscaping matures over the Plan period and may encourage private industrial landowners to carry out similar environmental improvements.'

50. The proposal sits substantially within an existing industrial and commercial zoning, which has been partially developed with the Innovation Factory to the south and a main spine road into the larger part of the zoning to the east. The policy notes the involvement of Belfast City Council in pursuing a policy of upgrading by means of landscaping its existing publicly owned industrial sites and estates within the urban area that may encourage private industrial landowners to carry out similar environmental improvements.
51. The application proposal provides a significant opportunity for environmental improvement of part of the broader industrial and commercial zoning in an area that:
- has significant physical constraints which limit the development potential of the site, whether for industry or commerce;
 - forms a useful buffer between the larger and flatter area of industrial and commercial zoning to the east and existing recreational and residential development to the west;
 - provides opportunity for enhancing the existing wider zoning, framing it in such a way that makes it more attractive, as developers may otherwise anticipate having to provide landscaping and improved connectivity; and
 - would provide an appropriate landscape setting, improved connectivity and environmental treatment that would support and potentially encourage continued development of the overall site.
52. These lands have been zoned for employment since 1990 when the BUAP was published but have yet to come forward for industrial or commercial development. It is considered that the environmental improvement brought about by the proposal could make industrial or commercial development of the larger lands to the east potentially more attractive. The use of the land as parkland would not preclude future development of the developable parts of the application site for industrial or commercial development having regard to Policy OS 1 of PPS 8 which seeks to protect open space since the site would remain an employment zoning.
53. Given the above analysis, the proposal is considered consistent with the objectives of Policy IND 5. The proposal does not comply with IND6. However, taking it account all of the above factors, weight is given to Policy IND 5.

54. In draft BMAP (version 2004), much of the central spine of the application site is zoned for employment land under Zoning BT 010, as indicated in the proposals map at Figures 6a and 6b below and overleaf. Key site requirements include that development of this land shall only include light industrial, general industrial and storage and distribution uses. In addition, development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. The full text to Zoning BT 010 is provided at **Appendix 1**.

55. The KSR under this draft policy also includes:

'A comprehensive landscaping scheme for the proposed development shall require to be submitted with any planning application for development and agreed with the Department. This shall include all of the following:-

- The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape;*
- a detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition.'*

56. Whilst it is expressly acknowledged that the proposal is not part of a planning application for employment development, and therefore the proposal is in conflict with the draft policy in not proposing employment use, regard is had to this key site requirement and the importance attached to the requirement for additional landscaping to the western boundary of the employment zoning that includes the proposal site.

57. Given the physical constraints of the application site as discussed previously, the proposal is in principle consistent with the aims of this key site requirement which requires appropriate additional landscaping on the western boundary of the zoning. The extent of the landscaping scheme to be considered under that KSR is a matter for planning judgement by the committee. However, given the nature of the proposal site as discussed above, the extent of planting and treatment proposed by the application is considered appropriate in addition to being consistent with the aims of Policy IND 5 of the BUAP in terms of environmental treatment of sites for industry and commerce.

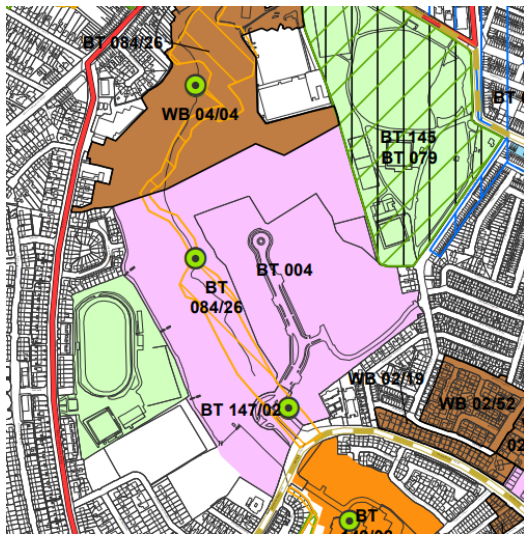


Figure 6a: Draft BMAP (version 2004) zonings



Figure 6b: Draft BMAP (version 2004) zonings with transposed application site

58. In draft BMAP (v2014), a large part of the central spine of site is similarly zoned for employment land, but under Zoning BT 004 as shown in Figure 7 overleaf. Key site requirements include that development shall only include Classes B1 (b) and (c), B2, B3 and B4. Development shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. The full text to Zoning BT 004 is provided at **Appendix 1**.

59. This draft policy has a KSR for landscaping similar to the version in draft BMAP (v2004) discussed above. It adds that an Article 40 agreement (equivalent of a Section 76 planning agreement) may be required to ensure delivery. In this case a planning condition can be used to secure the landscaping proposals forming part of the application. The KSR reads:

'A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department. This shall include all of the following:-

- *The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape; and*
- *A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition and additional high quality landscaping proposals within the site, to be agreed with the Department; and*
- *Positive long term landscape management proposals shall be required to mitigate and integrate any development and to protect and maintain the landscaping on the site. An Article 40 Agreement may be required to ensure delivery of this in accordance with the Department's requirements.'*

60. Again, whilst clearly recognising that the proposal is not part of a planning application for employment development and is therefore contrary to the draft plan policy, regard is had to the key site requirement and the importance attached to the requirement to landscape the western boundary of the employment zoning.
61. Given the physical constraints of the application site as discussed previously, the proposed development is consistent with the aims of this key site requirement which requires appropriate additional landscaping on the western boundary of the zoning. The extent of the landscaping scheme to be considered under this KSR is a matter for planning judgement. However, given the nature of the proposal site as discussed above, the extent of planting and treatment proposed by the application is considered appropriate as well as consistent with the aims of Policy IND5 of the BUAP in terms of environmental treatment.

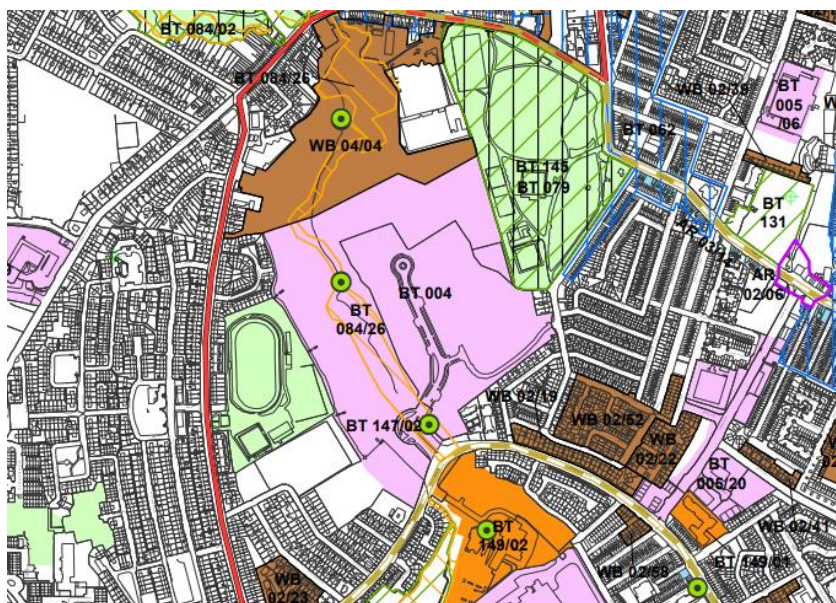


Figure 7: Draft BMAP (version 2014) zonings

62. The proposed development of the site as parkland and for a community greenway is contrary to the zonings in both versions of draft BMAP. However, conscious of the importance attached to the loss of zoned employment land, weight is attached to the fact that both draft policies have a KSR that expressly addresses the requirement for additional landscaping of the western boundary of the zoning. That in turn diminishes the weight to be attached to the loss of this element of the draft zoned employment land.

Belfast Local Development Plan 2035 Draft Plan Strategy

63. Whilst the Draft Plan Strategy is considered to hold minimal weight at this stage in the development plan process, it is still a material consideration which the Committee should have regard to. Policy EC4 of the Draft Plan Strategy relates to the loss of zoned employment land. The policy reads:

'Zoned employment areas will be retained in employment use and will be the focus of economic regeneration and development opportunities likely to come forward during the plan period. Only in exceptional circumstances as outlined below will the loss of zoned employment land be considered acceptable.'

Proposals for the use of zoned employment land or buildings, for other purposes, should clearly demonstrate that:

- a) *The proposed use is complementary to the primary employment use of the area, providing a small scale-ancillary service to meet the day-to-day needs of local employees, subject to compliance with other plan policies; or*
- b) *The proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development. In such cases alternative uses should:*
 - 1. *Not adversely affect the city's overall capacity to meet future demand for employment land;*
 - 2. *Be compatible with existing retained employment uses within their vicinity; and*
 - 3. *Demonstrate that there is no likely future demand for employment use on the site. This would require evidence that it had been actively marketed for B1(b), B1(c), B2, B3 and B4 uses for a minimum of 18 months.**In instances where the loss of employment land has been deemed acceptable further information will be necessary as per the council's contribution framework.'*

64. Draft Policy EC4 requires compliance with either a) or b). The proposed parkland does not comply with criterion a) in that it would not provide a small-scale ancillary service that meets the day-to-day needs of employees.

65. Regarding criterion b)

- the development proposal would not adversely affect the city's overall capacity; for meeting future demand for employment land. Paragraph 4.23 of Technical Supplement 3 of the draft Plan Strategy identifies a need for 550,000 sqm of employment space for B Use Classes between 2020 and 2035. Paragraph 4.25 states that there is an indicative capacity of 1.16 million sq m of gross employment floorspace available from committed and new sites. Paragraphs 4.26 and 4.39 indicate that this demonstrates that there is a substantial oversupply of employment space within the Council area. These figures are carried through to Policy EC2 – Employment Land Supply in the draft Plan Strategy. Paragraph 6.17 of the PAC Report on the Independent Examination confirmed that, subject to Recommended Amendments 42 and 43, Policy EC2 satisfies the tests for soundness;
- the proposal would be compatible with existing and proposed employment uses within the vicinity;
- the Council does not have direct evidence that the site has been actively marketed for the specified employment uses for a minimum of 18 months.

66. However, given the assessment of the physical constraints discussed previously, the limited extent of developable land within the proposal site, that the proposal is consistent with Policy IND 5, the KSRs in draft BMAP that require supplemental landscaping on the existing boundary, the existing larger flatter lands within the employment zoning to the east, the location of the constructed spine road into the zoned site and that the proposal would not exclude future development of the application site for employment, it is considered that the proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development. Moreover, limited weight is given to Policy EC4 given the current stage of the LDP Plan Strategy process.

Regional planning policy

67. Regional planning policy seeks to safeguard land for economic development use to ensure an ongoing supply to meet the needs of industry and commerce.

68. The Regional Development Strategy 2035 (RDS) was published in March 2012. Policy RG1 seeks to ensure adequate supply of land to facilitate sustainable economic growth. Paragraph 3.3 of the RDS aims:

'To ensure that Northern Ireland is well placed to accommodate growth in jobs and businesses there should be an adequate and available supply of employment land. It should be accessible and located to make best use of available services, for example water and sewerage infrastructure, whilst avoiding, where possible, areas at risk of flooding from rivers, the sea or surface water run-off. The focus will be on larger urban centres and regional gateways taking advantage of their locations on the regional transport network.'

69. Planning Policy Statement 4: Planning and Economic Development (PPS 4) was published in November 2010. Policy PED 7 relates to the retention of zoned land and economic uses. It states:

Zoned Land in all Locations

'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'

An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.'

70. The exceptions outlined in Policy PED 7 do not apply in that the zoned land has not been substantially developed for alternative uses and the proposal does not involve a *sui generis* employment use. The proposal is therefore contrary to Policy PED 7 of PPS 4.
71. However, Planning Advice Note to PPS 4, published in November 2015, accepts that there can be "special circumstances" in which a departure from the development plan zoning may be acceptable. Paragraph 16 of the Planning Advice Note reads:

'In the case of planning applications involving a departure from a development plan zoning, for example from light industrial use to a mixed use development, planning officers should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the preferred option of retaining the land for economic development use.'

72. "Special circumstances" are not defined in the Planning Advice Note and the example it uses is a change of use from industrial to mixed use. There is no definitive list of what those special circumstances might be. In this case, Officers consider that the special circumstances that justify a departure from Policy PED 7 are that the proposal:

- is consistent with the aims of Policy IND5 of the BUAP;
- is consistent with the KSR in both versions of the draft BMAP, which require additional landscaping treatment of the western boundary of the draft zoned land;
- involves land that has significant physical constraints which limit the development potential of the application site;

- is a key component of the wider Forthmeadow Community Greenway, which would provide improved connectivity through parts of the west and north of the city, encouraging active travel, health and wellbeing; and
- To enable safe, easy and accessible ‘re-connections’ between historically segregated neighbourhoods.

73. The Strategic Planning Policy Statement for Northern Ireland (“the SPPS”) was published in September 2015. It is the most recent articulation of regional planning policy relating to economic development and protection of employment land.

74. Paragraph 6.89 states:

*‘It is important that **economic development land and buildings** which are **well located and suited to such purposes** are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.’*

75. The policy requires consideration of whether the lands comprising the zoned parts of the application site are well located and suited for economic development purposes. Whilst the zoning as a whole is considered to be well located and suited to such purposes, not all elements within that zoned land are always equally developable. For example, parts of the wider employment lands comprising this zoning are proposed to be designated a Site of Local Nature Conservation Importance (SLNCI) in draft BMAP, which would provide a constraint to development.

76. The application site has been visited again and considered in the context of relevant policies. In view of Policy IND5 of the BUAP, the physical constraints of the site which limit its developability and the KSRs in draft BMAP which require supplemental planting on the western boundary of the employment zoning, large parts of the site are not considered to be well located and suited for economic development purposes.

Environmental Constraints under the draft BMAP

77. In addition to the topographical and physical constraints, parts of the site are subject to various environmental constraints. These are summarised below with greater weight apportioned to draft BMAP (v2014) given its advanced stage in the plan process.

Draft LLPAs and SLNCIs

78. In the earlier version of draft BMAP (v2004), part of the site is designated a SLNCI under Zoning BT 102/26. Policy ENV 2 of draft BMAP (v2004) states that planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated SLNCI. Part of the site is also designated as a Local Landscape Policy Area (LLPA) under Zoning BT 160 Woodvale / Springfield Road. Policy ENV 3 of draft BMAP (v2004) applies and states that, within an LLPA, planning permission will not be granted for development that would be liable to adversely affect those features, or in combination of features, that contribute to environmental quality, integrity or character. It further states that, where riverbanks are included within

LLPAs, planning permission will only be granted where access is provided to the river corridor as part of development proposals. Land running across the Forth River is also designated a Community Greenway under Zoning BT162/02. Policy OS 2 of draft BMAP (v2004) states that planning permission will not be granted for development either within or adjacent to a designated Community Greenway which would prejudice the retention, enhancement or further development of an identified route.

79. Draft BMAP (v2004) was subject to an Independent Examination by the PAC. The PAC subsequently issued a report, noting two objections relating to these lands. One objection was made in respect of the LLPA designation and the other in relation to the Community Greenway. The PAC recommended that the LLPA designation under Zoning BT160 be removed but recommended no change in respect of the objection to the Community Greenway.
80. In the later version of draft BMAP (v2014), which the Committee is advised to give greater weight, the LLPA was subsequently removed on the recommendation of the PAC. A SLNCI designation remained under Zoning BT 084/26 and broadly follows the Forth River. The Community Greenway Zoning was retained under Zoning BT147/02. Policy OS 1 of draft BMAP 2015 (v2014) states that: *'Planning permission will not be granted for development either within or adjacent to a designated Community Greenway which would prejudice the retention, enhancement or further development of an identified route. Where appropriate, development proposals shall include open space linkages to designated Community Greenways.'*

Hydrological links

81. As well as being subject to the environmental designations listed above, the application site is hydrologically linked to the Belfast Lough SPA and Belfast Lough Open Water SPA, as well as the Inner Belfast Lough ASSI, Outer Belfast Lough ASSI.

Bats

82. The ecological surveys provided with the application evidence bat activity in the area. DAERA notes that the application site and surrounding area are *'likely to contain a significant population of bats. The vegetation within and surrounding the site provides high quality foraging habitat for bats, and any mature trees with cavities and crevices would be suitable for roosting bats'*. Following a further survey, the site is judged to provide productive foraging for bats, and the structural vegetation along the Forth River ravine and the western boundary would provide a focus for commuting as well as feeding. The Foraging and Commuting Potential was considered to be high. Local bat activity would therefore be a constraint on development of the site.

Community Greenway

83. Policy R3 of the BUAP seeks to establish linear based on streams and rivers within the urban area and, **where possible**, to develop a linking system of walkways within the valleys. These linear parks include the Forth River Valley.
84. As discussed above, draft BMAP also designates a community greenway along the Forth River.
85. The proposal will secure a long sought-after community greenway in this area albeit not directly following the Forth River. Policy R3 permits the greenway to be in an alternative location where it is not possible to base it on the river. In this case, the river is set within a steeply sided ravine with undulating ground. The area is also prone to surface water flooding as shown in Figure 4.2. These constraints would make it very difficult to base the greenway on the river. Moreover, funding is not in place to route the greenway there.

86. It is considered that the route of the greenway through the application site is more appropriate. Firstly, in view of the physical constraints of the alternative route based on the river as described above. Secondly, the greenway is considered an environmental improvement consistent with Policy IND 5 of the BUAP. Thirdly, it would include lands physically and environmentally constrained and not considered well located or suited for economic development, therefore making effective use of this part of the zonings. Fourthly, it is situated along the western boundary of the site where KSRs in draft BMAP require additional landscaping. It is also material that there is funding in place for the greenway which would secure its important delivery.

Absence of an adopted Master Plan

87. Draft BMAP states that development of the zoned employment land shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. A master plan has not come forward or been adopted for the employment zoning.
88. However, having regard to site's physical and environmental constraints as described above, and the policy context discussed, a judgement must be made as to what value a master plan would have for that part of the application site within the employment zoning. The western boundary has been identified in draft BMAP (both versions) as requiring additional landscaping and the proposal is considered to be a reasonable response to that requirement.
89. It is considered that a master plan would not have a decisive benefit in this case. An access and service road have already been constructed on the larger part of the zoning on the land to the east. The Council as Planning Authority has the power to ensure suitable high quality development of the zoned land through the development management process, supported by its detailed Pre-Application Discussion service to improve the quality of planning application submissions. There is also the benefit of a single landowner of the lands to the east in Invest NI for the Council to work with.
90. Therefore, the absence of an adopted master plan is not considered to be fatal and it is considered that it would not be in the public interest to refuse planning permission on the basis that an adopted master plan is not in place.

Planning Balance

91. The proposed parkland is contrary to Policy IND 6 of the BUAP as it is not a proposal for industrial or commercial use. However, the proposal is considered consistent with Policy IND 5 which seeks to secure environmental improvements of industrial areas.
92. The proposal is consistent with the KSRs in draft BMAP which require additional landscaping on the western boundary of the zoning.
93. The proposal is contrary to Policy PED 7 of PPS 4. However, having regard to the Planning Advice Note relating to PPS4, Officers are satisfied that there are special circumstances that justify departure from the strict application of the policy. These include that the proposal is consistent with the aims of Policy IND 5 of the BUAP and the KSRs in draft BMAP in relation to enhanced landscaping, the site's physical and environmental constraints, that it is a key component to the delivery of the wider Forth Meadow Community Greenway, and enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods.

94. Moreover, it is considered that the proposal is not in contravention with paragraph 6.89 of the SPPS, which is the most recent articulation of regional planning policy that seeks to protect employment land, in that the element of zoned lands comprising the development proposal is not well located or suited for economic development land for the reasons stated above.
95. Furthermore, the proposal would not prejudice development of the remainder of the zoning (adopted or draft) and indeed may support development of those lands through environmental improvement and enhanced connectivity. In addition, the zoning would not exclude development of the site itself for employment use at some point in the future.
96. The proposed connections are a crucial element of the wider Forth Meadow Community Greenway. There is significant external funding of in the region of £5 million for the project and this is reliant on all sections of the greenway being granted planning permission. Both section 2 and wider greenway would provide improved connectivity and promote active sustainable travel. It would enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods. These are important material considerations which add weight to the case for granting planning permission.
97. The funding for the Forth Meadow Community Greenway was secured from SEUPB under the Peace 4 programme. The overall greenway project is the delivery of 12km of greenway. The capital works are only one element of the overall project. In parallel with the capital project, a range of community activity and events programmes at key sections along the greenway are being developed to help bring communities together, on common ground, and promote use of the shared space.
98. These objectives and outcomes are consistent with the Core Planning Principles established by the SPPS, which include:
- Improving Health and Well-being;
 - Creating and Enhancing Shared Space;
 - Supporting Sustainable Economic Growth;
 - Supporting Good Design and Positive Place Making; and
 - Preserving and Improving the Built and Natural Environment.
99. These objectives are also consistent with the *Belfast Agenda*, the City's Community Plan.
100. Having regard to the factors set out in the assessment above, and in the planning balance, the development of the site as parkland is considered acceptable in principle.

Protection of housing land

101. A small section of the application site at its northern end is zoned for housing in draft BMAP. In draft BMAP (v2004), the northern end of the site forms part of a wider housing zoning under zoning WB 04/12. In draft BMAP (v2014), the northern end forms part of a wider housing zoning under zoning WB 04/04. This land forms part of the housing zoning's frontage with and access to West Circular Road. A further principal frontage and access point is onto Ballygomartin Road further to the north.
102. It is considered that the proposal for parkland on this land zoned for housing is acceptable for the following reasons:
- The proposal would provide enhanced connectivity from and to the remaining housing land and wider city as part of the Forth Meadow Community Greenway.

- The proposal would provide an attractive green amenity for residents on the “doorstop” of the housing zoning.
- It recognises that not all land within the wider zoning will be equally developable.
- Part of these lands is prone to surface water flooding (see Figure 4.2)

103. The proposal would not be incompatible with nor prejudice the development of the remainder of the housing zoning.

104. Regard is also had to the benefits of the delivery of the wider Forth Meadow Community Greenway as discussed above, which in the planning balance, are considered to weigh in favour of the proposal.

Un-zoned land

105. The southern end of the site falls outside the employment land zoning and is “white land”. The proposal is therefore acceptable in principle in respect of this part of the site.

Impact on the character and appearance of the area

106. The proposal would have a series of 3m wide pathways, finished in buff-coloured asphalt path suitable for use by pedestrians, cyclists, and disabled users. A steel framed elevated walkway is proposed to provide access over the existing wetland area. The site boundary would be defined by a 2.4m high palisade fence. A 1.2m high palisade fence would be put in place to prevent access to the Forth River ravine, where there are steep slopes and areas of invasive species present.

107. The site comprises a mix of tree species which vary in age, size, health, condition, growing in small groups, clusters or stand alone. Initial concerns raised through the consultation process have since been addressed. A Tree Protection Plan, Landscape Management Plan and detailed landscaping plans have been submitted.

108. A total of 31 trees are proposed to be removed with 80 (of mixed species) to be planted. All retained trees would be protected using protective fencing during construction. On reviewing further information, neither BCC Landscape, Planning and Development nor BCC Tree Officers object to the application. The Tree Officer has suggested a number of conditions to be included should approval be granted and these are recommended.

109. The proposed parkland would be an appropriate use for the site, involving low impact built development. It provides the opportunity for enhanced management of the land which should have a positive impact on the character and appearance of the area. In this regard, the proposal is considered compliant with paragraph 4.26 of the SPPS which requires proposals to be of good design and fit into their surroundings.

Built Heritage

110. The application site is located within the vicinity of the Woodvale Park’s Bandstand and its gate piers, gates and railings, which are Grade B2 Listed (HB26/38/002 A and HB26/38/002 B). DfC HED is satisfied that the proposal would pose no greater demonstrable harm on the setting of these Listed assets and is satisfied that paragraph 6.12 of the SPPS and Policy BH11 of PPS6 are complied with.

111. An Archaeological and Cultural Assessment was carried out for the PEACE IV programme in its entirety. As well as Listed structures, one recorded archaeological

monument, four historic gardens recorded in the Historic Gardens Register, and eighteen sites within the Industrial Heritage Records were identified. HED Historic Monuments have confirmed that they have no objection to the proposal.

112. Having regard to the advice from HED, officers consider that the Policy BH11 of PPS 6 and its archaeology policies are satisfied.

Natural Heritage

113. As previously mentioned, the application site is hydrologically linked to the Belfast Lough SPA and Belfast Lough Open Water SPA, Inner Belfast Lough ASSI and Outer Belfast Lough ASSI.

114. A Draft Preliminary Ecological Appraisal (PEA), Bat Survey, Habitats Regulation Assessment, Invasive Species Management Plan and OMH Creation and Management Plan were submitted as part of the application. DAERA NED were consulted regarding potential impact on natural heritage assets on or removed from the site. NED responded requesting additional information, mainly in order to assess any potential impact on the significant population of bats present on the site, both foraging and commuting, but also in relation to badgers. A finalised PEA; lighting plan and clarification of tree removal were submitted, satisfying NED that the proposal was acceptable. NED also welcomes the plan set out within the Invasive Species Management Plan for the managed treatment of Japanese knotweed and Himalayan balsam present to eradicate stands and avoid further potential spread. NED has suggested three conditions should permission be granted: a Construction Environmental Management Plan (CEMP) should be submitted and agreed in writing prior to the commencement of works; any necessary vegetation removal should be completed outside of the bird breeding season (01 March – 31 August); and no development activity should take place within 10 metres of the existing watercourse.

115. DAERA, Water Management Unit were also consulted and confirmed that they have no objections to the proposal. Shared Environmental Services (SES) also offer no objection, subject to the submission and approval of a CEMP prior to the commencement of works. SES carried out a HRA screening and recommend that the Council as Competent Authority adopts the HRA report. This found that the project would not have an adverse effect on the integrity of any European site.

116. The proposal is considered acceptable with regard to ecological and environmental issues having regard to PPS 2 and relevant policy.

Compatibility with adjacent uses and neighbour amenity

117. It is considered that the nature of the proposal as parkland would not give rise to unacceptable impacts on adjacent uses including the employment zoning to the east, leisure uses to the north and surrounding residential properties and residential zoning. In this regard, the proposal is not in conflict with paragraph 4.14 of the SPPS.

Transport

118. DfI Roads have been consulted and offers no objection to the application. Existing car parks are available at Paisley Park and Springfield Park, with on street parking available at the proposed entrance at West Circular Road. Deliberately there is no proposed dedicated vehicular access as the community greenway is specifically proposed for cyclists and pedestrians. The proposal is considered acceptable with regard to access, movement, parking and transport issues having regard to PPS 3. It is consistent with the SPPS Core Principles including improving health and well-being.

Contaminated Land

119. A Preliminary Risk Assessment, Generic Quantitative Risk Assessment and accompanying Ground Investigation Report have been submitted. The site investigation identified a human health risk from asbestos fibres in shallow soils and remediation measures were outlined. Whilst DAERA Regulation Unit responded with no objection to the proposal subject to certain conditions, BCC Environmental Health requested further information, resulting in the submission of updated reports.
120. Asbestos was identified at 25 locations. BCC Environmental Health notes that the only potential risk posed to future site users is through direct exposure and as the proposed walking and cycling routes are to be surfaced with hardstanding a physical barrier will therefore break the direct exposure pathways. Future site users could potentially be exposed to contaminants in soils across non-hardstanding areas, therefore, the impacted areas are to be provided with a capping layer of clean material. BCC Environmental Health has subsequently responded offering no objection to the proposal subject to the agreement of a Verification Report prior to the operation of the development if approved. Environmental Health also suggest the inclusion of an informative with respect to the proposed pole mounted LED lanterns and bridge lighting.

Flood Risk

121. DfI Rivers Agency was consulted and responded with no objection. A Drainage Assessment has been submitted in accordance with Policy FLD 3 of PPS 15. The proposal is considered acceptable with regard to flood risk and drainage having regard to PPS 15 and relevant policy.

Conclusion

122. The application proposal has been reconsidered in the light of the judicial review and the site re-visited. This report constitutes a fresh assessment of the proposal.
123. Whilst the proposal is in conflict with Policy IND 6 of the BUAP, it is consistent with Policy IND 5 of the BUAP.
124. Weighing the various material considerations in the planning balance, the proposal is considered acceptable. This includes the proposal's consistency with Policy IND 5 of the BUAP in that it would result in environmental improvement of a future industrial area.
125. Moreover, much of the application site is physically constrained and its developability for employment use is limited. In this regard, the site is not considered well located or suited as economic development land and the proposal therefore does not conflict with paragraph 6.89 of the SPPS which seeks to ensure a sufficient ongoing supply of economic development land. The SPPS is the most recent articulation of regional planning policy that seeks to safeguard employment land and significant weight is therefore given to this policy.
126. Whilst the proposal is contrary to various KSRs in draft BMAP including that it is not for the specified employment uses, the proposal would provide supplemental landscaping of the western boundary of the zoning as required by the KSRs.

127. The proposal is contrary to Policy PED7 of PPS 4, however, the PPS 4 Planning Advisory Note advises that there can be special circumstances that can outweigh the preferred option of retaining the land for economic development use. Officers consider that special circumstances can be clearly demonstrated in this case and include:

- the proposal is consistent with the aims of Policy IND5 of the BUAP;
- it is consistent with the KSR in both versions of the draft BMAP, which require additional landscaping treatment of the western boundary of the draft zoned land;
- it involves land that has significant physical constraints which limit the development potential of the application site;
- there is a substantial oversupply of employment space within the Council area
- it is a key component of the wider Forthmeadow Community Greenway, which would provide improved connectivity through parts of the west and north of the city, encouraging active travel, health and wellbeing; and
- it would enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods.

128. Limited weight is given to Policy EC4 of the draft Plan Strategy given the current stage of the development plan process.

129. It is acknowledged that there is a policy presumption, both regionally and locally, against the loss of employment land. However, that is not un-rebuttable presumption. Policy is not a strait jacket and it is possible to set aside these policies and the employment zonings in the various plans where material considerations indicate otherwise.

130. The proposal is considered acceptable in all other regards.

131. The objections from third parties have been addressed in the main body of the report. No objections have been received from statutory and non-statutory consultees.

132. For the reasons set out in this report, the recommendation is that planning permission is granted.

Recommendation

133. It is recommended that planning permission is granted. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions.

Draft Conditions

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

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

2. All hard and soft landscaping works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development unless otherwise agreed in writing by the Council. Any existing or proposed trees or plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location,

species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

3. Prior to the operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report entitled 'Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council' (dated May 2021 and referenced PM21-1032) and shown on the McAdam Design Ltd drawing entitled 'Section 2, Contaminated Lands Remediation Plan' (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (public open space (park)). It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance and must demonstrate that:

- a) A minimum 600mm clean capping layer has been emplaced in all required areas, as shown in the Pentland Macdonald Ltd report entitled Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council (dated May 2021 and referenced PM21-1032) and the McAdam Design Ltd drawing entitled Section 2, Contaminated Lands Remediation Plan (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021); and
- b) The clean capping layer is formed from material is demonstrably suitable for use (public open space (park)) and is underlain by a geotextile membrane.

Reason: Protection of human health.

4. 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. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed with the Council in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health.

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be submitted to and agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

6. After completing the remediation works under Condition 4; and prior to occupation of the development, a verification report shall be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

7. A final site-specific Construction Environmental Management Plan (CEMP) shall be submitted by the applicant/approved contractor to the Council at least 8 weeks prior to the commencement of works. This plan should contain all the appropriate environmental mitigation as detailed in the NIEA WMU and NED responses dated 24/02/2021 and 29/06/2021. It should identify the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. It should include;
- a. Construction Method Statement(s) - including details of construction and excavation;
 - b. Pollution Prevention Plan including details of a suitable buffer of 10m between the location of refuelling, storage of oil/fuel/substrate/construction materials/machinery, concrete mixing and washing areas and any watercourses found on site.
 - c. Site Drainage Plan; including details of Sustainable Drainage Systems (SuDS).
 - d. Spoil Management Plan; including location of spoil storage areas out with the 10m buffer zone
 - e. Environmental Emergency Plan; including details of emergency spill procedures and regular inspections of machinery onsite;
 - f. Water Quality Monitoring Plan;
 - g. Details of the appointment of an Ecological Clerk of Works (ECoW), detailing their roles and responsibilities.

The works shall not be carried out unless in accordance with the approved CEMP.

Reason: To protect designated sites and site selection features.

8. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active birds' nests immediately before clearance/demolition 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 Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

9. No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials including vehicles/refuelling of vehicles, shall take place within 10 metres of the existing watercourse.

Reason: To protect/minimise the impact of the development on the biodiversity value of the name of the existing watercourse (former mill race) to the west of the proposed greenway route.

10. All soft landscaping works shall be carried out in accordance with the approved details on drawing nos 14A, 15A, 16A, 17A, 18A and 19A, published on the Planning Portal on 9th June 2021. Any trees or plants indicated on the approved scheme which, within a period

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

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

11. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any retained trees or planting indicated on the approved drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity.

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

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.

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

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

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

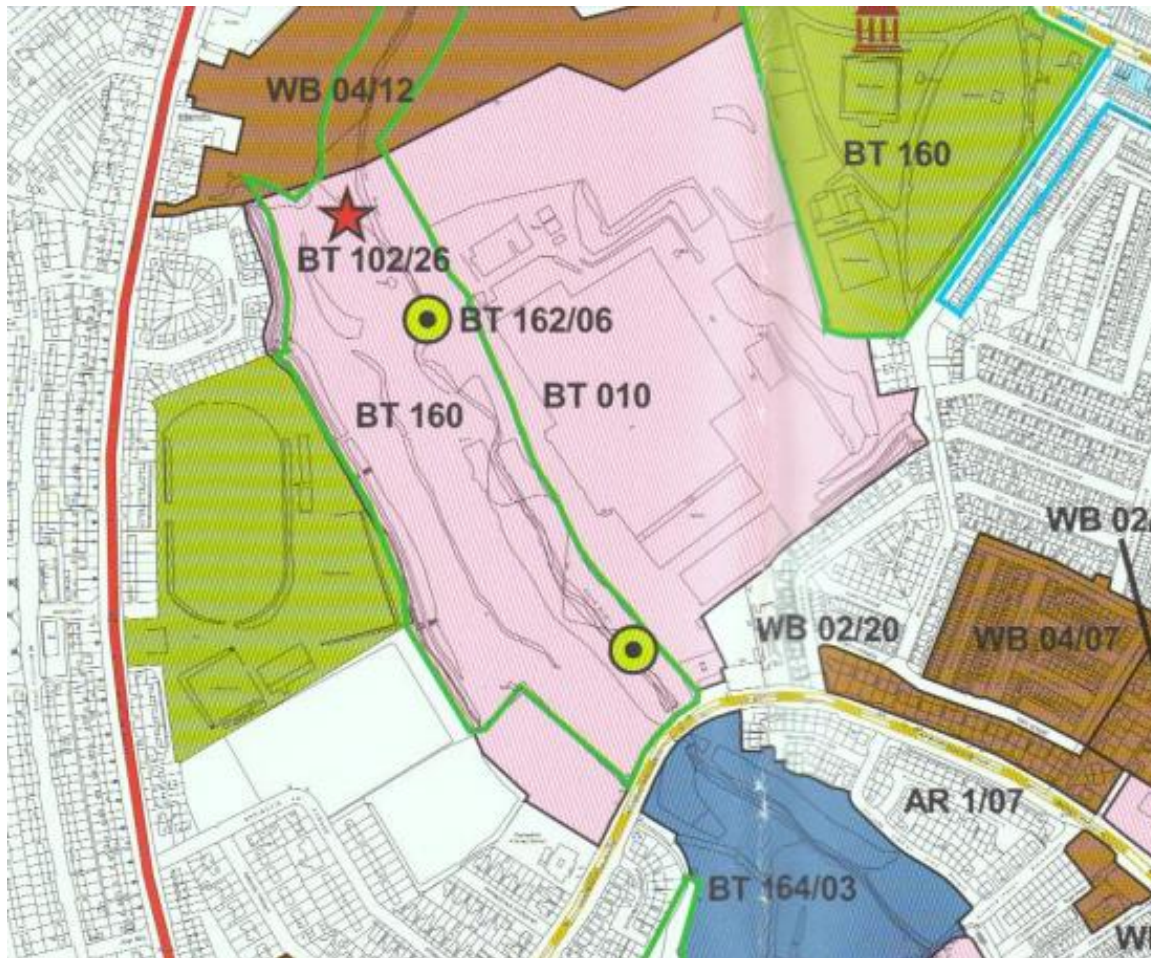
Reason: To avoid compaction within the Root Protection Area of existing trees to be retained.

Late Items

Planning Committee: Tuesday 14 June 2022

Agenda Item	Application	Issues Raised	Action
6a	LA/2020/1959/F Section 2, Forth Meadow Community Greenway, Springfield Road and West Circular Road	The incorrect Proposals Map is shown at Figure 6a of the Committee report (page 14). Figure 6a incorrectly shows an extract from Draft BMAP (v2014) when it should be an extract from Draft BMAP (v2004). However, the correct extract is included at Figure 6b albeit with the application site transposed onto the plan. So essentially the Committee still has the correct Proposals Map before them in the Committee report.	For the sake of completeness, the correct plan for Figure 6a (i.e. extract from Draft BMAP v2004 without the application site transposed) is provided below.

Corrected Figure 6a Extract from dBMAP (version 2004)



Agenda Item	Application	Issues Raised	Action
6a	LA/2020/1959/F Section 2, Forth Meadow Community Greenway, Springfield Road and West Circular Road	Participation and the Practice of Rights (PPR) has referred to the arrest of a person allegedly associated with some of the groups which were consulted as part of the planning application process. Officers do not consider this to be material to the consideration of the merits of the planning application and the applicant and council have followed their legal obligations in relation to public consultation on the proposals.	Committee to note.
6b	(Reconsidered Item) LA04/2020/1666/F Office development at 102-127 Grosvenor Road and adjoining the Westlink/Grosvenor Road junction.	Legal Services have confirmed that the Section 76 Planning Agreement for this development has now been executed.	Committee to note.
6h	LA04/2021/0859/F & LA04/2022/0351/DCA 21-23 Victoria Street and 41-51 Waring Street, Belfast	<p>A final consultation response was received from Environmental Health on 9th June confirming no objection subject to conditions and informatives including:</p> <ul style="list-style-type: none"> • Implementation of noise insulation/ mitigation measures; • Managing and controlling music noise level from any amplified sound within the ground floor and roof top bars • The ground floor and roof top bars shall not operate after 1am 	Committee to note..

Agenda Item	Application	Issues Raised	Action
6h	LA04/2021/0859/F & A04/2022/0351/DCA 21-23 Victoria Street and 41-51 Waring Street, Belfast	<p>Email correspondence dated 13th June received from Beannchor advising that they:</p> <ul style="list-style-type: none"> • did not receive a neighbour notification; • have no objection in principle to hotel use; • have concerns about the scale, height and massing of the extension and impact on the listed Merchant Hotel building; and • concern about proximity of the proposed extension which may give rise to noise, odour; overlooking and overshadowing impacts on amenity of residents within their hotel. 	<p>Members to note.</p> <p>Officers would respond:</p> <ul style="list-style-type: none"> • neighbour notification letters were sent to “bar, 35-39 Waring Street” and “hotel, 35-39 Waring Street” on 1st March 2022. This building, whilst part of the Merchant hotel, records indicate it retains its’ Waring Street address, and is located between the site and neighbouring Merchant Hotel buildings to the rear. Notification has been undertaken in accordance with standard practice. • correspondence indicates that Beannchor was aware of the planning application back in May 2021 and therefore no prejudice has occurred. • The issues raised have been considered in the committee report – HED, Conservation officer and Urban Design officer have no objections to the scale height and massing of the proposal. Environmental Health have considered noise and odour information and no objection subject to conditions.

Agenda Item	Application	Issues Raised	Action
			<ul style="list-style-type: none">No harmful overlooking issues arise due to location of existing window positions. Window positions of upper floor extension would not overlook adjacent properties to an unacceptable degree given city centre context and filtering by rooftop structures and plant on neighbouring buildings.

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Appendix 1 – Extracts from Specific Planning Policies

Belfast Urban Area Plan 2001

POLICY IND 1 – LAND FOR INDUSTRY AND COMMERCE

A total of 375 hectares (940 acres) is zoned in suitable locations to meet the expansion needs of existing industry and commerce and to provide for new industries and enterprises.

The Industrial Development Board (IDB) has indicated a need to provide further industrial lands in some parts of the urban area to meet their target-based job predictions up to 2001. Taking these and other needs for the zoning of industrial land into account, a total of 375 hectares (940 acres) has been allocated to provide a choice of location and site size on IDB lands, as well as on land owned privately and by Belfast City Council and the Belfast Harbour Commissioners (Appendix 5).

The zoning of land for industrial and commercial uses will ensure that a supply and choice of sites are available throughout the urban area. The Harbour Area will continue to act as the largest concentration of industrial employment serving the City and urban area as a whole, and an additional 40 hectares (100 acres) has been zoned at this location. The 335 hectares (840 acres) distributed throughout the Belfast Urban Area provides opportunities for local employment to be established close to where people live. The wide range of site sizes and choice of locations should ensure that the needs of developers are met throughout the Plan period.

POLICY IND 5 – ENVIRONMENTAL TREATMENT

An appropriate standard of environmental treatment will be required in new industrial and commercial areas and developments.

Proposed Industrial Developments

Where industrial proposals involve the comprehensive development of new sites, an overall landscape framework plan will be required before development commences. Appropriate planning conditions will be imposed on planning consents to ensure the implementation of landscape schemes. In the Inner City a combination of hard and soft landscaping schemes may be desirable and again appropriate landscaping conditions will be imposed on planning permissions.

Existing Industrial Estates and Developments

The environmental treatment of many existing industrial estates and other industrial developments is deficient by modern standards. The Industrial Development Board is pursuing a policy of upgrading by means of landscaping its existing publicly owned industrial sites and estates within the urban area. The Belfast City Council and the Belfast Harbour Commissioners are also actively involved in similar schemes on their respective land holdings. These combined public efforts will create new industrial images as the landscaping matures over the Plan period and may encourage private industrial landowners to carry out similar environmental improvements.

POLICY IND 6 – LAND USE POLICY FOR INDUSTRIAL AND COMMERCIAL AREAS

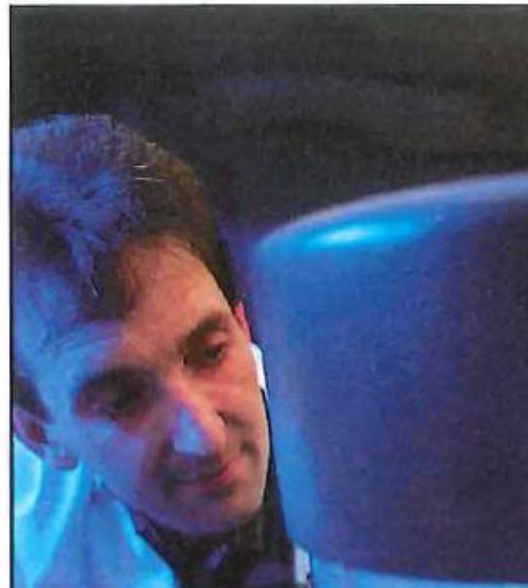
To ensure that lands zoned for Industrial and Commercial use are reserved for appropriate types of development.

For various reasons, areas within the Belfast Urban Area previously zoned as 'industrial' now contain premises which do not reflect that description. Changes in the employment sector away from manufacturing and towards the service sector have resulted in the introduction of new uses. Changing locational requirements have also made former industrial areas and industrial estates more attractive for non-manufacturing firms, and changing trading conditions have encouraged some existing manufacturing firms to diversify to include wholesaling and retailing. New technology industries have created difficulties with precise definition. As a result of all these trends and changes it is necessary to allow flexibility in the use of industrial and commercial land. The following additional uses will normally be acceptable in industrial estates:-

- light and general manufacturing;
- warehousing or stock-holding;
- car and commercial vehicle sales including showrooms, servicing, storage (stock piling), but excluding breaking and scrap/dismantling;
- repair businesses;
- builders suppliers with their associated open storage;
- Training Centres, Vehicle Inspection and Driving Test Centres;
- ancillary local needs, e.g., banks, cafés.

New retail development will not normally be permitted except for small scale factory shops ancillary to a factory or warehouse. Retail provision on industrial estates will be frozen at the present level in accordance with the strategy of directing new shopping development to the City Centre or existing shopping centres except where the circumstances described in Policy S2 apply. Limited extensions to existing businesses may be permitted, particularly where new jobs are created, subject to traffic and parking considerations.

Proposals for office development genuinely ancillary to industrial and other commercial functions will be considered on their merits against the background of the Office Development Strategy.



POLICY R3 – LINEAR PARKS

To establish linear parks based on streams and rivers within the urban area and, where possible, to develop a linking system of walkways within the valleys. These linear parks are:-

- Connswater/Knock River Valley.
- Derriaghy River Valley.
- Collin Glen River Valley.
- Forth River Valley.
- Ligoniel River Valley.
- Carrs Glen, Ballysillan, Waterworks, Alexandra Park.
- Glas-na-Cradan River Valley.
- Three Mile Water River Valley.

The river valleys running through the urban area are attractive natural features which should be retained and developed as linear parks. They provide the opportunity to create local open spaces and to provide continuous walks through the built-up area to the open country. Considerable progress has been made since the 1970s by the District Councils in the development of linear parks. The programme to develop public open spaces and walkways within the valleys will be completed within the Plan period.

The Development Strategy map shows in greater detail the lands reserved for landscape, amenity or recreation use.

Draft Belfast Metropolitan Area Plan 2015 (v2004)

Existing Employment/Industry

The following sites BT 010 – BT 011 are zoned as Existing Employment/Industry as identified on Map Nos. 4/001-4/004 - Belfast City.

Key Site Requirements are set out for site BT 010 to facilitate its comprehensive development.

Zoning BT 010	Employment/Industry Land at Springfield Road (Former Mackies Site)
19 hectares of land are zoned as Existing Employment/Industry as identified on Map No. 4/003 - Belfast City.	
Key Site Requirements: -	
<ul style="list-style-type: none">• Development shall only include the following uses: -	

<ul style="list-style-type: none">- Light Industrial Use as currently specified in Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended;- General Industrial Use as currently specified in Class 5 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended;- Storage or Distribution Use as currently specified in Class 11 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended;• Consideration shall be given to the exact type of industrial/employment use at this location with a view to protecting the amenity of the residential premises in close proximity;• Development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site• Access shall be from the Springfield Road in accordance with Roads Service, DRD requirements;• A Transport Assessment (TA), agreed with Roads Service, DRD, shall be required to identify any necessary improvements to the road network / public transport / transportation facilities in the area;• The existing access onto Woodvale Avenue shall be restricted to pedestrian, cycle and public transport usage only;• Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site;• A comprehensive landscaping scheme for the proposed development shall require to be submitted with any planning application for development and agreed with the Department. This shall include all of the following: -<ul style="list-style-type: none">- The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape;- A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition

Draft Belfast Metropolitan Area Plan 2015 (v2014)

Existing Employment

Key Site Requirements are set out for site BT 004 to facilitate its comprehensive development.

Zoning BT 004

Existing Employment

Land at Springfield Road (Former Mackie's Site)

19 hectares of land are zoned as Existing Employment as identified on Map No. 4/003 - Belfast City.

Key Site Requirements: -

- Development shall only include the following uses: -
 - Classes B1 (b) and (c), B2, B3 and B4 – Industrial and Business Uses as currently specified in of the Planning (Use Classes) Order (Northern Ireland) 2004.
- Consideration shall be given to the exact type of employment use at this location with a view to protecting the amenity of the residential premises in close proximity;
- Development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site;
- Access shall be from the Springfield Road in accordance with Roads Service, DRD, requirements;
- The existing access onto Woodvale Avenue shall be restricted to pedestrian, cycle and public transport usage only;
- Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site;

- A comprehensive landscaping scheme for the proposed development shall be submitted with any planning application for development and agreed with the Department. This shall include all of the following:-
 - The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape; and
 - A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition and additional high quality landscaping proposals within the site, to be agreed with the Department; and
- Positive long term landscape management proposals shall be required to mitigate and integrate any development and to protect and maintain the landscaping on the site. An Article 40 Agreement may be required to ensure delivery of this in accordance with the Department's requirements.

Policy EC4 – Loss of zoned employment land

Zoned employment areas will be retained in employment use and will be the focus of economic regeneration and development opportunities likely to come forward during the plan period. Only in exceptional circumstances as outlined below will the loss of zoned employment land be considered acceptable.

