

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



**Belfast
City Council**

13th September, 2023

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in hybrid format, both in the Lavery Room - City Hall and remotely, via Microsoft Teams, on Tuesday, 19th September, 2023 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) Minutes
 - (c) Declarations of Interest
2. **Notifications from Statutory Bodies, Abandonment, Extinguishment and Vesting Orders** (Pages 1 - 16)
3. **Provision of Accessible Parking Bay**
 - (a) Notification for 92 Disraeli Street (Pages 17 - 20)
 - (b) Notification for 9 Knock Link (Pages 21 - 24)
 - (c) Notification for 7 Adelaide Avenue (Pages 25 - 28)
4. **Appeals** (Pages 29 - 30)

5. **Planning Decisions Issued** (Pages 31 - 50)
6. **Miscellaneous Reports**
 - (a) Building Control Consultation Response (Pages 51 - 84)
7. **Local Development Plan Enforcement Strategy** (Pages 85 - 112)
8. **New Planning Applications**
 - (a) LA04/2020/1901/F and 1899/LBC - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first and second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description and drawings), Former Good Shepherd Centre at lands at Nos 511 and 511a Ormeau Road (Pages 113 - 136)
 - (b) LA04/2022/1677/F and 1679LBC - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). Former Good Shepherd Centre at lands at Nos. 511 and 511a Ormeau Road, Belfast BT7 3GS. (Pages 137 - 160)
 - (c) LA04/2021/1808/F - Proposed residential development comprising of 14 dwellings, access from Lagmore View Lane and Lagmore Glen, completion of remaining areas of open space (including hard and soft landscaping), provision of parking bays and speed cushions to improve road safety along Lagmore View Road, and all associated site works. Lands South and East of 148-163 Lagmore View Lane North and West of 37, 81, 82 and 112 Lagmore Glen and Lagmore View Road, Belfast (Pages 161 - 186)
 - (d) LA04/2021/1447/F - 28 house development (social housing) including provision of new access, below ground pumping station, open space and landscape, Lands NE of 265 Whiterock Road (Pages 187 - 204)
 - (e) LA04/2021/2811/F and/ or LA04/2021/2488/F- Application under section 54 of the Planning Act (NI) in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary condition No.6 (seeking to remove requirement for archaeological works set out in the approved programme of works to be implemented prior to commencement of any site works or development). Corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road (Pages 205 - 210)
 - (f) LA04/2023/3787/LBC - Proposed demolition of lean-to external store. 2 Royal Avenue, Belfast, BT1 1DA (Pages 211 - 218)
9. **Restricted Items**
 - (a) Quarter 1 2023/24 Finance Report (Pages 219 - 226)
 - (b) LDP Update and Timetable (Pages 227 - 234)

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Subject:	Notifications from statutory bodies (Vesting Order & Extinguishment)
Date:	19 th September 2023
Reporting Officer:	Kate Bentley, Director of Planning & Building Control
Contact Officer:	Keith Sutherland, Planning Manager (Plans & Policy)

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

1.0	Purpose of Report or Summary of Main Issues
1.1	To bring to the attention of the Planning Committee two notifications that have been received from the Department for Communities (DfC) and the Northern Ireland Housing Executive (NIHE) (see Appendices 1-4).
2.0	Recommendation
2.1	The Committee is asked to note this report and the notification correspondence received as set out in the appendices.
3.0	Main Report
3.1	The Council has received two notifications from statutory bodies, one each from the DfC and the NIHE:
3.2	<p>Notice of Intention to vest land at Woodbourne Crescent/Suffolk Road, Belfast</p> <p>Received on 6th June 2023 this notification from the DfC concerns a notice of intention to make a Vesting Order under The Planning (NI) Order 1991 and the Local Government Act (NI) 1972 to acquire lands at Woodbourne Crescent/Suffolk Street (Appendix 1). The purpose of the Vesting Order is to facilitate the implementation of an Environmental Improvement Scheme which received planning approval from the Council in February 2020 (Application Ref. LA04/2019/1232/F) (Appendix 2).</p>
3.3	<p>Extinguishment of Public Right of Way – Pathway at Maureen Sheehan Centre</p> <p>Received on 18th August 2023 this notification from the NIHE relates to the proposed extinguishment of a public right of way under Article 88D of Housing (NI) Order 1981 (Appendix 3) The extinguishment will apply to a 17m section of pathway adjacent to the Maureen Sheehan Centre which links Albert Street to Roumania Rise. The NIHE previously confirmed an extinguishment of public right of way over Roumania Rise on 25th October 2022.</p>
3.4	The purpose of this extinguishment is to facilitate the implementation of an Environmental Improvement Scheme which received planning approval from the Council in October 2018

	(Application Ref. LA04/2017/2517/F) (Appendix 4).
3.5	In considering both of these notifications consultation was carried out with other services within the Council – City & Neighbourhood Services, Physical Programmes and City Regeneration & Development. Whilst there were no objections in principle to either of the notifications a number of technical queries were raised regarding the Woodbourne Crescent scheme which will be forwarded to the Department for clarification.
3.6	<u>Financial & Resource Implications</u> There are no resource implications associated with this report.
3.7	<u>Equality implications or Good Relations implications / Rural needs assessment</u> None.
4.0	Appendices – Documents Attached
	<p>Appendix 1: Notice of Intention to vest land at Woodbourne Crescent/Suffolk Road, Belfast</p> <p>Appendix 2: Location of land proposed for vesting and approved Environmental Improvement Scheme (LA04/2019/1232/F)</p> <p>Appendix 3: Extinguishment of Public Right of Way – Pathway at Maureen Sheehan Centre Extinguishment Order</p> <p>Appendix 4: Approved Environmental Improvement Scheme (LA04/2017/2517/F)</p>



Department for

Communities

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Department for

Commonities

www.communities-ni.gov.uk

By post:

2 June 2023

Building Successful Communities
3rd Floor, Causeway Exchange
1-7 Bedford Street
Belfast
BT2 7EG
Tel: 028 90515233
Contact: 
BSCWoodbournevesting@communities
-ni.gov.uk

Notice of Intention to vest land at Woodbourne Crescent/Suffolk Road Belfast

I enclose for your information and attention, as appropriate, a copy of the above-mentioned Notice of Intention to Vest together with a map which outlines the area of land which the Department proposes to acquire.

The Notice of Intention to make a Vesting Order in relation to the land at Woodbourne Crescent/Suffolk Road Belfast will be published in the three regional daily newspapers and in the Andersonstown News on 7 June and 14 June 23. The advertisement includes details of how an individual can contact the Department or seek further information regarding this matter.

Yours faithfully,

Sharon Donnelly
Regeneration Officer BSC

DEPARTMENT FOR COMMUNITIES

THE PLANNING (NORTHERN IRELAND) ORDER 1991

THE LOCAL GOVERNMENT ACT (NORTHERN IRELAND) 1972

NOTICE OF INTENTION TO MAKE A VESTING ORDER

WOODBOURNE CRESCENT/SUFFOLK ROAD BELFAST

TAKE NOTICE that the Department for Communities ("the Department") in pursuance of the provisions of the above Act and Order intends to make an Order vesting the lands described in the schedule annexed hereto in the Department in accordance with and subject to the provisions of the above Act and Order; the Department desires to acquire the said lands otherwise than by agreement for the purpose of securing the treatment of the lands as a whole by development or redevelopment.

A copy of the Intention to make a Vesting Order and a map showing the lands proposed to be acquired may be inspected by appointment. E-mail your contact details to BSCWoodbournevesting@communities-ni.gov.uk and a department official will contact you to arrange an appointment.

Any objections to the proposed Order must be presented in writing setting out the grounds thereof to Department for Communities, Housing Investment Branch, Building Successful Communities, Causeway Exchange, 1-7 Bedford Street, Belfast BT2 7EG or *via email to* BSCWoodbournevesting@communities-ni.gov.uk, on or before 15 July 2023.

Information you provide in your response, including personal information, could be published or disclosed under the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR). For further details on confidentiality and FOIA please refer to www.ico.org.uk.

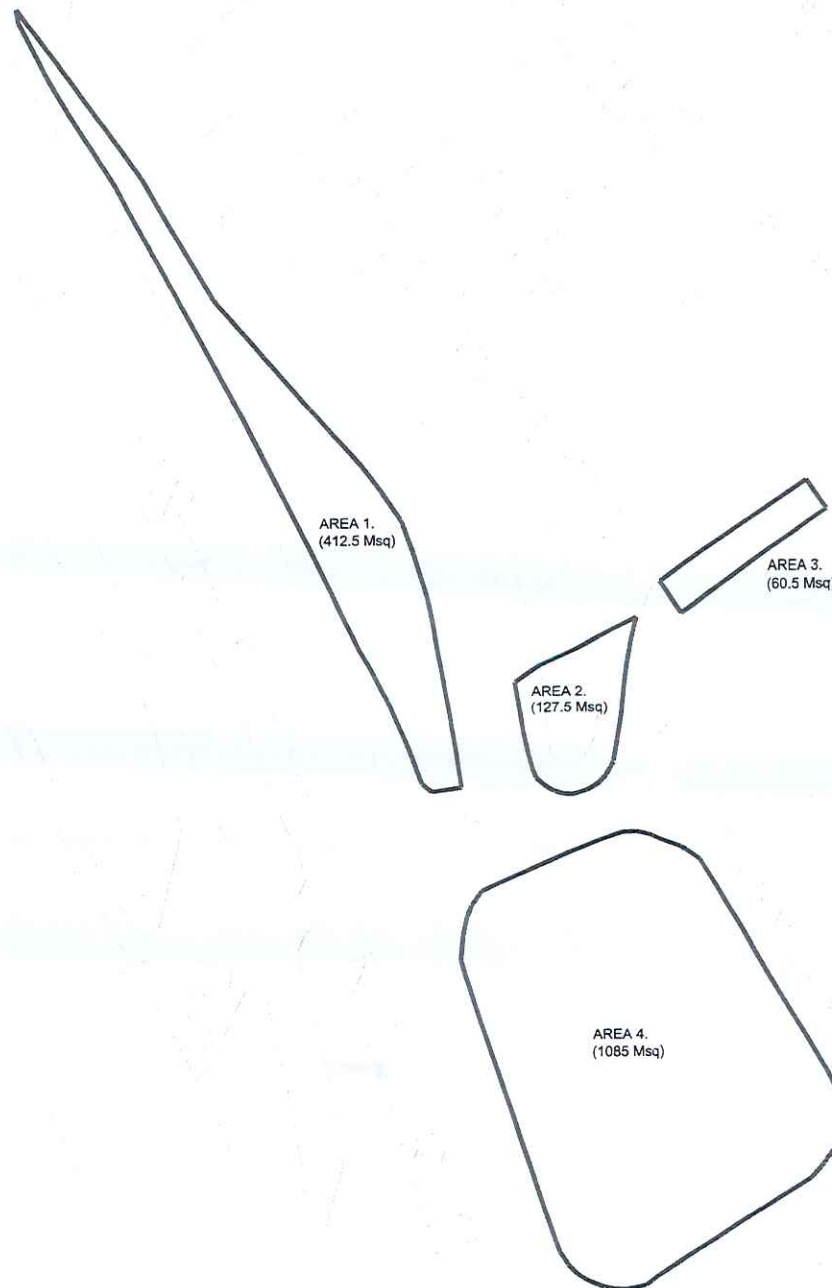
For information regarding the Departmental Privacy Notice following the introduction of GDPR please go to the Department website at www.communities-ni.gov.uk/dfc-privacy-notice or phone the Data Protection Officer on 02890829200.

Dated this 31 day of May 2023

Paul Price, Director

**A Senior Officer of
the Department for Communities**





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DEPARTMENT FOR
PLACE AND ECONOMY
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06 JUN 2023

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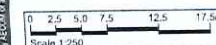
DEPARTMENT
FOR COMMUNITIES

CONSULTANT

AECOM
10th Floor, The Clarence West Building
2 Clarence Street West
+44 (0)28 9050 7200
www.aecom.com

NOTES

PRELIMINARY ISSUE



ISSUE/REVISION

NO	DATE	DESCRIPTION
1	SEPT 22	PRELIMINARY ISSUE

KEY PLAN

PROJECT NUMBER

60537094

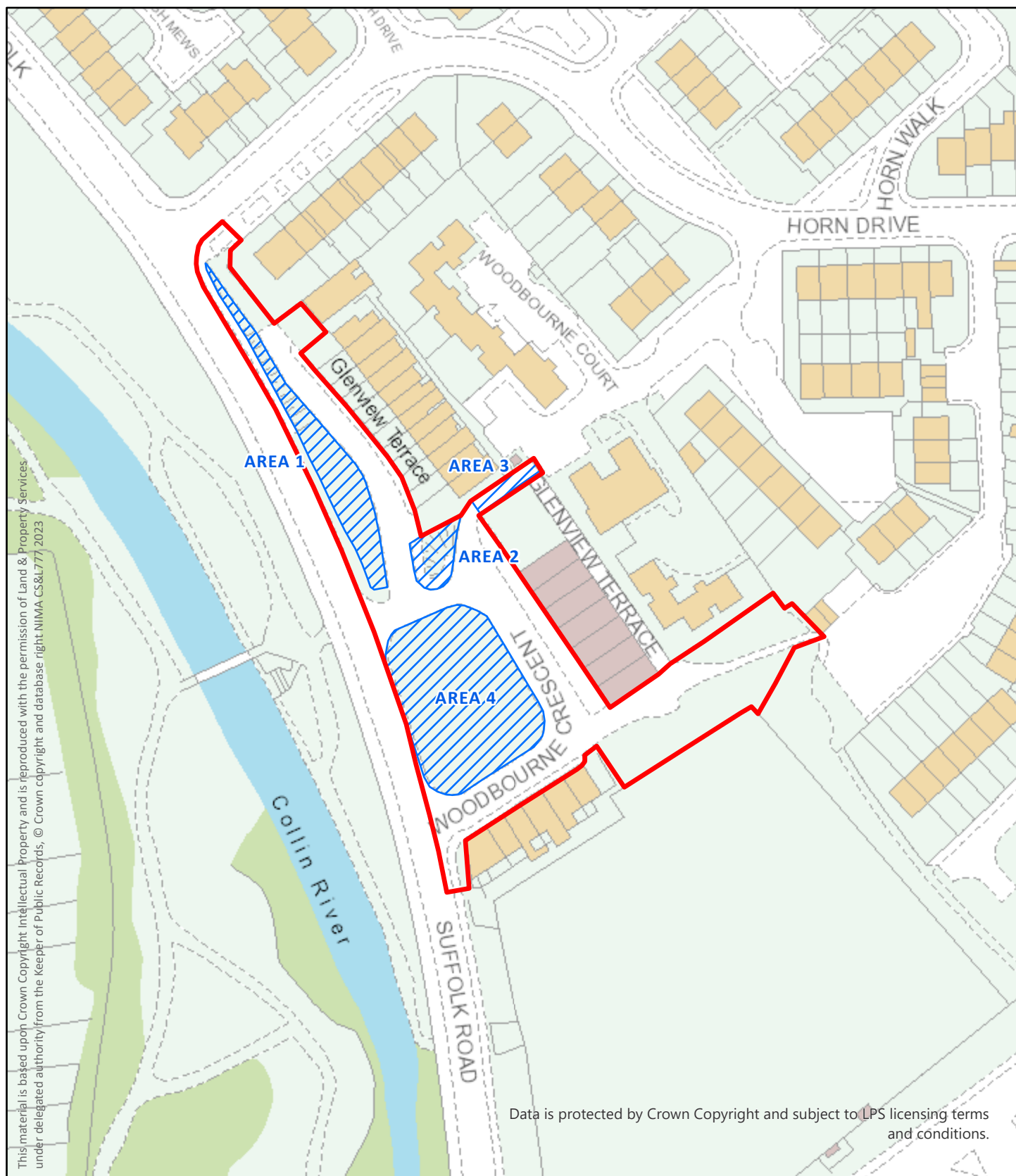
SHEET TITLE

LAND ACQUISITION MAP



SHEET NUMBER

SHT-10-0000-L-0001

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DfC Notice of Intention to vest land at Woodbourne Crescent/Suffolk Road Belfast, June 2023

-  Land subject to Vesting Order
-  Planning approval LA04/2019/1232/F





Page 8

<div>NOTES</div> <div><div>1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION.</div><div>2. DO NOT SCALE FROM THIS DRAWING. USE ONLY PRINTED DIMENSIONS.</div><div>3. ALL DIMENSIONS IN MILLIMETRES. ALL CHAINAGES, LEVELS AND COORDINATES ARE IN METRES UNLESS DEFINED OTHERWISE.</div><div>4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE PROJECT HEALTH & SAFETY FILE FOR ANY IDENTIFIED POTENTIAL RISKS.</div></div>				<div>SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION BOX</div> <div><div>IT IS ASSUMED THAT ALL WORKS ON THIS DRAWING WILL BE CARRIED OUT BY A COMPETENT CONTRACTOR WORKING, WHERE APPROPRIATE, TO AN APPROPRIATE METHOD STATEMENT.</div><div>THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSE OF ISSUE THAT IT WAS ISSUED FOR AND IS SUBJECT TO AMENDMENT.</div><div>Purpose of issue</div><div>PLANNING</div></div>				<div>Client</div> <div>Department for Communities</div> <div>Woodbourne EI Scheme</div>				<div>Project Title</div> <div>LANDSCAPE LAYOUT</div>			
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Belfast City Council
The Cecil Ward Building
4-10 Linenhall Street,
Belfast
BT2 8BP

Date: 15th August 2023

Our Ref: Pathway at Maureen Sheehan Centre Extinguishment

Dear Sirs,

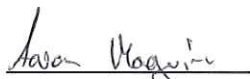
Re: Extinguishment of Public Right of Way – Pathway at Maureen Sheehan Centre Extinguishment order

The Northern Ireland Housing Executive made an Order No 2 on the 11th of June 2023 that certain Public Rights of Way is extinguished. Approval for the extinguishment is presently being sought from the NIHE Sponsor Team (Housing Division), Department for Communities, Housing Investment Branch, 1-7 Bedford Street, Belfast, BT2 7EG. The press notice regarding the making of this order is enclosed together with a map showing the area affected and a copy of the order.

If you wish to make comments, could you please let me have them by 12th of September 2023.

I shall write to you again when the result of the submission is known.

Yours faithfully,



Aaron Maguire
Place Shaping
Belfast Area



FORM OF NOTICE OF MAKING OF ORDER
THE HOUSING (NORTHERN IRELAND) ORDER 1981
EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY

Notice is hereby given that the Northern Ireland Housing Executive having its principal office at 2 Adelaide Street, Belfast, BT2 8PB in pursuance of its powers under Article 88D of the Housing (Northern Ireland) Order 1981 on the 11th of July 2023 made an order ("an extinguishment order") which will be submitted to the Department for Communities for approval, to extinguish the public rights of way over land described in the schedule hereto.

A copy of the extinguishment order and associated map dated 11th of July 2023 referred to therein may be inspected at the West Belfast Local Office with offices at the Public Counter, The Housing Centre, 2 Adelaide Street, Belfast BT2 8PB.

The Housing (Northern Ireland) Order 1981 provides that an extinguishment order shall not have effect until approved by the Department and that an extinguishment order to which any objections is made and not withdrawn shall not be approved in circumstances where the Department exercises its discretion to cause a public local inquiry to be held to hear objections to the extinguishment order.

Objections to the extinguishment order must be made in writing stating the grounds for objection and addressed to NIHE Sponsor Team (The Housing Division), Department of Communities, Causeway Exchange, 1-7 Bedford Street, Belfast, BT2 7EG on or before 12th of September 2023.

SCHEDULE

The pathway at Maureen Sheehan Centre, Belfast - Extinguishment of Public Rights of Way Order No1 2023.

The site is described as hard core bitmac alleyway located between 104 Albert Street (dwelling house) and 106 Albert Street (Maureen Sheehan Health Centre) leading to rear parking court at Roumania Rise. Rectangular in shape, approximately 17 metres in length and 3.5 metres in width; tapers at 45 degree angle as it connects to Albert Street.

Dated this – 15th August 2023

Grainia Long
Chief Executive





MAUREEN SHEEHAN CENTRE, BELFAST
Extinguishment of Public Right-of-Way
Order No. 1, 2023
Map Dated 10/7/2023

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

OSTI Reference: IG 130 13SW2

Scale: 1:1250

Your Reference:

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EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY

FORM OF ENGROSSMENTS OF ORDER

THE HOUSING (NORTHERN IRELAND) ORDER 1981

Whereas the Northern Ireland Housing Executive whose principal office is at 2 Adelaide Street, Belfast, BT2 8PB (hereinafter called "the Housing Executive") having acquired certain lands in connection with the pathway at the Maureen Sheehan , Belfast has by a resolution passed on 10th of July 2023 made an order (an "extinguishment order") to extinguish the public rights of way hereinafter referred to over the said lands shown marked on the map at the pathway at Maureen Sheehan Centre, Belfast Order No.1 2023 and sealed with the common seal of the Northern Ireland Housing Executive and deposited at the West Belfast Local Offices at the Public counter, The Housing Centre, 2 Adelaide Street, Belfast BT2 8PB .

NOW THEREFORE the Housing Executive in pursuance of its powers under Article 88D of the Housing (Northern Ireland) Order 1981 and all other powers so enabling HEREBY orders as follows:

1. This extinguishment order may be cited as "Pathway at Maureen Sheehan Centre, Belfast Order No.1 2023."
2. The public rights of way described in the schedule and shown coloured red and outlined black on the said map shall cease and be extinguished as from the date of operation of the extinguishment order subject to the retention of all existing cables wires, mains pipes or other apparatus placed by an electricity undertaker along, across, over or under the lands hereby transferred shall be retained. All existing rights of the electricity undertaker as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

SCHEDULE

The pathway at Maureen Sheehan Centre Belfast- Extinguishment of Public Rights of Way Order No1 2023

The site is described as Hard core bitmac alleyway located between 104 Albert Street (dwelling house) and 106 Albert Street (Maureen Sheehan Health Centre) leading to rear parking court at Roumania Rise. Rectangular in shape, approximately 17 metres in length and 3.5 metres in width; tapers at 45 degree angle as it connects to Albert Street.





MAUREEN SHEEHAN CENTRE, BELFAST
Extinguishment of Public Right-of-Way

Order No. 1, 2023

Map Dated 11/7/2023

NORTHERN IRELAND HOUSING EXECUTIVE,
 THE HOUSING CENTRE,
 2 ADELAIDE STREET 1, BELFAST, BT2 8PB

OSII Reference: IG 130 13SW2

Scale: 1:1,250


Your Reference:

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Kelly Anderson
Sarah Higgins



GIVEN UNDER THE COMMON SEAL OF THE
NORTHERN IRELAND HOUSING EXECUTIVE
THIS – 11th July 2023



Authorised Officer *Mr. D. Doherty*



Kelly Arderton









**Officers of the Northern
Ireland Housing Executive**

225211



HARDSCAPE

- | | |
|---|---|
|  | <p>PAVING TYPE 1. NATURAL IRISH LIMESTONE PAVING & SETTS THRESHOLDS
215 m²</p> |
|  | <p>PAVING TYPE 2. RESIN BONDED GRAVEL
230 m²</p> |
|  | <p>PAVING TYPE 3. ASPHALT WITH GREY GRANITE CHIPS FOOTPATHS
1,020 m²</p> |
|  | <p>PAVING TYPE 5. ASPHALT ROAD/CAR PARK
600 m²</p> |
|  | <p>PROPOSED TACTILE PAVING</p> |
|  | <p>NEW 2.4M HIGH BRICK WALLS TO SECURE CLOSED OFF ALLEYWAY. SECURED DOOR ACCESS TO BE PROVIDED TO AGREED KEYHOLDERS</p> |
|  | <p>EXISTING WALL BUILT UP TO 2.4M HIGH TO MATCH HEIGHT OF PROPOSED NEW WALLS.</p> |
|  | <p>NEW SECURE PALADIN TYPE FENCING. 2.7M HIGH WITH ANTI-Climb ROLLER TOPS (ERECTED ON RETAINING WALL AT NORTHERN AND WESTERN SIDE OF CAR PARK)</p> |
|  | <p>EXISTING FENCING TO GARDEN / LAWN AREAS (STEEL RAILINGS) REPAIRED, EXTENDED AND REPAINTED</p> |
|  | <p>NEW 2.4M HIGH DECORATIVE STEEL VERTICAL BAR RAILINGS & GATES TO BUILDING FRONTAGE</p> |
|  | <p>NEW RETAINING WALL (SEE ENGINEER'S DRAWINGS FOR DETAILS)</p> |
|  | <p>NEW BOLLARDS</p> |
|  | <p>SUGGESTED LOCATIONS FOR CYCLE SHELTER</p> |

SOFTSCAPE

- 
- NEW TREE PLANTING**
8 No. *Tilia Cordata* 'Greenspire'
- 
- NEW TREE PLANTING IN HARD SURFACING**
3 No. *Corylus Columa*
- 
- NEW TREE PLANTING IN PLANTERS**
NEW SHRUB AND GROUND-COVER PLANTING
100m² eg. *Lonicera pilea*, *Colonneaster cushmaniensis*, *Hypericum mossarum*
- 
- NEW GRASS SEEDING**
250m²

01
BCC
CHIEF EXECUTIVE'S
DEPARTMENT
RECEIVED
Drawing of the Nat'l in conjunction with all other Planning
Application Drawings
Refer to Drawing E1899-210 for Fire Escape Proposals at
MSC
Refer to Drawing C8759-E(63)-1000 for Street Lighting &
Car Park Lighting Proposals

MILWAINE
LANDSCAPE ARCHITECTS

D	25.09.18	Tactile Paving removed	CR	KOS	KOS
C	14.08.18	Changes made to car park boundary & on street parking & speed hump removed	CR	KOS	KOS
B	30.04.12	Access arrangements revised and Ross Road works removed	CR	KOS	KOS
A	04.12.17	Car Park & Boundary Walls revised	KOS	KOS	KOS
Row	Date	Description	Drn	Cld	Acc

Client **Department for Communities**
Building Successful Communities

Project	Maureen Sheehan Centre Environmental Improvement Scheme
---------	--

Drawing **Proposed Site Layout**
Planning Application

Scale 1:250 @ A1: 1:500 @ A3

M^cADAM
DESIGN

McAdam Design Ltd
1c Montgomery House
478 Castlereagh Road
Belfast, BT5 6BQ

T 028 9040 2000
F 028 9079 4144

admin@mcadamdesign.co.uk
www.mcadamdesign.co.uk

Drawn Date	C Rice 20/10/17	Checked Date	K O'Sullivan 20/10/17	Approved Date	K O'Sullivan 20/10/17
Project No	Drawing No		Revision		
E1899	202		D		

All dimensions are in millimetres. Figured dimensions to be taken in preference to scaled dimensions. Dimensions to be checked on site. © 2010 McAdam Design Ltd

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Department for
Infrastructure

An Roinn

Bonneagair

Department for

Infrastructure

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Network Traffic, Street Lighting and
Transportation

Eastern Division

Mr John Walsh
Chief Executive
Belfast City Council
City Hall
BELFAST
BT1 5GS

Annexe 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

Email: traffic.eastern@infrastructure-ni.gov.uk

Being Dealt With By: Mr Alfie O'Hare

Direct Line: 02890526241

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 140413-22

Date: 29 August 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 92 DISRAELI STREET, BELFAST

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

We would welcome your comments on this proposal.

Yours sincerely

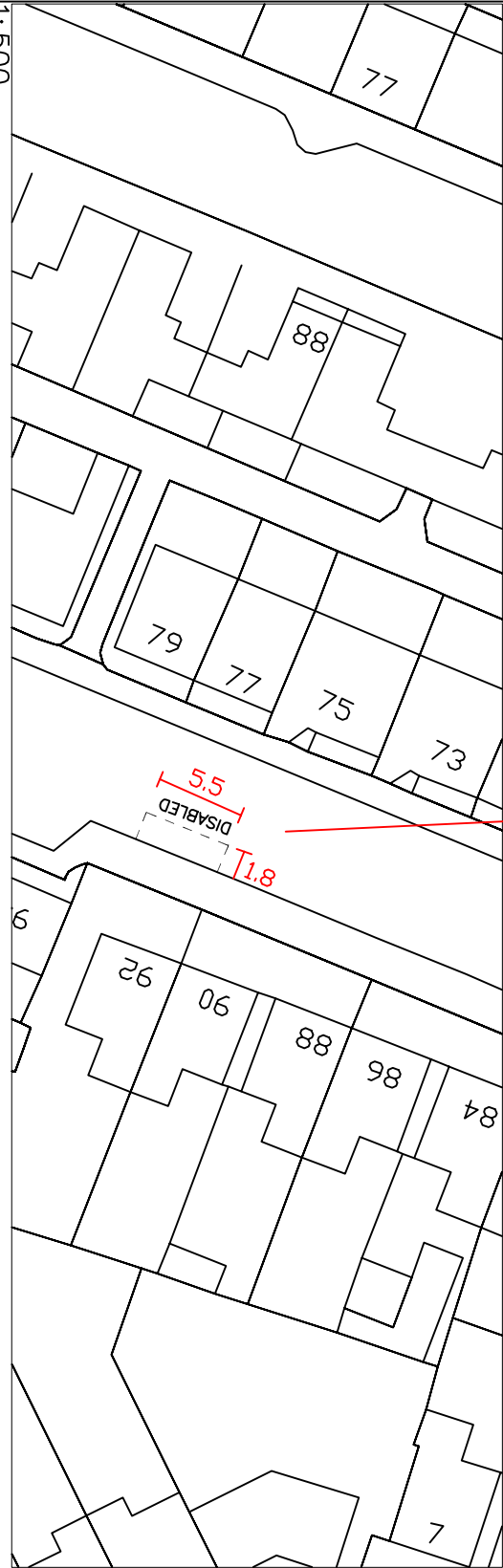
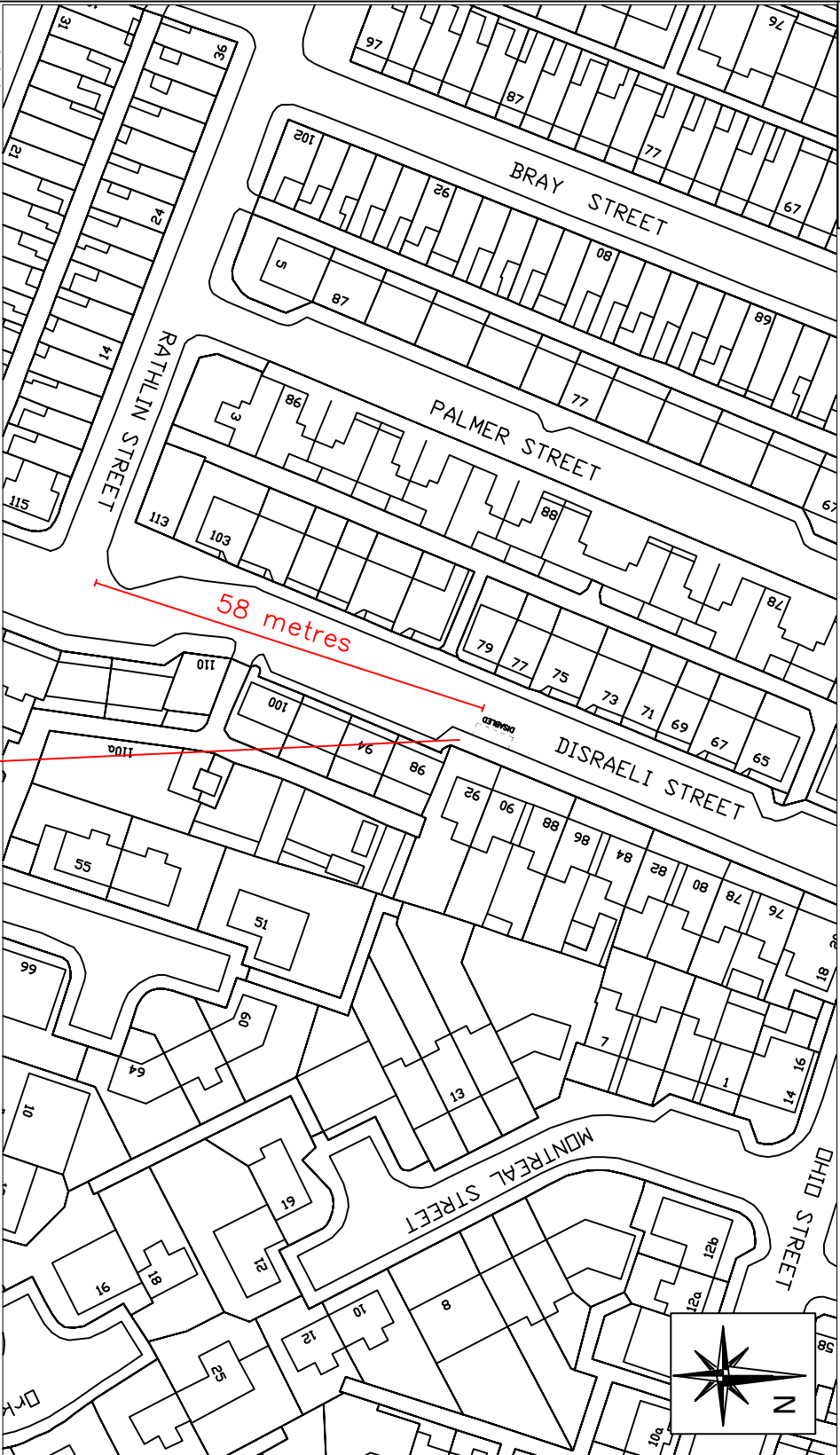
PP Alfie O'Hare

Noel Grimes
Traffic Management

ENC

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Disraeli Street, Belfast (south-east side) – from a point 58 metres north-east of its junction with Rathlin Street, for distance of 5.5 metres in a north-easterly direction.



NO.	REVISION	DATE

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Project
**ACCESSIBLE/DISABLED
PARKING BAY**

Title 92 DISRAELI STREET BELFAST			
FILE NO.	DESIGNED	AO'H	date
DRAWN	CHECKED		date
TRACED	APPROVED		date
Dwg. No.	Revision		
TM2/BEL/AUG/23/38/A			

Scales
1:1000 & 1:500

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

Telephone: 0300 200 7893
Textphone: 028 90540022



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Department for
Infrastructure

An Roinn

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Network Traffic, Street Lighting and
Transportation

Eastern Division

Mr. John Walsh
Chief Executive
Belfast City Council
City Hall
BELFAST
BT1 5GS

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

Email: traffic.eastern@infrastructure-ni.gov.uk

Being dealt with by: Mr. Ling Gillespie
Direct Line: 02890522272

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 158966-23

Date: 31 August 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 9 KNOCK LINK, BELFAST

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

We would welcome your comments on this proposal.

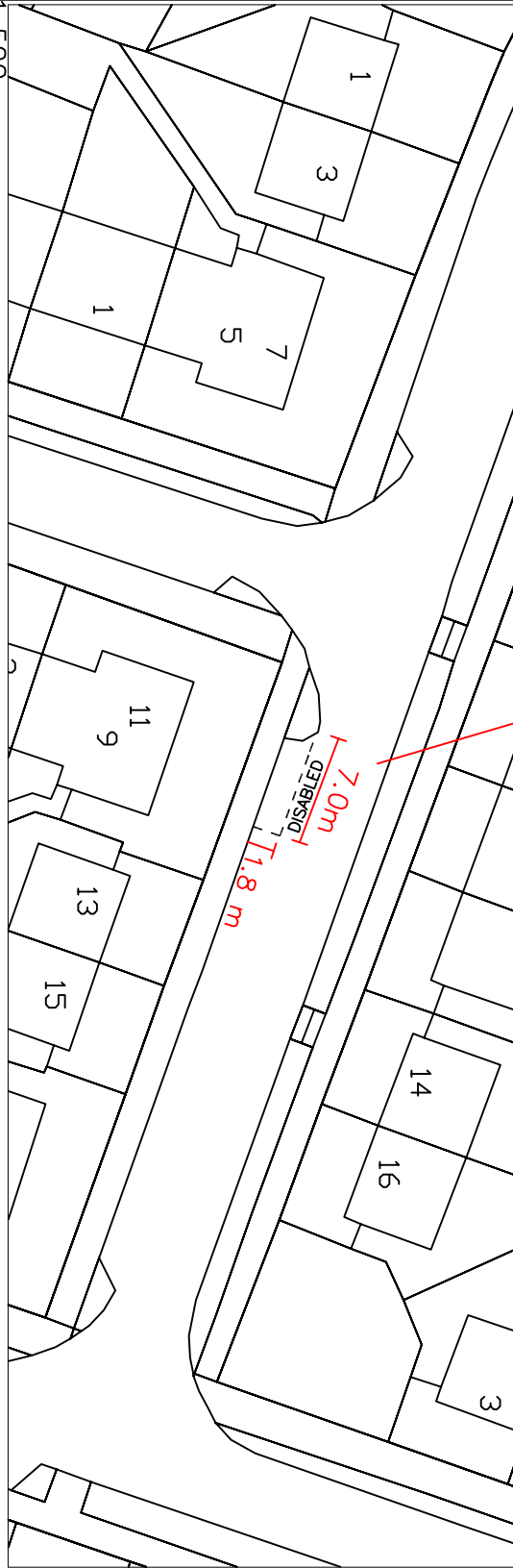
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

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Knock Link, Belfast (south-west side) – from a point 38 metres north-west side of its junction with Knock Green, for a distance of 7 metres in easterly direction.



No.

REVISION

DATE

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Project PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

Title 9 KNOCK LINK
BELFAST

FILE NO.

DESIGNED

AO'H

12 AUG '23

DRAWN

CHECKED

date

TRACED

APPROVED

date

Dwg. No.

Revision

TM2/BEL/AUG/23/43/A

Scales

AS SHOWN

Eastern Division

Annex 7
Castle Buildings
Stormont Estate
Belfast
BT4 3SQ

Telephone: 0300 200 7893
Textphone: 028 90540022

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Department for

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Network Traffic, Street Lighting and
Transportation

Eastern Division

Mr. John Walsh
Chief Executive
Belfast City Council
City Hall
BELFAST
BT1 5GS

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

Email: traffic.eastern@infrastructure-ni.gov.uk

Being dealt with by: Mr. Ling Gillespie
Direct Line: 02890522272

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: MT 158962-23

Date: 31 August 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 7 ADELAIDE AVENUE, BELFAST

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

We would welcome your comments on this proposal.

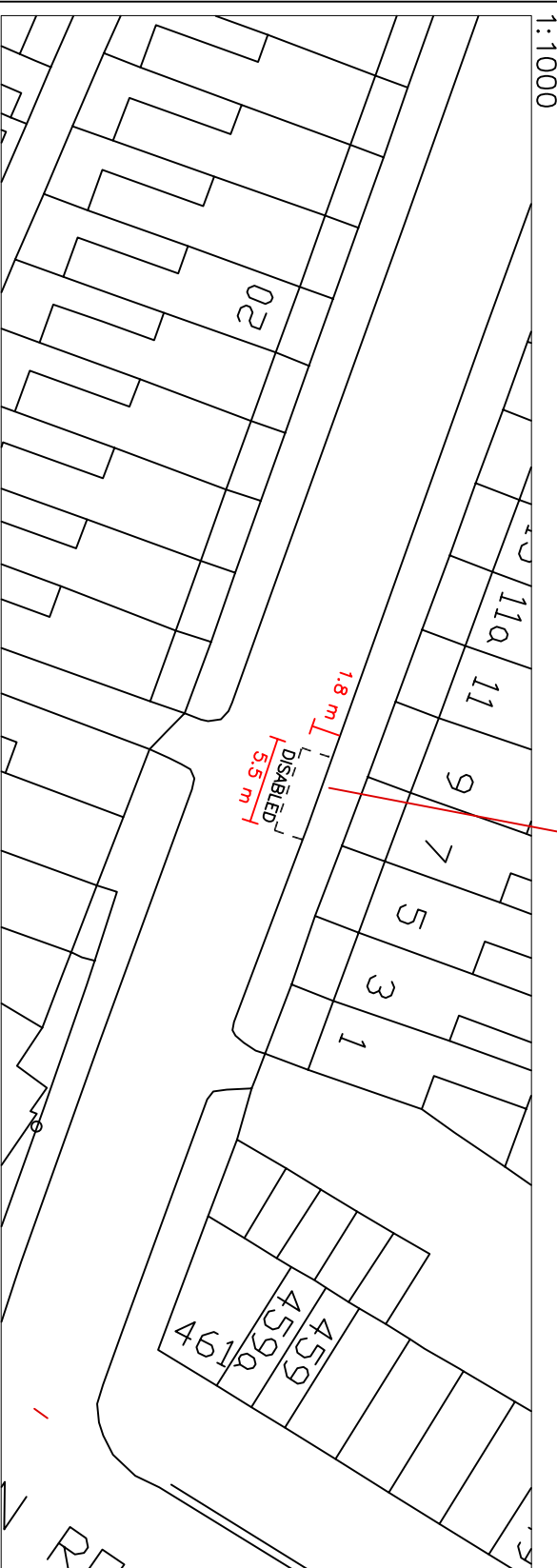
Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

ENC

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Adelaide Avenue, Belfast (north-east side) – from a point 37 metres north-west of its junction with Lisburn Road, for a distance of 5.5 metres in a north-westerly direction



NO.	REVISION	DATE

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Project
**PROPOSED ACCESSIBLE/
DISABLED PARKING BAY**

Title
**7 ADELAIDE AVENUE
BELFAST**

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

TM2/BEL/AUG/23/42/A

Scales
AS SHOWN

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

Telephone: 0300 200 7893
Textphone: 028 90540022

Infrastructure
Bonnegair

Department for
Infrastructure

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Agenda Item 4

PLANNING COMMITTEE – 19 SEPTEMBER 2023

APPEALS NOTIFIED

COUNCIL: BELFAST

ITEM NO 1 PAC REF: 2023/A0043

PLANNING REF: LA04/2022/2064/F

APPLICANT: David Leatham

LOCATION: 151 and 153 Belmont Church Road, Belfast, BT4 2DA

PROPOSAL: Erection of hoarding and access gate

PROCEDURE:

ITEM NO 2 PAC REF: 2023/A0049

PLANNING REF: LA04/2022/1059/F

APPLICANT: Cornerstone

LOCATION: 140m west of 35 Old Holywood Road, beside Belmont Park, Belfast, BT4 2HJ

PROPOSAL: Proposed based station installation including the installation of a 20m high monopole with 3 No antennas, cabinets and all other ancillary development

PROCEDURE:

APPEAL DECISIONS NOTIFIED

19 SEPTEMBER 2023

ITEM NO 1 PAC REF: 2022/A0021

PLANNING REF: LA04/2021/2825/A

RESULT OF APPEAL: DISMISSED

APPLICANT: Bel Tel LLP

LOCATION: Former Belfast Telegraph Printworks, 124-132 Royal Avenue, Belfast, BT1 1DN

PROPOSAL: Retention of mesh banner signage (19.1m by 9.84m) for a temporary period of 24 months

Decisions issued between 1 August and 31 August 2023 - No. 142

<u>Application number</u>	<u>Categ</u>	<u>Location</u>	<u>Proposal</u>	<u>Decision</u>	<u>Issue date</u>
LA04/2021/0650/F	LOC	683 Antrim Road Belfast Antrim BT15 4EG.	Retrospective Change of Use from educational facility to Community Enterprise start up business facility comprising a mixture of business uses including a takeaway coffee shop (Sui Generis) (Amended Description)	Permission Granted	01 Aug 2023
LA04/2023/2912/F	LOC	5 Prince Edward Gardens, Belfast, BT9 5GD	Proposed removal of the existing hipped and rear dormer and construction of new rear facing dormer to include the removal of the existing hipped roof to the main dwelling and replacing same with gable.	Permission Granted	01 Aug 2023
LA04/2023/2885/F	LOC	14 GLENBANK DRIVE POLEGLASS DUNMURRY ANTRIM BT17 0SQ	Proposed roofspace conversion with rear dormer window to provide additional ensuite bedroom.	Permission Granted	01 Aug 2023
LA04/2023/2909/LBC	LOC	MATER HOSPITAL 45-51 CRUMLIN ROAD TOWN PARKS BELFAST ANTRIM BT14 6AB	Restoration of existing listed perimeter wall, railings, gates and piers. All brickwork to be repointed, with bricks replaced as necessary, sandstone details to be repaired and repointed, railings and gates to be sanded and repainted.	Consent Granted	01 Aug 2023
LA04/2023/2953/F	LOC	12 NORTH CIRCULAR ROAD BALLYAGHAGAN BELFAST ANTRIM BT15 5HB	Alterations of existing fence, to a height of 0.9m, on top of a wall at rear boundary with Slievemoyne Park. Alterations to pedestrian access.	Permission Granted	01 Aug 2023

LA04/2023/3408/DC	LOC	Lands approximately 50m to the north of 35 Hampton Park and approximately 30m to the west of 60 Hampton Park Galwally	Discharge condition 22 LA04/2019/0775/F Construction Method Statement	Condition Partially Discharged	01 Aug 2023
LA04/2023/3722/WPT	LOC	1A Notting Hill, Belfast, BT9 5NS	Works to 8 trees	Works to Trees in CA	01 Aug 2023
LA04/2022/0742/F	LOC	Paisley Park Sportsplex West Circular Road Belfast BT13.	Proposed new two storey/split level community hub building (including changing rooms) and a single storey modular changing room building with associated car parking; paths and landscape site-works.	Permission Granted	02 Aug 2023
LA04/2022/2035/DC	LOC	Bankmore Square 14 Dublin Road Belfast BT2 7HN.	Discharge of condition 8 LA04/2021/1703/F. (Noise Verification Statement)	Condition Discharged	02 Aug 2023
LA04/2023/2810/F	LOC	62 NORWOOD AVENUE BALLYMISERT BELFAST DOWN BT4 2EF	Proposed refurbishment of existing dwelling incorporating: 2 storey extension to side & rear, removal of existing garage.	Permission Granted	02 Aug 2023
LA04/2023/3399/F	LOC	7 Matilda Drive, Belfast, BT12 5NN	Single storey rear extension	Permission Granted	02 Aug 2023
LA04/2023/3347/F	LOC	11 Gilnahirk Rise Belfast BT5 7DT	Single storey extension to rear with raised patio.	Permission Granted	02 Aug 2023
LA04/2023/3448/A	LOC	98 Sunnyside Street Belfast BT7 3EG	One Illuminated shop signage	Consent Granted	02 Aug 2023
LA04/2023/3504/WPT	LOC	19 Derryvolgie Avenue, Belfast, BT9 6FN	As per attached detail	Works to Trees in CA Agreed	02 Aug 2023
LA04/2023/3529/WPT	LOC	26A Marlborough Park South, Belfast, BT9 6HR	Works to 2 trees	Works to Trees in CA Agreed	02 Aug 2023

LA04/2022/2251/F	LOC	ELMGROVE PRIMARY SCHOOL & NURSERY UNIT AVONIEL ROAD BELFAST BT5 4SF	1st floor Special Educational Needs Unit extension to Block 3 of existing school and all associated works	Permission Granted	03 Aug 2023
LA04/2022/2321/LBC	LOC	Elmgrove Primary School and Nursery Unit Avoniel Road Belfast BT5 4SF	1st floor Special Educational Needs Unit extension to Block 3 of existing school and all associated works.	Consent Granted	03 Aug 2023
LA04/2023/2816/F	LOC	9 LAKESIDE DRIVE BALLYFINAGHY BELFAST ANTRIM BT10 0NU	New single storey rear extension, alterations to existing house including new windows to front & side elevations and relocated driveway	Permission Granted	03 Aug 2023
LA04/2023/2884/F	LOC	51 Lisburn Road, Belfast, BT9 7AB	Proposed Water Sprinkler Storage Tank, Water Sprinkler Pump Room, Installation of Fencing, Security Gates, Realignment of Ramps and all Associated Site Works	Permission Granted	03 Aug 2023
LA04/2022/1958/A	LOC	Unit 2 - Hillview Retail Park Belfast BT14 6AA	1no. fascia banner sign with associated external lighting, 6no. seasonal offer posters and associated door vinyl sticker graphics.	Permission Granted	04 Aug 2023
LA04/2022/1999/F	LOC	Unit 2 - Hillview Retail Park Belfast BT14 6AA.	Proposed change of use from Retail (Class A1) to Storage & Distribution (Class B4) with associated trade counter/sales area and minor external alterations.	Permission Granted	04 Aug 2023
LA04/2023/2474/F	LOC	ROYAL VICTORIA HOSPITAL GROSVENOR ROAD TOWN PARKS BELFAST ANTRIM BT12 6BA	Internal and external restoration works, including new façade installation, to the Old Victorian Corridor and end structure within the Royal Victoria Hospital site.	Permission Granted	04 Aug 2023

LA04/2023/2489/DC	LOC	131-133 KINGSWAY DUNMURRY DUNMURRY ANTRIM BT17 9RY	Discharge of condition 2 - LA04/2021/1853/F	Condition Discharged	04 Aug 2023
LA04/2023/2984/F	LOC	76 Knockbreda Park, Belfast, BT6 0HG	Single storey side and rear extension. Detached greenhouse and site works.	Permission Granted	04 Aug 2023

LA04/2023/3188/CLOPU D	LOC	21 Eastleigh Drive, Belfast, BT4 3DX	<ul style="list-style-type: none"> - covering the existing white painted, rendered walls with 150mm thick external wall insulation (EWI) with a white smooth silicone rendered finish. - replacing existing PVC windows with new PVC windows to improve energy efficiency. - replacing timber framed windows and pitched glazed roofs to the rear with new PVC frames to accommodate the EWI and improve energy efficiency. - injecting cavity wall insulation to existing cavity walls to the rear and side elevations. - replacing painted concrete sills with sandstone finish insulated sills. - replacing rainwater goods for new white PVC. - reducing the height and width of the small window to the downstairs W.C. and building up the wall above in brickwork to match existing. - replacing the existing glazed roof to the downstairs W.C. with a flat, solid, insulated roof, married in with existing. - removing the North elevation chimney due to it being beyond repair, and re-pointing and fitting new leadwork to the South elevation chimney. 	Permitted Development	04 Aug 2023
LA04/2023/3322/NMC	LOC	40 Torrens Crescent, Belfast, BT14 6HS	Non-Material change to planning approval LA04/2021/2770/F by reducing the size of the extension	Non Material Change Granted	04 Aug 2023

LA04/2023/3357/A	LOC	38 Botanic Avenue, Belfast, BT7 1JQ	Replacement signage for existing ATM: 1 Digital, 1 Projecting sign, 1 Other Sign	Consent Granted	04 Aug 2023
LA04/2023/3543/CLEUD	LOC	49 Carmel Street, Belfast, BT7 1QE	Existing use: Existing House of multiple occupation (HMO)	Permitted Development	04 Aug 2023
LA04/2023/2475/LBC	LOC	ROYAL VICTORIA HOSPITAL GROSVENOR ROAD BELFAST ANTRIM BT12 6BA	Internal and external restoration works, including new façade installation, to the Old Victorian Corridor and end structure within the Royal Victoria Hospital site.	Consent Granted	07 Aug 2023
LA04/2023/2584/F	LOC	45 HORN DRIVE BALLYMONEY BELFAST ANTRIM BT11 9GS	SINGLE STOREY SIDE EXTENSION TO UPGRADE PROPERTY TO INCLUDE A W.C.	Permission Granted	07 Aug 2023
LA04/2023/3136/F	LOC	1 Weavershill Mews, Ligoniel, Belfast, BT14 8QN	Erection of two storey dwelling to provide a 2-bedroom house attached to the north-west of no.1 Weavershill Mews	Permission Refused	07 Aug 2023
LA04/2023/3228/DC	LOC	St Finnian's Parish Church Cregagh Park Belfast BT6 9LR	Discharge of conditions 6 and 7 of LA04/2016/1841/F.	Condition Partially Discharged	07 Aug 2023
LA04/2023/3234/F	LOC	37 Windsor Avenue, Belfast, BT9 6EJ	Erection of an inflatable dome covering 5 tennis courts	Permission Granted	07 Aug 2023
LA04/2023/3256/CLOPU D	LOC	3A MILNER STREET MALONE LOWER BELFAST ANTRIM BT12 6GE	Lawful to erect block e granted permission under Z/2014/1053/F.	Permitted Development	07 Aug 2023
LA04/2023/3449/F	LOC	10 Mount Eden Park, Belfast, BT9 6RA	Alterations and two storey rear extension containing ground floor kitchen/living/dining and first floor bedroom and ensuite to rear of existing property.	Permission Granted	07 Aug 2023

LA04/2023/3466/F	LOC	37a Lagmore Glen, Belfast, BT17 0UZ	Rear extension to dwelling	Permission Granted	07 Aug 2023
LA04/2023/3489/DC	MAJ	Lands bounded by Little Victoria Street Bruce Street and Holmes Street Belfast.	Verification letters regarding window schedule and alternative means of ventilation Discharge of condition no.5 - LA04/2022/1856/F	Condition Discharged	07 Aug 2023
LA04/2023/3527/DC	MAJ	57-59 DUBLIN ROAD MALONE LOWER BELFAST ANTRIM BT2 7HE	GQRA Remediation Strategy Discharge of Condition no.15 - LA04/2020/0761/F	Condition Discharged	07 Aug 2023
LA04/2023/2841/F	LOC	3 Springhill Avenue, Belfast, BT12 7QE	2 storey and single storey rear extension	Permission Granted	08 Aug 2023
LA04/2023/3015/LBC	LOC	Ulster Museum Botanic Gardens, Belfast, BT9 5AB	Retention of signage (1No. panel sign and 2No. vinyl graphic signs) - previous temporary approval under ref. LA04/2020/0816/LBC (Amended Description)	Consent Granted	08 Aug 2023
LA04/2023/3094/A	LOC	ULSTER MUSEUM BOTANIC GARDENS MALONE LOWER BELFAST ANTRIM BT9 5AB	1 panel sign and 2 contravision vinyl panels	Consent Granted	08 Aug 2023
LA04/2023/3145/DC	LOC	370-372 Ormeau Road, Belfast, BT7 3HW	Discharge Conditions 9 (material samples) & 15 (boundary treatments) of planning approval LA04/2017/2631/F.	Condition Partially Discharged	08 Aug 2023
LA04/2023/2823/F	LOC	1 Malone Court Mews, Belfast, BT9 6PQ	First floor dormer conversion to existing dwelling house with new front boundary wall.	Permission Granted	09 Aug 2023

LA04/2023/3089/DC	LOC	Adjacent to 14 College Square North and south of 62-67 Hamill Street Belfast College Square North, Belfast, BT1 6AS	Discharge Condition 17 LA04/2018/1719/F Gas boiler verification	Condition Discharged	09 Aug 2023
LA04/2023/3482/CLEUD	LOC	67 Damascus Street, Belfast, BT7 1QR	Retention of House of Multiple Occupation	Permitted Development	09 Aug 2023
LA04/2023/3479/CLOPU D	LOC	139 Circular Road, Belfast, BT4 2GF	Minor interior work to and reduction in existing Garage Store building to create Patio and new lawn with associated external works.	Permitted Development	09 Aug 2023
LA04/2023/3664/WPT	LOC	44 Denorrtan Park, Belfast, BT4 1SF	Works to 1 tree	Works to TPO Granted	09 Aug 2023
LA04/2023/2567/F	MAJ	Campbell College Belmont Road, Belfast, BT4 2ND	Proposed refurbishment of the existing sports buildings located North of main school building. All retained buildings will be re-clad with replacement roof finishes and introduction of PV panels on the roofs. Works include landscaping and courtyard development.	Permission Granted	10 Aug 2023
LA04/2023/2586/CLEUD	LOC	10 ARDENLEE PLACE BALLYNAFOY BELFAST DOWN BT6 8QS	House in multiple occupancy (HM0)	Permitted Development	10 Aug 2023
LA04/2023/2978/CLOPU D	LOC	5 Wingrove Gardens, Belfast, BT5 5NA	Change of glazed roof structure to slated roof with velux windows to rear elevation of private house. Relocation of side gable window to utility room area.	Permitted Development	10 Aug 2023
LA04/2023/3412/NMC	LOC	Land between No 43-45 Old Glencairn Road, Blackmountain, Belfast, BT13 3PU	Changes to exterior finish to include alterations to front bay roof, use of timber cladding, window configuration change, and change of material finish on plinth.	Non Material Change Granted	10 Aug 2023

LA04/2023/3604/CLOPU D	LOC	4 Marlborough Heights, Belfast, BT6 9QR	Installation of 2 no. Dormer Windows to upper floor rear elevation.	Permitted Development	10 Aug 2023
LA04/2023/3655/CLEUD	LOC	8 Stranmillis Gardens, Belfast, Antrim, BT9 5AS	House of Multiple Occupation	Permitted Development	10 Aug 2023
LA04/2022/1049/DC	LOC	St Matthews Presbytery Bryson Street Belfast BT5 4ES	Discharge of Condition 8 - LA04/2018/1821/F relating to landscaping details	Condition Partially Discharged	11 Aug 2023
LA04/2022/2171/NMC	LOC	THE BELVOIR PARK HOSPITAL 3 HOSPITAL ROAD BALLYDOLLAGHAN BELFAST DOWN BT8 8JR	Non-material change LA04/2018/1219/F	Non Material Change Granted	11 Aug 2023
LA04/2023/2453/NMC	LOC	11 Ormiston Park, Belfast, BT4 3JT	Clerestory section of rear extension approved under REF: LA04/2020/0293/F removed in favour of lower continuous flat roof.	Non Material Change Refused	11 Aug 2023
LA04/2023/2429/LBC	LOC	1 HOSPITAL ROAD BALLYDOLLAGHAN BELFAST DOWN BT8 8JP	This application is for LBC for alteration to an extant approval ref: LA04/2018/1056/LBC. This proposal is for alterations to the West House building which are: 1. Relocation of Bin Store & subsequent amends to parking provision. 2. Inclusion of Study & relocation of Utility room in Apartment 7. 3. Inclusion of Communal Entrance Hall and provision of Apt. stores at Basement level. 4. Removal of proposed bridge walkway linking Apt. 2 to inner courtyard.	Consent Granted	11 Aug 2023

LA04/2022/0816/DCA	LOC	10 Windsor Avenue North Belfast BT9 6EL.	Demolition of two storey rear return and garage.	Consent Granted	14 Aug 2023
LA04/2022/1009/DCA	LOC	27-31 Malone Road Belfast BT9 6RU	Partial demolition of back returns to the two existing buildings	Consent Granted	24 Aug 2023
LA04/2022/0075/F	LOC	7-11 Botanic Avenue Belfast BT7 1JQ	Change of use from offices and conversion of existing first and second floors to 4no. 1 bed apartments and amendments to existing rear fire escape.	Permission Granted	31 Aug 2023
LA04/2022/0727/F	LOC	KAR Auto Repairs Salisbury Bowling Club 41-49 Salisbury Avenue Belfast BT15 5DZ	Erection of vehicle repair workshop (Retrospective)	Permission Granted	14 Aug 2023
LA04/2022/0815/F	LOC	10 Windsor Avenue North Belfast BT9 6EL.	Conversion of existing building from 2 apartments to a single dwelling and two story rear extension to facilitate ancillary residential accommodation, demolition and replacement of existing garage. Replacement of ground floor double doors and 1st floor window. (Amended Description)	Permission Granted	14 Aug 2023
LA04/2022/1011/F	LOC	27-31 Malone Road Belfast BT9 6RU	Three storey rear extension to facilitate Change of Use from a club and offices to licensed restaurant and public house, including terrace to front (Amended Description).	Permission Granted	24 Aug 2023

LA04/2022/1507/F	LOC	Site adjacent to 1 Pirrie Lane Belfast BT4 3NP.	Erection of 2 detached dwellings. Driveway access from Pirrie Road and Pirrie Lane. (Renewal of LA04/2017/1887/F)	Permission Granted	23 Aug 2023
LA04/2022/2277/A	LOC	7- 9 Donegall Place (Amended site address) Belfast BT1 5AA	Two individual lettering signage and projecting sign (Amended site description)	Consent Granted	15 Aug 2023
LA04/2023/2394/F	LOC	92-96 LISBURN ROAD MALONE LOWER BELFAST ANTRIM BT9 6AG	Change of use for ground and first floor from former restaurant to university clubs and societies accommodation.	Permission Granted	31 Aug 2023
LA04/2022/2283/F	LOC	43 LARCH GROVE KILMAKEE DUNMURRY ANTRIM BT17 9QG	Single storey rear extension to provide bedroom bathroom and ramp	Permission Granted	14 Aug 2023
LA04/2022/2330/F	LOC	163 ORMEAU ROAD MALONE LOWER BELFAST ANTRIM BT7 1SL	Proposed change in use from previous planning approval ref: LA04/2019/2203/F from 1no. 1P1B apartment (referenced as apartment no.01 within the ground floor plan of the previous approval) to 1no.residents communal space.	Permission Granted	17 Aug 2023
LA04/2022/2383/F	LOC	26 INNISFAYLE ROAD LOW-WOOD BELFAST ANTRIM BT15 4ES	First floor rear extension	Permission Granted	11 Aug 2023
LA04/2023/2432/F	LOC	95 MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 6SP	Rear first floor extension, front ground floor extension and alterations (Amended Site Description)	Permission Granted	30 Aug 2023

LA04/2023/2434/DCA	LOC	95 MALONE ROAD MALONE LOWER BELFAST ANTRIM BT9 6SP	Partial roof demolition to accommodate rear first floor extension and minor demolition works to accommodate alterations to the front door and ground floor extension (Amended Site Description)	Consent Granted	30 Aug 2023
LA04/2023/2518/CLEUD	LOC	390a Belmont Road, Belfast, BT4 2NH	Existing use: Conversion of existing outbuilding to one house with garages	Permitted Development	31 Aug 2023
LA04/2023/2643/F	LOC	1A AIRPORT ROAD BALLYMACARRET INTAKE BELFAST DOWN BT3 9DY	Emergency response storage facility to include 8no storage containers and 1no office accommodation container including floodlighting and all associated works.	Permission Granted	29 Aug 2023
LA04/2023/2630/F	LOC	20 ANDERSONSTOWN PARK SOUTH BALLYMURPHY BELFAST ANTRIM BT11 8FR	Single storey extension to rear of dwelling and new ramp in front of dwelling.	Permission Granted	11 Aug 2023

LA04/2023/2659/F	LOC	Harland and Wolff Queens Island, Belfast, BT3 9DU	Extension to the existing fabrication workshop. Works include: Demolition of the existing 1970's two storey amenities block. Fabrication Workshop extension will be single storey duo pitched roof, and small prefabricated office/canteen. Fabrication workshop extension contains 4.no overhead cranes, concrete ground floor, and wall and roof cladding to match existing buildings. Site access via existing gate on Sydenham Road.	Permission Granted	22 Aug 2023
LA04/2023/2688/F	MAJ	Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road, Belfast	Application to vary Condition 36 of approval LA04/2022/0293/F, which grants planning permission for a hotel, to extend the maximum length of stay of occupants from 30 days to 90 days.	Permission Granted	18 Aug 2023
LA04/2023/2714/F	LOC	27 Stranmillis Gardens, Belfast, BT9 5AS	Single storey rear extension to HMO (Site Description Amended)	Permission Granted	15 Aug 2023
LA04/2023/2697/F	LOC	12 CLONELLY AVENUE BALLYDOWNFINE BELFAST ANTRIM BT11 8LG	Demolition of rear external stores, formation of rear single storey extension	Permission Granted	16 Aug 2023
LA04/2023/2738/F	LOC	5 Adelaide Avenue, Malone Lower, Belfast, BT9 7FY	Extension and improvements to Dwelling incorporating single story extension at ground level, conversion of attic to living accommodation with flat roof extension to roof at second floor level	Permission Granted	23 Aug 2023

LA04/2023/2767/F	LOC	17 BALMORAL ROAD MALONE LOWER BELFAST ANTRIM BT12 6QA	Retrospective change of use from Autoparts shop to fitness studio. Provision of additional entrance door in existing shopfront.	Permission Granted	29 Aug 2023
LA04/2023/2786/F	LOC	76 Osborne Drive, Belfast, BT9 6LJ	The extension of the existing dwelling over two storeys. The extension provides a ground floor bedroom and bathroom suite and extended kitchen, living and dining area and an enlarged master bedroom suite at first floor.	Permission Granted	14 Aug 2023
LA04/2023/2783/DCA	LOC	76 Osborne Drive, Belfast, BT9 6LJ	Associated demolition works to rear to facilitate a two storey and single storey extension. (Amended Site Description)	Consent Granted	14 Aug 2023
LA04/2023/2774/F	LOC	9 WANDSWORTH PARADE STRANDTOWN BELFAST DOWN BT4 3FT	Single storey rear extension. Patio area to rear and new 1.8m boundary wall. (amended plans and description)	Permission Granted	31 Aug 2023
LA04/2023/2842/F	LOC	28 Ardenlee Parade, Belfast, BT6 0AL	Proposed double storey rear and single storey side extension to form kitchen/family room and first floor bedroom.	Permission Granted	15 Aug 2023
LA04/2023/2943/F	LOC	170 Lagmore Dale, Dunmurry, Belfast, BT17 0TQ	Proposed Conversion and Roof Alteration of Existing Integral Garage & Erection of a Single Storey Rear Extension to Form Annex/Additional Living Accommodation for Family Members & Open Plan Kitchen Living Area	Permission Granted	16 Aug 2023

LA04/2023/2985/F	LOC	42 DIVISMORE CRESCENT BALLYMURPHY BELFAST ANTRIM BT12 7LE	FIRST FLOOR REAR EXTENSION OVER EXISTING GROUND FLOOR EXTENSION	Permission Granted	11 Aug 2023
LA04/2023/2997/A	LOC	27 Charles Hurst Boucher Road, Belfast, BT12 6QU	Installation of 6 No. new fascia signs to the building, 2 No. parking signs, 1 No. entrance sign, 1 No. portico sign and 1 No. 6m pylon sign.	Consent Granted	11 Aug 2023
LA04/2023/2955/F	LOC	220-230 Holywood Road, Belfast, BT4 1PD	Alterations to facade signage and entrance doors at existing retail unit.	Permission Granted	11 Aug 2023
LA04/2023/3022/F	LOC	15 Antrim Road, Newtownabbey, BT36 7PP	PROPOSED DEMOLITION OF EXISTING COACH HOUSE AND CONSTRUCTION OF ADDITIONAL ACCOMMODATION (Duplex Apartment) TO BE ANCILLARY TO THE RESIDENTIAL USE OF THE EXISTING DWELLING	Permission Granted	15 Aug 2023
LA04/2023/3037/F	MAJ	Unit 7a, Connswater Retail Park, Belfast, BT5 4AF	Section 54 application to vary condition 5 of reference Z/1996/0102 to allow for the sale of optometry and audiology products and equipment including spectacles, contact lenses and hearing aids.	Permission Granted	11 Aug 2023
LA04/2023/3026/F	LOC	13 AILESBUURY DRIVE BALLYNAFOY BELFAST DOWN BT7 3FB	PROPOSED TWO STOREY EXTENSION TO REAR AND SIDE OF EXISTING DWELLING	Permission Granted	17 Aug 2023
LA04/2023/3046/F	LOC	4 Church Wynd, Gilnahirk, Belfast, BT5 7RZ	Dormer window to rear and external changes.	Permission Granted	14 Aug 2023

LA04/2023/3075/F	LOC	190 Belmont Road Belfast BT4 2AT	Demolition of existing single-storey rear extension and outbuildings. Erection of single-storey rear and side extension and external changes.	Permission Granted	16 Aug 2023
LA04/2023/3077/F	LOC	4 Rinnalea Gardens Belfast BT11 9DQ	Two storey extension to rear of dwelling.	Permission Granted	16 Aug 2023
LA04/2023/3084/F	LOC	20 Hawthornden Drive, Belfast, BT4 2HG	Demolition of existing monopitch garage, replaced with new pitched roof garage & adjoined home office	Permission Granted	25 Aug 2023
LA04/2023/3092/F	LOC	6 Strathmore Park South, Low-Wood, Belfast, BT15 5HL	Demolition of existing rear return and addition of a two storey extension to the rear & alterations to dwelling.	Permission Granted	17 Aug 2023
LA04/2022/3083/F	LOC	Lands at Instonians Cricket Club, Shaws Bridge Sports Association - approximately 110m north of 123 Miltown Road, Belfast, BT8 4XP	Proposed replacement of existing changing pavilion and spectator area with two storey pavilion building comprising of viewing area, changing and welfare facilities, kitchen, and meeting room; existing access and adjacent car parking facilities to remain in place.	Permission Granted	25 Aug 2023
LA04/2023/3110/F	LOC	7 - 9 Donegall Place, Belfast, BT1 5AA (Amended Site address)	Merging of two retail units into one two storey retail store with external changes for new store front (Amended site description)	Permission Granted	22 Aug 2023
LA04/2023/3111/LBC	LOC	7 - 9 Donegall Place, Belfast, BT1 5AA (Amended site address)	Works to ground and first floor to combine two existing retail units into one retail unit with associated external changes and signage. (Amended site description).	Consent Granted	22 Aug 2023
LA04/2023/3109/F	LOC	91 Connsbrook Avenue, Belfast, BT4 1JW	Extension to single storey kitchen, internal alterations and change of use to HMO. Dormer to rear.	Permission Granted	31 Aug 2023

LA04/2023/3167/F	LOC	6a Ashley Park, Dunmurry, Belfast, BT17 9EH	Proposed Demolition of Existing attached Garage and Erection of 2 Storey side Extension. Proposed Single Storey Extension to Rear.	Permission Granted	29 Aug 2023
LA04/2023/3184/F	LOC	424 Ravenhill Road, Belfast, BT6 0BU	Proposed single storey extension to side and rear of existing dwelling	Permission Granted	16 Aug 2023
LA04/2023/3153/LBC	LOC	7 - 9 Donegall Place, Belfast, BT1 5AA (Amended Site address)	Works to ground and first floors to combine two existing retail units into one retail unit (Amended Description)	Consent Granted	15 Aug 2023
La04/2023/3172/CLOPUD	LOC	14 Renfrew Walk, Belfast, BT12 5EA	Proposed internal WC room, internal alterations and new window on front elevation.	Permitted Development	15 Aug 2023
LA04/2023/3240/F	LOC	22 Brentwood Park, Belfast, BT5 7LR	Two storey side extension with shelter below. Single storey rear extension + additional site works.	Permission Granted	25 Aug 2023
LA04/2023/3178/F	LOC	120 Hazelwood Avenue, Belfast, BT17 0SZ	Single storey side extension.	Permission Granted	23 Aug 2023
LA04/2023/3294/F	LOC	10 Rosetta Road East, Belfast, BT6 0LP	Proposed increase in height of the existing boundary wall and retrospective application for the garden shed.	Permission Granted	25 Aug 2023
LA04/2023/3206/DC	LOC	41-49 Bates Avenue, Belfast, BT9 7BY	Discharge of Condition No. 15 of Planning Approval LA04/2021/2544/F - Dust Management Plan	Condition Discharged	17 Aug 2023
LA04/2023/3210/NMC	LOC	776-778 Shore Road & 4-6 Greys Lane, Greencastle, Belfast, BT15 4HT	Change to corner detailing of proposed retaining wall at rear of dwelling nr.7.	Non Material Change Granted	31 Aug 2023
LA04/2023/3190/F	LOC	26 Prince Edward Park, Belfast, BT9 5FZ	Single storey rear extension, elevational changes including rooflights and raised patio with privacy screen.	Permission Granted	15 Aug 2023

LA04/2023/3202/F	LOC	25-29 Royal Avenue, Belfast, BT1 1FB	Replacement ATM and associated CCTV Camera. (Amended Site Description)	Permission Granted	16 Aug 2023
LA04/2023/3236/A	LOC	25-29 Royal Avenue, Belfast, BT1 1FB	Replacement signage in association with planning application LA04/2023/3202/F. (Amended site description)	Consent Granted	16 Aug 2023
LA04/2023/3214/F	LOC	25 York Street, Belfast, BT15 1ED	Upgrade of Existing Bus Shelter	Permission Granted	23 Aug 2023
LA04/2023/3211/A	LOC	25 York Street, Belfast, BT15 1ED	Installation of two illuminated advertisements on End of Insignia Plus Bus Shelter	Consent Granted	23 Aug 2023
LA04/2023/3225/F	LOC	5 Castlehill Park West Belfast BT4 3GT	Single storey rear and side extension. Front and rear dormers. Extension of existing dormer on the side elevation. Elevational changes.	Permission Granted	22 Aug 2023
LA04/2023/3284/CLOPU D	LOC	68 Wellington Park, Belfast, BT9 6DP	Provision of vehicle access.	Permitted Development	30 Aug 2023
LA04/2023/3295/F	LOC	21 Middle Braniel Road, Belfast, BT5 7TU	Ground mounted photovoltaic solar array to serve existing dwelling.	Permission Granted	23 Aug 2023
LA04/2023/3343/A	LOC	122 Lisburn Road, Malone Lower, Belfast, BT9 6AH	1 Shop fascia sign	Consent Granted	25 Aug 2023
LA04/2023/3300/F	LOC	191-193 Holywood Road, Belfast, BT4 2DG	Creation of new vehicular access to the front of dwellings.	Permission Granted	25 Aug 2023
LA04/2023/3324/A	LOC	38 Dublin Road, Belfast, BT2 7HN	Replacement signage - 1 Fascia, 1 Projecting sign for existing ATM	Consent Granted	24 Aug 2023
LA04/2023/3359/A	LOC	160 Cliftonville Road, Belfast, BT14 6LA	Replacement signage - 1 fascia, 1 Projecting sign for existing ATM.	Consent Granted	22 Aug 2023
LA04/2023/3361/F	LOC	13 St Johns Avenue, Ballynafoy, Belfast, BT7 3JE	Proposed Extension, Alterations and Adaptation Works to dwelling.	Permission Granted	17 Aug 2023
LA04/2023/3407/NMC	LOC	27 Balmoral Avenue, Belfast, BT9 6NW	Change to approved brick specification in relation to previous application LA04/2022/1803/F	Non Material Change Granted	18 Aug 2023

LA04/2023/3381/NMC	LOC	450 Castlereagh Road, Belfast, BT5 6BH	Non-material Change to LA04/2022/1626/F - The addition of a flat roof lantern and the relocation of the entrance door to the utility room	Non Material Change Granted	11 Aug 2023
LA04/2023/3389/F	LOC	46 Ashleigh Manor, Belfast, BT9 6JY	Single Storey Side Extension (Amended)	Permission Granted	23 Aug 2023
LA04/2023/3423/F	LOC	29 Galwally Avenue, Belfast, BT8 7AJ	Proposed single storey extension to rear to provide kitchen, dining living area.	Permission Granted	25 Aug 2023
LA04/2023/3445/F	LOC	7 Mount Eagles Mews, Belfast, BT17 0GR	Proposed rear single storey kitchen extension including new dormer to main rear roof	Permission Granted	22 Aug 2023
LA04/2023/3513/F	LOC	1 Pavilion Park Demesne, Belfast (Lands adjacent to Queens University Playing Fields, Dub Lane)	Proposed electric operated sliding gate with pillars (house approved under LA04/2022/1323/F)	Permission Granted	23 Aug 2023
LA04/2023/3557/CLOPU D	LOC	1-5 GAFFIKIN STREET, BELFAST, BT12 5FH	Lawful commencement of application LA04/2018/0021/RM	Permitted Development	31 Aug 2023
LA04/2023/3570/DC	LOC	62 Boucher Road, Belfast, BT12 6HR	Discharge of condition 12 LA04/2021/1023/F Proposed Foul Sewerage Layout	Condition Partially Discharged	11 Aug 2023
LA04/2023/3579/F	LOC	37 Stirling Avenue, Belfast, BT6 9LQ	Proposed single storey rear Kitchen and dining room extension.	Permission Granted	31 Aug 2023
LA04/2023/3613/LBC	LOC	166 - 174 North Street, Belfast, BT11QS	Partial demolition of the rear of the fire damaged 'Barewood building' located at Nos. 166-174 North Street.	Consent Granted	14 Aug 2023
LA04/2023/3666/CLEUD	LOC	6 Collingwood Avenue, Belfast, Co. Antrim, BT7 1QT	House of Multiple Occupation	Permitted Development	25 Aug 2023
LA04/2023/3703/DC	LOC	Stranmillis University College Campus Stranmillis Road, Belfast, BT9 5DY	Discharge Condition 16 LA04/2019/1614/F Invasive Species Management Plan	Condition Partially Discharged	11 Aug 2023

LA04/2023/3714/F	LOC	7-9 Donegall Place, Belfast, BT1 5AA	Amalgamation of two existing ground floor and first floor retail units to single retail unit with associated plant.	Permission Granted	22 Aug 2023
LA04/2023/3718/F	LOC	1 Windsor Court, Belfast, BT9 6JE	Change of use from short term holiday let to dwelling	Permission Granted	31 Aug 2023
LA04/2023/3731/CLEUD	LOC	82 Willowbank Gardens, Belfast, BT15 5AJ	Existing use: Existing use of HMO which has been in operation for 5 years	Permitted Development	31 Aug 2023
LA04/2023/3775/CLEUD	LOC	87 Maryville Street, Belfast, BT7 1AE	Short term holiday let accommodation	Permitted Development	16 Aug 2023
LA04/2023/3776/CLEUD	LOC	16 Salisbury Court, Belfast, BT7 1DD	Short term holiday let accommodation	Permitted Development	16 Aug 2023
LA04/2023/3752/WPT	LOC	73-75 Somerton Road, Belfast, BT15 4DE	Works to 1 trees	Works to Trees in CA Agreed	16 Aug 2023
LA04/2023/3771/A	LOC	340 Shankill Road, Belfast, BT13 3AB	Replacement of existing mural with a PVC Vinyl Mural	Consent Granted	22 Aug 2023
				<u>Total Decisions</u>	



Subject:	The Building (Amendment) Regulations (NI) 2023 - Draft consultation response
Date:	19 th September 2023
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Ian Harper, Building Control Manager, Ext. 2430 Alan Mayrs, Principal Building Control Surveyor, Ext 2428

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"/>
Sometime 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 consider a draft response to a consultation on proposed amendments to Parts A (Interpretation and general) and E (Fire Safety) and subsequent guidance changes to Technical Booklet E of the Building Regulations (Northern Ireland) 2012. These amendments will be titled The Building (Amendment) Regulations (NI) 2023
2.0	Decision(s) required and recommendations
2.1	To consider the draft response to the Department of Finance consultation and agree, subject to any amendments, a response on behalf of the Council.
2.2	The closing date for responses to this consultation is 25 th September 2023. If agreed, the response will be submitted, but subject to ratification by full Council in October.