Proposals for the use of zoned employment land or buildings, for other purposes, should clearly demonstrate that:

- a. The proposed use is complementary to the primary employment use of the area, providing a small scale-ancillary service to meet the day-to-day needs of local employees, subject to compliance with other plan policies; or**
- b. The proposal would not prejudice the long term development of the wider employment area primarily for industrial and business development. In such cases alternative uses should:**
 - 1. Not adversely affect the city's overall capacity to meet future demand for employment land;**
 - 2. Be compatible with existing retained employment uses within their vicinity; and**
 - 3. Demonstrate that there is no likely future demand for employment use on the site. This would require evidence that it had been actively marketed for B1(b), B1(c), B2, B3 and B4 uses for a minimum of 18 months.**

In instances where the loss of employment land has been deemed acceptable further information will be necessary as per the council's contribution framework.

RG1: Ensure adequate supply of land to facilitate sustainable economic growth

3.3 To ensure that Northern Ireland is well placed to accommodate growth in jobs and businesses there should be an adequate and available supply of employment land. It should be accessible and located to make best use of available services, for example water and sewerage infrastructure, whilst avoiding, where possible, areas at risk of flooding from rivers, the sea or surface water run-off. The focus will be on larger urban centres and regional gateways taking advantage of their locations on the regional transport network.

- **Assess the quality and viability of sites zoned for economic development uses in the area plans.** A system to monitor the take-up (and loss) of employment land is required to help inform planning and investment decisions and actions. It is likely that the highest quality and most easily accessible land will be used up first and it is important that decisions are not based purely on the quantum of land available but how well connected it is, for example to public transport. The framework at Table 3.1 will enable Planning Authorities to identify robust and defensible portfolios of both strategic and locally important employment sites in their development plans. This will safeguard both new and existing employment areas for employment rather than other uses.

Planning Policy Statement 4

Policy PED 7

Retention of Zoned Land and Economic Development Uses

Zoned Land in all Locations

Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.

An exception will be permitted for the development of a *sui generis* employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except where justified as acceptable ancillary development.

Unzoned Land in Settlements

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:

- (a) redevelopment for a Class B1 business use or other suitable employment use would make a significant contribution to the local economy; or
- (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
- (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
- (d) the present use has a significant adverse impact on the character or amenities of the surrounding area; or
- (e) the site is unsuitable for modern industrial, storage or distribution purposes; or
- (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
- (g) there is a firm proposal to replicate existing economic benefits on an alternative site in the vicinity.

A development proposal for the re- use or redevelopment of an existing Class B1 business use on unzoned land will be determined on its merits.

Unzoned Land in the Countryside

A development proposal for the re- use or redevelopment of an economic development use or site on unzoned land in the countryside will be assessed under Policy PED 4.

Strategic Planning Policy Statement

- 6.89** It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process. While the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14/09/21	
Application ID: LA04/2020/1959/F	
Proposal: Proposed new parkland (Section 2 Forthmeadow Community Greenway) - foot and cycle pathways, lighting columns, new entrances and street furniture.	Location: Site to be developed includes vacant land bounded by the Forthriver Industrial Park in the east Springfield Road to the South and Paisley Park & West Circular Road & Crescent to the West. Area also includes links through the Forthriver Industrial Park to Woodvale Avenue land at Springfield Dam (Springfield Road) Paisley Park (West Circular Road) and the Junction of West circular Road & Ballygomartin Road.
Referral Route: Major application. Belfast City Council as applicant	
Recommendation: Approval subject to Conditions	
Applicant Name and Address: Belfast City Council Property and Projects Department 9 Adelaide Street Belfast BT2 8DJ	Agent Name and Address: McAdam Design 1c Montgomery House Castlereagh Business Park 478 Castlereagh Road Belfast BT5 6BQ
Executive Summary: This application seeks full permission for proposed new parkland for Section 2 of the proposed Forthmeadow Community Greenway. It includes foot and cycle pathways, landscaping, lighting columns, new entrances and street furniture. The key issues in the assessment of the planning application are: <ul style="list-style-type: none"> • principle of development • impact on the character and appearance of the area • impact on natural heritage • access, movement and parking, including road safety • impact on built heritage • flood risk • other environmental matters <p>The site is located in west Belfast, north of the Springfield Road and east of the West Circular Road. The site is a large area of open space, characterised by planting and a variety of trees and includes the Forth River Ravine to the east of the site. Paisley Park track and infield pitch and Albert Foundry Bowling Club are immediately adjacent to the site curtilage to the west. There is a large area of open space to the east of the site. The Innovation Factory which provides workspace and support to entrepreneurs, is situated immediately adjacent to the site, to the south. Further to the north, west and south of the site the area is mostly residential with a large Tesco Superstore to the north east. Therefore, the area comprises a mix of uses.</p>	

The site is located within an area zoned as industry and commerce in the Belfast Urban Area Plan 2001 (BUAP).

Part of the application site is zoned in the 2004 version of draft BMAP 2015 (dBMAP v2004) as an area of Existing Employment/Industry under designation BT10 – Employment/industry Land at Springfield Road (Former Mackies Site). The application site is also located partly within zoning WB 04/12 Housing –Lands to the south of Ballygomartin Road and to the east of West Circular Road. In addition, the application site is subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) – BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02.

Part of the application site is zoned in the 2014 version of draft BMAP 2015 (dBMAP v2014) as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The application site also falls within an uncommitted housing site WB 04/04 – Land between West Circular Road and Ballygomartin Road, either side of Forth river. In addition, the site is subject to two environmental designations: SLINCI - BT 084/26 – Springfield pond/Highfield Glen’ and a Community Greenway BT147/02.

BCC Environmental Health, Northern Ireland Water, BCC Tree Officer, BCC Landscape, Planning and Development team, DFI Roads Service, DFI Rivers Agency, Historic Environment Division (Historic Monuments); Historic Environment Division (Historic Buildings); DAERA Water Management Unit, DAERA Regulation Unit; Shared Environmental Services and DAERA Natural Environment Division have raised no issues of concern subject to conditions and the proposal is considered acceptable.

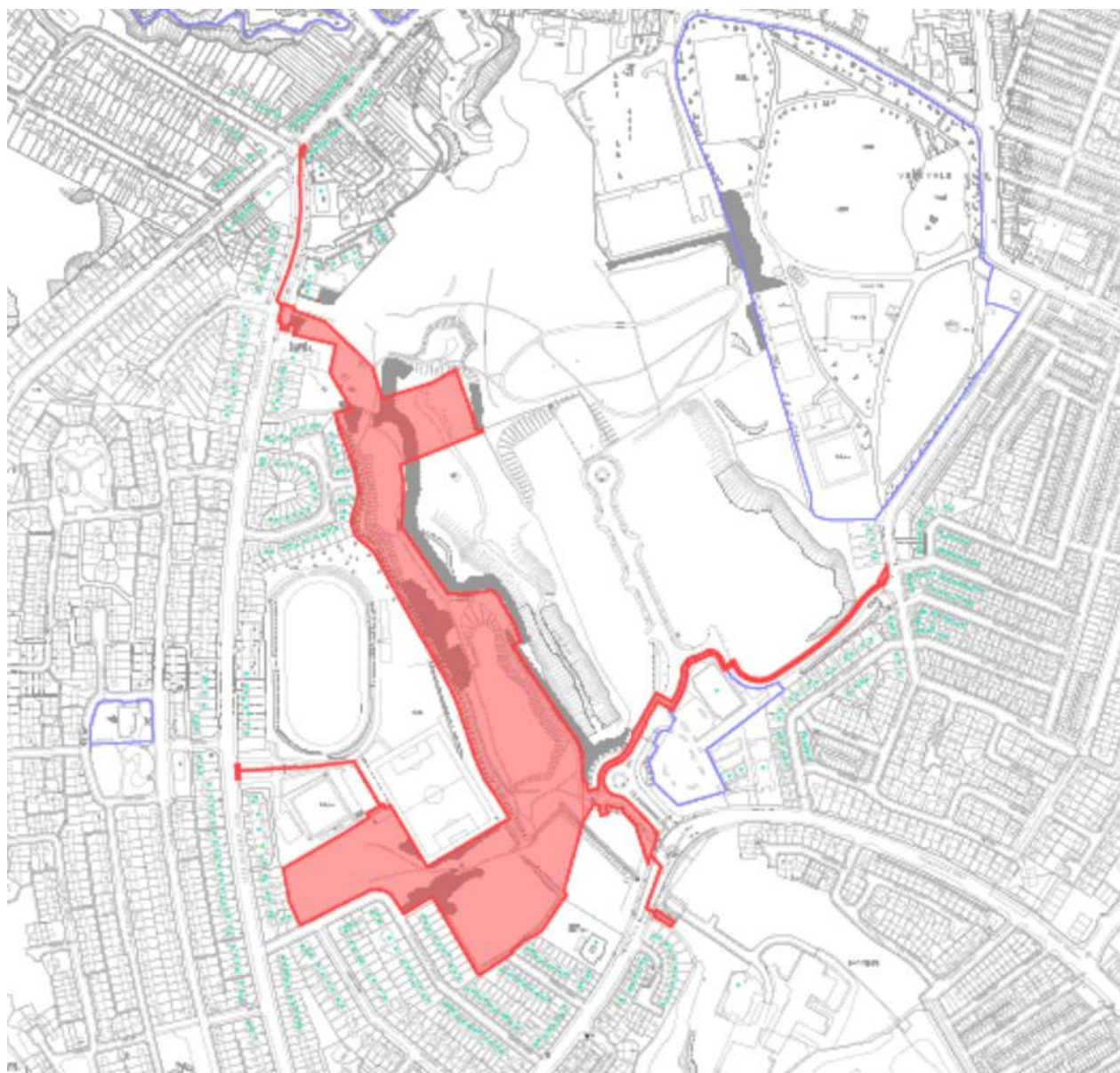
Two letters of support and three objections have been received. The issues they raise are set out in more detail in the main report.

The proposal has been assessed against the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), dBMAP v2004, dBMAP v2014, Planning Policy Statement 2, Planning Policy Statement 3, Planning Policy Statement 4; Planning Policy Statement 6, Planning Policy Statement 8, and Planning Policy Statement 15. Having regard to the assessment of the Development Plan and relevant material considerations, the proposal is considered acceptable.

It is recommended that planning permission is granted with the final wording of conditions delegated to the Director of Planning and Building Control.

Case Officer Report

Site Location Plan



Representations:

Letters of Support	Two received
Letters of Objection	Three received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received

Characteristics of the Site and Area

1.0 Description of Proposed Development

1.1 The application seeks planning permission for proposed new parkland. This is section 2 of the proposed wider Forthmeadow Community Greenway. The proposal includes foot and cycle

pathways, lighting columns, new entrances, street furniture and landscaping. The applicant is Belfast City Council.

2.0 Description of Site

The site is located in west Belfast, north of the Springfield Road and east of the West Circular Road. The site is a large area of open space, characterised by planting and a variety of trees, and includes the Forth River Ravine to the east of the site. Paisley Park track and infield pitch and Albert Foundry Bowling Club are immediately adjacent to the site curtilage to the west. There is a large area of open space to the east of the site. The Innovation Factory which provides workspace and support to entrepreneurs, is situated immediately adjacent to the site, to the south. Further to the north, west and south of the site the area is mostly residential with a large Tesco Superstore to the north east. Therefore, the area comprises a mix of uses.

2.1 Within BUAP 2001, the application site is located within an area zoned as industry and commerce. It is also identified as being a simplified planning zone and an Area of Business Development Potential.

2.2 Part of the application site is zoned in the 2004 draft BMAP as an area of Existing Employment/Industry under designation BT10 – Employment/industry Land at Springfield Road (Former Mackies Site). The application site is also located partly within zoning WB 04/12 Housing – Lands to the south of Ballygomartin Road and to the east of West Circular Road. Furthermore, the application site is subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) – BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02.

2.3 The report by the Planning Appeals Commission (PAC) following the Public Local Enquiry into objections to dBMAP v2004, records two objections, one in respect of the LLPA designation and the other in relation to the community greenway. The PAC recommended that the BT 160 – LLPA designation be removed from within Zoning BT 010 and recommended no change in respect of the other elements of the objections that relate to this site. This recommendation was accepted by the Department with the LLPA designation subsequently removed from the dBMAP v2014.

2.4 Part of the application site is zoned in the draft BMAP v2014 as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The application site also partly falls within an uncommitted housing site WB 04/04 – Land between West Circular Road and Ballygomartin Road, either side of Forth river. Furthermore, the site is subject to two environmental designations: SLINCI - BT 084/26 – Springfield pond/Highfield Glen' and a Community Greenway BT147/02. These environmental designations overlap with the employment zoning.

Planning Assessment of Policy and Other Material Considerations

3.0 Site History

3.1 There is no recent relevant planning history on the site.

3.2 Since the proposal falls under the category of Major development, Pre-Application Community Consultation was carried out by the applicant following submission of a Proposal of Application Notice (reference LA04/2019/1869/PAN). Feedback from the public was generally positive, however, one objection set out concerns regarding the proposal for the redevelopment of the Mackie's site.

4.0 Policy Framework

- 4.1 Belfast Urban Area Plan 2001 (BUAP)
- 4.2 Draft Belfast Metropolitan Area Plan (BMAP) 2015 (version 2004 and 2014)
- 4.3 Regional Development Strategy 2035
- 4.4 Strategic Planning Policy Statement 2015 (SPPS)
- 4.5 Planning Policy Statement (PPS) 2: Natural Heritage
- 4.6 Planning Policy Statement (PPS) 3: Access, Movement and Parking
- 4.7 Planning Policy Statement (PPS) 4: Planning and Economic Development
- 4.8 Planning Policy Statement (PPS) 6: Planning, Archaeology, and the Built Heritage
- 4.9 Planning Policy Statement (PPS) 8: Open Space, Sport and Outdoor Recreation
- 4.10 Planning Policy Statement (PPS) 15: Planning and Flood Risk
- 4.11 Developer Contribution Framework (2020)

5.0 Statutory Consultees

- 5.1 DFI Roads Service – No objection
- 5.2 Northern Ireland Water Ltd – No objection
- 5.3 DFI Rivers Agency – No objection
- 5.4 DAERA Natural Environment Division – No objection subject to conditions
- 5.5 DAERA Regulation Unit – No objection subject to conditions
- 5.6 DAERA Water Management Unit – No objection subject to conditions
- 5.7 HED Historic Monuments – No objection
- 5.8 HED Historic Buildings – No objection

6.0 Non Statutory Consultees

- 6.1 Belfast City Council (BCC) Environmental Health – No objection subject to conditions
- 6.2 BCC Tree Officers – No objection subject to conditions
- 6.3 BCC Landscape, Planning and Development – No objection
- 6.4 BCC Local Development Team – No objection
- 6.5 Shared Environmental Services – No objection

7.0 Representations

- 7.1 The application has been neighbour notified, advertised in the local press and made available on the NI Planning Portal. Five representations were received, two of which were supportive, however, there were three objections.
- 7.2 Two representations in support of the proposal were received. These were from a neighbouring resident and Belfast Hills Partnership. They outlined general support for the proposal but also bringing to the Council's attention there is invasive species on the site.
- 7.3 Three objections were received (one of which was addressed to Members of the Planning Committee). A summary of these objections is provided below.

Participation and the Practice of Rights (PPR):

- This section of the proposed community greenway is an anomaly as the other sections are in parkland whereas this is a brownfield site.
- The Council previously committed to resolving equality concerns but these have yet to be properly addressed. The previous screening [for the wider community greenway project] failed to acknowledge that the site is brownfield and capable of delivering development that will address equality at the site in line with the Council's obligations.
- People in Belfast are waiting on average 23 months for a home – the longest waiting time of any area. Nearly 3,000 people in West Belfast are in housing stress compared to only 401 homes allocated to new tenants. NIHE recognises that there is a supply issue. The proposal would set-aside a large windfall site in an area of the highest housing need.
- The potential use of brownfield land as parkland as potential equality impacts.
- The dimensions of the proposed site do not correspond with any specific need.

- The site has no surveillance by design and would be an unwelcoming and threatening space. A linear park with housing face it would be preferable.
- The proposal violates regional policy including the SPPS and PPS 4 which seek to protect zoned employment land. The land is zoned for employment in both the BUAP 2001 and draft BMAP 2015. Only the LDP process can redesignate the land. The PAC recommended removal of the LLPA designation as it would compromise the employment zoning. The LLPA was subsequently dropped.
- According to the PAC, draft BMAP 2015 has no material relevance.
- The proposal is premature to the new Belfast LDP and growth strategy.
- The proposal is contrary to the Council's Green and Blue Infrastructure Plan. It deviates from the established route in draft BMAP 2015, GBIP and draft Belfast Plan Strategy. It would also prejudice delivery of employment land.

Town and Country Planning Association:

- Supports the principle of community greenways but objects to this application.
- The land is zoned for employment in BUAP 2001 and draft BMAP 2015. The proposal is contrary to both the SPPS and PPS 4 which seek to protect employment land.
- The PAC recommended removal of the LLPA from draft BMAP 2015 as it would compromise the employment zoning.
- The proposal is premature as it would prejudice the outcome of the new Belfast Local Development Plan. The proposal would be prejudicial to the new LDP process.
- The proposal would prejudice the Council's own growth strategy which seeks to confine new housing and employment to within the boundary of the city.

7.4 With reference to the equality concerns, the recommendation to grant planning permission is the subject of an equality screening process, as defined in the Council's Equality Scheme. The information gathered to date indicates the recommendation would be screened out; with no adverse impacts identified.

7.5 In relation to the objection that the site and lands should instead be used for social housing, the Council must assess the proposal before it (the proposal is not for social housing). The Council cannot compel the landowner to bring forward an application for social housing. It will endeavour to use its powers as a Planning Authority to tackle social housing need through the new Belfast Local Development Plan, which includes specific planning policy provisions to address this issue and will consider the future zoning of land to address same through the next stage of the Plan process, the Local Policies Plan.

7.6 The remaining issues will be considered within the main assessment.

8.0 Other Material Considerations

8.1 Parking Standards (DOE, Feb 2005)

8.2 Implementation of Planning Policy for the Retention of Zoned Land and Economic Development Uses – Planning Advice Note

9.0 Assessment

9.1 Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 45 of the Act states that the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

9.2 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which dBMAP v2014 had reached pre-adoption through a period of independent examination, the policies within the that

draft still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage at which dBMAP v 2014 had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). Paragraphs 2.1 – 2.4 outline the designations for the site.

9.3 The proposed development is for section 2 of the Forthmeadow Community Greenway. The proposal is a part of the Belfast PEACE IV Local Action Plan. The overall project aim is to provide paths through the city that will link up existing public spaces and in so doing, interconnect communities.

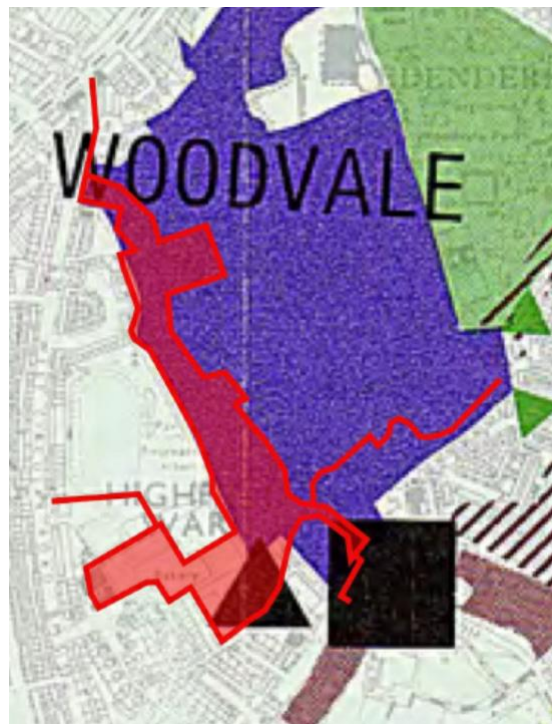
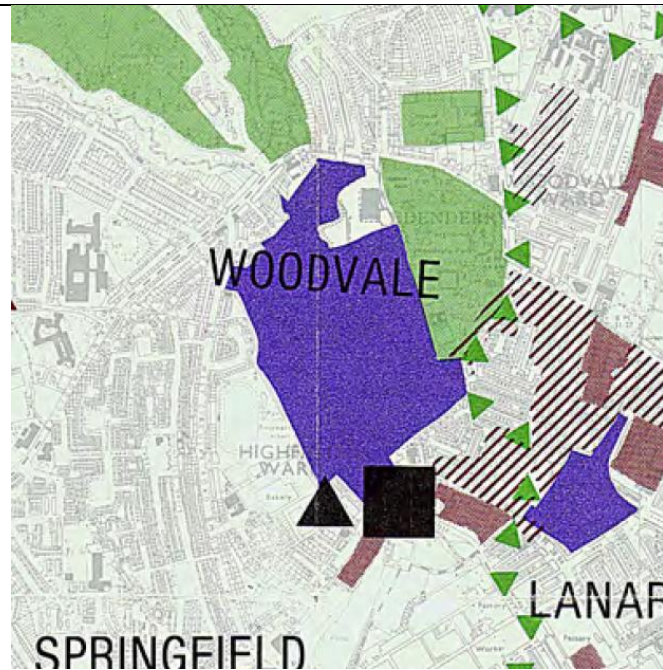
9.4 The key issues are:

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

Principle of development

Belfast Urban Area Plan 2001

9.5 The site is within the development limits of Belfast in both BUAP and draft BMAP 2015 (both versions). Within BUAP 2001, the application site is located within an area zoned as industry and commerce (as shown below; the black square is a Simplified Planning Zone and black triangle an Area of Business Development Potential). Policies IND 4 'Simplified Planning Zones' and IND 6 'Land use policy for Industrial and Commercial area' apply. BUAP states: 'lands zoned for Industrial and Commercial use are reserved for appropriate types of development', but goes on to state that 'changes in the employment sector away from manufacturing and towards the service sector have resulted in the introduction of new uses', and that 'as a result of all these trends and changes it is necessary to allow flexibility in the use of industrial and commercial land'.



Draft Belfast Metropolitan Area Plan 2015 (v2004)

9.6 Part of the application site is zoned in dBMAP v2004 as an area of Existing Employment/Industry under designation BT10 – Employment/industry Land at Springfield Road (Former Mackies Site). The application site is also located partly within zoning WB 04/12 Housing – Lands to the south of Ballygomartin Road and to the east of West Circular Road. The application site is in part subject to the following environmental designations: Site of Local Nature Conservation Importance (SLNCI) - BT 102/26- Springfield Pond/ Highfield Dam; Local Landscape Policy Area (LLPA) BT 160 Woodvale / Springfield Road; and a Community Greenway BT162/02 (as shown below). Development of the site should only come forward in accordance with an agreed masterplan.



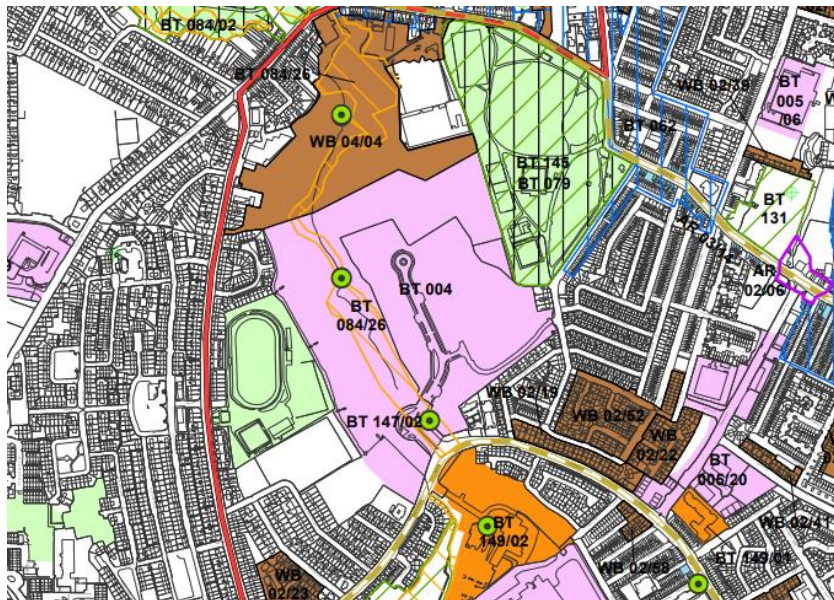
9.7 Policy ENV 2 of dBMAP v2004 applies. It states that planning permission will not be granted for development that would be liable to have an adverse effect on the nature conservation interests of a designated SLNCI. Policy ENV 3 (with respect to BT 160) also applies and states that in these areas planning permission will not be granted for development that would be liable to adversely affect those features, or in combination of features, that contribute to environmental quality, integrity or character. Policy OS 2 of PPS 8 states planning permission will not be granted for development either within or adjacent to a designated Community Greenway which would prejudice the retention, enhancement or further development of an identified route.

9.8 The report by the Planning Appeals Commission (PAC), following the Public Local Enquiry into objections to dBMAP v2004 records two objections, one in respect of the LLPA designation and the other in relation to the community greenway. The PAC recommended that designation BT 160 – LLPA designation be removed from within Zoning BT 010 and

recommended no change in respect of the other elements of the objections that relate to this site. The recommendation to remove the LLPA designation was accepted by the former Department of Environment on the basis of the zoning of the land for employment uses and that the works that had already been undertaken had compromised this landscape. The second objection was to remove the community greenway designation. This was not accepted by the PAC, which concluded that it would not affect the business use of the lands.

Draft Belfast Metropolitan Area Plan 2015 (v2014)

9.9 Part of the application site is zoned in the dBMAP v2014 as an area of Existing Employment under designation BT 004 – Land at Springfield Road (Former Mackies site). The north edge of the site partly falls within housing zoning WB 04/04- Land between West Circular Road and Ballygomartin Road, either side of Forth river. The site is also subject to two environmental designations: SLINCI - BT 084/26 – Springfield pond/Highfield Glen’ and a Community Greenway BT147/02 (as shown on the inset map below). Development of the site should only come forward in accordance with an agreed masterplan.



9.10 It is acknowledged that part of the site falls within BT 004 as an area of existing employment, however, environmental designations BT 084/26 and BT 147/02 overlap this land. Although the application site is subject to a number of planning policies, some of which seek to retain an industrial use of the site, Policy BT162 of dBMAP v2014 confirms that the use of the site as a Community Greenway is both acceptable and is actively promoted by the draft Plan. Supporting text within the Development Plan states that: ‘development shall be excluded from a landscaped corridor associated with the Forth River which traverses the site and is part of the designated Forth River/Glencairn/Ligoniel Community Greenway, Ref. BT 147/02’. It is considered that neither the proposal nor the absence of an agreed masterplan would prejudice the remainder of the land coming forward for employment uses. Furthermore, it is considered that the proposal would not prejudice the delivery of housing on the land to the north edge of the site. Significant weight should be given to the most recent version of dBMAP v2014 because of its advanced stage in the Development Plan process.

9.11 Furthermore, officers note that of approximately 133,000 sq. metres of land suitable for employment use within a 3km distance (30-minute walk) of the site, approximately 75,000 sq. metres is currently available within the Mackies zoning. The application proposal is likely to reduce the employment yield of this zoning by approximately 30%. However, given the

aforementioned policy position, this is considered acceptable. There is no objection to the proposal from Planning Service LDP team.

9.12 The issue of prematurity relating to the Draft Plan Strategy (dPS) 2035 has been raised by objectors. The Planning Service LDP team advises that independent examination has taken place in relation to the dPS and the Council is currently awaiting a report from the Planning Appeals Commission which must then be considered by DfI before the dPS can be adopted. It advises that: *'Prematurity is not considered to be justified in relation to this proposal because there is sufficient land within the plan area to deal with the city's employment requirements over the lifetime of the plan. The Plan Strategy has largely focussed on policy and not individual designations / zonings which will be considered at the next stage – the Local Policies Plan (LPP). In any case the development proposal does not go to the heart of the plan and is neither individually nor cumulatively so significant, that to grant planning permission would be to predetermine a decision which ought to be properly to be taken in the LDP context.'* Moreover, regard must be had to the environmental constraints of the land and landscaped corridor.

9.13 The aim of the proposal is to help create new connected shared civic spaces for use by all sections of the community, with high quality, safe, shared spaces and Greenway networks, enhancing linkages between communities and promoting sustainable transport opportunities. These are important material considerations which weigh in favour of the proposal. As well as providing new pathways within the site itself to allow for pedestrians and cyclists, the proposal will enhance and expand the ecology and habitats which exists on the site, such as the Open Mosaic Habitat. This is also an important material consideration.

9.14 Having regard to the above factors, the principle of development is considered acceptable.

Impact on the character and appearance of the area

9.15 The proposed park will have a series of 3m wide routes, finished in buff-coloured asphalt path suitable for use by pedestrians, cyclists, and disabled users. A steel framed elevated walkway is proposed to provide access over the existing wetland area. The site boundary will be defined by a 2.4m high palisade fence. A 1.2m high palisade fence will be used to prevent access to the Forth River Ravine, where there are steep slopes and areas of invasive species present. The proposed scale, form, design and materials are considered acceptable and would not adversely impact on local character.

9.16 The site comprises a mix of tree species which vary in age, size, health, condition and growing in small groups, clusters or stand alone. Initial consultation with both BCC Tree Officers and BCC Landscaping, Planning and Development team presented a number of concerns as well as requests for additional information. A Tree Protection Plan as well as Landscape Management and Maintenance Plan and detailed landscaping plans were submitted for review.

9.17 A total of 31 trees are proposed to be removed with 80 (of mixed species) to be planted. All retained trees will be protected using protective fencing during construction. On reviewing the latest submission neither BCC Landscape, Planning and Development nor BCC Tree Officers offered an objection. The BCC Tree Officer suggested a number of conditions to be included should approval be granted and these are recommended.

9.18 There is no objection to the landscape impact of the proposal from the Council's Landscape, Planning and Development team. It is considered that the proposal would not result in visual harm and that the character and appearance of the area would actually be enhanced.

Impact on natural heritage

9.19 As well as being within environmental designations previously listed, the application site is hydrologically linked to the Belfast Lough SPA and Belfast Lough Open Water SPA, which are

designated under the EC Habitats Directive (92/43/EEC on the conservation of natural habitats and of wild fauna and flora); as well as the Inner Belfast Lough ASSI, Outer Belfast Lough ASSI, which are declared under the Environment Order (Northern Ireland) 2002.

9.20 A Draft Preliminary Ecological Appraisal (PEA), Bat Survey, Habitats Regulation Assessment, Invasive Species Management Plan and OMH Creation and Management Plan were submitted as part of the application. DAERA NED were consulted regarding any potential impact the proposal could cause on any natural heritage assets on or adjacent to the site. NED responded requesting additional information mainly in order to assess any potential impact on the significant population of bats present on the site, both foraging and commuting, but also on whether there were badgers present. A finalised PEA; lighting plan and clarification of any tree removal were submitted, satisfying NED that the proposal was acceptable. NED also welcomes the plan set out within the Invasive Species Management Plan for the managed treatment of Japanese knotweed and Himalayan balsam present to eradicate stands and avoid further potential spread. NED have suggested three conditions should approval be granted which stipulated that a Construction Environmental Management Plan (CEMP) should be submitted and agreed in writing prior to the commencement of works; any necessary vegetation removal be completed outside of the bird breeding season (1st March – 31st August); and no development activity shall take place within 10 metres of the existing watercourse.

9.21 DAERA, Water Management Unit were also consulted and responded on 24th February 2021 confirming they had no objections to the proposal, as did Shared Environmental Services on 5th July 2021, subject to the submission and agreement in writing of a CEMP prior to the commencement of works. SES carried out a HRA screening and recommend that BCC as the Competent Authority adopts the HRA report. This found that the project would not have an adverse effect on the integrity of any European site.

9.22 The proposal is considered acceptable with regard to ecological and environmental issues having regard to PPS 2 and relevant policy.

Access, Movement, Parking and Transportation

9.23 Existing car parks are available at Paisley Park and Springfield Park, with on street parking available at the proposed entrance at West Circular Road. Deliberately there is no proposed dedicated vehicular access as the community greenway is specifically proposed for cyclists and pedestrians. DFI Roads responded with no objection to the proposal. The proposal is considered acceptable with regard to access, movement, parking and transportation issues having regard to PPS 3 and relevant policy.

Impact on Built Heritage

9.24 The application site is located within the vicinity of the Woodvale Park's Bandstand and its gate piers, gates and railings, both of which are Grade B2 listed under HB26/38/002 A and HB26/38/002 B respectively. Due to the nature of the proposal, as well as being removed from the listed structures HED Historic Buildings felt it would pose no greater demonstrable harm on their setting, and therefore satisfied paragraph 6.12 of the SPPS and Policy BH11 of PPS6.

9.25 An Archaeological and Cultural Assessment was carried out for the PEACE IV programme in its entirety. As well as listed structures, one recorded archaeological monument, four historic gardens recorded in the Historic Gardens Register, and eighteen sites within the Industrial Heritage Records were identified. HED Historic Monuments have confirmed that they have no objection to the proposal.

9.26 The proposal is considered acceptable with regard impact on built heritage having regard to PPS 6 and relevant policy.

Flood Risk

9.27 A Drainage Assessment has been submitted in accordance with Policy FLD 3 of PPS 15. DfI Rivers Agency were consulted and responded with no objection. The proposal is considered acceptable with regard to flood risk and draining having regard to PPS 15 and relevant policy.

Other Environmental Matters

9.28 A Preliminary Risk Assessment, Generic Quantitative Risk Assessment and accompanying Ground Investigation Report were submitted, relating to the risk of contaminated land on the site. The site investigation identified a human health risk from asbestos fibres in shallow soils and remediation measures were outlined. Whilst DAERA Regulation Unit responded with no objection to the proposal subject to certain conditions, BCC Environmental Health (EH) requested further detail, resulting in the submission of updated reports.

9.29 Asbestos was identified at 25 locations. BCC EH notes that the only potential risk posed to future site users is through direct exposure and as the proposed walking and cycling routes are to be surfaced with hardstanding a physical barrier will therefore break the direct exposure pathways. Future site users could potentially be exposed to contaminants in soils across non-hardstanding areas, therefore the impacted areas are to be provided with a capping layer of clean material. BCC EHO responded with no objection to the proposal subject to the agreement of a Verification Report prior to the operation of the development if approved. They also suggested the inclusion of an informative with respect to the proposed pole mounted LED lanterns and bridge lighting.

10.0 Conclusion and Recommendation

10.1 The proposal will support connectivity and linkage between communities and promote health and well-being to the surrounding area, which is to be welcomed. It is considered that the proposal would enhance the character and appearance of the area. There are no objections from consultees. The objections from third parties have been addressed in the report.

10.2 Having regard to relevant policy, representations and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted with the final wording of conditions delegated to the Director of Planning and Building Control.

11.0 Draft Conditions**Conditions**

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

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

2. Prior to the operation of the proposed development, the applicant, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Pentland Macdonald Ltd report entitled 'Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council' (dated May 2021 and referenced PM21-1032) and shown on the McAdam Design Ltd drawing entitled 'Section 2, Contaminated Lands Remediation Plan' (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021) have been implemented.

The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use (public open space (park)). It must demonstrate that the

identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance and must demonstrate that:

- a) A minimum 600mm clean capping layer has been emplaced in all required areas, as shown in the Pentland Macdonald Ltd report entitled 'Additional Contaminated Land Risk Assessment, PEACE IV CRSS Forth Meadow Community Greenway, Belfast, for McAdam Design/Belfast City Council (dated May 2021 and referenced PM21-1032) and the McAdam Design Ltd drawing entitled Section 2, Contaminated Lands Remediation Plan (Project No: E2103, Drawing No: 02-110, Revision B, dated 8th July 2021).
- b) The clean capping layer is formed from material is demonstrably suitable for use (public open space (park)) and is underlain by a geotextile membrane.

Reason: Protection of human health.

3. 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. This new contamination shall be fully investigated in accordance with best practice. In the event of unacceptable risks being identified, a Remediation Strategy and subsequent Verification Report shall be agreed with the Council in writing, prior to the development being occupied. If required, the Verification Report shall be completed by competent persons in accordance with best practice and must demonstrate that the remediation measures have been implemented and that the site is now fit for end-use.

Reason: Protection of human health

4. The appointed contractor must submit a final site specific Construction Environmental Management Plan (CEMP) for approval by Belfast City Council Planning before commencement of any works on site. This plan should contain all the appropriate environmental mitigation as detailed in the NIEA WMU and NED responses dated 24/02/2021 and 29/06/2021.

Reason: To ensure that the appointed contractor is aware of and implements the appropriate environmental mitigation during construction phase to protect hydrologically connected European Site features.

5. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Council shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Council in writing, and subsequently implemented and verified to its satisfaction.

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

6. After completing the remediation works under Condition 5; and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. The verification report should present all the remediation, waste management and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and wastes in achieving the remedial objectives.

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

7. A Construction Environmental Management Plan shall be submitted by the applicant/approved contractor to the Planning Authority prior to the commencement of works. This should identify the perceived risks to the aquatic environment, potential pollution pathways and mitigation measures to negate such risks. It should include;

- a. Construction Method Statement(s) - including details of construction and excavation;
- b. Pollution Prevention Plan ? including details of a suitable buffer of 10m between the location of refuelling, storage of oil/fuel/substrate/construction materials/machinery, concrete mixing and washing areas and any watercourses found on site.
- c. Site Drainage Plan; including details of Sustainable Drainage Systems (SuDS).
- d. Spoil Management Plan; including location of spoil storage areas out with the 10m buffer zone;
- e. Environmental Emergency Plan; including details of emergency spill procedures and regular inspections of machinery onsite;
- f. Water Quality Monitoring Plan;
- g. Details of the appointment of an Ecological Clerk of Works (ECoW), detailing their roles and responsibilities.

Reason: To protect designated sites and site selection features.

8. No vegetation clearance/removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance/demolition 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 Council within 6 weeks of works commencing.

Reason: To protect breeding birds.

9. No development activity, including vegetation clearance, infilling, disturbance by machinery, dumping or storage of materials including vehicles/refuelling of vehicles, shall take place within 10 metres of the existing watercourse.

Reason: To protect/minimise the impact of the development on the biodiversity value of the name of the existing watercourse (former mill race) to the west of the proposed greenway route.

10. A full Construction Environmental Management Plan (CEMP) shall be submitted to the Council and agreed in writing following consultation with 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.

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

11. All soft landscaping works shall be carried out in accordance with the approved details on drawing no xxxx, dated xxxx. The works shall be carried out prior to the completion of the dwelling unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

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

drawings which become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.

Reason: In the interests of visual amenity

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

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

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

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

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

Reason: To avoid compaction within the RPA of existing trees to be retained.

12.0	Referral to DFI Planning N/A
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Appendix 3 – Late Items report to Planning Committee on 14 September 2021

Late Items

Agenda Item	Application	Issues Raised	Action
6c	LA04/2019/0775/F – Hampton Park	<p>NIEA consultation response received on Tuesday 14th September 2021.</p> <p><u>WATER MANAGEMENT UNIT</u></p> <p>In our previous response WMU/PC/ 30576-1 uploaded to the NI Planning Portal on 17th May 2019 Water Management Unit stated that it was content with the sewage loading from the proposed development being transferred to Newtownbreda Waste Water Treatment Works (WWTW)</p> <p>Water Management Unit constantly reviews the 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.</p> <p>Having reviewed the situation at Newtownbreda WWTW, Water Management Unit 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.</p> <p>If NIW advise the NI Planning Case Officer 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 Water Management Unit</p>	<p>Members to note.</p> <p>NI Water have previously advised of no issues (relates to Water Management Unit comments).</p>

Agenda Item	Application	Issues Raised	Action
		<p>has no objection to this aspect of the proposal.</p> <p>Should this application be approved Water Management Unit recommend the following condition is inserted in any decision notice.</p> <p>The first suggested condition in DAERA Standing Advice Multiple Dwellings is:</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment prior to works beginning on site.</p> <p><u>INLAND FISHERIES</u></p>	

Agenda Item	Application	Issues Raised	Action
		<p>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 section 48 permit will be required for the proposed headwall construction.</p> <p>Explanation Inland Fisheries notes the nature and location of the proposal with a small watercourse to the southern boundary of the site which flows into the River Lagan, the River Lagan has significant fisheries interest, the river supports populations of resident and migratory salmonids (Salmon, Trout/Seatrout), eels, lamprey and several coarse fish species are also likely to be present. Inland Fisheries has invested substantial time and resources into the successful reintroduction of a self-sustaining population of salmon to the Lagan catchment. Inland Fisheries have also invested considerable time, effort and resources into a program of habitat enhancement in the river catchment. The River Lagan is an excellent resource for recreational angling and utilized by several highly active clubs. The applicant should be aware that aquatic ecology can be impacted not only in the immediate area of works but also significant distances downstream unless comprehensive mitigation measures are applied. Fish populations are sensitive to reductions in water quality and salmonids are particularly susceptible to siltation. Inland Fisheries has no data relating to this small stream however, having conducted a site visit is content that there is some potential for fisheries interests within it although water quality may 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, the applicant must ensure the nature of any discharges to the</p>	Members to Note

Agenda Item	Application	Issues Raised	Action
		<p>aquatic environment are of a nature that they will not be to the detriment of fisheries interests, any proposed mitigation should be outlined in a CEMP. The proposal itself, with appropriate mitigation for suspended solids/sediments entering the watercourse, is unlikely to have any significant impact to the stream but would advise that the construction of the headwall to facilitate the surface water discharge, will require permission under Section 48 of the Fisheries Act (NI) 1966, the applicant/contractor should be advised these can be applied for by contacting DAERA Inland Fisheries.</p> <p><u>NATURAL ENVIRONMENT DIVISION</u></p> <p>NED acknowledges receipt of Representation letters uploaded to the Planning Portal and has considered the contents.</p> <p>Explanatory note NED has 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 notes that further concern has been raised with regard to squirrels and butterflies and considers that the proposed development is unlikely to significantly impact these natural heritage features. NED advises that with the information submitted, the proposed development complies with PPS2, provided the recommendations as previously advised are conditioned and attached to the decision notice.</p>	Members to Note
6e	LA04/2020/2280/F Mixed use development comprising 1 ground floor retail unit and 13	Request from the agent for this application to be withdrawn from the agenda to allow further engagement between the applicant and the local community on parking and the other issues raised.	For committee to decide whether to defer the application further.

Agenda Item	Application	Issues Raised	Action
	apartments at 93-95 Falls Road		
6f	LA04/2019/1886/F – 42-50 Ormeau Road	<p>Draft consultation response from DFI Roads has been received (Private Streets Determination awaiting formal sign off).</p> <p><i>Having reviewed the submitted Private Streets Determination drawing No.20-03 Rev.P3 uploaded to the Planning Portal 23rd June 2021 and bearing Department for Infrastructure Determination date stamp 24th August 2021, the Department for Infrastructure now offers no objections to this proposal.</i></p> <p><i>The parking survey submitted in support of the development application (uploaded to the Planning Portal 29th August 2019) together with a parking survey undertaken by the Department for Infrastructure on 11th February 2020 demonstrates sufficient spare capacity/availability of on-street parking within the vicinity of the site to accommodate the requirements of the development during its peak periods of parking demand.</i></p> <p><i>The letters of representation uploaded to the Planning Portal (on or before 3rd December 2020) have been considered by the Department for Infrastructure in the assessment of this development application.</i></p> <p><i>The following conditions and informatives should be considered for inclusion in any planning decision notice issued:</i></p> <p>Conditions</p>	

Agenda Item	Application	Issues Raised	Action
		<p><i>1) The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.</i></p> <p><i>The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on drawing No.20-03 Rev.P3 bearing the Department for Infrastructure Determination date stamp 24th August 2021.</i></p> <p><i>REASON: To ensure there is a safe and convenient road system to comply with the provisions of the Private Streets (Northern Ireland) Order 1980.</i></p> <p><i>2) The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with Drawing No.03B uploaded to the Planning Portal 18th May 2021.</i></p> <p><i>REASON: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</i></p> <p><i>3) The development hereby permitted shall operate in accordance with the Framework Travel Plan uploaded to the Planning Portal 29th August 2019.</i></p> <p><i>REASON: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.</i></p>	

Agenda Item	Application	Issues Raised	Action
		<p>4) The development hereby permitted shall operate in accordance with the Service Management Plan uploaded to the Planning Portal 29th August 2019.</p> <p>REASON: In the interests of road safety and the convenience of road users.</p>	
6g	LA04/2021/0173/F Alterations and extension to create new consulting and therapy rooms with plant relocated to roof at 193 Belmont Road.	<p>Emails from Keith McClure (Agent):</p> <p>The existing on site parking provision falls short of what is required in the Parking Standards. The site can facilitate 14 parking spaces. However, the parking standards as set out ,</p> <ul style="list-style-type: none"> • 1 space per vet • 1 space per 2 other staff and • 4 spaces per consulting room <p>would mean a requirement of 34 spaces for the building as it exists.</p> <p>There is no increase planned in either staff or patient numbers but rather the proposal is required for facility improvement rather than service expansion. Currently, the practice is using some rooms for multiple purposes which is not ideal nor efficient, providing below standard services with regard to adequate room for treatments.</p> <p>Confirmation that consultations are via appointment only with the exception of emergencies.</p>	<p>Officers respond to the points raised as follows:</p> <p>The veterinary hospital is a long-established use which benefits from the existing on-site and off-site parking facilities. Therefore, the Council can only assess the potential increase in parking as result of the current proposal.</p> <p>The Council acknowledges that the parking standards would require 8 additional parking spaces based on the 2 consulting rooms created.</p> <p>However, with no planned increase in staff or patients, the minor nature of the extension, and that DFI Roads have no objection, the Council considers the proposal to be acceptable and will not exacerbate the impact on parking or road safety beyond what currently exists. The proposal is considered to comply with PPS3 and the SPPS in this regard.</p>
6h	LA04/2020/1959/F proposed parkland on land to the north of Springfield Road and west of West Circular Road (Section	Letter from solicitors acting on behalf of PPR who have objected to the application. The points raised in the letter are summarised below.	Officers respond to the points raised as follows.

Agenda Item	Application	Issues Raised	Action
	2 of Forthmeadow Community Greenway)	<ul style="list-style-type: none"> • Refers to Policies IND4 and IND6 of the BUAP 2001. In relation to Policy IND4, the site is not a Simplified Planning Zone (SPZ). Policy SPZ states that the establishment of SPZs will be considered. The Planning Act 2011 permits the Council to make SPZs. No SPZ has ever been made for this site and it's unclear why it is being referenced in the Committee report • Policy IND6 seeks to reserve industrial and commercial and for appropriate types of development and protects such land from non-employment uses. Policy IN6 does state that it is necessary to be flexible but this is limited to industry and employment and does not support replacement with a park. Additional uses that would be acceptable include: <ul style="list-style-type: none"> - Light and general manufacturing - Warehousing and stockholding - Car and commercial vehicles sales - Repair businesses - Building suppliers and associated storage - Training centres, vehicle inspection and driving test centres - Ancillary local needs e.g. banks, cafes • Refers to the zonings in dBMAP 2015 (v2004) and dBMAP 2015 (v2014). Par. 9.10 of the Committee report is misleading it states that the employment zoning is overwritten by Policy BT162 of draft BMAP 2015 (v2014), however, this policy does not exist and is only present in draft BMAP 2015 (v2004). • The greenway zoning is aligned with and located on the Forth River Valley, not on the western side of zoning BT 004 in dBMAP 2015 (v2014). There are good planning 	<p>The SPZ annotation is referenced in the Committee report at par. 9.5 for factual reasons.</p> <p>The proposed greenway is considered ancillary to or complementary to the employment zoning. By its very nature its use would not be incompatible with the employment zoning and it indeed would support it by providing landscape relief, breakout amenity space for employees and improved connectivity. The proposed greenway does not preclude future employment development of the land. Moreover, regard should be had to building plot ratios and that a scheme developing the wider lands for employment would likely remain viable whilst retaining the proposed community greenway.</p> <p>The Committee report referenced the incorrect policy designation in error. Par. 9.10 should refer to Policy BT147/02 (community greenways) rather than Policy BT162.</p> <p>The indicative location of the greenway (Policy BT 147/02) is along the Forth River basin. However, this does not preclude an</p>

Agenda Item	Application	Issues Raised	Action
		<p>reasons for this which relate to ecology and topography. The community greenways are identified on Map Nos. 4/001 to 4/004.</p> <ul style="list-style-type: none"> • In any event dBMAP 2015 (v2014) cannot override regional planning policy and PPS 4 which seeks to protect employment land. Policy PED 7 of PPS 4 states: <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'</i> • Par. 9.10 of the Committee report ignores the key site requirement that the land shall only be used for employment purposes. Reference to development being excluded from the landscape corridor only relates to the housing zoning and not to the employment land. 	<p>alternative location for the proposed greenway, which must be considered on its merits as set out in the Committee report.</p> <p>As discussed above, the proposal is considered complementary to the employment zoning. The positive aspects of the proposal must be balanced against the concerns including loss of employment land. This is set out in the Committee report and the proposal considered acceptable.</p> <p>Policy BT 004 of dBMAP 2015 (v2014) has a number of key site requirements including:</p> <ul style="list-style-type: none"> - Limiting uses to Classes B1 (b) and (c), B2, B3 and B4; - Consideration shall be given to the exact type of employment uses with a view to protecting residential amenity; - Development of the site shall only be permitted in accordance with an overall comprehensive masterplan. This shall outline the design concept, objectives and priorities for the site; - Access shall be from the Springfield Road in accordance with Departmental requirements; - The existing access onto Woodvale Avenue shall be restricted to pedestrian, cycle and public transport usage only; - Buildings shall exhibit variety in their elevational treatment and heights, and

Agenda Item	Application	Issues Raised	Action
		<ul style="list-style-type: none"> The proposal would result in the loss of 30% of the wider employment land and no consideration has been given to PPS 4 including Policy PED 7. 	<p>particular consideration shall be given to views into the site.</p> <ul style="list-style-type: none"> - A comprehensive landscaping scheme for the proposal shall be submitted; and - Positive long term landscape management proposals shall be required to mitigate any development and to protect and maintain the landscaping on the site. <p>As discussed above, the proposal is considered complementary to the employment zoning.</p> <p>Policy PED 7 of PPS 4 applies. It states that: <i>'Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted unless the zoned land has been substantially developed for alternative uses.'</i></p> <p><i>An exception will be permitted for the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and provided approval will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally. Retailing or commercial leisure development will not be permitted except</i></p>

Agenda Item	Application	Issues Raised	Action
		<ul style="list-style-type: none"> The statement about prematurity at par. 9.12 of the Committee report is incorrect because the Belfast LDP Plan Strategy is entirely reliant on the conversion of a significant proportion of employment land to residential use. The letter disagrees with the assessment of prematurity and believes that the matter <u>does</u> go to the heart of the Plan Strategy. The loss of 30% of protected employment land would create a city-wide precedent with significant ramifications for the Development Plan process. 	<p><i>where justified as acceptable ancillary development.'</i></p> <p>As discussed above and in the case officer report, the proposal is considered ancillary and complementary to the employment zoning. Whilst the red line boundary of the application site would appear significant in terms of size, the actual proposed development within that red line consists of foot and cycle pathways, lighting columns, new entrances and street furniture. It is considered that the connectivity improvements that would be delivered by this application would likely be required in any subsequent application for employment use in any event. As such these works have the potential to facilitate sustainable economic development, which is the overriding objective of planning policy.</p> <p>The issue of prematurity is addressed in the Committee report and is a very high bar in terms of significant prejudice to delivery of the plan. Whilst there may be an identified potential oversupply of employment land across the entire city the council has not stated that it is reliant on this oversupply of land to meet the housing need over the plan period.</p>

Agenda Item	Application	Issues Raised	Action
		<ul style="list-style-type: none"> The Committee is invited to adjourn consideration of the application so that fuller representations on the Committee report can be made. 	It is considered that the Committee has sufficient information to determine the application but will need to consider the proposal from PPR to defer it.
6h	LA04/2020/1959/F proposed parkland on land to the north of Springfield Road and west of West Circular Road (Section 2 of Forthmeadow Community Greenway)	<p>The applicant (BCC Physical Programme team) has submitted an email, which sets out the following points.</p> <ul style="list-style-type: none"> The Forth Meadow Community Greenway project will create an iconic 'network of shared open spaces' which will enable reconciliation and interaction between divided communities and be a catalyst for social and economic regeneration for local neighbourhoods. Local communities will be reconnected to the City Centre, specifically to the Transport Hub, and commercial Linen Quarter; There are 3 distinct elements to the Share Spaces project: <ul style="list-style-type: none"> To develop civic pride in local welcoming, attractive neighbourhood spaces To enable safe, easy and accessible 're-connections' between historically segregated neighbourhoods To ensure that local communities benefit from wider neighbourhood regeneration. The project has secured over £5m of public funding. In order to fulfil SEUPB Letter of Offer requirements all 12 km of the greenway must be delivered. Funding is timebound with spend date December 2022 for completion of all sections so any slippage in programme will result in loss of funding. Additional funding has been secured from DfI and DfC and again all 12 km of greenway must be delivered. This spend must be achieved by end of March 2022. Over £2m has been spent to date and non-completion risks clawback. The timescales for delivery are very tight and in addition we are working with multiple funders with separate letter 	For the Committee to note.

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		of offer conditions. Again any delay in terms of the timeline risks the funding for the project and the risk of financial and reputational implications for the Council.	
j	LA04/2021/0169/F Application to upgrade to existing park entrances and path lighting, foot and cycle pathways, lighting columns, enhanced entrance layouts and proposed street furniture. (Section 3a ForthMeadow Community Greenway) at site bounded by Whiterock Road Whiterock Leisure Centre and by property boundaries at Ardmonagh Gardens, Whiterock Grove & Bleach Green Terrace	<p>Further comment on the objection referred to in the committee report – <i>The objector is concerned about the removal of gates and would like to see the current gate maintained and strengthened and locked at night due to disturbance and criminal activity.</i></p> <p>Officer Response: As previously advised the removal of the gates does not require planning permission. For clarity, the proposal also includes the replacement of the gates with 1.8m high paladin gates. The applicant has advised that the gates will be opened and closed in line with the Council's parks policy.</p> <p><i>The objector is also concerned that neighbours have not been notified about the proposal.</i></p> <p>Officer Response: Neighbour notification has been carried out in accordance with the statutory planning requirements. In addition, the application has been advertised in the local press.</p> <p>The objector also raises questions for NIHE who have responded directly to the objector.</p>	For committee to note.

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APPENDIX – POLICY ASSESSMENT FROM [REDACTED]

Planning Policy

3.2.1 Section 6(4) of the Planning Act requires planning authorities to take decisions in accordance with the provisions of the Local Development Plan unless material considerations indicate otherwise; it states:

"Where, in making any determination under this Act, regard is to be had to the local development plan, the determination must be made in accordance with the plan unless material considerations indicate otherwise."

3.2.2 The Local Development Plan is the BUAP; within BUAP an industry zoning is designated that encompasses the Mackie lands. A substantial portion of the proposed greenway lies within that zoning, the extent of which is shown on

Figure 17 of the D&AS. (for a copy of Figure 17 please refer to Appendix 5)

3.2.3 Draft BMAP, published in November 2003, remains in draft form and is not the LDP. It also contains an industry/employment zoning (referenced BT 010) at the Mackie lands. As shown on Figure 18 in the D&AS a substantial portion of the proposal site overlaps with the zoning (for Figure 18 refer to Appendix 5).

3.2.4 Draft BMAP also designated a **Local Landscape Policy Area (LLPA)** referenced BT 160 that covered the western part of the zoning BT 010 and a community greenway located on the line of the Forth River valley, which unequally bisects BT 010.

3.2.5 The PAC Report recommends on page 117 that the LLPA be removed from the final version of BMAP and that no other changes be made (see Appendix 6).

3.2.6 dBMAP 2014 included the PAC recommendations.

3.2.7 The adoption of BMAP was quashed by the Court of Appeal in May 2017 and the plan remains in draft.

3.2.8 BUAP policies in relation to industry and commercial zonings are:

3.2.8.1 Policy IND 1 - Land for Industry and Commerce, which states:

"A total of 375 hectares (940 acres) is zoned in suitable locations to meet the expansion needs of existing industry and commerce and to provide for new industries and enterprises."

3.2.8.2 IND 1 goes on to state:

"The zoning of land for industrial and commercial uses will ensure that a supply and choice of sites are available throughout the urban area. ... The 335 hectares (840 acres) distributed throughout the Belfast Urban Area provides opportunities for local employment to be established close to where people live. The wide range of site sizes and

choice of locations should ensure that the needs of developers are met throughout the Plan period."

3.2.8.3 Policy IND 6 - Land use Policy for Industrial and Commercial Areas, which states:

"To ensure that lands zoned for Industrial and Commercial use are reserved for appropriate types of development."

3.2.8.4 IND 6 goes on to state:

"For various reasons, areas within the Belfast Urban Area previously zoned as 'industrial' now contain premises which do not reflect that description. Changes in the employment sector away from manufacturing and towards the service sector have resulted in the introduction of new uses, changing locational requirements have also made former industrial areas and industrial estates more attractive for non-manufacturing firms, and changing trading conditions have encouraged some existing manufacturing firms to diversify to include wholesaling and retailing, new technology industries have created difficulties with precise definition. As a result of all these trends and changes it is necessary to allow flexibility in the use of industrial and commercial land, the following additional uses will normally be acceptable in industrial estates: -

- Light and general manufacturing*
- Warehousing or stock-holding*
- Car and commercial vehicle sales including showrooms, servicing,*
storage (stock piling), but excluding breaking and scrap/dismantling
- Repair businesses*
- Builders suppliers with their associated open storage*
- Training centres, Vehicle Inspection and Driving Test Centres*
- Ancillary local needs, e.g. banks, cafés"*

3.2.8.5 BUAP also contains policies and initiatives intended to improve landscaping, improve the physical environment particularly in the inner city and expand recreational opportunities; these are policies L2 in relation to inner city landscaping and open space and R3 with regard to linear parks.

3.2.8.6 Policy L2 - The Inner City states:

"To extend the provision of local open spaces and landscaping within the Inner City."

3.2.8.7 L2 goes on to state:

"The quality of housing within the Inner City has improved greatly in recent years due to the concentrated efforts of both the public and private sectors. This will be complemented by measures to improve the quality of the environment of the inner City. The Inner City is, therefore, a priority area for landscaping projects and urban renewal measures to make it a more attractive location in which to live and work."

3.2.8.8 L1 provides 4 actions that are intended to contribute towards the achievement of the policy, these include:

"The encouragement of environmental improvements and landscaping on vacant, derelict or waste land by public authorities or voluntary groups"

3.2.8.9 Policy R3 - Linear Parks, which states:

"To establish linear parks based on streams and rivers within the urban area and, where possible, to develop a linking system of walkways within the valleys. These linear parks are:

-

- *Connswater/Knock River Valley*
- *Derriaghy River Valley*
- *Collin Glen River Valley*
- *Forth River Valley*
- *Ligoneil River Valley*
- *Carrs Glen, Ballysillan, Waterworks, Alexandra Park*
- *Glas-na-Cradan River Valley*
- *Three Mile Water River Valley"*

3.2.8.10 R3 goes on to state:

"The river valleys running through the urban area are attractive natural features which should be retained and developed as linear parks. They provide the opportunity to create local open spaces and to provide continuous walks through the built-up area to the open country."

3.2.8.11 The BUAP maps show that the proposed Forth River Valley linear park does not extend to include the Mackie lands. BUAP further states in R3: "The development strategy map shows in greater detail the lands reserved for landscape, amenity or recreation use."

3.2.8.12 Draft BMAP locates the site of the impugned approval in "Outer Belfast City". The zoning BT 010 zones the land as "Existing Employment/Industry" subject to a set of nine Key Site Requirements, which are:

"Development shall only include the following uses:

- *Light Industrial Use as currently specified in Class 4 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended*
- *General Industrial Use as currently specified in Class 5 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended*
- *Storage or Distribution Use as currently specified in Class 11 of the Planning (Use Classes) Order (Northern Ireland) 1989 as amended*

"Consideration shall be given to the exact type of industrial/employment use at this location with a view to protecting the amenity of the residential premises in close proximity;

"Development of the site shall only be permitted in accordance with an overall comprehensive masterplan for the site to be agreed with the Department. This shall outline the design concept, objectives and priorities for the site;

"Access shall be from the Springfield Road in accordance with Roads Service, DRD requirements;

"A Transport Assessment (TA), agreed with Roads Service, DRD, shall be required to identify any necessary improvements to the road network/public transport/transportation facilities in the area;

"The existing access onto Woodvale Road shall be restricted to pedestrian, cycle and public transport usage only;

"Buildings shall exhibit variety in their elevational treatment and heights, and particular consideration shall be given to views into the site;

"A comprehensive landscaping scheme for the proposed development shall require to be submitted with any planning application for development and agreed with the Department. This shall include all of the following: -

- "The existing vegetation on the northern, eastern and western boundaries of the site shall be retained (unless otherwise determined by the Department) and supplemented with trees and planting of appropriate native species to provide screening for the development and facilitate its integration into the landscape;*
- "A detailed planting plan and programme of works shall be provided for all new planting in relation to boundary definition and additional high quality landscaping proposals within the site to be agreed with the Department; and*

"Positive long term landscape management proposals shall be required to mitigate and integrate any development and to protect and maintain the landscaping on the site. An Article 40 Agreement may be required to ensure delivery of this in accordance with the Department's requirements."

3.2.8.13 At BT 160 draft BMAP designates a Local Landscape Policy Area (LLPA), shown outlined in green on Figure 18 of the D&AS. The draft BMAP designation of BT 160 states that the features that contribute to the environmental quality, integrity or character of the area include an *"area of local nature conservation interest - open ground and a section of the Forth River"*.

3.2.8.14 At BT 162 draft BMAP designates eight Community Greenways. The plan *"promotes the concept of Community Greenways which seek to re-establish corridor links between parks and natural areas to create a network of urban open space."* Designation BT 162/02 is titled *"Forth River/Glencairn/Ligoneil Route"*. Draft BMAP does not provide any details of the routes of any of the greenways but they are shown on the plan maps. Figure 18 in the D&AS shows the draft BMAP policy and designations framework with the site of the impugned permission superimposed upon it, the greenway route is denoted by green circles with back centres.

3.2.8.15 Draft BMAP was subject to a public inquiry and the PAC Report of that inquiry addressed the BT 010 zoning and the BT 160 and BT 162/02 designations (refer to Appendix 6 for an extract of the PAC Report). It stated:

"Zoning BT 010 - Existing Employment, Springfield Road (Former Mackies's Site)

"Designation BT 160 Woodvale/Springvale LLPA

"Designation BT 162/02 Community Greenway

"The objection to the failure to include business uses in the list of acceptable uses on employment sites has been conceded by the Department and is addressed in Part 1 of this report. The objection also related to that part of LLPA BT 160 and the community greenway BT 162/02 within Zoning BT 010. No map was supplied but we consider that it is clear from the letter that this was the extent of the Invest NI (INI) objection. The Department states that the river corridor has been affected by works associated with the development of the business park by INI and with the adjoining housing zoning WB 04/12. These works involved culverting the river and removal of riverside vegetation. This has had a detrimental impact on the landscape, amenity and nature conservation interest of that part of the site. The Department recommends that the part of the objection lands be excluded from LLPA BT 160. Note – there is no plan of the area to be excluded. There is no comment on the SLNCI designation, which is presumably also affected.

"The objection to the Community Greenway related to impact on Invest Northern Ireland's activities on the site. We see no reason for the development of a greenway to adversely impact on the business use of the site. Its purpose is to link existing areas of open space and this can be accommodated on the vacant land within the site.

"Objection 3645 refers to the LLPA being proposed as part of the Springvale development and as this has been substantially shelved then the LLPA should be zoned for housing. The Department has agreed to the deletion of the LLPA from the employment zoning. We have no information to suggest that the plans for the area have been shelved. A new access and roads into the site have been provided. Invest Northern Ireland maintains its interest in the site and objected to the Plan's provisions as they affect the site. We also note that the Springvale Campus is under construction on Zoning BT 164/03 to the south. In this context we consider that the lands should not be zoned for housing.

"Recommendation

"We recommend that designation BT 160 be removed from within Zoning BT 010. We recommend no change in respect of the other elements of the objections that relate to this site."

3.2.8.16 An adopted version of BMAP was published in September 2014, its adoption was subsequently quashed by the Court of Appeal in May 2017. There are competing views as to whether this version of BMAP has weight, however, those are opinion not fact and I address them in the subsequent section. I have included the provisions of this version of BMAP (dBMAP 2014) for completeness.

3.2.8.17 BMAP (2014) maintained the zoning although it was re-named BT 004 and the route of the community greenway (also re-named BT147/02) following the alignment of the Forth River Valley. BT 004 Existing Employment - Land at Springfield Road (former Mackie's Site) contains the same nine Key Site Requirements as those in draft BMAP updated to reflect the change to the Planning (Use Classes) Order (Northern Ireland) 2004.

3.2.8.18 The LLPA designation was removed in accordance with the PAC recommendation.

3.2.8.19 The designation of the community greenway was confirmed in designation BT 147/02.

3.2.8.20 The proposal, subject of the impugned permission, involves the use of land zoned for industry/employment for a greenway which is not an industrial or employment generating use but a recreational and open space use. Regional planning policy addresses these issues in the SPPS, PPS 4 and PPS 8.

3.2.8.21 The SPPS addresses "Economic Development, Industry and Commerce" from page 56 to 61 and sets out policies to be taken into account in the determination of planning applications. It sets out in paragraph 6.84 that within larger settlements "planning decisions must, to a large extent, be informed by the provisions made for economic development through the LDP process" and in relation to land zoned for industry/employment states, in paragraph 6.89, that:

"It is important that economic development land and buildings which are well located and suited to such purposes are retained so as to ensure a sufficient ongoing supply. Accordingly, planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process."

3.2.8.22 The SPPS retained the majority of the earlier suite of Planning Policy Statements which include PPS 4 and its policy PED 7. PED 7 - Retention of Zoned Land and Economic Development Uses is sub-divided into policy for land that is zoned and policy for unzoned land in settlements. As the proposed greenway in part occupies zoned land it is the former that is relevant. PED 7 states:

"Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses."

3.2.8.23 PED 7 also provides an exception in this policy for:

"...the development of a sui generis employment use within an existing or proposed industrial/employment area where it can be demonstrated that: the proposal is compatible with the predominant industrial use; it is of a scale, nature and form appropriate to the location; and will not lead to a significant diminution of the industrial/employment land resource in the locality and the plan area generally."

3.2.8.24 In relation to greenway development the SPPS sets out applicable policy under "Open Space, Sport and Outdoor Recreation" from page 86 to 89; it comments in paragraph 6.210 that community greenways are "*valuable in linking larger areas of open space and providing important wildlife corridors/ecological networks*".

3.2.8.25 Planning Policy Statement 8 (PPS 8) Open Space, Sport and Outdoor Recreation also recognises the value of community greenways "*many of which are valuable in linking larger areas of open space*" and highlights the importance of protecting them. PPS 8 ascribes community greenways with a strategic function in Annex A3.

Third Party Objectors

3.2.9 Aside from the representations made by PPR supported by Pragma Planning and Development Consultants Limited, an objection was submitted by the **Town and Country Planning Association (TCPA)** a campaigning charity based in London (refer to Appendix 7). Its objection stated:

"While we support the principle of the community greenway in Belfast, we strongly object to the application for the greenway at the proposed site on two grounds:

"1. The proposals impact on industrial land

"Both the adopted Belfast Urban Area Plan (BUAP) and draft Belfast Metropolitan Area Plan (dBMAP) contain zoning for industrial/employment uses covering at least part of the site. Policy IND 2 seeks to provide land for business development in areas of urban renewal; the land at Woodvale falls into this policy also.

DBMAP contains a Local Landscape Policy Area (LLPA) designation to protect the landscape of the river valley. However, the Planning Appeals Committee have recommended its removal from this part of the site as it would be disruptive to the employment potential to the land.

Strategic Planning Policy Statement for Northern Ireland PPS 4 - Policy PED 7 states that:

"Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted, unless the zoned land has been substantially developed for alternative uses.'

"And in paragraph 5.30:

"Planning permission will not be granted for proposals involving the loss of land zoned for economic development use, either existing or proposed, in a development plan to other uses. Any decision to reallocate such zoned land to other uses where necessary will be carried out as part of the development plan process.'

"2. Prematurity

"A decision to approve the planning application would be premature in accordance with paragraph 20 of the Joint Ministerial Statement (JMS) of January 2005, which indicates that where the planning authority can demonstrate that development proposals (either individually or cumulatively) would prejudice the outcome of a plan process by pre-determining decisions about the nature, scale, location or phasing of new development they should be refused.

"While the emerging Belfast Local Development Plan (LDP) contains policy in relation to community greenways and green and blue infrastructure development, in this case, the proposed greenway is not located on the land allocated for it but is sited on land zoned for industry and employment purposes in the adopted and draft development plans, while its development would as a matter of course displace the zoned employment land. In these circumstances PPS 4 PED 7 advises that decisions about reallocation ought to be taken through the development plan process. It is logical therefore to conclude that approval would be prejudicial to that process.

"The requirements of the draft Plan Strategy do not support the conversion of land from employment to any use other than housing and in advance of the plan completing its process are probably premature. Belfast City Councils Growth Strategy sets a goal for the creation of 46,000 additional jobs and the council intend to provide the employment floorspace and housing within the existing urban footprint of the city. As the Councils aspiration is that all the additional employment floorspace and all the additional housing is delivered within the existing urban area it is clear that all existing housing and employment land is needed for either one or the other and the loss of land from either housing or employment to any other purpose should not be considered until decisions have been made about the long-term future of the land following the Local Development Plan examination in public."

“Policy OS 2 of PPS 8 states planning permission will not be granted for development either within or adjacent to a designated Community Greenway which would prejudice the retention, enhancement or further development of an identified route.”

3.2.15 This is factually incorrect, policy OS 2 of PPS 8 requires the provision of public open space in housing development. Policy OS 2 of draft BMAP protects the identified routes of community greenways from other forms of development.

Do the planning policies protecting land zoned for industry/employment from other competing uses constitute a presumption against development?

4.1.1 There are a number of separate policies applying in this instance that seek to protect the zoned employment land from competing land uses. These policies all have a strategic intent: to preserve a long-term supply of employment land in a choice of locations.

4.1.2 Of these policies, the SPPS states at paragraph 6.89 that:

“... planning permission should not normally be granted for proposals that would result in the loss of land zoned for economic development use. Any decision to reallocate such zoned land to other uses ought to be made through the LDP process.” (emphasis added)

4.1.3 Paragraph 1.12 of the SPPS outlines the transitional arrangements keeping the majority of the existing suite of PPSs, it states that where the SPPS is less prescriptive than a retained policy this should not lessen the weight to be ascribed to that policy.

4.1.4 PPS 4 PED 7 is worded more strongly than paragraph 6.89 of the SPPS; it states:

“Development that would result in the loss of land or buildings zoned for economic development use in a development plan (either existing areas or new allocations) to other uses will not be permitted...” (emphasis added)

4.1.5 Planning policy contains a number of instances where a presumption against development is operated and in this case it is useful to examine how they are worded.

4.1.6 Among the best known of these is the presumption against demolition of an unlisted building in a Conservation Area. This is governed by the SPPS and **PPS 6 Planning Archaeology and the Built Heritage (PPS 6)**, which states at policy **BH 14**:

“The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area.” (emphasis added)

4.1.7 **PPS 8 Open Space, Sport and Outdoor Recreation (PPS 8)** also operates a presumption against the loss of existing public open space to other competing uses in its policy **OS 1**; it states:

“The Department will not permit development that would result in the loss of existing open space or land zoned for the provision of open space.” (emphasis added)

4.1.6 A further presumption against development is operated in the countryside, which is governed by the SPPS and in particular **PPS 21 Sustainable Development in the Countryside (PPS 21)**. Policy CTY 1 of PPS 21 states:

“There are a range of types of development which in principle are considered to be acceptable in the countryside and that will contribute to the aims of sustainable development. Details of these are set out below.

“Other types of development will only be permitted where there are overriding reasons why that development is essential and could not be located in a settlement...” (emphasis added)

4.1.7 These example policies exhibit a range of wording that is linked to the types of development that will not be permitted under the policy. The various policies exhibit three defining characteristics. The first of these is that they operate by placing a prohibition on the approval of specified types of development that would result in the loss of an asset the retention of which is in the public interest.

4.1.8 The wording of PPS 4 PED 7 is very similar to that of PPS 8 OS 1, its justification states that:

“It is important that economic development land and buildings which are well- located and suited to such purposes are retained and only exceptionally will the Department consider the loss of such land and buildings to other uses.” (paragraph 5.28)

“Planning permission will not be granted for proposals involving the loss of land zoned for economic development use, either existing or proposed, in a necessary will be carried out as part of the development plan process.” (paragraph 5.30)

“An exception may be made for a proposal for a sui generis employment use compatible with the existing or proposed economic development use e.g. a builders’ supplies merchant or a waste management facility provided a sufficient supply of land for economic development use remains in the locality and the plan area generally.” (paragraph 5.31)

4.1.9 The justification expands on the policy intent, in particular it highlights the importance of retaining economic development land in the public interest.

4.1.10 The second defining characteristic of the example policies is that they give specific exceptions to their general prohibition on the approval of the identified types of development. PPS 6 BH 14 provides for demolition where the building does not make a material contribution to the character and appearance of the Conservation Area, while PPS 8 OS 1 operates two specific exceptions and PPS 21 CTY 1 sets out a range of exceptions for housing and non-residential development in the countryside.

4.1.11 PED 7 also contains a specific exception permitting the development of a *sui-generis* employment use, with paragraph 5.31 providing examples of two such uses.

4.1.12 In operation, PED 7 places a prohibition on the approval of non-economic development uses in order to retain land zoned for economic development in the public interest, subject to a specific exception.

4.1.13 Paragraph 6.89 of the SPPS is worded similarly to PPS 6 BH 14; it does not contain an exception in relation to zoned economic development land, however, it has a

close relationship with PPS 4 PED 7 through its transitional arrangements and will in due course relate to policy EC4 within the LDP dPS.

4.1.14 The third characteristic is that all of these policies use their presumption against to achieve a strategic objective, such as the protection of unlisted buildings making material contributions to the character or appearance of conservation areas, the protection of public open space across any given urban area to meet the needs of the population, or the securing of an on-going supply of employment land in a range sizes and choice of locations.

4.1.15 PED 7 mirrors the other presumptive policies in strategic intent, wording and provision of exceptions; consequently I have concluded that it operates a presumption against the loss of economic development land to other competing uses and that paragraph 6.89 reinforces that presumption.

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
<p><u>ADDENDUM REPORT</u></p> <p>This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on 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.

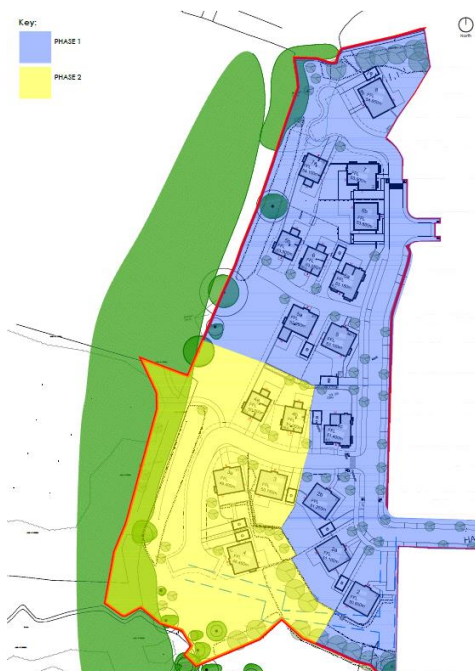
The purpose of the Section 76 planning agreement is to secure the creation of a pathway and facilitate access through the site to and from Lagan Lands East.

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.

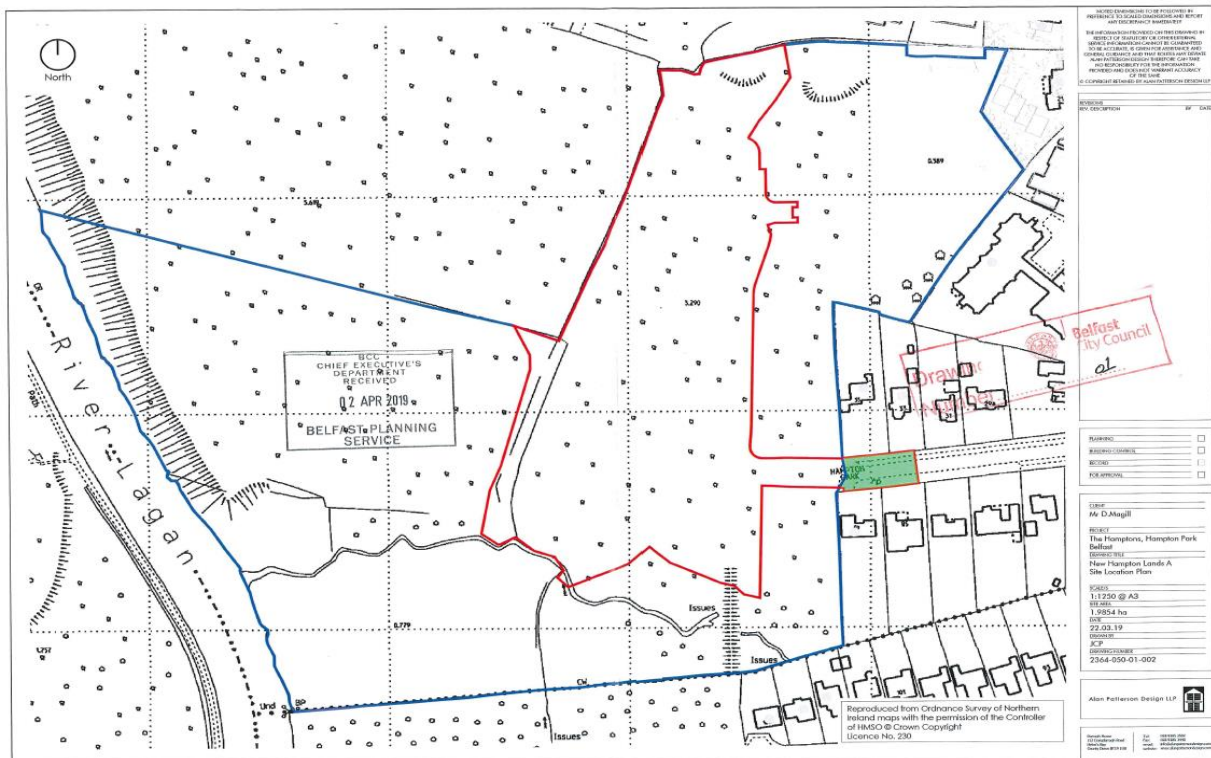
This application was originally listed for Planning Committee on 17th August 2021. The application was withdrawn from the agenda to allow Members to undertake a Planning Committee site visit. The site visit took place on Thursday 2nd September 2021. The application was then re-listed for Planning Committee 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 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.

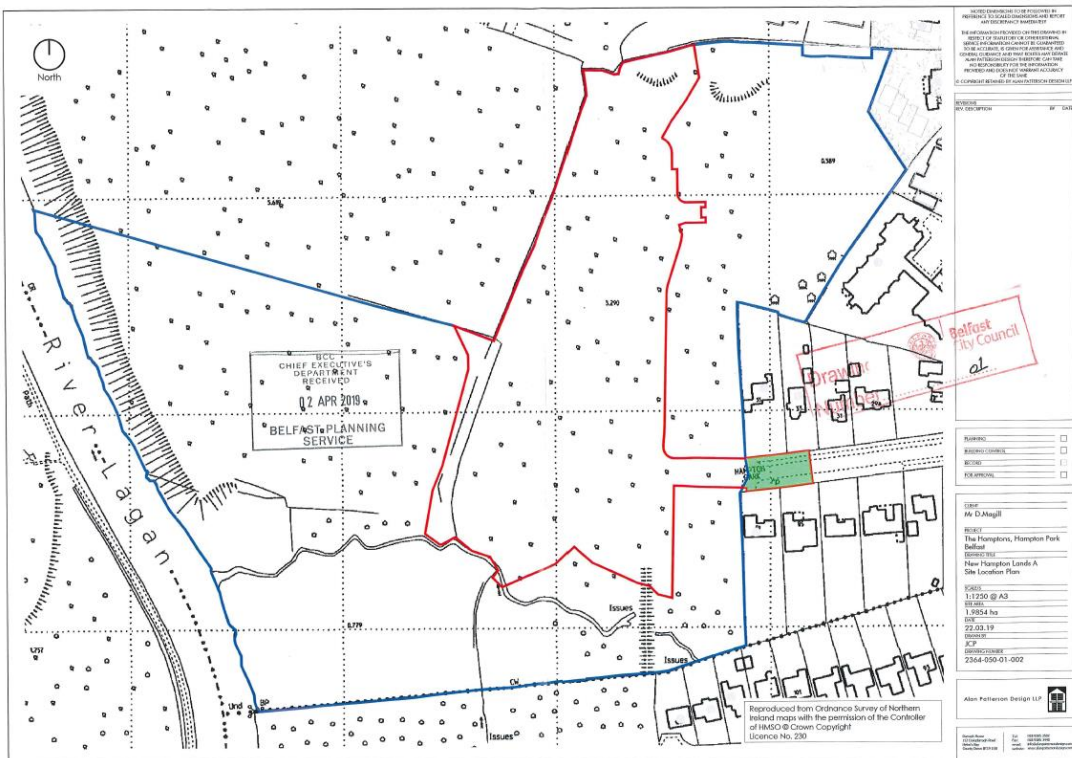
The proposed layout includes a pathway linking the proposed development (and in effect, Hampton Park) with Lagan Lands East. The Council's Access Officer has also advised that the existing route to Galwally Avenue does not have the hallmarks of a public right of way and is unlikely to be asserted as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

	<ul style="list-style-type: none"> • 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. <p>Ecology and Landscape / Open Space</p> <ul style="list-style-type: none"> • 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
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	<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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Committee Application

Development Management Report	
Application ID: LA04/2019/1819/F	Date of Committee: 27 th June 2022
Proposal: Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear. (AMENDED PLANS AND ADDITIONAL INFORMATION)	Location: 28 Malone Park Belfast BT9 6NJ
Referral Route: Demolition of dwelling in the Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Lewis Creighton 20 Malone Park Belfast BT9 6NL	Agent Name and Address: Studio Vericat 66 Ardenlee Avenue Belfast BT6 0AB
<p>Executive Summary: This application seeks full planning permission for the demolition of the existing dwelling and the erection of a 3 storey with basement detached dwelling with garage and landscaping to the front and rear. An accompanying application for Conservation Area Consent (LA04/2019/1820/DCA) is also being considered.</p> <p>The main issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the Malone Park Conservation Area • Setting of Listed Building • Trees and Landscaping • Impact on residential amenity • Access, Movement and Parking • Impact on Protected Species <p>In the BUAP, Draft BMAP v2004 and v2014, the site is un-zoned “white land” within the development limits of Belfast. The site is located within Malone Park Conservation Area. There is a previous appeal decision for a replacement dwelling under references 2016/A0016 & 2016/A0017 which is material consideration. A copy of this appeal decision is provided at Appendix 1.</p> <p>9 letters of objection have been received to date including 3 representations on behalf of Malone Park Residents Association. The objections are summarised as follows:</p> <ul style="list-style-type: none"> • Clear policy presumption in favour of retention, no evidence provided as to why this is an exception and that the existing dwelling should be demolished; • Historical significance of existing dwelling; • Objection to intensification, design, scale, height, massing and plot coverage of the proposed dwelling; • Proposal contrary to PPS6, PPS7, SPPS and Malone Park Design Guide; • Proposal does not preserve or enhance the Conservation Area; • Adverse impact upon setting of listed building; • Destabilisation / damage to adjoining properties from excavation and construction; 	

- Significant damage to important trees and landscape features;
- Loss of privacy, light, overshadowing, dominating impact on neighbouring properties;
- Impact on active badger sett;
- Geology / flooding.

These matters are addressed in detail in the main body of the report below.

DFI Roads, DFC HED, NI Water, DAERA, BCC Environmental Health, BCC Trees and BCC Landscaping Section were all consulted and offer no objection to the proposal. The Council's Conservation Officer has objected on the basis that the existing building makes a material contribution to the Conservation Area and its demolition is therefore unacceptable and the proposed replacement scheme is inappropriate by way of its form, design, massing and building coverage. It is considered that greater weight should be given to the conclusions of the PAC on the extent to which the existing building contributes to the Conservation Area and the quality of the replacement scheme given its status as an independent appeals tribunal.

The principal consideration in the assessment of this application is the effect of the proposed replacement dwelling on the character and appearance of the Malone Park Conservation Area. The appeal against the earlier application was dismissed on the basis that the previous proposal would harm the character and appearance of the Conservation Area.

In the case of the new application, the footprint of the proposed replacement dwelling has been reduced, there is greater distance to the boundaries and a new landscaping plan has been provided which shows retention of existing tree coverage, particularly the trees along the boundary with No. 30 Malone Park next door. It is considered that landscaping would remain dominant having regard to the Malone Park and Adelaide Park Conservation Guide.

The existing dwelling makes only a modest positive contribution to the character and appearance of the area and is in poor condition. It is considered that the proposed replacement dwelling is well designed. The character and appearance of the Malone Park Conservation Area would be enhanced. Officers consider that the grounds for dismissal of the previous appeal have been addressed and that the proposal complies with Policy BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy BH2 of the Belfast LDP Draft Plan Strategy and Section 104(11) of the Act. The proposal is considered acceptable in all other respects.

Having regard to the Development Plan and other material considerations, including third party representations and the previous appeal decision, the proposal is considered acceptable. Approval is recommended for the reasons set out in detail in the main report.

Recommendation

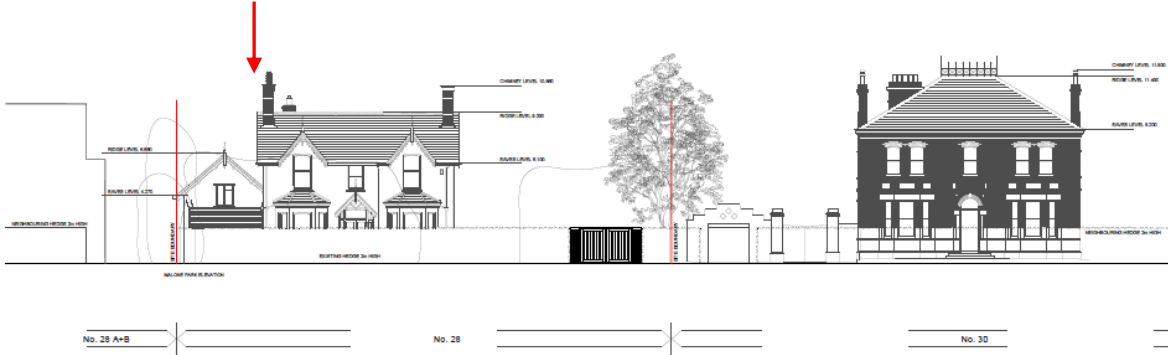
Subject to the notification of the application for Conservation Area Consent for demolition to the Department under Section 29 of the Planning Act (Northern Ireland) 2011, it is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

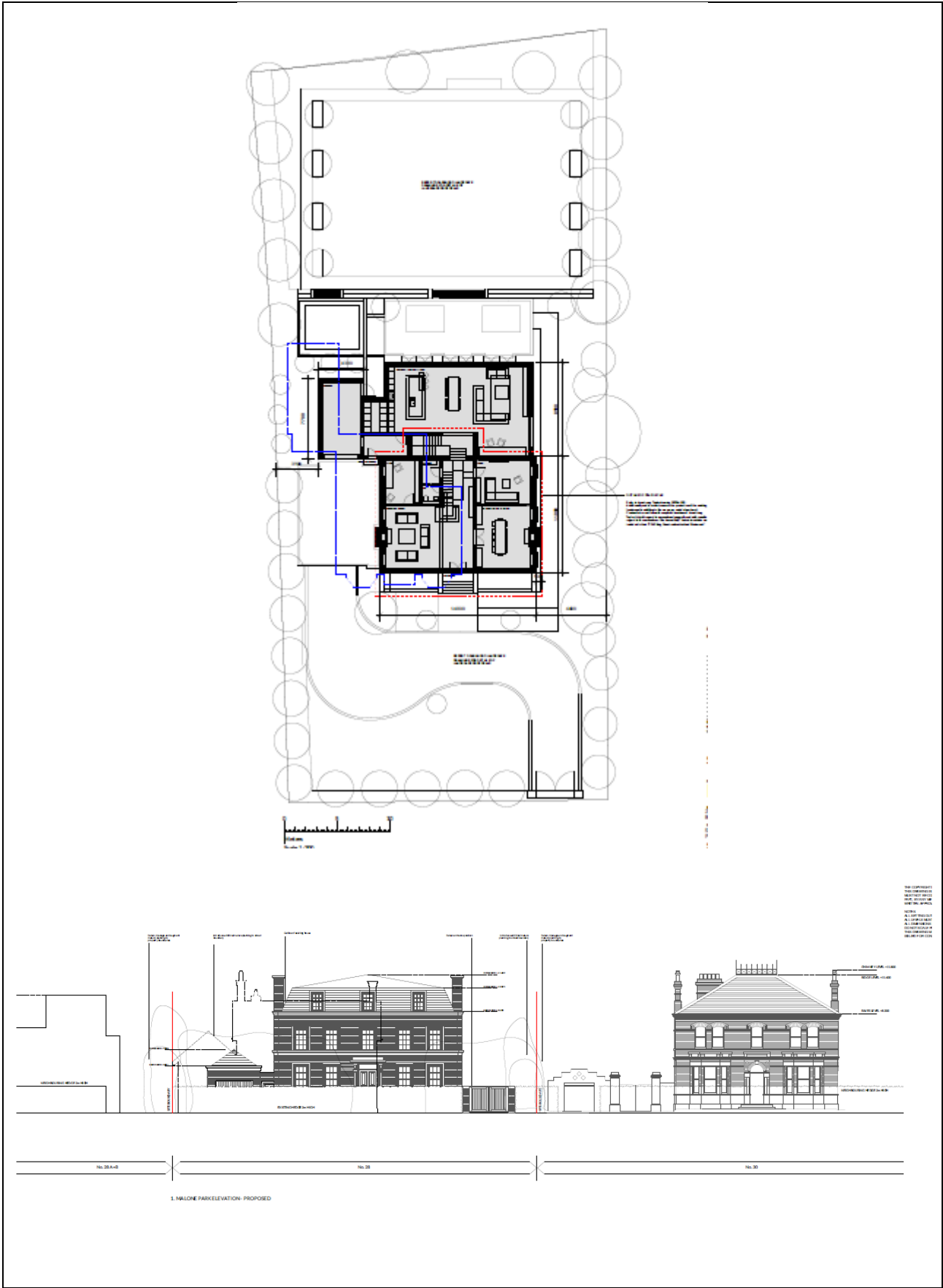
Case Officer Report

Site Location Plan



Existing dwelling to be demolished







Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>This application seeks full permission for the demolition of the existing dwelling and the erection of a 3 storey (with basement) detached dwelling with garage and landscaping to the front and rear. There is a related application for demolition consent application under reference LA04/2019/1820/DCA.</p> <p>The proposal has been amended over the course of the application, which includes the following main changes:</p> <ul style="list-style-type: none"> • Reduced building footprint from 356sq m to 334.5 sqm; • Increased separation distances to side boundaries. <p>These amendments have been subject to re-neighbour notification</p>
2.0	<p>Description of Site and Area</p> <p>The site is located within the Malone Park Conservation Area and is currently in a dilapidated and overgrown state, with the front boundary boarded up and locked. The existing dwelling (originally faced in brick) is a three-bay, one and a half storey dwelling faced in roughcast render (on smooth render plinth) with pitched slated roof. Two canted bay windows to the ground floor, with hipped roofs sit symmetrically around a gabled porch. The porch gable features decorative barges and finials, complementing those to the attic gables over first floor windows. Vertical emphasis, window openings retain timber sliding sashes. Decorative barges also occur to side gables. Moulded chimneys are expressed to the ridge. To the west, at the rear, is a gabled summerhouse whose interwar era may be reflected by the veranda. Picture windows have been inserted into the western gable, and the northern elevation to which has been added a two storey, flat roofed extension. To the rear of the property are the remains of a former tennis court.</p> <p>Malone Park is a significant tree lined avenue located between the Lisburn Road and Malone Road. It contains large individually designed residential properties, set well back from the road, within mature gardens, of significant proportions. The site is surrounded by other dwellings on all sides to the north, east, west and across the road to the south.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p><u>Application Site</u></p> <p>LA04/2019/1820/DCA - Demolition of existing detached dwelling, adjacent garage and associated hard standing to rear – to be considered by the Planning Committee alongside this application.</p> <p>LA04/2018/0282/F - Hoarding at 2.5m height to front and side of site – REFUSED 3rd May 2018.</p> <p>Z/2015/0063/F (Appeal ref: 2016/A0016) - Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage with landscaping to the rear– DISMISSED AT APPEAL 6th February 2017. A copy of the appeal decision is provided at Appendix 1.</p>

	<p>Z/2015/0101/DCA (Appeal ref: 2016/A0017) - Associated application for demolition of existing detached dwelling, adjacent garage – DISMISSED AT APPEAL. A copy of the joint appeal decision is provided at Appendix 1.</p> <p>Z/2009/0616/F - Two storey rear extension with glazed link to new two storey block and single storey attached garage/utility to dwelling – GRANTED 23rd February 2010.</p> <p>Z/2009/0663/DCA - Demolition of existing rear extension to dwelling and garage – GRANTED 23rd February 2010.</p>	
4.0	Policy Framework	
4.1	Belfast Urban Area Plan 2001 (BUAP)	
4.2	<p>(Draft) Belfast Metropolitan Area Plan (BMAP) 2015 (both v2004 and v2015)</p> <p>The extant Development Plan is the BUAP. Both versions of Draft BMAP carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.</p>	
	Draft BMAP 2015 (v2004)	
	4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
	4.2.2	Designation BT001 Metropolitan Development Limit
	Draft BMAP 2015 (v2014)	
	4.2.3	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3	<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>	
4.4	Regional Development Strategy 2035	
4.5	Strategic Planning Policy Statement 2015	
4.6	<p>Planning Policy Statement 2: Natural Heritage</p> <p>Planning Policy Statement 3: Access, Movement and Parking</p> <p>Planning Policy Statement 6: Planning, Archaeology and the Built Heritage</p> <p>Planning Policy Statement 7: Quality Residential Environments</p>	

	Planning Policy Statement 7: Addendum: Safeguarding the Character of Established Residential Areas Planning Policy Statement 12: Housing in Settlements
4.7	Section 91 of the Planning Act (Northern Ireland) 2011: 'In considering whether to grant planning permission for development which affects a listed building or its setting, a Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.
4.8	Section 104(11) of the Planning Act (Northern Ireland) 2011: 'Special regard must be had to the desirability of: (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.'
5.0	Other Material Considerations
	Belfast Agenda Malone Park / Adelaide Park Design Guide Creating Place Living Places DCAN 15 Vehicular Access Standards Parking Standards Development Management Practice Note Historic Environment
6.0	Statutory Consultees Responses
6.1	DFI Roads – No objection
6.2	DAERA (Land and Groundwater Team) – No objection subject to conditions
6.3	DAERA (Natural Environment Division) – No objection subject to conditions
6.4	NI Water – No objection
6.5	DFC Historic Environment Division (HED) – No objection subject to conditions
7.0	Non-Statutory Consultees Responses
7.1	BCC Environmental Health – No objection
7.2	BCC Tree Officer – No objection subject to conditions
7.3	BCC Landscaping Section – No objection
7.4	BCC Conservation Officer – Objection