3.0	Main report
	<p><u>Key issues</u></p> <p>3.1 The Buildings Standards Branch of the Department of Finance (Department) is seeking the views of the Council on their proposals to amend the Building Regulations (Northern Ireland) 2012 (as amended).</p> <p>3.2 Building regulations apply to most building work and are made principally to ensure the health, safety, welfare and convenience of people in and around buildings, the conservation of fuel and power, the protection and enhancement of the environment and the promotion of sustainable development.</p> <p>3.3 The Building Regulations set mainly functional requirements (i.e. they identify a reasonable standard that should be attained) and are supported by Technical Booklets giving guidance, including performance standards and design provisions, relating to compliance with specific aspects of the Building Regulations for the more common building situations.</p> <p><u>Proposals and Purpose</u></p> <p>3.4 The Department is committed to considering the recommendations of the Grenfell Tower Inquiry and some of the changes proposed as part of this package focus on those recommendations where the Inquiry called for changes.</p> <p>3.5 The proposals in the main relate to fire safety changes in buildings containing flats to provide assurance and additional safety measures to residents. Other measures are aimed specifically at assisting the Fire and Rescue Service to ensure they can provide an effective operational response. Where appropriate, the opportunity has been taken to extend some of the new requirements further beyond just buildings containing flats. For example, requiring automatic fire suppression in care homes, nursing homes, children's homes and student accommodation, where the evidence is clear they offer a substantial benefit to life safety in comparison to the costs involved. Through these proposals, the Department is seeking to implement some of the Inquiry's recommendations and meet its objectives in the most practical, proportionate and effective way.</p> <p><u>Main changes</u></p> <p>3.6 Sprinklers – The Introduction of a new mandatory requirement to install a sprinkler system in all new built flats and purpose-built student accommodation over 11m in height and to all new residential care premises irrespective of height. The requirement will also apply where these premises are created by a material change of use.</p> <p>3.7 Smoke Alarms – A proposal to update guidance in Building Regulations to require smoke alarms in all habitable rooms within a new build dwelling house or flat. Current guidance calls for alarms in the hallway, principle habitable room and kitchen only.</p> <p>3.8 Fire Safety Information – The introduction of a new mandatory requirement to provide as-built fire safety information to the person managing fire safety for buildings in occupation. This requirement will apply to most non- domestic premises of any height and to flats more than 11m in height when constructed as new or created by a material change of use.</p> <p>3.9 Smoke Ventilation Standards in Flats – Proposed changes to outdated guidance in relation to smoke ventilation in the common area of new flats. This also includes stipulation of the</p>

	product standards for smoke vents and updates to the operating protocols for smoke vents in smoke shafts.
3.10	<p>Facilities and Access for the Fire and Rescue Services - A change in building regulations guidance is being proposed to require the following additional facilities.</p> <ul style="list-style-type: none"> ➤ A requirement to provide wayfinding signage in buildings containing flats over 11m in height to assist fire fighters identify floor level in a fire situation. ➤ Amendments to the guidance with respect to the design of firefighting shafts to reduce hose laying lengths in a fire situation and to increase the requirement in assembly and recreation buildings. ➤ Reduce the height at which a wet fire main should be installed. ➤ A new requirement for the installation of an emergency evacuation alert system in new blocks of flats with a storey more than 11m above ground level to assist the Fire and Rescue Service implement a full evacuation if required. ➤ Introduction of new guidance to require the provision of a secure information box in buildings containing flats with a storey more than 11m above ground level. The purpose of which is to store information which may assist with the firefighting and rescue operation in a fire situation. <p>Belfast City Council Response</p> <p>3.11 The Building Control Service have reviewed the consultation proposals in detail and the proposed response on behalf of Belfast City Council is included in Appendix 1. The new and amended requirements have been broadly welcomed, particularly the mandatory requirement for sprinkler protection in residential buildings and the increased standards for smoke detection in new dwellings. These measures will help to protect and keep the citizens of Belfast living in new flats, purposes-built student accommodation, residential care premises and in dwellings safe during a fire situation.</p> <p>An opportunity has also been taken to provide some feedback on the proposals where the new guidance is unclear or could be improved.</p> <p>The full package of consultation documents can be found on the Department's website: - https://www.finance-ni.gov.uk/consultations/consultation-fire-safety-changes-local-building-regulations</p> <p><u>Financial & Resource Implications</u></p> <p>3.12 The Department of Finance have carried out a Regulatory Impact Assessment to establish the financial impact of these changes to Industry.</p> <p>The changes will affect all those dealing with relevant building work, typically the erection, extension or alteration of a building and buildings created as a result of a material change of use. This may include Architects, Surveyors, Engineers, Developers, Builders, Contractors, District Council Building Control Departments, Property owners/occupiers, Insurers etc.</p> <p>The economic costs to business of these changes have been estimated by the Department at £4.855m per annum with an initial familiarisation cost to industry of £173,627 (Year1) and</p>

	<p>cost to Building Control Departments of £18,800 (Year 1) for training. Training and familiarisation will be carried out in house within Belfast at no additional cost to BCC.</p> <p>The total monetised benefits established by the Department are associated with the lives saved and injuries prevented (social benefits) per annum and the potential averted property damage. Savings due to reductions in deaths and injuries has been estimated at £420,710 per annum based on 3 lives saved and 136 injuries prevented in a 25-year period. Reductions in property damage are estimated at £1.44m per annum. There will be other social benefits associated with reducing the severity and incidence of fires, such as reducing the distress and disruption caused by fire including the upset at the loss of a person's home and belongings. In the case of very large fires the negative impact on the local community/business could be significant however it was not possible for the Department to put a value on the other social, economic and environmental benefits of the changes especially those relating to sprinkler protection and the increased standards of smoke detection.</p> <p>The impact of not implementing these changes would mean that resident safety would remain at the current level and would leave this region exposed in lagging behind fire safety standards already implemented in other regions of the UK and ROI.</p> <p>Given the majority of the changes relate to dwellings and to residential buildings the cost impact of these changes to Belfast City Councils building programmes would be minimal.</p> <p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p>
3.13	<p>The proposed amendments have been screened out by DoF in relation to the need to carry out an equality impact assessment. The equality impact screening assessment is published separately on the Departmental Website.</p>
4.0	Appendices
4.1	Appendix 1: – Draft BCC Consultation Response

Building (Amendment) Regulations (Northern Ireland) 2023

Consultation Response Form

July 2023

(closing date for receipt of responses is Monday 25 September 2023)

Building (Amendment) Regulations (Northern Ireland) 2023 - Consultation

Overview

Fire safety measures in buildings established through the local Building Regulations contribute significantly to maintaining life safety standards for occupants/residents and firefighters alike, not to mention the contribution they make in terms of property protection.

The proposed consultation contains amendments to uplift fire safety protection measures in a range of buildings. They are mainly focused on residential buildings and in particular domestic multi-residential buildings, to provide assurance and additional safety measures to residents. Some amendments are aimed at assisting the Fire and Rescue Service to ensure they can provide an effective operational response. The intended effect of the proposals is to reduce the consequences of fire through saving lives and preventing injuries.

Why your views matter

The Grenfell tragedy and subsequent Phase 1 report to the Public Inquiry highlighted the potential benefits of some of the items proposed in this consultation - sprinkler usage, wayfinding signage, evacuation alert sounder systems, smoke ventilation systems and secure information boxes to improve resident safety. Sprinklers in particular have been proven to be very effective fire protective measures for saving lives in residential type buildings.

The Department is seeking your views on these matters and the other amendments as proposed to the local Building Regulations through this consultation. Your views will help to inform the development of final policy proposals.

It is not compulsory to answer all of the questions, so you can take part in the consultation even if you do not have views on all of the above issues. The answers you give will inform the development of final policy proposals and legislation, so we would encourage you to take this opportunity to have your say.

Privacy Notice

The Data Protection Act 2018 states that, as a government department, DoF may process personal data as necessary for the effective performance of a task carried out in the public interest. i.e. a consultation. In addition to the statutory requirement in the Building Order to consult on building regulations matters there is an expectation of appropriate public consultation on substantive changes to the Building Regulations.

Your personal data is being collected as an essential part of the consultation process, so that we can contact you regarding your response and for statistical purposes. We may also use it to contact you about related matters.

Your data will be kept for two years, after which all data will be deleted. To find out how we handle your personal data, please see our [privacy policy](#). When submitting this response you agree to our privacy policy.

All the information you provide will be treated in strict confidence and will not be used to identify you personally. The analysis will be carried out on an anonymous basis under the guidelines of the GDPR.

Where consent has been provided consultation responses will be published on the Department of Finance website, no personal data will be published.

Information will not be passed on to anyone else and will only be used for the purposes of this consultation/survey or if necessary to fulfil legal or regulatory requirements.

Completion of the Response Form

The Department will consider all responses to this consultation received on or before the closing date for receipt of responses which is **25 September 2023**.

Submissions made after this date will not be considered.

We would strongly encourage you to respond to the consultation by completing the survey on the Citizen Space platform, which can be accessed [here](#).

If using this form to respond to the consultation please send it by email to:

info.bru@finance-ni.gov.uk or it may be posted to:

Karen McKernon
Consultation Co-ordinator
Department of Finance
Building Standards Branch
Floor 6
Goodwood House
44-58 May Street
BELFAST BT1 4NN

Please refer to the package of Consultation Documents which outline fully the proposed amendments at –

<https://www.finance-ni.gov.uk/consultations>

For ease of use, questions relating to each aspect of the consultation are referenced by a letter relating to the Part of the Building Regulations that the aspect is considering, for example A1 and A2 are questions on Part A: Interpretation and general; E1, E2 etc. are questions on Part E: Fire safety and TBE1, TBE2 etc. are questions on Technical Booklet E: Fire safety.

Click on the box (or insert an “x”) beside “Yes”, “No” or “No view” as appropriate. It is not essential to give an answer to every question. The last question is completely open to enable consultees to make suggestions or observations on relevant issues that are not addressed by answering the preceding questions.

Please make any comments you might have in the box provided. If you disagree with any of the proposals the Department would be interested to know why you disagree.

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Respondent Details

In order for your response to be considered valid, you must provide the following information:

Name	Stephen Hewitt
Organisation (if any)	Belfast City Council
Email	hewitts@belfastcity.gov.uk

Are you responding as an individual? ☐

Or are you representing the views of an organisation? ☒

Please indicate how you wish your response to be handled and, in particular, whether you are content for your response to be published.

If you ask for your response to be confidential, we will still take account of your views in our analysis but we will not publish your response, quote anything that you have said or list your name. If you ask for your response to be regarded as confidential and not to be published, you will be asked to explain to us why you regard the information you have provided as confidential.

To find out how we handle your personal data, please see your privacy policy ([Department of Finance Privacy Notice | Department of Finance \(finance-ni.gov.uk\)](#)). When submitting this response you agree to our privacy policy.

The Department of Finance would like your permission to publish your consultation response. Please indicate if you wish your response to be treated as confidential.

Yes ☐ No ☒

If you wish your response to be treated as confidential, please provide your justification for doing so.

We may wish to contact you again in the future, but we require your permission to do so. Are you content for the Department of Finance to contact you again in relation to this consultation exercise?

Yes ☒ No ☐

PART A, INTERPRETATION AND GENERAL: QUESTIONS

Part A of the Building Regulations (Northern Ireland) 2012 (as amended) (the Building Regulations) defines certain terms used in the regulations and establishes processes which relate to the application of the regulations.

(Refer to Section 4 of the Consultation proposals document)

It is proposed to amend Part A of the Building Regulations and in particular regulation 8 (Application to material change of use) so that when a building becomes a 'relevant premises' (as defined under the Fire and Rescue Services (NI) Order 2006) after a material change of use, that building will be subject to the new requirement of regulation 37A. The same requirement will apply to a building containing one or more flats with a storey more than 11m above ground level that is created as a result of a change of use.

Similarly it is proposed to amend Part A of the Building Regulations and in particular regulation 8 (Application to material change of use) so that when a building on the prescribed list i.e. becomes a building containing flats or a building for purpose built student accommodation with a storey more than 11m above ground level or a residential care home, nursing home, children's home, family resident centre due to a material change of use, then that building will be subject to the new requirement of regulation 37B.

The amended Table to Regulation 8 (Application to material change of use) will demonstrate for the existing Cases where the new requirements in regulations 37A and 37B will apply.

A1. *Do you agree with the proposal to require a building which becomes a 'relevant premises' (as defined in the Fire and Rescue Services (NI) Order 2006) or a building containing one or more flats with a storey more than 11m above ground level, due to a material change of use, to be subject to the requirements of new regulation 37A?*

Yes ☒ No ☐ No view ☐

Comments (if any):

Belfast City Council (BCC) welcomes this new regulation which will ensure the person with responsibilities for fire safety is provided with information on the active and passive fire safety measures incorporated in a building during design and construction.

Case II flats in Table 8 are indicated as not being subject to regulation 37a however regulation 37a will create a mandatory standard for flats in buildings over 11m. No reference is made to this or to the term 'relevant premises' in the notes within Part A which may cause confusion with the application of regulation 37a in a change of use

situation. This requirement will also be applicable for case IV and XII if a 'relevant' premises which is not indicated in the notes or table.

A2. *Do you agree with the proposal to require a building which becomes a building on the prescribed list of buildings in regulation 37B due to a material change of use, to be subject to the requirement of new regulation 37B?*

Yes ☒ No ☐ No view ☐

Comments (if any):

BCC welcomes this requirement which will protect the citizens of Belfast living in these new residencies. The mandatory requirement for automatic suppression in apartment buildings, purpose-built student accommodation (PBSA) over 11m in height and in care homes will improve the safety and the perception of safety for all occupants in these buildings.

Over the longer-term increased requirements for automatic suppression will help to save lives and reduce injury. As an associated benefit it will also protect property and the impact of fire on the environment.

We would point out that reference to the application of regulation 37b is not referenced in Part A Table 8 and specifically the notes associated with this table. We understand this table should be read in conjunction with the regulations which bring in the requirement however this should be made clear in Table 8 to avoid confusion. Table 8 is the go-to location that designers will use to identify the requirements applying to a change of use. This requirement may not be picked up by designers prior to RIBA stage 4. It is imperative that requirements such as this are considered as early as possible.

PART E, FIRE SAFETY: QUESTIONS

Part E of the Building Regulations sets out requirements in buildings for ensuring adequate means of escape, adequate limitation for internal fire spread to linings and internal structure, adequate limitation on external fire spread and adequate facilities and access for the Fire and Rescue Service.

(Refer to Section 5 of the Consultation Proposals document).

It is proposed to introduce a new Regulation 37A 'Provision of fire safety information' to require that adequate 'as built' fire safety information is made available to the person responsible for fire safety duties in a building after completion of a project when a building is handed over for ownership/occupation.

The information will be of benefit to the owner/occupier in operating and maintaining the building for fire safety purposes and is seen as a necessary link between fire safety measures installed as part of the design and as-built phase and the occupied phase in the lifecycle of a building.

With this information, owners/occupiers should be able to understand and implement the fire safety strategy of the building; maintain any fire safety system provided and carry out an effective fire risk assessment of the building.

E1. *Do you agree that as built 'fire safety information' should be required to be given under Building Regulations to those responsible for fire safety duties in a building not later than the date of completion of the work, or the date of occupation of the building or extension whichever is the earlier?*

Yes ☐ No ☒ No view ☐

Comments (if any):

The provision of accurate fire safety information would be relevant to those with responsibilities for managing fire safety of a building in occupation. Whilst not prevented by regulation buildings should not be occupied until all work associated with fire safety is complete. There have been calls in the past to require that buildings should not be occupied until Building Regulations completion i.e. all works associated with building regulations compliance are complete.

We consider the best time to provide this information would be between building regulations completion and occupation. In this regard there is an opportunity to include accurate as built information on active and passive fire safety measures and also any cause and effect associated with active systems. The commissioning of active systems and the complete position with regard to cause and effects and the location of all passive fire protection measures may not be fully understood until after completion. We consider that time is required post completion prior to occupation to produce this information to ensure it is accurate and represents 'as built' construction and does not simply become a tick box exercise.

It is proposed to apply the new regulation to ‘relevant premises’ as defined under the Fire and Rescue Services NI Order 2006 (FRSNIO) and to buildings containing one or more flats with a storey more than 11m above ground level. ‘Relevant premises’ under the FRSNIO are predominantly all non-domestic buildings.

This requirement was introduced to Building Regulations in England and Wales in 2006 and a similar requirement for fire safety design summaries was introduced in Scotland in 2013. Introducing here will bring NI into line with the existing requirement in other regions.

E2. *Do you agree with the scope of buildings (‘relevant premises’ as defined under the FRSNIO and buildings containing one or more flats with a storey more than 11m above ground level) for the new regulation to apply to?*

Yes ☒ No ☐ No view ☐

Comments (if any):

BCC would agree with the scope of this regulation however we do consider a list of these premises should be provided in Technical Booklet E. This could be incorporated as an Appendix to assist designers and other relevant persons involved in design and construction having full information on when this regulation applies.

In relation to the wording of regulation 37A (1) i.e. “*This regulation only applies when building work or a relevant change of use creates..*” infers the regulation only applies when the work or change of use ‘creates’ an in scope premises.

Whilst the term ‘building work’ within building regulations is defined to include extensions, alterations etc relating it to applying only in the situation of creating the building is confusing and incorrect. We understand the intent is to apply this to building work which also extends or alters a building not just in the situation of where it is created. A re-wording of this should be considered.

The regulation is worded in a similar way as equivalent regulation 38 for England and Wales which was introduced there in 2006. Responsibility for compliance with this new requirement will fall upon ‘the person carrying out the work’.

E3. *Do you agree with the use of the term ‘person carrying out the work’ in the regulation or do you think a more specific individual should be cited in the regulation and hence responsible for providing this information?*

Yes ☐ No ☒ No view ☐

Comments (if any):

The person carrying out the works is a term associated with a definition provided in regulation 12 for ‘builder’.

Whilst the builder may have some of the information and knowledge to help formulate a package of relevant information a duty needs to be placed on a person with responsibilities. This feeds into the wider review of fire safety across the UK which has exposed the lack of clear responsibility for fire safety during the design and construction phase.

BCC would recommend that the responsibility to provide this information is clearly laid upon the person fulfilling duties associated with a role carrying overall responsibility for the design/construction phase. It should be the responsibility of this person to organise preparation of this information through the relevant actors involved in the design and construction phase.

It is acknowledged there is a wider piece of work required to define and associate responsibilities to roles for fire safety in NI during design and construction to allow this to happen.

It is proposed to introduce a new prescriptive regulation 37B which will require the provision of suitable automatic fire suppression systems (e.g. sprinklers) in certain types of buildings.

Sprinkler systems installed in residential type buildings can reduce the risk to life and significantly reduce the degree of property damage caused by fire. Evidence has shown that automatic fire sprinklers protect residents from fire, they limit fire spread protecting means of escape for residents, and also protect Firefighters who attend such fires.

E4. *Do you agree that a new prescriptive regulation requiring the provision of suitable automatic fire suppression systems in certain types of buildings should be introduced under regulation 37B?*

Yes ☒ No ☐ No view ☐
Comments (if any)

BCC welcomes this requirement for automatic suppression systems in apartment buildings, in PBSA over 11m in height and in care homes. The mandatory nature of this requirement ensures these systems must be incorporated in these buildings and cannot be designed out.

Prescriptive requirements bring clarity to all involved as to how compliance must be achieved and BCC are fully supportive of this approach. We would also ask that consideration be given to preventing any application for dispensation or relaxation of this regulation.

BCC would encourage the Department to consider the use of more prescriptive requirements for critical life safety systems and construction details across fire safety regulations which bring more assurance to fire safety.

The new regulation will apply to a prescriptive list of buildings only, including buildings containing one or more flats with a storey more than 11m above ground level; purpose-built student accommodation type buildings with a storey more than 11m above ground level; all residential care homes, nursing homes, children's homes and family resident centres irrespective of storey height.

In relation to adding to this list, there may be a wider piece of work in future to consider a broader range of buildings with a sleeping risk for automatic fire suppression provision e.g. hotels. There may also be some higher risk Purpose Group 5 buildings (Assembly and recreation) which may merit consideration on the list.

E5. *Do you agree with the scope of buildings as proposed for now under new regulation 37B?*

Yes ☒ No ☐ No view ☐

Comments (if any):

BCC agrees with the scope of buildings currently proposed however we would request that this matter is reviewed further to consider how the scope of this regulation should be widened to create maximum benefit. Additional buildings within purpose group 1 and 2 which contain a sleeping risk would be obvious areas to focus on initially.

BCC would welcome the further piece of work the Department are considering in this area.

A threshold storey height of 11m has been chosen to align with the same requirement in England for buildings containing one or more flats. This height is also consistent with the joint call in March 2019 from the Royal Institute of Chartered Surveyors (RICS), Royal Institute of British Architects (RIBA) and the Chartered Institute of Building (CIOB) on government to require the installation of sprinklers in all new and converted residential buildings, student accommodation and care home buildings more than 11m in height.

Lower trigger heights apply elsewhere in Scotland and Wales and also capture a wider number of building types.

E6. *Do you agree with the height threshold of 11m for buildings containing one or more flats and purpose-built student accommodation as proposed under new regulation 37B?*

Yes ☐ No ☐ No view ☒

If you disagree, state the height threshold you think it should be and your reasons why.

Comments (if any):

Statistics highlight that between 1 Jan 2017 to 31 Dec 2022 there were 6 fire related fatalities in apartments out of a total of 39 and none of these fatalities occurred above the second floor. 33 of the fatalities occurred in lower rise residential occupancies and at lower levels. However, these statistics do not take into consideration the impact a fire may have and the potential for a high fire fatality loss in buildings at height.

It is acknowledged that height is the UK wide trigger for application of requirements relating to automatic suppression and in this regard we have neither information to back up the chosen trigger height or to refute it.

We would encourage however a further review in relation to extending the scope of this regulation to other buildings containing a sleeping risk taking into consideration fires fatality and casualty statistics. Any increase in scope should be targeting those more at risk.

Our Building Control Service have previously provided information to the Finance Committee through Building Control Northern Ireland in a letter dated 22nd February 2021 which outlines areas for improvement. One of those areas was in relation to sprinkler provision in timber externally and internally framed buildings of any height. We understand this letter has been passed to the Department.

It is proposed to apply new requirement 37B to all (irrespective of height) care homes, nursing homes, children's homes and family resident centres as defined by the 'Health & Personal Social Services (Quality, Improvement & Regulation) (Northern Ireland) Order 2003'. These terms will be grouped under the definition for 'residential care premises'.

E7. *Do you agree with the definition of residential care premises being adopted in building regulations for the application of new regulation 37B?*

Yes ☒ No ☐ No view ☐

Comments (if any):

Given the level of vulnerability and the difficulties in undertaking an evacuation in a fire situation within these facilities BCC welcomes the introduction of a mandatory requirement for the installation of automatic suppression in all these premises.

There have been several incidents across the UK over the last decade in care homes which have resulted in multiple fire fatalities and non-fatal fire casualties in low rise buildings. Many of the facilities constructed in NI would be low rise (three storeys or less) and therefore it would be appropriate not to attach a higher height threshold as a trigger in these buildings.

BCC has no issue with the definition being proposed for residential care premises and would agree with the scope.

Introducing a prescriptive requirement for the installation of automatic fire suppression systems (e.g. sprinklers) in certain types of buildings here for the first time is likely to require a period of time of adjustment for the industry. It is proposed to have a transitional period of 6 months between the requirement being made and it coming into operation.

E8. *Do you agree with a transitional period of 6 months?*

Yes ☒ No ☐ No view ☐

If you disagree, state how long the transitional period should be and your reasons why.

Comments (if any):

BCC agrees with the transitional period of six months to allow industry adjustment.

TECHNICAL BOOKLET E, FIRE SAFETY (TBE); QUESTIONS

Part E of the Building Regulations sets out fire safety requirements in relation to buildings.

(Refer to Section 6 of the Consultation Proposals document and consultation version Technical Booklet E).

Alongside the technical requirement changes to Part E legislation, a number of changes to Technical Booklet E (TBE) are proposed. The Department is issuing a consultation version of a TBE indicating the proposed changes as part of this consultation (see paragraph 3.3 of document C2 'Consultation proposals'). The amended TBE will provide guidance on demonstrating compliance with the new Part E requirements 37A and 37B. It will also contain revisions to Section 2 to amend provisions for fire alarms in dwellings and smoke ventilation from the common escape routes of medium/high-rise buildings containing flats. Revisions to Section 6 will include amended and new provisions for firefighter safety for Facilities and Access for the Fire and Rescue Service.

The new guidance to regulation 37A in Part E will be placed in a new Section 7 'Fire safety information' of TBE.

The guidance gives 'essential information' for simple buildings and more detailed 'Additional information for complex buildings'. The amount and degree of information required will depend on the individual circumstances of the building concerned.

TBE1. *Do you agree with the proposed guidance in Section 7 of the consultation version TBE for 'fire safety information'?*

Yes ☒ No ☐ No view ☐

Comments (if any):

BCC considers that section 7 provides clear guidance on the detail required for inclusion within any report or documentation to be provided to the person with fire safety duties to meet the requirements of regulation 37 A (2).

The new guidance to regulation 37B in Part E will be placed in a new Section 8 'Sprinklers' of TBE. It is aimed at providing guidance for sprinklers as one way to satisfy the automatic fire suppression system requirement of regulation 37B.

The guidance gives general information on sprinklers; makes reference to design standard BS 9251 "*Fire sprinkler systems for domestic and residential occupancies. Code of practice*" for residential buildings and BS EN 12845 '*Fixed firefighting systems. Automatic sprinkler systems. Design, installation and maintenance*' for non-residential buildings.

Guidance for water supplies and pumps for non-residential sprinkler systems designed and installed to BS EN 12845 is also provided.

TBE2. *Do you agree with the proposed guidance regarding sprinklers given in Section 8 of the consultation version of TBE?*

Yes ☒ No ☐ No view ☐

Comments (if any):

BCC agrees with the proposed guidance and the reference to the relevant standards for detailed design and installation requirements. We would point out however in relation to the references that sprinklers should be extended to common areas only where they are not deemed sterile, BS EN 12845 and BS 9251 both call for sprinklers to be provided in all parts of the premises, so applying the exemption in TBE makes those sprinkler systems non-compliant with these standards.

In addition, it would be helpful if more guidance could be provided on the acceptability of the alternative established fire suppression systems referred to in paragraph 8.4.

The Department intends to revise the contents of Section 2 of TBE as a whole, as part of the next phase of changes to Part E and TBE. However, as part of this package of changes now, it is proposed to uplift the current requirement in TBE for fire alarm provision in dwellings.

Currently TBE requires a fire alarm system of Grade D Category LD2 to BS 5839-6 with smoke alarm or alarms in the principal habitable room and a heat alarm in each kitchen. This is currently more onerous than ADB1 in England and Wales, in line with the Technical Handbook in Scotland but less onerous than the standard set in Technical Guidance Document B in Republic of Ireland.

It is proposed to require smoke alarms in every habitable room in a new build dwelling or a dwelling created as a result of a material change of use. (Smoke alarms in circulation routes and heat alarms in kitchens will also still be required).

The proposal should benefit all occupants but particularly those who may be elderly/vulnerable/asleep and tend to react slower. Where available time for evacuation is critical, earlier warning and increased audibility levels of the alarm throughout the dwelling should enhance occupant safety.

Habitable room will be defined in TBE as *“any room in a dwelling other than a kitchen, utility room, bathroom, shower room, dressing room or WC”*.

TBE3. *Do you agree with the revised provisions for installation of smoke alarms in all habitable rooms as part of automatic fire detection in new dwellings?*

Yes ☒ No ☐ No view ☐

Please provide any evidence in support to your answer.

Comments (if any):

BCC welcomes the extension of smoke alarm coverage in new dwellings to all habitable rooms and consider the potential benefits in terms of reduced fire fatalities and non-fatal fire casualties will vastly outweigh any theoretical disadvantages.

The dramatic fall in fire related fatalities in the late 1970s across the UK was largely attributed to the widespread use of smoke alarms around that time. Following the introduction of requirements within Building Regulations in the 1990s there has been limited change to the coverage required whilst the cost has continued to fall and the benefits have continued to be evidenced in terms of fire fatality rates.

With increased use of portable charging devices, an aging population and changes to statistics around risks associated with room of fire origin this would be a timely introduction with limited cost implications to industry.

In relation to the level of fire alarm system required in an existing dwelling when it is subject to an extension and/or alteration, with the exception of a roofspace conversion to habitable accommodation in a dwellinghouse, TBE does not specify the level of provision.

The coverage of fire alarm system required when an extension and/or alteration occurs will depend on the starting fire alarm provision in the dwelling prior to the extension and/or alteration. Under existing provisions in TBE, it is unlikely for instance that an existing system would have the appropriate level of detection to alarm a new habitable roofspace storey. However, an existing system may be adequate to provide appropriate level of detection to an extension and/or alteration which creates a new habitable room on the same storey. This will of course change if the proposal to alarm all habitable rooms in a dwelling is adopted.

The intention of the new guidance in TBE is to bring clarification to the issue of fire alarm provision when a dwelling is extended and/or altered.

TBE4. *Do you agree with the new guidance in relation to fire alarm provision in dwellings subject to an extension and/or alteration work?*

Yes ☐ No ☒ No view ☐

Comments (if any):

BCC has two issues with the proposal. Firstly, we consider that detection should be required to warn the occupant of fire in a room with a final exit created by an extension. An occupant of that room may be unaware of a fire in the adjoining part of the dwelling and therefore will not receive any alert to evacuate the dwelling in a fire situation. If this room is a bedroom and the occupant is sleeping, they may be overcome by toxic gases before being able to make their escape.

Secondly the standard being stipulated requires full house coverage which would seem onerous in the case of an extension where it is the extension and its impact on the existing house that is being considered. This same standard would also be applicable to roofspace conversions.

We would also point out that no guidance is provided regarding the standards required for alterations which is included in the heading. An interpretation of this could be that this is a standard for the situation where a new room is created by alterations however no standard is provided otherwise for alterations or for the situation of retrofit which currently causes much confusion.

In paragraph 2.24B reference is made to smoke alarms being installed in accordance with paragraph 2.23. Consider replacing with 'automatic fire detection' as per the requirements of 2.23 which includes smoke and heat alarms.

In paragraph 2.24A (a) spelling mistake 'proivided'

Also proposed as part of this package of changes to Section 2 of TBE is to clarify the smoke ventilation requirements in the common escape routes (lobbies/corridors/stairways) of buildings containing flats.

The new provisions will provide for external wall smoke vents or smoke shafts as a means to achieve natural smoke ventilation from common escape routes in blocks of flats and make reference to BS EN 12101-6 '*Smoke and heat control systems – Part 6. Specification for pressure differential systems*' as the document to use for the designing of mechanical smoke control systems that use pressure differentials.

BS EN 12101-2 :2017 '*Smoke and heat control systems. Natural smoke and heat exhaust ventilators*' will also be cited as the standard for natural smoke ventilators.

TBE5. *Do you agree with the amended guidance regarding smoke ventilation from the common escape routes in buildings containing one or more flats as inserted in TBE?*

Yes ☐ No ☒ No view ☐

Comments (if any):

BCC welcomes a review and update of the smoke ventilation requirements for apartments specifically the clarifications regarding the standard for smoke vents, the operational protocols for AOV's and the design recommendations for smoke shafts. Since the last revision of BS5588 Part 1 this is an area where there has been significant change in design codes, and these design standards are continuing to evolve. We would however have some comments with regard to the detail of the recommendations to help ensure they are fully understood by designers and Building Control Departments and that no ambiguity exists.

Small buildings with no storey more than 11m above ground level and with a single stair

Proposed paragraph 2.34D provides a standard for stairwell vents in a common lobby approach situation which includes an alternative to landing vents at 2.34D (ii). This paragraph states the alternative is to provide an openable vent at the top of the staircase. This is similar wording to BS9991 which is typically interpreted by many fire engineers and designers as at the 'top landing'. The wording within BS5588 Part 1 'over the stair' reflects the difference in vent efficiency between wall mounted vents at each landing which are impacted by wind direction and a single vent over the stair which is impacted less. We consider this to be a poor choice of words 'at the top of the staircase' and should be replaced with over the stair. In addition, no mention is made of the ability in a common lobby situation for buildings under 11m to extend travel distance in the common lobby to 7.5m from 4.5m with the introduction of an AOV. In this regard it should be clearly stated which recommendations of BS5588 Part 1 each additional recommendation is replacing.

In paragraph 2.34D (b) for the situation of a single stair building with no common lobby there is a note to say the maximum travel distance in the communal areas should be 4.5m. This same note is provided in BS9991 and currently causes much confusion as there is no clarity as to where this common area travel distance restriction needs to be applied or indeed the reasons. In this regard a diagram would be essential to explain this requirement.

Also, in paragraph 2.34D(b) the reference to 'at the top of the stair' should be replaced with 'over the stair' to avoid the confusion discussed above.

No detailed information is provided on the operation of manual vents recommended in 2.34D (b) as is the case in BS5588 Part 1.

The last paragraph of 2.34D states 'The smoke control strategy given in (a) should not be used with an open plan flat layout design'. It is not clear what strategy can or should be used and this should be clarified.

Buildings with a storey more than 11m above ground level and served by a single stair

In paragraph 2.34 (G) (b) (iii) reference is made to vents being fitted with a fire and smoke damper with further reference to paragraph 4.44 which is related to general ventilation ductwork. It is not clear how this relates to vents into a smoke shaft for smoke control.

In relation to the recommendations regarding the operation of vents into a smoke shaft at 2.34 (G) (b) (iv) there is no indication if manual override should be provided or is not permitted. This is currently an area of confusion.

2.34H recommends that a smoke vent should be provided to the top storey of the stair. This should be 'over the stair' to ensure this is not interpreted as vertical vent at the top landing which may be more susceptible to wind direction. It is not clear if this is a recommendation for both situations of lobby venting (shaft or wall mounted vents).

The operating procedure discussed at 2.34J is not related by reference to either of the options for lobby ventilation (shaft or wall mounted vents). The operating protocol is at variance with the operating protocol for the shaft scenario which requires three vents to open and this is dealt with in detail at 2.34 (G) (b). It is therefore assumed this is related to the lobby venting arrangement associated with 2.34 (G) (a). To avoid confusion this should be clarified. If a general point is to be made regarding AOV's being activated by smoke detectors this could be separated out.

Multiple stair buildings

The smoke ventilation for multiple stair buildings is indicated at 2.34 K as being the same as single stair buildings with the exception that vents to the exterior may be activated manually. Both BS5588 Part 1 and BS9991 have arrangements where external vents are required as AOV's. In BS5588 Part 1 this would be within lobbies or corridors where a dead end exists and in BS9991 this would be in all situations

within lobbies or corridors. It is not clear why this is replacing the ventilation arrangements in BS5588 Part 1.

Smoke control of common escape routes by mechanical ventilation

Whilst BS5588 Part 1 does provide guidance and recommendations on the situations where pressurization can be used and how this impacts design there is no mention in guidance regarding the use of mechanical smoke extraction. More commentary about the use of smoke extraction would be helpful if there is to be reference to the standards for this.

General

- It is difficult to fully understand the recommendations without diagrams.
- It would avoid confusion by referencing these recommendations for smoke ventilation in TBE against BS 55588 Part 1 diagrams for clarity and also make clear which recommendations in BS5588 Part 1 these new paragraphs in TBE are replacing. It will not be clear to designers or Building Control how much of the smoke control recommendations in BS5588 Part 1 still apply or should be applied.
- There are no recommendations regarding balcony or deck approach and therefore an assumption is made that the arrangements in BS5588 Part 1 is still relevant.
- We would draw the Departments attention to a smoke control association guidance document – ‘Guidance on smoke control to common escape routes in apartment buildings’. This document provides a critical analysis of recommendations contained in both ADB and BS9991 which some of the recommendations proposed for TBE are based.
- There is no reference to BS EN 12101 Part 2 in Appendix C to establish the benchmark for this requirement.

A series of changes are proposed for Section 6 ‘Facilities and Access for the Fire and Rescue Service’ of TBE. The changes and new provisions are aimed at assisting firefighters in their daily operations of firefighting and search and rescue.

It is proposed to require Purpose Group 5 (PG5) buildings (Assembly and Recreation) which have a storey 900m² or more in area at a height of 7.5m or more above fire and rescue service access level to have a firefighting shaft. All buildings irrespective of Purpose Group with a storey more than 18m above fire and rescue service access level require a firefighting shaft. PG 4, 6 and 7a buildings with a storey 900m² or more in area at a height of 7.5m or more above fire and rescue service access level already require a firefighting shaft.

A firefighting shaft is a protected enclosure containing a firefighting stair and firefighting lobby. If a lift is provided, this may or may not be a firefighting lift. These features are provided to assist attending firefighters in their operational duties.

TBE6. *Do you agree with the proposed change in guidance to require all Purpose Group 5 buildings which have a storey 900m² or more in area at a height of 7.5m or more above fire and rescue service access level to have firefighting shaft provision?*

Yes ☒ No ☐ No view ☐

Comments (if any):

BCC support this change and do not have any further comment to make.

To address safe penetration distances for firefighters, it is proposed to amend the design provisions for locating firefighting shafts and protected stairways. The amended guidance will require every part of each storey in a building more than 18m above fire and rescue service vehicle access level (or 7.5m where applicable), to be no more than 60m from a fire main in a firefighting shaft. In addition the guidance will require where sprinklers are not provided, the distance from any part of a storey should be no more than 45m from a fire main in a protected stair/shaft.

Distances are to be measured suitable for laying a fire hose.

TBE7. *Do you agree with the amended guidance so that the maximum distance from any point on a storey to a fire main in a firefighting shaft is 60m and in addition, where sprinklers are not fitted, the distance should be a maximum of 45m to a fire main outlet in a protected shaft (not necessarily a firefighting shaft)?*

Yes ☐ No ☒ No view ☐

Comments (if any):

Paragraph 6.3A deals with hose distances to firefighting shafts (FFS) for storeys over 18m and 7.5m. This covers FFS's required under paragraphs 6.3 (a) and (b) but with deletions there does not appear to be any requirement in relation to maximum hose distances for basements which require a FFS by paragraph 6.3 (c) and (d).

6.3 A also states that protected stairways should be located within hose laying distances. No explanation or rationale has been provided as to why protected stairways have been included in addition to FFS's.

It would appear from the changes that additional FFS's are not required beyond 2000m² as per the current TBE. No commentary is provided on this within the consultation document however the new guidance on FFS provision will see the number dictated by hose laying distances alone. In relation to this, paragraph 6.3B (b) recommends a limit to hose lengths to 45m where no sprinklers are installed. In the text this hose length limitation is related to protected shafts with a fire main. The proposed document also states this does not imply that the protected shaft needs to be a firefighting shaft. Given that a protected shaft does not typically contain a fire main nor is it provided with the same level of protection or facilities as a FFS (passive fire resistance, firefighting lobbies, ventilation etc) it is not clear how relating hose laying distance to a protected shaft with a fire main installed for buildings that are not sprinklered is achieving an increased level of safety to fire fighters.