8.0	Representations
8.1	<p>The application was neighbour notified on the 15th August 2019. It was advertised in the local press on the 16th August 2019.</p> <p>Following receipt of additional information and amended plans, the application was re-neighbour notified on the 8th July 2021, the period for which expired on the 22nd July 2021.</p> <p>9 letters of objection received on the original application including 2 representations on behalf of Malone Park Residents Association. These representations are summarised below.</p> <ul style="list-style-type: none"> • Judgements in judicial reviews Ulster Architectural Heritage Society's Application [2014] NIQB 21 (7 February 2014) Ref TRE9161 & Gillian & Ors, Re An Application for Judicial Review [2003] NICA 10 (14 March 2003) Ref CARC3874 are clear where there is a policy presumption (BH14) the full weight of that presumption must be brought to bear and cannot be diluted and where any question of priority arises in relation to PPS6 and the Guide, it is the Guide that must take priority; • No 28 Malone Park has been assessed as making a positive material contribution to the Conservation Area by both the Council and the PAC in previous decisions, no evidence has been submitted as to why or how the existing dwelling constitutes an exception to the policy presumption in favour of retention and should be demolished; • Historical significance of existing dwelling; • No. 28 Malone Park is a listed building; <ul style="list-style-type: none"> ▪ <u>Officer Response:</u> <i>The property is not listed.</i> • Not in agreement with the submitted Conservation Appraisal and Conservation Impact Statement / Rebuttal Statement – no weight should be attached to economic viability argument, reject assertion it is not fit for purpose; • Objection to intensification, design, the scale, height, massing and plot coverage of the proposed dwelling as its falls to accord with Malone Park Conservation Area Design Guide and Policy BH12 of PPS 6; • Proposal is more than 1.5 times the building coverage ratio of the original dwelling; • No contextual elevations submitted and lack of information on views into and out of the Conservation Area, therefore the proposal cannot be properly assessed; • Proposal does not preserve or enhance the character or appearance of the Conservation Area. As there is a clear opportunity to enhance, the current proposal must be refused as it is contrary to policy and published guidance; • The new dwelling in terms of close proximity, height, massing and style would adversely affect the setting of No 30 Malone Park, contrary to Policy BH11 of PPS 6; • Dominance; • Proposal is contrary to PPS 7; • Only minor amendments have been made to the scheme, this does not address the concerns at the previous appeal; • Sheet piling is indicted which will have a greater impact on existing vegetation than the foundations; • Secant Pile Wall construction will create ground instability, cause noise and disturbance to adjoining residents; basement / Sheet piling will require substantial excavation and poses a grave danger to nearby buildings; <ul style="list-style-type: none"> ▪ <u>Officer Response:</u> <i>There is no evidence that the construction process would give rise to harmful ground instability. In any event this issue would be regulated outside the planning process. Other matters are considered in the sections below.</i> • Damage to Malone Park roadway during construction;

	<ul style="list-style-type: none"> • Proposal will significantly damage important trees and landscape features which form a critical part of Malone Park Conservation Area; • Landscaping plan shows a new holly hedge along the boundary with No 30 – there is an existing hedge which is within the ownership of No 30 and cannot be removed; • Loss of privacy, whilst the first floor and second floor windows are to be obscurely glazed, there will still be overlooking from the large ground floor window into No 30 Malone Park; • Loss of privacy to adjoining properties, application site sits higher than Nos 33 and 35 Myrtlefield Park; • PPS7 Addendum advises that the use of obscure glazing is not an acceptable solution for main rooms; <ul style="list-style-type: none"> ▪ <u>Officer Response:</u> <i>The windows which are shown to be obscurely glazed are all secondary windows, with the main windows to the front and rear, therefore this does not present an issue. The Commissioner in the previous appeal decision also found this to be an acceptable solution.</i> • Loss of light and overshadowing; • Loss of light from planting of trees along the rear boundary; <ul style="list-style-type: none"> ▪ <u>Officer Response:</u> <i>Planning permission is not required for the planting of trees;</i> • Impact on active badger sett; • Geology/ flooding; <ul style="list-style-type: none"> • <u>Officer Response:</u> <i>The site does not fall within the surface water flood maps or historical flood maps provided by Rivers Agency.</i> • Full weight of the design Guide must be applied including one and a half times rule as directed by the High Court and Court of Appeal in Gilligan & Ors [2003] NICA 10; • Important to note that it is ‘building coverage’ and ‘original dwelling’ and not original buildings and dwelling coverage. <p>These matters are addressed directly above or in the main body of the report below.</p>
9.0	Assessment
	<u>Application Background</u>
9.1	<p>This application follows the previous appeal decision 2016/A0016 & 2016/A0017 with the main differences between the appeal scheme and current scheme being:</p> <ul style="list-style-type: none"> • Reduced building footprint from 388 sq. m to 334.5 sq. m. • Decreased width of building from 25m to 21m; • Decreased length of building from 20.5m to 19.9m; • Increased separation distances to side boundary with No 30 Malone Park from 4.6 m to 6.6 m; • Detailed tree survey and arboricultural assessment; • Construction Management Plan; • Landscape Design and Access Statement / Visual Assessment; • Detailed landscaping scheme and landscape management and maintenance plan. <p>The conclusions reached by the Planning Appeals Commission (PAC) in the appeal decision are material to the consideration of this application. A copy of the appeal decision is provided at Appendix 1.</p>

9.2	<p>The key issues in the assessment of the proposed development are:</p> <ul style="list-style-type: none"> • Principle of development • Impact on the character and appearance of the Malone Park Conservation Area • Setting of Listed Building • Trees and Landscaping • Impact on residential amenity • Access, Movement and Parking • Impact on Protected Species
9.3	<p><u>Principle of development</u></p> <p>In the BUAP 2001, Draft BMAP 2015 (both v2004 and v2014), the site is un-zoned “white land” within the development limits. The site is a sustainable location for residential development with good access to shops, services, public transport and employment. The principle of a proposed replacement dwelling is considered acceptable, subject to consideration of the issues below.</p>
9.4	<p><u>Impact on the character and appearance of the Malone Park Conservation Area</u></p> <p>There is a statutory requirement under Section 104(11) of the Planning (NI) Act 2011 to have special regard to the desirability of;</p> <ol style="list-style-type: none"> a. preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or b. enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
9.5	<p>Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) contains a policy direction reflecting Section 104 of the 2011 Act. It states that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. A similar approach is taken under Policies BH12 and BH14 of PPS6.</p>
9.6	<p><u>Demolition</u></p> <p>Policy BH 14 of PPS 6 advises that permission will normally only be granted for the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character and appearance of the area. It also advises that in assessing proposals for demolition of an unlisted building that makes a positive contribution, regard will be had to the same broad criteria outlined for the demolition of listed buildings set out in Policy BH 10 and paragraph 6.25 of PPS 6. These include the merits of the existing building, the building’s condition, the adequacy of efforts to retain the building in use and the merits of alternative proposals. The contribution of the existing building to Malone Park Conservation Area and its resultant demolition were discussed in detail in the previous appeal decision. This is considered in detail below.</p>
9.7	<p><u>Merits of the existing building</u></p> <p>The Council’s Conservation Officer is of the opinion that the existing building makes a significant contribution to the architectural and historic interest / character and appearance of the Conservation Area through, in part, its historical architectural evolution as a late Victorian/ Edwardian / interwar period residential suburb. This is a view shared in the community representations.</p>

9.8	<p>However, the Commissioner found at paragraph 21 of the appeal decision that <i>‘Whilst the existing building presents an understated Victorian building it is of modest quality and it has been degraded by the application of roughcast rendering to the existing fabric of the main house and the insensitive extensions to the rear. Given this and the current condition of the building, I consider that is not of a standard of the general architectural quality of the dwellings in the Park. However, it still presents a frontage to the park and continues the existing building line filling a gap in the urban context. The existing landscaping within the site continues to contribute positively to the conservation area. In this respect, I consider that the existing building makes a slight positive contribution to the character and appearance of the Conservation Area. In my opinion, the Council have over exaggerated the contribution that the existing building makes to the conservation area.’</i></p>
9.9	<p>Both the PAC (slight positive contribution) and Conservation Officer (significant positive contribution) consider that the existing building makes a material contribution to the Conservation Area. Therefore, Policy BH10, BH14 and paragraph 6.25 of PPS 6 are engaged. It is considered that greater weight should be given to the conclusions of the PAC on the extent to which the existing building contributes to the Conservation Area given its status as an independent appeals tribunal.</p>
9.10	<p>Policy BH 14 of PPS 6 states:</p> <p><i>‘The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition’.</i></p>
9.11	<p>The supporting text to Policy BH14 of PPS6 advises that in determining proposals for the demolition of unlisted buildings, account should be taken of the part it plays in the architectural or historic interest of the area by the building and in particular the wider effects of demolition on the Conservation Area as a whole. In this case, the Commissioner presiding over the previous appeal advised that the existing dwelling makes only a slight positive contribution to the character and appearance of the Conservation Area. The Commissioner concluded that demolition of the existing dwelling was acceptable in principle, but only rejected because the replacement dwelling was not acceptable. The reasons for dismissal of the previous appeal are considered to have been addressed for the reasons set out later in the report.</p>
9.12	<p>A condition is recommended in respect of the associated application for Conservation Area Consent for demolition of the existing building that prevents its demolition until a valid contract has been entered into for redevelopment of the site in accordance with the planning permission for the replacement dwelling. A condition is also recommended that requires appropriate arrangements for recording the existing dwelling before its demolition. Having regard to these considerations, the proposal is therefore considered acceptable having regard to Policy BH14 of PPS 6 and paragraph 6.19 of the SPPS.</p>
9.13	<p>Paragraph 7.17 of PPS6 states that in assessing proposals for demolition of an un-listed building that makes a material contribution to the Conservation Area, regard should be had to the same broad criteria outlined for the demolition of listed buildings. Policy BH10 of PPS 6 relates to proposals to demolition of a listed building and reads:</p> <p><i>‘There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where,</i></p>

	<i>exceptionally, listed building consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.'</i>
9.14	The tests at paragraph 6.25 of PPS 6 are considered as follows.
9.15	<p><u><i>Building's condition and adequacy of efforts to retain the building</i></u></p> <p>The Commissioner previously accepted that the existing building was beyond habitable use and that renovation and refurbishment was not economically viable and that such extensive rebuilding would be required that there would be little historic value left. The Commissioner also accepted that the existing rough cast render could not be removed back to the original brickwork. On this basis, it was considered that this addresses the broad criteria set out in PPS 6.</p>
9.16	<p><u><i>Merits of alternative proposals for the site</i></u></p> <p>The previous planning permission for the extensions to the existing dwelling have since lapsed. The Council's Conservation Officer considers that the proposed replacement dwelling is inappropriate by way of its form, design, massing and building coverage. It is considered that greater weight should be given to the conclusions of the PAC on the proposed replacement dwelling given its status as an independent appeals tribunal. The merits of the proposed replacement dwelling are considered in detail below.</p>
9.17	Having regard to these considerations and the conclusions of the Commissioner in the previous appeal decision on the issue of demolition, it is considered that there are exceptional reasons that justify demolition of the existing building in this case. But this is subject to there being an appropriately designed replacement dwelling, discussed below.
9.18	<p><u><i>Design and impact of the replacement scheme on the character and appearance of the Malone Park Conservation Area</i></u></p> <p>Policy BH12 of PPS 6 sets out criteria that new development is to meet in the interests of preserving or enhancing the character and appearance of the Conservation Area. Criteria is also set out in paragraph 6.19 of the SPPS which states that development proposals should be sympathetic to the characteristic built form of the area, respect the characteristics of adjoining buildings, not result in environmental problems, protect trees and other landscape features, conform with the guidance set out in the published Conservation Area design guides and only consider demolition of an unlisted building where the council deems that the building makes no material contribution to the character or appearance of the area.</p>
9.19	Policy BH12 states that development proposals will not normally be permitted for new buildings, alterations, extensions and changes of use in, or which impact on the setting of, a Conservation Area unless all of the listed criteria are met. These are addressed in turn below.
9.20	Criterion (a) is that the development must preserve or enhance the character and appearance of the area to an equal or higher level than the building to be demolished. The Commissioner dismissed the previous appeal on the basis that criteria (f) and (g) of Policy BH 12, and in turn criterion a), were not met. However, in relation to the new proposal, it is considered that criteria (f) and (g) are satisfied for the reasons explained later. For the reasons set out in this report, it is considered that the proposed replacement dwelling would be more appropriate than the existing dwelling in design and visual terms and the character and appearance of the Conservation Area would be enhanced. It is concluded that the proposal satisfies criterion (a) of this policy, paragraph 6.18 of the SPPS, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.

9.21	Criterion (b) is that the development is in sympathy with the characteristic built form of the area. In the previous appeal decision, the Commissioner concluded that the proposed replacement on its own was a well designed and detailed building which is sympathetic to the Conservation Area. The Commissioner observed that the replacement dwelling ' <i>...would have a strong and assertive presentation to Malone Park.</i> ' and concluded that the appeal proposal was not contrary to criterion (b) and that objections on this point could not be sustained. The current proposal is similar to that of the appeal in respect of its design and built form. It is considered that this criterion is considered to be met.
9.22	Criterion (c) requires the scale, form, materials and detailing of the development to respect the characteristics of adjoining buildings in the area. The form and design of the proposed replacement dwelling is similar to that considered at the appeal where the Commissioner found that ' <i>...the contemporary villa in a neo Georgian style is well balanced, detailed and well proportioned. It's set back, scale and massing and external materials are all in keeping with the overall character of the conservation area.</i> ' The proposed detailing and materials remain similar to the previous scheme. The footprint of the proposed dwelling has been reduced in scale compared to the previous appeal proposal which is considered beneficial. The Commissioner concluded that objections in relation to criterion (c) could not be sustained. The proposal is considered to remain acceptable with regard to this criterion.
9.23	Criterion (d) states that the development should not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area. It is considered that the proposed replacement dwelling would not be in conflict with this criterion.
9.24	Criterion (e) requires important views within the Conservation Area to be protected. The Commissioner previously found that views within, into and out of the area would not be unacceptably affected and that objections to the previous appeal in relation to this criterion could not be sustained. The current proposal would be the same height as that considered at the appeal with increased separation distances to the side boundaries over the appeal proposal, resulting in the retention of views through the site. Views up and down Malone Park would be protected. The proposal is considered to comply with criterion (e).
9.25	Criterion (f) requires trees and other landscape features which contribute to the character and appearance of the area to be protected. In relation to the previous appeal, the Commissioner observed that: ' <i>Malone Park is a significant tree lined avenue with large maturely landscaped gardens. The trees and landscaping are an integral part of and contribute positively to the character and appearance of the conservation area.</i> ' The Commissioner went onto dismiss the appeal partly on grounds that inaccurate landscaping information had been submitted by the appellant and it was not possible to ascertain the impact of the proposal on existing trees, especially the band of trees on the boundary with No. 30 Malone Park. The Commissioner concluded that the appeal proposal failed to accord with criterion (f).
9.26	However, the new proposal demonstrates safe retention of the existing trees cover including the trees along the boundary with No. 30 Malone Park. No objection is offered by the Council's Tree Officer or Landscape team. It is considered that criterion (f) is satisfied.
9.27	Criterion (g) requires the development to conform with the guidance set out in the conservation documents. The relevant conservation Guide in this case is the Malone Park/ Adelaide Park Conservation Guide published in 2003. It was produced subsequent to the area being designated as a Conservation Area by the Department. Consideration of the Guide and criterion (f) of PPS 6 is considered below.

Malone Park/ Adelaide Park Conservation Guide

- 9.28 The Guide observes that: *‘Malone and Adelaide represent the best of what remains of the leafy middle class suburbs which developed around the turn of the century in South Belfast. Individually designed residences combine with generous plots, mature landscapes and tree lined avenues to produce a distinctive townscape character.’*
The Guide requires the Council to be satisfied that conversion and refurbishment of a building is not viable before redevelopment is considered. This requirement is addressed in the demolition section of the report above. It also requires heights, building line and coverage to reflect those of the original dwelling on site and the design of new development to complement the existing architecture and townscape character. Specifically, it states that:
- 9.29 *‘In order to allow landscape to remain dominant the established relationship between building mass and gardens should be respected and retained where possible. In no circumstances should building coverage be more than one and half times that of the original dwelling’.*
- 9.30 For the purposes of this 1.5 times limit, the Guide does not provide a definition of ‘original dwelling’. Officers consider that the ‘original dwelling’ is that present or existing from the beginning when first constructed.
- 9.31 In order to calculate the building coverage of the original dwelling, it is necessary to establish its footprint as first constructed. The original plans for the dwelling are not held by the Council. The earliest historical mapping records are held by OSNI.
- 9.32 It is understood that the existing building was built late 19th Century. The existing dwelling first appears on the OSNI third edition (1900-1907) with a similar building outline appearing in (1919-1963). This building outline generally accords with the building footprint shown in a building control application submitted in 1944. The Building Control records include detailed floor plans. Given these generally match the OSNI records, the 1944 Building Control plans have been used to inform the extent of the original building footprint which in turn allows an assessment of building coverage against the position set out in the Guide.

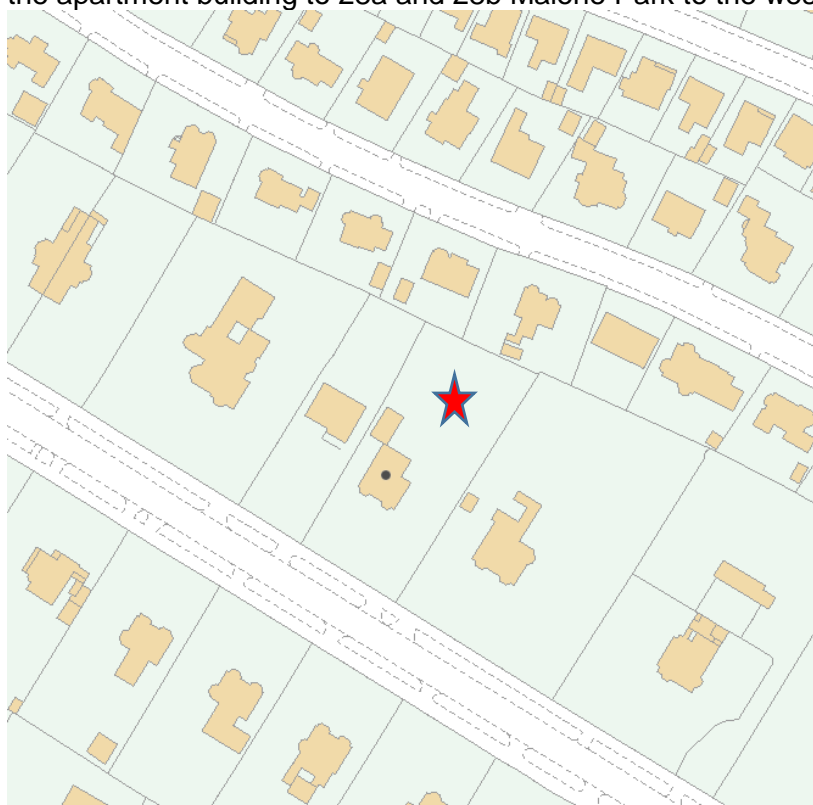
OSNI third edition (1900-1907) – site highlighted in red



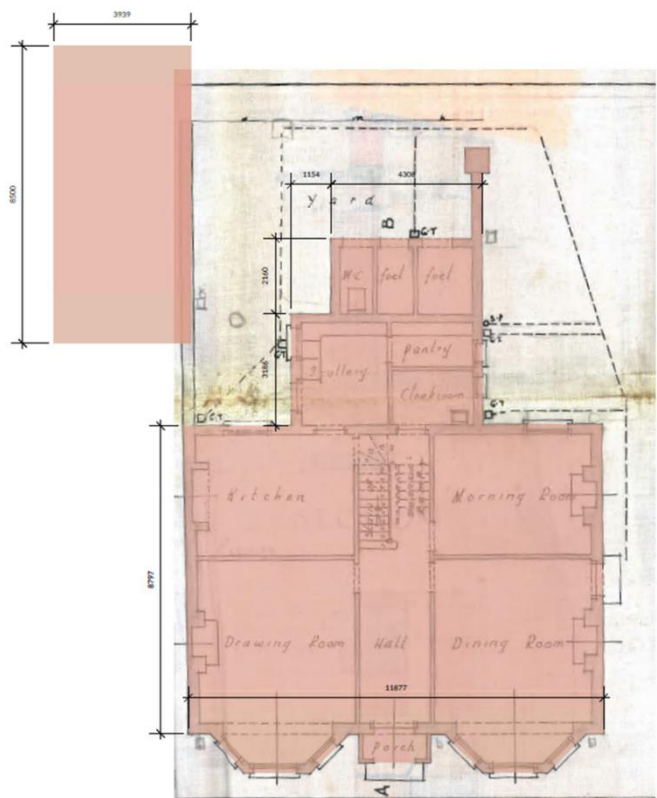
OSNI third edition (1919-1963) – site highlighted in red



OSNI Map 2020 – It is noted that site was subdivided in the 1970s to form what is known as the apartment building to 28a and 28b Malone Park to the western side of 28 Malone Park.



1944 Building Control Plans



9.33 The original dwelling included an attached outbuilding to the side of dwelling which is shown in the oldest historic map dating back to c1900 and the 1944 building control maps. Officers are of the opinion that the attached outbuilding should be considered as part of the original dwelling. However, calculations have been carried out both including and excluding the attached outbuilding as part of the original dwelling, as follows.

Table 1: Outbuilding included as part of the original dwelling

	Floorspace
Original dwelling	175m2
Proposed dwelling	334.5m2
Footprint Increase	1.9 times the original dwelling

Table 2: Outbuilding excluded from original dwelling

	Floorspace
Original dwelling	141.5m2
Proposed dwelling	334.5m2
Footprint Increase	2.3 times the original dwelling

9.34	As it can be seen, in both cases the proposal exceeds the 1.5 times limit. It is unlawful to take into account later additions to a building when calculating the building coverage, which is not how the calculation is being applied here. The Court did not find that it was unlawful to include an original outbuilding. To exclude the outbuilding would be to ignore the original historic fabric which made up the site and would distort the relationship.
9.35	Furthermore, as previously stated, there is no definition within the Guide of the term “original dwelling”. Within the Guide itself, the terms “dwelling”, “building” and “property” are used interchangeably to refer to historic built form. In addition, within the previous appeal decision, the Commissioner included the outbuilding as part of the original dwelling. For these reasons, officers consider it appropriate and reasonable to include the original attached outbuilding in its calculations. Nevertheless, the calculations have been provided under both scenarios of including the outbuilding as part of the original dwelling and excluding it.
9.36	As illustrated in the table above, the proposed replacement dwelling would fail to comply with the Malone Park Conservation Guide as the proposed building coverage would be 1.9 times that of the original dwelling if including the outbuilding or 2.3 times if excluding the attached outbuilding. The applicant was asked to reduce the scale of the proposed dwelling by officers and did so to an extent but not to below 1.5 times the original dwelling. They have sought to justify the proposal instead. Clearly, the Council must assess the application before it. In both cases, this is a breach of extremely strongly worded guidance, the status of which has been emphasised by the Court of Appeal as being of great weight and where there is conflict it should take precedence over other Planning Policy Statements. The Court of Appeal also stated that the more categorical in expression a requirement in a policy statement may be the more carefully a planning authority must weigh the factors which cause it to depart from the statement before it does so.
9.37	Whilst the Guide is worded strongly stating that “under no circumstances” should permission be granted for building coverage of more than one and a half times that of the original dwelling, it remains the case that planning policy is not a straitjacket for the planning authority (Carswell LCJ, Re Stewart’s Application (2003) NICA 4). The Council is therefore entitled to depart from the Guide where material considerations indicate otherwise provided that the appropriate weight is attached to the Guide.
9.38	As mentioned, the rationale for this particular provision in the guidance is to allow landscape to remain dominant within the Malone Park Conservation Area. In relation to this part of the Guide, the Commissioner concluded that, <i>‘the footprint of the proposal does fail the numerical figures set out in the design guidance and more importantly it has not been demonstrated and I have not been persuaded that the existing landscaping and trees will remain dominant’</i> .
9.39	This was on the basis that the landscaping information submitted with the appeal was inaccurate and the Commissioner could not be assured that existing tree coverage, and notably trees on the boundary with No. 30 Malone Park, would be retained. With such landscaping retained, it is considered that the landscaping would remain dominant.
9.40	The proposed landscaping plan includes the retention of the existing landscape features along with the planting of 34 new trees and a holly hedge boundary. In addition to the proposed planting, an extensive front and rear lawn has been incorporated within the design – with a depth of 21m to the front boundary and 29 m to the rear. The proposed building is also located 6.6 metres from the south eastern boundary. At its closest point, the proposed garage is located 3.9m from the north western boundary and the main dwelling 9.4m from the boundary, however given its minor single storey scale of the garage, this still allows for a good degree of spacing and visual separation from the boundary and the main dwelling. This

	is of a betterment over the existing relationship where the existing dwelling sits much closer to the north western boundary with the existing garage 1m from the boundary and the existing dwelling 5.2m from the boundary. The new replacement sited in a more central position allowing it to sit more comfortably within the plot with visual spacing to the vegetated side boundaries. The proposed building coverage makes up around 15% of the site. Overall, it is considered that the expanse of garden is in scale with the proposed dwelling and it would read as a dwelling set within a mature landscaped garden with well defined boundaries.
9.41	The Council's Conservation Officer assessment is based on numerical calculation of 1.5 times in respect of building coverage and its conflict with the Guide. The Conservation Officer has deferred to the Tree Officer for consideration of the impact on existing trees. Both the Council's Tree Officer and Landscaping team have reviewed the proposal and are content with the impact on existing trees and the quality of the landscaping plan. It is considered that the landscaping scheme presented will ensure that landscaping will remain a dominant feature.
9.42	The applicant has provided a comparative plot coverage ratio analysis comparing the proposed application to the existing sites within Malone Park. This demonstrates that the site coverage of built form when compared to the size of the plot (15%) is similar to those which presently exist along Malone Park. This figure of 15% also demonstrates that the built form accounts for a small proportion of the site. This information provides further context to the proposal and its impact.
9.43	The submitted Conservation Appraisal and Design Statement state that the building coverage at second storey level is 80% of the original dwelling (0.8 times the original) and it is that which forms the main impression of built form on the site and its relationship with the surrounding landscaping from the street. The applicant states that this reinforces the view that the landscaping will remain dominant within the development proposal.
9.44	Whilst the proposed replacement dwelling would fail to comply with the Malone Park Conservation Area Guide in terms of 1.5 times limit, this breach of policy is considered to be outweighed by the proposed landscape design which will ensure that landscaping still remains dominant along with a well designed and detailed replacement dwelling which is considered sympathetic to Malone Park Conservation Area taking into the account the conclusions reached in the previous appeal by the Commissioner. It is considered that criteria (f) and (g) of Policy BH 12 of PPS 6 are satisfied.
9.45	Overall, the existing dwelling makes only a modest positive contribution to the character and appearance of the area and is in poor condition. It is considered that the proposed replacement dwelling is well designed. The character and appearance of the Malone Park Conservation Area would be enhanced. The proposal is considered to comply with Policy BH10 and BH12 of PPS 6, paragraph 6.18 of the SPPS, Policy QD1 of PPS7, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.
9.46	<u>Impact on setting of listed buildings</u> No. 30 Malone Park next to the site is a Grade B2 listed building and was listed after the appeal decision. The application site falls within the setting of No 30.
9.47	Paragraph 6.12 of the SPPS states: <i>'Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed,</i>

	<i>paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.'</i>
9.48	<p>Policy BH 11 of PPS 6 relates to development affecting the setting of a Listed Building. It states:</p> <p><i>The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:</i></p> <ul style="list-style-type: none"> <i>a) the detailed design respects the listed building in terms of scale, height, massing and alignment;</i> <i>b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and</i> <i>c) the nature of the use proposed respects the character of the setting of the building.</i>
9.49	DfC Historic Environment Division has considered the effects of the proposal on this listed building and have advised that it satisfies the policy tests of paragraph 6.12 of the SPPS and Policy BH11 of PPS 6 subject to conditions to ensure the use of high quality materials, retention of existing landscaping and the implementation of the planting scheme. Having regard to HED's advice, it is considered that the proposal would not adversely affect the setting of the listed building. Paragraph 6.12 of the SPPS, Policy BH 11 of PPS 6 and Section 91 of the Planning Act (NI) 2011 are satisfied.
9.50	<p><u>Impact on existing trees and landscaping</u></p> <p>The previous appeal was dismissed partly on the basis that the previous proposal lacked an accurate tree survey. Therefore, the baseline extent of trees and the impact that the proposal would have during and post construction could not be properly assessed. The proposal therefore failed criteria (a) of Policy QD1 of PPS7 and criteria (f) and (g) of Policy BH12 of PPS 6. The existing tree cover was highlighted an important and integral part of the Conservation Area in the appeal decision and which positively contributed to the Malone Park Conservation Area.</p>
9.51	As mentioned, an accurate tree survey has now been received and the scheme has been amended to increase the separation distance between the proposed dwelling and the existing trees along the south eastern boundary. Furthermore, a detailed construction management plan and tree protection plan have been submitted which demonstrates how the existing mature trees can be safely retained during and post construction.
9.52	The proposed landscaping scheme also indicates the planting of 34 trees and the Landscape Management Plan and tree works plan will help secure the effective management of retained trees and the new planting.
9.53	The Council's Tree Officer and the Landscaping and Development team have reviewed the information and offer no objection to the proposal. They have advised that proposed landscaping scheme would assist in the enhancement of the amenity value of the site and the character and appearance of Malone Park Conservation Area.
9.54	Overall, it is considered that the previous reasons for dismissal at appeal in this regard have been adequately addressed and the proposal complies with the relevant criteria set out in Policy BH12 of PPS 6, Policy QD1 of PPS7 and paragraph 6.19 of the SPPS.

	<u>Impact on residential amenity</u>
9.55	No. 30 Malone Park adjoins the application site along its south eastern boundary. The proposed dwelling would be along similar building lines to No 30 and of a similar scale. There would be a separation distance of 6.6 m to the side boundary and a further 11m to the existing dwelling at No. 30. Given this relationship and the orientation of the site, it is not considered that proposal would result in an unacceptable loss of light, overshadowing or have overbearing impact on No 30. There would be 7 side windows facing No 30, the windows at first floor level and second floor level on the proposed dwelling are shown to be obscurely glazed and as such would not result unacceptable overlooking of No 30. In terms of the ground floor windows, given their location at ground floor within the intervening boundary treatment, it is not considered that they give rise to any unacceptable impacts in this urban context.
9.56	Nos. 28A and 28B border the north western boundary of the site. The main body of the replacement dwelling would be located a minimum of 9.5m away from the shared boundary which would increase the separation distances over that of the existing relationship. Similarly, the new garage would be set further off the boundary and be of much lesser bulk and scale than existing. In this respect, the proposed replacement dwelling will offer an improved relationship with Nos. 28A and 28B. The occupiers of Nos 28A and 28B have objected to the proposal on the basis that the proposed side facing windows will invade their privacy. It is noted that there is a first floor terrace at the front of No 28A which is already overlooked by the two existing first floor windows on 28 Malone Park with little intervening boundary treatment. Whilst the replacement dwelling contains more window openings than those which presently exist, coupled with the increased separation distance and high quality planting scheme, it is not considered that the ground or first windows would result in a material loss of privacy above the existing relationship. A condition has been recommended to obscurely glaze the second floor window as this introduces potential overlooking at a higher level.
9.57	Nos. 33 and 35 Myrtlefield Park back onto the rear of the application site. There would be a minimum separation distance of 37m (at first floor level) from the proposed replacement dwelling to the rear boundary of these properties. It is considered that this distance is sufficient to ensure that there is no unacceptable loss of light or privacy in these properties.
9.58	It is important to note that in the previous appeal decision, the impact on residential amenity of adjoining properties was found to be acceptable. BCC Environmental Health have also been consulted and have no objection to the proposal. To conclude, the proposal is not considered to result in an unacceptable adverse effect on the residential amenity of adjoining properties in accordance with Policy BH12 of PPS6 and QD1 of PPS7 and the SPPS.
	<u>Access, Movement and Parking</u>
9.59	The proposed replacement dwelling is to utilise the existing vehicular access. Adequate space is shown within the site to provide for 3 on-site parking spaces in accordance with the Parking Standards. DFI Roads have no objection. Accordingly, the proposal is considered to accord with PPS3 and PPS7 in this regard.
	<u>Protected Species</u>
9.60	A Preliminary Ecological Appraisal, Bat Roost Emergence/ Re-entry Survey Report, Badger Survey and Extended Badger Survey Report have been submitted in support of the application. The results of the bat survey found no bats roosting within the existing buildings. It is acknowledged that the proposed development is likely to impact an existing subsidiary/ outlier badger sett within the site, however, further survey work undertaken has identified the main sett thus a wildlife licence for closure of the sett on the application site is likely to be granted. The Natural Environment Division have been consulted and have no objection to

	the proposal subject to the conditions specified. The proposal is considered to accord with Policies NH2 and NH5 of PPS2 and the SPPS.
10.0	<p>Summary of Recommendation: Having regard to the development plan, relevant policy context and other material considerations including third party representations and the previous appeal decision, the proposal is considered acceptable.</p> <p>It is recommended that the application is approved subject to conditions and it is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.</p>
11.0	<p>Conditions</p> <ol style="list-style-type: none"> 1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No development shall commence until samples of the materials and detailed schedule of materials to be used in the construction of the external surfaces (including roof, walls, windows/ doors, rainwater goods) of the development hereby permitted have been submitted to and approved in writing by the Council. Development shall be carried out in accordance with the approved details Reason: In the interests of Malone Park Conservation Area and the character and setting of the listed building. 3. All hard and soft landscaping works shall be carried out in accordance with the approved plan XXX. All landscaping shall be carried in the first planting season (November – March) following completion of the development and maintained thereafter. Any proposed trees, plants indicated on the approved plans which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. Reason: In the interests of biodiversity, amenity and to preserve and enhance the character and appearance of Malone Park Conservation Area. 4. The development hereby permitted shall be carried out and maintained in accordance with the Landscape Management and Maintenance Plan (dated XXX) prepared by XX, published to the planning portal XX. Reason: In the interests of biodiversity, amenity and character and appearance of Malone Park Conservation Area. 5. No trees which are shown as being retained on approved drawing no XXX published to the planning portal XXX and shall be cut down, uprooted or destroyed nor shall any retained tree be pruned or reduced without the prior written approval of the Council.

Reason: To protect the trees to be maintained on the site and safeguard the character and appearance of the surrounding area including Malone Conservation Area

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

Reason: To ensure the protection of and to ensure the continuity of amenity afforded by any existing trees to be retained.

7. The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved within the Development Impact drawing shall be submitted for approval in writing by the Belfast City Council Planning within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: In order to ensure compliance with the tree protection and arboricultural supervision details submitted.

8. No removal of hedgerows, trees or shrubs 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 harm 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 the works commencing.

Reason: To protect breeding birds.

9. The dwelling hereby permitted shall not be occupied until hard surfaced area have been constructed in accordance with the approved layout Drawing No. XXX, published to the planning portal XXX to provide adequate facilities for parking, servicing and circulating within the site. No part of these hard surfaced areas shall be used for any purpose at any time than for the parking and movement of vehicles.

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

10. Prior to commencement of the development hereby permitted, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by Belfast City Council. The CEMP shall include proposed hours of construction activities as well as mitigation measures for controlling dust, noise and vibration. The CEMP shall have due regard to current good practice as outlined in BS5288:2009 parts 1 and 2 and shall include a strategy for communication/liaison with nearby existing residents throughout the construction phase. The CEMP shall be made available to the Environmental Protection Unit of Belfast City Council at any time upon request.

	<p>The CEMP shall be implemented in accordance with the approved details.</p> <p>Reason: Protection of Residential Amenity.</p> <p>11. If during the development works, new contamination or risks are encountered which have not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. In the event of unacceptable risks being identified, a Piling Risk Assessment and a Remediation Strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction. This strategy should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p> <p>12. After completing the remediation works under Condition 12 and prior to occupation of the development, a Verification Report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Model Procedures for the Management of Land Contamination (CLR11) and/or the Land Contamination: Risk Management (LCRM) guidance, as applicable. The Verification Report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.</p> <p>Reason: Protection of environmental receptors to ensure the site is suitable for use.</p>
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Notification to Department (if relevant): Yes – referral of DCA application
Representations from Elected members: None
<p>Details of Neighbour Notification (all addresses)</p> <p>The Owner/Occupier, 21 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 23 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 25 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 28a ,Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 28b ,Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 30 Malone Park,Belfast,Antrim,BT9 6NJ</p> <p>The Owner/Occupier, 33 Myrtlefield Park,Belfast,Antrim,BT9 6NF</p> <p>35 Myrtlefield Park,Belfast,Antrim,BT9 6NF</p> <p>The Owner/Occupier,</p>

37a ,Myrtlefield Park,Belfast,Antrim,BT9 6NF

Pragma,

7 Scottish Provident Building, Donegall Square West, Belfast, Antrim, Northern Ireland,
BT1 6JH

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Committee Application

Development Management Report	
Application ID: LA04/2019/1820/DCA	Date of Committee: 27 th June 2022
Proposal: Demolition of existing detached dwelling, adjacent garage and associated hard standing to rear.	Location: 28 Malone Park Belfast BT9 6NJ
Referral Route: Demolition of dwelling in the Conservation Area	
Recommendation:	Approval
Applicant Name and Address: Lewis Creighton 20 Malone Park Belfast BT9 6NL	Agent Name and Address: Studio Vericat 66 Ardenlee Avenue Belfast BT6 0AB
Executive Summary: This application seeks conservation area consent for full demolition of the existing dwelling and garage at 28 Malone Park. An accompanying planning application for the proposed replacement dwelling (ref. LA04/2019/1819/F) is also being considered. The main issue to be considered is the acceptability of demolition in the Malone Park Conservation Area. There is a previous appeal decision for a replacement dwelling under references 2016/A0016 & 2016/A0017 which is material consideration. A copy of this appeal decision is provided at Appendix 1 . 7 letters of objection have been received to date including 3 representations on behalf of Malone Park Residents Association. The objections are summarised below with some of the points appertaining to the proposed replacement dwelling under application LA04/2019/1819/F. <ul style="list-style-type: none"> • Clear policy presumption in favour of retention, no evidence provided as to why this is an exception and that the existing dwelling should be demolished; • Historical significance of existing dwelling; • Objection to intensification, design, scale, height, massing and plot coverage of the proposed dwelling; • Proposal contrary to PPS6, PPS7, SPPS and Malone Park Design Guide; • Proposal does not preserve or enhance the Conservation Area; • Adverse impact upon setting of listed building; • Destabilisation / damage to adjoining properties from excavation and construction; • Significant damage to important trees and landscape features; • Loss of privacy, light, overshadowing, dominating impact on neighbouring properties; • Impact on active badger sett; • Geology / flooding. These matters relating to the proposal to demolish the existing dwelling are addressed in detail in the main body of the report below. The Council's Conservation Officer has objected to the proposal on the basis that the existing building makes a significant positive contribution to the conservation area and its demolition is therefore unacceptable and the proposed replacement scheme is inappropriate.	

However, the Commissioner in the previous appeal decision found that the Council had over-exaggerated the contribution of the existing dwelling to Malone Park Conservation Area and considered it made a slight positive contribution only.

As both the PAC (slight positive contribution) and Conservation Officer (significant positive contribution) consider that the existing building makes a material contribution to the Conservation Area, Policy BH10 and BH14 and paragraph 6.25 of PPS 6 are engaged. It is considered that greater weight should be given to the conclusions of the PAC on the extent to which the existing building contributes to the Conservation Area given its status as an independent appeals tribunal.

The Commissioner in the previous appeal decision considered that the broad criteria relating to the demolition of unlisted buildings within the Conservation Area as set out in PPS 6 had been addressed. Furthermore, they considered the proposed replacement dwelling on its own was found to be sympathetic to the Conservation Area. However, it was the lack of an accurate tree survey and acceptable landscaping proposal which resulted in the appeals being dismissed as the Commissioner was unable to conclude that the landscaping would remain dominant as otherwise required by the Malone Park Conservation Area Guide. In turn, the Commission was unable to conclude that the proposal would preserve or enhance the character and appearance of the Conservation Area and the proposed demolition was unacceptable.

In the case of the new application, the footprint of the proposed replacement dwelling has been reduced, there is greater distance to the boundaries and a new landscaping plan has been provided which shows retention of existing tree coverage, particularly the trees along the boundary with No. 30 Malone Park next door. It is considered that the landscaping would remain dominant having regard to the Malone Park and Adelaide Park Conservation Guide. Overall, the existing dwelling makes only a modest positive contribution to the character and appearance of the area and is in poor condition. It is considered that the proposed replacement dwelling is well designed. Having regard to these considerations and the previous appeal decision, it is considered that the proposal would enhance the character and appearance of Malone Park Conservation Area and the presumption in favour retaining the existing building can be set aside in this exceptional instance. It is considered that the grounds for dismissal of the previous appeal have been addressed and that the proposal complies with Policy BH10, BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.

Having regard to the Development Plan and other material considerations, including third party representations and the previous appeal decision, the proposal is considered acceptable. Approval is recommended for the reasons set out in detail in the main report.

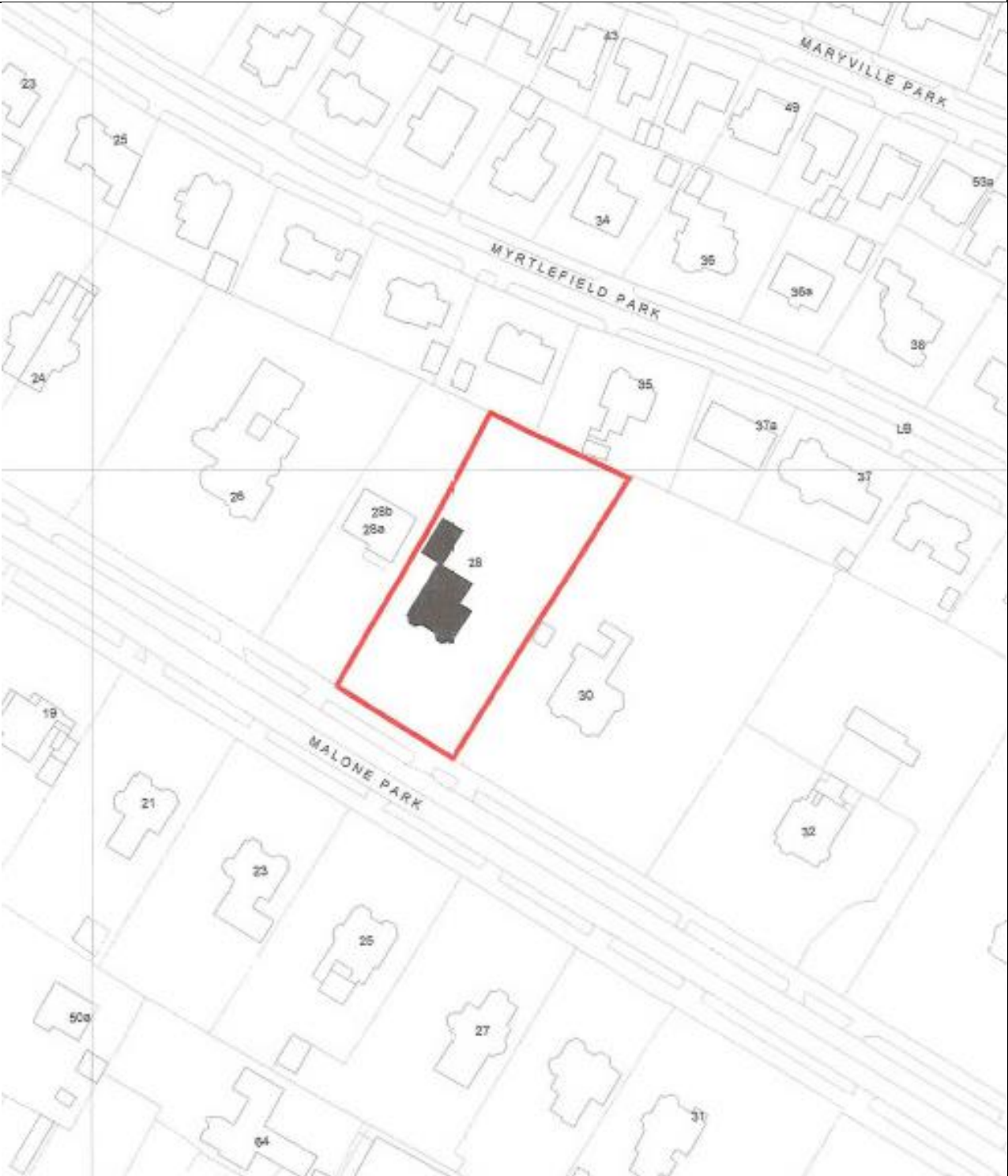
Recommendation

It is recommended that the application is approved subject to conditions. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.

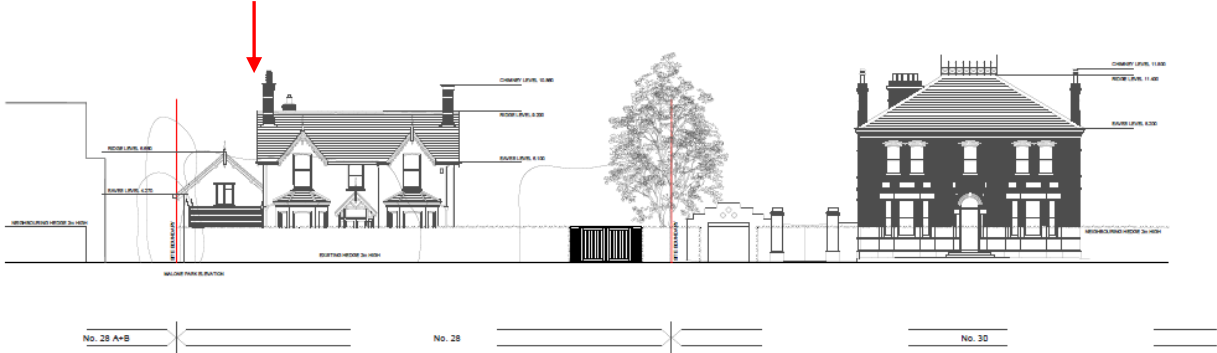
Before the decision can be issued, being an application for Conservation Area Consent, the application will need to be notified to the Department under Section 29 of the Planning Act (Northern Ireland) 2011.