In general terms it is difficult to fully understand the requirements without diagrams. These would help to clarify the requirements regarding the use of protected shafts in lieu of FFS's to achieve compliance for access for fire and rescue service. In addition some clarification is needed on the FFS provision in basements as discussed above.

From research into required flow of water through a dry fire main, it is proposed to amend the design provisions in TBE to restrict the use of a dry fire main to a storey height of 50m above fire service vehicle access.

The proposed change in guidance from the existing 60m storey height to 50m will ensure a building with a storey over 50m above fire service vehicle access level should be provided with a wet fire main. All other buildings where fire mains are provided can fit a wet or dry fire mains.

TBE8. *Do you agree with the amended guidance to set a storey height limit of 50m above fire service vehicle access level for provision of a dry fire mains?*

Yes ☒ No ☐ No view ☐

Comments (if any):

BCC support this change and do not have any further comment to make.

From research into buildings not fitted with a fire main, it is proposed to amend the design provisions in TBE in order that the effective hose penetration distance from the fire and rescue service vehicle (pump appliance) is 45m to reach all points within each individual dwelling (for blocks of flats) and dwellinghouses. This will replace the existing guidance of 45m to reach the individual dwelling entrance door.

TBE9. *Do you agree with the amended guidance so that a pump appliance can gain access, so that the effective hose penetration distance can reach to within 45m of all points within a dwellinghouse/flat? (for buildings not fitted with a fire main)*

Yes ☒ No ☐ No view ☐

Comments (if any):

BCC support this change and do not have any further comment to make.

Although rare, there may be occasions when the Fire and Rescue Service require to evacuate the fire floor and in extreme cases, other floors or the entire building during an incident in a building containing flats. Currently under such circumstances, the Incident Commander instructs firefighters to knock on the doors of the flats and advise the occupants to vacate the building when it is safe to do so.

The proposal is to require an emergency evacuation alert system for buildings containing flats (Purpose Group 1a buildings) with a storey more than 18m above ground level. The system will have a sounder in each of the flats but will not be linked to the smoke and heat detection/alarm system within the individual flat. The system should provide the fire and rescue service with an option to initiate a change in evacuation strategy via an alarm.

A new Standard for such a system has been published by BSI – BS 8629: 2019 ‘Code of Practice for the design, installation, commissioning and maintenance of evacuation alert systems for use by Fire and Rescue Services in buildings containing flats’ which is proposed to be referenced in the guidance.

TBE10. *Do you agree with requiring an emergency evacuation alert system to be installed in buildings containing flats with a storey more than 18m above ground level?*

Yes ☒ No ☐ No view ☐

Please advise if you think this threshold is not appropriate and why.

Comments (if any):

BCC support this change and believe this facility will allow the Fire Service or those with responsibilities in relation to the management of an evacuation, alert residents of the need to do so. Whilst we understand the operational decisions and the procedures around this are complex this facility will provide a quick and efficient way to allow this decision to evacuate to be communicated to all occupants.

Consideration should be given to the provision of such a facility in buildings below 18m.

There have been instances where firefighters have faced problems identifying floors and individual dwellings during an incident where the wayfinding signage perhaps could have been clearer.

It is proposed to implement a recommendation from the Grenfell Public Inquiry that wayfinding signage be present in all high-rise residential buildings. This proposal will go further than the Inquiry’s recommendation and introduce a requirement for it in all Purpose Group 1a multi-occupied residential buildings with a storey more than 11 m above ground level.

Wayfinding signage is relatively straightforward and inexpensive to introduce and will support Fire and Rescue Service operations and make an important contribution to building safety.

TBE11. *Do you agree with the new requirement for wayfinding signage in buildings containing flats with a storey more than 11m above ground level?*

Yes ☒ No ☐ No view ☐

Please advise if you think this threshold is not appropriate and why?

Comments (if any):

BCC support this proposal to provide wayfinding for fire and rescue personnel in taller buildings.

In relation to the trigger height for the scope of this regulation we consider that any selection of building height will be arbitrary. Given the purpose of this requirement is to help firefighters quickly establish what floor they are on in smoke filled situations this is likely to be more of an issue in taller buildings. The height of 11m will typically include building over 4 storeys which would seem generally appropriate.

Secure Information Boxes (or Premises Information Boxes) are a recognised method through which building owners / managers and occupiers can provide information to the attending Fire and Rescue Service. Currently, there is no statutory requirement to have them installed in multi-occupied domestic residential premises, their use is voluntary.

When they are installed, there are benefits for the Fire and Rescue Service in terms of their response to incidents as the boxes provide fire-fighters with readily accessible information about the building. The information may include floor plans with the location of key firefighting equipment; a single page building plan with the location of key firefighting equipment and contact details for the person in charge of the building.

TBE12. *Do you agree with the new requirement for a secure information box in buildings containing flats with a storey more than 11m above ground level?*

Yes ☒ No ☐ No view ☐

Please advise if you think this threshold is not appropriate and why?

Comments (if any):

BCC support this change and do not have any further comment to make.

IMPACT ASSESSMENT

The Department has published a Consultation Regulatory Impact Assessment (RIA) as part of the consultation documents and welcomes further evidence to inform a final stage RIA.

(Refer to Consultation Regulatory Impact Assessment – Document C4)

IA1. *Do you agree with the assumptions, costs and impacts set out in the consultation stage RIA?*

Yes ☒ No ☐ No view ☐

Comments (if any):

Belfast City Council has no evidence to verify the cost assumptions but agree that the social, economic and environmental benefits of the changes especially those relating to sprinkler protection in residential buildings and the increased coverage for smoke detection in dwellings are difficult to fully establish.

We also agree that to follow Option 1 which would involve no changes will leave our fire safety standards lagging well behind other parts of the UK and ROI. In this regard we would concur with the Option 2 proposal to implement the changes to Part E and TBE to ensure resident safety and keep Northern Ireland in line with other parts of the UK and ROI.

GENERAL COMMENTS

The Department encourages consultees to respond on any aspects of the proposals, therefore the last question is completely open to enable consultees to make suggestions or observations on relevant issues that are not addressed by answering the preceding questions.

G1. *Please set out any additional comments you have below.*

Comments (if any):

NEXT STEPS

The consultation will close on 25 September 2023. Responses to this consultation will be analysed and the Department response will follow.



Subject:	Publication of Enforcement Strategy
Date:	19 th September 2023
Reporting Officer:	Kate Bentley
Contact Officer:	Dermot O’Kane, Principal Planning Officer

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

1.0	Purpose of Report or Summary of Main Issues
1.1	The Council has prepared a new Enforcement Strategy that explains the Council’s policy and procedure for dealing with reports of alleged breaches of planning control and handling planning enforcement issues. (see Appendix 1).
2.0	Recommendation
2.1	The Committee is asked to consider and note the new Belfast Enforcement Strategy (BES) Appendix 1 .
3.0	Main Report
	Background
3.1	Belfast City Council places great importance on protecting and enhancing the environment and recognises that the integrity of the development management process depends upon the Council’s ability to take effective action against unauthorised development. This Planning Enforcement Strategy sets out how the Council will deal with complaints relating to breaches of planning control.
3.2	The Enforcement Strategy identifies local priorities for enforcement action so that the Council’s enforcement resources are put to the most effective use in dealing with breaches of planning control. The BES will therefore ensure that officers, members and the general public will be aware of the approach to planning enforcement and provides greater certainty for all parties engaged in the development process.
3.3	The purpose of the Strategy is to: <ul style="list-style-type: none"> • Explain the Council’s key objectives for the enforcement of planning control; • Outline how breaches of planning control will be investigated; • Set out the Council’s priorities for investigating breaches of planning control.
3.4	It will replace the Council’s Enforcement Customer Charter and sets out our statutory responsibilities and approach. The updated BES has been developed following an internal review, including audit recommendations to review enforcement service standards, breach

	priority levels, approach to planning enforcement and guidance on the Planning Enforcement Process
3.5	The overarching principle for Council planning enforcement is the protection of our communities, natural habitats and built heritage from unauthorised development that causes harm or shows a disregard for the planning system.
3.6	<p>The Council's key objectives for planning enforcement are, to:</p> <ul style="list-style-type: none"> • bring unauthorised activity under control; • remedy the undesirable effects of unauthorised development including, where necessary, the removal of unacceptable building works and the cessation of unacceptable uses; and • take legal action, where necessary, against those who ignore or flout planning legislation.
3.7	The Council is committed to securing these objectives in order to ensure that the credibility of the Council as the planning authority and the integrity of the planning system are not undermined.
	Belfast Enforcement Strategy
3.8	The Strategy broadly covers the general approach to planning enforcement as set out in the relevant legislation. The Planning Act (Northern Ireland) 2011 provides the statutory basis for most planning enforcement matters, including trees. Tree enforcement is also governed by the Planning (Trees) Regulations (Northern Ireland) 2015. The statutory powers for Listed Building enforcement are provided principally by the Planning (Listed Buildings) Regulations (Northern Ireland) 2015.
3.9	The Strategy also set out our key objectives and the principles of good enforcement which have been influenced by evolving best practice over the years. The integrity of the planning system and the service for Belfast depends on the Council's readiness to take enforcement action when it is appropriate to do so. Planning laws and policies are designed to manage the development and use of land and buildings in the public interest. They are not meant to protect the private interests of one person against the activities of another.
3.10	The BES sets out what a breach of planning control is and is not and explains the concepts of discretion, harm and expediency alongside the types of scenarios where they can be applied. The Strategy also outlines how the council will respond to a breach and explains how we weigh up different factors in deciding whether formal enforcement action is appropriate. There are a variety of statutory instruments available to the Council and the Strategy provides information on when they might be utilised.
3.11	The BES identifies our local priorities for enforcement action that ensures the available resources are put to the most effective use in dealing with breaches of planning control. The priorities are determined by the guiding principle that any action in response to a breach of planning control should be proportionate to the harm it causes. The categorisation of cases reflects this principle ranging from 1 to 4 based on the assessment of the potential harm caused to sensitive receptors or assets of acknowledged importance. Works with the potential to result in public danger or development which may result in permanent damage to the environment would fall into the most severe Category 1 cases whilst issues associated with advertisements would tend to mean they fall into category 4.
3.12	The Strategy sets out the approach to communication in relation to live cases and advises that the Council will not provide a routine commentary on progress in dealing with cases to comply with Data and Information Regulations and in order to prevent an enforcement investigation being prejudiced.

	<p><u>Financial & Resource Implications</u> There are no resource implications associated with this report.</p> <p><u>Equality implications or Good Relations implications / Rural needs assessment</u> None.</p>
4.0	Appendices – Documents Attached
	Appendix 1: Belfast Enforcement Strategy

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Belfast

Enforcement Strategy

September 2023

www.belfastcity.gov.uk/LDP



Belfast
City Council

Page 89



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DRAFT

1 Introduction

- 1.1 The Belfast Enforcement Strategy (BES) relates to Belfast City Council's planning enforcement service and describes the purposes of the service and how it will be delivered.
- 1.2 Belfast City Council places great importance on protecting our communities, natural habitats and built heritage from unauthorised development that causes harm or shows a disregard for the planning system. To ensure that we can take action when it is right to do so, the Council provides a planning enforcement service which investigates complaints and provides expert advice on enforcement matters.
- 1.3 The Council's functions as the planning authority are set out in the Planning Act (Northern Ireland) 2011. The Council's Planning Section administers most of these planning functions including the discretionary power to take action against breaches of planning control.
- 1.4 Although planning enforcement is a discretionary function, it is recognised that the integrity of the development management process depends on the Council's commitment to take effective action against unauthorised development. This document sets out how the Council will deal with breaches of planning control.
- 1.5 The BES explains the Council's policy and procedure for dealing with reports of alleged breaches of planning control and handling planning enforcement issues. It identifies local priorities for enforcement action so that the Council's enforcement resources are put to the best use in dealing with breaches of planning control. The BES will therefore ensure that officers, councillors and the general public will be aware of the approach to planning enforcement and provides greater certainty for all parties engaged in the development process.

2 General approach to planning enforcement

- 2.1 The purpose of planning enforcement is to ensure that development is undertaken in accordance with regulations and planning permissions and, where it is undertaken without permission, to ensure that harmful development is dealt with effectively.
- 2.2 Development requiring planning permission includes:
 - Most types of building works.
 - Engineering works.
 - Material changes of use to land including buildings.

Planning Enforcement cannot take action if there is no breach of planning control, or the dispute concerns boundary disputes, covenants, deeds or civil issues.

- 2.3 Under the provisions of the Planning Act (Northern Ireland) 2011 the Council has discretionary powers to take enforcement action when it considers it expedient to do

so, having regard to the provisions of the local development plan and any other material considerations. The Council is committed to resolving all cases involving unauthorised development and using its formal enforcement powers in relevant cases.

- 2.4 In exercising discretion, the Council will be mindful of its duty to enforce planning legislation and to ensure that development is managed in a proactive and proportionate manner. In determining the most appropriate course of action in response to alleged breaches of planning control, the Council will take into account the extent of the breach and its potential impact on the environment. Any decision to proceed with enforcement action will also be informed by case law, precedents and appeal decisions.
- 2.5 The purpose of the Strategy is to:
- Explain the Council's key objectives for the enforcement of planning control;
 - Explain how breaches of planning control will be investigated;
 - Set out the Council's priorities for investigating breaches of planning control.

3 Key objectives for planning enforcement

- 3.1 The Council's key objectives for planning enforcement are:
- To bring unauthorised activity under control;
 - To remedy the undesirable effects of unauthorised development including, where necessary, the removal of unacceptable building works and the cessation of unacceptable uses; and
 - To take legal action, where necessary, against those who ignore or flout planning legislation.
- 3.2 The Council is committed to securing these objectives in order to ensure that the credibility of the Council as the planning authority and the integrity of the planning system are not undermined.

4 Legislation and Policy

- 4.1 The Planning Act (Northern Ireland) 2011 provides the statutory basis for most planning enforcement matters, including trees. Tree enforcement is also governed by the Planning (Trees) Regulations (Northern Ireland) 2015. The statutory powers for Listed Building enforcement are provided principally by the Planning (Listed Buildings) Regulations (Northern Ireland) 2015.

- 4.2 The Belfast Local Development Plan 2035 (LDP) was adopted by Belfast City Council on 2 May 2023. It sets out the City's vision and strategy for the sustainable growth of the city for the period up to 2035. It is the City's key statutory strategic planning document, guiding decisions on all development to 2035 and is therefore fundamental in guiding decisions relating to breaches of planning control.

5 Principles of Good Enforcement

- 5.1. The integrity of the planning system and the service for Belfast depends on the City Council's readiness to take enforcement action when it is appropriate to do so. Planning laws and policies are designed to control the development and use of land and buildings in the public interest; they are not meant to protect the private interests of one person against the activities of another.
- 5.2. The City Council is committed to providing an effective planning enforcement service. In order to undertake effective investigations, it is essential that there is cooperation between the City Council departments and other agencies, such as the Police, the Northern Ireland Environment Agency, the Department for Infrastructure (DfI) and the Health and Safety Executive.
- 5.3. The City Council will continue to develop these relationships in the future in order to make best use of all our available resources. The City Council will not condone wilful breaches of planning control and will exercise its discretion to take enforcement action if it is considered expedient to do so.
- 5.4. The City Council will investigate all reports about alleged breaches of planning control, except those reported anonymously, to determine whether a breach has as a matter of fact occurred, and if it has, will then determine the most appropriate course of action, mindful to the basic principles of enforcement:
- **Proportionality** - enforcement action will be proportionate to the risks and seriousness of any breach, including any actual or potential harm caused by the breach. Most unauthorised development is not illegal.
 - **Helpfulness** - where it should be possible for breaches of control to be quickly remedied, officers will give owners/developers a chance to quickly rectify matters. All correspondence will identify the officer dealing with the matter and give contact details. Officers will not tolerate abusive language or aggressive behaviour.
 - **Targeting of enforcement action** - focusing enforcement action on the most serious risks and recognise that it is not possible to prioritise all issues of non-compliance or to take action against breaches causing no significant harm.
 - **Consistency of enforcement approach** - consistency does not mean uniformity, however a similar approach will be taken in similar circumstances with the appropriate exercise of individual discretion and professional judgement.

- **Transparency of how enforcement operates and what can be expected** - where non-compliance has been identified, officers will explain to the contravener what must be done to remedy the breach, clearly explain the reasoning behind their decision, give reasonable timescales for compliance and provide clear instructions of what will happen if they do not comply.
- **Accountability for our actions** - members of the public and businesses through the BES will know what to expect when an officer visits and how to raise any complaints they may have.

6 What is a breach of planning control?

- 6.1. A breach of planning control occurs when building works or a material change of use of land or a building takes place without planning permission. In most cases, it is not an offence to undertake development without permission, but the Council has powers to require these breaches to be put right. We can do this by requiring the removal of unauthorised development, by requiring changes to be made to the development, or by giving the development approval if we think it is acceptable.
- 6.2. Examples of a breach of planning control include:
- Building works or the use of land without the required planning permission
 - Not building in accordance with the approved plans that form part of a planning permission - In some cases this can result in the whole development being deemed as unauthorised.
 - Failure to comply with conditions following a grant of planning permission. This can also result in the whole development being deemed unauthorised.
 - The carrying out of building, mining, engineering or other operations in, on, or over land;
 - Making any material change of use of any building or land. This could involve such matters as
 - the unauthorised extension or erection of a building for a different use; or
 - the material change of use of land or a building; or
 - the display of unauthorised advertisements;
 - Works to a listed building or properties in a conservation area without the required consent. Most works to Listed Buildings require consent and it is a criminal offence to carry out works without such consent;
 - Removing or lopping trees protected by a Tree Preservation Order or in a Conservation Area. It is an offence to carry out unauthorised work to trees protected by a Tree Preservation Order.
 - Display of an advertisement without the benefit of advertisement consent.

7 What is not a breach of Planning Control?

7.1. Conversely, there have been complaints that the Council have received in respect of land which have not been breaches of planning control and therefore enforcement action could not be taken. These unenforceable complaints include:

- Where development is 'permitted development', i.e. does not require planning permission
- Advertisements that are not subject to deemed or express consent requirements under the Planning (Control of Advertisements) Regulations (Northern Ireland) 2015, or benefit from advertisement consent or immunity under the 10 year rule;
- Where development is certified as 'Lawful Development' by virtue of the period of time (5 years) it has been demonstrated to have been in place;
- Works that benefit from planning permission;
- Internal works to a building (with the exception of a listed building and most buildings in conservation areas and buildings with Areas of Townscape Character;
- Homeworking, such as childminding (numbers permitting) or the use of a room by the householder as an office, where the residential use remains the primary use and there is no adverse impact;
- Parking commercial vehicles on the highway;
- Blocking an access, public road or right of way;
- Works that are not considered to be development as defined under section 23 of the Planning Act 2011;
- Loss of an individual's view or trespass onto someone else's land;
- Boundary disputes/ overhanging/encroachment/ damage caused by adjacent development;
- Clearing land of overgrowth, bushes etc. (provided they are not protected);
- Breaches of deeds or covenants;
- Loss of value to a neighbouring property; and
- Competition to another business.

7.2 It may be possible to address issues such as these by way of civil action, although this is a matter for the individual to pursue and is not an area where the City Council would be involved.

8 Discretion and Harm

- 8.1 **Discretion** - Once a breach of planning control has been identified, the extent of the breach must be assessed to establish what, if any, action should be taken to remedy the breach and whether it is considered expedient to do so. It is at the City Council's discretion to use enforcement powers.
- 8.2 In accordance with the 2011 Act 'expediency' is assessed with reference to national and local planning policies and to any other material considerations (e.g. amenity, design).
- 8.3 If it is likely that the unauthorised development would have been approved, had planning permission been initially applied for, taking formal enforcement action would be unnecessary. Taking enforcement action must be in the public interest. Enforcement action will not be taken simply because a breach has occurred.
- 8.4 **Expediency** - In cases where it has been established that a breach of planning control has occurred at the initial stage, the Planning Enforcement Officer will undertake an assessment of expediency to determine the next course of action that should be taken.
- 8.5 An expediency test will usually involve the Planning Enforcement Officer assessing:
- Whether the breach is in accordance with the policies of the Local Plan.
 - The breach against any other material planning considerations.
 - Whether had a planning application been submitted before the development occurred, would permission likely to have been granted.
 - Whether the breach unacceptably affects public amenity.
 - Whether the breach unacceptably affects any existing land, use or buildings which merit protection in the public interest.
 - Whether action would be proportionate with the breach to which it relates.
 - Whether action would be in the public interest.
- 8.6 **Significant harm** that results from a breach of planning control could concern residential amenity or highway safety issues. Examples of significant harm could include noise nuisance, loss of daylight or privacy, or danger from increased traffic flows.
- 8.7 This means that the City Council may not take formal enforcement action in all cases where a breach of planning control has been identified. It is part of the normal duties/responsibilities of the investigating Enforcement Officers to ensure decisions not to pursue formal enforcement action can be properly justified having regard to

the Local Enforcement Plan and the LDP. There is no right to appeal the City Council decision not to take enforcement action. However, if someone is dissatisfied with the decision making, they can proceed to follow the City Council's Corporate Complaints Procedure, details of which are towards the end of the document.

- 8.8 Due to the complex nature of planning enforcement and to ensure that your complaint is adequately considered, the time period for a response is likely to be extended from the time period indicated in the corporate complaints procedure.

9 What happens if we are told about a breach of planning control?

- 9.1 If you believe that a breach of planning control has occurred, you should notify the Council's Planning Enforcement Team at [planning enforcement](#). You will need to:

- Provide your name, either postal or email address and contact number;
- Provide the address of the alleged breach;
- Detail exactly what has happened and when it first occurred;
- Provide the name and address of the landowner(s) and / or the person responsible for carrying out the works, if known.

- 9.2 Your personal details will remain confidential unless we need to use your evidence to support our case, for example, if the matter went to court, however, we would contact you beforehand.

10 How do we respond to the information we are given?

- 10.1 We will investigate all alleged breaches (unless considered vexatious or anonymous) of planning control reported to the City Council via the online complaints form. When a complaint is received, we will:-

- Register the complaint where possible within 3 working days and provide an acknowledgement and reference number with a named officer as the main point of contact;
- Always keep personal details confidential, unless required to disclose as part of court proceedings;
- Actively pursue the complaint where it is in the public interest to do so.

- Record the actions taken and the decisions made at the different stages of the investigation;
- Check the planning history of the site;
- Find out the details of the landowner;
- Establish the identity of the person(s) responsible for carrying out the breach (if not the landowner);
- Visit the site in a timely manner having regard to our priorities;
- Establish whether or not we believe there is a breach of planning control;
- In cases where there may be a technical breach of planning control, but the harm caused is not sufficient to warrant formal action before closing the case we will notify the complainant of the decision and reason for not taking formal action;
- Where appropriate, we will negotiate with those responsible for any breach of planning control, allowing them the opportunity to resolve the matters of concern before serving a formal notice unless the breach is so serious it warrants immediate action or where negotiations become protracted with no real likelihood of successful resolution;
- Issue a Planning Contravention Notice (a formal request for information) if necessary.

- 10.2 After investigation we may decide that there has not been a breach of planning control, and in such circumstances, we will close the case and notify the complainant of the basis for the decision. We will not re-open the case, however if there is a significant new piece of information or change on site, we may open a new case. Please note that there is no right of appeal to this decision. We may also decide that although there has been a breach of planning control, it is not causing sufficient harm to justify taking further action. We will take into account why the breach may have happened, how many people are affected, how they are affected and whether there is a cumulative effect that adds up to an unacceptable situation.
- 10.3 Not every report about a breach of planning control justifies further action. To help us deal with more pressing complaints we will following a case review close complaints where the alleged breach is acceptable without planning conditions or where the impact is minimal.

11 How do we seek to resolve a breach of planning control?

- 11.1 If we decide that there has been a breach of planning control that should be pursued further then in the first instance we will:
- Ask for things to be put back the way they should be; or
 - Without prejudice, invite an application for the unauthorised development if it is considered possible that planning permission might be granted, normally giving 28 days for its submission; or
 - Try to resolve the situation through negotiation, with the subject of the complaint, without allowing the matter to become protracted. This may mean agreeing a compromise or partial change that the Council is content address the issues identified. It is at the Council's discretion to decide whether this would be sufficient.
- 11.2 Where a retrospective planning application has been asked for, the Council will normally wait a reasonable period for it to be submitted and for its determination before taking further enforcement action. However, where it appears that the progress of the application is being deliberately held up by the applicant or there is no prospect of planning permission being granted, enforcement action may be initiated without delay.
- 11.3 If a breach of planning control is not resolved through negotiation, an invitation to submit an application is declined or a retrospective planning application is refused, our next steps will be:
- To consider the expediency of taking formal enforcement action;
 - To take into account the advice contained within the local development plan and other relevant policy publications
- 11.4 On occasion we will decide at this point not to try to remove or change everything about an unauthorised development. There may be certain elements of the development that can be brought under control without further delay, such as the hours of use or the position of a window. If these are the things that are really important we may agree to these changes and not pursue other less important matters.
- 11.5 If a breach of planning control occurs that requires formal action, the Council may issue an Enforcement Notice or other relevant notice as soon as practicable. The recipient of an Enforcement Notice has the right to lodge an appeal to the Planning Appeals Commission within 28 days following receipt of the notice. It may be a

matter of months before the appeal can be heard. If no appeal is lodged, the Notice takes effect no less than 28 days following its date of issue; the date will be clearly specified on the Notice.

- 11.6 Where an Enforcement Notice is issued it will include requirements for remedying the breach of planning control and a period for compliance. Failure to comply with the requirements of an Enforcement Notice within the specified compliance period is a criminal offence, liable to prosecution in the Magistrates Court (subject to a maximum fine of £100,000). In cases of severe harm the Council can apply for an Injunction in the High Court.

12 Types of Enforcement Notices we can serve

- 12.1 There are a variety of notices available to the Council under the provisions of the 2011 Act which relates to a number of specific contraventions. The list below identifies the types of notices which tend to be used most frequently in practice and for further information on other notices you may wish to visit the Department for Infrastructure's website [Enforcement Practice Note 2 Legislative Framework](#) .
- 12.2 **Temporary stop notice:**
Sections 135 and 136 of the 2011 Act deals with the issuing, serving and restrictions of a temporary stop notice, while section 137 sets out the offences a person or persons will commit if they contravene a temporary stop notice.
- 12.3 Section 135 of the 2011 Act enables a council to issue and serve a temporary stop notice to halt a breach of planning control when it is expedient that the activity is stopped immediately. A council has 28 days to decide whether further enforcement action is appropriate and what that action should be, without the breach intensifying by being allowed to continue. A temporary stop notice enables a council to prevent a continuing breach of planning control at an early stage without first having to issue an enforcement notice.
- 12.4 Under Section 135(1) of the 2011 Act temporary stop notices issued and served under section 135 do not prohibit a person from continuing to use any building, caravan or other structure situated on land to which the temporary stop notice relates as that person's permanent residence. A temporary stop notice does not prohibit other activities which the Department can specify in regulations. They cannot be issued for development or activities where the time limits for enforcement have passed (section 136(2)).

- 12.5 However, section 136 (2) does not prevent a temporary stop notice prohibiting activity consisting of or incidental to buildings, engineering, mining or other operations or the deposit of refuse or waste materials (section 136(3)) 3 . Only one notice can be issued for an activity unless some other enforcement action is taken. A copy of the Temporary Stop Notice must be displayed on the land.
- 12.6 Under section 137 of the 2011 Act it is an offence for any person to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on that person. A person convicted of an offence under section 137 will be liable on summary conviction to a fine not exceeding £100,000 or on conviction on indictment to a fine.
- 12.7 **Enforcement notice:**
Section 138 of the 2011 Act provides a council with the legislative authority to issue and serve an enforcement notice where it appears to it that there has been a breach of planning control and that it is expedient to issue the notice, having regard to the provisions of the development plan and to any other material considerations.
- 12.8 An enforcement notice must be served within defined time periods on the owner or occupier of the land to which the notice relates and on any other person with an estate in the land i.e. not more than 28 days after its date of issue and not less than 28 days before the date specified in it as the date on which it is to take effect. Under Section 147 it is an offence not to comply with the requirements of the enforcement notice within the period specified.
- 12.9 **Stop notice:**
Section 150 of the 2011 Act enables a council to serve a stop notice which can prohibit almost immediately any activity to which the related enforcement notice refers. A stop notice can only be served at the same time or after an enforcement notice is served and when the council considers it expedient that any relevant activity should be stopped before the expiry of the period to comply with an enforcement notice. It must refer to the enforcement notice to which it relates and must have a copy of that notice attached to it.
- 12.10 A stop notice cannot be served independently or where the enforcement notice has taken effect. A stop notice will not take effect until such date as it may specify. It is an offence to contravene a stop notice after it has been served and the maximum level of fine is £100,000 on summary conviction or a fine on conviction on indictment. The courts are required to take account of any financial benefits which has accrued, or which appear likely to accrue as a result of the offence. The Council can at any time withdraw a stop notice, without prejudicing its power to serve another.

12.11 **Breach of condition notice:**

Section 152 of the 2011 Act provides a council with the legislative authority to serve a breach of condition notice where a condition has been breached. Non-compliance with a breach of condition notice within the specified time period is an offence and the person responsible shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale which is currently £1000.

12.12 **Listed building enforcement notice:**

Section 157 of the 2011 Act provides a council with the legislative authority to issue and serve a listed building enforcement notice where it appears that unauthorised works have been or are being executed to a listed building, without listed building consent, and that it is considered expedient to issue such a notice having regard to the effect of the works on the character of the building as one of special architectural or historic interest. A listed building enforcement notice can be also issued and served if conditions associated with an LBC are not being adhered to. The enforcement notice must set out the steps to be taken to remedy the breach and the timeframe allowed.

12.13 **Conservation area enforcement notice:**

Section 157 of the 2011 Act as modified by Regulation 15 and Schedule 2 of the Planning (Conservation Areas) (Demolition) Regulations (Northern Ireland) 2015, provides a council with the legislative authority to issue and serve a conservation area enforcement notice where it appears that unauthorised works have been or are being executed to a building in a conservation area, without conservation area consent, and that it is considered expedient to issue such a notice having regard to the effect of the works on the character or appearance of the conservation area in which the building is situated. A conservation area enforcement notice can be also issued and served if conditions associated with the conservation area consent are not being adhered to. The enforcement notice must set out the steps to be taken to remedy the breach and the timeframe allowed.

12.14 **Protection of trees subject to a Tree Preservation Order:**

Section 164 of the 2011 Act allows a council to enforce the duty to replace trees subject to a Tree Preservation Order. A council may serve a notice if it appears that the provisions of Section 125 (i.e. the replacement of trees subject to a Tree Preservation Order) or any conditions of a consent given under a tree preservation order are not being complied with for any tree / trees in its district. Such a notice can only be served within 5 years from the date of the alleged failure to comply with the provisions of section 125 or the conditions of the consent. The notice must specify a period at the end of which it takes effect and this is to be no less than 28 days beginning with the date of the notice being served. Section 165 sets out specific grounds and methods of appeal against enforcement notices issued under section

164 in relation to trees. Any person who contravenes a tree preservation order shall be guilty of an offence and will be liable to a fine in accordance with Section 126.

12.15 Notice to replant a tree / trees in conservation areas:

Section 167 of the 2011 Act places a duty on an owner of land to replace trees that are removed in a conservation area. Section 164 allows a council to enforce the duty to replace trees in conservation areas. The Council may serve a notice if it appears that an owner has not replaced the trees removed in a conservation area, within 5 years from the date of the alleged removal of the tree / trees. The notice must specify a period at the end of which it takes effect and this is to be no less than 28 days beginning from the date of the notice being served. Any person who contravenes a notice to replant a tree / trees in a conservation area shall be guilty of an offence and will be liable to a fine in accordance with Section 126.

12.16 Advertisement control:

Section 175 of the 2011 Act allows a council to deal with enforcement of advertisement control. On conviction for display of an advertisement contravening regulations made under Section 130 (i.e. control of advertisements), a person is liable to a fine not exceeding level 4 of the standard scale (£2500). In the case of a continuing offence, the fine will not exceed one tenth of level 4 (£25) for each day during which the offence continues after conviction. The defendant may be a landowner / occupier or those whose advertisement is being displayed.

12.17 Planning contravention notice:

Section 133 of the 2011 Act empowers a council to request additional information about activities on land where it suspects a breach of planning control has occurred. This encourages dialogue with any persons thought to be in breach of planning control and to secure their co-operation in taking corrective action. Under Section 134, failure to comply with a planning contravention notice within 21 days, which may require the person on whom it is served to give the required information, is an offence. A person guilty of this offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale (£5000). To make a false or misleading statement (either intentionally or recklessly) in response to a planning contravention notice is also an offence with the same level of fine possible on conviction.

12.18 Submission notice:

Section 43 of the 2011 Act provides a council with the legislative authority to issue a submission notice requiring a retrospective planning application to be submitted within 28 days from the service of the notice, where it appears that a development has been carried out without planning permission. The notice must be served within 5 years of the date upon which the development was begun. It is an offence not to comply with the notice in the time specified in the notice. A person guilty of this offence, shall be liable on summary conviction to a fine not exceeding level 3 on the

standard scale (£1000). If following conviction an application is not made the person is guilty of a further offence and shall be liable on summary conviction to a fine not exceeding one tenth of level 3 on the standard rate (£100) for each day following the first conviction on which the offence continues.

12.19 **Information as to estates in land:**

Section 240 of the 2011 Act gives a council the authority to make an order or issue or serve a notice (or other document) in writing, requiring the submission of certain information regarding the ownership or the use of premises within 21 days of serving the notice or a longer period if specified on the notice. A person who fails to provide the information requested within the period specified shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1000). The giving of false information knowingly is also an offence, and the person shall be liable on summary conviction to a fine not exceeding the statutory maximum; on conviction on indictment to imprisonment for a term not exceeding 2 years or a fine, or both.

13 What happens when we take formal action?

- 13.1 A formal Enforcement Notice will be served on the owner of the property along with any other party with a legal interest in the land or building in question. The Enforcement Notice will specify what action is required to remedy the breach and will give a period for compliance.
- 13.2 The recipient of the Enforcement Notice has 28 days to appeal against the notice to the Planning Appeals Commission. Where an appeal is lodged, we can take no further action until the appeal has been decided. It is not unusual for the appeal process to take several months.
- 13.3 We will always vigorously defend any appeal but if it is allowed (i.e. if the appellant wins), we can take no further action. If it is dismissed however, the Enforcement Notice will take effect, although the Commissioner can amend its requirements, including the period for compliance.
- 13.4 It is a criminal offence not to comply with an Enforcement Notice once the compliance period has passed. If the notice is not complied with the Council will consider prosecution. However, such action does require evidence to prove the offence is being committed by a named individual or company 'beyond reasonable doubt'. Collecting this evidence can sometimes be a lengthy and time -consuming exercise and in some cases pre-trial delays may be unavoidable.

- 13.5 The City Council will comply with the provisions of the **Police and Criminal Evidence (Northern Ireland) Order 1989** when interviewing persons suspected of a criminal offence.

14 Planning Immunity

- 14.1. When considering enforcement action, the Council will bear in mind the statutory time limits for taking enforcement action as set out in Section 132 of the Act. Where there has been a breach of planning control consisting of the carrying out of building, engineering, mining or other operations in, on, over or under land, without planning permission, no enforcement action may be taken after the end of the period of 5 years beginning with the date on which the use commenced or operations the operations were substantially completed.
- 14.2. Under planning legislation, a breach of planning control that has been in existence for more than five years is immune from enforcement action, i.e. it is lawful. If, through discussions with the landowner and other interested parties, it appears that the alleged breach might be lawful, then an alleged offender may choose to submit an application for a Certificate of Lawfulness.
- 14.3. Such applications are considered on the facts of the case and the relevant test to be applied is 'the balance of probabilities'. While on occasion applications can be delayed due to difficulties in obtaining evidence, the Council will endeavour not to allow the matter to become protracted. Where a Certificate of Lawfulness is submitted, the enforcement case will usually remain open until it is demonstrated the development is lawful.

15 A breach of planning control that requires immediate action

- 15.1. When we consider there is a breach of planning control which is causing immediate harm then we may issue a Stop Notice or Temporary Stop Notice, which should bring about the immediate cessation of certain types of unauthorised works. Before taking such action, the Council will consider that any costs incurred by the developer by having to stop works are fully considered and weighed against the harm being caused. It is more likely that this will be used in cases where there is an immediate threat to assets of acknowledged environmental importance.

16 The Council's planning enforcement priorities

- 16.1. The Council will investigate all alleged breaches of planning control. However, when determining what, if any, action is to be taken, priority will be given to those breaches where, in the Council's opinion, the greatest harm is likely to be caused.
- 16.2. The priority given is determined by the guiding principle that any action in response to a breach of planning control should be proportionate to the harm it causes. The priorities which reflect this principle are as follows:-

Priority 1 – works resulting in public danger or development which may result in permanent damage to the environment. For example: demolition of or works to a listed building, removal of, damage to or works to trees protected by a Tree Preservation Order, demolition of a building in a conservation area, and commencement of building operations without permission.

Priority 2 – Unauthorised operational development, change of use, non-compliance with conditions of a planning approval (unless they relate to serious amenity issues in which case it may fall into Priority 1).

Priority 3 – Minor breaches that can be regularised for example domestic sheds, fences, extensions.

Priority 4 – Advertisements

Aim	Priority			
	1	2	3	4
Register and allocate to Case officer	Immediate background/ history check	90% Within 3 working days	90% Within 3 working day	90% Within 3 working day
Site visit (date following registration)	90% Within 3 working day	90% Within 15 working days	90% Within 15 working days	90% Within 20 working days
Discuss and agree a course of action	90% Within 5 working days of the site visit	90% Within 30 working days	90% Within 40 working days	90% Within 40 working days
Commence legal action or resolve	As soon as possible if irreversible	70% Within 39 weeks	70% Within 39 weeks	70% Within 39 weeks

- 16.3. The above list is not exhaustive and is for guidance only. It is ultimately the responsibility of the Council's Planning Enforcement Team to prioritise cases taking

account of the nature of the breach and the harm being caused or likely to be caused.

- 16.4. The priority given is reflected in the timescales against which performance is measured i.e. high priority cases have shorter timescales.
- 16.5. It is important to note that the vast majority of breaches of planning control are resolved informally through negotiation with the owner/occupier or through the submission and consideration of a retrospective planning application.
- 16.6. The speed at which a breach of planning control can be resolved will vary depending on the complexity of the individual case and general workloads. Some complex cases can however take a significant period of time due to the nature of the investigative process.

17 Appeals

- 17.1. Under the provisions of the Planning Act (Northern Ireland) 2011, an appeal may be lodged with the Planning Appeals Commission (PAC) against an Enforcement Notice, a Listed Building Enforcement Notice, and a Section 164 Notice (replacement of trees). There is no right of appeal against a Stop Notice, Temporary Stop Notice or Breach of Condition Notice. The timescale for hearing an appeal and issuing a determination is a matter for the Planning Appeals Commission. Additional information on the Planning Appeals Process can be obtained from the PAC website www.pacni.gov.uk.
- 17.2. When an appeal is pending, enforcement action is put on hold as the enforcement notices referred to above shall have no effect pending the final determination or the withdrawal of an appeal.