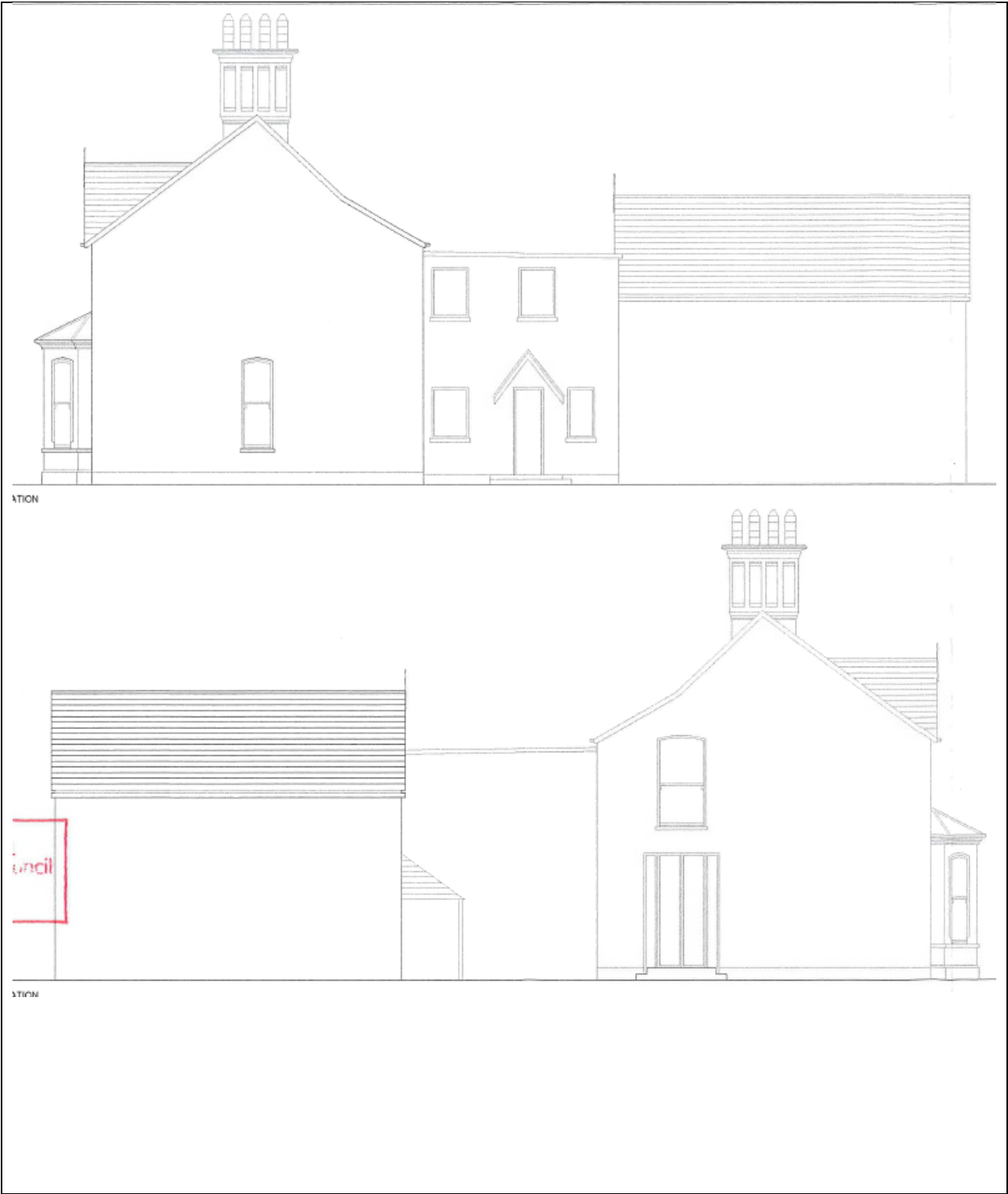
Case Officer Report

Site Location Plan



Existing dwelling to be demolished





Characteristics of the Site and Area	
1.0	<p>Description of Proposed Development</p> <p>This application seeks conservation area consent for the full demolition of the existing dwelling, adjacent garage and associated hard standing at 28 Malone Park.</p> <p>There is a corresponding planning application for the replacement scheme under reference LA04/2019/1819/F, which is also being considered by the Committee.</p>
2.0	<p>Description of Site and Area</p> <p>The site is located within the Malone Park Conservation Area and is currently in a dilapidated and overgrown state, with the front boundary boarded up and locked. The existing dwelling (originally faced in brick) is a three-bay, one and a half storey dwelling faced in roughcast render (on smooth render plinth) with pitched slated roof. Two canted bay windows to the ground floor, with hipped roofs sit symmetrically around a gabled porch. The porch gable features decorative barges and finials, complementing those to the attic gables over first floor windows. Vertical emphasis, window openings retain timber sliding sashes. Decorative barges also occur to side gables. Moulded chimneys are expressed to the ridge. To the west, at the rear, is a gabled summerhouse whose interwar era may be reflected by the veranda. Picture windows have been inserted into the western gable, and the northern elevation to which has been added a two storey, flat roofed extension. To the rear of the property are the remains of a former tennis court.</p> <p>Malone Park is a significant tree lined avenue located between the Lisburn Road and Malone Road. It contains large individually designed residential properties, set well back from the road, within mature gardens, of significant proportions. The site is surrounded by other dwellings on all sides to the north, east, west and across the road to the south.</p>
Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p><u>Application Site</u></p> <p>LA04/2019/1819/F – Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage and landscaping to front and rear (AMENDED PLANS and ADDITIONAL INFORMATION) – to be considered by the Planning Committee alongside this application.</p> <p>LA04/2018/0282/F - Hoarding at 2.5m height to front and side of site – REFUSED 3rd May 2018.</p> <p>Z/2015/0063/F (Appeal ref: 2016/A0016) - Demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage with landscaping to the rear– DISMISSED AT APPEAL 6th February 2017. A copy of the appeal decision is provided at Appendix 1.</p> <p>Z/2015/0101/DCA (Appeal ref: 2016/A0017) - Associated application for demolition of existing detached dwelling, adjacent garage – DISMISSED AT APPEAL. A copy of the joint appeal decision is provided at Appendix 1.</p> <p>Z/2009/0616/F - Two storey rear extension with glazed link to new two storey block and single storey attached garage/utility to dwelling – GRANTED 23rd February 2010.</p>

	Z/2009/0663/DCA - Demolition of existing rear extension to dwelling and garage – GRANTED 23 rd February 2010.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001 (BUAP)
4.2	<p>(Draft) Belfast Metropolitan Area Plan (BMAP) 2015 (both v2004 and v2015)</p> <p>The extant Development Plan is the BUAP. Both versions of Draft BMAP carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the stage at which the Draft BMAP has reached pre-adoption through a period of independent examination, the policies within Draft BMAP 2015 (v2014) are considered to hold significant weight, save for policies relating to Sprucefield, Lisburn which remain contentious.</p>
	Draft BMAP 2015 (v2004)
4.2.1	Policy SETT2 Development with the Metropolitan Development Limit and Settlement Development Limits
4.2.2	Designation BT001 Metropolitan Development Limit
	Draft BMAP 2015 (v2014)
4.2.3	Policy SETT 2 Development within the Metropolitan Development Limits and Settlement Development Limits.
4.3	<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>
4.4	Regional Development Strategy 2035
4.5	Strategic Planning Policy Statement 2015
4.6	Planning Policy Statement 6: Planning, Archaeology and the Built Heritage
4.7	<p>Section 104(11) of the Planning Act (Northern Ireland) 2011:</p> <p>'Special regard must be had to the desirability of:</p> <p>(a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;</p> <p>(b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.'</p>

5.0	Other Material Considerations
	Malone Park / Adelaide Park Design Guide Development Management Practice Note: Historic Environment
6.0	Non-Statutory Consultees Responses
6.1	BCC Conservation Officer – objection
7.0	Representations
7.1	<p>The application was advertised in the local press on the 14th August 2019.</p> <p>7 letters of objection received including 3 representations on behalf of Malone Park Residents Association. These representations are summarised below. Some of the points relate to the proposed replacement dwelling under application LA04/2019/1819/F.</p> <ul style="list-style-type: none"> Judgements in judicial reviews Ulster Architectural Heritage Society's Application [2014] NIQB 21 (7 February 2014) Ref TRE9161 & Gillian & Ors, Re An Application for Judicial Review [2003] NICA 10 (14 March 2003) Ref CARC3874 are clear where there is a policy presumption (BH14) the full weight of that presumption must be brought to bear and cannot be diluted and where any question of priority arises in relation to PPS6 and the Guide, it is the Guide that must take priority; No 28 Malone Park has been assessed as making a positive material contribution to the Conservation Area by both the Council and the PAC in previous decisions, no evidence has been submitted as to why or how the existing dwelling constitutes an exception to the policy presumption in favour of retention and should be demolished; Historical significance of existing dwelling; No. 28 Malone Park is a listed building; Not in agreement with the submitted Conservation Appraisal and Conservation Impact Statement / Rebuttal Statement – no weight should be attached to economic viability argument, reject assertion it is not fit for purpose; Objection to intensification, design, the scale, height, massing and plot coverage of the proposed dwelling as its falls to accord with Malone Park Conservation Area Design Guide and Policy BH12 of PPS 6; Proposal is more than 1.5 times the building coverage ratio of the original dwelling; No contextual elevations submitted and lack of information on views into and out of the Conservation Area, therefore the proposal cannot be properly assessed; Proposal does not preserve or enhance the character or appearance of the Conservation Area. As there is a clear opportunity to enhance, the current proposal must be refused as it is contrary to policy and published guidance; The new dwelling in terms of close proximity, height, massing and style would adversely affect the setting of No 30 Malone Park, contrary to Policy BH11 of PPS 6; Dominance; Proposal is contrary to PPS 7; Only minor amendments have been made to the scheme, this does not address the concerns at the previous appeal; Sheet piling is indicted which will have a greater impact on existing vegetation than the foundations; Secant Pile Wall construction will create ground instability, cause noise and disturbance to adjoining residents; basement / Sheet piling will require substantial excavation and poses a grave danger to nearby buildings; Damage to Malone Park roadway during construction;

	<ul style="list-style-type: none"> • Proposal will significantly damage important trees and landscape features which form a critical part of Malone Park Conservation Area; • Landscaping plan shows a new holly hedge along the boundary with No 30 – there is an existing hedge which is within the ownership of No 30 and cannot be removed; • Loss of privacy, whilst the first floor and second floor windows are to be obscurely glazed, there will still be overlooking from the large ground floor window into No 30 Malone Park; • Loss of privacy to adjoining properties, application site sits higher than Nos 33 and 35 Myrtlefield Park; • PPS7 Addendum advises that the use of obscure glazing is not an acceptable solution for main rooms; • Loss of light and overshadowing; • Loss of light from planting of trees along the rear boundary; • Impact on active badger sett; • Geology/ flooding; • Full weight of the design Guide must be applied including one and a half times rule as directed by the High Court and Court of Appeal in Gilligan & Ors [2003] NICA 10; • Important to note that it is 'building coverage' and 'original dwelling' and not original buildings and dwelling coverage. <p>The only matter for consideration in this application is whether the proposed demolition is acceptable. All other matters are for consideration in the full planning application and are addressed in the related committee report.</p>
9.0	Assessment
9.1	<p><u>Application Background</u></p> <p>This application follows the previous appeal decision 2016/A0016 & 2016/A0017 with the main differences between the appeal scheme and current scheme being:</p> <ul style="list-style-type: none"> • Reduced building footprint from 388 sq. m to 334.5 sq. m. • Decreased width of building from 25m to 21m; • Decreased length of building from 20.5m to 19.9m; • Increased separation distances to side boundary with No 30 Malone Park from 4.6 m to 6.6 m; • Detailed tree survey and arboricultural assessment; • Construction Management Plan; • Landscape Design and Access Statement / Visual Assessment; • Detailed landscaping scheme and landscape management and maintenance plan. <p>The conclusions reached by the Planning Appeals Commission (PAC) in the appeal decision are material to the consideration of this application. A copy of the appeal decision is provided at Appendix 1.</p>
9.2	<p>The key issue in the assessment of the proposed development is:</p> <ul style="list-style-type: none"> • Acceptability of demolition within the Malone Park Conservation Area
9.3	<p>There is a statutory requirement under Section 104(11) of the Planning (NI) Act 2011 to have special regard to the desirability of;</p>

	<p>(a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; or</p> <p>(b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.</p>
9.4	<p>Paragraph 6.18 of the Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) contains a policy direction reflecting Section 104 of the 2011 Act. It states that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. A similar approach is taken in Policies BH12 and BH14 of PPS6.</p>
9.5	<p><i>Demolition</i></p> <p>Policy BH 14 of PPS 6 advises that permission will normally only be granted for the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character and appearance of the area. It also advises that in assessing proposals for demolition of an unlisted building that makes a positive contribution, regard will be had to the same broad criteria outlined for the demolition of listed buildings set out in Policy BH 10 and paragraph 6.25 of PPS 6. These include the merits of the existing building, the building's condition, the adequacy of efforts to retain the building in use and the merits of alternative proposals. The contribution of the existing building to Malone Park Conservation Area and its resultant demolition were discussed in detail in the previous appeal decision. This is considered in detail below.</p>
9.6	<p><u><i>Merits of the existing building</i></u></p> <p>The Council's Conservation Officer is of the opinion that the existing building makes a significant contribution to the architectural and historic interest / character and appearance of the Conservation Area through, in part, its historical architectural evolution as a late Victorian/ Edwardian / interwar period residential suburb. This is a view shared in the community representations.</p>
9.7	<p>However, the Commissioner found at paragraph 21 of the appeal decision that <i>'Whilst the existing building presents an understated Victorian building it is of modest quality and it has been degraded by the application of roughcast rendering to the existing fabric of the main house and the insensitive extensions to the rear. Given this and the current condition of the building, I consider that is not of a standard of the general architectural quality of the dwellings in the Park. However, it still presents a frontage to the park and continues the existing building line filling a gap in the urban context. The existing landscaping within the site continues to contribute positively to the conservation area. In this respect, I consider that the existing building makes a slight positive contribution to the character and appearance of the Conservation Area. In my opinion, the Council have over exaggerated the contribution that the existing building makes to the conservation area.'</i></p>
9.8	<p>Both the PAC (slight positive contribution) and Conservation Officer (significant positive contribution) consider that the existing building makes a material contribution to the Conservation Area. Therefore, Policies BH10, BH14 and paragraph 6.25 of PPS 6 are engaged. It is considered that greater weight should be given to the conclusions of the PAC on the extent to which the existing building contributes to the Conservation Area given its status as an independent appeals tribunal.</p>
9.9	<p>Policy BH 14 of PPS 6 states:</p>

	<p><i>'The Department will normally only permit the demolition of an unlisted building in a conservation area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site and appropriate agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition'.</i></p>
9.10	<p>The supporting text to Policy BH14 of PPS6 advises that in determining proposals for the demolition of unlisted buildings, account should be taken of the part it plays in the architectural or historic interest of the area by the building and in particular the wider effects of demolition on the Conservation Area as a whole. In this case, the Commissioner presiding over the previous appeal advised that the existing dwelling makes only a slight positive contribution to the character and appearance of the Conservation Area. The Commissioner concluded that demolition of the existing dwelling was acceptable in principle, but rejected because the replacement dwelling was not acceptable. The reasons for dismissal of the previous appeal are considered to have been addressed for the reasons set out in the report to planning application LA04/2019/1819/F.</p>
9.11	<p>A condition is recommended that prevents demolition of the existing dwelling until a valid contract has been entered into for redevelopment of the site in accordance with the planning permission for the replacement dwelling. A condition is also recommended that requires appropriate arrangements for recording the existing dwelling before its demolition. Having regard to these considerations, the proposal is therefore considered acceptable having regard to Policy BH14 of PPS 6 and paragraph 6.19 of the SPPS.</p>
9.12	<p>Paragraph 7.17 of PPS6 states that in assessing proposals for demolition of an un-listed building that makes a material contribution to the Conservation Area, regard should be had to the same broad criteria outlined for the demolition of listed buildings. Policy BH10 of PPS 6 relates to proposals to demolition of a listed building and reads:</p> <p><i>'There will be a presumption in favour of retaining listed buildings. The Department will not permit the demolition of a listed building unless there are exceptional reasons why the building cannot be retained in its original or a reasonably modified form. Where, exceptionally, listed building consent is granted for demolition this will normally be conditional on prior agreement for the redevelopment of the site and appropriate arrangements for recording the building before its demolition.'</i></p>
9.13	<p>The tests at paragraph 6.25 of PPS 6 are considered as follows.</p>
	<p><u><i>Building's condition and adequacy of efforts to retain the building</i></u></p>
9.14	<p>The Commissioner previously accepted that the existing building was beyond habitable use and that renovation and refurbishment was not economically viable and that such extensive rebuilding would be required that there would be little historic value left. The Commissioner also accepted that the existing rough cast render could not be removed back to the original brickwork. On this basis, it was considered that this addresses the broad criteria set out in PPS 6.</p>
	<p><u><i>Merits of alternative proposals for the site</i></u></p>
9.15	<p>The previous planning permission for the extensions to the existing dwelling have since lapsed. The merits of the proposed replacement dwelling are considered in detail below.</p>
9.16	<p>Having regard to these considerations and the conclusions of the Commissioner in the previous appeal decision on the issue of demolition, it is considered that there are exceptional reasons that justify demolition of the existing building in this case. But this is subject there being an appropriately designed replacement dwelling.</p>

9.17	The detailed consideration of the proposed replacement dwelling is set out in the Committee report for LA04/2019/1819/F. It is considered a well designed and detailed replacement dwelling which includes a proposed landscape design which will ensure that landscaping still remains dominant.
9.18	Overall, the existing dwelling makes only a modest positive contribution to the character and appearance of the area and is in poor condition. It is considered that the proposed replacement dwelling is well designed. Having regard to these considerations and the previous appeal decision, it is considered that the proposal would enhance the character and appearance of Malone Park Conservation Area and the presumption in favour retaining the existing building can be set aside in this exceptional instance. It is considered that the grounds for dismissal of the previous appeal have been addressed and that the proposal complies with Policy BH10, BH12 and BH14 of PPS 6, paragraph 6.18 of the SPPS, Policy BH2 of the draft Plan Strategy and Section 104(11) of the Act.
10.0	Summary of Recommendation:
10.1	Having regard to the development plan, relevant policy context and other material considerations including third party representations and the previous appeal decision, the proposal is considered acceptable.
10.2	It is recommended that the application is approved subject to conditions and it is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions.
10.3	Before the decision can be issued, being an application for Conservation Area Consent, the application will need to be notified to the Department under Section 29 of the Planning Act (Northern Ireland) 2011.
11.0	DRAFT CONDITIONS
	<ol style="list-style-type: none"> 1. The works hereby permitted shall be begun not later than the expiration of 5 years beginning with the date on which this consent is granted. Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011. 2. In accordance with Section 105 of the Planning Act (NI) 2011, the building shall not be demolished until a contract for the redevelopment of the site in accordance with the detailed proposals under application reference LA04/2019/1819/F has been agreed, and evidence of that contract submitted to and approved in writing by the Council. Reason: To ensure the implementation of a satisfactory replacement scheme in the interests of Malone Park Conservation Area. 3. No works (including demolition) shall commence on site until a full survey, including analysis, and photographic record of the dwelling and garage at 28 Malone Park has been submitted to and approved in writing by the Council. Reason: To secure the proper recording of this unlisted building in Malone Park Conservation Area.

Notification to Department (if relevant): Yes – referral of DCA application

Representations from Elected members: None
Details of Neighbour Notification (all addresses) N/A

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Appeal Decisions

Park House
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BELFAST
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Appeal References:	(1)2016/A0016 and (2) 2016/A0017
Appeals by:	Mr Lewis Creighton
Appeal against:	(1) the refusal of Conservation Area Consent and (2) the refusal of full planning permission.
Proposed Development:	(1) Demolition of existing detached dwelling, adjacent garage and associated hardstanding to rear due to poor condition and (2) demolition of existing dwelling and erection of 3 storey (and basement) detached dwelling with garage.
Location:	28 Malone Park, Belfast.
Planning Authority:	Belfast City Council.
Application Reference:	(1) Z/2015/0101/DCA and (2) Z/2015/0063/F.
Procedure:	Informal hearing on 20 th October 2016.
Decision by:	Commissioner Mandy Jones, dated 6 th February 2017.

Decision

The appeals are dismissed.

Reasoning

1. The main issue in both appeals is the effect of the proposed demolition and redevelopment on the character and appearance of the Malone Park Conservation Area. The appeal against the refusal of planning permission also raises the issues of impact on natural heritage and impact on neighbouring residents.
2. Section 104 (11) of the Planning (NI) Act 2011 requires that where any area is for the time being designated as a conservation area, special regard must be had to the desirability of:
 - (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;
 - (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
3. Policies BH 10 and BH 14 of Planning Policy Statement 6 (PPS 6): Planning, Archaeology and Built Heritage cited by the Council in its reasons for refusal have to be considered in that context.

4. Section 6 (4) of the Planning Act 2011 states that determination under this Act must be made in accordance with the plan, unless material considerations dictate otherwise - which relates to the planning application appeal. The Belfast Metropolitan Area Plan 2015 (BMAP) identifies for information only the extent of the Malone Park Conservation Area and notes that it exhibits a number of architectural styles including Arts and Crafts and Queen Anne Revival and that this area contains large detached residential properties within mature gardens in a tree lined avenue. However, while BMAP states that development proposals within Conservation Areas will be assessed in accordance with Planning Policy Statement 6 – Planning, Archaeology and Built Heritage (PPS6), it contains no policy provisions relevant to the Conservation Area or the appeal proposals.
5. The Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) is a material consideration. It states that until councils have adopted a new Plan Strategy any conflicts between the SPPS and the existing specified retained Planning Policy Statements are to be resolved in favour of the SPPS.
6. The SPPS contains a policy direction reflecting Section 104 of the 2011 Act. Paragraph 6.18 advises that in managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. It goes on to say that there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest.
7. This SPPS policy direction requires a broadly similar approach to that set out in Policy BH 14 of PPS 6 – Demolition in a Conservation Area when read in the context of Section 104 of the Planning Act. Policy BH 14 states that the Department will normally only permit the demolition of an unlisted building in a Conservation Area where the building makes no material contribution to the character or appearance of the area. Where conservation area consent for demolition is granted this will normally be conditional on prior agreement for the redevelopment of the site. Paragraph 7.17 states that in assessing such proposals the Department will have regard to the same broad criteria outlined for the demolition of listed buildings and is cross referenced to paragraph 6.5 and policy BH 10. BH 10 requires exceptional reasons why the building cannot be retained in its original or a reasonably modified form. In the justification and amplification text of policy BH 10, paragraph 6.24 states that consent will not be given (for demolition) simply because the redevelopment is economically more attractive to the developer than repair and re-use of the building, or because the developer acquired the building at a price that reflected the potential for redevelopment rather than the condition and constraints of the existing historic building. Paragraph 6.25 in the justification and amplification text of policy BH 10 refers to the following factors :

- (a) The condition of the building, the cost of repairing and maintaining it in relation to its importance and to the value derived from its continued use,
 - (b) The adequacy of efforts made to retain the building in use and
 - (c) The merits of alternative proposals for the site.
8. The proposal for demolition must take into account the new build proposal, and for the statutory tests to be met the demolition and replacement should leave the character of the Conservation Area at least unharmed and where possible enhanced. The relevant test is whether the rebuilding proposal makes a contribution to the character and appearance of the Conservation area which is at least equal to and where possible greater than that of the existing building on the site.
9. The appellant argued that the provisions in Section 104 of the Planning Act do not require enhancement, even where an opportunity to achieve it arises and does not displace the longstanding South Lakeland '*no harm*' test, and does not justify the refusal of planning permission in a given case where there is an opportunity for enhancement but enhancement is not secured. All it requires is that special regard be paid to the desirability of enhancement where there is an opportunity to achieve it, which is not the same thing as requiring enhancement before a proposal is deemed acceptable. The appellant argued that the replacement will enhance the character and appearance of the CA, however they argued that if the Commission considered the appellant to be wrong, their fall back is that the proposal does not cause any harm to the CA. Appeal decision 2002/A003&A004 – 41 Malone Avenue provides a precedent although under a different statutory context.
10. The existing building which is not listed is located within Malone Park which is a significant tree lined avenue located between the Lisburn Road and Malone Road. The surrounding context is primarily residential. Malone Park contains large, individually designed properties set back from the road, within mature gardens of significant proportions and mature landscaping.
11. As PPS 6 advises, each Conservation Area has its own unique style and character, and local policies and guidance for the conservation and enhancement of the Conservation Areas are set out in the relevant designation documents and design guides. 'Malone Park / Adelaide Park Conservation Area' is the relevant designation booklet. It states that 'Malone Park and Adelaide Park remain today as examples of the late Victorian Housing environment. They contain a number of architectural styles including Arts and Crafts, Queen Anne Revival and Italianate together with a number of more recent developments. The combination of notable domestic Victorian architecture, mature landscaped gardens and tree lined avenues produces a townscape character which is worthy of designation' There is reference to some particular buildings within Malone Park but there is no reference to the existing appeal building. It goes on to say 'Generally properties are large two-storey detached residences with a uniform set back which emphasises the Parks perspective. The large gardens create their own environment which is contained by the mature planting between each property. From the street, residences are often only partially visible, nestled in their surroundings and quite

separate from each other.' The CA guide does not attach great significance to the chronological development of Malone Park.

12. The existing building is a Victorian modest three bay, two-storey dwelling faced in roughcast render with a smooth render plinth and a pitched slated roof. It seems that the house had originally a red brick finish, with saw tooth dentil detailing, but this has been rendered over rather crudely some time ago. Two canted bay windows to the ground floor, with hipped roofs sit symmetrically to either side of a gabled porch. The porch has decorative barges and finials which are complementary to the gables over the first floor windows. Windows have a vertical emphasis and to the front elevation are sliding sash. The side gables have decorative barges. Two brickwork moulded chimneys sit on the ridge line. A garage sits to the north elevation and has a decorative timber veranda to the front elevation.
13. To the rear elevation large picture windows have been inserted and there is a substantial two storey flat roof return extension and a large red brick extension with a concrete tiled roof. It would appear that the house at some stage was divided into different units as there are a number of external doors – to the side gable, rear return and to the red brick extension. These additions to the rear are unsympathetic to the main dwelling.

Planning History

14. In 2010 consent was granted for the demolition of the existing rear extensions (Z/2009/0663/DCA) and planning permission was granted (Z/2009/0616/F) for a two storey rear extension with glazed link to new two storey block and a single storey attached garage / utility. The appellant argues that due to condition that if implemented the only part which would be retained is the front elevation and part of the side elevations. It would not be possible to remove the render on these elevations. The appellant argued that although facade retention is an architectural approach in this case the facade has been significantly compromised.

Condition of the Existing Building

15. Evidence from the appellant stated that no 28 has been unoccupied for many years and it fell into disuse because it no longer offered the quality of family residential accommodation present in Malone Park. A condition report was presented by Johnston Houston Building Surveyors dated December 2014 and a follow up report dated September 2016. This highlighted the severity of dry rot and wet rot which the writer indicated that in 28 years experience he has not witnessed such a severe breakout of dry rot. It concluded that the building is in a seriously dilapidated condition and that it is not safe for access due to the extent of decay of the structural timbers and that the building is suffering from excessive penetrating and rising dampness and severe deterioration of the external fabric and envelope. It was asserted that it would not be economically viable to refurbish and remediate the existing property which would cost £700,000 inclusive of vat, fees, full repairs and restoration. I was told that the site cost was in the order of £ 2 million. Advice presented from an estate agent is that the finished value of a refurbished house would not be greater than £ 1.3 – 1.4m –and put simply the house is not economic to repair and the end result would still be of low architectural quality. It was argued that the appellant (or anyone) would not refurbish the existing building given such a huge loss and it will be left to degrade

further. The new build on the site would be valued around £2 ¾ - £3 million. A report commissioned by Belfast City Council from DFP concludes that the house is in significant structural distress and that considerable re building would be required. Such rebuilding would result in a building retaining very little of its original form and the DFP report concludes that it is beyond economic repair.

16. In terms of its condition I have no evidence that the current owners have neglected the existing building in the hope of gaining consent to demolish as claimed by the Council and objectors.
17. From my site inspections it is evident that currently the building is beyond habitable use. The internal fabric of the building is indeed in serious disrepair. Some of the windows are boarded up and some have deteriorated badly and glass is broken. Although externally there are signs of deterioration of the external render and windows the roof slates and chimney appear to be in relatively good condition. At present, the dwelling is in a significantly worse state than it appears on the photographs dated 2009 included in the Council's statement of case.
18. Views from the frontage of the appeal site on Malone Park are restricted by the dense roadside hedgerow which is approximately 2.5m in height. Travelling through the park there are views over this hedge and through the entrance point to the existing dwelling. The extensive original plot for no 28 has been subdivided with the construction of 28a and 28b apartment building and consequently the appeal building is off set within its site and is closer to the northern boundary. To my mind, the dwelling sits uncomfortably within this reduced site. It is a modest sized plot smaller than the majority of the other plots on this side of Malone Park.
19. The Council considers that the existing building makes a significant contribution to the architectural and historic interest / character and appearance of the Conservation Area through age, style and materials. They state that it makes contribution to the historic character by contributing to the architectural evolution of the Conservation Area as the earlier buildings are at the Lisburn Road and Malone Road ends of the park. They argue that the dwelling contributes to the reading of the historical evolution of Malone Park and the variety of styles.
20. The appellant argues that setting aside the current condition of the original house it is of modest quality and has been so degraded by alterations and extensions that it now is of very low architectural merit and is not commensurate with the general quality of Malone Park and makes a negative contribution to the character and appearance of the Park. It was accepted by the Council that the rear extensions, insertion of the picture windows and the roughcast rendering to the main house was unsympathetic. However, I consider that it is the main house which is read from Malone Park and the unsympathetic rear extensions are hardly discernible from Malone Park.
21. Whilst the existing dwelling presents as an understated Victorian building it is of modest quality and it has been degraded by the application of the roughcast rendering to the external fabric of the main house and the insensitive extensions to the rear. Given this and the current condition of the building I consider that it is not of a standard of the general architectural quality of the dwellings in the Park. However, it still presents a frontage to the park and continues the existing building

line filling a gap in the urban context. The existing landscaping within the site continues to contribute positively to the conservation area. In this respect, I consider that the existing building makes a slight positive contribution to the character and appearance of the Conservation Area. In my opinion, the Council have over exaggerated the contribution that the existing dwelling makes to the Conservation Area.

22. However, the contribution that the proposed replacement building would make to the character and appearance of the conservation area must also be considered. Given the merits of the existing building and taking into consideration the statutory requirements of Section 104 of the 2011 Act, I agree with the appellant that there is an opportunity for an appropriately designed replacement building to preserve and enhance the character and appearance of the conservation area. As the existing building makes a material contribution, albeit limited, to the conservation area regard must be had to the presumption in favour of its retention as set out in Policy BH 14, however regard must still be had to all the other material considerations presented.

The Proposed Building

23. The proposal is partly sited on the footprint of the existing dwelling, within the centre of the site. It maintains the set back of the existing. It is a substantial 3 storey dwelling with a mansard style roof (and accommodation within the roof) with a basement and swimming pool and large single storey flat roof extension to the rear. There is a single storey garage with a hipped roof. It is around 6000 sq ft and has a larger footprint than the existing. The symmetrical front elevation of the main house exhibits strong Georgian influences and I consider that it would have a strong and assertive presentation to Malone Park.
24. Policy BH 12 – New Buildings in Conservation Areas requires that development proposals for new buildings are to meet a number of criteria. The fundamental requirement as modified by section 104 of the Act is criterion (a) which requires that the development preserves or where possible enhances the character and appearance of the area.
25. The planning authority argue that the new build proposal is contrary to criterion (c) which requires that the scale, form, materials and detailing of the development respects the characteristics of adjoining buildings in the area. Also raised by the planning authority and objectors was criterion (f) which requires that trees and other landscape features contributing to the character or appearance of the area are protected and criterion (g) which requires that the development conforms with the guidance set out in conservation documents. Objectors also raised criterion (b) which requires that the development is in sympathy with the characteristic built form of the area and criterion (e) that important views within, into and out of the area are protected.
26. Whilst the CA booklet acknowledges the notable domestic Victorian architecture within Malone Park it does not prescribe any particular architectural style. It states that Malone Park has always been a prestigious location and still retains many of its original Victorian properties. Over the years a wide variety of architectural styles have contributed to the special quality of the area. Despite the divergence of styles, the traditional elements of scale, structure, massing and use of materials

are common and the majority of houses conform to this collective identity. The booklet states that the opportunity to accommodate new development in Malone Park is severely restricted. The Department will have to be satisfied that conversion and refurbishment of a building is not viable before redevelopment is considered. In such circumstances heights, building line and coverage should reflect those of the original dwelling on site and the design of new development should complement the existing architecture and townscape character. At pg. 24 it states that visually significant trees and vegetation should be retained.

27. In terms of scale and massing, the planning authority argue that the proposal is contextually inappropriate as traditionally domestic architecture had a gable depth of 8-9m with a 3 dimensional massing (main block addressing street frontage and smaller subservient blocks to the rear). The gable depth of the main block is 11m with single storey block to the rear which will read subservient to the main house. I agree with the appellant that whilst this figure of 8-9m may be correct for the majority of traditional domestic architecture, that is not the policy test – the policy relates to the built form in Malone Park. A simple comparison with the majority of the large Victorian houses, show that 11m gable depths are closer to the 'norm' in Malone Park than the 8-9m quoted. Similarly, the width of 14.3m is compatible with the majority of historic houses in Malone Park. The proposal reads as a 2 storey building with a mansard roof with dormers. The ridge height is 10.325 m to tiled ridge and 11.439m to the mansard ridge which will be read in the distance and barely discernible. The ridge height of 10.325m is comparable with the buildings on either side. No 30 has a ridge height of 10.5m and no 28a and b has a ridge height of 9.7m. I do not consider that the mansard style roof in itself to be unacceptable as raised by the objectors. There were also objections to the use of dormer windows but I note that they are used throughout the park. The objector referred to references to dormer windows within the design guide for the Malone Conservation Area however the appeal proposal is not within this conservation area. The correct design guide for Malone Park / Adelaide Park Conservation area does not rule out the use of dormers in the front roof elevation providing they are of an appropriate design and scale. Although, the proposal would be more substantial than the existing building, I consider that the bulk and general massing of the proposal is similar to the other large and substantial properties within the park. Although basements are not a typical feature of the park I would not consider them to be unacceptable – in any case providing the existing frontage boundary hedge is retained any indication of a basement level would be barely discernible and retention of this hedge could be secured by condition. The appellant claims that some of the properties in the park have basements including one recent approval for a new basement. This was unchallenged.
28. The palette of finishes include red facing brick with lime mortar with architectural masonry features (window and door surrounds, cills, string courses eaves); external hardwood painted doors; steps to front door in natural sandstone and mansard roof in Bangor Blue Penrhyn slate with sheet lead flat section. The Council had no objections to materials proposed.
29. I consider that this contemporary villa in a neo Georgian style is well balanced, detailed and well proportioned. It's set back, scale and massing and external materials and detailing are all in keeping with the overall character of the conservation area. I note that in a previous Commission decision (2015/A0014 &

2015/A0122) also in Malone Park, the Commissioner concluded that a Georgian approach was at variance with its general Victorian and Edwardian character. However, in the particular case of the appeal proposal given my positive conclusions on the design of the replacement building within its context, I was not persuaded that it was unacceptable purely due to its Georgian approach. Although the designation booklet states that Malone Park retains many of its original Victorian properties it acknowledges that over the years a wide variety of architectural styles have contributed to the special quality of the area and despite this divergence in types, traditional elements of scale, structure, massing and use of materials are common to the majority of houses and confer a collective identity. I do not find that the Council's and objectors objections to Policy BH 12 criterion (c) to be sustained. Neither do I consider that the proposal is contrary to criterion (b). I am not persuaded that the increase in height would unacceptably affect views within, into and out of the area and accordingly I do not find the objector's concerns in relation to criterion (e) to be sustained.

30. PPS 6 Policy BH 12, criterion (f) states that trees and other landscape features contributing to the character or appearance of the area are to be protected. Malone Park is a significant tree lined avenue with large maturely landscaped gardens. The trees and landscaping are an integral part of and contribute positively to the character and appearance of the conservation area. On the appeal site the existing dwelling is approximately 13.5m from the south eastern boundary which is the boundary between the site and no 30 Malone Road. The proposed dwelling is sited much closer and is 4.620 m from the boundary with no 30. This boundary includes a band of relatively large mature trees including a yew tree and a number of non native fir and conifers. The boundary itself includes an unfinished wall and a hedge.
31. A draft site survey of the site submitted at the hearing indicates the position of the existing trees and the footprint of the proposal and the approved dwelling and edge of footpath and driveway kerbs (Z/2009/0616/F). This does not seem to be an up to date survey as the trees shown to the front of the site have since been removed. The survey shows the canopy of large trees very close to and some overlapping the footprint of the proposal. It also shows the large trees close to part of the footprint of the approved dwelling and the lines indicating the edge of footpaths and driveway kerbs underneath the tree canopies.
32. The appellant was given an opportunity to submit an updated site plan at the hearing as post hearing evidence, and the drawing submitted was basically the same as the previous site plan (Council's drawing reference 06 A) but shows the re use of the existing access – which was discussed at the hearing. This site plan is incorrect – it illustrates a number of mature trees along the boundary with apartments 28a and 28b. However, these have been removed (the Council informed me that 19 trees were removed and are now part of an enforcement case). The site plan also states to 'retain and develop existing mature hedge along this boundary' but this also has been removed. The positions and sizes of the trees along the boundary with no 30 do not correspond with the draft tree survey and from my site inspections. It indicates 2 trees to the front of the proposal and notes to remove these – however these have already been removed.

33. At the hearing, in response to the inaccuracies in the original site plan the appellant stated that the following could be secured by condition; a development plan to demonstrate measures to protect the trees during construction; a tree survey prior to and following construction; preparation of a proposed landscaping scheme and a condition requiring any tree which does not survive the building works to be replaced with a tree of the same species. It was argued by the appellant that these conditions are comparable with the conditions on the Z/2009/0616/F approval.
34. The proposed dwelling comes very close to the band of mature trees along the boundary to no 30. I note that proposals also include the construction of an extensive basement level with a pool which is within 4.620 m of the boundary with no 30. The appellant stated that a system of sheet piling could be used to minimise impact but no further details were submitted. The Council have argued that the new proposal would severely damage the root protection zones and the two trees outside the property along Malone Park.
35. Paragraph 7.13 of PPS 6 requires that detailed drawings are required to accompany all planning applications in a Conservation Area which illustrate the proposal in its context including landscaping so that a full assessment can be made of the impact of development proposals. A landscaping plan and an up to date tree survey showing the accurate positions of the trees on site, root protection areas, heights, crown spreads and a health and condition report should have been submitted. This should have included proposals for the protection of the trees on the boundary with no 30 during excavation works which appear to be within the crown spread of some trees along this boundary. I do not agree that all of this critical information on trees within a conservation area which by virtue of Section 127 of the Planning Act have protection similar to that afforded to TPO trees, could be left to conditions. I note that the Z/2009/0616/F approval did have a Proposed Landscaping Plan showing the accurate positions and sizes of existing trees to be retained. In addition the footprint was generally not as close to the boundary trees and these proposals did not include a basement level with swimming pool and did not require retaining walls close to the boundary and tree belt. The objector from no 30 also raised concerns regarding the excavations posing a risk to the stability of his garage which is 1m from the boundary however; this is not a planning matter.
36. The appellant set out in evidence that one of the design main intents was to ‘retain important existing trees, hedges, vegetation and landscaping so as to avoid any disturbance of one of the most important characteristics of the park and the substantial green boundaries between the gardens was recognised.’
37. However, this design intent has not be realised as their submission is incomplete and the required level of information has not been submitted for such a proposal within a conservation area, despite being given the opportunity to submit post hearing evidence. Consequently, I am unable to make an assessment of the potential impact of the proposed development on the existing tree cover especially the band of trees along the boundary with no 30. It has not been demonstrated that the future of these important landscape features would not be put at risk. The proposal is contrary to criterion (f) of PPS 6 Policy BH 12.

38. In considering criterion (g) the proposed building coverage would be approximately 388 sq m and would be twice the footprint of the original dwelling which is 187 sq m. This is contrary to the development guidance in the CA area booklet which states at pg 23 'in order to allow landscape to remain dominant the established relationship between the building mass and gardens should be respected and retained where possible. In no circumstances should building coverage be more than one and a half times that of the original dwelling'. Although this is design guidance – this statement is strongly worded. It is clear that the emphasis is on restricting the building mass close to that of the existing in order to retain the dominance of the landscaping within the plots. The footprint of the proposal does fail the numerical figures set out in the design guidance and more importantly it has not been demonstrated and I have not been persuaded that the existing landscaping and trees will remain dominant. The proposal does not comply with the continual emphasis on the importance of landscaping within the park in the guidance.
39. In addition, at pg 22 it states that any future development will mainly relate to minor extensions, maintenance and improvement of existing properties. It states that all planning applications in respect of building or sites within the Conservation Area should be submitted with full details showing clearly in plan and elevation, relationships to adjoining buildings and existing and proposed landscape treatment. As I have previously referred to the omission of key information, the proposal is contrary to criterion (g) which requires the development to conform with the guidance set out in the Malone Park conservation document.
40. I consider that the proposed replacement considered on its own is a well designed and detailed building which is sympathetic to the Conservation Area. I also consider that its scale, form, materials and detailing respects the characteristics of adjoining buildings and in this respect the proposal meets criteria (b) and (c). However, I have found that it is contrary to criterion (f) and criterion (g).
41. As the existing building makes a material contribution, albeit limited, to the conservation area regard must be had to the presumption in favour of its retention as set out in Policy BH 14, however regard must still be had to all the other material considerations and the contribution of the proposed replacement to the character and appearance of the conservation area.
42. I accept that the existing building is not habitable given its current condition and the arguments that if left will deteriorate further. I also accept that the renovation and refurbishment is not economically viable and that such extensive rebuilding would be required that there would be little historic value left. I accept that the rough cast rendering could not successfully be removed back to the original brickwork. These address the broad criteria outlined for the demolition of listed buildings (cross referenced to policy BH 14). Although the merits of alternative proposals was not presented by the appellant, I note that this policy refers to listed buildings and 'broad criteria'.
43. However, as the proposal fails the policy tests set out for new development in a Conservation Area, it is not an appropriately designed replacement building which would either preserve or enhance the character and appearance of the conservation area. As such, it also fails criterion (a) of Policy BH 12 which

requires that the development preserves or enhances the character and appearance of the area. Accordingly, the Council's first and second reasons in the planning application have been sustained and also the reason for refusal in relation to demolition consent.

Residential Environment.

44. Planning Policy Statement 7 (PPS 7) Quality Residential Developments, Policy QD 1 Quality in New Residential Development states that planning permission will only be granted to new residential development where it is demonstrated that the proposal will create a quality and sustainable residential development. It states that all proposals for residential development will be expected to conform to a number of criteria. The Council argued that the proposal is contrary to the following criteria (a) 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 and (h) which requires that the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance.
45. In terms of criterion (a) the scale, proportions, massing, and appearance of the proposal have previously been addressed and I concluded that considered on its own the proposal respects the surrounding context. However, I have also previously concluded that it is not appropriate in terms of landscaping and as such it does not respect the surrounding context. Insofar as this relates to landscaping the proposal is contrary to criterion (a).
46. In terms of criterion (h) the architectural drawings did not show the relationship of the proposal to its neighbours in plan form – particularly no 30. I would have expected a drawing showing the proposal within its context in plan form considering the close proximity of its neighbours. The only drawing which indicated the relationship of the proposal to its neighbours was a street elevation which shows a dotted line to indicate the massing of No. 30 and No. 28A and B.
47. The proposal is 4.620 from the boundary and no 30 is approximately 11m from this boundary. The side elevation addressing no 30 has a total of 7 windows and concern was raised that there would be unacceptable overlooking from the first floor (3 windows) and second floor (1 window) bedroom windows. This could be resolved with obscured glazing in these particular windows which could be secured by condition. Overlooking from the dormer windows was also raised by the objector of 35 Myrtlefield Park to the rear of the proposal. Separation distances from these windows to the rear boundary of the site are 38m. I note that these are bedroom and circulation space windows. Given this and the urban context I do not consider the level of overlooking to be unacceptable.
48. Overshadowing of no 30 would not be a concern as the proposal sits to the north of no 30. Loss of light was referred to but no evidence was advanced, however I would not consider it to be a concern due to the relationship and orientation of the proposal relative to No. 30.

49. The Council also raised the concern that due to the close proximity of the proposed dwelling to the common boundary there would be a negative impact through dominance and massing on the neighbouring no 30.
50. Although the proposal is relatively close to the property boundary - it is 15 m from the gable of no 30 and there is a driveway and garage (no 30) in between. The main gable of the proposed dwelling is in line with the gable of no 30 and the heights of the two dwellings are comparable. There is no doubt that within the driveway area in front of the garage to no 30 - as the proposal is closer to the boundary - the dominance of the proposal would be much more than the existing dwelling on the site. However, I do not consider the dominance of the proposal on the adjacent property to be unacceptable, given the particular urban context and the separation distances involved. I do not consider that the proposal will create an unacceptable adverse effect on the residents of no 30 through dominance and overlooking.
51. Accordingly, as the proposal is contrary to criterion (a) the Council's third reason for refusal has been sustained.
52. The fourth reason for refusal relates to Planning Policy Statement 2 Natural Heritage, Policy NH 5 – Habitats, Species or Features of Natural Heritage Importance. This states that planning permission will only be granted for a development proposal which is not likely to result in the unacceptable adverse impact on, or damage to known, other heritage features worthy of protection. Paragraph 5.12 states that 'other' natural heritage features worthy of importance are most likely to include trees and woodland which do not fall under the priority habitat or long established woodland categories but are in themselves important for local biodiversity. This policy document is concerned with biodiversity and no evidence in relation to this has been provided. The Council's reason for refusal is misdirected and accordingly has not been sustained.
53. In conclusion, the trees on the site have TPO type protection and are an important and integral part of the Conservation Area. As no accurate tree surveys have been submitted it is difficult to judge the baseline extent of trees and the impact that the proposal is likely to have on them during and post construction. In addition, accurate proposed landscaping plans were not submitted. As such, notwithstanding my views that I consider the design of the dwelling to be acceptable, I am unable to conclude that the appeal proposal would make a positive contribution to the character and appearance of this part of the Conservation Area and the Conservation Area as a whole, which would be greater than that of the existing building. Taking into consideration the appellants arguments of the 'no harm' test rather than enhancement, neither can I conclude that the proposal will not cause any significant harm to the conservation area.
54. Accordingly, in the absence of this critical information, I have not been persuaded that the proposed replacement would cause no harm or enhance the conservation area. The basis of the Council's refusal of consent for demolition within a conservation area and of planning permission for the proposed redevelopment have been sustained.

This decision relates to the following plans:

Appeal 1: 2016/A0016

Application drawings for Demolition Consent --- Z/2015/0101/DCA

160/P/001	Site Location Plan (PAC 1) – Dept ref: 01
160/P/002rev A	Existing Site Block Plan (PAC 2) - Dept ref: 2A
160/P/003	Existing Floor Plans (PAC 3) – Dept ref: 3
160/P/004	Existing Elevations (PAC 4) – Dept ref:4
160/P/005	Existing Elevations (PAC 5) – Dept ref: 5

Appeal 2: 2016/A0017

Application drawings for planning application --- Z/2015/0063/F

160/P/101rev A	Proposed Site Plan (PAC 6) – Dept ref: 6A
160/P/102	Proposed Basement Plan (PAC 7) – Dept ref: 7
160/P/103	Proposed Ground Floor Plan (PAC 8) – Dept ref: 8
160/P/104	Proposed First Floor Plan (PAC 9) – Dept ref: 9
160/P/105	Proposed Second Floor Plan (PAC 10) – Dept ref: 10
160/P/201	Proposed Front Elevation (PAC 11) – Dept ref: 11
160/P/202	Proposed Rear Elevation (PAC 12) – Dept ref: 12
160/P/203	Proposed Side Elevation 1 (PAC 13) – Dept ref: 13
160/P/204	Proposed Side Elevation 2 (PAC 14) – Dept ref: 14
160/P/207	Proposed Street Elevation (PAC 15) – Dept ref: 15
160/P/301	Proposed Sections (PAC 16) – Dept ref: 16

And the following submitted as post hearing evidence:

160/P/101	Revised Site Plan (PAC 1).
055/P/901	Materials Sketch (PAC1).

COMMISSIONER MANDY JONES

List of Documents

Planning Authority:	'A1'	Statement of Case with appendices (2016/A0016)
	'A2'	Statement of Case with appendices (2016/A0017)
	'B'	Rebuttal to post hearing evidence
Appellant:	'C'	Statement of Case with appendices
	'D'	Post hearing evidence
Objectors:	'E'	Statement of Case (Dr B Austin, 30 Malone Park)
	'F'	Rebuttal to post hearing evidence
	'G'	Statement of Case (C & C McNeill, 35 Myrtlefield Park)
	'H'	Statement of Case and Letter (Pragma representing Malone Park Residents Association)

Appearances at the Hearing

Planning Authority:- Richard White, Belfast City Council
Robert Kennedy, Belfast City Council
Bill Coulter

Appellant:- William Orbinson QC.
Dawson Stelfox, Consarc.
Aidan McGrath, McGonigle McGrath Architects.
Simon Brien, Estate Agent.
Andrew Bunbery, Park Hood.
Michael Johnston, Johnston Houston Building Surveyors

Objectors:- Dr Brendan Austin, 30 Malone Park
Tony Nicholas, 32 Malone Park

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Development Management Report Committee Application

Summary	
Committee Meeting Date: Monday 27 June 2022	
Application ID: LA04/2022/0140/F	
Proposal: Change of use from an indoor trampoline park (Sui Generis) to retail (Class A1) and minor elevational changes associated with the change of use.	Location: Units E-F Westwood Shopping Centre 51 Kennedy Way Belfast BT11 9BQ.
Referral Route: Major Application – Planning Committee	
Recommendation:	APPROVAL
Applicant Name and Address: Johncorp (No.3) Limited Rushmere House 46 Cadogan Park Belfast BT9 6HH	Agent Name and Address: Turley Hamilton House 30A Joy Street Belfast BT2 8LE
<p>Executive Summary:</p> <p>Full planning permission is sought for a change of use from an indoor trampoline park (Sui Generis) to retail (Class A1) and minor elevational changes associated with the change of use. The application site is located within an existing retail centre which comprises 7 retail units. The site comprises a former typical retail warehouse building finished in cladding with car park area to the front. The unit has a gross floor area of 1512m². The net sales area of the store will be 1006m² with approximately 956m² of which will be used for the display and sale of convenience goods and 50m² used for the display and sale of comparison goods.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • The principle of retail space at this location; • The economic impact of the proposal; • Design and Impact on character; • Impact on transport and other infrastructure; • Impact on sewerage and drainage; • Developer contributions <p>The site is whiteland within the BUAP, and subject to a district centre designation within dBMAP</p> <p>The proposal relates to a named operator Iceland, who are already operating from other locations within Belfast. It should be noted however, that any planning permission cannot be linked to an operator, rather the scale and nature of retailing can only be linked to the site. Thus, if permission was granted, any operator could trade from the retail unit subject to compliance with any conditions deemed appropriate.</p>	

The findings of the RIA and associated supporting information have been fully assessed. Council would not agree with the catchment area argued by the applicant and have therefore undertaken an assessment of what is considered a more realistic area. The Council would also disagree with the majority of diversions cited within the RIA and has undertaken assessment of impacts based on its' own assumptions and testing of the information presented.

Following assessment of the economic information, on balance, it is considered that the majority of trade will be drawn from unprotected locations and as such the scale of impact on protected centres is not likely to be significant. It is also considered that the proposal, when assessed individually and cumulatively with other extant retail permissions within the catchment, would not adversely affect the vitality and viability of protected centres within its catchment area. It is also noted that the application site was originally approved and previously operated as a retail unit and will revert to that use.

BCC LDP team have also reviewed the supporting information and have no objections to the proposal. They are satisfied that the proposal meets the sequential test, will not prejudice protected centres, or result in an unacceptable cumulative impact. Conditions are necessary to allow the Council to retain control of the nature of retailing at this location.

The alterations proposed are considered minor in nature and are considered acceptable in terms in design, character, and amenity impacts.

Given the current commercial use of the site, the nature of surrounding similar uses, and lack of any sensitive uses nearby, it is considered unlikely that the proposal would result in any adverse amenity impacts. BCC Environmental Health have no objections to the proposal in terms of land contamination or odour issues subject to conditions. However, at the time of writing they are considering further information submitted by the applicant in relation to Air Quality. The officer recommendation is therefore subject to Environmental Health's further advice in relation to this issue and delegated authority to the Director of Planning and Building Control is requested to resolve any matters that may arise. It is important to note that supporting roads information indicates that the proposal will not directly result in increased traffic and associated impacts on air quality. It is not therefore anticipated that any adverse impacts on air quality will occur as a result of the proposal.

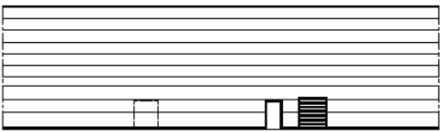
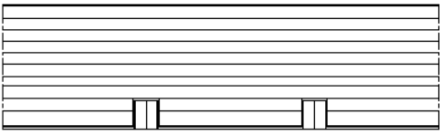
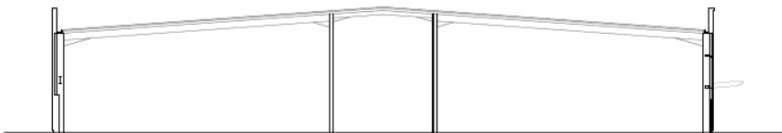
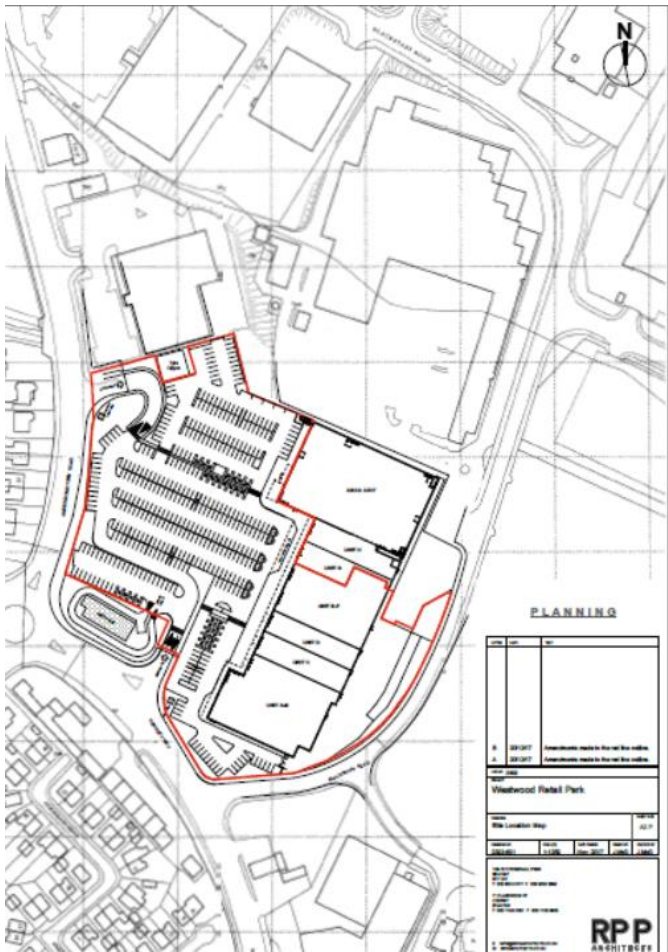
No other consultees have any objections to the application and no objections have been received from the public.

Due to the nature of the proposal, no requirement for Developer Contributions has been identified and a planning agreement under Section 76 of the Planning Act is not required in this instance.

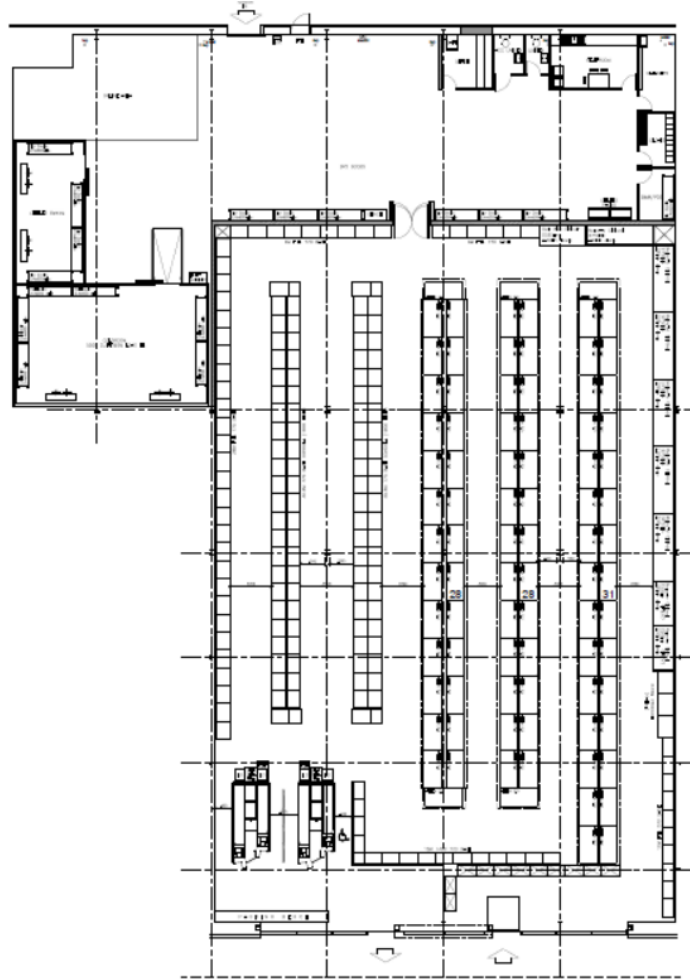
Having regard to the policy context and other material considerations, the proposal is considered acceptable. Subject to formal resolution of the Environmental Health's advice in relation to the further Air Quality information, it is recommended that planning permission is granted subject to conditions with delegated authority given to the Director of Planning and Building Control to finalise conditions.

Case Officer Report

Site Location Plan



EXTERNAL CLADDING TO SOURCE AND MATCH EXISTING



Representations:

Letters of Support	None Received
Letters of Objection	None Received
Number of Support Petitions and signatures	No Petitions Received
Number of Petitions of Objection and signatures	No Petitions Received
Representations from Elected Representatives	None received

1.0	Description of Proposed Development
1.1	Full planning permission is sought for a change of use from an indoor trampoline park (Sui Generis) to retail (Class A1) and minor elevational changes associated with the change of use.
2.0	Description of Site
2.1	The application site is located within an existing retail centre which comprises 7 retail units. The site comprises a former typical retail warehouse building finished in cladding with car park area to the front.

Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	LA04/2018/1216/F: Amalgamation of units E and F, creation of new mezzanine floor, minor elevational changes and change of use from comparison retail (Class A1) to an indoor trampoline park (Sui Generis) including trampoline play area, party areas and ancillary facilities. PERMISSION GRANTED 24.09.2018.
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001; Draft Belfast Metropolitan Area Plan 2015 (v2004); Draft Belfast Metropolitan Area Plan 2015 (v2014). Belfast Local Development Plan Draft Plan Strategy 2035
4.2	Regional Development Strategy (RDS); Strategic Planning Policy Statement (SPPS); PPS3: Access, Parking and Movement; PPS15: Planning and Flood Risk; Development Control Advice Note 15 Vehicular Access Standards; DCAN 4 Restaurants, Cafes and Fast Food (2002); BCC Developer Contributions Framework (2020).
5.0	Statutory Consultee Responses
	DFI Roads – no objections subject to conditions NI Water – no objections
6.0	Non-Statutory Consultee Responses
	BCC Environmental Health – no objection in relation to noise or contamination. Further info requested in relation to Air Quality. BCC LDP – no objections
7.0	Representations
	The application has been neighbour notified and advertised in the local press. No representations have been received.
8.0	Other Material Considerations
	BCC Belfast Agenda
9.0	Assessment
9.1	<p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> • The principle of retail space at this location; • The economic impact of the proposal; • Design and Impact on character; • Impact on transport and other infrastructure; • Impact on sewerage and drainage; • Developer contributions <p>Policy Considerations</p>

9.2	Policy SFG3 of the Regional Development Strategy (RDS) is relevant to the proposal. It seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services, and cultural amenities. This policy states <i>'Belfast City Centre has developed its regional shopping offer. A precautionary approach needs to be continued in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area'</i> .
9.3	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating, and enhancing shared space, and supporting good design and place making. The SPPS states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3, remain applicable under 'transitional arrangements'.
9.4	Paragraphs 4.11 and 4.12 require the safeguarding of residential and work environs and the protection of amenity. Paragraphs 4.13-8 highlight the importance of creating shared space, whilst paragraph 4.23-7 stress the importance of good design. Paragraphs 4.18-22 details that sustainable economic growth will be supported.
9.5	The SPPS introduces new retail policy under 'town centres and retailing' at pages 101-105, replacing previous considerations within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
9.6	Paragraph 6.273 states planning authorities must adopt a town centre first approach for retail and main town centre uses. Paragraph 6.280 states that a sequential test should be applied to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date LDP. Where it is established that an alternative sequentially preferable site or sites exist within a proposal's whole catchment, an application which proposes development on a less sequentially preferred site should be refused.
9.7	Paragraph 6.281 requires applications for main town centre uses to be considered in the following order of preference (and consider all of the proposal's catchment): <ul style="list-style-type: none"> • primary retail core; • town centres; • edge of centre; and • out of centre locations, only where sites are accessible by a choice of good public transport modes.
9.8	No guidance has been published to date by DFI to assist in interpretation and application of SPPS policy. Development Plan Considerations
9.9	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) Act states that in making any determination under the said Act regard is to be had to the local

	development plan, and that the determination must be made in accordance with the plan unless material considerations indicate otherwise.
9.10	<p>Following the May 2017 Court of Appeal decision on Belfast Metropolitan Area Plan, the extant development plan is now the Belfast Urban Area Plan (BUAP). The application site is not subject to any zoning and is 'white land'.</p> <p>Given the stage at which the Draft BMAP 2015 had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP 2015 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>
9.11	BMAP 2015 (v2014) reached an adopted stage and was subject to legal challenge in relation to the policies regarding Sprucefield Shopping Centre. BMAP 2015 (v2014) is considered to hold significant weight given its advanced stage in the Plan making process. The weight to be afforded is a matter of judgement for the decision maker.
9.12	Policy R1 states that <i>'primary retail cores will be the preferred location for new comparison and mixed retail development...(and)...outside designated Primary Retail Cores, planning permission will only be granted for comparison and mixed retail development where it can be demonstrated that there is no suitable site within the primary retail core'</i> . The supplementary note goes on to say that 'the plan seeks to support the vitality and viability of city and town centres by ensuring that they are the main focus for all retail developments including convenience, non-bulky comparison and bulky comparison retailing.'
9.13	Policy R2 states planning permission will not be granted for proposals for retail development where it would be likely to result in an adverse impact on the distinctive role of Belfast City Centre as the leading regional shopping centre. It refers to the Regional Development Strategy 2035 which states it 'supports and strengthens the distinctive role of Belfast City Centre as the primary retail location in Northern Ireland. It urges a precautionary approach in relation to future major retail development proposals based on the likely risk of out of centre shopping developments having an adverse impact on the city centre shopping area.'
9.14	A list of district centres is designated on page 57 part 3 volume 1. Centres designated within the Belfast City Council Area include Connswater, Dairyfarm, Hillview, Kennedy Centre, Park Centre, Westwood Centre, and Cityside (formerly Yorkgate). Forestside is also a designated centre and is located adjacent to BCC boundary within Lisburn and Castlereagh Council. The supplementary text refers to the findings of the retail study for Belfast stating they concluded that there were planning reasons for redirecting any identified need to nearby city and town centres where the case for retail investment is stronger.
9.15	Page 28 part 4 volume 2 refers to retailing in the city centre and designates the Primary Retail Core and Primary Retail Frontage under CC05 and CC06.
9.16	Pages 105-106 part 4 volume 2 refers to retailing in outer Belfast. This designates the District Centres under BT010. The supplementary text states 'these centres co-exist with the City Centre and should fulfil a complementary role. It is recognised that whilst Belfast City Centre is under-performing as a regional centre, many of the out-of-town centres are overtrading and are attracting trade away from the City Centre. In order to help redress this imbalance, boundaries are delineated for all of the District Centres.'

9.17	The site is whiteland within the BUAP, and subject to a district centre designation within dBMAP, refs: BT017/5 in BMAPv2004 and BT010/5 in dBMAPv2014.
9.18	<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> <p>Consideration</p>
9.19	<p>The scheme comprises alterations to facilitate a change of use from an indoor trampoline park (Sui Generis) to retail (Class A1) and minor elevational changes. The retail use proposed is for a supermarket. The unit has a gross floor area of 1512m². The net sales area of the store will be 1006m² with approximately 956m² of which will be used for the display and sale of convenience goods and 50m² used for the display and sale of comparison goods.</p> <p><i>Principle of Proposed retail space</i></p>
9.20	The SPPS introduces a town centre first approach and a sequential assessment to town centre uses that are not in an existing centre, taking account of the catchment area of the proposal. The proposal is located outside the City Centre under BUAP, but within a District Centre identified within dBMAP.
9.21	The proposal relates to a named operator Iceland, who are already operating from other locations within Belfast. It should be noted however, that any planning permission cannot be linked to an operator, rather the scale and nature of retailing can only be linked to the site. Thus, if permission was granted, any operator could trade from the retail unit subject to compliance with any conditions deemed appropriate.
9.22	The agent submitted a retail impact, need and sequential assessment with the application. Paragraph 6.283 of the SPPS states <i>all applications above 1000 sqm...should be required to undertake a full assessment of retail impact</i> . They indicate that there is no suitable alternative site within the catchment area of the application site.
9.23	A review of vacant sites within the city centre, district centres, and local centres within the catchment area has therefore been undertaken, using site surveys supplemented with property website searches, with availability confirmed with property companies. It is acknowledged, that the property market is a dynamic sector by nature, with site availability changing on an almost daily basis. The review of available sites indicates that there are no suitable alternative sites available at the time of assessment.
9.24	The findings of the RIA and associated supporting information have been fully assessed. Council would not agree with the catchment area argued by the applicant (7 minutes) and have therefore undertaken an assessment of what is considered a more realistic and larger area. The Council would also disagree with the majority of diversions cited

	within the RIA and has undertaken assessment of impacts based on its' own assumptions and testing of the information presented.
9.25	Following assessment of the economic information, on balance, it is considered that the majority of trade will be drawn from unprotected locations and as such the scale of impact on protected centres is not likely to be significant. It is also considered that the proposal, when assessed individually and cumulatively with other extant retail permissions within the catchment, would not adversely affect the vitality and viability of protected centres within its catchment area. It is also noted that the application site was originally approved and previously operated as a retail unit and will revert to that use.
9.26	BCC LDP team have also reviewed the supporting information and have no objections to the proposal. They are satisfied that the proposal meets the sequential test, will not prejudice protected centres, or result in an unacceptable cumulative impact. Conditions are necessary to allow the Council to retain control of the nature of retailing at this location.
	Design and Impacts on Character
9.27	The proposed physical alterations relate to the external facades to facilitate shopfront revisions and are minor in nature. They are considered sympathetic to the building and wider retail development
	It is considered that the proposal satisfies the design criteria in the SPPS and would not adversely impact on character.
	Amenity
9.28	Given the current commercial use of the site, the nature of surrounding similar uses, and lack of any sensitive uses nearby, it is considered unlikely that the proposal would result in any adverse amenity impacts. BCC Environmental Health (EH) have no objections to the proposal in terms of land contamination or odour issues subject to conditions. However, at the time of writing they are considering further information submitted by the applicant in relation to Air Quality. There is time pressure to secure planning permission given the intended operator's desire to be operational well before Christmas and on this basis officers are bringing the application before members in advance of the final response from EH. The officer recommendation is therefore subject to Environmental Health's further advice in relation to this issues and delegated authority to the Director of Planning and Building Control is requested to resolve any matters that may arise. It is important to note that supporting roads information indicates that the proposal will not directly result in increased traffic and associated impacts on air quality. It is not therefore anticipated that any adverse impacts on air quality will occur as a result of the proposal.
	Access, Parking and Transport
9.29	In relation to traffic, access, and parking issues, DfI Roads were consulted and are satisfied with the parking and access arrangements. The site is a highly sustainable location being very central with good access to public transport. Accordingly, the proposal is considered compliant with requirements in PPS3 and associated guidance.
	Sewerage and Drainage
9.30	NI Water have no objections to the application. The proposal due to its' nature will not result in an intensification of use of the site and accordingly is considered acceptable in relation to these issues.

	<p>Employment Impacts</p> <p>9.31 The applicant has stated that the proposal will provide investment into the local economy, creating 35-40 direct jobs within the store (mix of full and part time positions) as well as employment through the store fit out works.</p> <p>Developer Contributions</p> <p>9.32 Due to the nature of the proposal, no requirement for Developer Contributions has been identified and a planning agreement under Section 76 of the Planning Act is not required in this instance.</p> <p>Pre-Community Consultation</p> <p>9.33 For applications that fall within the Major category of development as prescribed in the Development Management Regulations, Section 27 of the Planning Act (NI) 2011 places a statutory duty on applicants for planning permission to consult the community in advance of submitting an application.</p> <p>Section 27 also requires that a prospective applicant, prior to submitting a major application must give notice, known as a 'Proposal of Application Notice' (PAN) that an application for planning permission for the development is to be submitted. It is considered that the PACC Report submitted has demonstrated that the applicant has carried out their duty under Section 27 of the Planning Act (NI) 2011 to consult the community in advance of submitting an application.</p>
10.0	<p>Having regard to the policy context and other material considerations, the proposal is considered acceptable. Subject to formal resolution of the Environmental Health's advice in relation to the further Air Quality information, it is recommended that planning permission is granted subject to conditions with delegated authority given to the Director of Planning and Building Control to finalise the conditions.</p>

Neighbour Notification Checked

Yes

Conditions:

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

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

2. The net retail floor space sales area of the development hereby permitted shall not exceed 1006m² and shall be used for the sale and display of the items listed here under and for no other purpose, including any other purpose in Class A1 of the Planning (Use Classes) Order (Northern Ireland) 2015:
 - (a) food non-alcoholic beverages, alcoholic drink;
 - (b) tobacco, newspapers, magazines, confectionery;
 - (c) stationery and paper goods;
 - (d) toilet requisites and cosmetics;
 - (e) household cleaning materials; and
 - (f) other retail goods as may be determined in writing by the Council as generally falling within the category of 'convenience goods' or as generally being appropriate to the trading in these premises.

Of the net retail floor space not more than 50 square metres of the sales area shall be used for the retail sale of comparison goods.

Reason: To control the nature, range and scale of the retail activities to be carded out at this location in order to protect the vitality and viability of town centres and other centres within the catchment.

3. No internal operations, including the construction of or extension to mezzanine floors, increasing the floor space available for retail use or subdivision to form additional units shall be carried out without the prior written consent of the Council.

Reason: To control the nature, range and scale of the retail activities to be carried out at this location in order to protect the vitality and viability of town centres and other centres within the catchment.

Signature(s)

Date:

ANNEX	
Date Valid	24th December 2021
Date First Advertised	4th February 2022
Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1,6a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 14 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AJ The Owner/Occupier, 14 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AJ The Owner/Occupier, 14 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AJ The Owner/Occupier, 14a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 16-18 ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AJ The Owner/Occupier, 16a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 18 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AJ The Owner/Occupier, 19 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 19a ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 2 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 23 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 23a ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 23b ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 23c ,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 25 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 27 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 28 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 29 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 3,3 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 30 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 31 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 32 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 33 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 34 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 35 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 36 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 37 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 38 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 39 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 4,4-5 ,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 40 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 41 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 43 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 45 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF The Owner/Occupier, 45 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 47 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 5 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 5-8a Dc Enterprise Centre,Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 50 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 50 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 6 Kennedy Way,Belfast,Antrim,BT11 9AP The Owner/Occupier, 6,5 Kennedy Way,Belfast,Antrim,BT11 9AP	

The Owner/Occupier, Advertising Site,N50 ,Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Beech Hall,21 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AF
 The Owner/Occupier, Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Office,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Roseland Cottages,1 Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AJ
 The Owner/Occupier, Roseland Cottages,Andersonstown Road,Andersonstown,Belfast,Antrim,BT11 9AJ
 The Owner/Occupier, Tyre Depot,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 1,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 1,Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 1-2,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 10,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 10,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
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 The Owner/Occupier, Unit 11,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 12,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 12,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 14,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
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 The Owner/Occupier, Unit 15a,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 16,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 16/17/18,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 17,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
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 The Owner/Occupier, Unit 18,5 Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 19,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 2,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 2,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 2,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 20,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 21,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 22,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 22,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 23,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Unit 24,5 Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 24,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 25,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 26,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 27,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 28,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 29,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 3,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 3,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 3,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 4,48 Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 4,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 4,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 4-5,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 4-5,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 5,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 5,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 5/6,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 6,48 Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 6,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 6,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,
 The Owner/Occupier, Unit 6,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 6,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 6/7,D C Silencers Complex,Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 7,48 Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 7,5 Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 7,D C Silencers Complex,Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 7,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 7,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 7,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 8,48 Kennedy Way,Belfast,Antrim,BT11 9AP
 The Owner/Occupier, Unit 8,5 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 8,Westwood Retail Park,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 8,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Unit 9,Westwood Shopping Centre,51 Kennedy Way,Belfast,Antrim,BT11 9BQ
 The Owner/Occupier, Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ

The Owner/Occupier, Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ The Owner/Occupier, Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ The Owner/Occupier, Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ The Owner/Occupier, Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ The Owner/Occupier, Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ The Owner/Occupier, Westwood Shopping Centre,Kennedy Way,Belfast,Antrim,BT11 9BQ	
Date of Last Neighbour Notification	16th February 2022
Date of EIA Determination	
ES Requested	No
Planning History Ref ID: LA04/2018/1216/F Proposal: Amalgamation of units E and F, creation of new mezzanine floor, minor elevational changes and change of use from comparison retail (Class A1) to an indoor trampoline park (Sui Generis) including trampoline play area, party areas and ancillary facilities. Address: Units E-F, Westwood Shopping Centre, 51 Kennedy Way, Belfast, BT11 9BQ, Decision: PG Decision Date: 24.09.2018 Ref ID: LA04/2020/0975/PAN Proposal: Proposed residential development with associated car parking and access Address: Lands to south and west of Blackstaff Road (north of Westwood Shopping Centre, Belfast, Decision: PANACC Decision Date: Ref ID: LA04/2021/1830/PAN Proposal: Proposed social housing led, mixed tenure residential development comprising of c. 144 no. dwellings, vehicular access, open space, landscaping and associated site works. Address: Former Kennedy Enterprise Centre (north of Westwood Shopping Centre), Blackstaff Road, Belfast, BT11 9DT., Decision: PANACC Decision Date: Ref ID: LA04/2019/2141/F Proposal: Extension of existing shop front canopy. Address: ASDA Belfast Westwood Superstore, Westwood Centre, Kennedy Way, Belfast, BT11 9BQ,, Decision: PG Decision Date: 30.10.2019 Ref ID: LA04/2017/2702/PAN	

Proposal: Amalgamation of existing Asda and adjacent retail unit (Unit H) to facilitate extension to existing Supermarket and external alterations and improvements to include new covered trolley shelters, 2 no. click and collect parking bays and lockers and all associated works.
Address: Asda Belfast Westwood Superstore, Unit I & Unit H, Westwood Centre, Kennedy Way, Belfast, BT11 9BQ.,
Decision: PANACC
Decision Date:

Ref ID: LA04/2017/2708/PAD

Proposal: Amalgamation of existing Asda and adjacent retail unit (Unit H) to facilitate extension to existing supermarket and external alterations and improvements to include new covered trolley shelters, 2 No. click and collect parking bays and lockers and all associated works.
Address: Asda Belfast Westwood Superstore, Unit I & Unit H Westwood Centre, Kennedy Way, Belfast, BT11 9BQ,
Decision:
Decision Date:

Ref ID: LA04/2018/0025/A

Proposal: Shop signage
Address: Units E & F, Westwood Shopping Centre, 51 Kennedy Way, Belfast, BT11 9BQ,
Decision: CG
Decision Date: 17.04.2018

Ref ID: LA04/2018/0732/F

Proposal: Amalgamation of existing ASDA and adjacent retail unit to facilitate extension to existing supermarket; external alterations and improvements
Address: ASDA, Westwood Superstore, Unit I and H, Westwood Centre, Kennedy Way, Belfast, BT11 9BQ,
Decision: PG
Decision Date: 09.08.2018

Ref ID: LA04/2017/1399/F

Proposal: Variation of condition 2 (gross floorspace restriction) of planning permission Z/2011/1494 (Proposed extension and alterations to existing Westwood Centre to provide new car parking, new retail and ancillary storage incorporating a 35,000 ft. sq. food store) to allow for the reconfiguration of Units F and G and an increase in the gross floorspace of Unit F
Address: Units F and G, Westwood Shopping Centre, 51 Kennedy Way, Belfast, BT11 9BQ,
Decision: PG
Decision Date: 17.08.2017

Ref ID: LA04/2016/0863/F

Proposal: The construction of a single storey flat roof and parapet un-inhabited building to house 2No. ATM bank units.
Address: Westwood Shopping Centre, 51 Kennedy Way, Belfast, BT11 9BQ,
Decision: PG
Decision Date: 01.08.2016

Ref ID: LA04/2017/1403/F

Proposal: Application for the change of use to Unit G at the Westwood Shopping Centre from non-convenience goods sales to a Bank (classA2) with the provision of ATM and night safe to the front elevation, as per the attached plans.

Address: Unit G, Westwood Shopping Centre, 51 Kennedy Way, Belfast, BT11 9BQ,

Decision: PG

Decision Date: 25.07.2017

Ref ID: LA04/2015/1399/F

Proposal: Reconfiguration of drive thru lane to provide a twin order point with the relocation of 1 existing COD (Customer order display) and the installation of 1 COD

Address: McDonalds Restaurants Ltd, Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9AP,

Decision: PG

Decision Date: 28.04.2016

Ref ID: LA04/2015/1397/F

Proposal: Installation of new clip on roof and canopy over the drive thru booths

Address: McDonalds Restaurant, Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9AP,

Decision: PG

Decision Date: 28.04.2016

Ref ID: Z/2014/1487/F

Proposal: Refurbishment of restaurant and patio area including associated works to the site, reconfiguration of drive thru lane for side by side ordering installation of 2no.cod canopies, 1no pedestrian crossing & 1no. raised island

Address: McDonalds Restaurant Ltd, The Westwood Centre, Kennedy Way, Belfast, BT11 9BQ,

Decision: PG

Decision Date: 30.03.2015

Ref ID: LA04/2020/1473/F

Proposal: Variation of condition No. 2 of planning permission Z/1995/2284 - Amendment of opening hours to allow drive thru to operate 24hrs every day of the year including Bank Holidays. (Amended Description/ Plans)

Address: McDonalds Restaurants Ltd, the Westwood Centre, Kennedy Way, Belfast, BT11 9AP,

Decision: PG

Decision Date: 21.12.2021

Ref ID: Z/2014/1739/F

Proposal: Redevelopment of established retail site to provide extended Lidl foodstore

Address: 14 Andersonstown Road, Belfast,

Decision: PG

Decision Date: 17.09.2015

Ref ID: LA04/2016/2058/DC

Proposal: Discharge of conditions 5,6,7,and 8 of Planning approval Z/2014/1739/f

Address: Lidl, 14 Andersonstown Road, Belfast,

Decision: RL

Decision Date:

Ref ID: LA04/2022/0140/F

Proposal: Proposed change of use from an indoor trampoline park (Sui Generis) to retail (Class A1) and minor elevational changes associated with the change of use.

Address: Units E-F, Westwood Shopping Centre, 51 Kennedy Way, Belfast, BT11 9BQ.,

Decision:

Decision Date:

Ref ID: LA04/2017/2806/PAN

Proposal: Proposed amalgamation of units E and F, creation of new mezzanine floor, minor elevational changes and change of use from comparison retail (class A1) to an indoor trampoline park (Sui Generis) including trampoline play area, party areas and ancillary facilities.

Address: Units E-F, Westwood Shopping Centre, 51 Kennedy Way, Belfast, BT11 9BQ.,

Decision: PANACC

Decision Date:

Ref ID: LA04/2021/1886/PAN

Proposal: Change of use from indoor trampoline park (sui generis use) to retail (Class A1); and minor elevational changes associated with change of use.

Address: Units E-F, Westwood Centre, Kennedy Way, Belfast BT11 9BQ.,

Decision: PANACC

Decision Date:

Ref ID: LA04/2021/2319/PAN

Proposal: Change of use from indoor trampoline park (sui generis use) to retail (Class A1); and minor elevational changes associated with change of use

Address: Units E-F, Westwood Centre, Kennedy Way, Belfast BT11 9BQ.,

Decision: PANACC

Decision Date:

Ref ID: LA04/2021/1502/PAN

Proposal: Proposed social housing led, mixed tenure residential development comprising of c. 144 no. dwellings, vehicular access, open space, landscaping and associated site works.

Address: Former Kennedy Enterprise Centre (north of West Shopping Centre), Blackstaff Road, Belfast, BT11 9DT,

Decision: PANACC

Decision Date:

Ref ID: LA04/2018/0968/F

Proposal: Application under Section 54 of the Planning Act (Northern Ireland) 2011 in respect to planning permission LA04/2017/1399/F for the variation of conditions 2, 3 and 4 to allow for the reallocation of approved convenience and comparison floorspace between Unit 11 and Unit H.

Address: Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ.,

Decision: PG

Decision Date: 09.08.2018

Ref ID: Z/1991/2919

Proposal: Erection of petrol filling station

Address: WESTWOOD SHOPPING CENTRE, ANDERSONSTOWN ROAD BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/2012/0525/DETEIA
Proposal: Regional Stadia Programme
Address: Casement Park, 88-104 Andersonstown Road, Belfast, BT11 9AN,
Decision: DRES
Decision Date:

Ref ID: Z/1992/2094
Proposal: Change of use from part of car park to coal sales yard
Address: WESTWOOD SHOPPING CENTRE, ANDERSONSTOWN ROAD BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/2001/1965/F
Proposal: Erection of garage for the sale of car parts and tyres (amended design reduced footprint)
Address: Safeway's Westwood Centre Andersonstown Road Belfast
Decision:
Decision Date: 17.01.2002

Ref ID: Z/1995/2620
Proposal: Siting of 3 No temporary buildings for the sale of pre pack coal and erection of associated gates and fencing.
Address: WESTWOOD FUEL, KENNEDY WAY, BELFAST, BT11.
Decision:
Decision Date:

Ref ID: Z/2000/1965/F
Proposal: Garage for the sale of car parts, tyres.
Address: Safeway's - Westwood centre, Andersonstown Road.
Decision:
Decision Date: 12.02.2001

Ref ID: Z/2002/1055/F
Proposal: Erection of 5 no. class 1 shop units on ground floor with office accommodation on first floor.
Address: Safeway's Westwood Centre Andersonstown Road Belfast
Decision:
Decision Date: 22.10.2002

Ref ID: Z/2010/1721/F
Proposal: Proposed new shopfront with full height glazing and new canopy with mono-pitch roof above entrance. Existing cladding to be removed and replaced with Alucobond cladding to meet brand standards and associated external alterations (amended scheme).
Address: 14 Andersonstown Road, Belfast, BT11 9AJ,

Decision:
Decision Date: 11.07.2011

Ref ID: Z/2005/1615/F
Proposal: Minor works to include service yard works (new fencing, canopy and compactors), proposed replacement of 10 existing trolley bays and alterations to internal floor areas.
Address: Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ
Decision:
Decision Date: 27.09.2005

Ref ID: Z/2005/1618/A
Proposal: External illuminated signage and non-illuminated signage.
Address: Westwood Shopping Centre, Belfast
Decision:
Decision Date: 30.08.2005

Ref ID: Z/2005/1779/F
Proposal: Proposed new access stair to roof, new plant on roof and canopy to ground floor.
Address: Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ
Decision:
Decision Date: 10.10.2005

Ref ID: Z/2003/3082/F
Proposal: Extension to shopping centre
Address: Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ
Decision:
Decision Date: 16.09.2004

Ref ID: Z/1989/2443
Proposal: Shopping centre and associated car parking
Address: EASTWOODS SITE ANDERSONSTOWN ROAD BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/1995/2284
Proposal: Construction of Drive "Thru" and sit in restaurant
Address: WESTWOOD SHOPPING CENTRE KENNEDY WAY BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/1975/0669
Proposal: REPLACEMENT OF CAR BALING PLANT WITH CAR SHREDDING PLANT
Address: ANDERSONSTOWN ROAD, BT11
Decision:
Decision Date:

Ref ID: Z/2002/0808/F

Proposal: Extension of existing retail units to provide additional retail and storage space
Address: Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ
Decision:
Decision Date: 09.07.2002

Ref ID: Z/2008/2048/F
Proposal: Erection of new protection guards to roof of building.
Address: ASDA, Unit 1, Westwood Centre, Kennedy Way, Belfast, BT11 9BQ.
Decision:
Decision Date: 25.11.2008

Ref ID: Z/2010/0672/A
Proposal: Erection of 2 x car park signs and 1 x vinyl sign to entrance glazing.
Address: Unit 1, Westwood Centre, Kennedy Way, Belfast BT11 9BQ
Decision:
Decision Date: 04.08.2010

Ref ID: Z/2002/2028/F
Proposal: Installation of ATM through wall of Safeway Supermarket
Address: Safeway, Westwood Shopping Centre, 51 Kennedy Avenue, Belfast, BT11 9AP
Decision:
Decision Date: 28.10.2002

Ref ID: Z/2009/1692/LDP
Proposal: Internal alterations to facilitate the erection of a mezzanine floor within the existing supermarket premises.
Address: ASDA Stores Ltd, Unit 1 Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ
Decision:
Decision Date:

Ref ID: Z/2011/1494/F
Proposal: Proposed extension and alterations to existing Westwood Centre to provide new car parking, new retail and ancillary storage incorporating a 35,000 ft sq food store
Address: Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9BQ,
Decision: PG
Decision Date: 29.11.2012

Ref ID: Z/2004/2742/F
Proposal: Proposed extension to existing Westwood Shopping Centre to provide new retail and storage units incorporating a 35,000 sq.ft foodstore along with additional carparking.
Address: Westwood Shopping Centre, Kennedy Way, Belfast. BT11 9BQ
Decision:
Decision Date: 03.12.2008

Ref ID: Z/1998/2199
Proposal: New entrance to Unit 1 and associated canopies with elevational treatment to new coffee shop.

Address: UNIT 1, WESTWOOD SHOPPING CENTRE, 51 KENNEDY WAY, BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/1980/1096
Proposal: ERECTION OF NEW OFFICE ACCOMMODATION
Address: J EASTWOOD AND SONS LTD, ANDERSONSTOWN ROAD, BT11
Decision:
Decision Date:

Ref ID: Z/1976/1113
Proposal: ERECTION OF NEW OFFICE BLOCK
Address: 14 ANDERSONSTOWN ROAD
Decision:
Decision Date:

Ref ID: Z/1992/2040
Proposal: Change of use from retail unit to restaurant including new mezzanine floor and installation of LPG tank
Address: UNIT 3, WESTWOOD SHOPPING CENTRE, KENNEDY WAY, BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/1995/2724
Proposal: Construction of car wash
Address: WESTWOOD CENTRE KENNEDY WAY BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/2011/0765/F
Proposal: Refurbishment of restaurant and patio area including associated works to the site. Re-configuration of drive thru lane and car park. Installation of customer order display and canopy cladding to elevations and alterations to roof (Amended scheme).
Address: McDonalds Restaurant Ltd The Westwood Centre Kennedy Way Belfast Co Antrim BT11 9BQ,
Decision:
Decision Date: 15.05.2012

Ref ID: Z/2009/1428/F
Proposal: Variation of condition 2 of Z/1995/2284 to allow the restaurant to trade between the hours of 5am - 2am (the following day) seven days a week [opening hours changed due to previous error].
Address: Westwood Shopping Centre, Kennedy Way, Belfast, BT11 9B.
Decision:
Decision Date: 11.05.2010

Ref ID: Z/1992/2095
Proposal: Erection of petrol filling station

Address: WESTWOOD SHOPPING CENTRE, ANDERSONSTOWN ROAD BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/1992/2095R
Proposal: Erection of petrol filling station
Address: WESTWOOD SHOPPING CENTRE, ANDERSONSTOWN ROAD BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/2003/0532/F
Proposal: Erection of 5 no. shop units (class 1) on ground floor with office accommodation on first floor
Address: Safeway- Westwood Centre Andersonstown Road Belfast
Decision:
Decision Date: 20.08.2003

Ref ID: Z/2000/1846
Proposal: Erection of shed
Address: Westwood Centre Kennedy Way Belfast
Decision:
Decision Date:

Ref ID: Z/1989/2253
Proposal: Subdivision of factory into small self-contained units
Address: BLACKSTAFF ROAD, KENNEDY WAY, BELFAST BT11
Decision:
Decision Date:

Ref ID: Z/1988/2719
Proposal: Shopping centre and associated car parking
Address: AREA BOUNDED BY ANDERSONSTOWN ROAD, KENNEDY WAY AND BLACKSTAFF ROAD, BELFAST BT11
Decision:
Decision Date:

Notification to Department (if relevant)

Date of Notification to Department:
Response of Department:

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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.

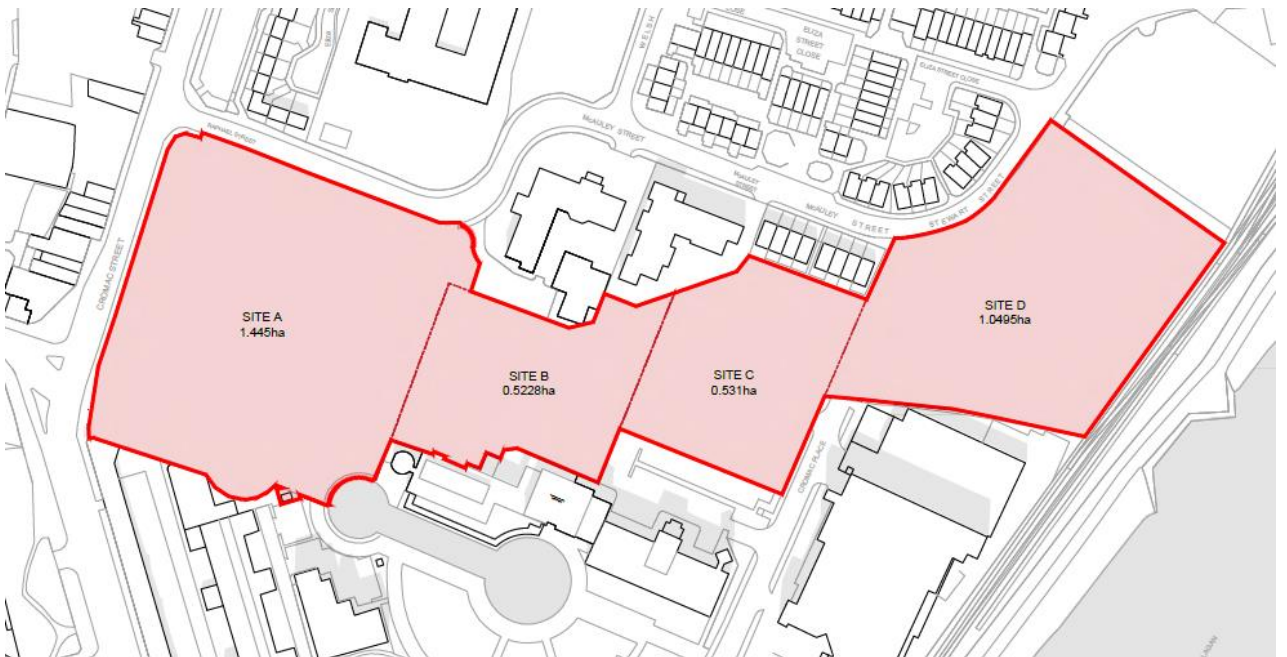
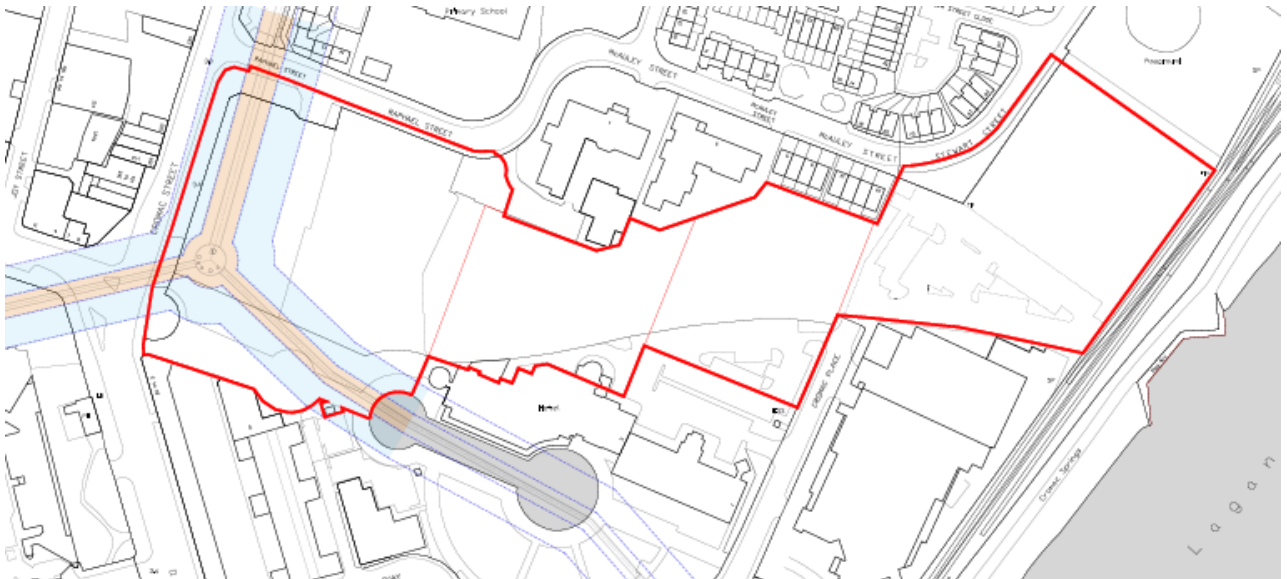
It is recommended that planning permission is granted subject to conditions and Developer Contributions being sought through a legal agreement between the Council as landowner and the developer/s when the site is leased/disposed of.

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.

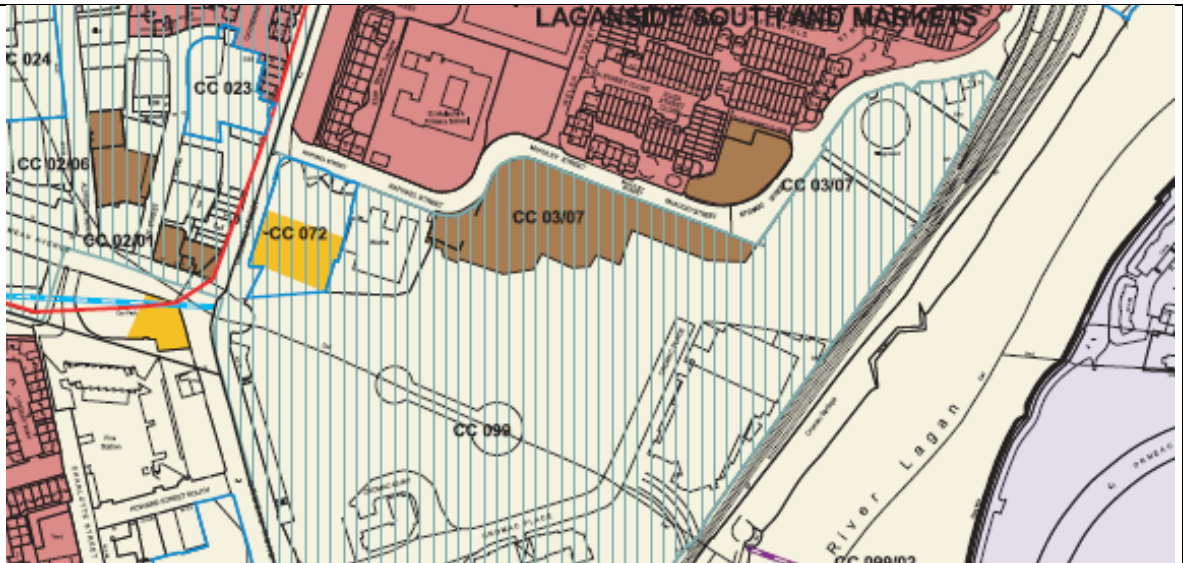
Site/Block	Use	Gross Internal Area sqm	Net Internal Area sqm
Site A/Block A	Retail	420	336
	Office	1,260	1,050
	Residential	1,350	1,086
Site A/Block B	Tourist Hostel	4,180	3,585
Site B	4 star Hotel	6,590	102 bedrooms
Site C	Multi Storey Car Park	3,990	231 spaces
	Office	6,520	5,430
Site D	Office	1,020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

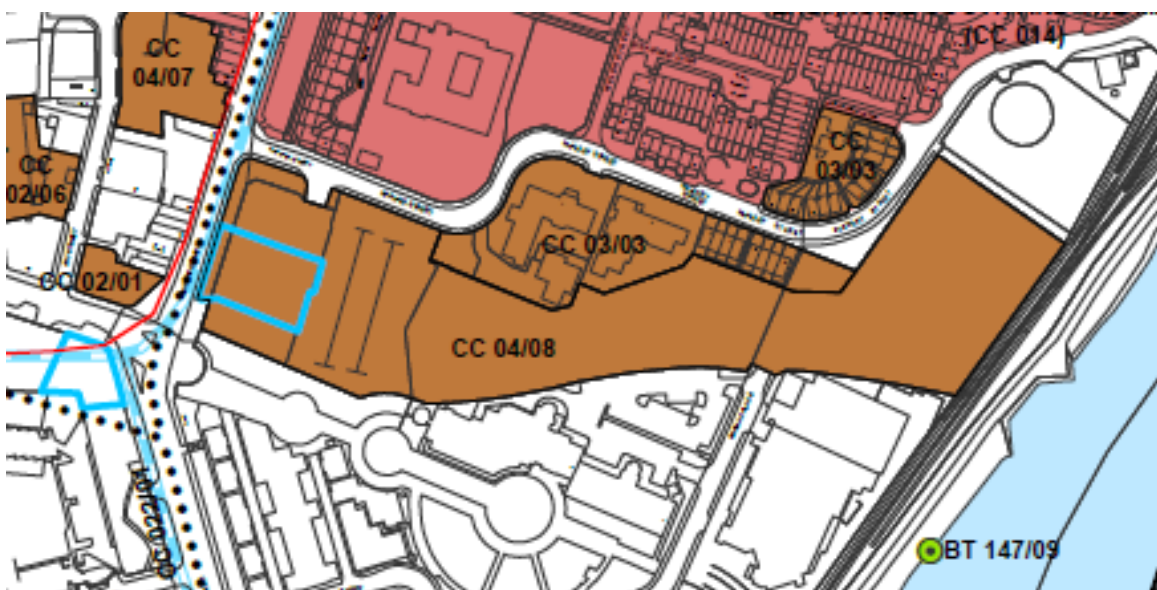
3.2	Z/2001/2500/F - Relocation of existing 109 space ancillary car park. Permission Granted 27 th April 2002.
3.3	Z/2008/0518/F - Proposed 9-storey, 169-bed courtyard hotel incorporating restaurant, bar, dry fitness, small meeting rooms, access and servicing arrangements. Permission Granted 4 th November 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 undesignated 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	

Apartment 1,1 Mcauley Street,Belfast,Antrim,BT7 2BP
 Apartment 1,10 Stewart Street,Belfast,Antrim,BT7 2BL
 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
 Apartment 11,1a ,Mcauley Street,Belfast,Antrim,BT7 2BN
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 Apartment 12,10 Stewart Street,Belfast,Antrim,BT7 2BL
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 Apartment 13,10 Stewart Street,Belfast,Antrim,BT7 2BL
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 Apartment 44,1 Mcauley Street,Belfast,Antrim,BT7 2BP
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 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
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 Flat 2, 19 Raphael Street,Belfast,Antrim,BT7 2DD
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 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
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 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
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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
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 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
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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: Monday 27th June 2022	
Application ID: LA04/2022/0535/F & LA04/2022/0468/DCA	
<p>LA04/2022/0535/F Proposal: Physical development - re-cladding of the exterior of the building, creation of a new access point to the upper floors and central core on Castle Arcade, demolition of bridge link over Castle Arcade and erection of a new oversail section at the junction of Castle Lane and Castle Arcade. Change of use - partial change of use of upper floors from storage and back of house facilities to a mixed use of Assembly and Leisure (class D2) and a sui-generis multifaceted leisure use combined with the sale of food and drink for the consumption on the premises. Reconfiguration of existing ground floor storage associated public realm improvements and ancillary development. Net reduction in gross floorspace of approximately 331 sqm.</p> <p>LA04/2022/0468/DCA – Proposal:- Partial demolition of existing facade treatment on Castle Lane, Castle Arcade and Cornmarket, demolition of existing internal staircases and internal walls and demolition of bridge link over Castle Arcade.</p>	<p>Location: 13-25 Castle Lane, Belfast, BT1 5DA; Castle Arcade, Belfast, BT1 5DF and 3-9 Cornmarket</p>
Referral Route: Major Application	
Recommendation:	Approve subject to conditions
<p>Applicant Name and Address: Alterity Investments Ltd 4 Annadale Avenue Belfast BT7 3JH</p>	<p>Agent Name and Address: Pragma Planning Scottish Provident Building 7 Donegall Square West Belfast BT1 6JH</p>
<p>Executive Summary: The proposed development seeks alterations including partial demolition of the existing building at 13-25 Castle Lane, Castle Arcade and 3-9 Cornmarket formerly occupied by BHS and currently vacant for a number of years.</p> <p>The relevant issues to be considered in the determination of the above applications are as follows:-</p> <ul style="list-style-type: none"> • Acceptability of the proposed uses at this location • Regeneration Benefits • The acceptability of the design • Impact on the Conservation Area • Demolition in the Conservation Area • Impact on Listed Buildings 	

- Access, parking and traffic management
- Environmental Considerations - Drainage, Contamination, Noise

The site is located within Belfast City Centre, retail core and retail frontage (Castle Lane and Cornmarket). A number of listed buildings are within the vicinity of the site at Arthur Square, Cornmarket and Chichester Street. HED has no objection to the proposed development.