18 Legal Action

18.1. Summons

Any person who contravenes or causes or permits the contravention of the provisions of an Enforcement Notice after it has been served on them or a Site Notice displayed is guilty of an offence. Anyone guilty of contravening a Notice is liable to a fine upon summary conviction. Whether or not to proceed with a summons action will depend on the merits of the case and degree of harm caused by the development.

18.2. Injunctions

Section 156 of the 2011 Act gives a council the power to apply to the courts for an injunction to restrain any actual or apprehended breach of planning control when the Council considers it necessary or expedient. The power to apply to the courts for an injunction to restrain any acknowledged or apprehended contravention also applies in relation to unauthorised demolition or works to a listed building or failing to comply with any condition attached to a listed building consent, contravention of a tree preservation order and certain acts in respect of trees in a conservation area; or Section 76(6) allows a council to seek an injunction regarding a restriction or requirement imposed under a planning agreement.

18.3. Statutory Charges

This Registry provides purchasers of land with a method of checking whether a property is affected by certain statutory restrictions which could not easily be discovered otherwise. These restrictions, which for the most part are created by or in favour of government departments or local authorities, include for example, matters relating to planning permission or tree preservation orders.

An Enforcement Notice will result in a charge on your land which will have implications for conveyancing, sales and mortgages.

19 Communication

- 19.1. The Enforcement Team will not provide a routine commentary on progress in dealing with cases as this would require resources that are best used pursuing investigations.
- 19.2. The Council does not enter into correspondence with a complainant other than to confirm that a case has been opened and then at the conclusion of the case to inform the complainant of the outcome of the investigation. We do not provide updates of investigations. This practice is not to be unhelpful but is due to the restrictions imposed on us by the Data Protection Act 2018 (NI) and the Environmental Information Regulations 2004. The Council is limited to the information that can be released in order to prevent an enforcement investigation being prejudiced and to safeguard the rights of individuals.
- 19.3. Any queries on specific cases should be directed to the Planning Enforcement Team Officers, who can be contacted as follows:

By telephone on: 028 90500510

By email at: planning@belfastcity.gov.uk

Or in writing at: Cecil Ward Building, 4-10 Linenhall Street, Belfast, BT1 5GS

DRAFT

Belfast Planning Service

Belfast City Council
Cecil Ward Building
4-10 Linenhall Street
Belfast BT2 8BP



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Belfast City Council



Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 19 th September 2023	
Application ID: LA04/2020/1901/F LA04/2020/1899/LBC LA04/2022/1677/F LA04/2022/1679/LBC	
Proposal: LA04/2020/1901/F - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description, drawings and additional information) LA04/2020/1899/LBC - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description and drawings) LA04/2022/1677/F - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). LA04/2022/1679/LBC - Change of use from artist's studio space (sui generis) at second	Location: Former Good Shepherd Centre, Lands at No's 511 and 511A Ormeau Road, Belfast, BT7 3GS

floor of existing Good Shepherd Centre to office accommodation (Class B1).	
Referral Route: Councillor referral under paragraph 3.8.1 of the Scheme of Delegation	
Recommendation: Approval	
Applicant Name and Address: Choice Housing Association Ireland Ltd Leslie Morrell House 37-41 May Street Belfast BT1 4DN	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary:</p> <p>The applications seek full Planning Permissions and Listed Building Consents for an Office development at Former Good Shepherd Centre.</p> <p>The relevant applications are:</p> <ul style="list-style-type: none"> LA04/2020/1901/F - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description, drawings and additional information) LA04/2020/1899/LBC - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description and drawings) LA04/2022/1677/F - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). LA04/2022/1679/LBC - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). <p>Officers have discussed the need for this second Listed Building Consent application given that it seems to propose the works covered under application LA04/2020/1899/LBC. The applicant has verbally confirmed that the works are covered by the earlier application and it is expected that the second application will be withdrawn.</p> <p>The key issues in the assessment of the proposals are:</p> <ul style="list-style-type: none"> Principle of office development Impact on the Listed Building 	

- Impact on Residential Amenity
- Access, road safety and parking
- Impact on Trees
- Other environmental considerations

With respect to LA04/2020/1901/F, the Council has received 121 objections and for LA04/2020/1899/LBC, the Council has received 6 objections. Issues raised relate to transport / access / parking, trees, environment, principle of development, existing office use, built heritage, residential amenity, working patterns and procedural matters. There have been no objections received in relation to LA04/2022/1677/F and LA04/2022/1679/LBC.

Statutory Consultations

DfI Roads – No objection, subject to conditions

DfC Historic Environment Division (HED) – No objection, subject to conditions

DAERA NIEA – No objection, subject to conditions

Non-Statutory Consultations

BCC Environmental Health – No objection, subject to conditions

BCC Tree Officer – Awaiting further advice

BCC Building Control – No objection

Planning Service Plans and Policy team – Advice received (See main assessment)

Policy EC6 of the Plan Strategy relates to ‘office accommodation’ and Policy RET2 relates to ‘out of centre development’. Outside designated areas, such as the city centre and district centres, the policy requires that development proposals must comply with the sequential approach. However, the application site has the benefit of a Certificate of lawfulness for existing development (CLEUD) relating to ‘Mixed Use of the Property comprising office (Class B1) on ground and first floor; and artists’ studios (Class D1) on part of the second floor (up to 169 sqm). No use identified for the third floor attic’. The CLEUD establishes an office use for much of the building. The proposal includes a relatively modest extension to that previously approved by the CLEUD. Furthermore, the proposal secures the maintenance and use of a listed building which has been vacant for the last 5 years. Having regard to these considerations, the proposed office use is considered acceptable in principle.

The application site is located directly adjacent to a city corridor, known as Ormeau Road (arterial route, designated in the Draft Belfast Metropolitan Area Plan 2015. The proposed access is directly from the Ormeau Road. This access has been amended from the original proposed access directly from Carolan Road, which attracted a consideration number of objections. The revised proposal also includes the blocking off of the existing Carolan Road access. The existing gates at this access will be kept shut and a bollard erected to prevent any vehicle using the gate. DfI Roads have provided comments on the amended proposal and raises no objection subject to conditions.

The application site is covered by a Tree Preservation Order (TPO). The proposed development results in the loss of 14 no. existing trees from the site, due to changes to the existing layout. The Council’s Tree and Landscaping Officer (TLO) has advised no objection to the proposed removal of some trees within the site owing to condition, age or species and is content with the compensatory planting proposed. The TLO has raised issues regarding the impact of the amended site access on protected trees. Additional information has been submitted to address these concerns, with the consultation response outstanding at time of publication. Notwithstanding this, it is considered that the additional information does not fully address the concerns raised as the amended site layout shows the Root protection zones (RPZs) of two trees partially encroaching on to the site access. It is considered that the issue can potentially be addressed by providing appropriate ground protection measures. Delegated authority is sought to resolve matters relating to trees.

The proposed development relates to a Grade B1 Listed Building (ref. HB26/01/062A), known as “Good Shepherd Convent”. Within the application site, there is another Grade B1 listed building, the Gate Lodge, Good Shepherd Convent Complex (ref. HB26/01/062B) which is not impacted by the proposal. The main building has been vacant since 2018. It is considered that the proposed development will secure the building’s upkeep and survival and the character and that the architectural and historic interest of the building will be preserved. DfC Historic Environment Division (HED) offers no objections.

The site is located next to two existing apartment buildings (directly to the west of the site). The proposed development does not include any new windows, alterations to the existing windows or any new lighting on the western elevation of the building. It is considered that the proposal will not give rise to any unacceptable detrimental impacts on existing residents of the apartments. Whilst views of the apartment buildings will be achievable from the offices, this should not result in an unacceptable impact from overlooking. Additionally, it is not considered that the proposal will give rise to significant noise, odour or vermin issues.

An Ecological Statement and Biodiversity Checklist were submitted in support of the proposed development. The ecological statement contained information on bats, indicating that both buildings on site have negligible roosting potential, however, two trees (proposed for retention) have moderate suitability for roosting bats. It is considered that the proposal will not have an unacceptable impact on sites, habitats, species, ecosystems or networks that are important for their nature conservation, biodiversity or geodiversity value. DAERA NIEA offers no objection subject to conditions.

The application is referred to the Committee following a request from Councillor de Faoite. Councillor de Faoite outlined concerns in relation to traffic, access, road safety, impact on trees and concerns regarding a previous appeal decision on the site.

Recommendation

Having regard to the statutory development plan and material considerations, the proposed development is considered acceptable.

It is recommended that planning permissions and Listed Building Consent are granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other issues that may arise, including outstanding consultations.

Officer Report

1.0

Drawings

1.1

Site Location Plan



Proposed Site Layout



2.0	Characteristics of the Site and Area
2.1	The application site is located at the former Good Shepherd Complex, No's 511 and 511A Ormeau Road. It is situated to the west of the Ormeau Road and North of Carolan Road.
2.2	The site is currently linked to the Good Shepherd Church, immediately to the north. The site is currently accessed via two existing two accesses, from the Ormeau Road (through the car park of Good Shepherd Church) and Carolan Road.
2.3	The building on the site is a Grade B1 listed building (ref. HB26/01/062 A). It is a 3.5 storey building in a Tudoresque Gothic style, finished in red brick with sandstone detailing. Within the wider site, there is also a two storey gate lodge and a car parking area to the south and east of the building. The site is also defined by several mature trees, along the southern and eastern portions of the site. These are subject to a group Tree Preservation Order. The southern and eastern boundaries of the site are defined by stone walls, with iron fencing on top, with two iron gates on the Carolan Road and junction of Carolan / Ormeau Road. The western boundary is defined by a brick wall, with the northern boundary undefined.
2.4	The surrounding area is characterised primarily by residential development, with a mix of apartments, terraced, semi detached and detached dwellings. Wellington College is located in proximity to the site, at the end of Carolan Road, whilst there are commercial uses further along Ormeau Road to the north and adjacent to the site within the listed cottages fronting onto the Ormeau Road.
3.0	Description of Proposal
3.1	This committee report relates to 4 applications (2 applications for full planning permission and 2 for Listed Building Consent). Overall, the applications relate to retention and reconfiguration of existing office and ancillary floorspace across the ground, first and second floors of the building, the provision of a new ground floor extension with mezzanine floor, internal / external works to the building, with external layout reconfigurations and ancillary works.
3.2	<p>The proposal descriptions specify:</p> <p>LA04/2020/1901/F - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description, drawings and additional information)</p> <p>LA04/2020/1899/LBC - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description and drawings)</p> <p>LA04/2022/1677/F - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1).</p>

	<p>LA04/2022/1679/LBC - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1).</p> <p>Officers have discussed the need for this second Listed Building Consent application given that it seems to propose the works covered under application LA04/2020/1899/LBC. The applicant has verbally confirmed that the works are covered by the earlier application and it is expected that the second application will be withdrawn.</p>
4.0	Planning Policy and Other Material Considerations
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p>
4.2	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.4	<p>Other Policies Belfast Agenda</p> <p>Relevant Planning History</p>
4.5	<p>Application Site:</p> <p>LA04/2021/2527/LDE - Mixed Use of the Property comprising office (Class B1) on ground and first floor; and artists' studios (Class D1) on part of the second floor (up to 169 sqm), as shown on Drawing No. 02 uploaded to the planning portal on 18th November 2021. No use identified for the third floor attic (amended description) – Granted 5th April 2022</p> <p>Z/2009/0377/F - New access incorporating the demolition of a small portion of existing boundary wall on Carolan Road – Granted 22/6/09</p> <p>Z/2008/0887/F & Z/2008/0888/LB - Restoration of vacant listed gate lodge including change of use from dwelling to office accommodation with alterations – Granted</p> <p>Z/1995/1144 - Change of use from convent to offices – Allowed following appeal (Granted)</p> <p>Z/1994/0715 - Change of use from convent to offices – Refused</p> <p>Z/1993/0512 - Change of use of building previously used for voluntary work and associated administration to office use – Refused</p> <p>Z/1993/0200 & Z/1993/0201 - Change of use from convent to offices – Refused</p> <p>Z/1993/0077 - Change of use from convent to offices – Refused</p> <p>Z/1991/0437R – Mixed Housing Development (34 dwellings) with ancillary roads - Granted</p>

5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – No objection, subject to conditions DfC Historic Environment Division (HED) – No objection, subject to conditions DAERA NIEA – No objection, subject to conditions
5.2	Non-Statutory Consultations BCC Environmental Health – No objection, subject to conditions BCC Tree Officer – Awaiting further advice BCC Building Control – No objection Planning Service Plans and Policy team – Advice received (See main assessment)
5.3	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p> <p>Representations</p>
5.4	The applications have been advertised and neighbours notified.
5.5	With respect to LA04/2020/1901/F, the Council has received 121 objections and with respect to LA04/2020/1899/LBC, the Council has received 6 objections (note that the objections to the Listed Building Consent are also added to the full application as many of the issues raised are related to the full application, not the works to the listed building).
5.6	There have been no objections received in relation to LA04/2022/1677/F and LA04/2022/1679/LBC.
5.7	<p>The issues raised by objectors include:</p> <p><u>Transport</u></p> <ul style="list-style-type: none"> Proposed new access from Ormeau Road will cause a significant road safety hazard and result in additional traffic delays due to proximity to the roundabout at Ravenhill Road junction and existence of bus lanes at peak times. More appropriate to allow intensification of existing northern access point. Transport issues may be compounded by proposals for BRT2 (Rapid Transit) as there is no provision for right turning lane into site. Existing entrance to site poses a safety risk to pedestrians and road users. Carolan Road is already congested, particularly in the mornings and afternoons, due to presence of the nearby Secondary school, Primary School and Nursery. Proposal will exacerbate issues of parking on Carolan Road. The road is already congested with double parking. Proposed development does not provide adequate parking for number of staff and visitors. Proposed number of parking spaces is a large underestimation of how many cars are likely to be used, given number of staff in attendance. Choice HA also plan to use the building as a training hub which will increase demand for parking. Existing junction of Carolan Road and Ormeau Road is a 'blind spot' with potential for serious traffic accident. Existing entrance on to Carolan Road is rarely, if ever, used and the proposed development should utilise the existing access on Ormeau Road. Existing entrance on to Carolan Road has only ever been used as an exit. Proposed 2 way access is located directly opposite and in very close proximity to an existing vehicular access serving a dwelling.

- Proposed car park will be destructive to the area – the proposal should utilise the ample unused parking space within the existing Church car park.
- Transport Engineers' submitted information challenged by objector(s). The Council should demand proper inspection by DfI. Issues with timing of reports / Assessments during school closures, Covid lockdowns etc.
- Independent body should complete a risk assessment in relation to the applicant's traffic plans.
- Carolan Road is already being operated on a voluntary basis as a one way inward road with egress via Rosetta Avenue.
- Office staff should be encouraged to use bicycles and public transport.
- Parking partnership with the Good Shepherd Church should be considered.
- Site is well served by public transport.
- Local resident has provided a parking survey of traffic movements in the morning, at the junction of Carolan Road and Ormeau Road.
- Choice HA business requires staff to be on site during the day, therefore requiring vehicular transport. Submitted information does not include this detail.
- Potential obstruction of footpath during bin collection.
- Issues raised regarding availability of safety plans from the 1990s and enquiry if these plans are available to view.
- Neighbour's right of way is being restricted as a result of the proposal.

Trees / Environment

- Proposed development will negatively impact on the existing trees within the application site.
- Concerns raised regarding the long term health of the existing mature trees on site.
- Many of the impacted trees are over 100 years old and many have 'conservation orders'.
- Removal of trees cannot be justified.
- Existing trees provide significant amenity value and part of the natural heritage of the area.
- BCC has committed to planting 1 million trees by 2035, therefore existing trees should also be retained.
- Existing trees provide privacy and protection from overlooking.
- Existing trees muffle noise / absorb fumes from the nearby roads / traffic.
- Existing trees provide shade in the summer.
- Existing trees help soften the backdrop to the existing building and provide a backdrop to the adjacent listed cottages.
- Proposed to remove trees to facilitate car parking does not result in a sustainable development.
- Tree Preservation Order (TPO) should be placed on the existing trees on site.
- Existing trees and mature vegetation should be preserved, in light of climate change, particulate pollutants and flooding threats.
- Green spaces should be protected for environmental / biodiversity reasons, as well as positive impact on health and wellbeing.
- Mature trees should be retained – help absorb CO2, produce oxygen, assist with air quality and retention of carbon.
- Parking could be accommodated on Carolan Road and Ormeau Road, instead of removing trees to facilitate a car park.
- Replacement of the trees / garden with a hard surface will exacerbate flooding issues.

- Existing trees are visible from a number of perspectives, which adds to the historic landmark on the Ormeau Road.
- Trees / Garden Area has been a precious tranquil respite in the area since the Centre was built in the 1850s.
- Detrimental impact on wildlife, such as bats and birds.
- Concern that no Environmental Impact Assessment has been carried out by the developer.

Existing Office Use

- Concern raised regarding the assumption that Good Shepherd Building was used as commercial offices prior to purchase by the developer.
- Limited numbers of people (5-10 max) occupied the offices when previously used by the Down and Connor Diocese.
- Proposal to use the offices as a commercial enterprise is clearly a different form of use than use as parish offices.
- Access to the offices was via the Good Shepherd church car park. Proposed access gate on Carolan Road was not used historically until Choice HA have started opening it regularly post purchase of the site.

Built Heritage

- Concerns raised about impact on the character of the gate lodge.
- Detrimental impact of extension on character of the listed building and its surroundings.
- Concern raised regarding potential demolition of the facades of the listed building.
- Existing pillars are one of the most attractive aspects of the listed Building.
- Concerns regarding the removal of detailing / fabric from the building and failure to recycle / re-use.

Residential Amenity

- Potential overlooking towards nearby apartments – if window panes are replaced (patterned glass to transparent glass).
- Potential impact on residential amenity from lighting towards existing apartments.
- Possible amenity issues in relation to noise if outside space is used for socialising / smoking.
- Potential negative impact on infrastructure, such as broadband.
- Proposed bin store will have a detrimental impact on the local area, resulting in odour nuisance and vermin issues.
- Issues raised with the additional noise more housing would bring, particularly during construction.

New working patterns

- No need for new offices with the shift to home working patterns.
- Post Covid working patterns are evolving continually and no guarantee that Choice HA will continue with their flexible / hybrid approach.

Procedural / Technical

- Issue raised with proposal description – requesting clarification regarding ‘associated works’.

	<ul style="list-style-type: none"> • Issues raised with the notification process. • Issues raised regarding lack of bat information on the Planning portal. • Issues raised with availability of documents on the Planning Portal.
6.0	PLANNING ASSESSMENT
6.1	<p>Development Plan Context</p> <p>Section 6(4) of the Planning (Northern Ireland) Act 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.</p>
6.2	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
6.3	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p>
6.4	<p><u>Operational policies:</u> the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p>
6.5	<p><u>Proposals Maps:</u> Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
6.6	<p>The application site is located on undesignated white land, in accordance with all of the above Plans.</p>
6.7	<p>Relevant Planning Policies</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p>Policy SP1 – Growth strategy Policy SP2 – Sustainable development</p> <p>Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas</p> <p>Policy DES1 – Principles of Urban Design</p> <p>Policy BH1 – Listed Buildings Policy BH4 – Works to grounds affecting built heritage assets</p>

	<p>Policy EC6 – Office Development Policy RET1 – Establishing a Centre Hierarchy Policy RET2 – Out of Centre Development</p> <p>Policy TRAN1 – Active Travel – Walking and Cycling Policy TRAN2 – Creating an accessible environment Policy TRAN4 – Travel plan Policy TRAN6 – Access to Public Roads Policy TRAN8 – Car Parking and Servicing Arrangements</p> <p>Policy ENV1 – Environmental Quality Policy ENV2 – Mitigating Environmental Change Policy ENV3 – Adapting to Environmental Change</p> <p>Policy NH1 – Protection of natural heritage resources Policy TRE1 – Trees</p> <p>Key Issues</p>
6.8	<p>The key issues for consideration of the applications are:</p> <ul style="list-style-type: none"> • Principle of office development • Impact on the Listed Building • Impact on Residential Amenity • Access, road safety and parking • Impact on Trees • Other environmental considerations
6.9	<p>Principle of office development</p> <p>The application site is located outside the city centre and any district or local centres. It is also located outside any major or strategic employment locations and any designated office areas / nodes. Consequently, Policy EC6 directs that proposals for use class B1(a) must comply with the sequential approach.</p>
6.10	<p>However, the application site has the benefit of a Certificate of lawfulness for existing development (CLEUD) relating to ‘Mixed Use of the Property comprising office (Class B1) on ground and first floor; and artists’ studios (Class D1) on part of the second floor (up to 169 sqm). No use identified for the third floor attic’. The CLEUD establishes an office use for much of the building.</p>
6.11	<p>It is noted that the planning history includes an approval for ‘Change of use from convent to offices’ under ref. Z/1995/1144. The development was granted following appeal and was subject to 4 conditions, three of which were conditions precedent, requiring construction of site access, provision of parking and landscaping prior to the change of use taking place. These works were not completed, therefore, it is not considered that this planning approval was lawfully commenced.</p>
6.12	<p>Application ref. LA04/2020/1901/F includes a new mezzanine extension at ground floor level, resulting in an increase of 339 sq metres in floorspace. Application ref. LA04/2022/1677/F relates to a Change of use from artist’s studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). This application relates to 169 sq metres of floor space and is required following the grant of the aforementioned CLEUD.</p>

6.13	The proposed development relates to a Class B1 Use on ground, first and second floor, the same class as previously established on the ground and first floor by the CLEUD. An objection queried whether the proposed use class is different from the previous use as parish offices. From the information submitted, the previous office use was in association with the overall Down and Connor diocese, not just the local parish. It is considered that there is no differentiation in either use class (Use Class B1).
6.14	The submitted drawings show the breakdown of specific use per room within the building, i.e. office, meeting, amenity, circulation, sanitary, store, plant / IT etc. Actual proposed office floorspace accounts for 1,018 sqm within the building. The CLEUD approved 841 sq metres of office floorspace within the building. The proposed development results in an uplift of 177 sqm of office floorspace. It is noted that the proposed development also includes an uplift in terms of amenity, meeting, sanitary and IT / Plant space.
6.15	The proposal relates to the use of an existing listed building as an office (Use Class B1). The existing floorspace of the listed building is approximately 2,931 sqm. The proposal includes a relatively modest extension (339 sq metres) and the use of former artists' studios (169 sq metres) as offices. The proposed extension is an open plan area at ground floor to be used as a 'Community hub' with a meeting room located at mezzanine level.
6.16	Policy EC6 relates to 'office accommodation'. Outside designated areas, such as the city centre and district centres, the policy requires that development proposals must comply with the sequential approach, with those in excess of 1,000 square metres gross floor space accompanied with an impact assessment and an assessment of need (as set out in Policy RET2).
6.17	Policy RET2 relates to 'out of centre development'. It states that proposals for main town centre uses outside of existing centres must: <ul style="list-style-type: none"> a) Demonstrate that there is not a sequentially preferable site in, or on the edge of, centres having regard to a suitable criteria of suitability, availability and viability. b) Submit a retail impact assessment and assessment of need for proposals that have a floorspace of 1000 sq m gross and above.
6.18	The Planning Service's Plans and Policy team were consulted on the application. It advises that as the proposal includes an uplift of office floorspace, a sequential test should be provided to demonstrate compliance with the policy. However, the proposal includes a relatively modest extension to that previously approved by the CLEUD. Furthermore, the proposal secures the maintenance and use of a listed building which has been vacant for the last 5 years. Having regard to these considerations, the proposed use is considered acceptable in principle.
6.19	<p>Access, Road Safety & Parking</p> <p>The application site is located directly adjacent to a city corridor, known as Ormeau Road (arterial route, designated in dBMAP 2015). The proposed access is directly from the Ormeau Road. This access has been amended from the original proposed access directly from Carolan Road, which attracted a considerable number of objections. The midpoint of the proposed access is located approximately 34 metres to the northwest of the existing Ravenhill Rd / Ormeau Rd roundabout. The proposal also includes the blocking off of the existing Carolan Road access. The existing gates at this access will be kept shut and a bollard erected to prevent any vehicle using the gate.</p>
6.20	Historically, it was possible to access the site via two accesses: the main church gate on Ormeau Road and the aforementioned access gate on Carolan Road (previously approved under ref. Z/2009/0377/F).

6.21	<p>The proposed development includes parking for a total of 32 no. cars. The Transport Assessment Form (TAF) and Framework Travel Plan (FTP) give an indication of how trips to and from the development will be managed and undertaken. Choice Housing Association (HA) currently employs approx. 256 staff which utilise offices across NI. Choice HA have adopted a hybrid working policy which has changed staff working patterns in relation to the number of days staff are required to attend the main office (the proposed development) or one of the remote offices, with the expectation that most staff will work from home. The TAF indicates that this will continue as part of the HA's current and future working practices and it is expected that approx. 68 staff will attend Carolan Road on a daily basis. The TAF also shows a breakdown of the multimodal trips, with 29% of daily visitors using the car to attend the office. As noted previously, a FTP has been submitted which aims to encourage staff / visitors to use more sustainable forms of travel, encourage flexible working arrangements and reduce need to travel by single car occupancy. DfI Roads have suggested imposition of a condition requiring the development to operate in accordance with the FTP. This would be of benefit, noting that the existing lawful use of the building with offices is unfettered and not subject to a FTP.</p>
6.22	<p>DfI Roads has provided comments on the latest amended drawings showing the proposed revised access onto Ormeau Road. The consultation response details conflicting information within the submitted drawings in relation to visibility splays and how the access will be formed (lowered kerbs / return kerbs). DfI advises that the visibility splay issue is not relevant as the splays are over a currently adopted footway and the discrepancy regarding kerbs at the site access can be resolved appropriately by imposition of planning condition. DfI also confirm that a Private Streets Determination is not required.</p>
6.23	<p>DfI has suggested a number of planning conditions in relation to the proposal, including the complete closure of the existing gates of the vehicular access onto Carolan Road. The site layout indicates a bollard to be erected to prevent any vehicles from using the gate. Given the concern is about vehicular use of this access rather than use by pedestrians, it is considered more appropriate for the planning condition to relate to the erection of the bollard to prevent its use for vehicular traffic. This would also mean that the gate could potentially remain open for pedestrian and cycle access.</p>
6.24	<p>Throughout the planning application, the proposed access arrangements have evolved from use of the existing Carolan Road access (with alterations) to the current proposed access from Ormeau Road. DfI Roads had objected to the use of the Carolan Road access on road safety grounds. As previously noted, the application site has the benefit of a Certificate of lawfulness for existing development (CLEUD) relating to 'Mixed Use of the Property comprising office (Class B1) on ground and first floor; and artists' studios (Class D1) on part of the second floor (up to 169 sqm). No use identified for the third floor attic', which represents a legitimate 'fall-back' for the applicant. A significant volume of objections were received in relation to the originally proposed Carolan Road Access. One further objection has been received in relation to the proposed revised access, however, it is considered that the proposed access directly on to the Ormeau Road is an improvement in terms of accessibility and road safety. Crucially, DfI Roads has no objection to the proposed revised access arrangements.</p>
6.25	<p>It is noted that a number of objections suggested the possibility of using the existing northerly access to the existing church car park, however, this is outside the red line boundary of the application, and is also not within the ownership of the applicant.</p>
6.26	<p>The proposed development includes weather protected cycle parking for 16 bicycles, with safe and convenient access for both cyclists and pedestrians. Public transport links are located nearby along the Ormeau Road, as well as close proximity to a Belfast Bikes station. Whilst the main access to the building is stepped, the proposal includes level</p>

	access via two other entrances. Internally, the proposed development includes two lifts to the upper floors.
6.27	The proposed means of access and parking arrangements are considered acceptable. It is advised that the proposal accords with Policies TRAN1, TRAN2, TRAN4, TRAN6 and TRAN8.
6.28	<p>Impact on Listed Building</p> <p>As noted previously, the proposed development directly relates to a Grade B1 Listed Building (ref. HB26/01/062A), known as Good Shepherd Convent. Within the application site, there is another Grade B1 listed building, the Gate Lodge, Good Shepherd Convent Complex (ref. HB26/01/062B) which is not impacted by the proposal. Directly to the north of the site lies another Grade B1 listed building, the Chapel, Good Shepherd Convent Complex (ref. HB26/01/004). The amendment to the proposed site access has resulted in an additional opening within the stone wall surrounding the application site.</p>
6.29	The building has been vacant since 2018. It is considered that the proposed development will secure the building's upkeep and survival and the character, and that the architectural and historic interest of the building will be preserved. In this regard, the proposal is welcomed. It is considered that the proposed development will not impact detrimentally on the character of the listed gate lodge within the grounds of the site.
6.30	DfC Historic Environment Division (HED) has offered no objections. HED raised a number of issues within their original consultation response. Following submission of additional information, they advised that all the issues had been addressed. The architectural and historic qualities of the Listed Building would be safeguarded. It is considered that the proposed development complies with tests of Policy BH1.
6.31	<p>Residential Amenity</p> <p>The site is located next to two existing apartment buildings (directly to the west of the site). The proposed development does not include any new windows, alterations to the existing windows or any new lighting on the western elevation of the building. The windows on the first and second floor are proposed to serve offices, a meeting room, a staff amenity room and circulation space. The existing floor plans show offices and staff amenity room on the first floor with artists' studio and store room on the second. Furthermore, a new emergency exit door is located at the back of the building which grants access to an existing courtyard. There is currently a door accessing this courtyard but it is proposed to be closed up and replaced. It is not considered that the proposal will give rise to any unacceptable detrimental impacts on existing residents of the apartments. Whilst views of the apartment buildings will be achievable from the offices, this should not result in an unacceptable impact from overlooking.</p>
6.32	BCC Environmental Health (EHO) notes that the Service Management Plan (SMP) dated September 2020 states that the proposal includes additional on-site sanitary and amenity areas including an on-site gym / work out area for staff. Consequently, EHO has advised conditions limiting the use of the area from 18:00 – 08:00 and not permitting the use of amplified music. It is noted that the latest SMP dated July 2022 does not refer to the use of any on-site gym / work out area, therefore there, it is unnecessary to impose the conditions as suggested by EHO.
6.33	The proposal includes several bin stores within the proposed layout. Following consultation with EHO and BCC Building Control (BC), it is not considered that this will result in an unacceptable detrimental impact in terms of odour or vermin.

	Impact on Trees
6.34	<p>The application site is covered by a group Tree Preservation Order (TPO). The proposed development results in the loss of 14 no. existing trees from the site, due to changes to the existing layout. 6 no. of the 14 no. trees proposed for removal are contained within the TPO, specifically tree numbers 14, 19, 25, 28, 29 and 53. The below information relates to the trees proposed for removal and their condition, according to the submitted tree survey:</p>
6.35	<p>Tree 11 – Dead Tree 14 – Fair (TPO) Tree 19 – Fair (TPO) Tree 20 – Poor Tree 23 – Fair Tree 24 (Group) – Poor Tree 25 – Fair (TPO) Tree 26 – Fair Tree 28 – Fair (TPO) Tree 29 – Fair (TPO) Tree 37 – Poor Tree 38 – Poor Tree 53 – Fair (TPO)</p>
6.36	<p>The Council's Tree and Landscaping Officer (TLO) has advised that <i>'the trees to be removed are mainly evergreen grouped as high hedging, poor condition, or young in age typically less than 5m in height and limited in terms of visual amenity offering in contrast to trees being retained as part of the application'</i>.</p>
6.37	<p>The proposed layout has been amended during the process of the application. As noted in Para 6.17, the revised layout shows a new proposed access directly on to the Ormeau Road. Following submission of this amended drawing, the TLO advised of concerns regarding the impact on the protected trees in proximity to the access. The TLO stated that construction of the access should not reduce existing grass levels as that may potentially result in root severance and root compaction. Use of ground protection measures were recommended, whereby ground surface should be finished in a porous material to allow passage of water and nutrients. The TLO also provided advice in relation to foundations of the proposed wall and paving areas. The agent has provided additional information following these comments, advising that no reductions in ground level are required (topographical information submitted) and that only the footpaths either side of the new entrance road encroach on Root protection zones (RPZs). In the event of approval, the applicant is content that a condition is applied requiring surfacing in a permeable material. The applicant also advised that there is no new wall proposed, however, a section of existing wall will be taken down to accommodate the new access. The applicant also clarified that the only paving proposed is at the entrance to the building, away from RPZs. The TLO has been consulted following submission of the additional information and a response has not been received prior to publication. Delegated authority is sought to resolve any outstanding tree matters.</p>
6.38	<p>The site layout includes provision for parking of 32 cars, bin stores, substation and additional landscaping. The latest plans indicate that Trees 21 and 22 are to be retained, which is welcomed as they both offer existing amenity value and provide opportunities for wildlife to flourish. Furthermore, the parking layout has been amended, which will help to reduce any future impacts on the adjacent tree 42. A condition is recommended to require the installation of protective measures such as raised ropes to prevent cars parking on the grass and encroaching the RPZs.</p>

6.39	9 no. semi-mature trees are proposed as part of the application planted at heights of 4.25m + comprising of field maple, Norway maple, oak, birch and tulip trees planted across the site along with 13 no. ornamental / topiary proposed trees consisting of holly and bay laurel complemented with a large mix of shrub planting. The TLO advises that <i>'mature existing trees of various species along with proposed landscaping (if managed and maintained to establish in healthy form) should help continue to create future amenity value within the site, promote biodiversity and offer a sense of place-making'</i> .
6.40	Subject to resolution of the outstanding issues and further comments from the TLO, the proposal is considered to satisfy Policy TRE1. Other environmental issues <i>Ecology:</i>
6.41	An Ecological Statement and Biodiversity Checklist were submitted in support of the proposed development. The ecological statement contained information on bats, indicating that both buildings on site have negligible roosting potential, however, two trees on site have moderate suitability for roosting bats. DAERA NIEA Natural Environment Division (NED) are content that the two trees are proposed for retention as part of the development. Information has been submitted in relation to external lighting within the site. NED are content with the lighting proposals, recommending that the proposed lighting measures are implemented fully. With regard to impact on breeding birds, NED recommend that any tree felling and vegetation clearance within the site should be completed outside of the bird breeding season. NED have no objections to the proposed development, subject to conditions. It is considered that the proposal will not have an unacceptable impact on sites, habitats, species, ecosystems or networks that are important for their nature conservation, biodiversity or geodiversity value. The proposal complies with Policy NH1. <i>Environmental Impact Assessment:</i>
6.42	The proposed development has a site area of 0.57 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.
6.43	Consequently, the proposed development was screened in accordance with the above Regulations. 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 was not required. <i>Sewage / Drainage:</i>
6.44	NI Water (NIW) confirms that there is available capacity to serve the proposed development, however, they advise that the developer should consult with NIW at an early design stage by means of a Pre development enquiry (PDE) to obtain details of availability of existing water / sewerage infrastructure. The proposal accords with Policy SP1a. <i>Climate Change:</i>
6.45	The proposal provides a sustainable and long term use for an existing vacant listed building which will secure the maintenance and upkeep of an important heritage asset. The proposal has been sensitively designed to ensure retention of existing fabric. The proposal includes permeable parking bays throughout the car park and largely retains the majority of existing soft landscaped areas within the site. It is considered that the proposal includes

6.46	<p>measures to manage surface water effectively on site and reduce water runoff. The proposal is considered to accord with Policies ENV2, ENV3 and ENV5.</p> <p><i>Waste management:</i></p> <p>Further to receipt of objections regarding proposed waste management, BCC Building Control (BC) were consulted and they advise that the proposal has sufficient development opportunity to comply with the Building Regulations in this regard. Furthermore, BC also advised that the proposal had sufficient development opportunity to comply with Regulations in respect of fire safety and access / facilities for disabled people.</p>
7.0	Recommendation
7.1	Having regard to the statutory development plan and material considerations, the proposed development and works are considered acceptable.
7.2	It is recommended that planning permissions and Listed Building Consent are granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other issues that may arise, including outstanding consultations.
<p>CONDITIONS:</p> <p>LA04/2020/1901/F</p> <p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The vehicular access onto Ormeau Road shall be constructed in accordance with PSD Drawing No 7002 Rev P01, prior to the commencement of any other works or other development hereby permitted.</p> <p>Reason: To ensure safe and convenient access to the development.</p> <p>3. The development shall not become operational until weather protected cycle parking has been fully provided in accordance with the approved plans.</p> <p>Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p> <p>4. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times. All such areas must be permanently retained in accordance with the approved plans.</p> <p>Reason: To ensure adequate car parking within the site.</p> <p>5. The access gradient to the Ormeau Road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p>	

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

6. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan dated Jul 2022.

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

7. The development hereby approved shall not be occupied or operated unless in accordance with the approved workplace Framework Travel Plan dated July 2022.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

8. Prior to the occupation of the proposed development, the proposed bollard located in front of the Carolan Road Access gates shall be constructed as per Drawing No. 14G and permanently retained as such.

Reason: To prevent vehicular use of the access in the interests of road safety.

9. 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. 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 approved details.

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

10. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting 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 (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.

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

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

12. If roots are accidentally damaged, the Council must be notified immediately in writing 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 vegetation.

13. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Areas (RPAs) of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA.

14. Prior to occupation of the hereby approved development, the Lighting Plan shall be implemented in accordance with the approved details and retained permanently, unless otherwise agreed in writing by the Council. The Plan shall conform with the methodology set out in the Arup Technical Note dated 29th January 2021. There shall be no external lighting unless in accordance with the approved details.

Reason: To minimise the impact of the proposal on bats and other wildlife.

15. No demolition/tree felling/clearance works 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 demolition/tree felling/clearance works 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.

16. A soft-felling approach shall be implemented for the felling or arboricultural works on any tree assessed as having low bat roost potential. Should any bats be discovered during felling, the Council must be contacted immediately.

Reason: To protect bats

17. 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 Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees.

18. All car parking spaces shall be constructed using permeable materials, in accordance with the approved plans.

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

19. Notwithstanding the submitted details, the development hereby approved shall not be occupied or operated unless details of the proposed pedestrian footways on either side of the site access has been submitted to and approved in writing by the Council. The footways shall be constructed with permeable materials. The development shall not be carried out unless in accordance with the approved scheme, which shall be retained as such thereafter.

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

20. The development hereby approved shall not be occupied or operated unless timber bollards have been constructed in accordance with the approved Drawing No. 14G and the submitted details. The timber bollards shall be permanently retained.

Reason: To prevent cars parking on the grassed areas so as to safeguard the setting of the Listed Building and prevent damage to trees.

LA04/2020/1899/LBC

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

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

LA04/2022/1677/F

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The vehicular access onto Ormeau Road shall be constructed in accordance with PSD Drawing No 7002 Rev P01, prior to the commencement of any other works or other development hereby permitted.

Reason: To ensure safe and convenient access to the development.

3. The development shall not become operational until weather protected cycle parking has been fully provided in accordance with the approved plans.

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

4. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times. All such areas must be permanently retained in accordance with the approved plans.

Reason: To ensure adequate car parking within the site.

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

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

6. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan dated Jul 2022.

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

7. The development hereby approved shall not be occupied or operated unless in accordance with the approved workplace Framework Travel Plan dated July 2022.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

8. Prior to the occupation of the proposed development, the proposed bollard located in front of the Carolan Road Access gates shall be constructed as per Drawing No. 14G and permanently retained as such.

Reason: To prevent vehicular use of the access in the interests of road safety.

9. 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. 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 approved details.

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

10. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting 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 (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.

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

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

12. If roots are accidentally damaged, the Council must be notified immediately in writing 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 vegetation.

13. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Areas (RPAs) of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA.

14. Prior to occupation of the hereby approved development, the Lighting Plan shall be implemented in accordance with the approved details and retained permanently, unless otherwise agreed in writing by the Council. The Plan shall conform with the methodology set out in the Arup Technical Note dated 29th January 2021. There shall be no external lighting unless in accordance with the approved details.

Reason: To minimise the impact of the proposal on bats and other wildlife.

15. No demolition/tree felling/clearance works 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 demolition/tree felling/clearance works 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.

16. A soft-felling approach shall be implemented for the felling or arboricultural works on any tree assessed as having low bat roost potential. Should any bats be discovered during felling, the Council must be contacted immediately.

Reason: To protect bats

17. 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 Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees.

18. All car parking spaces shall be constructed using permeable materials, in accordance with the approved plans.

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

19. Notwithstanding the submitted details, the development hereby approved shall not be occupied or operated unless details of the proposed pedestrian footways on either side of the site access has been submitted to and approved in writing by the Council. The footways shall be constructed with permeable materials. The development shall not be carried out unless in accordance with the approved scheme, which shall be retained as such thereafter.

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

20. The development hereby approved shall not be occupied or operated unless timber bollards have been constructed in accordance with the approved Drawing No. 14G and the submitted details. The timber bollards shall be permanently retained.

Reason: To prevent cars parking on the grassed areas so as to safeguard the setting of the Listed Building and prevent damage to trees.

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Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 19 th September 2023	
Application ID: LA04/2020/1901/F LA04/2020/1899/LBC LA04/2022/1677/F LA04/2022/1679/LBC	
Proposal: LA04/2020/1901/F - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description, drawings and additional information) LA04/2020/1899/LBC - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description and drawings) LA04/2022/1677/F - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). LA04/2022/1679/LBC - Change of use from artist's studio space (sui generis) at second	Location: Former Good Shepherd Centre, Lands at No's 511 and 511A Ormeau Road, Belfast, BT7 3GS

floor of existing Good Shepherd Centre to office accommodation (Class B1).	
Referral Route: Councillor referral under paragraph 3.8.1 of the Scheme of Delegation	
Recommendation: Approval	
Applicant Name and Address: Choice Housing Association Ireland Ltd Leslie Morrell House 37-41 May Street Belfast BT1 4DN	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
<p>Executive Summary:</p> <p>The applications seek full Planning Permissions and Listed Building Consents for an Office development at Former Good Shepherd Centre.</p> <p>The relevant applications are:</p> <ul style="list-style-type: none"> LA04/2020/1901/F - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description, drawings and additional information) LA04/2020/1899/LBC - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description and drawings) LA04/2022/1677/F - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). LA04/2022/1679/LBC - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). <p>Officers have discussed the need for this second Listed Building Consent application given that it seems to propose the works covered under application LA04/2020/1899/LBC. The applicant has verbally confirmed that the works are covered by the earlier application and it is expected that the second application will be withdrawn.</p> <p>The key issues in the assessment of the proposals are:</p> <ul style="list-style-type: none"> Principle of office development Impact on the Listed Building 	

- Impact on Residential Amenity
- Access, road safety and parking
- Impact on Trees
- Other environmental considerations

With respect to LA04/2020/1901/F, the Council has received 121 objections and for LA04/2020/1899/LBC, the Council has received 6 objections. Issues raised relate to transport / access / parking, trees, environment, principle of development, existing office use, built heritage, residential amenity, working patterns and procedural matters. There have been no objections received in relation to LA04/2022/1677/F and LA04/2022/1679/LBC.

Statutory Consultations

DfI Roads – No objection, subject to conditions

DfC Historic Environment Division (HED) – No objection, subject to conditions

DAERA NIEA – No objection, subject to conditions

Non-Statutory Consultations

BCC Environmental Health – No objection, subject to conditions

BCC Tree Officer – Awaiting further advice

BCC Building Control – No objection

Planning Service Plans and Policy team – Advice received (See main assessment)

Policy EC6 of the Plan Strategy relates to ‘office accommodation’ and Policy RET2 relates to ‘out of centre development’. Outside designated areas, such as the city centre and district centres, the policy requires that development proposals must comply with the sequential approach. However, the application site has the benefit of a Certificate of lawfulness for existing development (CLEUD) relating to ‘Mixed Use of the Property comprising office (Class B1) on ground and first floor; and artists’ studios (Class D1) on part of the second floor (up to 169 sqm). No use identified for the third floor attic’. The CLEUD establishes an office use for much of the building. The proposal includes a relatively modest extension to that previously approved by the CLEUD. Furthermore, the proposal secures the maintenance and use of a listed building which has been vacant for the last 5 years. Having regard to these considerations, the proposed office use is considered acceptable in principle.

The application site is located directly adjacent to a city corridor, known as Ormeau Road (arterial route, designated in the Draft Belfast Metropolitan Area Plan 2015. The proposed access is directly from the Ormeau Road. This access has been amended from the original proposed access directly from Carolan Road, which attracted a consideration number of objections. The revised proposal also includes the blocking off of the existing Carolan Road access. The existing gates at this access will be kept shut and a bollard erected to prevent any vehicle using the gate. DfI Roads have provided comments on the amended proposal and raises no objection subject to conditions.

The application site is covered by a Tree Preservation Order (TPO). The proposed development results in the loss of 14 no. existing trees from the site, due to changes to the existing layout. The Council’s Tree and Landscaping Officer (TLO) has advised no objection to the proposed removal of some trees within the site owing to condition, age or species and is content with the compensatory planting proposed. The TLO has raised issues regarding the impact of the amended site access on protected trees. Additional information has been submitted to address these concerns, with the consultation response outstanding at time of publication. Notwithstanding this, it is considered that the additional information does not fully address the concerns raised as the amended site layout shows the Root protection zones (RPZs) of two trees partially encroaching on to the site access. It is considered that the issue can potentially be addressed by providing appropriate ground protection measures. Delegated authority is sought to resolve matters relating to trees.

The proposed development relates to a Grade B1 Listed Building (ref. HB26/01/062A), known as “Good Shepherd Convent”. Within the application site, there is another Grade B1 listed building, the Gate Lodge, Good Shepherd Convent Complex (ref. HB26/01/062B) which is not impacted by the proposal. The main building has been vacant since 2018. It is considered that the proposed development will secure the building’s upkeep and survival and the character and that the architectural and historic interest of the building will be preserved. DfC Historic Environment Division (HED) offers no objections.

The site is located next to two existing apartment buildings (directly to the west of the site). The proposed development does not include any new windows, alterations to the existing windows or any new lighting on the western elevation of the building. It is considered that the proposal will not give rise to any unacceptable detrimental impacts on existing residents of the apartments. Whilst views of the apartment buildings will be achievable from the offices, this should not result in an unacceptable impact from overlooking. Additionally, it is not considered that the proposal will give rise to significant noise, odour or vermin issues.

An Ecological Statement and Biodiversity Checklist were submitted in support of the proposed development. The ecological statement contained information on bats, indicating that both buildings on site have negligible roosting potential, however, two trees (proposed for retention) have moderate suitability for roosting bats. It is considered that the proposal will not have an unacceptable impact on sites, habitats, species, ecosystems or networks that are important for their nature conservation, biodiversity or geodiversity value. DAERA NIEA offers no objection subject to conditions.

The application is referred to the Committee following a request from Councillor de Faoite. Councillor de Faoite outlined concerns in relation to traffic, access, road safety, impact on trees and concerns regarding a previous appeal decision on the site.

Recommendation

Having regard to the statutory development plan and material considerations, the proposed development is considered acceptable.

It is recommended that planning permissions and Listed Building Consent are granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other issues that may arise, including outstanding consultations.

Officer Report

1.0

Drawings

1.1

Site Location Plan



Proposed Site Layout



2.0	Characteristics of the Site and Area
2.1	The application site is located at the former Good Shepherd Complex, No's 511 and 511A Ormeau Road. It is situated to the west of the Ormeau Road and North of Carolan Road.
2.2	The site is currently linked to the Good Shepherd Church, immediately to the north. The site is currently accessed via two existing two accesses, from the Ormeau Road (through the car park of Good Shepherd Church) and Carolan Road.
2.3	The building on the site is a Grade B1 listed building (ref. HB26/01/062 A). It is a 3.5 storey building in a Tudoresque Gothic style, finished in red brick with sandstone detailing. Within the wider site, there is also a two storey gate lodge and a car parking area to the south and east of the building. The site is also defined by several mature trees, along the southern and eastern portions of the site. These are subject to a group Tree Preservation Order. The southern and eastern boundaries of the site are defined by stone walls, with iron fencing on top, with two iron gates on the Carolan Road and junction of Carolan / Ormeau Road. The western boundary is defined by a brick wall, with the northern boundary undefined.
2.4	The surrounding area is characterised primarily by residential development, with a mix of apartments, terraced, semi detached and detached dwellings. Wellington College is located in proximity to the site, at the end of Carolan Road, whilst there are commercial uses further along Ormeau Road to the north and adjacent to the site within the listed cottages fronting onto the Ormeau Road.
3.0	Description of Proposal
3.1	This committee report relates to 4 applications (2 applications for full planning permission and 2 for Listed Building Consent). Overall, the applications relate to retention and reconfiguration of existing office and ancillary floorspace across the ground, first and second floors of the building, the provision of a new ground floor extension with mezzanine floor, internal / external works to the building, with external layout reconfigurations and ancillary works.
3.2	<p>The proposal descriptions specify:</p> <p>LA04/2020/1901/F - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description, drawings and additional information)</p> <p>LA04/2020/1899/LBC - Internal refurbishment works to existing listed building and retention and reconfiguration of existing office and ancillary floorspace across ground, first & second floors; Provision of ground floor extension with internal mezzanine floor; Partial demolition and reconstruction to third floor (attic) to provide new stairwell and lifts; External alterations to existing building including provision of dormers and rooflights; External layout reconfigurations to include construction of new access from Ormeau Road, amended parking layout, provision of cycle parking, bin store, substation and associated works. (Amended description and drawings)</p> <p>LA04/2022/1677/F - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1).</p>

	<p>LA04/2022/1679/LBC - Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1).</p> <p>Officers have discussed the need for this second Listed Building Consent application given that it seems to propose the works covered under application LA04/2020/1899/LBC. The applicant has verbally confirmed that the works are covered by the earlier application and it is expected that the second application will be withdrawn.</p>
4.0	Planning Policy and Other Material Considerations
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p>
4.2	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>
4.3	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
4.4	<p>Other Policies Belfast Agenda</p> <p>Relevant Planning History</p>
4.5	<p>Application Site:</p> <p>LA04/2021/2527/LDE - Mixed Use of the Property comprising office (Class B1) on ground and first floor; and artists' studios (Class D1) on part of the second floor (up to 169 sqm), as shown on Drawing No. 02 uploaded to the planning portal on 18th November 2021. No use identified for the third floor attic (amended description) – Granted 5th April 2022</p> <p>Z/2009/0377/F - New access incorporating the demolition of a small portion of existing boundary wall on Carolan Road – Granted 22/6/09</p> <p>Z/2008/0887/F & Z/2008/0888/LB - Restoration of vacant listed gate lodge including change of use from dwelling to office accommodation with alterations – Granted</p> <p>Z/1995/1144 - Change of use from convent to offices – Allowed following appeal (Granted)</p> <p>Z/1994/0715 - Change of use from convent to offices – Refused</p> <p>Z/1993/0512 - Change of use of building previously used for voluntary work and associated administration to office use – Refused</p> <p>Z/1993/0200 & Z/1993/0201 - Change of use from convent to offices – Refused</p> <p>Z/1993/0077 - Change of use from convent to offices – Refused</p> <p>Z/1991/0437R – Mixed Housing Development (34 dwellings) with ancillary roads - Granted</p>

5.0	Consultations and Representations
5.1	Statutory Consultations DfI Roads – No objection, subject to conditions DfC Historic Environment Division (HED) – No objection, subject to conditions DAERA NIEA – No objection, subject to conditions
5.2	Non-Statutory Consultations BCC Environmental Health – No objection, subject to conditions BCC Tree Officer – Awaiting further advice BCC Building Control – No objection Planning Service Plans and Policy team – Advice received (See main assessment)
5.3	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p> <p>Representations</p>
5.4	The applications have been advertised and neighbours notified.
5.5	With respect to LA04/2020/1901/F, the Council has received 121 objections and with respect to LA04/2020/1899/LBC, the Council has received 6 objections (note that the objections to the Listed Building Consent are also added to the full application as many of the issues raised are related to the full application, not the works to the listed building).
5.6	There have been no objections received in relation to LA04/2022/1677/F and LA04/2022/1679/LBC.
5.7	<p>The issues raised by objectors include:</p> <p><u>Transport</u></p> <ul style="list-style-type: none"> Proposed new access from Ormeau Road will cause a significant road safety hazard and result in additional traffic delays due to proximity to the roundabout at Ravenhill Road junction and existence of bus lanes at peak times. More appropriate to allow intensification of existing northern access point. Transport issues may be compounded by proposals for BRT2 (Rapid Transit) as there is no provision for right turning lane into site. Existing entrance to site poses a safety risk to pedestrians and road users. Carolan Road is already congested, particularly in the mornings and afternoons, due to presence of the nearby Secondary school, Primary School and Nursery. Proposal will exacerbate issues of parking on Carolan Road. The road is already congested with double parking. Proposed development does not provide adequate parking for number of staff and visitors. Proposed number of parking spaces is a large underestimation of how many cars are likely to be used, given number of staff in attendance. Choice HA also plan to use the building as a training hub which will increase demand for parking. Existing junction of Carolan Road and Ormeau Road is a 'blind spot' with potential for serious traffic accident. Existing entrance on to Carolan Road is rarely, if ever, used and the proposed development should utilise the existing access on Ormeau Road. Existing entrance on to Carolan Road has only ever been used as an exit. Proposed 2 way access is located directly opposite and in very close proximity to an existing vehicular access serving a dwelling.

- Proposed car park will be destructive to the area – the proposal should utilise the ample unused parking space within the existing Church car park.
- Transport Engineers' submitted information challenged by objector(s). The Council should demand proper inspection by DfI. Issues with timing of reports / Assessments during school closures, Covid lockdowns etc.
- Independent body should complete a risk assessment in relation to the applicant's traffic plans.
- Carolan Road is already being operated on a voluntary basis as a one way inward road with egress via Rosetta Avenue.
- Office staff should be encouraged to use bicycles and public transport.
- Parking partnership with the Good Shepherd Church should be considered.
- Site is well served by public transport.
- Local resident has provided a parking survey of traffic movements in the morning, at the junction of Carolan Road and Ormeau Road.
- Choice HA business requires staff to be on site during the day, therefore requiring vehicular transport. Submitted information does not include this detail.
- Potential obstruction of footpath during bin collection.
- Issues raised regarding availability of safety plans from the 1990s and enquiry if these plans are available to view.
- Neighbour's right of way is being restricted as a result of the proposal.

Trees / Environment

- Proposed development will negatively impact on the existing trees within the application site.
- Concerns raised regarding the long term health of the existing mature trees on site.
- Many of the impacted trees are over 100 years old and many have 'conservation orders'.
- Removal of trees cannot be justified.
- Existing trees provide significant amenity value and part of the natural heritage of the area.
- BCC has committed to planting 1 million trees by 2035, therefore existing trees should also be retained.
- Existing trees provide privacy and protection from overlooking.
- Existing trees muffle noise / absorb fumes from the nearby roads / traffic.
- Existing trees provide shade in the summer.
- Existing trees help soften the backdrop to the existing building and provide a backdrop to the adjacent listed cottages.
- Proposed to remove trees to facilitate car parking does not result in a sustainable development.
- Tree Preservation Order (TPO) should be placed on the existing trees on site.
- Existing trees and mature vegetation should be preserved, in light of climate change, particulate pollutants and flooding threats.
- Green spaces should be protected for environmental / biodiversity reasons, as well as positive impact on health and wellbeing.
- Mature trees should be retained – help absorb CO2, produce oxygen, assist with air quality and retention of carbon.
- Parking could be accommodated on Carolan Road and Ormeau Road, instead of removing trees to facilitate a car park.
- Replacement of the trees / garden with a hard surface will exacerbate flooding issues.

- Existing trees are visible from a number of perspectives, which adds to the historic landmark on the Ormeau Road.
- Trees / Garden Area has been a precious tranquil respite in the area since the Centre was built in the 1850s.
- Detrimental impact on wildlife, such as bats and birds.
- Concern that no Environmental Impact Assessment has been carried out by the developer.

Existing Office Use

- Concern raised regarding the assumption that Good Shepherd Building was used as commercial offices prior to purchase by the developer.
- Limited numbers of people (5-10 max) occupied the offices when previously used by the Down and Connor Diocese.
- Proposal to use the offices as a commercial enterprise is clearly a different form of use than use as parish offices.
- Access to the offices was via the Good Shepherd church car park. Proposed access gate on Carolan Road was not used historically until Choice HA have started opening it regularly post purchase of the site.

Built Heritage

- Concerns raised about impact on the character of the gate lodge.
- Detrimental impact of extension on character of the listed building and its surroundings.
- Concern raised regarding potential demolition of the facades of the listed building.
- Existing pillars are one of the most attractive aspects of the listed Building.
- Concerns regarding the removal of detailing / fabric from the building and failure to recycle / re-use.

Residential Amenity

- Potential overlooking towards nearby apartments – if window panes are replaced (patterned glass to transparent glass).
- Potential impact on residential amenity from lighting towards existing apartments.
- Possible amenity issues in relation to noise if outside space is used for socialising / smoking.
- Potential negative impact on infrastructure, such as broadband.
- Proposed bin store will have a detrimental impact on the local area, resulting in odour nuisance and vermin issues.
- Issues raised with the additional noise more housing would bring, particularly during construction.

New working patterns

- No need for new offices with the shift to home working patterns.
- Post Covid working patterns are evolving continually and no guarantee that Choice HA will continue with their flexible / hybrid approach.

Procedural / Technical

- Issue raised with proposal description – requesting clarification regarding ‘associated works’.

	<ul style="list-style-type: none"> • Issues raised with the notification process. • Issues raised regarding lack of bat information on the Planning portal. • Issues raised with availability of documents on the Planning Portal.
6.0	PLANNING ASSESSMENT
6.1	<p>Development Plan Context</p> <p>Section 6(4) of the Planning (Northern Ireland) Act 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.</p>
6.2	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
6.3	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p>
6.4	<p><u>Operational policies:</u> the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p>
6.5	<p><u>Proposals Maps:</u> Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
6.6	<p>The application site is located on undesignated white land, in accordance with all of the above Plans.</p>
6.7	<p>Relevant Planning Policies</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p>Policy SP1 – Growth strategy Policy SP2 – Sustainable development</p> <p>Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas</p> <p>Policy DES1 – Principles of Urban Design</p> <p>Policy BH1 – Listed Buildings Policy BH4 – Works to grounds affecting built heritage assets</p>

	<p>Policy EC6 – Office Development Policy RET1 – Establishing a Centre Hierarchy Policy RET2 – Out of Centre Development</p> <p>Policy TRAN1 – Active Travel – Walking and Cycling Policy TRAN2 – Creating an accessible environment Policy TRAN4 – Travel plan Policy TRAN6 – Access to Public Roads Policy TRAN8 – Car Parking and Servicing Arrangements</p> <p>Policy ENV1 – Environmental Quality Policy ENV2 – Mitigating Environmental Change Policy ENV3 – Adapting to Environmental Change</p> <p>Policy NH1 – Protection of natural heritage resources Policy TRE1 – Trees</p> <p>Key Issues</p>
6.8	<p>The key issues for consideration of the applications are:</p> <ul style="list-style-type: none"> • Principle of office development • Impact on the Listed Building • Impact on Residential Amenity • Access, road safety and parking • Impact on Trees • Other environmental considerations
6.9	<p>Principle of office development</p> <p>The application site is located outside the city centre and any district or local centres. It is also located outside any major or strategic employment locations and any designated office areas / nodes. Consequently, Policy EC6 directs that proposals for use class B1(a) must comply with the sequential approach.</p>
6.10	<p>However, the application site has the benefit of a Certificate of lawfulness for existing development (CLEUD) relating to ‘Mixed Use of the Property comprising office (Class B1) on ground and first floor; and artists’ studios (Class D1) on part of the second floor (up to 169 sqm). No use identified for the third floor attic’. The CLEUD establishes an office use for much of the building.</p>
6.11	<p>It is noted that the planning history includes an approval for ‘Change of use from convent to offices’ under ref. Z/1995/1144. The development was granted following appeal and was subject to 4 conditions, three of which were conditions precedent, requiring construction of site access, provision of parking and landscaping prior to the change of use taking place. These works were not completed, therefore, it is not considered that this planning approval was lawfully commenced.</p>
6.12	<p>Application ref. LA04/2020/1901/F includes a new mezzanine extension at ground floor level, resulting in an increase of 339 sq metres in floorspace. Application ref. LA04/2022/1677/F relates to a Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1). This application relates to 169 sq metres of floor space and is required following the grant of the aforementioned CLEUD.</p>

6.13	The proposed development relates to a Class B1 Use on ground, first and second floor, the same class as previously established on the ground and first floor by the CLEUD. An objection queried whether the proposed use class is different from the previous use as parish offices. From the information submitted, the previous office use was in association with the overall Down and Connor diocese, not just the local parish. It is considered that there is no differentiation in either use class (Use Class B1).
6.14	The submitted drawings show the breakdown of specific use per room within the building, i.e. office, meeting, amenity, circulation, sanitary, store, plant / IT etc. Actual proposed office floorspace accounts for 1,018 sqm within the building. The CLEUD approved 841 sq metres of office floorspace within the building. The proposed development results in an uplift of 177 sqm of office floorspace. It is noted that the proposed development also includes an uplift in terms of amenity, meeting, sanitary and IT / Plant space.
6.15	The proposal relates to the use of an existing listed building as an office (Use Class B1). The existing floorspace of the listed building is approximately 2,931 sqm. The proposal includes a relatively modest extension (339 sq metres) and the use of former artists' studios (169 sq metres) as offices. The proposed extension is an open plan area at ground floor to be used as a 'Community hub' with a meeting room located at mezzanine level.
6.16	Policy EC6 relates to 'office accommodation'. Outside designated areas, such as the city centre and district centres, the policy requires that development proposals must comply with the sequential approach, with those in excess of 1,000 square metres gross floor space accompanied with an impact assessment and an assessment of need (as set out in Policy RET2).
6.17	Policy RET2 relates to 'out of centre development'. It states that proposals for main town centre uses outside of existing centres must: <ul style="list-style-type: none"> a) Demonstrate that there is not a sequentially preferable site in, or on the edge of, centres having regard to a suitable criteria of suitability, availability and viability. b) Submit a retail impact assessment and assessment of need for proposals that have a floorspace of 1000 sq m gross and above.
6.18	The Planning Service's Plans and Policy team were consulted on the application. It advises that as the proposal includes an uplift of office floorspace, a sequential test should be provided to demonstrate compliance with the policy. However, the proposal includes a relatively modest extension to that previously approved by the CLEUD. Furthermore, the proposal secures the maintenance and use of a listed building which has been vacant for the last 5 years. Having regard to these considerations, the proposed use is considered acceptable in principle.
6.19	Access, Road Safety & Parking The application site is located directly adjacent to a city corridor, known as Ormeau Road (arterial route, designated in dBMAP 2015). The proposed access is directly from the Ormeau Road. This access has been amended from the original proposed access directly from Carolan Road, which attracted a considerable number of objections. The midpoint of the proposed access is located approximately 34 metres to the northwest of the existing Ravenhill Rd / Ormeau Rd roundabout. The proposal also includes the blocking off of the existing Carolan Road access. The existing gates at this access will be kept shut and a bollard erected to prevent any vehicle using the gate.
6.20	Historically, it was possible to access the site via two accesses: the main church gate on Ormeau Road and the aforementioned access gate on Carolan Road (previously approved under ref. Z/2009/0377/F).

6.21	<p>The proposed development includes parking for a total of 32 no. cars. The Transport Assessment Form (TAF) and Framework Travel Plan (FTP) give an indication of how trips to and from the development will be managed and undertaken. Choice Housing Association (HA) currently employs approx. 256 staff which utilise offices across NI. Choice HA have adopted a hybrid working policy which has changed staff working patterns in relation to the number of days staff are required to attend the main office (the proposed development) or one of the remote offices, with the expectation that most staff will work from home. The TAF indicates that this will continue as part of the HA's current and future working practices and it is expected that approx. 68 staff will attend Carolan Road on a daily basis. The TAF also shows a breakdown of the multimodal trips, with 29% of daily visitors using the car to attend the office. As noted previously, a FTP has been submitted which aims to encourage staff / visitors to use more sustainable forms of travel, encourage flexible working arrangements and reduce need to travel by single car occupancy. DfI Roads have suggested imposition of a condition requiring the development to operate in accordance with the FTP. This would be of benefit, noting that the existing lawful use of the building with offices is unfettered and not subject to a FTP.</p>
6.22	<p>DfI Roads has provided comments on the latest amended drawings showing the proposed revised access onto Ormeau Road. The consultation response details conflicting information within the submitted drawings in relation to visibility splays and how the access will be formed (lowered kerbs / return kerbs). DfI advises that the visibility splay issue is not relevant as the splays are over a currently adopted footway and the discrepancy regarding kerbs at the site access can be resolved appropriately by imposition of planning condition. DfI also confirm that a Private Streets Determination is not required.</p>
6.23	<p>DfI has suggested a number of planning conditions in relation to the proposal, including the complete closure of the existing gates of the vehicular access onto Carolan Road. The site layout indicates a bollard to be erected to prevent any vehicles from using the gate. Given the concern is about vehicular use of this access rather than use by pedestrians, it is considered more appropriate for the planning condition to relate to the erection of the bollard to prevent its use for vehicular traffic. This would also mean that the gate could potentially remain open for pedestrian and cycle access.</p>
6.24	<p>Throughout the planning application, the proposed access arrangements have evolved from use of the existing Carolan Road access (with alterations) to the current proposed access from Ormeau Road. DfI Roads had objected to the use of the Carolan Road access on road safety grounds. As previously noted, the application site has the benefit of a Certificate of lawfulness for existing development (CLEUD) relating to 'Mixed Use of the Property comprising office (Class B1) on ground and first floor; and artists' studios (Class D1) on part of the second floor (up to 169 sqm). No use identified for the third floor attic', which represents a legitimate 'fall-back' for the applicant. A significant volume of objections were received in relation to the originally proposed Carolan Road Access. One further objection has been received in relation to the proposed revised access, however, it is considered that the proposed access directly on to the Ormeau Road is an improvement in terms of accessibility and road safety. Crucially, DfI Roads has no objection to the proposed revised access arrangements.</p>
6.25	<p>It is noted that a number of objections suggested the possibility of using the existing northerly access to the existing church car park, however, this is outside the red line boundary of the application, and is also not within the ownership of the applicant.</p>
6.26	<p>The proposed development includes weather protected cycle parking for 16 bicycles, with safe and convenient access for both cyclists and pedestrians. Public transport links are located nearby along the Ormeau Road, as well as close proximity to a Belfast Bikes station. Whilst the main access to the building is stepped, the proposal includes level</p>

	access via two other entrances. Internally, the proposed development includes two lifts to the upper floors.
6.27	The proposed means of access and parking arrangements are considered acceptable. It is advised that the proposal accords with Policies TRAN1, TRAN2, TRAN4, TRAN6 and TRAN8.
6.28	<p>Impact on Listed Building</p> <p>As noted previously, the proposed development directly relates to a Grade B1 Listed Building (ref. HB26/01/062A), known as Good Shepherd Convent. Within the application site, there is another Grade B1 listed building, the Gate Lodge, Good Shepherd Convent Complex (ref. HB26/01/062B) which is not impacted by the proposal. Directly to the north of the site lies another Grade B1 listed building, the Chapel, Good Shepherd Convent Complex (ref. HB26/01/004). The amendment to the proposed site access has resulted in an additional opening within the stone wall surrounding the application site.</p>
6.29	The building has been vacant since 2018. It is considered that the proposed development will secure the building's upkeep and survival and the character, and that the architectural and historic interest of the building will be preserved. In this regard, the proposal is welcomed. It is considered that the proposed development will not impact detrimentally on the character of the listed gate lodge within the grounds of the site.
6.30	DfC Historic Environment Division (HED) has offered no objections. HED raised a number of issues within their original consultation response. Following submission of additional information, they advised that all the issues had been addressed. The architectural and historic qualities of the Listed Building would be safeguarded. It is considered that the proposed development complies with tests of Policy BH1.
6.31	<p>Residential Amenity</p> <p>The site is located next to two existing apartment buildings (directly to the west of the site). The proposed development does not include any new windows, alterations to the existing windows or any new lighting on the western elevation of the building. The windows on the first and second floor are proposed to serve offices, a meeting room, a staff amenity room and circulation space. The existing floor plans show offices and staff amenity room on the first floor with artists' studio and store room on the second. Furthermore, a new emergency exit door is located at the back of the building which grants access to an existing courtyard. There is currently a door accessing this courtyard but it is proposed to be closed up and replaced. It is not considered that the proposal will give rise to any unacceptable detrimental impacts on existing residents of the apartments. Whilst views of the apartment buildings will be achievable from the offices, this should not result in an unacceptable impact from overlooking.</p>
6.32	BCC Environmental Health (EHO) notes that the Service Management Plan (SMP) dated September 2020 states that the proposal includes additional on-site sanitary and amenity areas including an on-site gym / work out area for staff. Consequently, EHO has advised conditions limiting the use of the area from 18:00 – 08:00 and not permitting the use of amplified music. It is noted that the latest SMP dated July 2022 does not refer to the use of any on-site gym / work out area, therefore there, it is unnecessary to impose the conditions as suggested by EHO.
6.33	The proposal includes several bin stores within the proposed layout. Following consultation with EHO and BCC Building Control (BC), it is not considered that this will result in an unacceptable detrimental impact in terms of odour or vermin.

	Impact on Trees
6.34	<p>The application site is covered by a group Tree Preservation Order (TPO). The proposed development results in the loss of 14 no. existing trees from the site, due to changes to the existing layout. 6 no. of the 14 no. trees proposed for removal are contained within the TPO, specifically tree numbers 14, 19, 25, 28, 29 and 53. The below information relates to the trees proposed for removal and their condition, according to the submitted tree survey:</p>
6.35	<p>Tree 11 – Dead Tree 14 – Fair (TPO) Tree 19 – Fair (TPO) Tree 20 – Poor Tree 23 – Fair Tree 24 (Group) – Poor Tree 25 – Fair (TPO) Tree 26 – Fair Tree 28 – Fair (TPO) Tree 29 – Fair (TPO) Tree 37 – Poor Tree 38 – Poor Tree 53 – Fair (TPO)</p>
6.36	<p>The Council's Tree and Landscaping Officer (TLO) has advised that <i>'the trees to be removed are mainly evergreen grouped as high hedging, poor condition, or young in age typically less than 5m in height and limited in terms of visual amenity offering in contrast to trees being retained as part of the application'</i>.</p>
6.37	<p>The proposed layout has been amended during the process of the application. As noted in Para 6.17, the revised layout shows a new proposed access directly on to the Ormeau Road. Following submission of this amended drawing, the TLO advised of concerns regarding the impact on the protected trees in proximity to the access. The TLO stated that construction of the access should not reduce existing grass levels as that may potentially result in root severance and root compaction. Use of ground protection measures were recommended, whereby ground surface should be finished in a porous material to allow passage of water and nutrients. The TLO also provided advice in relation to foundations of the proposed wall and paving areas. The agent has provided additional information following these comments, advising that no reductions in ground level are required (topographical information submitted) and that only the footpaths either side of the new entrance road encroach on Root protection zones (RPZs). In the event of approval, the applicant is content that a condition is applied requiring surfacing in a permeable material. The applicant also advised that there is no new wall proposed, however, a section of existing wall will be taken down to accommodate the new access. The applicant also clarified that the only paving proposed is at the entrance to the building, away from RPZs. The TLO has been consulted following submission of the additional information and a response has not been received prior to publication. Delegated authority is sought to resolve any outstanding tree matters.</p>
6.38	<p>The site layout includes provision for parking of 32 cars, bin stores, substation and additional landscaping. The latest plans indicate that Trees 21 and 22 are to be retained, which is welcomed as they both offer existing amenity value and provide opportunities for wildlife to flourish. Furthermore, the parking layout has been amended, which will help to reduce any future impacts on the adjacent tree 42. A condition is recommended to require the installation of protective measures such as raised ropes to prevent cars parking on the grass and encroaching the RPZs.</p>

6.39	9 no. semi-mature trees are proposed as part of the application planted at heights of 4.25m + comprising of field maple, Norway maple, oak, birch and tulip trees planted across the site along with 13 no. ornamental / topiary proposed trees consisting of holly and bay laurel complemented with a large mix of shrub planting. The TLO advises that <i>'mature existing trees of various species along with proposed landscaping (if managed and maintained to establish in healthy form) should help continue to create future amenity value within the site, promote biodiversity and offer a sense of place-making'</i> .
6.40	Subject to resolution of the outstanding issues and further comments from the TLO, the proposal is considered to satisfy Policy TRE1. Other environmental issues <i>Ecology:</i>
6.41	An Ecological Statement and Biodiversity Checklist were submitted in support of the proposed development. The ecological statement contained information on bats, indicating that both buildings on site have negligible roosting potential, however, two trees on site have moderate suitability for roosting bats. DAERA NIEA Natural Environment Division (NED) are content that the two trees are proposed for retention as part of the development. Information has been submitted in relation to external lighting within the site. NED are content with the lighting proposals, recommending that the proposed lighting measures are implemented fully. With regard to impact on breeding birds, NED recommend that any tree felling and vegetation clearance within the site should be completed outside of the bird breeding season. NED have no objections to the proposed development, subject to conditions. It is considered that the proposal will not have an unacceptable impact on sites, habitats, species, ecosystems or networks that are important for their nature conservation, biodiversity or geodiversity value. The proposal complies with Policy NH1. <i>Environmental Impact Assessment:</i>
6.42	The proposed development has a site area of 0.57 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.
6.43	Consequently, the proposed development was screened in accordance with the above Regulations. 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 was not required. <i>Sewage / Drainage:</i>
6.44	NI Water (NIW) confirms that there is available capacity to serve the proposed development, however, they advise that the developer should consult with NIW at an early design stage by means of a Pre development enquiry (PDE) to obtain details of availability of existing water / sewerage infrastructure. The proposal accords with Policy SP1a. <i>Climate Change:</i>
6.45	The proposal provides a sustainable and long term use for an existing vacant listed building which will secure the maintenance and upkeep of an important heritage asset. The proposal has been sensitively designed to ensure retention of existing fabric. The proposal includes permeable parking bays throughout the car park and largely retains the majority of existing soft landscaped areas within the site. It is considered that the proposal includes

6.46	<p>measures to manage surface water effectively on site and reduce water runoff. The proposal is considered to accord with Policies ENV2, ENV3 and ENV5.</p> <p><i>Waste management:</i></p> <p>Further to receipt of objections regarding proposed waste management, BCC Building Control (BC) were consulted and they advise that the proposal has sufficient development opportunity to comply with the Building Regulations in this regard. Furthermore, BC also advised that the proposal had sufficient development opportunity to comply with Regulations in respect of fire safety and access / facilities for disabled people.</p>
7.0	Recommendation
7.1	Having regard to the statutory development plan and material considerations, the proposed development and works are considered acceptable.
7.2	It is recommended that planning permissions and Listed Building Consent are granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other issues that may arise, including outstanding consultations.
<p>CONDITIONS:</p> <p>LA04/2020/1901/F</p> <p>1. The development hereby permitted must be begun within five years from the date of this permission.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> <p>2. The vehicular access onto Ormeau Road shall be constructed in accordance with PSD Drawing No 7002 Rev P01, prior to the commencement of any other works or other development hereby permitted.</p> <p>Reason: To ensure safe and convenient access to the development.</p> <p>3. The development shall not become operational until weather protected cycle parking has been fully provided in accordance with the approved plans.</p> <p>Reason: To ensure acceptable cycle parking facilities on the site and to encourage alternative modes of transport to the private car.</p> <p>4. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times. All such areas must be permanently retained in accordance with the approved plans.</p> <p>Reason: To ensure adequate car parking within the site.</p> <p>5. The access gradient to the Ormeau Road shall not exceed 4% (1 in 25) over the first 10m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.</p>	

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

6. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan dated Jul 2022.

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

7. The development hereby approved shall not be occupied or operated unless in accordance with the approved workplace Framework Travel Plan dated July 2022.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

8. Prior to the occupation of the proposed development, the proposed bollard located in front of the Carolan Road Access gates shall be constructed as per Drawing No. 14G and permanently retained as such.

Reason: To prevent vehicular use of the access in the interests of road safety.

9. 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. 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 approved details.

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

10. All trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any existing or new trees or planting 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 (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.

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

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

12. If roots are accidentally damaged, the Council must be notified immediately in writing 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 vegetation.

13. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Areas (RPAs) of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA.

14. Prior to occupation of the hereby approved development, the Lighting Plan shall be implemented in accordance with the approved details and retained permanently, unless otherwise agreed in writing by the Council. The Plan shall conform with the methodology set out in the Arup Technical Note dated 29th January 2021. There shall be no external lighting unless in accordance with the approved details.

Reason: To minimise the impact of the proposal on bats and other wildlife.

15. No demolition/tree felling/clearance works 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 demolition/tree felling/clearance works 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.

16. A soft-felling approach shall be implemented for the felling or arboricultural works on any tree assessed as having low bat roost potential. Should any bats be discovered during felling, the Council must be contacted immediately.

Reason: To protect bats

17. 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 Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees.

18. All car parking spaces shall be constructed using permeable materials, in accordance with the approved plans.

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

19. Notwithstanding the submitted details, the development hereby approved shall not be occupied or operated unless details of the proposed pedestrian footways on either side of the site access has been submitted to and approved in writing by the Council. The footways shall be constructed with permeable materials. The development shall not be carried out unless in accordance with the approved scheme, which shall be retained as such thereafter.

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

20. The development hereby approved shall not be occupied or operated unless timber bollards have been constructed in accordance with the approved Drawing No. 14G and the submitted details. The timber bollards shall be permanently retained.

Reason: To prevent cars parking on the grassed areas so as to safeguard the setting of the Listed Building and prevent damage to trees.

LA04/2020/1899/LBC

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

Reason: As required by Section 94 of the Planning Act (Northern Ireland) 2011.

LA04/2022/1677/F

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The vehicular access onto Ormeau Road shall be constructed in accordance with PSD Drawing No 7002 Rev P01, prior to the commencement of any other works or other development hereby permitted.

Reason: To ensure safe and convenient access to the development.

3. The development shall not become operational until weather protected cycle parking has been fully provided in accordance with the approved plans.

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

4. The development hereby approved shall not be occupied or operated until the parking and turning areas have been provided in accordance with the approved plans. Such areas shall not be used for any purpose other than the parking and turning of vehicles and such areas shall remain free of obstruction for such use at all times. All such areas must be permanently retained in accordance with the approved plans.

Reason: To ensure adequate car parking within the site.

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

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

6. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan dated Jul 2022.

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

7. The development hereby approved shall not be occupied or operated unless in accordance with the approved workplace Framework Travel Plan dated July 2022.