The site is also within Belfast City Centre Conservation Area. BCC Conservation Officer considers the proposal contrary to Policies BH 12 and 14 of PPS 6. The Urban Design Officer has no objections to the proposal. Environmental Health has sought further information in respect of noise which has been submitted and is being reviewed. All other consultees are content with the proposed development.

One objection was received to the proposed development from Belfast Civic Trust and raised the following matters which are considered in the report.

- Proposal does not reflect the historic nature or vernacular of the conservation area in this critical location particularly in the case of the proposed cladding which does not reflect the City Centre Conservation area guidance which highlights important vernacular buildings in the area from which development should take its cue.
- The development could also have incorporated some residential units

Issues raised in the objection are considered in the main body of the report.

Summary

The proposed development represents a substantial investment in the city centre and will secure the physical and economic regeneration and revitalisation of the site and surrounding area.

The proposal will physically regenerate this key site within the City Centre which has been vacant for 6 years. Recovery of the city centre post Covid is a critical objective of the Council and this proposal will contribute significantly to achieving this objective. The architectural approach is based on a modern contemporary scheme which draws design cues from the previous Gaumont Cinema building and a Victorian building (Cornmarket) on the site and proposes a dynamic, good quality design which is supported by the Urban Design Officer. Officers consider that the proposal will enhance the character and appearance of the conservation area as the existing building on the site does not currently display the best characteristics of a conservation area.

The scheme will generate a significant amount of jobs during construction and operational phases and will provide for a vibrant mix of uses within the area supporting the vitality and viability of the wider city centre and has the potential to act as a catalyst for further investment and regeneration in the city centre.

There is an extant planning permission on the site and this is an important material consideration and a fall-back position for the applicant which could be implemented. The revised scheme is considered a substantial improvement over the extant scheme in design terms. It includes additional benefits such as significant enhancements and improvements to the public realm along Castle Arcade, improving connectivity and permeability within the wider area and provision of a mix of uses which will support an evening/night-time economy and tourism.

The economic and regeneration benefits which are set out in the report are considered on balance to outweigh concerns raised by the Conservation Officer and in the objection received.

Recommendation

Having regard to the development plan, relevant policy context and other material considerations, including the objection the proposal is on balance considered acceptable and approval is recommended subject to conditions for application LA04/2022/0535/F. Conservation Area

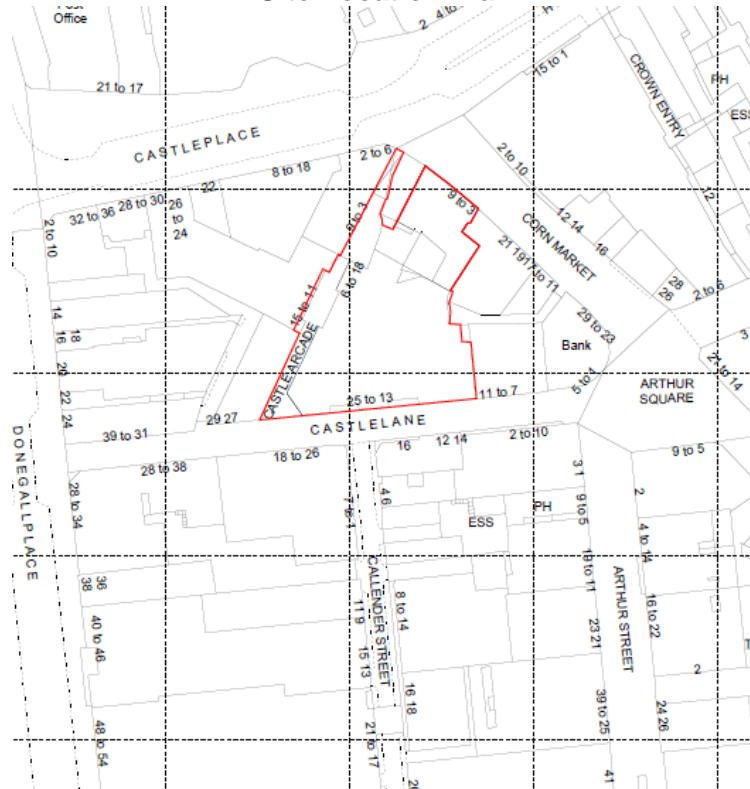
Consent is recommended for the demolition aspects of the application LA04/2022/0468/DCA subject to conditions.

It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of the conditions and resolve the issues raised by Environmental Health in respect of noise subject to no new substantive planning issues being raised.

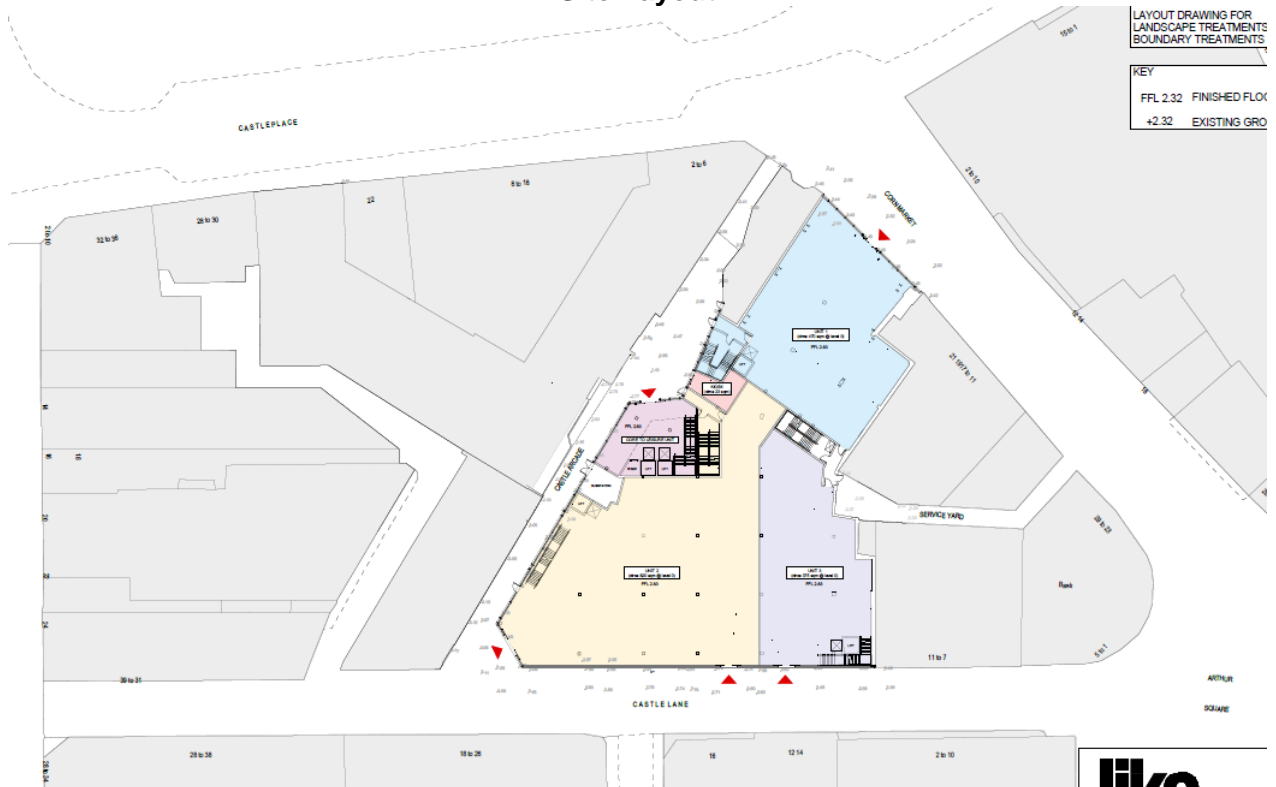
Case Officer Report

1.0 Drawings

Site Location Plan



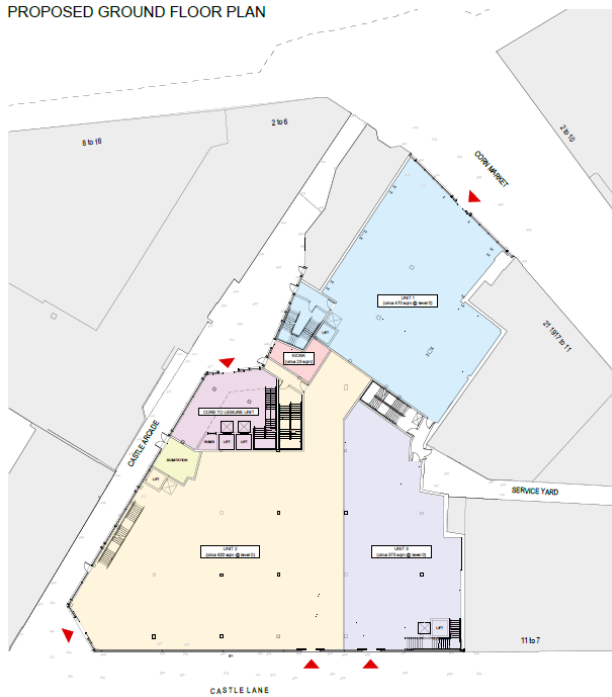
Site Layout



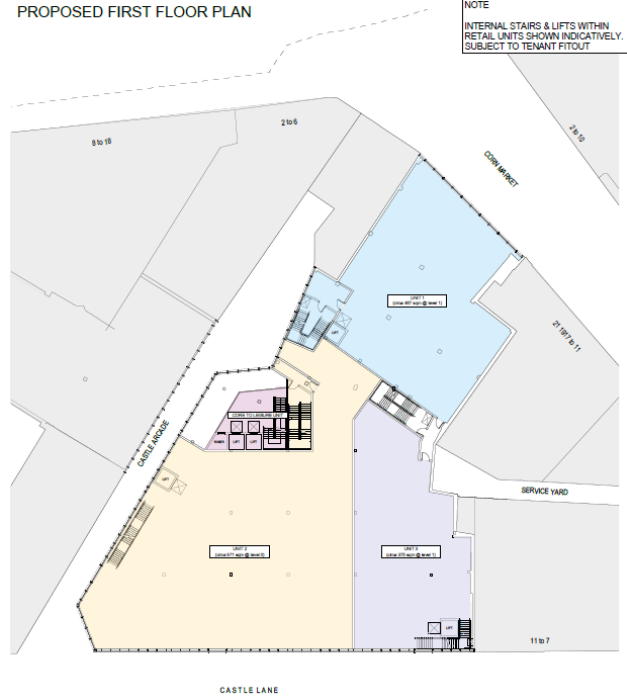
Floor Plans

Ground and First Floor Plans

PROPOSED GROUND FLOOR PLAN

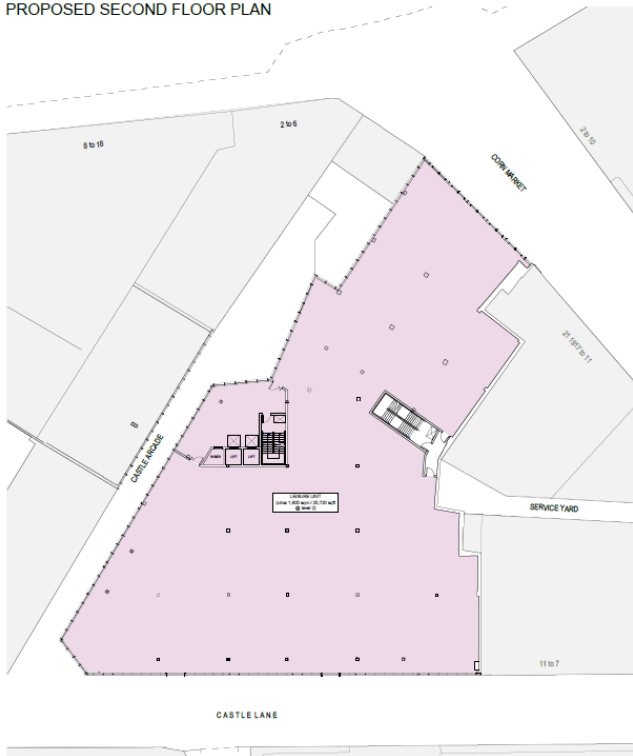


PROPOSED FIRST FLOOR PLAN

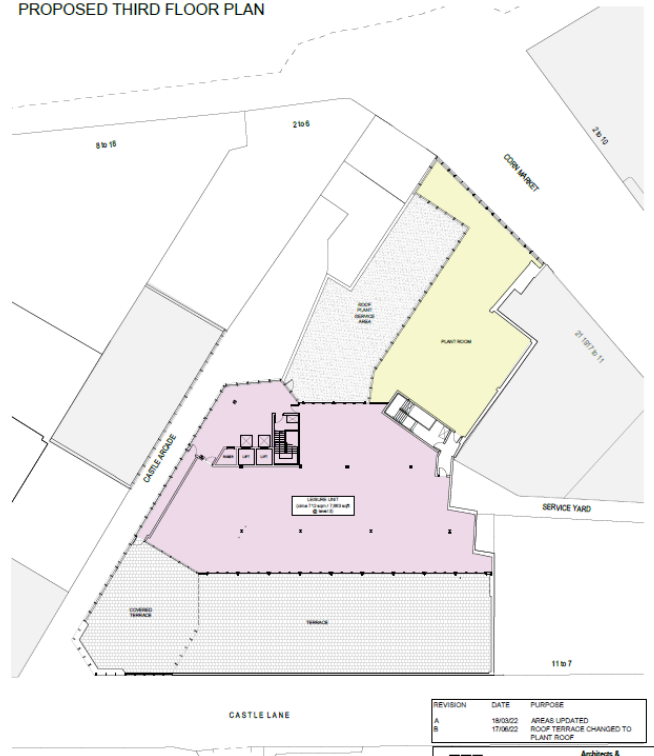


Second and Third Floor Plans

PROPOSED SECOND FLOOR PLAN



PROPOSED THIRD FLOOR PLAN

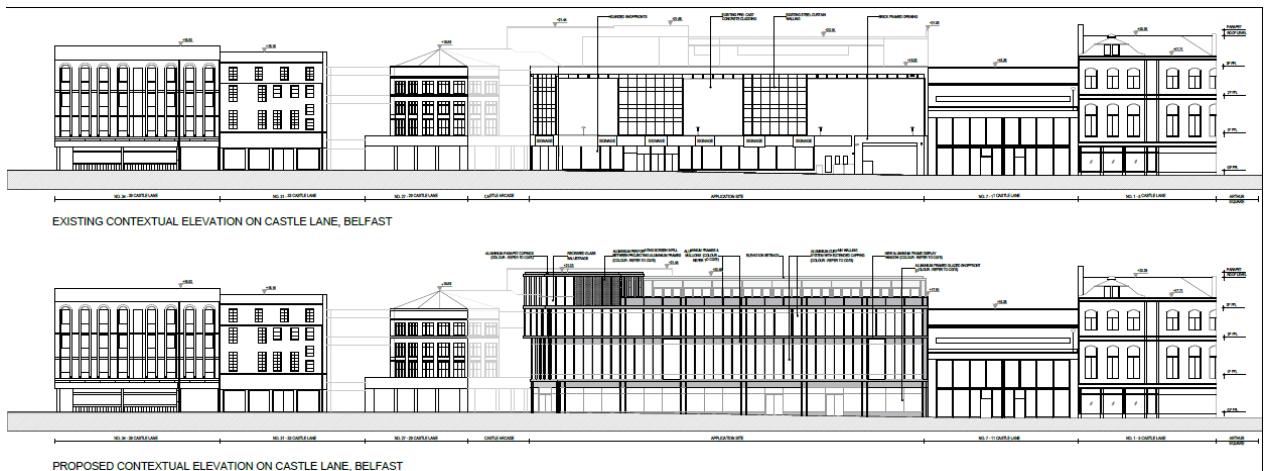


REVISION	DATE	PURPOSE
A	18/08/22	AREAS UPDATED
B	17/06/22	ROOF TERRACE CHANGED TO PLANT ROOM

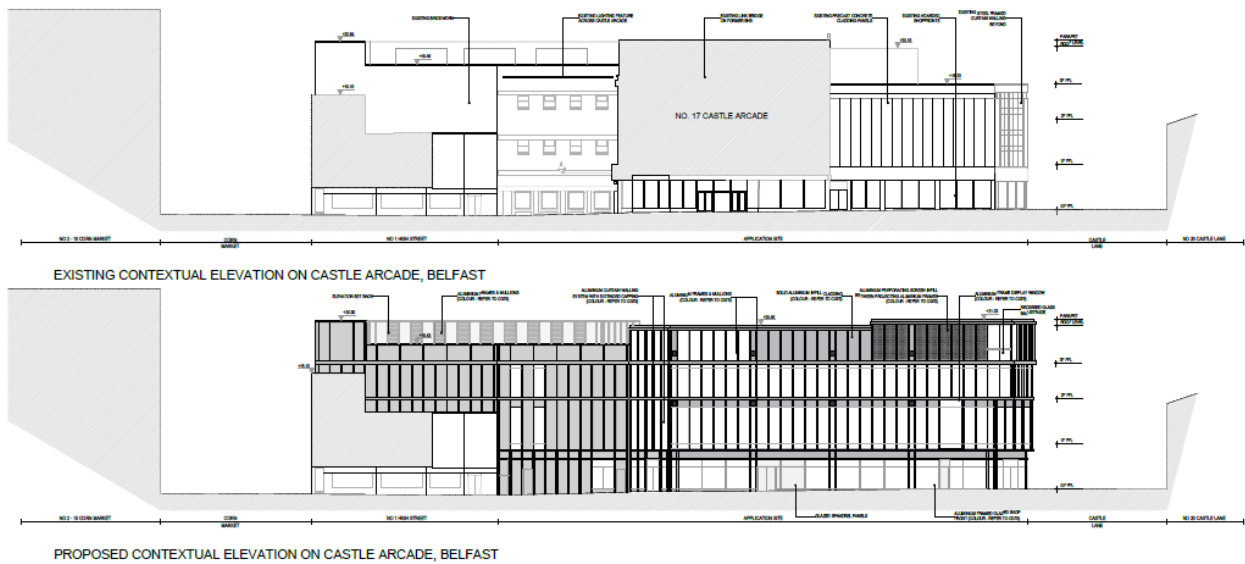
Architects & Planners

Elevations

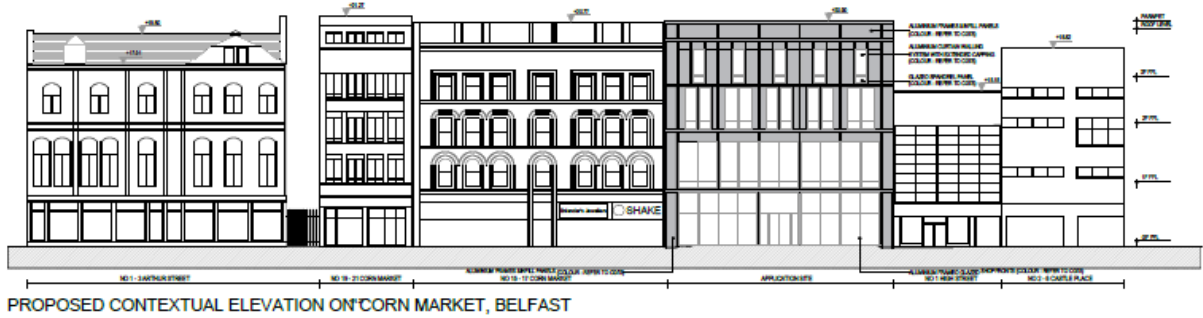
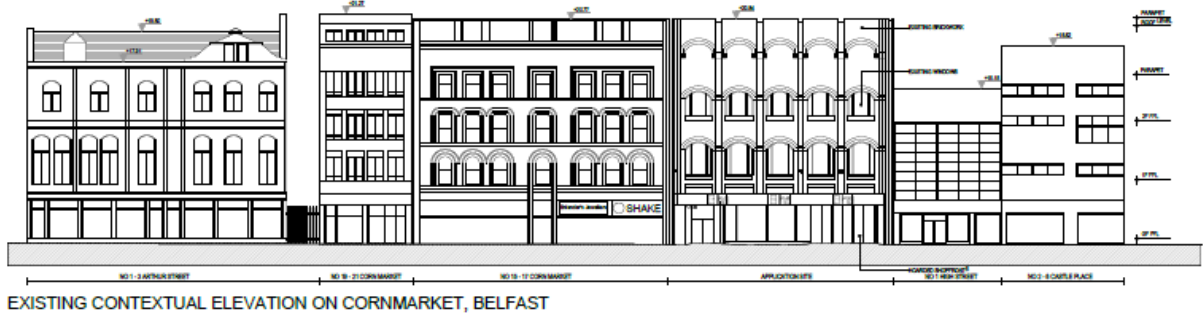
Castle Lane Elevation



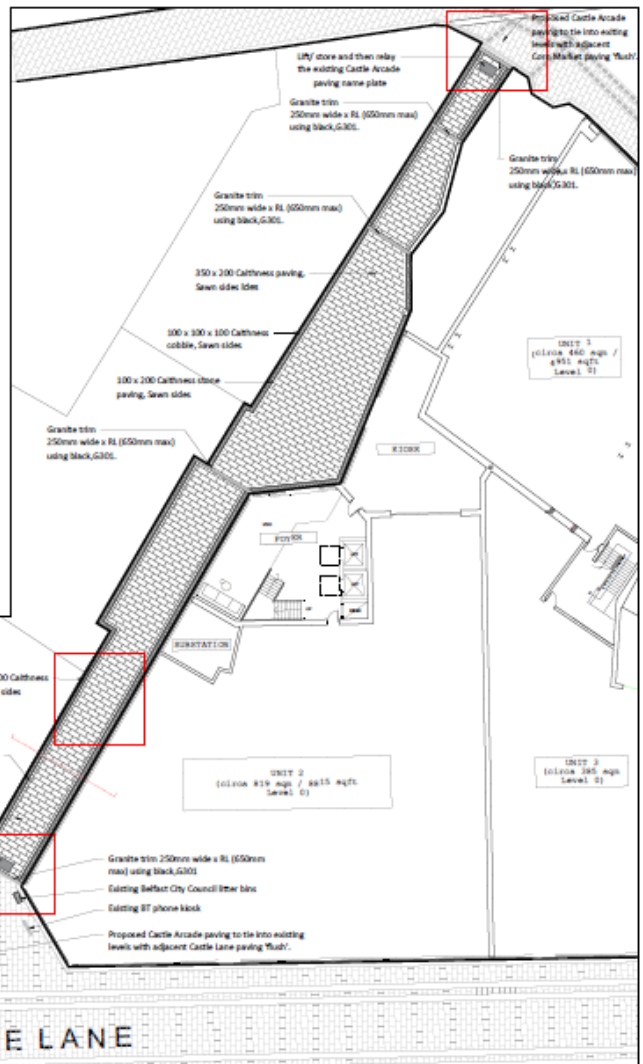
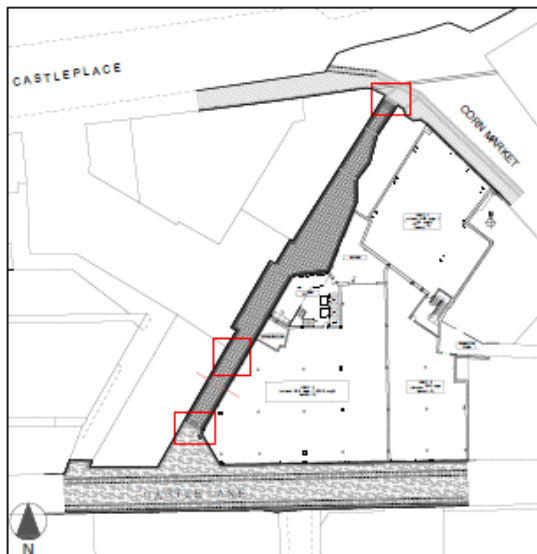
Castle Arcade Elevation



Cornmarket Elevation



Landscape Plan



CGI View along Castle lane towards Arthur Square



Former Gaumont Cinema



CGI View of Castle Arcade towards Castle lane



CGI view from Arthur Square along Castle Lane



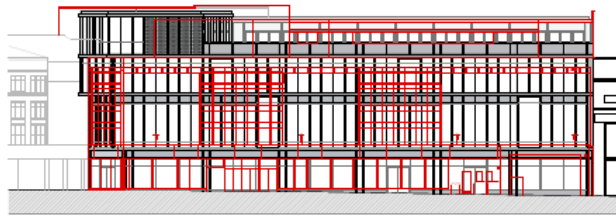
CGI view along Cornmarket towards Arthur Square



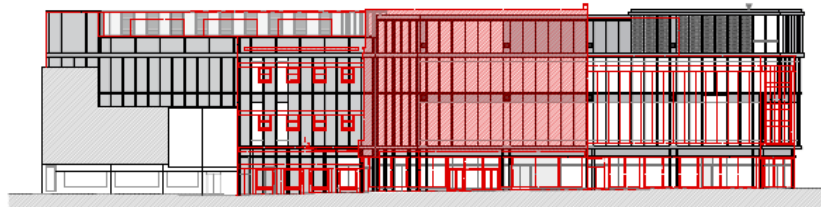
Former Victorian Cornmarket



LA04/2022/0468/DCA - Demolition Plans

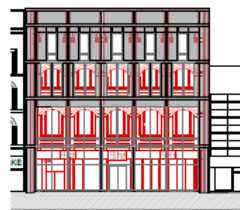


PROPOSED DEMOLITION ELEVATION ON CASTLE LANE, BELFAST

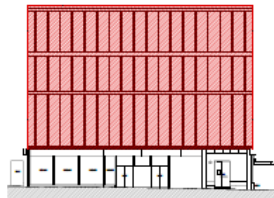


PROPOSED DEMOLITION ELEVATION ON CASTLE ARCADE, BELFAST

0



PROPOSED DEMOLITION ELEVATION ON CORN MARKET, BELFAST



PROPOSED DEMOLITION ELEVATION A



PROPOSED DEMOLITION ELEVATION B

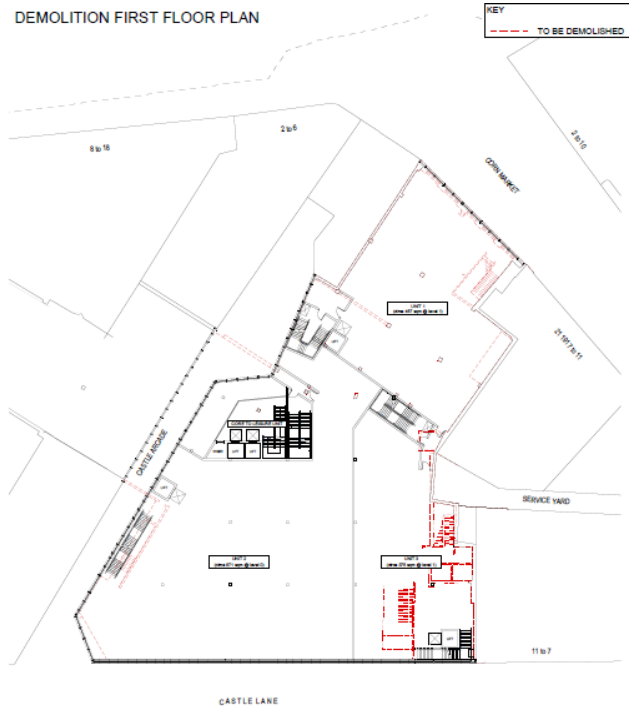


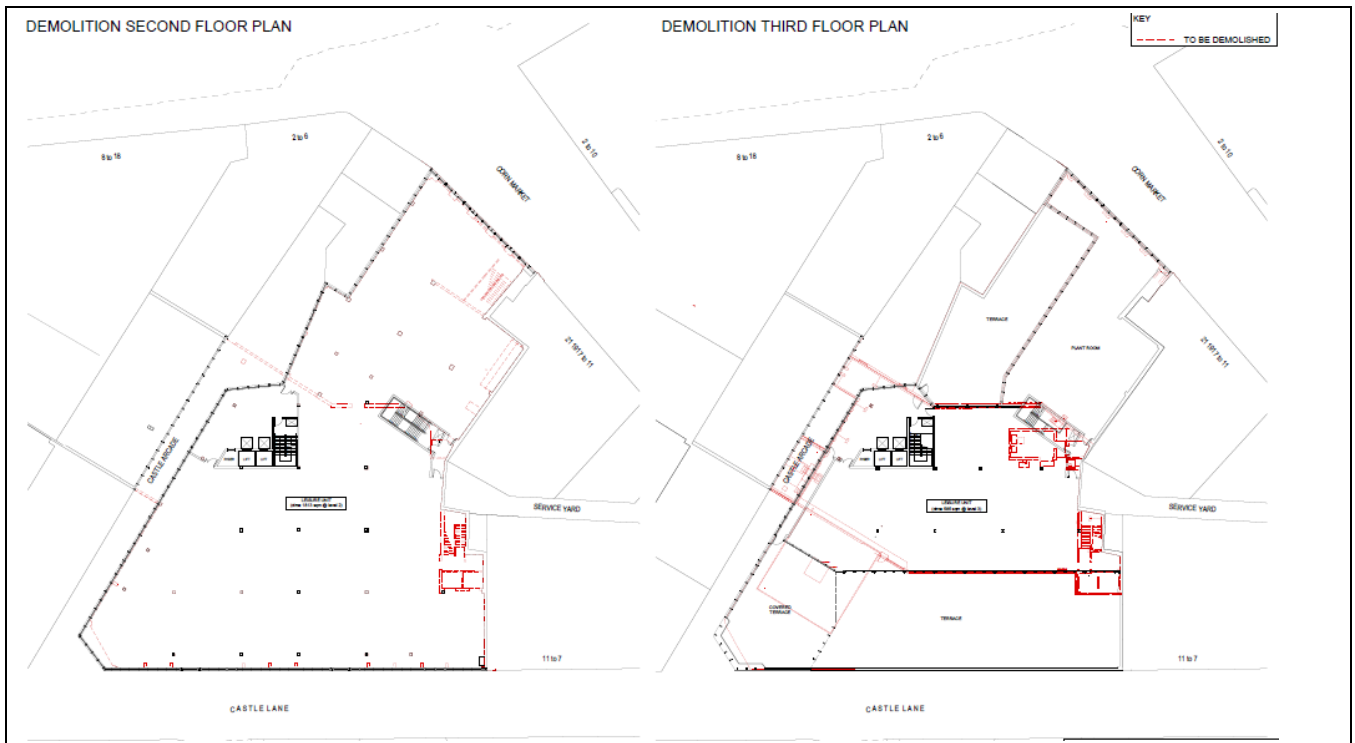
PROPOSED DEMOLITION ELEVATION C

DEMOLITION GROUND FLOOR PLAN



DEMOLITION FIRST FLOOR PLAN





2.0	Characteristics of the Site and Area
2.1	<p>The site is located in the city centre and fronts onto Castle Lane, Castle Arcade and Cornmarket. The existing vacant building on the site is 3 storeys on Castle Lane with a fourth-floor setback and extending to Cornmarket and was formerly used as a retail store for BHS department store. The existing building incorporates a three-storey element linking buildings on Castle Arcade. The area is predominantly retail with offices, restaurants, cafes and public houses nearby. The nearest residential developments are located on Donegall Place and Castle Place.</p>
3.0	Description of Proposal
3.1	<p>The proposal seeks the partial demolition of existing facade treatment on Castle Lane, Castle Arcade and Cornmarket, demolition of existing internal staircases and internal walls and demolition of bridge link over Castle Arcade. Re-cladding of the exterior of the building, creation of a new access point to the upper floors and central core on Castle Arcade, and erection of a new oversail section at the junction of Castle Lane and Castle Arcade and partial change of use of upper floors from storage and back of house facilities to a mixed use of Assembly and Leisure (class D2) and a sui-generis multifaceted leisure use combined with the sale of food and drink for the consumption on the premises. Reconfiguration of existing ground floor storage associated public realm improvements along Castle Arcade and ancillary development are also proposed.</p>
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	<p>Policy Context</p> <p>Regional Planning Policy</p> <ul style="list-style-type: none"> • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 6 (PPS 6) – Planning, Archaeology and the Built Heritage • Planning Policy Statement 15 (PPS 15) - Flood Risk

4.2	<p>Local Planning Policy Context</p> <ul style="list-style-type: none"> • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015(v2004) • Draft Belfast Metropolitan Area Plan 2015(v2014) • Belfast Local Development Plan Draft Plan Strategy 2035 <p>Other Material Considerations</p> <ul style="list-style-type: none"> • Developer Contribution Framework • Belfast City Centre Conservation Area Design Guide <p>Planning History</p> <p>LA04/2021/1753/PAD - Physical development - comprising of the re-cladding of the exterior of the building, creation of a new access point to the upper floors and central core on Castle Arcade, demolition of part of the building over Castle Arcade and erection of a new oversail section at the junction of Castle Lane and Castle Arcade. Change of Use - comprising partial change of use of ground floor from storage to retail (Class A1) and change of use of all upper floors from retail and storage to a mixed use of Assembly and Leisure (Class D2 and a sui-generis multifaceted leisure use combined with the sale of food and drink for consumption on the premises and change of use of the rooftop to an external leisure and food and drink use. All of the above is combined with association ancillary development and services installations, Former BHS Building, 13-25 Castle Lane, BT1 5DB.</p> <p>LA04/2021/1648/PAN - Physical development - comprising of the re-cladding of the exterior of the building, creation of a new access point to the upper floors and central core on Castle Arcade, demolition of part of the building over Castle Arcade and erection of a new oversail section at the junction of Castle Lane and Castle Arcade. Change of Use - comprising partial change of use of ground floor from storage to retail (Class A1) and change of use of all upper floors from retail and storage to a mixed use of Assembly and Leisure (Class D2 and a sui-generis multi-faceted leisure use combined with the sale of food and drink for consumption on the premises and change of use of the rooftop to an external leisure and food and drink use. All of the above is combined with association ancillary development and services installations, Former BHS Building, 13-25 Castle Lane, Belfast, BT1 5DB, PAN Acceptable 27.07.2021.</p> <p>LA04/2020/0589/F - Environmental improvement scheme to pedestrian entry comprising painted artwork on building facade and feature lighting installation, Castle Arcade, Belfast, BT1 5DG. Permission granted 01.07.2020.</p> <p>LA04/2020/1302/DC - Discharge of Condition 2 of LA04/2020/0589/F Final Designs Castle Arcade Belfast, Castle Arcade, Belfast, BT1 5DG. Condition discharged 17.07.2020.</p> <p>LA04/2018/2127/NMC – Non-material change LA04/2017/2681/F, 24 to 26 Castle Place and, 15-11 Castle Arcade, Belfast, BT1 1GB. Granted 19.10.2018.</p> <p>LA04/2018/1899/DC - Partial discharge of Condition 3 of LA04/2017/2681/F (re Unit B) Address: 25 to 13 Castle Lane, 9 to 3 Cornmarket, 24 to 26 Castle Place, and direct elevations including, 15 to 11 and 6 to Castle Arcade, Belfast. Condition partially discharged 17.10.2018.</p> <p>LA04/2018/0992/DCA - Partial demolition of shopfronts/external facade treatment, internal walls and roof plant enclosure, 25 to 13 castle Lane, 9 to 3 Cornmarket, 24 to 26 Castle Place and direct elevations including 15 to 11 and 6 to 18 Castle Arcade, Belfast. Conservation Area Consent granted 07.06.2018.</p>
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	<p>LA04/2017/2681/F - Proposal: Refurbishment and reconfiguration of building including installation of new external fabric, new entrances, shopfronts, service access and services connections, 25 to 13 Castle Lane, 9 to 3 Cornmarket, 24 to 26 Castle Place, and direct elevations including 15 to 11 and 6 to 18 Castle Arcade, Belfast. Permission granted 07.06.2018.</p>
4.3	<p>Consultations</p>
4.3.1	<p>Statutory Consultations</p> <p>DFI Roads – No objection subject to conditions. DFI Rivers Agency – No objection. NI Water – No objections subject to conditions. NIEA – No objection subject to conditions. HED – No objection subject to conditions.</p>
4.3.2	<p>Non-Statutory Consultations</p> <p>Environmental Health – No objections to Odour, Contaminated Land and Air Quality matters. Further noise information requested. Economic Development Unit - Employability and skills related Developer Contributions Section 76 clauses should not be applied for the development. BCC Urban Design Officer – No objection. BCC Conservation Officer – Contrary to Policies BH12 and BH 18 of PPS 6. BCC Waste Management Team – No objection. BCC Landscape Planning and Development Team – No objection. BCC City Regeneration and Development Team – No objection, CRD supports the proposed regeneration opportunity. NIE – Response awaited.</p>
4.4	<p>Representations</p>
4.4.1	<p>The application has been advertised and neighbours notified. One objection has been received which raised the following issues:-</p> <ul style="list-style-type: none"> • Proposal does not reflect the historic nature or vernacular of the conservation area in this critical location. This is particularly the case with the proposed cladding. It does not reflect the City Centre Conservation area guidance which highlights important vernacular buildings in the area from which development should take its cue. • The development could also have incorporated some residential units (e.g. as is the case with St Anne's Square).
4.4.2	<p>The issues raised in the objection are considered in the assessment below.</p>
4.5	<p>Planning Assessment</p>
4.5.1	<p>Key Issues</p> <p>The key issues to be considered in the assessment of this application are:</p> <ul style="list-style-type: none"> • Acceptability of the proposed uses at this location • Regeneration Benefits • The acceptability of the design • Impact on the Conservation Area

	<ul style="list-style-type: none"> • Demolition in the Conservation Area • Impact on Listed Buildings • Access, parking and traffic management • Environmental Considerations - Drainage, Contamination, Noise
4.6	Background
4.6.1	The proposed development was the subject of a Pre-Application Discussion which involved the Urban Design and Conservation Officers, HED, DFI Roads and Environmental Health.
4.7	Development Plan Context
4.7.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
4.7.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
4.7.3	Draft BMAP 2015 (dBMAP 2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
4.7.4	In dBMAP (v2004) the site is within the city centre, the primary retail core, the primary retail frontage, the main office area and within Belfast City Centre Conservation Area and the Old City Character Area. In dBMAP (v2014) the site is also within the city centre, the primary retail core, the primary retail frontage and within Belfast City Centre Conservation Area and the Old City Character Area. Within the BUAP the site is within the city centre, the main shopping area, the main office area and the City Centre Conservation Area.
4.7.5	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.
4.8	Principle of Proposed Uses
4.8.1	Policy SFG3 of the RDS seeks to enhance the role of Belfast City Centre as the regional capital and focus of administration, commerce, specialised services and cultural amenities.
4.8.2	The SPPS sets out five core planning principles of the planning system, including improving health and well-being, supporting sustainable economic growth, creating and enhancing shared space, and supporting good design and place making. The SPPS

	states at paragraph 1.13 (page 7) that a number of policy statements, including PPS3 and PPS 6, remain applicable under 'transitional arrangements.
4.8.3	Retail policy in the SPPS is set out at pages 101 – 105 under 'town centres and retailing', replacing previous provisions within Planning Policy Statement 5. Paragraph 6.270 states that <i>'the aim of the SPPS is to support and sustain vibrant town centres across Northern Ireland through the promotion of established town centres as the appropriate first choice location of retailing and other complementary functions, consistent with the RDS.'</i>
4.8.4	<p>Draft BMAP (v 2014) Retail Policy</p> <p>BMAP strategic retail policy for Belfast is set out at pages 54-58 Part 3 volume 1 and page 28 part 4 volume 2. The BMA retail strategy seeks to:</p> <ul style="list-style-type: none"> • promote Belfast City Centre as the leading shopping centre in the Plan Area and Northern Ireland; • Outside City and Town Centres the nature and scale of retail development is to be controlled in order to protect the vitality and viability of the city and town centres and retail development to be focused on designated District Centres, Shopping / Commercial Areas and Designated Commercial Nodes on designated Arterial Routes and designated Local Centres.
4.8.5	Two other elements are cited, however these relate to areas outside of Belfast and are therefore not applicable.
4.8.6	<p>Policy R1 'Retailing in City and Town Centres' states that:-</p> <p><i>Planning permission will be granted for retail development in all town and city centres.</i></p> <p><i>Non-retail development will be restricted in designated Primary Retail Cores (and Primary Retail Frontages) so that no more than 25% of the frontage of the shopping street(s) to which it relates is in non-retail use and no more than three adjacent units are in non-retail use.</i></p> <p><i>The Primary Retail Cores will be the preferred location for new comparison and mixed retail development.....</i></p>
4.8.7	<p>The supplementary text further states that <i>'The Plan Proposals seek to support the vitality and viability of city and town centres by ensuring that they are the main focus for all retail developments, including convenience, non-bulky comparison and bulky comparison retailing.</i></p> <p><i>Primary Retail Frontages are designated within the Primary Retail Cores of Belfast and Lisburn City Centres and Bangor Town Centre and comprise those parts of city and town centres which should predominately be retained in retail use. Details of the designations are contained on the relevant city and town centre maps in the District Proposals. Proposals for non-retail uses at ground floor level within the primary retail cores (and primary retail frontages) will be limited in order to retain the focus of retail uses and ensure the maintenance of a compact shopping environment. Non-retail uses will be permitted on upper floors.</i></p> <p><i>Retail services and leisure uses will be expected to locate within the designated city and town centre boundaries. Bars, cafes and restaurants complement the primary shopping function of city and town centres by contributing to the range and choice of facilities available to residents and visitors. They also contribute to the evening economy, 24 hour city living and support tourism. While such uses will be acceptable outside primary retail cores, they may also be permitted within primary retail cores subject to the 25% limit on non-retail uses.'</i></p>

4.8.8	Page 28 part 4 volume 2 of dBMAP (V 2014) refers to retailing in the city centre and designates the Primary Retail Core and Primary Retail Frontage under CC05 and CC06. The application site is located within this designated Primary Retail Core and Castle Lane and Cornmarket are located within the designated Primary Retail frontage.
4.8.9	Three large retail units and 1 small kiosk (retail) are proposed on the ground floor. A small core to the upper floor leisure unit is proposed on the ground floor from Castle Arcade. The primary use on the ground and first floors will be retail, retaining the existing established retail function on the site and therefore the proposal complies with Policy R1 and the SPPS.
4.8.10	A mixed use of Assembly and Leisure (class D2) and a sui-generis multifaceted leisure use combined with the sale of food and drink for the consumption on the premises is proposed on the second and third floors. Policy R1 recognises that leisure uses and bars, cafes restaurants have a role to play in complementing the primary retail function of the city centre and it is noted in the justification text of Policy R1 that non-retail uses will be permitted on upper floors. The proposed uses on the second and third floors of the scheme are therefore considered acceptable in principle and comply with Policy R1 and the SPPS. The leisure uses will also have an important function in strengthening the evening/night-time economy and bolstering the vitality of the city centre and supporting tourism.
4.8.11	An objection considered that residential development should have been proposed as part of the development. The Council can only deal with the proposal as submitted which does not include residential development nor is there a policy requirement for residential development to be included in such schemes.
4.9	Regeneration Benefits
4.9.1	The proposed scheme represents an investment of £5 million pounds in Belfast City Centre. The investment provides a unique opportunity to repurpose a key building in a sustainable fashion within the city centre and revitalise the area at a time when the recovery of the city centre post Covid is a key objective of the Council following what has been a challenging number of years as a result of the Covid pandemic which has had a significant negative impact on the city centre and local economy. This proposed development will contribute significantly to achieving this objective whilst also having significant potential to act as a catalyst for further regeneration and development in the city centre.
4.9.2	The building has lain vacant since 2016 following the closure of the BHS department store and this redevelopment opportunity will not only result in the repurposing of an existing building but will also provide significant investment in the local economy and the creation of a substantial amount of jobs which will contribute to bolstering the local economy whilst bringing a vacant building in the city centre back into use. The proposed uses will strengthen the retail offer and vitality of the city centre and increase vibrancy through the day-time and evening uses proposed.
4.9.3	The sustainable repurposing of this existing building is considered an effective use of the site and will improve the current streetscape and environment. The removal of the bridge link over Castle Arcade along with proposed landscaping, lighting, public realm improvements and active uses fronting Castle Arcade provides the opportunity to significantly enhance the Castle Arcade environment and improve connectivity within the city centre which is to be welcomed.
4.9.4	The proposed uses will require approximately 50 construction workers at any one time during the duration of construction (estimated 10 month period) and approximately 200

	retail jobs and 75 hospitality/leisure jobs (both full-time and part-time) are envisaged to be created to support the development.
4.9.5	BCC City Regeneration and Development Team (CRD) advise that the proposed development has the potential to contribute to the delivery of policies and core principles within the Belfast City Centre Regeneration and Investment Strategy; particularly in terms of managing the retail offer and maximising the tourism opportunity.
4.9.6	CRD welcome the regeneration opportunity that this development proposal presents for Castle Arcade and advise that the ground floor kiosk opening up onto Castle Arcade is particularly welcome as it presents an opportunity for active frontage and managed 'spill out' of social activity that will activate the Entry and contribute to the vitality of the area. CRD advise that the applicant has worked collaboratively with the Council on the recent Belfast Entries revitalisation project to ensure improvements have been successfully delivered. CRD recognises that issues relating to anti-social behaviour are still occurring within Castle Arcade and that a longer term solution must be found to introduce active frontage within the Arcade. The current proposal will include active frontage along Castle Arcade and the proposed environmental improvements will contribute to addressing the existing anti-social issues. CRD also support the location of the leisure unit entrance at Castle Arcade as it will contribute to increased footfall in the Arcade which will have positive benefits.
4.9.7	CRD supports the proposed regeneration opportunity given the strategic significance of the proposal's scale and location within the City Centre, the mix of uses proposed, and the activation of several prominent ground floor frontages, including the commitment to the regeneration of Castle Arcade.
4.9.8	<p>Significant weight is given to the substantial physical and economic regeneration benefits that would accrue from this proposed development as set out below:-</p> <ul style="list-style-type: none"> - physical regeneration of this vacant site and significant enhancement in the visual amenity of the Conservation Area; - supporting the vitality and viability of the wider City Centre; - the creation of 50 jobs on site during construction at any one time and 275 jobs on site during operation in retail and hospitality; - the creation of commercially viable fit for purpose retail/hospitality accommodation; - enhancement and public realm improvements to Castle Arcade.
4.10	The acceptability of the design
4.10.1	The Design and Access Statement states that ' <i>A key influence in developing the design was the site's central location within the medieval town that grew out around High Street and Castle Place....Irregular and angular street patterns emerged as the medieval town grew.</i> '
4.10.2	The D&AS statement further states that ' <i>Prior to construction of BHS, the site was formerly the home of the Classic Cinema which opened on 24th December 1923. The building featured a classical fenestration between each vertical member. A more active frontage existed along Castle Arcade, on to which the social spaces fronted on multiple levels. The Classic was renamed the Gaumont Theatre from 3rd July 1950 and was closed by the Rank Organisation on 30th September 1961. The building was demolished in 1962 to make way for the construction of the BHS department store.</i> '
4.10.3	The existing building was erected with a steel frame and was clad in steel framed curtain walling and precast concrete cladding panels as shown in the photo below. It is noted that above ground floor level the facades include large areas of blank concrete panels.