Reason: To promote sustainable travel patterns and off-set the demand for vehicular movements and/or parking.

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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.

12. If roots are accidentally damaged, the Council must be notified immediately in writing 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 vegetation.

13. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the Root Protection Areas (RPAs) of trees within the site and adjacent lands during the construction period.

Reason: To avoid compaction within the RPA.

14. Prior to occupation of the hereby approved development, the Lighting Plan shall be implemented in accordance with the approved details and retained permanently, unless otherwise agreed in writing by the Council. The Plan shall conform with the methodology set out in the Arup Technical Note dated 29th January 2021. There shall be no external lighting unless in accordance with the approved details.

Reason: To minimise the impact of the proposal on bats and other wildlife.

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Reason: To protect breeding birds.

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Reason: To protect bats

17. 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 Council. Any arboricultural work or tree surgery approved shall be carried out in accordance with British Standard 5837:2012 Trees.

Reason: To ensure the continuity of the biodiversity value afforded by existing trees.

18. All car parking spaces shall be constructed using permeable materials, in accordance with the approved plans.

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

19. Notwithstanding the submitted details, the development hereby approved shall not be occupied or operated unless details of the proposed pedestrian footways on either side of the site access has been submitted to and approved in writing by the Council. The footways shall be constructed with permeable materials. The development shall not be carried out unless in accordance with the approved scheme, which shall be retained as such thereafter.

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

20. The development hereby approved shall not be occupied or operated unless timber bollards have been constructed in accordance with the approved Drawing No. 14G and the submitted details. The timber bollards shall be permanently retained.

Reason: To prevent cars parking on the grassed areas so as to safeguard the setting of the Listed Building and prevent damage to trees.

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Committee Report	
Committee Meeting Date: 19 th September 2023	
Application ID: LA04/2021/1808/F	
Proposal: Proposed residential development comprising of 14 dwellings, access from Lagmore View Lane and Lagmore Glen, completion of remaining areas of open space (including hard and soft landscaping), provision of parking bays and speed cushions to improve road safety along Lagmore View Road, and all associated site works.	Location: Lands South and East of 148-163 Lagmore View Lane North and West of 37 81 82 and 112 Lagmore Glen and Lagmore View Road, Belfast.
Referral Route: Major development (site area greater than 1 hectare)	
Recommendation:	Approval
Applicant Name and Address: Antrim Construction Company Ltd 130-134 High Street Holywood BT18 9HW	Agent Name and Address: TSA Planning Ltd 20 May Street Belfast BT1 4NL
Executive Summary: The application seeks full planning permission for a residential development comprising 14 dwellings (8 detached and 6 semi-detached), access from Lagmore View Lane and Lagmore Glen, completion of remaining areas of open space (including hard and soft landscaping), provision of parking bays and speed cushions to improve road safety along Lagmore View Road, and all associated site works. The key issues in the assessment of the application are: <ul style="list-style-type: none"> • Principle of Development (including Loss of Open Space) • Layout, scale and design • Traffic, Movement and Parking • Private Amenity Provision • New Open Space Provision • Impact on Amenity • Affordable Housing Provision • Drainage and Flooding • Other Environmental Matters • Impact on existing Electrical Infrastructure • Section 76 planning agreement • Pre-application Community Consultation The principle of residential use and general layout has been established on the site through planning permission S/2010/0834/F which is extant and partially complete. The development is proposed on a sloping site located in the west of the city close to the settlement limits. The proposal would see 14 dwellings replace an approved block of 12 apartments and open space area, as previously approved as part of a larger scheme of 41 units, along with an area of open space and number of new traffic calming measures along Lagmore	

View Road. The proposal also includes the development of a previously approved area of open space which runs along the south-western boundary of the site.

A significant component of the scheme is the realignment of the main access road (Lagmore View Road) which serves the site and wider area, with accompanying traffic calming measures to address an acknowledged road safety issues arising from existing road layout. The application, including road realignment has the support of the local community association.

Statutory Consultees

DFI Roads – Final response awaited

DAERA – No objection

DFI Rivers – No objection

NI Water – No objection

NI Housing Executive – Support

Non-Statutory Consultees

BCC Environmental Health – No objection

BCC Plans and Policy team – advice provided (see main assessment)

BCC Landscape Planning and Development Unit – advice provided (see main assessment)

NIE – No objection

Two letters of objection and two letters of support have been received. These are detailed in the main report.

It is recommended that planning permission is approved in the planning balance, given the overall benefits associated with the proposal, namely the improved road layout, landscaped open space and new housing including an element of affordable housing.

It is requested that delegated authority is given to the Director of Planning & Building Control to finalise the wording of conditions and Section 76 planning agreement – including the requirement to secure three of the units as affordable housing – and deal with any other issues that may arise from outstanding consultations.

Case Officer Report

Site Location Plan and Layout





1.0	Description of Proposed Development
1.1	The application seeks full planning permission for the erection of 14 dwellings (8 detached and 6 semi-detached), access from Lagmore View Lane and Lagmore Glen, completion of remaining areas of open space (including hard and soft landscaping), minor road realignment and traffic calming measures along Lagmore View Road, and all associated site works.
1.2	The proposal alters a previously approved housing layout on a larger site consisting of 41 units, which included a single block of 12 apartments to the north and a strip of open space along the south / south-eastern boundary (S/2010/0834/F). The development is proposed on the site of the approved apartment block and open space.
1.3	12 of the proposed 14 units are accessed from the main access road which runs along the northern boundary of the site and ties in with the main Lagmore road network. Two of the units are accessed via the existing Lagmore View access road to the south-east. These access points provide links to existing public transport networks.
1.4	Importantly, the proposal also includes alterations to the Lagmore View Road intended to improve highway safety, including minor road realignment to straighten two existing speed control bends. The extent of speed control tables are also being reduced to minimise potential for motorists to mount the footpath. Speed control cushions are also being introduced as additional traffic calming measures. The applicant has presented a case that the proposed dwellings are necessary to fund these works.
2.0	Description of Site
2.1	The site is located on the western edge of the Belfast urban area and just within the settlement limits as defined the Belfast Urban Area Plan and in Draft Belfast Metropolitan Area Plan 2015 (both versions).
2.2	The application site is located east of neighbouring fields and lies between the residential properties on Lagmore View Road, Lagmore Glen and Lagmore View Lane. Application documentation defines the site as extending to 2.42ha, the majority of which (approximately 1.62ha) is existing road infrastructure and existing/proposed open space provision that is part laid in grass and part comprising rough ground and hardstanding.

2.3	The applicant has noted that part of the site was being temporarily used as a site compound during construction works, and this is not an uncommon situation.
2.4	The site is located on the periphery of the Lagmore housing development with housing abutting the site to the north, west and south-west. The existing levels fall quite significantly from north to south through the site. Overhead powerlines traverse the site running close to, and parallel with, the south-western boundary. Some scrub occupies the site and site boundaries.
3.0	Planning History
3.1	S/2000/1332/O – Site for housing and to develop lands to rear of Lagmore Dale, Stewartstown Road, Belfast. Permission granted in October 2001.
3.2	S/2010/0834/F – Residential development of 41 dwellings comprising apartments, semi-detached and detached housing including provision of equipped children's play area and other associated public open spaces & landscaping. Permission Granted October 2013
3.3	LA04/2018/0005/F - Erection of 6 detached and 8 semi-detached dwellings and associated parking, relocation of public open space previously approved under planning permission S/2010/0834/F with associated play park, landscaping, and site works. Lands south & east of 148-163 Lagmore View Lane & 20-26 Lagmore View Road and north & west of 37 81 82 105-114 Lagmore Glen, Lagmore Glen, Belfast. Withdrawn.
4.0	Policy Framework
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p> <p>Development Plan – zoning, designations, and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other material considerations Developer Contribution Framework Creating Places Belfast Agenda (Community Plan)</p>
4.2	<p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p><i>Strategic Policies</i> Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP4 – community cohesion and good relations Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity Policy SP8 – green and blue infrastructure network</p>

	<p><i>Spatial Development Strategy</i> Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas</p> <p><i>Shaping a Liveable Place</i> Policy HOU1 – Accommodating new homes Policy HOU2 – Windfall housing Policy HOU4 – Density of Residential Development Policy HOU5 – Affordable Housing Policy HOU6 – Housing Mix Policy HOU7 – Adaptable and Accessible Accommodation Policy DES1 – Principles of Urban Design Policy DES2 – Masterplanning Approach for Major Development Policy RD1 – New Residential Developments Policy HC1 – Promoting healthy communities</p> <p><i>Transport</i> Policy TRAN1 – Active travel – walking and cycling Policy TRAN 2 – Creating an accessible environment Policy TRAN4 – Travel plan Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements</p> <p><i>Building a Smart Connected and Resilient Place</i> Policy ENV1 – Environmental Quality Policy ENV2 – Mitigating Environmental Change Policy ENV3 – Adapting to Environmental Change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable Drainage Systems (SuDS)</p> <p><i>Promoting a Green and Active Place</i> Policy OS1 – Protection of Open Space Policy OS3 – Ancillary Open Space Policy NH1 – Protection of Natural Heritage Resources Policy TRE1 – Trees Policy LC1 – Landscape</p> <p><u>Supplementary Planning Guidance</u></p> <p>Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Masterplanning approach for Major developments Sensitive Uses Sustainable Urban Drainage Systems Transportation Trees and Development</p>
5.0	<p>Statutory Consultees DFI Roads – Awaiting final response DAERA – No objection DFI Rivers – No objection NI Water – No objection NI Housing Executive – Support</p>

6.0	Non-Statutory Consultees BCC Environmental Health – No objection BCC Plans and Policy Team – Advice provided (see main assessment) BCC Landscape Planning and Development Unit – Advice provided (see main assessment) NIE – No objection
7.0 7.1	Representations Two letters of objection have been received, raising the following issues (with an officer response immediately below each). <ol style="list-style-type: none"> 1. New road safety measures and impact on existing road safety issues. <i>DFI Roads had initially highlighted concerns with regard to the proposed bollards, which were subsequently removed. New traffic calming measures have been included in the form of speed control cushions with road realignment and reduction in extent of speed control tables. These changes have been welcomed by DFI Roads given road safety issues associated with current road layout.</i> 2. More housing will lead to more traffic. <i>DFI Roads are satisfied that the existing road network can accommodate the proposed additional dwellings and has offered no objection to the application. The proposal will only create two additional dwellings units</i>
7.2	Two letters of support have been received from a local Residents Association highlighting positive engagement between the developer and the community.
9.0	PLANNING ASSESSMENT
9.1	The key issues in the assessment of the proposal are: <ul style="list-style-type: none"> • Principle of Development (including Loss of Open Space) • Layout, scale and design • Traffic, Movement and Parking • Private Amenity Provision • New Open Space Provision • Impact on Amenity • Affordable Housing Provision • Drainage and Flooding • Other Environmental Matters • Impact on existing Electrical Infrastructure • Section 76 planning agreement • Pre-application Community Consultation Development Plan Context
9.2	Section 6(4) of the Planning (Northern Ireland) Act 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.
9.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.

9.4	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.</p>
9.5	<p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.</p>
9.6	<p>Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations, and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
9.7	<p><u>Belfast Urban Area Plan 2001 (BUAP)</u> The site is located on un-zoned “whiteland” within the development limits of Belfast.</p>
9.8	<p><u>Draft BMAP (v2004 and v2014) designations</u> In draft BMAP 2015 (v2004) the site is zoned for housing (Zoning ML02/16). In draft BMAP (2014) it is also zoned for housing (Zoning ML03/01).</p>
9.9	<p>Principle of Development (including Loss of Open Space)</p> <p>The site is located within a larger approved housing development (S/2010/0834/F) with residential use originally established at the site as part of a substantial outline scheme and housing masterplan (S/2000/1332/O). However, the proposal includes the development of a stretch of existing open space along the south-eastern boundary of the site. This area was also previously approved as open space as part of an approved layout for 41 units with 12 apartments approved on the application site, as shown below alongside the proposed layout. All dwellings approved under this extant permission have been built apart from the 12 apartments.</p>
 <p>Approved layout</p>	 <p>Proposed layout</p>

9.10	The total area of existing open space which would be lost as a result of the proposed development is approximately 4,800 square metres (0.48 ha).
9.11	The proposal has been assessed against Policy OS1 of the Plan Strategy which states that development that results in the loss of existing open space will not be permitted.
9.12	<p>However, the policy permits exceptions where either:</p> <ul style="list-style-type: none"> • it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space; or • where it is demonstrated that the loss of open space will have no significant detrimental impact on the amenity, character or biodiversity of an area and where either of the following circumstances occur: <ul style="list-style-type: none"> (i) in the case of an area of open space of 2 hectares or less, alternative provision is made by the developer which is at least as accessible to current users and at least equivalent in terms of size, usefulness, attractiveness, safety and quality; or (ii) in the case of playing fields and sports pitches within settlement limits, it is demonstrated by the developer that the retention and enhancement of the facility can only be achieved by the development of a small part of the existing space - limited to a maximum of 10% of the overall area - and this will have no adverse effect on the sporting potential of the facility. This exception will be exercised only once.
9.13	Although argued initially by the applicant that Policy OS1 of the now superseded Planning Policy Statement 8 does not apply to the proposal as the site forms part of a housing zoning and is undeveloped, the area in question has been approved as open space under extant permission S/2010/0834/F to support the housing and was initially approved as open space in the original concept masterplan for the area. Within this context, the area must be assessed under Policy OS1, which is based on the same principles as the no longer extant PPS 8 of protecting existing areas of open space, irrespective of its physical condition.
9.14	In response to Policy OS1 and its exceptions, a number of potential community benefits (in this case material planning considerations) have been highlighted by the applicant. These include amenity benefits to the properties adjacent to the site, 14 new homes satisfying community requirements (with no apparent community desire for the previously approved apartments), new managed open space provision for the community and road improvements including additional parking bays, speed cushions and road realignment. The proposed road safety improvements are intended to address local people's concerns about the existing road layout and are supported by a Road Safety Audit submitted by the applicant, which in turn has been acknowledged by DFI Roads.
9.15	Although improvements to the road layout are not explicitly linked to the loss of open space and could be achieved irrespective of its loss, the applicant argues that the proposed housing will enable the necessary road improvements, which would otherwise not come forward.
9.16	DFI Roads has acknowledged that the current road layout, including the extent of raised speed control tables, is not ideal and has the potential to create a road safety issue. The applicant has presented the proposal as an opportunity to facilitate much needed road improvements whilst completing this part of the development and providing a high quality residential scheme with a landscaped open space area, albeit smaller than previously approved. It is evident from the financial information submitted, comparing the approved

and current proposals, that the 12 detached units would generate significant additional revenue to help fund the road improvements. It is also worth noting that during the course of the application the extent of the road improvement works has increased from around £40k for the original proposed scheme to in the region of £200k for the current scheme. The previously proposed bollards now making way for road realignment, speed control cushions and removal of long speed control tables. The resulting costs of the works has been exacerbated by the recent rise in cost of building materials and inflation.

9.17 When the application was first submitted, the applicant had indicated a proposed condition and trigger for the road works that would see their completion prior to the occupation of the first dwelling; however, that was on the basis of the road works being costed in the region of £40,000. The new road safety improvements that have arisen as the result of the issues/dangers identified in a Road Safety Audit have increased in price five-fold and are now in the region of £200,000, which is a significant abnormal upfront cost for 14no dwellings. Accordingly, officers advise that a suitable and reasonable trigger point for the road works being completed would be by occupation of the 8th dwelling. This will enable the developer to forward fund the road safety measures through the release of the first housing phase and ensure the necessary road improvements will continue to be delivered in a timely manner.

9.18 In terms of the quantitative loss of open space the proposal should be considered in the round, with the site forming a small part in a significant housing development. Within the application site the loss represents a total of approximately 2,200 square metres, amounting to 31% of the open space. However, when considered holistically the loss of 0.2 Ha of open space is only 3.6% of the total open space approved for the Lagmore/Mount Eagles housing development (5.5 ha). The overall approved open space within the Lagmore housing development is shown below. The plan also shows the location of the site in this wider context.



9.19 At a localised level, the subject proposal provides additional green spaces/amenity provision by finishing off the development, providing approximately 4,800 sqm of open green space. Critically, this ties together two existing areas of open space with an increased usable green space provision of almost 6,000sqm.

9.20 It is also worth noting at this point that part of the application site was approved for apartment development. The apartment proposal occupied an area of approximately 2,100 sqm as shown below (lower lefthand corner with "smudge effect"), the area hatched blue in the plan below (approx. 1,925 sqm) denotes an area earmarked for development in the original Lagmore Concept Masterplan. The blue area denotes an area earmarked for development in a previously approved Concept Masterplan, which would now be provided as open space.



9.21 The concept of developing this area was pulled through to the approved site layout under A/2010/0834/F as shown below. The grey area is annotated as such – 'area for future development in keeping with concept masterplan'



9.22	The applicant's justification also looks at the overall open space provision within the wider Lagmore development as a whole and argues that the loss is not significant when viewed holistically with an open space provision of circa 25% of the entire housing area still remaining – this compares to previous policy requirement for 15% open space.
9.23	<p>The Council's Landscape team has stated that the loss of new open space would be significant (when considered in the context of the application site). However, this must be considered in tandem with the overall open space provision on the site as required by Policy OS3, discussed further below.</p> <p><i>Removal of approved playground:</i></p>
9.24	The Council's Landscape Planning and Development team has also noted that the proposed layout does not include an equipped children's play area, previously approved under planning reference S/2010/0834/F. The provision of the playground for the proposed 14 units would not be a policy requirement as such, but within the wider Lagmore Housing scheme would certainly have been a PPS8 consideration and is now a requirement under Policy OS3 of the Plan Strategy for sites greater than 5Ha or proposals for more than 100 units. However, the proximity to overhead powerlines has been highlighted by the applicant as a reason for omitting this formal play area, and this is supported by NIE comments and accepted by the Council's Landscape Planning and Development team. Furthermore, there was no planning condition on the previous permission to require the actual delivery of the play area or to delivery and manage the open space. It would therefore be unreasonable to object to the removal of the park from this location.
9.25	It is also noted that play parks are provided in the wider Lagmore area. Policy OS3 states that the Council will consider an exception to the requirement of a play park where a children's play area exists within reasonable walking distance from a site (generally around 400m).
9.26	There is no Local Equipped Area for Play (LEAP) within 400m of the subject site. The previous site approval did make provision for a LEAP but this was undeliverable given health and safety concerns associated with children's play equipment located below power lines.
9.27	However, there appears to be opportunity for residents to avail of a significant quantum of usable amenity throughout the wider Lagmore development. As shown in the concentric circle plan below, the Lagmore Youth Project and Lagmore Community Forum provide additional services for the local area and they are located within 400m of the site at the church grounds on Lagmore Drive.



- 9.28 Within 1,000m is the Mount Eagles Community Centre, Mount Eagles LEAP and the Lagmore Activity Park (a NEAP at White Rise).
- 9.29 Just beyond of the 1,000m band (approximately 1,200m) is the new Pairc Nua Chollan (on Stewartstown Road) and the Brook Leisure Centre (Twinbrook Road), both of which remain highly accessible and offer extensive services to the wider Colin area. Although marginally outside of the 1,000m distance for a Neighbourhood Equipped Area of Play (NEAP), the new park and leisure centre are signature projects/destinations and the Lagmore Feeder bus service terminates at the Colin Connect at the main entrance to the park. The Lagmore Bus can be boarded at Mount Eagles Square and Lagmore Drive. In addition, The Glider Service at McKinstry passes the new park and also another signature project/tourist destination in the Colin Glen Forest Park.
- 9.30 There are also two sizeable public greens in the immediate vicinity of the site either side of the main distributor road offering the opportunity for informal play. Proposed speed control measures between the two green spaces will improve connectivity and pedestrian safety allowing residents to move more freely between them. The proposal also delivers additional open space provision with a mix of hard and soft landscaping to complement the existing green adjacent to the site. Unlike the previous planning permission, there will be a requirement through a Section 76 planning agreement for these spaces to be properly laid out and managed.
- 9.31 The benefits associated with the scheme, namely the delivery and management of enhanced open space combined with the proposed road improvements, are cumulatively considered to represent substantial community benefit that decisively outweigh the loss of open space, as such complying with Policy OS1 of the Plan Strategy.

	Layout, scale and design
9.32	<p>The proposal has been assessed against the SPPS and Policies HOU4, HOU6, HOU7, DES1, DES2 and RD1 of the Plan Strategy.</p> <p><i>Density:</i></p>
9.33	<p>The Planning Service's Plans and Policy team has provided advice in relation to the new policies. It has been suggested that there should be a higher density on smaller parts of the site, which would in turn make more efficient use of the land and protect open space. The application site is the final phase of the wider Lagmore View and Glen Housing Development, which has an established density of 19 dph. This is calculated by considering the existing 371 dwellings across the 19.52 ha development site. There is also extant permission for another 12 apartments on the subject site which would lift the density slightly to 19.62 dph. This proposal for 14no dwellings in lieu of 12 apartments results in a net increase of 2 dwellings over the extant permission. The total developable area of the site is 0.7Ha. The 14 units therefore equates to a density of approximately 20 units per hectare, almost identical to the average density in the Lagmore area, and in conformity with the character of this established residential area in accordance with Policy RD1. Having regard to these factors, the proposed density is acceptable.</p> <p><i>Impact on the character and appearance of the area:</i></p>
9.34	<p>With the replacement of a block of 12 apartments with a more traditional housing layout of 14 units (8 detached and 6 semi-detached) it is clear that the proposal is more in keeping with the established residential character of the area and would represent a more sympathetic density and pattern of development. The dwellings are well spaced and are stepped down the slope in a manner which ensures no visual detriment nor adverse impact on amenity of prospective residents. The detached streetscape along the northern edge provides a high quality frontage onto the road with in-curtliage parking ensuring small gardens and trees provide a visual buffer to the street, and a softer landscape than the slightly higher density of the semi-detached dwellings to the immediate north. The proposed development is open to the front of the building lines, and any screening proposed onto the street to protect the private amenity of rear gardens (Nos 169, 177 and 179) will be a 1.8m high brick wall. This will ensure the provision of a high quality of finish onto the street.</p>
9.35	<p>The form of the dwellings is generally single and two storeys, in keeping with the area, with the three storey split level dwelling located at site Nos. 170-174 responding to the tighter contours along the south-western part of the site and located as such that it will not look out of place or unduly dominant. This three storey house type is the same as the adjacent dwellings to the immediate south-east in Lagmore View, which would be read with the proposal from the south-eastern approach to the site. Nos. 173 and 174 are actually accessed from the existing development at Lagmore View. The layout and form is responds to the sloping topography of the site to minimise the extent of physical retaining structures and ensures a balanced cut and fill exercise that minimises the amount of waste that would be excavated off site.</p>
9.36	<p>The built form with a mix of detached single storey and two storey dwellings and semi-detached three storey dwellings reflects the character of the adjoining housing to the north, east and southeast. The mix of red brick and off-white render finish reflects the finishes and material of both the dwellings that bound the site.</p>

	<i>Housing mix:</i>
9.37	Policy HOU6 requires that residential proposals for more than 5 units provide a suitable mix of house types and sizes to promote choice and assist in meeting community needs.
9.38	As stated above the proposed density is in keeping with the character of the wider Lagmore area and reflective of the site's edge of limits location. The same can be said for the mix of dwellings, 8 detached and 4 semi-detached units. As will be discussed further below, two units are bungalows and will cater for a particular need and are designed to meet the needs of those that require wheelchair access. It is proposed that these two bungalows are within co-ownership range and will form 3 of the units which will be secured as affordable housing through the Section 76 planning agreement.
9.39	As stated, the housing mix of 3 and 4 bed units has been driven by the communities desire for family homes, and a movement away from apartment development. It is considered that the proposed mix is responsive to the need in the area and responds appropriately to the physical characteristics of the site and the character of the Lagmore area. The housing mix is considered acceptable.
	<i>Adaptable and accessible accommodation:</i>
9.40	<p>Policy HOU7 of the Plan Strategy also sets out a number of detailed design criteria which are addressed below:</p> <ul style="list-style-type: none"> • All house types now afforded porches/canopies which ensure main entrances offer shelter from the weather. • Permanent living space is achieved within/in addition to a kitchen at entrance level in all house types presented, including split level dwellings (whose entrance level happens to be at 1st floor/upper ground floor level). • All house types have been updated to provide entrance level WC with space to provide a shower. • Each house type has an accessible bathroom on the same level as the main bedroom. The main bathroom on the split level house type is on the same level as the primary living accommodation which is set apart by a half flight of stairs. However, each house does have an ensuite and the floorplans have been annotated to demonstrate this as requested. • Glazing in the principal living space is sited to enable outlook when seated.
9.41	Policy HOU7 also requires that for residential developments of 10 units or more, at least 10% of units are wheelchair accessible, designed in accordance with a number of criteria.
9.42	This equates to a requirement for two dwellings of the 14 proposed and can be achieved by the two bungalow plots at 179/179a.
9.43	<p>A wheelchair accessible environment is provided in accordance with the space standards for wheelchair housing set out in appendix C (of the Plan Strategy):</p> <ul style="list-style-type: none"> • The dwellings are 86.6sqm which is in excess of the 80sqm required for a 3p/2b wheelchair bungalow.

	<ul style="list-style-type: none"> • All driveways meets disabled parking standards; • Pathways are wide enough to accommodate a wheelchair and have a firm surface, and where there is a level change the slope is gentle. • All entrance hallway, kitchen, living, dining area, bathroom and a main bedroom have an unobstructed turning circles. • All entrances, doorways and halls are an appropriate width and length allow for wheelchair access; • Recessed space at the entrances will enable storage of a second wheelchair; • No lift is necessary as the units in question are single storey. • In terms of storage, floorplans show indicative layouts of where wardrobes are to be located, and there are storage areas with regard to hot press/stores/cloaks. However, at 86.5sqm the dwellings have a footprint in excess of the 80sqm wheelchair standard and shows an optional snug room which could be dedicated to storage. • Each dwelling has a suitable at grade garden and patio area.
9.44	<p>Traffic, Movement and Parking</p> <p>The proposal has been assessed against Policies TRAN1, TRAN2, TRAN6, TRAN8 and HOU7 of the Plan Strategy.</p>
9.45	<p>Each of the 14 dwellings are served by two in-curtilage parking spaces. A further 9 visitor spaces have been identified on the street. DFI Roads is satisfied with the level car parking provision and its arrangement.</p>
9.46	<p>Policy HOU7 requires that Parking provision should have a firm surface and provide level or gently sloping access to the main entrance of the property.</p>
9.47	<p>The Plans and Policy team advises that the proposal does not comply with this criterion because the drawing states driveway gradients to be 1 in 12.5 for the first 5m. However, 1 in 12.5 is a gradient of 8% which is in conformity with Creating Places (para 16.14 below), a document referenced as existing guidance in the new suite of SPGs. Regard is also had to the topography of the site.</p>
9.48	<p>The applicant has stated that it is not possible to provide at grade entrances to the four split level dwellings to the lower part of the site as their main entrance is via steps to first floor/upper ground level. The reasons for having to employ this style of house at this location are connected with the existing and challenging topography and providing level access to the rear garden. The applicant has also stated the use of split level dwellings with stepped access are compliant with Lifetime Homes and Building Control Requirements.</p>
9.49	<p>A Travel Plan was submitted in support of the application, this proposed measure to promote alternatives to private car use, including the employment of a Travel Plan Co-ordinator and a contribution towards car club membership for 3 years. DFI Roads were generally content with the proposals but had also requested the Travel Plan included the offer of a Travel card for each dwelling for three years. However, given the location of the proposal within an extensive housing area, and the commitment to improving road safety,</p>

as well as the other benefits brought about by the scheme as discussed above, it is considered that a Travel Card provision is not essential. The measures outlined within the proposed Travel Plan shall be secured via the Section 76 Legal Agreement.

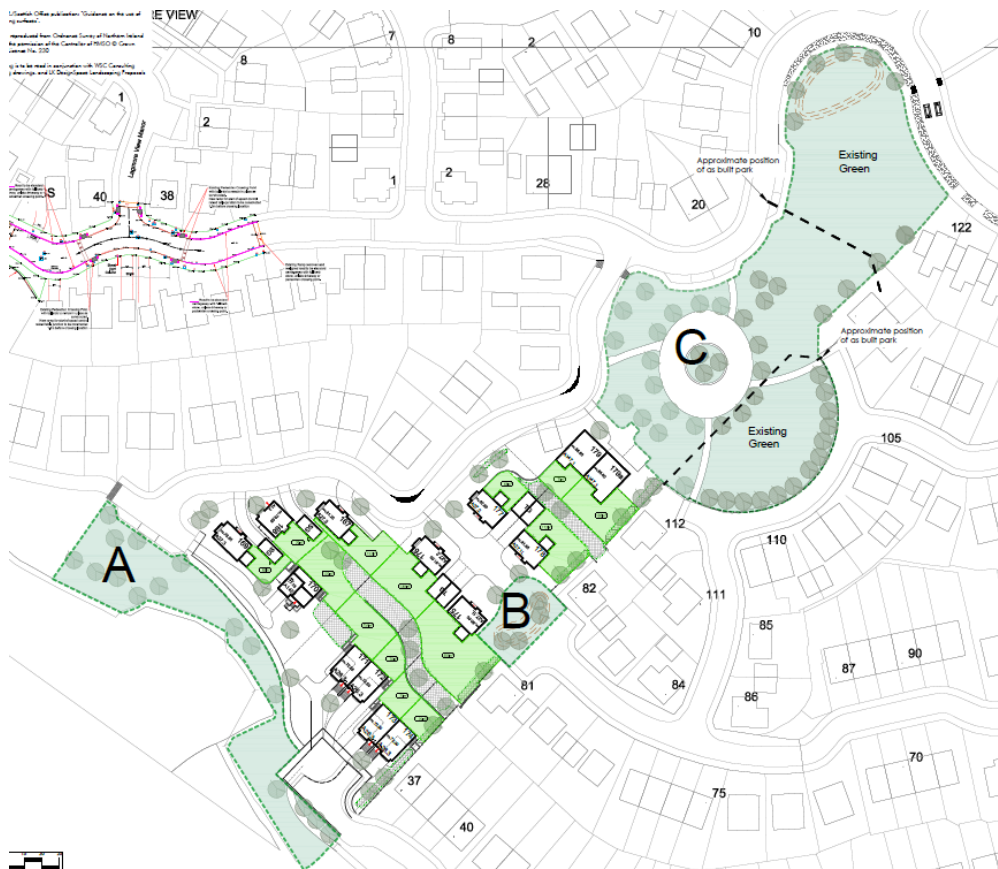
- 9.50 DFI Roads are satisfied with the proposed layout, including proposed road realignment. Final copies of Private Streets drawings are with DFI Roads for approval. A final consultation is awaited and delegated authority is sought to resolve any further issues that may arise.

Private Amenity Provision

- 9.51 In terms of private amenity, the proposal encompasses a range of rear garden sizes. The smallest private garden measures approximately 62 sqm with the largest being 357 sqm. The average private amenity provision (for dwellings) sits at approximately 133 sqm, 53 sqm greater than the minimum standard set out in the 'Creating Places' guidance.

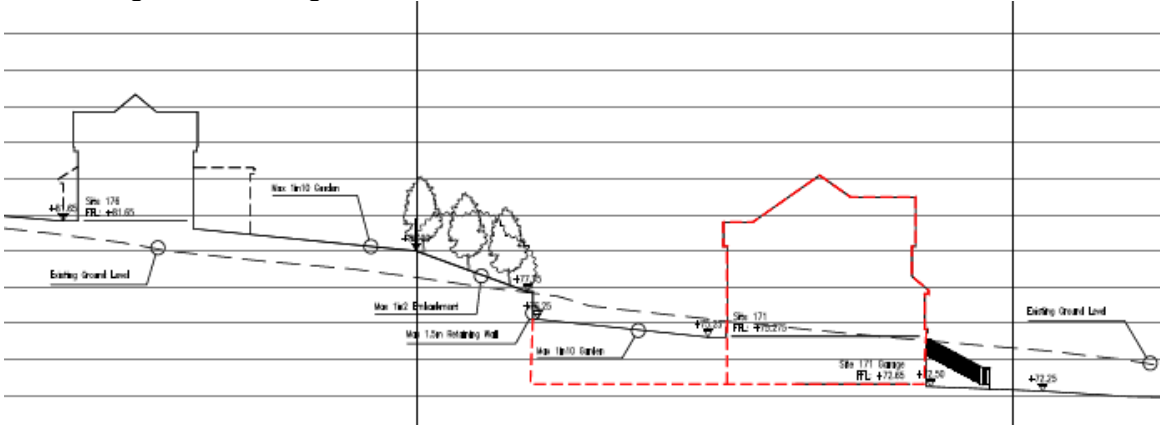
New Open Space Provision

- 9.52 The proposal has been assessed against Policies OS3 and RD1 of the Plan Strategy. Integral communal open space has been provided in the form of an area of approximately 7,000 square metres of public open space in the north-eastern part of the site. As the number of dwellings in the proposal is less than 25 (14), there is no policy requirement as such for open space provision on the site itself, however, open space would have been required as part of the previous approval for 41 units on the larger site (S/2010/0845/F). Having said this, the remaining area of open space exceeds the area that would be required to serve the overall site. The approved scheme for 41 units was located on a site with an area of approximately 4 ha, and therefore under Policy OS2 would require an open space provision of approximately 4,000 square metres. The open space remaining on the site is well in excess of this requirement, and is shown in the plan below.



	Impact on Amenity
9.53	Policy RD1 of the Plan Strategy sets out a number of criteria for new residential development, the second of which is that it does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance.
9.54	In the south-eastern corner of the site, where the development sits closest to neighbouring buildings, these separation distances are approximately 8.5m gable to gable. The dwelling closest to the south-eastern boundary has a finished floor level of 72m, which represents a cutting into the existing levels by approximately 2m at this location. This represents a finished floor level approximately 1m higher than the adjacent dwelling at No. 37 Lagmore Glen. Although the proposed dwelling has a finished floor level 2m higher the stagger in the building line is only 3m and given the separation distance it is not envisaged that the proposal would result in any significant impact on the private amenity to the rear of this existing property. The two storey rear element of the proposed dwelling will definitely be apparent when looking out from the rear of this adjacent property, and also whilst in the garden area. However, as the step in the building line is only 3m, and given the orientation of the existing dwelling, facing south, it is not envisaged that the proposed dwelling would be unduly dominant or lead to any significant loss of light. However, given this level change and the stagger in the building line, in the event that approval would be forthcoming, it would be preferable that the permitted development rights were removed from this property to prevent any extension to its rear being built without the benefit of planning permission.
9.55	In terms of the remaining three dwellings proposed along the south-eastern boundary abutting adjacent dwellings at lower levels (Nos. 81, 82 and 112 Lagmore Glen), the finished floor level differences range from 1.3m-2.55m, however, the separation distances are such that there will be no adverse impact on amenity. These separation distances are approximately 15m at site No. 175 and 11m at site Nos. 178 and 179a. These distances should ensure there will no significant levels of overlooking from first floor windows onto the private amenity of adjacent properties or any unduly significant overbearing affect or dominance experienced.
9.56	In terms of the amenity of prospective residents it is apparent the layout has been heavily informed by the change in ground levels across the site with generous separation distances and minimal cut and fill ensuring there is no unduly significant overlooking and/or dominance from proposed back to back relationships.
9.57	In terms of the management and maintenance of the proposed open space Lagmore View and Glen Housing Development is already subject to the management and maintenance regime provided by The Greenbelt Company. The applicant has confirmed that new dwellings and areas of open space (as per the longstanding agreement between Greenbelt and the Developer) will be added to the Greenbelt agreement. This includes the existing Green within the application site which is presently maintained by the applicant but has not been formally handed over to the Greenbelt Company as the development is unfinished. It is advised that the management of the open space should be secured through a Section 76 agreement.
	Affordable Housing Provision
9.58	Policy HOU5 of the Plan Strategy applies to all proposals for residential development of 5 units or greater (or 0.1 ha or more) and requires a minimum of 20% of the total number of units to be affordable (consisting of social rented housing and/or intermediate housing). The affordable housing should be provided as an integral part of mixed tenure development, integrated with general needs housing and not readily distinguishable in terms of external design, materials and finishes.

9.59	Given that the application proposes a total of 14 units, at a minimum it is expected that three of those units should be affordable to ensure policy compliance. The Plan Strategy Statement submitted as part of the application documentation states that the applicant believes that it should be achievable to market three dwellings suitable for co-ownership. Plots 179, 179A and 168 are earmarked for this purpose. However, whilst the units at plots 179 and 179A are currently anticipated to be valued at £171,000, the proposed affordable unit at plot 168 is indicated to have a value of £193,500. This is currently above the property value limit for a co-ownership property and is therefore not at present deemed suitable for this purpose.
9.60	The applicant has stated that they are aware of the price points regarding the co-ownership threshold and has put forward a strategy as to how the affordable housing complement will be met. They state that the bungalows are well within the Co-ownership range and these also meet the wheelchair accessibility standards. The applicant argues that the third dwelling referenced as a potential for co-ownership is a small fraction over the current threshold for co-ownership and it is not beyond the realms of possibility that the threshold will be revised or alternatively the applicant adjusts the price point accordingly to suit, allowing all three units to be sold as intermediate housing through co-ownership.
9.61	However, the applicant had initially asked that the affordable housing allocation not be specifically tied to any particular plot as there could be a subsequent social housing need for the larger family homes. This presents the opportunity for the applicant to build the homes and the Northern Ireland Housing Executive/ Housing Association to buy off the shelf. The agent believes that this other option has been vindicated by the NIHE response that has since verified that the need within the area is for larger family homes.
9.62	In order to be completely tenure blind, the potential social housing units should make use of the proposed house types as these are already prevalent within the wider development. However, should there be a requirement to submit a future application to make amendments to the houses at the behest of the HA, this is entirely manageable through the terms of a Section 76 planning agreement which applies to the land and future assigns.
9.63	The application was submitted in July 2021 and the applicant has said that it is critical for a decision to be reached on the application. Delegated authority is sought for the Director of Planning and Building Control to negotiate a suitable alternative that would secure a minimum of three of the units as affordable housing and this would be secured through the Section 76 planning agreement. This would give the applicant the certainty that the Council is supportive of the application in principle. Should the negotiations not be successful, the application would be reported back to the Committee.
9.64	Drainage and Flooding There are no watercourses within this site. The site is bounded at the south-west by an undesignated watercourse. Neither DFI Rivers nor NIW have objected to the proposal.
9.65	Other Environmental Matters Environmental Health has offered no objections in terms of potential environmental or amenity impacts. Similarly, DAERA has offered no objections in terms of environmental impacts. It should be noted that the principle of residential development has already been established on part of the site through the granting of previous planning permissions. The proposal is considered compliant with Policy ENV1.