The D&AS states that the existing building fails to deliver the life and interest needed to sustain retail activity.



Image: Google Maps 2017

4.10.4

Since the closure of BHS, planning permission was granted (Ref: LA04/2017/2681/F) on 07.06.2018 for the refurbishment and reconfiguration of the building which included the installation of new external fabric comprising new window openings at upper levels along Castle Lane and Castle Arcade, and new shopfronts. External finishes included aluminium panelling (light and brown coloured), fins at upper levels and aluminium cladding/framing (around entrances), white and grey rendered piers, black brick plinth and piers (see CGI image below). This approval represents a fall-back position for applicant which could be implemented.



CGI of approved scheme (Ref: LA04/2017/2681/F)

4.10.5

The CGI and photos below show the proposed development alongside the former Gaumont cinema and former Victorian building on Cornmarket from which design cues have been drawn such as a strong corner/entrance feature at the junction of Castle Lane/Castle Arcade, rhythm of vertical piers and projecting frames along Castle Lane and a clear hierarchy in terms of windows sizes and proportions reducing in size from ground floor upward on the Cornmarket elevation.



Former Gaumont Cinema



Original building at 3-9 Cornmarket

4.10.6

The development proposes to strip back the existing concrete panel façade on Castle Lane and Castle Arcade and the Cornmarket façade and retain the existing structure

	which will be overclad with a lightweight aluminium framed, highly glazed façade. Additional floorspace is proposed at second and third floor level with a cantilevered second and third floor corner feature at the junction of Castle Lane and Castle Arcade proposed. A covered and an uncovered roof terraces are also proposed on the third floor which will support a vibrant daytime and evening economy.
4.10.7	The proposed façade treatment has drawn key architectural references from the Former Gaumont Cinema including the corner and entrance feature at the junction of Castle Lane and Castle Arcade, the rhythm of expressed piers along Castle Lane and a taller, middle storey. The proposal also seeks to reinforce the historic role of the site's location as an important meeting point by accentuating the corner feature and providing a new entrance at the junction of Castle Lane and Castle Arcade.
4.10.8	The scheme proposes a reinterpretation of the 'Belfast' corner in a contemporary manner with a faceted facade and a series of stacked and folded surfaces drawing inspiration from the original internal configuration of the Castle Arcade shopping arcade which had sharply faceted shopfronts. Additional massing is proposed on the top floors to reinforce the corner feature and the height of the proposed building at the junction of Castle Arcade and Castle Lane increases by c. 4.3m as a result. However, this increase in height is limited to a short section of the building. The D&AS highlights that the <i>'corner' plays a prominent role in encouraging footfall along Castle Arcade</i> . The Urban Design Officer and HED have no concerns regarding the increased height at the corner.
4.10.9	The Conservation officer considers that the corner feature represents a dominant corner marker feature which will draw the eye in the vista along Castle Lane and has sought a more muted corner however the applicant has purposely sought to create a dynamic identity in order to attract investors to the site and supporting information states that <i>'Given the importance of the bold design in attracting significant inward investment without which the proposal will not proceed'</i> . HED and the Urban Design Officer have no objections to the corner feature. The Urban Design Officer considers that the corner feature resonates historically with the embellished curved corner treatment of the Former Gaumont Cinema and that <i>'the design detailing that has been applied at this pivotal junction does in my view allot an appropriate degree of hierarchy to the building. This not only relates to the enhanced hierarchical role the building needs to play at this key pedestrian junction but will also evoke a sense of exploration and draw the eye along the adjacent Castle Arcade, a busy pedestrian route which has experienced challenges over recent years in terms of environmental quality and perceived levels of safety.'</i>
4.10.10	The Planning Report accompanying the application states that <i>'Where this proposal is a significant improvement over the extant permission is in its capacity to attract significant inward investment from outside Northern Ireland in the form of occupiers not only from outside Northern Ireland but also from outside the UK and Ireland. These potential occupiers are most drawn to the corner hinge feature that creates the dynamism in the design.'</i>
4.10.11	The D&AS advises that the proposals emphasise a vertical rhythm across the Castle Lane façade as an interpretation of the piers of the former Gaumont Cinema and that expressed display windows/ projecting frames introduce an informality to the rhythm as a contemporary interpretation of the projecting canopy and signage that previously existing on the cinema façade as shown in the image below.
4.10.12	Officers recommended that further emphasis be placed on vertical elements along the Castle Lane and Cornmarket elevations and suggested that this could be achieved for example through the use of deeper fins. The applicant in response considered that the <i>'design as submitted is a better response to the specific historic context of the site and produces a higher quality design than would result from the suggested amendments'</i>

	and has not amended the proposed scheme. Furthermore, the Planning Rebuttal submitted states that <i>'Where consideration has been given to incorporating a more subtle subdivision through the double mullions expressed between bays, this has been balanced so as to avoid disrupting the horizontal emphasis.'</i>
4.10.13	HED advises that the vertical fenestration provides rhythm along the horizontal form of Castle Lane façade and considers the façade design and articulation appropriate, as it does not compete with or dominate the setting of listed buildings.
4.10.14	<p>The Urban Design officer acknowledges that the aluminium framing/curtain walling places emphasis on a vertical rhythm of bays which nods subtly at the expression of bays/piers within the former Gaumont Cinema and considers that it relates sympathetically to the plot widths and grain of neighbouring buildings. It is considered that the proposed articulation of the Castle Lane façade will serve to break up its long frontage along this Castle Lane. An existing loading bay along Castle Lane will be replaced with a shopfront providing active uses along the entire Castle Lane frontage which is welcomed. Servicing will take place from adjoining streets.</p> <div data-bbox="333 766 1449 1610" data-label="Image"> </div> <p>View of former Gaumont Cinema</p>
4.10.15	Two roof terraces are proposed along Castel Lane, one covered and one uncovered. The Urban Design Officer acknowledges that rooftop terraces will add value to the overall scheme through the provision of attractive and unique outdoor space and add to the growing appetite for such spaces across the city as highlighted more recently during the Covid 19 pandemic.
4.10.16	Along Castle Arcade a new glazed entrance to the upper floors/leisure uses is proposed and new display windows on part of the western facade will serve to provide active frontage along its length and animate Castle Arcade which is welcomed. Removal of the bridge link across Castle Arcade provides an opportunity to allow further daylight into the Castle Arcade and significantly enhance the connection between Donegall Place and High Street. The treatment of the Castle Lane façade i.e. emphasis on a vertical rhythm of bays has also been applied to the Castle Arcade façade. The combination of active

	frontages, new facades and entrances and environmental improvements will serve to significantly enhance and reinvigorate Castle Arcade as a connection and destination within the city centre.
4.10.17	The proposed Cornmarket façade will retain the hierarchy of windows sizes and proportions reducing in size from ground floor upward drawing references to the previous Victorian building which occupied the site at 3-9 Cornmarket (see image above). The Conservation Officer considers that further amendments including sub-division of openings at first floor levels, replacing glazed panels with solid panels, use of stall risers, change to materials and amendments to the entrance feature would have created a unified solid to void and vertical emphasis on this elevation. The Urban Design Officer welcomes the contextual cues that have been taken from the former Victorian façade in relation to the hierarchy of window openings, the stepped profile of window surrounds and a contemporary interpretation of the deep stone parapet cap which helps to screen roof plant behind and considers the proposed elevation an enhancement to the existing post-modernist façade. Proposed amendments to the Cornmarket façade will include a continuation of the glazed and cladding treatment proposed for Castle Lane and Castle Arcade. On balance, officers consider the proposals acceptable and an improvement when compared to the existing façade treatment.
4.11	Materials
4.11.1	The proposed palette of materials include curtain glazing and red coloured aluminium cladding along all facades. The applicant has intentionally limited the proposed external materials to glazing and a single red coloured cladding in order to create a strong identity for the building. The objection received raised concerns that the proposal does not reflect the historic nature or vernacular of the conservation area in this critical location. The proposed red tone aluminium cladding is a nod to traditional materials historically used in Belfast's built fabric such as the red brick found in the locality e.g. listed building (formerly Frasers) at 1-5 Castle Lane and 23-29 Cornmarket. There are many other such examples throughout the city centre. The continuity of a simple material palette throughout the development will bring coherence and unify the development.
4.11.2	The Conservation officer considers that the Castle Lane elevation would be actively harmful through contrast, diminishing the reading of the area as historic and undermining the current dominance of the Listed Masonic Building at Arthur Square in the long vista. However, this is not a concern raised by HED who consider that materials appropriate and advise that the Castle Lane façade does not compete or dominate the setting of listed buildings and that the proposal enhances the vista along Calendar Street.
4.11.3	In terms of materiality the Urban Design Officer notes a mix of cladding materials can be found along Castle Lane ranging from the more traditional red brick and stone cladding primarily associated with buildings fronting onto Cornmarket to the extensive use of glass and painted masonry within adjacent buildings along Castle Lane.
4.11.4	The proposed materials are considered appropriate and compatible with the surrounding context.
4.12	Impact on setting of Listed Buildings
4.12.2	Although the building is not listed the site is located in the vicinity of a number of listed buildings which are identified on the map below and include:-



Location of Neighbouring Listed Structures

1. 1-5 Castle Lane & 23-29 Cornmarket, Belfast (Grade B2 – Ref: HB26 50 304)
2. Masonic Building, 13-14 Arthur Square, Belfast (Grade B+ - Ref: HB26 50 039)
3. 1-5 High Street & 2-10 Cornmarket, Belfast (Grade B2 – Ref: HB26 50 232)

4.12.3 Policy BH 11 of PPS 6 [Development affecting the setting of a listed building] states that, *'The Department will not normally permit development which would adversely affect the setting of a listed building. Development proposals will normally only be considered appropriate where all the following criteria are met:*

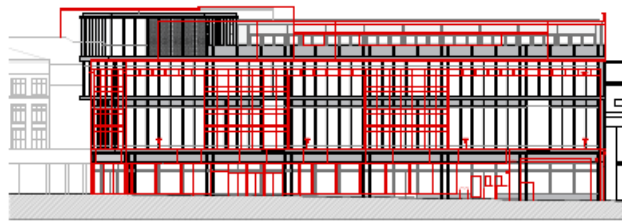
- (a) the detailed design respects the listed building in terms of scale, height, massing and alignment;*
- (b) the works proposed make use of traditional or sympathetic building materials and techniques which respect those found on the building; and*
- (c) the nature of the use proposed respects the character of the setting of the building.*

4.12.4 With regard to criterion (a) HED welcomes the detailed Design and Access statement which outlines the historic development of the area including historic photos and analysis of the Gaumont cinema which was previously located on the site before being demolished in 1962. HED accepts the justification for the increased mass of the proposal at the corner of Castle Lane and Castle Arcade and considers it as a modern interpretation of the original rounded corner and proposed rotunda of the Gaumont Cinema. HED considers the proposal respects the listed buildings in terms of scale, height, massing and alignment.

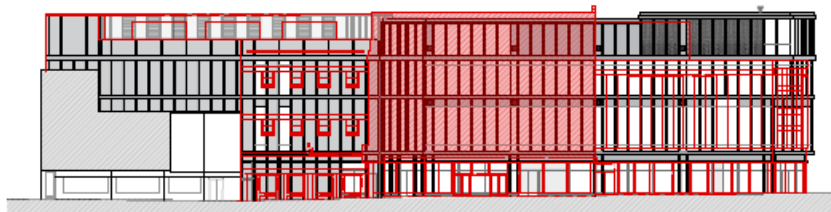
4.12.5 Para. 6.30 of PPS 6 states that *'The design of new buildings planned to stand alongside historic buildings is particularly critical. Such buildings must be designed to respect their setting, follow fundamental architectural principles of scale, height, massing and alignment and use appropriate materials. This does not mean however that new buildings have to copy their older neighbours in detail. Some of the most interesting streets in our towns and villages include a variety of building styles, materials and forms of construction of several different periods, which together form a visually harmonious group.'*

4.12.6 In respect of Criterion (b) HED consider that the proposed use of a matt red/ warm tone aluminium cladding system to be appropriate as it complements the red clay brick of HB26 50 304 (1-5 Castle Lane & 23-29 Cornmarket) and numerous listed red brick buildings within Belfast City Centre. HED further considers that the vertical fenestration provides rhythm along the horizontal form of Castle Lane façade.

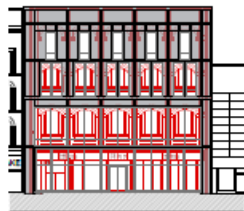
4.12.7	HED consider the façade design and articulation appropriate, as it does not compete with or dominate the setting of listed buildings and are of view that the proposal enhances the vista along Calendar Street between the red sandstone building (HB26 50015, Former Water Office, 1 Donegall Square Belfast) and the red brick building (HB26 50 157, Former Bradford and Bingley Building, 2 Chichester Street, Belfast) at the junction of Chichester Street and Donegall Square East.
4.12.8	HED Historic Buildings has considered the effects of the proposal on the listed buildings and are content that the proposal satisfies the policy requirements of paragraph 6.12 of the SPPS and BH11 PPS6, subject to conditions relating to materials. The proposed development is considered to comply with Policy BH 11 of PPS 6 and paragraph 6.12 of the SPPS.
4.13	Impact on Belfast City Centre Conservation Area
4.13.1	<p>PPS6 sets out a number of policies against which proposals for the demolition/partial demolition of non-listed buildings are assessed. These include:</p> <ul style="list-style-type: none"> • Policy BH 14 – Demolition in a Conservation Area • Policy BH 12 – New Development in a Conservation Area • Paragraph 6.25 of Policy BH 10 (Demolition of a Listed Building) of PPS 6 is also applicable where it is considered that a non-listed building proposed to be demolished makes a positive contribution to the conservation area.
4.13.2	<p>The SPPS also sets out policy considerations for proposals in a Conservation Area at paragraphs 6.18 – 6.20.</p> <p>The application site falls within Belfast City Centre Conservation Area.</p> <p>Proposed Demolition</p>
4.13.3	The drawings below illustrates proposed demolition (highlighted in red) relating to the elevations along Castle Lane, Castle Arcade and Cornmarket.



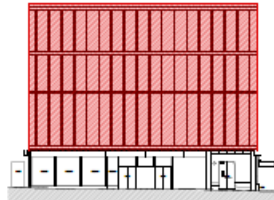
PROPOSED DEMOLITION ELEVATION ON CASTLE LANE, BELFAST



PROPOSED DEMOLITION ELEVATION ON CASTLE ARCADE, BELFAST



PROPOSED DEMOLITION ELEVATION ON CORN MARKET, BELFAST



PROPOSED DEMOLITION ELEVATION A



PROPOSED DEMOLITION ELEVATION B



PROPOSED DEMOLITION ELEVATION C

0

- 4.13.4 The Conservation Officer acknowledges that the proposal involves demolition of internal elements of the building, and the existing façade on Castle Lane of aggregate panels and strip windows between spandrels and that the façades are poor aesthetically and the building does not contribute to legibility, the reading of the place as a Victorian / Edwardian commercial city centre Conservation Area. The Conservation Officer considers that the proposed demolition can take place without harm to the Conservation Area, subject to adequate replacement.
- 4.13.5 With regard to Cornmarket the Conservation Officer notes that the existing façade dates from 1985 and considers this façade, through its materials, rhythm of bays, hierarchical window treatment represents an early exercise in contextual architecture and is therefore of architectural / historic interest in terms of the architectural evolution of the city. The Conservation Officer considers that it is of a muted nature visually and does not detract from listed buildings and does not raise any objection to its demolition subject to a satisfactory replacement.
- 4.13.5 The existing facades/building is considered to make no material contribution to the character or appearance of the conservation area and is considered to satisfy Policy BH 14 subject to satisfactory redevelopment proposals which are assessed below.
- Redevelopment Proposals**
- 4.13.6 Section 104 of the Planning (NI) Act 2011 places a statutory duty on the Council in relation to the consideration of proposals affecting Conservation Areas. Special regard must be had to the desirability of preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise;

	and enhancing the character or appearance of that area in cases where an opportunity to do so does arise.
4.13.7	In addition, Policy BH 12 [New Development in a Conservation Area] requires that development proposals for new buildings, alteration, extension and changes of use in a conservation area are required to meet 7 criteria. The proposed scheme is assessed against each of the criteria below.
4.13.8	Paragraph 7.8 of Policy BH 12 of PPS 6 states that <i>'Proposals for the alteration or extension of properties in a conservation area will normally be acceptable where they are sensitive to the existing building, in keeping with the character and appearance of the particular area and will not prejudice the amenities of adjacent properties. Extensions should be subsidiary to the building, of an appropriate scale, use appropriate materials and should normally be located on the rear elevations of a property. Very careful consideration will be required for alterations and extensions affecting the roof of a property as these may be particularly detrimental to the character and appearance of a conservation area.'</i> The development proposes alterations and an extension at upper levels which is further assessed below
4.13.9	Paragraph 7.9. of Policy BH 12 of PPS 6 states that <i>'In assessing applications for the change of use of a property within a conservation area consideration will be given to both the general land use policies of the Department and the impact of the proposed use on the character and appearance of the conservation area. New uses will normally only be acceptable where any associated external alterations, for example new shopfronts, are sympathetic to their setting and relate in scale, proportions and materials to the remainder of the building and the local street scene.'</i> The proposed change of use to upper floors seeks additional floorspace in the form of a canted corner feature at 2 nd and 3 rd floor levels and terraces (both covered and uncovered) at third floor level. The impact of this change of use/new development is assessed below. <i>Criteria (a) of Policy BH 12 requires that the development preserves or enhances the character and appearance of the area.</i>
4.13.10	The scheme has been founded upon a heritage led approach as set out in the Design and Access Statement. The proposed development draws historic references to the former Gaumont Cinema and the former Victorian building on Cornmarket both of which previously occupied the site. Historic references seek to be achieved in the composition of the facades without detriment to the character and appearance of the wider area.
4.13.11	The Conservation Officer advises that the existing facades are poor aesthetically. Officers' consider that they are of no architectural value/historic interest and the site does not currently display the best characteristics of a conservation area. Whilst the Conservation Officer considers that the proposed development is harmful to the character and appearance of the Conservation Area it is the view of officers' that for the reasons set out in the assessment of the design above the removal of the link element on Castle Arcade which does not make a positive contribution to the Conservation Area and the proposed alterations, extension and architectural treatment of the existing building will individually and cumulatively serve to regenerate the area and significantly enhance its appearance. It is considered that the proposed development will on balance result in an enhancement to the conservation area. The proposal is considered to meet criterion (a). <i>Criterion (b) of BH 12 requires that the development is in sympathy with the characteristic built form of the area.</i>
4.13.12	The development proposes the reuse of the existing building with modest increase in height and floorspace at second and third floor levels and will not result in a significant

	<p>change to the existing built form in the area. The proposal is considered to meet criterion (b).</p> <p><i>Criterion (c) of BH 12 requires that the scale, form, materials and detailing of the development respects the characteristic of adjoining buildings in the area.</i></p>
4.13.13	<p>The Conservation officer has indicated that the height of the corner represents a dominant corner marker. However, in terms of scale and form the development proposes to reuse the existing building with the addition of a feature corner and covered roof terraces resulting in additional floorspace at second and third floor levels. The additional height is considered modest. Materials complement the traditional red brick found in the local area and detailing of the facades is considered to reference the historic buildings previously located on the site in a contemporary manner. The scale, proportions and materials of the proposed alterations relate to the local context and respect the characteristics of adjoining buildings in the area. The proposal is considered to meet criterion (c).</p> <p><i>Criterion (d) of Policy BH 12 requires that the development does not result in environmental problems such as noise, nuisance or disturbance which would be detrimental to the particular character of the area.</i></p>
4.13.14	<p>Environmental Health (EH) has requested further noise information which is being addressed by the applicant. It is envisaged that an updated noise impact assessment and amended roof plan making changes to the extent of the roof terrace will enable EH to confirm that the proposed development would not give rise to environmental problems such as noise, nuisance or disturbance which would be detrimental to the character of the area. It is considered that the proposals satisfy criterion (d).</p> <p><i>Criterion (e) of Policy BH 12 requires that important views within, into and out of the area are protected.</i></p>
4.13.15	<p>Important views of the site are short range obtained from Donegall Place, Castle Lane, Arthur Square, Calendar Street, Corn Market, Castle Street, High Street and Donegall Square. It is considered that these views into, within and out of the area within which the site is located will be maintained and protected and will not be harmed. HED consider that the vista from Calendar Street from its junction with Donegall Square will be enhanced. It is considered that the proposals satisfy criterion (e).</p> <p><i>Criterion (f) of Policy BH 12 requires that trees and other landscape features contributing to the character or appearance of the area are protected.</i></p>
4.13.16	<p>Landscape proposals seek to ensure the retention and improvement to existing public realm along Castle Lane, Castle Arcade and Cornmarket which have been the subject of improvements as part of the Belfast Streets Ahead scheme and more recently the Belfast Entries Project.</p>
4.13.17	<p>Improvements to the public realm along Castle Arcade to tie in with existing public realm are proposed and will serve to enhance and protect the character and appearance of the Conservation Area. These will be secured through a planning condition. The removal of the bridge link element over Castle Arcade along with associated public realm improvements provides the opportunity to significantly enhance connections within the Conservation Area. It is considered that the proposed scheme satisfies criterion (f).</p> <p><i>Criterion (g) of Policy BH 12 requires that the development conforms to the guidance set out in the conservation area documents.</i></p>
4.13.18	<p>The site falls within the Belfast City Centre Conservation Area and the sub area of Cornmarket/Arthur Street. The Belfast City Centre Conservation Area Guide seeks to protect important buildings which contribute to the Area's character. The existing building</p>

	is of no architectural merit. The proposed materials are considered compatible with the surrounding area and are supported by HED and the Urban Design Officer. The scale and massing of the proposed development is not significantly different from that existing and is sympathetic to the rhythm of the street scene. The public realm improvements are a welcome inclusion and will enhance the immediate environment and improve connectivity within the wider area.
4.13.19	The Belfast City Centre Conservation Area Guide Enhancement strategy aims to encourage the bringing back into use of derelict or under-used land or buildings; improve the quality of life for people living, working and visiting the Area; help create a distinctive image attractive to visitors, based on the Area's existing heritage and attractive landscape and encourage a variety of land uses including offices, retailing, cultural, recreational and residential. The proposed development does not conflict with the Enhancement Strategy objectives.
4.13.20	The BCC Conservation Area Guide acknowledges that responsiveness to change and adaptability are important characteristics of cities which prosper. The proposed development seeks to change and adapt an existing building to provide an identity capable of attracting inward investment.
4.13.21	The proposed development is considered to comply with the BCC Conservation Area Guide. In assessing the proposal against Criteria (a) – (g) set out in Policy BH 14 of PPS 6 the proposed redevelopment scheme is considered to comply.
4.13.22	In accordance with Section 104 (11) of the Planning Act (Northern Ireland) and paragraph 6.18 of the SPPS, officers have assessed proposals for the demolition and redevelopment and are of the opinion that the proposed scheme provides a good quality development, including public realm improvements, improved connectivity in the area with the environmental improvements proposed on Castle Arcade. The significant benefits that would accrue from the scheme (set out at para 4.9.8 above) are grounded in the public interest and are considered to outweigh the Conservation Officer's concerns regarding the design and elevation treatment. Notwithstanding, it is the view of officers that overall, the proposed scheme is of a better architectural quality compared with the existing building or extant scheme in terms of its design approach. Officers' consider that the proposed scheme provides the opportunity to significantly enhance the the character and appearance of the Belfast City Centre Conservation Area.
4.13.23	The proposal does not conflict with the guiding principle set out in the SPPS and Section 104 (11) of the Planning Act to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists.
4.14	Impact on Archaeology
4.14.1	HED (Historic Monuments) advises that due to the limited nature of ground disturbance and the results of previous archaeological investigations in this vicinity, they are content that the proposal is satisfactory and complies with SPPS and PPS 6 archaeological policy requirements.
4.15	Public Realm Proposals
4.15.1	Castle Arcade has been subject to environmental improvements including the Streets Ahead project and its surface currently comprises a mix of granite and Caithness stone pavers. There is however a small portion that has currently a resin bound surface and the applicant proposes to replace this surface with Caithness stone to tie in with the existing surface material. In addition, the Castle Arcade signs will be re-laid at the entrance from Castle Lane and Cornmarket.

4.15.2	<p>Whilst the link element on the Castle Arcade will be demolished its steel support structure which will be left in place and provides the opportunity for a hanging garden within Castle Arcade. This system comprises a stainless steel net system affixed to support beams between buildings to support climbers and the Urban Design Officer considers that it will help inject further colour and animation to the arcade. BCC LPDT are fully supportive of the proposals to enhance the Castle Arcade pedestrian corridor between Castle Lane and Corn Market using high-quality, natural stone paving and overhead planting systems. LPDT advise that in its present condition Castle Arcade is dark and uninviting and continues to suffer from issues associated with anti-social behaviour and acknowledge that the proposed removal of the existing pedestrian bridge and replacement with a number of high-level planting systems will increase levels of natural light within the space, help green the city centre and greatly improve perceptions of safety.</p>
4.15.3	<p>BCC LPDT note the reference to overhead lighting in the Design & Access Statement and are fully supportive of the inclusion of an innovative lighting system within the hanging gardens feature that will provide appropriate and even lux levels throughout the Castle Arcade route. A proposed lighting scheme will also support the Lighting Strategy for Belfast Initiative. The Urban Design Officer advises that consideration could be given to a degree of external down/lighting within the composition of panelling along Castle Arcade to enhance safety levels at night. A condition is recommended requiring a Lighting Strategy to be submitted and agreed in advance of operation of the development.</p>
4.15.4	<p>BCC CRD welcome the removal of the bridge link stating that it will open up the Arcade, introduce further natural light and enhance perceptions of safety. Furthermore, CRD advise that the applicant's proposal to upgrade the paving materials at Castle Arcade is particularly welcome and it is noted that reference has been made to the Department for Communities Public Realm Palette of Materials Guidance. CRD supports the proposed unified approach to the public realm at Castle Arcade, which will create visual continuity through the space by the choice of paving materials and arrangement. CRD welcome the incorporation of the existing entry signage and Castle Arcade paving name feature into the landscape design.</p>
4.15.5	<p>CRD also support the opportunity to create green streets within the city centre, through the inclusion of the proposed 'hanging garden'. The integrated accent lighting will also enhance the character of the area and provide night-time interest. This aligns with the aims of the Bolder Vision, Blue & Green Infrastructure Plan and Belfast Lighting Strategy.</p>
4.15.6	<p>BCC LPDT confirm that the landscape management plan for proposed works is acceptable.</p>
4.16	<p>Access, Parking and Servicing</p>
4.16.1	<p>Pedestrian access to the building will be provided by individual accesses to the three ground/first floor retail units from Castle Lane and Cornmarket and access to the upper floor leisure uses and small ground floor retail kiosk from Castle Arcade. The D&AS confirms that the vehicular access and servicing arrangements previously in place to serve the former BHS will be maintained within the current proposals.</p>
4.16.2	<p>No incurtilage parking is currently provided on site and no parking is proposed. Given the sustainable city centre location, which is well served by public transport and easily accessible for pedestrians and cyclists the zero parking level is considered acceptable. The Travel Plan proposes the implementation of a Travel Co-Ordinator to promote sustainable transport modes for employees. DFI Roads consider the Travel Plan acceptable.</p>

4.16.3	Servicing of the site is proposed from adjacent streets and a service yard/access is located off Cornmarket. The Service Management Plan states that the Building Management Team will be responsible for agreeing the delivery times of vehicles to the development and all deliveries will be undertaken during off – peak periods on the adjacent road network and delivery slots will be co-ordinated and confirmed to ensure that there is no impact on the public road network and with other deliveries.
4.16.4	It is proposed that waste will be stored in dedicated bin areas in a service corridor off Cornmarket and that the Building Management Team will move the bins will be moved from the storage area out onto Cornmarket on bin collection day and returned to the bin storage area immediately after being emptied.
4.16.5	DFI Roads has no objections to the proposed development subject to conditions which are set out below. The development complies with the SPPS and PPS 3.
4.16.6	BCC Waste Management Team consider that there is sufficient space available to comply with waste management requirements, subject to bins being carefully managed and frequent collections. This will be tested more robustly at the Building Control stage under Building Regulation requirements.
4.17	Environmental Considerations
	Drainage
4.17.1	The application is supported by a Flood Risk Assessment. The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under Policies FLD 1, 2, 3, 4 and 5.
4.17.2	NI Water has no objection to the proposed development and advises that there is available capacity at the Waste Water Treatment Works to serve the development; that existing premises/site may already be connected to public wastewater network and there is a public water main within 20m of the proposed development boundary which can adequately service these proposals.
4.17.3	The drainage arrangements for the proposed development have already been established through the previous use on the site and are considered acceptable.
	Contamination
4.17.4	The application is supported by a Land Contamination Assessment which has been considered by both DAERA, NIEA and Environmental Health. Neither have raised objections and both have provided conditions/informatives if permission is granted.
	Noise
4.17.5	Environmental Health has sought further information in respect of noise impacts which the applicant is addressing. Following discussions between the applicant's team and Environmental Health a revised third floor plan has been submitted removing an area of proposed terrace along with an amended Noise Impact Assessment which are under review by Environmental Health. This application has been brought to the Committee in advance of resolution of this matter due to time pressures for delivery of the scheme by the applicant. Delegated authority is therefore requested to resolve this matter. Updates will be set out in the late items report.
4.17.6	Air Quality Environmental Health has reviewed the proposal and recommends a condition requiring and Air Quality Impact Assessment to be submitted and agreed in the event that centralised combustion sources are proposed to serve the building as set out below.
4.18	Pre-Application Community Consultation

4.18.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 9th July 2021 (LA04/2021/1648/PAN). Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable. An online information event via a dedicated website was proposed between Monday 16 th August 2021 and Monday 20 th September 2021.
4.18.2	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that 90 businesses and residents within a 200m radius of the centre of the site received a pack containing information leaflets, comment cards and self-addressed envelopes and that the online digital consultation took place. The report states that one comment was left via the digital comment card which supported the proposed development.
4.18.3	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.
Neighbour Notification Checked Yes	
Summary of Recommendation: <p>Having regard to the development plan, relevant policy context and other material considerations, including the objection the proposal is on balance considered acceptable and approval is recommended subject to conditions for application LA04/2022/0535/F and Conservation Area Consent is recommended for application LA04/2022/0468/DCA.</p> <p>It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of the conditions and resolve the issues raised by Environmental Health in respect of noise subject to no new substantive planning issues being raised.</p>	
Draft Conditions:- LA04/2022/0535/F:- <p>1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. No external finishes shall applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external finishes.</p>	

Reason: In the interests of the character and appearance of Belfast City Centre Conservation Area and to respect the character of the setting of the building and ensure the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

3. Materials shall be:

- Curtain walling, frames, mullions, cladding: Aluminium coloured similar as identified in CGI's in Design and Access Statement.

Reason: To respect the character of the setting of the building and ensure the proposal is compliant with Policy BH11 (Development affecting the Setting of a Listed Building) of the Department's Planning Policy Statement 6: Planning, Archaeology and the Built Heritage.

4. Prior to operation of any of the units hereby approved a lighting plan shall be submitted and agreed in writing by the Council. The Lighting plan shall be implemented prior to operation of the development and retained thereafter in accordance with the agreed details

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

5. All hard and soft landscaping works shall be carried out in accordance with the approved details as set out in Drawing No. 17 – Landscape Plan and the Landscape Concept Design Booklet published by the Council on 01/04/22. The works shall be carried out prior to the operation of any part of the development and retained thereafter unless otherwise agreed in writing by the Council. Any proposed trees or plants indicated on the approved plans which die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council. All hard surface treatment of open parts of the site shall be permeable or drained to a permeable area. All hard landscape works shall be permanently retained in accordance with the Landscape Management and Maintenance Plan published by the Council on 01/04/22.

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

6. No operations shall commence at the hereby permitted development until the kitchen extraction and odour abatement system recommended within the submitted Layde Consulting report entitled '13-25 Castle Lane Noise & Odour Impact Assessment', dated February 2022, referenced P540/1 and as detailed on the drawing completed by AECOM, entitled Project: Proposed Redevelopment at No 13-25 Castle Lane, Belfast (no reference) unless otherwise agreed in writing by the Planning Authority, has been installed by a competent ventilation engineer. The approved system must be maintained and retained thereafter.

Reason: Protection of amenity of neighbouring properties.

7. In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), an Air Quality Impact Assessment shall be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development.

Reason: Protection of amenity of neighbouring properties.

8. If during the development works, new contamination or risks to the water environment are encountered which have not previously been identified, works should cease and the Planning

Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified, a remediation strategy shall be agreed with the Planning Authority in writing, and subsequently implemented and verified to its satisfaction.

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

9. After completing all remediation works under Condition 8 and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/land-contamination-how-to-manage-the-risks>.

The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

10. The development hereby approved shall operate in accordance with the Service Management Plan published by the Council on 16/03/22.

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

11. The development hereby approved shall operate in accordance with the Travel Plan published by the Council on 05/05/22.

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

LA04/2022/0468/DCA:-

1. The demolition hereby granted must be begun within five years from the date of this consent.

Reason: As required by Section 105 of the Planning Act (Northern Ireland) 2011.

2. This consent relates only to the walls / structures coloured red on Drawing Nos. 05, 06 and 07 published by the Council on 09.03.22 and to no other part of the building on the site.

Reason: In the interests of the preservation of the Belfast City Centre Conservation Area.

Notification to Department (if relevant)

Date of Notification to Department: Not Required

Response of Department:

Representations from Elected Members: - None

ANNEX

Date Valid	10th March 2022
Date First Advertised	25th March 2022

Date Last Advertised	
Details of Neighbour Notification (all addresses) The Owner/Occupier, 1 Corn Market,Belfast,Antrim,BT1 4DA The Owner/Occupier, 11 Corn Market,Belfast,Antrim,BT1 4DA The Owner/Occupier, 12-14 ,Castle Lane,Belfast,Antrim,BT1 5DA The Owner/Occupier, 13 Corn Market,Belfast,Antrim,BT1 4DA The Owner/Occupier, 15-17 ,Corn Market,Belfast,Antrim,BT1 4DA The Owner/Occupier, 16 Castle Lane, Belfast, BT1 5DA The Owner/Occupier, 16 Castle Lane,Belfast,Antrim,BT1 5DA The Owner/Occupier, 17 Castle Arcade,Belfast,Antrim,BT1 5DG The Owner/Occupier, 18 Castle Lane, Belfast, BT1 5DA The Owner/Occupier, 18-20 Castle Lane, Belfast, BT1 5DA The Owner/Occupier, 2 Castle Place,Belfast,Antrim,BT1 1GB The Owner/Occupier, 26 Castle Lane,Belfast,Antrim,BT1 5DB The Owner/Occupier, 27-29 ,Castle Lane,Belfast,Antrim,BT1 5DB The Owner/Occupier, 28-30 ,Castle Lane,Belfast,Antrim,BT1 5DB The Owner/Occupier, 32 Castle Lane,Belfast,Antrim,BT1 5DB The Owner/Occupier, 39 Castle Lane,Belfast,Antrim,BT1 5DB The Owner/Occupier, 4 Castle Lane,Belfast,Antrim,BT1 5DA The Owner/Occupier, 7 Castle Lane, Belfast, BT1 5DA The Owner/Occupier, 8 Castle Lane, Belfast, BT1 5DA The Owner/Occupier, 9 Castle Lane, Belfast, BT1 5DA David Flinn Chairperson,Belfast Civic Trust The Owner/Occupier, Office (2nd Floor),1-9 ,Castle Arcade,Belfast,Antrim,BT1 5DF The Owner/Occupier, Office (3rd Floor),1-9 ,Castle Arcade,Belfast,Antrim,BT1 5DF The Owner/Occupier, Suite A,12-14 ,Castle Lane,Belfast,Antrim,BT1 5DA The Owner/Occupier, Suite C,12-14 ,Castle Lane,Belfast,Antrim,BT1 5DA The Owner/Occupier, Suite D,12-14 ,Castle Lane,Belfast,Antrim,BT1 5DA	
Date of Last Neighbour Notification	21st March 2022
Date of EIA Determination	N/A
ES Requested	No

Drawing Numbers and Title

- 01 – Site Location Plan – published 16/03/22
- 05 – Demolition First and Second floor - published 16/03/22
- 06 – Demolition Second and Third Floor - published 16/03/22
- 07 – Demolition Elevations - published 16/03/22
- 08 – Proposed Block Roof Plan - published 16/03/22
- 09 – Proposed Ground and First Floor Plan - published 16/03/22
- 10a – Proposed Second and Third Floor Plan - published 17/06/22
- 11 – Proposed Site Plan - published 16/03/22
- 12 – Existing and Proposed Elevation A, B & C - published 16/03/22
- 13a – Existing & Proposed Elevation on Castle Lane Rev A – published 01/04/22
- 14a – Existing & Proposed Elevation on Castle Lane Rev A – published 01/04/22
- 15a – Existing & Proposed Elevation on Corn Market Rev A – published 01/04/22
- 16 – Kitchen Ventilation Drawing – published 16/03/22
- 17 – Landscape Plan – published 01/04/22

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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

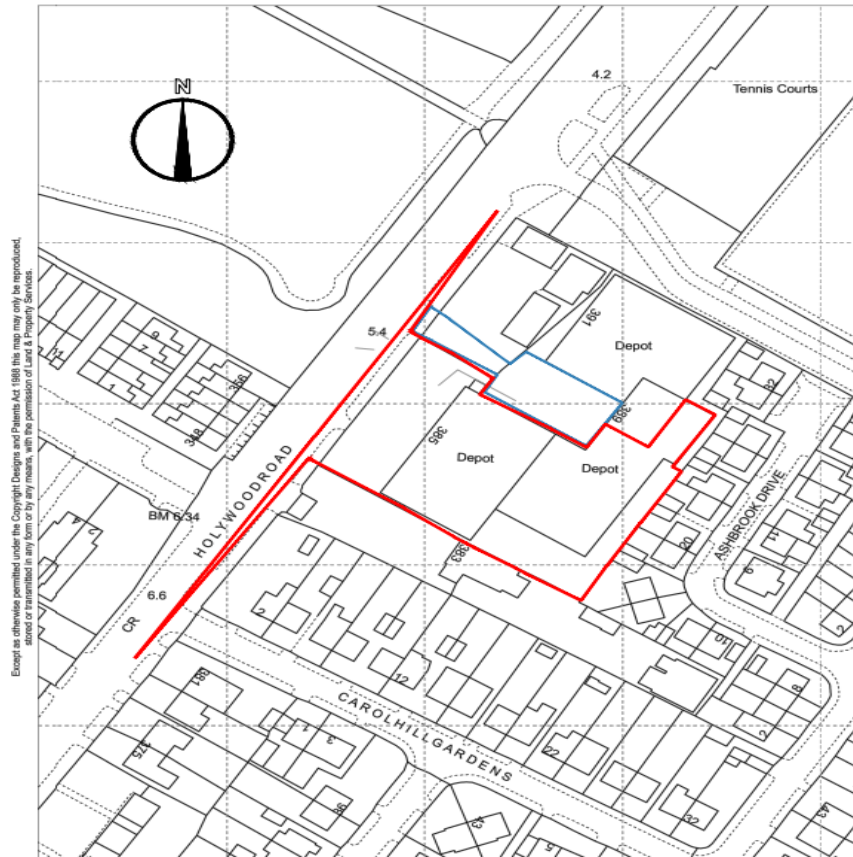
Having regard to the policy context and other material considerations, the proposal is considered unacceptable, and refusal of planning permission is recommended for the reasons set out below. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of reasons 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





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><u>SPPS</u></p> <p>The SPPS provides a regional framework of planning policy that will be taken account of in the preparation of Belfast City Council's Local Development Plan (LDP). At present, the LDP has not been adopted therefore transitional arrangements require the council to take account of the SPPS and existing planning policy documents, with the exception of PPS 1, 5 and 9.</p>
8.4	<p>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>

	<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.</p>
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	<p>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.</p>
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	
Date of EIA Determination	
ES Requested	No

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)

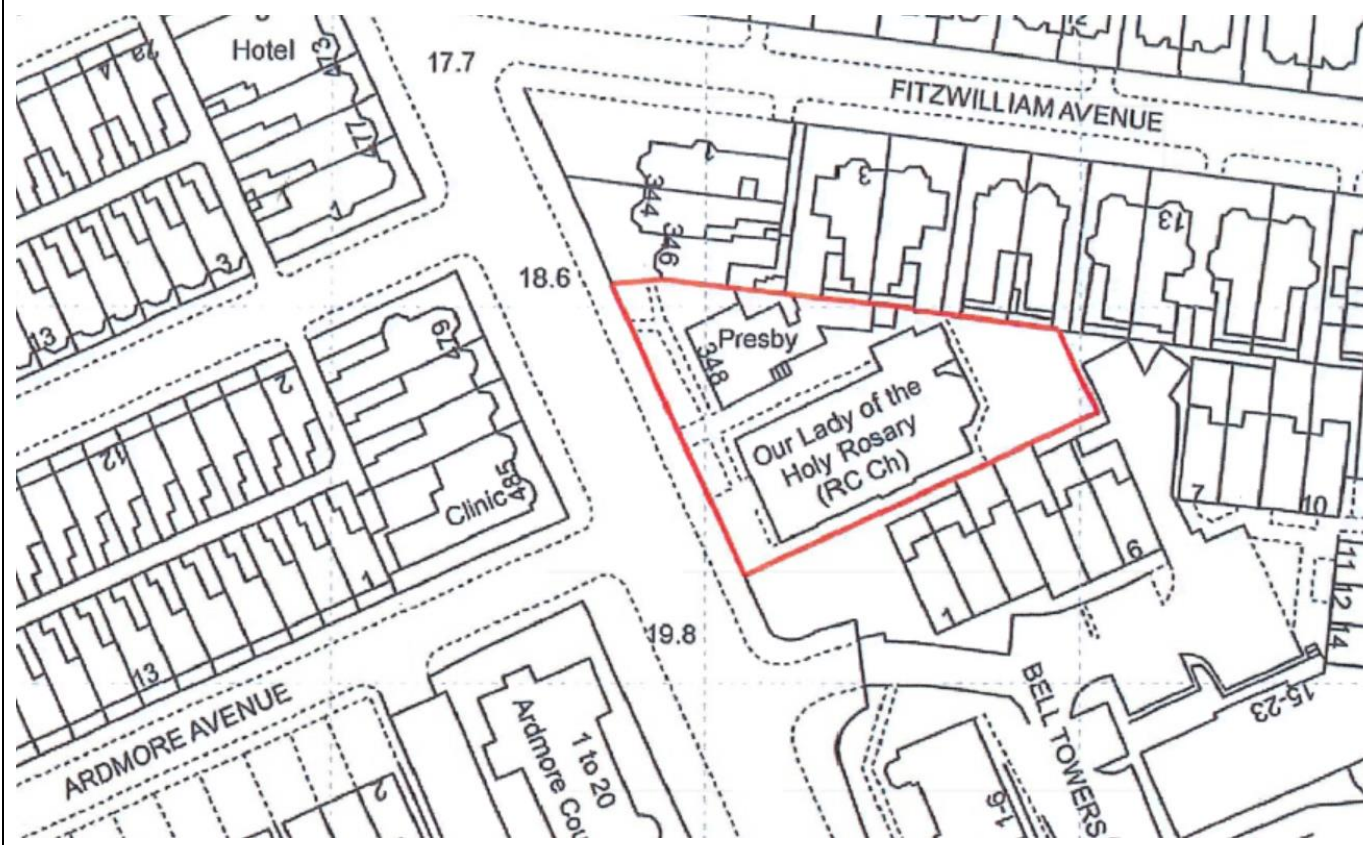
Date of Notification to Department:

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>
<p>Notification to Department (if relevant): No</p>	
<p>Representations from Elected members: None</p>	



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 Tates Avenue and change of use from veterinary practice and 1st floor apartment to dwelling	232 to 236 Tates 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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Subject:	Updated Schedule of Planning Committee Workshops
Date:	27 June 2022
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Keith Sutherland, Planning Manager (Plans and Policy)

Restricted Reports	
Is this report restricted?	Yes <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	The purpose of this report is to provide Members with an updated Schedule of Planning Committee Workshops (see Appendix 1). The Planning Committee is asked to agree the updated programme.
2.0	Recommendation
2.1	That the Planning Committee agrees the updated Schedule of Planning Committee Workshops at Appendix 1 for the period August 2022 to August 2023.
3.0	Main Report
3.1	In December 2020, the Planning Committee agreed an updated Schedule of Planning Committee Workshops to support Members' continuous development. Most of the sessions took place other than the workshops on Urban Design and Conservation (originally scheduled for August 2021); and Developer Contributions (September 2021). These were postponed due to the need to hold additional Planning Committee meetings to complete additional Committee Business.

3.2	A further Schedule of Planning Committee Workshops was agreed in September 2021. It was envisaged at the time of agreement that these workshops would be held in person. The continuing COVID restrictions meant that this wasn't possible and on a number of occasions the Committee agreed to delay the workshops until they could be held in person.
3.3	In anticipation of a return to in person meetings after the recess, a recommended updated schedule of workshops is provided at Appendix 1 . No workshop has been suggested in August 2022 as there may be significant business at the regular Planning Committee following the recess. It is proposed that the workshop in September will review the Planning Committee Operating Protocol. This review workshop was originally planned for October 2021 and will ensure the efficient and effective operation of the Committee going forward.
3.4	The workshops scheduled for 2022/23 will need to be fluid to allow for adaptation and additional sessions to be held on the adoption and implementation of the new Belfast LDP Plan Strategy, depending on the emerging timetable. Two workshops are provisionally identified for December 2022 and January 2023.
3.5	The Draft Schedule is indicative and includes two months (April and May 2023) where the subject of workshops is to be decided. This means that the Committee can suggest workshops going forward and these will be accommodated where possible.
4.0	Financial & Resource Implications
4.1	The preparation of the workshops, including attendance by officers, will have some impact on resources, but is considered value for money. Where appropriate, the Planning Service may choose to appoint outside professionals or agencies to lead or participate, which may result in additional costs.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	There are no equality or good relations implications associated with this report.
6.0	Appendices – Documents Attached
	Appendix 1 – Proposed Schedule of Planning Committee Workshops.

Draft Schedule of Planning Committee Workshops

August 2022 – June 2023

Committee	Workshop Topic
August 2022	No workshop
September 2022	Review of the Planning Committee Operating Protocol
October 2022	Principles of decision making including “on balance” decisions
November 2022	New regional Planning IT system (what it means for the Council’s Planning Service, Customers and Online applications)
December 2022	Local Development Plan & Supplementary Planning Guidance
January 2023	Local Development Plan & Supplementary Planning Guidance
February 2023	Planning Conditions, Planning Agreements and Developer Contributions
March 2023	Place Making (Urban Design and Conservation)
April 2023	To be decided
May 2023	To be decided
June 2023	Annual Performance for 2022/23 and Improvement

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

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