9.66	Policies ENV2 and ENV3 require new development to incorporate measures to mitigate and adapt to environmental change and promote sustainable patterns of development. To this effect the proposed inclusion of PV panels is welcomed. Their provision can be secured via planning condition.
9.67	<p>The level of cut/fill has been minimised through the use of split level dwellings at the lower level, landscaped retaining banks etc that minimises the heights of retaining walls and minimises the amount of soil that could potentially have to be removed from the site. The sketch cross section below shows the implications of the additional cut and resulting retaining wall heights if a traditional 2 storey dwelling was to be employed at the lower level along with a level garden.</p> 
9.68	Rainwater harvesting butts are proposed with specifications provided. These will be secured via planning condition.
9.69	Policy ENV5 requires that Sustainable Urban Drainage Systems (SUDS) are included where appropriate. The agent has stated that the development had always contained an element of SuDS, preceding the adoption of the Plan Strategy, through the provision of soakaways in the lower gardens. The site layout plan has been annotated that it is to be read in conjunction with the measures that have been deemed suitable.
9.70	<p>Impact on Existing Electricity Infrastructure</p> <p>NIE initially commented that the lands affected by the proposal have Extra High Voltage (EHV) overhead lines, High Voltage (HV) underground cables and associated equipment in the area of the proposal.</p>
9.71	Following discussions with the applicant, NIE has confirmed that an alteration to the overhead lines has been proposed to facilitate the development. As such NIE have offered no objection to the proposal.
	<p>Section 76 planning agreement</p>
9.72	<p>A planning agreement is required to secure the following:</p> <ul style="list-style-type: none"> • Provision of a minimum of three of the units to be delivered as affordable housing • Laying out and long term management of the proposed open space • Green travel plan and travel measures

	Pre-application Community Consultation
9.73	<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>
9.74	<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. A Proposal of Application Notice (PAN) was submitted to Belfast City Council on 26th August 2020 (Ref: LA04/2020/1696/PAN).</p>
9.75	<p>Where pre-application community consultation has been required and a PAN has been submitted at least 12 weeks in advance of the application being submitted, the applicant must prepare a pre-application community consultation report to accompany the planning application.</p>
9.76	<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"> • Advertisements were placed within the Belfast Telegraph, Irish News and Andersonstown News in the Public Information Notice Section. These appeared on Monday 21st September 2020 and Wednesday 23rd September 2020. These invited members of the public to visit the bespoke website and provided full contact details of the design team. • Elected representatives including local councillors, MLAs, and the local constituency MP, were informed of the PACC by email correspondence on 1st September 2020 in advance of the leaflet/postal information being circulated and the website going live. • Within a 200m radius out from the edge of the proposed site, hardcopy leaflets (including pre-paid envelopes for returning comment cards) were circulated to c. 400 no. addresses in the vicinity of the proposal on Tuesday 29th September 2020. The leaflet highlighted the Digital PACC and contained details of the site location, information on the design proposals, tear-off return comment card, and details of how to contact the design team. • A total of 33 no. responses were received to the PACC via various mediums. Of these responses 17 no. were via the bespoke website comment card return, 13no. via leaflet comment card and 3no. emails directly to the design team. Throughout the course of the consultation process, returned feedback forms and emails were monitored to ensure that all comments were directly related to the proposals. • Whilst there is overall majority support for the finishing of the Lagmore development with the proposed format of housing, concerns naturally remained over road safety along Lagmore View Road. Some responses also questioned if this would lead to the provision of a bus route; however, Translink have previously stated that there will be no changes to the bus route without the consent of the local community. Perhaps over time this may be possible only once community confidence is restored through the road safety measures. Some residents identified that they would like a play area. The open space proposals have been revised to omit the play area due to the presence of powerlines across the site.

9.77	<ul style="list-style-type: none"> The increased capacity of on-street bay parking was well received, as a step towards addressing conveyed shortcomings of existing infrastructure within the wider Lagmore development. The Lagmore View & Glen Residents Association vocalised their unanimous support for the proposal and welcomed the inclusion of bollards and traffic calming measures along the spine road. However, some residents expressed concern that the road safety improvements proposed may not tangibly make a difference to road user driving habits. <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>
10.0 10.1	<p>Recommendation: Approval</p> <p>For the reasons set out in the report, it is recommended that planning permission is approved. It is requested that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions and Section 76 planning agreement – including the requirement to secure three of the units as affordable housing – and deal with any other issues that may arise from outstanding consultations.</p>
11.0	<p>DRAFT CONDITIONS</p> <ol style="list-style-type: none"> The development hereby permitted must be begun within five years from the date of this permission. <p><i>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</i></p> <ol style="list-style-type: none"> Prior to occupation of the 8th dwelling hereby approved, the proposed road improvement works to the roadway, including realignment and traffic calming measures, shall be carried out and completed in accordance with approved plan 96-743-340 published on Planning Portal 08/09/23. The 8th dwelling shall not be occupied until written evidence that the road improvements works have been completed has been submitted to and approved in writing by the Council. <p><i>Reason: The delivery of the road improvement works is part of the justification for the council granting planning permission on open space.</i></p> <ol style="list-style-type: none"> 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. 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 approved details. <p><i>Reason: In the interests of the character and appearance of the area.</i></p>

	<p>4. The residential unit/s hereby approved shall not be occupied until their respective boundary treatment has been implemented in accordance with the approved plans. The boundary treatment shall be retained in accordance with the approved details.</p> <p><i>Reason: In the interests of amenity.</i></p> <p>5. The residential unit/s hereby approved shall not be occupied until their respective boundary treatment has been implemented in accordance with the approved plans. The boundary treatment shall be retained in accordance with the approved details.</p> <p><i>Reason: In the interests of amenity.</i></p> <p>6. The climate mitigation and resilience measures shall be implemented prior to occupation of each dwelling and shall be retained such.</p> <p><i>Reason: In the interests of mitigating climate change.</i></p> <p>7. No external materials, including walling and roof materials, shall be constructed or 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 materials.</p> <p><i>Reason: In the interests of the character and appearance of the area.</i></p> <p><i>Other conditions to be required including transport/access conditions to be advised by DfI Roads in their final consultation response.</i></p>
	Notification to Department (if relevant) Not required.
13.0	Representations from elected members: None received
Neighbour Notification Checked Yes	

ANNEX	
Date Valid	July 2021
Date First Advertised	13th August 2021
Date Last Advertised	13 th August 2021

Details of Neighbour Notification (all addresses)

1 Lagmore View Way,Dunmurry,Antrim,BT17 0FP
 10 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 10 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 105 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 105 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 106 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 106 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 107 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 107 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 107 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 108 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 108 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 109 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 109 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 11 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 110 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 110 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 111 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 112 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 113 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 114 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 115 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 119 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 12 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 12 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 120 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 121 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 122 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 123 Lagmore Glen,Dunmurry,Antrim,BT17 0WB
 14 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 14 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 148 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 149 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 15 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 150 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 151 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 152 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 153 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
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 159 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 16 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
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 160 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
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 162 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN

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 164 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 165 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 166 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 17 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 8 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 18 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 19 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 1a ,Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 2 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 20 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 20 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 21 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 22 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 22 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 23 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 24 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 24 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 25 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 26 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 26 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
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 28 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 29 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 3 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 31 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 33 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 35 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 37 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 37 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 38 Lagmore Glen,Dunmurry,Antrim,BT17 0UZ
 39 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 4 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 40 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 42 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 Allannah McDonald
 48 Lagmore View Road Dunmurry Antrim
 5 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 6 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 7 Lagmore View Lane,Dunmurry,Antrim,BT17 0FN
 8 Lagmore View Road,Dunmurry,Antrim,BT17 0FR
 81 Lagmore Glen,Dunmurry,Antrim,BT17 0WJ
 81 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 82 Lagmore Glen,Dunmurry,Antrim,BT17 0WJ
 82 Lagmore View Road, Dunmurry, Antrim, BT17 0FN
 9 Lagmore View Road,Dunmurry,Antrim,BT17 0FR

Date of Last Neighbour Notification	3rd November 2021
Date of EIA Determination	N/A – extant permission on wider site.

ES Requested	N/A
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: 19 September 2023	
Application ID: LA04/2021/1447/F	Target Date:
Proposal: 28 house development (social housing) including provision of new access, below ground pumping station, open space and landscape (Amended drawings / Additional information)	Location: Lands to NE of 265 Whiterock Road Ballymurphy Belfast BT12 7FZ
Referral Route: Through 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
Recommendation: Approval	
Applicant Name and Address: Radius Housing Association 3-7 Redburn Square Holywood BT18 9HZ	Agent Name and Address: Hall Black Douglas Architects 152 Albertbridge Road Belfast BT5 4GS
<p>Executive Summary: This application seeks full planning permission for a proposed social housing development comprising of 28 units including provision of new access, below ground pumping station, open space and landscape (Amended drawings / Additional information)</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Affordable housing and Housing Mix • Accessible and adaptable accommodation • Design, layout and impact on the character and appearance of the area • Climate change • Access and parking • Drainage • Waste-water infrastructure • Ecological Impacts • Archaeology & built heritage • Noise, odour, and other environmental impacts including contamination. <p>117 letters of objection received with the main issues being the loss to the community of a valued outdoor environmental amenity area as well as concern related to traffic safety and congestion and demand upon infrastructure such as foul sewage disposal.</p> <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. Having considered all the matters as set out in the report below, there is a clear and pressing unmet social need in the local area, therefore, it is considered, on balance, to be acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise conditions.</p>	

Officer Report	
1.0	<div>Drawings</div> <div>Fig 1. Site Location Plan</div> <div>A black and white site location plan showing a grid of streets. A red line outlines a specific area within the grid, which is the subject of the planning application. The area is roughly rectangular but has an irregular shape, following the street layout. To the right of the outlined area, there is a large, curved road that appears to be a roundabout or a major thoroughfare. The plan also shows various other streets and building footprints.</div> <div>Fig 2. Proposed site Layout</div> <div>A detailed proposed site layout plan. The plan shows a large, irregularly shaped site with a green border. Inside the site, there are various buildings, roads, and green spaces. A pink line indicates a proposed path or road. A blue line indicates a proposed boundary or road. A purple line indicates a proposed boundary or road. The plan is annotated with numerous text labels and arrows pointing to specific features. A north arrow is located in the top left corner. The plan is titled 'Fig 2. Proposed site Layout'.</div>

2.0	Characteristics of the Site and Area
2.1	<p>The site is situated on lands to NE of 265 Whiterock Road in West Belfast, approximately 5km to the West of Belfast City Centre. It is located approximately 400 metres north west of the Springfield Road and is bordered on the south-eastern boundary by residential development at New Barnsley Crescent and a childcare facility to the south-west. A watercourse runs along the northern and eastern boundaries of the site. The site has a sloping topography falling in a south-easterly direction. The site measures approximately 1.51 Ha.</p> <p>The locality to the south and east of the application site is an area of established residential development, consisting of a mix of semi-detached and terraced housing. There are some neighbourhood services in the nearby areas. Other land uses within a 500m radius include retail, recreational and educational facilities. The land to the north and west of the application site lies outside the development limits of Belfast, and is generally undeveloped, agricultural land with exception of some single dwellings.</p>
2.2	
3.0	Description of Proposal
3.1	28 house development (social housing) including provision of new access, below ground pumping station, open space and landscape (Amended drawings / Additional information).
4.0	Planning Policy and Other Material Considerations
4.1	<p>Development Plan – Operational policies Belfast Local Development Plan, Plan Strategy 2035</p> <p>Development Plan – Zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other Policies Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)</p> <p>Relevant Planning History No relevant planning history.</p>
4.2	
4.3	
4.4	
4.5	
5.0	Consultations and Representations
5.1	<p>Whilst consultees may have referred to the no longer extant Planning Policy Statements in their consultation responses, the equivalent policies in the Plan Strategy are either the same or sufficiently similar to not require the consultees to re-evaluate the proposal in the context of the Plan Strategy.</p> <p>Statutory Consultations DfI Roads – No objections, subject to conditions DfI Rivers – No objections, subject to conditions NI Water – No objections, subject to conditions DAERA NIEA – No objections, subject to conditions HED – No objections</p> <p>Non-Statutory Consultations BCC Environmental Health (EHO) – Content subject to conditions</p>
5.2	
5.2	

5.3	<p>BCC Plans & Policy team – Advice BCC Tree and Landscape Team – No objections Shared Environmental Services (SES) – Content subject to conditions NIE – No objection NIHE – In support of the application Defence Infrastructure – No objections Belfast Hills Partnership - Advice</p> <p>Representations</p> <p>The application has been advertised and neighbours notified. Following the submission of amended plans / further information, the application was re-neighbour notified a further 4 times. The Council has received 117 letters of objections. The issues raised are as follows:</p> <ul style="list-style-type: none"> Proposed will destroy a crucial natural recreational amenity space, an area of outstanding natural beauty / high scenic value with significant environmental and heritage regeneration potential. Proposal will destroy a number of historic and archaeological interest i.e., 'Mill Race' and two ancient raths or ringfort sites. Should be utilised and developed as an outdoor environmental and heritage amenity for local people - Belfast City Council should 're zone' this site for community usage as we struggle with Covid / climate change. <p><i>Case Officer Response: The site is zoned as housing and as such the principle of development and social housing at this site is considered to be acceptable. The proposal falls outside the Area of High Scenic Value. Re-zoning queries / suggestions should be directed to the Development Plan and Policy team within Council. Consultations with HED and NED, no objections received.</i></p> <ul style="list-style-type: none"> The 'Whiterock 2' electoral ward is currently ranked number 1 most deprived under the domain of health and wellbeing - Importance of access to green spaces / Belfast Hills. <p><i>Case Officer Response: Council acknowledges the importance of green open space with the proposal providing adequate amenity space in the centre of the site. The site is also located on the edge of the city with Belfast Hills accessible.</i></p> <ul style="list-style-type: none"> Long-term impact on the wildlife and biodiversity that currently exists on the site, including the recent discovery by local conservationists of the endangered Pine Marten. <p><i>Case Officer Response: The Natural Environment Division (NED) within DEARA were consulted and content with the proposal, further assessed within the report.</i></p> <ul style="list-style-type: none"> Significant hazards for residents and the childcare facility at Newhill First Steps specifically the entry point (not fit for purpose) Traffic congestion, parking and disruption, exacerbating long term issues further. Enquiry if a transport assessment has been undertaken. Additional stress to the local infrastructure such as sewage and drainage systems which are already over capacity and struggling to cope. <p><i>Case Officer Response: The application underwent multiple consultations with DFI Roads, DFI Rivers, NI Water, NIEA, Environmental Health with no objections, ensuring the proposal will have no unacceptable impact to local infrastructure.</i></p>
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	<ul style="list-style-type: none"> Belfast City Council (BCC) should commit to engage and work creatively with local residents and community organisations. <p><i>Case Officer Response: BCC offered to meet one or two representatives of the residents / group – however, no formal response was received.</i></p> <ul style="list-style-type: none"> Noise pollution / construction concerns Will cause vermin to descend on to neighbouring homes. <p><i>Case Officer Response: The proposed site for social housing has been assessed by EHO, in terms of noise, air pollution, general amenity, ambient air quality, contaminated land and other considerations. The agent submitted ‘Noise and Odour Assessment’ and ‘Outline Construction Environmental Management Plan’. EHO were re-consulted and raised no objections, subject to conditions.</i></p> <ul style="list-style-type: none"> Overlooking <p><i>Case Officer Response: The layout/aspect of all buildings within the site is such that there will be no significant overlooking into neighbour properties. There is a separation distance of approximately 23.5m from the rear building line of the proposed houses to the rear building line of the dwelling located in New Barnsley Crescent, with a soft landscaped buffer area with planted trees between the sites of approx.8m.</i></p> <p>Unless stated above, these representations are further addressed in the main report.</p>
6.0	PLANNING ASSESSMENT
	Development Plan Context
6.1	Section 6(4) of the Planning (Northern Ireland) Act 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.
6.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its

	advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
6.6	<p>Relevant Planning Policies</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <ul style="list-style-type: none"> • Policy SD2 – Settlement Areas • Policy HOU1 – Accommodating new homes • Policy HOU2 – Windfall housing • Policy HOU4 – Density of residential development • Policy HOU5 – Affordable housing • Policy HOU6 – Housing mix • Policy HOU7 – Adaptable and accessible accommodation • Policy DES1 – Principles of urban design • Policy RD1 – New residential developments • Policy BH5 – Archaeology • Policy TRAN4 – Travel Plan • Policy TRAN6 – Access to public roads • Policy TRAN8 – Car parking and servicing arrangements • Policy ENV1 – Environmental quality • Policy ENV2 – Mitigating environmental change • Policy ENV3 – Adapting to environmental change • Policy ENV4 – Flood Risk • Policy ENV5 – SuDS • Policy GB1 – Green and blue infrastructure network • Policy OS3 – Ancillary open space • Policy NH1 – Protection of natural heritage resources • Policy TRE1 – Trees • Policy DC1 – All Countryside development – general policy principles <p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Principle of development • Affordable housing and Housing Mix • Design, layout and impact on the character and appearance of the area • Climate change • Accessible and adaptable accommodation • Access and parking • Drainage • Waste-water infrastructure • Ecological Impacts • Archaeology & built heritage • Noise, odour and other environmental impacts including contamination <p><u>Additional Information</u></p> <p>Officers requested that the applicant provided a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. Where the proposal does not meet the policy requirements, the applicant was asked to either modify the proposal or justify why they are not proposing to change the proposal. The applicant has subsequently provided a Plan Strategy Statement, which seeks to demonstrate compliance with the relevant policies.</p>
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	<p>The Planning Service's Plans and Policy team has been consulted on the applicant's Plan Strategy and have provided advice. No further consultations have been considered necessary following adoption of the Plan Strategy.</p>
6.10	<p><u>Principle of development</u></p> <p>The majority of the site is located within the development limit in the Belfast Urban Area Plan 2001 and both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below. The proposal is compliant with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in Belfast City. Policy HOU2, Windfall Housing is not relevant as the site is zoned for housing as advised below.</p>
6.11	<p>The site is zoned for housing in BUAP. The site was also zoned for housing in Draft BMAP 2004, at that time, an objection was received from New Barnsley Crescent requesting that the housing zoning is deleted and the land rezoned for open space / recreation. In the Adoption Statement, the Department did not accept this recommendation as Belfast City Council had no open space / recreation proposals for the site. In Draft BMAP 2015 the site is zoned for Social Housing WB 04/14 – Land to the west of New Barnsley Crescent, Whiterock Road.</p>
6.12	<p>Whilst many of the objections received raised issues with the use as housing, favouring the use as open space / heritage amenity, the site is zoned as housing and as such the principle of development and social housing at this site is considered to be acceptable.</p>
6.13	<p><u>Design, layout and impact on the character and appearance of the area</u></p> <p>The proposed development, by reason of its form, scale, layout, design and materials, is in keeping with the site and its surrounding area. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:</p>
6.14	<p><i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:</i></p> <p>The site is in a primarily residential area and the proposed layout will not conflict with the established uses in the surrounding area. There is a total of 28 social housing units, 14 detached and 14 semi-detached. The dwellings are two storey and are in keeping with the surrounding housing units. The proposed finishes are to consist of grey coloured roof tiles with buff facing brick indicated on elevation drawings, in keeping with the surrounding area which consists of a mix of brick and render. The proposed development will be enhanced by quality hard and soft landscaping around the buildings.</p>
6.15	<p>The site has a sloping topography falling from the north west of the site in a south easterly direction. Consequently, the proposed development sits higher than the neighbouring development at New Barnsley Crescent. The applicant has proposed tree planting to soften the landscape between both residential areas, creating a landscape buffer. It is considered that the overall design, scale and massing will not create conflict with adjacent land uses. The proposal will create a quality residential environment that creates an attractive, locally distinctive and appropriate design in relation to the surrounding area.</p>
6.16	<p><i>b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:</i></p> <p>The layout / aspect of all buildings within the site is such that there will be no significant overlooking into neighbour properties. There is a separation distance of approximately 23.5m from the rear building line of the proposed houses to the rear building line of</p>

	<p>dwellings located in New Barnsley Crescent, with a soft landscaped buffer area between the sites of approx. 8 metres.</p>
6.17	<p>The separation distance increases where the proposed dwellings fall to the south-west of the site. The separation distance is considered acceptable and in keeping with the guidance in Creating Places. There is also similar or less separation distances between the existing properties in the area e.g., there is approx 18.5m separation distance from rear building lines between No. 13 and No 31 New Barnsley Crescent. The separation distance will ensure that dominance and overshadowing will not occur to an unacceptable degree.</p>
6.18	<p>Additionally, EHO requested odour and noise impact information due to the proposed pumping station within the site. The proposed pumping station is located in the south eastern corner of the site, with proposed dwelling located to the north west and existing dwellings located to the south. EHO advise that the odour impact assessment concludes that levels are predicted to be below the threshold which is considered to have a negligible effect for a 'moderately offensive' odour. Based on the predicted levels, EHO states that they have no further comment to make. In relation to noise, the submitted Noise Impact Assessment (NIA) predicts the noise impact at nearby receptors (both existing and proposed) will be minimal. EHO note their assessment is based upon a specific make and model of pump being used, however pending communication with NI Water, the specific pump may need to be reviewed to meet requirements. Consequently, EHO have recommended conditions in the event of approval.</p>
6.19	<p>c. <i>Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure</i></p> <p>The development site is approximately 400m from Metro Bus Links that are situated on the Springfield Road in either direction. The bus links form connections to all areas beyond the city centre. Translink Metro Route 10 serves the Springfield Road in either direction and there is also easy access to Black Taxis and Private Hire Taxis. The surrounding area does not provide adequate cycling infrastructure, however there is accessibility to bus lanes to cycle to destinations within the city.</p>
6.20	<p>d. <i>Provides adequate open space:</i></p> <p>The proposed units benefit from the provision of private rear amenity space bound by a 1.9m high paladin fence and an area of private amenity space to the front, predominantly bound by low-level beech hedging. The rear gardens are between 50-140 sqm in size, this level of provision is in accordance with the standards set out in the Creating Places guidance document.</p>
6.21	<p>e. <i>Keeps hard surfacing to a minimum</i></p> <p>Car parking is not considered to dominate the residential development. This allows for an abundance of green open and private amenity space for future residents.</p>
6.22	<p>f. <i>Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.</i></p> <p>The proposed scheme is in keeping with the space standards as set out in appendix C. The proposal consists of a mix of two storey dwellings. The 2 bedroom/ 3person require a minimum of 70sqm with these dwellings ranging between 76-77 sqm. The 3 bedroom/ 5 person require 90sqm, with these dwellings ranging between 93-95 sqm.</p>
6.23	<p>g. <i>Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street; and</i></p> <p>The entrances to the properties are from the main street and allow for natural surveillance of the street scene.</p>

6.24	<p><i>h. Ensures that living rooms, kitchens and bedrooms have access to natural light</i></p> <p>All of the house types provide ample light through to living rooms, bedrooms and kitchens.</p>
6.25	<p>Further to policy RD1, the proposal complies with the criteria set out in A-K of Policy DES 1- Principles of Urban Design in that the scheme is of a high quality, sustainable design and makes a positive contribution to placemaking.</p>
6.26	<p><u>Climate change</u></p> <p>The proposal maximises opportunities to incorporate sustainable design features where feasible. The Plan Strategy Statement (PSS) outlines the following features:</p>
6.27	<ul style="list-style-type: none"> • The PSS references that the quality development proposed will enhance the existing site, for example, through the removal of spoil and additional tree planting. The planning application was supported by a Contaminated Land Risk Assessment, Noise and Odour Assessments, outline Construction Environmental Management Plan, Flood Risk and Drainage Assessment and a Noise Impact Assessment. It is considered that the planning application complies with Policy ENV 1.
6.28	<ul style="list-style-type: none"> • The house types are designed to EPC Rating A; each house will have a PV panel array; and the specification of products considered ensures that optimised energy performance can be achieved and to reduce the whole life cycle impact of the houses. It states that the energy performance of the house types has been optimised to reduce emissions of greenhouse gases and PV panels will reduce reliance upon greenhouse gases. In addition, it states that the significant tree planting proposed will contribute to the absorption of greenhouse gases. The proposal appears to comply with the provisions set out within the policy ENV 2.
6.29	<ul style="list-style-type: none"> • The PSS mentions that the proposal minimises hard surfacing and incorporates extensive tree planting and landscaping. It is also noted that a Drainage Assessment was undertaken and submitted as part of the planning application package, and it has been determined through the statutory consultation process to be acceptable. The proposal incorporates not only significant areas of open and landscaped space but significant amounts of planting in those spaces, notably the extensive buffer planting around three sides of the site, all providing attenuation. The proposal also includes over 400 sq m of SuDs permeable paving at the pumping station and communal open space. Owing to the longevity of the application process and provision of SuDs measures, it is considered that the proposal complies with Policies ENV 3 & 5.
6.30	<p><u>Affordable housing</u></p> <p>Policy HOU 5 of the Plan Strategy 2035 states that planning permission will be granted for residential development on sites greater than 0.1 hectares and or more dwelling units where a minimum of 20% of units are provided as affordable housing. All 28 of the proposed dwellings will be provided as affordable housing (100% provision). NIHE confirmed that there is an unmet social housing need of 1090 social housing units for Inner West Belfast (2022-2027) and at March 2023, there were 984 households in housing stress. NIHE has supported the applicant to progress this scheme for social housing.</p>
6.31	<p>However, Policy HOU5 requires that affordable housing should be provided as an integral part of mixed tenure development. A consultation response was received from the BCC Policy Team outlining that the Affordable and housing mix SPG recognises that a small-scale development involving 100% social housing may be deemed to meet the requirements of Policy HOU5 where an identified need is addressed and the proposal is able to contribute towards sustainable and balanced communities. The SPG also notes that 'proposals for single tenure social housing consisting of 12 units or more, will only be permitted in exceptional circumstances'. Section 4.4.14 of the SPG also states that whether a proposal for mono-tenure social housing is deemed to deliver sustainable and</p>

	<p>balanced communities will be assessed on a case-by case basis using the following factors:</p> <ul style="list-style-type: none"> • The level of social housing need in the vicinity of the site and the availability of land to address such needs; • The wider tenure and characteristics of and are, in order to minimise large areas of single tenure social housing; and • Whether a scheme is proposed as 'sharing housing'
6.32	<p>NIHE have advised that there is a significant unmet social housing need within the area and confirmed that they are supportive of the proposal. Given this context, on balance, it is considered the proposal complies with Policy HOU5.</p>
6.33	<p><u>Housing Mix</u></p> <p>With regards to housing mix, the proposal comprises a total of 28 residential units, including 3 persons / 2 bedroom semi-detached dwellings, ranging from 70-75 sqm per dwelling, 5 persons / 3 bedrooms semi-detached at approx. 93 sqm and 5 persons / 3 bedroom detached dwelling at approx. 95 sqm. All house types meet the space standards as set out in Appendix C of the Plan Strategy. The proposed housing mix has been informed by an analysis of the prevailing housing need in the area. Whilst it is acknowledged that greater variation in house types would facilitate the creation of balanced communities, support for the proposed housing mix has been confirmed by NIHE. On balance, the housing mix is considered acceptable having regard to policy HOU6 of the Plan Strategy 2035.</p>
6.34	<p>Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas. Although not yet formally defined, the site is likely to fall within the Outer Belfast area, so the average density band (in dwellings per hectare) should be between 25-125. The development proposed 28 units on a site of 1.51ha, which gives a density of approximately 18dph, which falls below the relevant density parameters. The policy states that the density bands are to be used as a guide to inform proposed development and proposal outside of these broad bands will be considered on their own merits. It is considered that the proposed development broadly complies with the other operational policies of the Plan Strategy. On balance, owing to the longevity of the application and the agreed housing numbers throughout the process, the proposal is considered acceptable having regard to policy HOU4.</p>
6.35	<p><u>Adaptable and Accessible Housing</u></p> <p>Policy HOU7 of the Plan Strategy states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. It is considered that the proposal includes adequate standards in relation to parking, entrance, entrance level living / dining space / WC, accessible bathroom on same floor as main bedroom and glazing in the principal living space enables outlook. Although surface material of the parking bays has not been illustrated on the site layout, it is considered this could be conditioned in the event of approval.</p>
6.36	<p>For schemes of 10 units or more, at least 10% of the units should be wheelchair accessible. The applicant has not provided evidence that the scheme will provide sufficient wheelchair accessible units.</p>
6.37	<p>The agent has advised that the applicant and NIHE have engaged extensively from initial site feasibility to ensure that the proposal meets the identified housing need specific to the area. This engagement continues throughout the planning process to ensure the housing mix reflects the ongoing need in the area. The agent has advised that NIHE have been continually supportive of the housing mix and clarified that specific wheelchair accessible housing was not part of the mix. The agent has stated that requesting 10% of dwellings to</p>

	be made wheelchair accessible this late in the process is concerning and could ultimately result in the scheme no longer being financially viable.
6.38	Notwithstanding this, the agent advises that the proposed dwellings will meet with the Lifetime Homes requirements. Lifetime Homes is a standard which requires all new homes to be designed in a flexible way to ensure housing is adaptable throughout all stages of life, maximising the ability for occupants to remain in their homes and live independent lives for as long as possible. Through the Lifetime Home Standards there is flexibility and adaptability to allow for future wheelchair provision to be accommodated within the envelope of the dwelling. The proposed dwellings comply with some of the criteria laid out in respect of wheelchair accessible housing, however fail the tests in relation to space standards, driveway width, space for second wheelchair storage and lack of turning circle in the hall way.
6.39	Based on the information provided and the consultation response from BCC LDP team, it is considered that the proposal does not comply with HOU7 in respect of wheelchair accessible dwellings. However, this is balanced against a number of factors, including the longevity of the application, the design to lifetime home standards and the significant housing need in the area. Balancing all of the considerations, it is considered that the proposal is acceptable.
	<u>Access, movement, and parking</u>
6.40	The proposed development is accessed directly from the Whiterock Road. DfI Roads had previously requested that pedestrian footpaths should extend the length of the visibility splays, with a streetlight to provide visibility. Consequently, the footpath located to the north of the site access extends beyond the development limit by approximately 25 metres. Given the existence of the childcare facility to the south of the site (within the zoned housing land), the proposed access is the only feasible access to zoned housing land. Consequently, it is considered that the provision of the footpath and streetlight is acceptable, given the road safety improvements. It is also noted that proposal will cluster with existing built development, as per Policy DC1.
6.41	The means of access to the development is considered to be safe. There is sufficient parking available having regard to the location and sustainability of the site.
6.42	DfI Roads were consulted and offer no objections to the proposal, subject to conditions. It is considered the proposal complies with Policies TRAN 4, TRAN 6 and TRAN 8.
	<u>Drainage</u>
6.43	A Flood Risk and Drainage Assessment was undertaken and submitted. DfI Rivers were consulted and offer no objections to the proposal, subject to a condition for a final drainage assessment, prior to commencement. It is therefore considered that the proposal complies with Policy ENV4.
	<u>Waste-water infrastructure</u>
6.44	As noted above, the proposal includes a pumping station in the south eastern corner of the site. NI Water (NIW) and DAERA Water Management Unit (WMU) have offered no objection to the proposal. In this regard, the proposal is considered compliant with Policy NH1 and paragraphs 6.176 and 6.177 of the Strategic Planning Policy Statement.
	<u>Ecological Impacts</u>
6.45	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). SES have advised the Council that the project would not have

	an adverse impact on the integrity of any European site either alone or in combination with other plans / projects.
6.46	DAERA NIEA Natural Environment Division (NED) were consulted on the proposal and advised that a 10 m buffer would be required between the location of all construction works and the watercourse that runs along the northern and eastern boundaries. NED acknowledges that Japanese knotweed (<i>Fallopia japonica</i>) has been identified on site. NED acknowledges that no other protected species or habitats have been recorded on site and are content that the proposal is unlikely to significantly impact NI Priority / protected species or habitats. NED have no objections, subject to conditions.
6.47	The proposal is considered compliant with Policy NH1 and ENV1.
6.48	<p><u>Archaeology & Built heritage</u></p> <p>The application site is immediately adjacent to a rath (ANT 060:035), a site of regional interest. DFC Historic Environment - Historic Monuments (HED) considered the impacts of the proposal and is content with the proposal, subject to conditions for the agreement and implementation of a developer-funded programme of archaeological works. This is to identify and record any archaeological remains in advance of new construction, or to provide for their preservation in situ. HED also requested the erection of a fence around the monument during the construction phase. This should be located on the 5m buffer line shown in the Landscaping Plan.</p>
6.49	It is therefore considered that the proposal is compliant with Policy BH5.
6.50	<p><u>Contamination</u></p> <p>A Contaminated Land Risk Assessment has been submitted in support of the application. No unacceptable risks to environmental receptors have been identified. NIEA Land and Regulation Unit and EHO commented on the information, advising of no objections subject to conditions. As previously noted, EHO were content with the submitted noise information. Consequently, it is considered that the proposal complies with Policy ENV1.</p>
6.51	<p><u>Other issues</u></p> <p>Belfast Hills Partnership (BHP) were consulted on the proposed development. They outlined a number of concerns in relation to the proposal:</p> <ul style="list-style-type: none"> • The proposed scheme will either remove or result in a number of places of historic and archaeological interest being isolated out of context, i.e. the Mill race and Rath. • Loss of pedestrian access route from Black Mountain shared space development. BHP are aware of a number of proposals to develop the access, recreation and tourism potential of this area, most of which will be stymied by this development unless a pedestrian access route was kept. • Loss of a green open space which is well used by the local community. • Issues with proposed landscaping. • Impact on priority habitats and species • Concerns regarding additional traffic on Whiterock Road.
6.52	It is considered that the issues raised by BHP have been appropriately dealt with during the application process and have been covered within this report.
7.0	Recommendation
7.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. Having considered all the matters as set out above there is a clear and pressing unmet social need in the local area, therefore, it is considered, on balance, acceptable.

7.2	<p>It is recommended that planning permission is granted subject to conditions.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the condition.</p>
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DRAFT CONDITIONS:

1. The development hereby permitted must be begun within five years from the date of this permission.

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

2. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with Drawing No 1474-HAH-ZZ-00-DR-C-0003-P07, prior to the commencement of any other works or other development hereby permitted.

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

3. No dwelling shall be occupied until its driveway has been constructed in accordance with the approved Drawing No. 1474-HAH-ZZ-00-DR-C-0003-P07 to provide adequate facilities for parking. These spaces shall be permanently retained.

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

4. 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 is occupied and such splays shall be retained and kept clear thereafter.

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

5. The access gradients to the dwellings hereby permitted shall not exceed 8% (1 in 12.5) over the first 5 m outside the road boundary. Where the vehicular access crosses a footway or verge, the access gradient shall be between 4% (1 in 25) maximum and 2.5% (1 in 40) minimum and shall be formed so that there is no abrupt change of slope along the footway.

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

6. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
The Department hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No:1474-HAH-ZZ-00-DR-C-0003-P07 bearing the Department for Infrastructure determination date stamp 30/8/23.

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

7. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.
No part of the development hereby permitted shall be occupied until the works necessary for the improvement of a public road have been completed in accordance with the details outlined

blue on Drawing No:1474-HAH-ZZ-00-DR-C-0003-P07 bearing the date stamp 30/8/23. The Department hereby attaches to the determination a requirement under Article 3(4A) of the above Order that such works shall be carried out in accordance with an agreement under Article 3 (4C).

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

8. No dwellings shall be occupied until that part of the service road which provides access to it has been constructed to base course; the final wearing course shall be applied on the completion of each phase.

REASON: To ensure the orderly development of the site and the road works necessary to provide satisfactory access to each dwelling

9. The development shall operate in accordance with the Residential Travel Plan – Radius Housing, Whiterock Road, Belfast – December 2022 - Revision D.

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

10. Any existing street furniture within the visibility splays shall be relocated to the rear of footway as directed by the DfI Private Streets Officer.

REASON: In the interests of pedestrian convenience.

11. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with the Strategic Planning Policy Statement, Policy ENV4 (Flood Risk) of the Belfast Local Development Plan: Plan Strategy 2035 and Sewers for Adoption Northern Ireland 1st Edition, and containing a detailed drainage network design including a demonstration of how out of sewer flooding will be safely managed must be submitted to the Council for its consideration and approval.

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.

12. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of foul and surface water drainage, including a programme for implementation of these works, 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, which shall be retained as such thereafter.

Reason: To ensure appropriate foul and surface water drainage of the site. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

13. If during the development works, new contamination and risks to the water environment are encountered which has not previously been identified, works should cease and the Planning Authority shall be notified immediately. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance 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 to its satisfaction.

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

14. After completing any remediation works required by condition 14, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with Planning Authority. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all waste materials and risks and in achieving the remedial objectives.

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

15. No site works of any nature or development shall take place until a programme of archaeological work (POW) has been prepared by a qualified archaeologist, submitted by the applicant and approved in writing by the Council in consultation with Historic Environment Division, Department for Communities. The POW shall provide for:

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

Reason: To ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

16. No site works of any nature or development shall take place other than in accordance with the programme of archaeological work approved under condition 15.

Reason: to ensure that archaeological remains within the application site are properly identified, and protected or appropriately recorded.

17. 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 16. 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.

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.

18. No site works of any nature or development shall take place until a fence has been erected around the area specified, along the 5m line as shown in Drawing No. 19D. No works of any nature or development shall be carried out within the fenced area. No erection of huts or other structures, no storage of building materials, no dumping of spoil or topsoil or rubbish, no bonfires, nor any use, turning or parking of plant or machinery shall take place within the fenced area. The fence shall not be removed until the site works and development have been completed.

Reason: to prevent damage or disturbance of archaeological remains within the application site.

19. Prior to installation, the applicant shall submit to the Council, for review and approval in writing, confirmation of the specification of the submersible motor pump to serve the pumping station. Should the noise specification differ from that presented at planning consultation stage, an updated statement of noise impact shall be submitted for review and approval.

Reason: Protection of residential amenity from noise impact.

20. The submersible motor pump, as approved, shall be installed prior to occupation of the proposed development.

Reason: Protection of residential amenity from noise impact.

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

Reason: Protection of human health.

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

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

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.

24. All soft landscaping works shall be carried out in accordance with the approved details on Drawing Number 19D. The works shall be carried out prior to the completion of the development unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.

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

25. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices service runs / cables or fires within the Root Protection Areas (RPAs) of trees within the site and adjacent lands during the construction period.

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

26. Prior to the commencement of any works, a clearly defined buffer of at least 10 metres must be maintained between the locations of all construction, refuelling, storage of oil/fuel, concrete mixing and washing areas, storage of machinery/material/spoil etc. and the watercourses within and adjacent to the red line boundary of the site.

Reason: To protect the hydrologically connected features of European Sites in Belfast Lough from adverse effects.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:
 - 01B Site Location Plan
 - 05 House Type B1 Plans and Elevations
 - 06 House Type B1 Elevations
 - 07 House Type B2 Plans and Elevations
 - 08 House Type B2 Elevations
 - 09 House Type B3 Plans and Elevations
 - 10 House Type B3 Elevations
 - 11 House Type C1 Plans and Elevations
 - 12 House Type C2 Plans and Elevations
 - 13E Site Layout Plan
 - 14B Extended Site Sections
 - 16B - Site Sections 01
 - 17B - Site Sections 02
 - 18F - DFI Roads - Approved PSD
 - 19D Soft Landscape Proposals
 - 22B - DFI Roads - Approved Roads Long Sections
 - 26B - Boundary Elevations
 - 27A - Proposed Site Boundary Sections
 - 28 House Type C4 Proposed Floor Plans
 - 29 House Type C4 - Proposed Elevations
 - 30 House Type C4 - Proposed Sections
 - 31 House Type C3 - Proposed Floor Plans and Elevations
 - 32 House Type C3 Sections
 - 33 House Type B4 Floor Plans
 - 34 House Type B4 Elevations
2. Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.
3. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
4. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

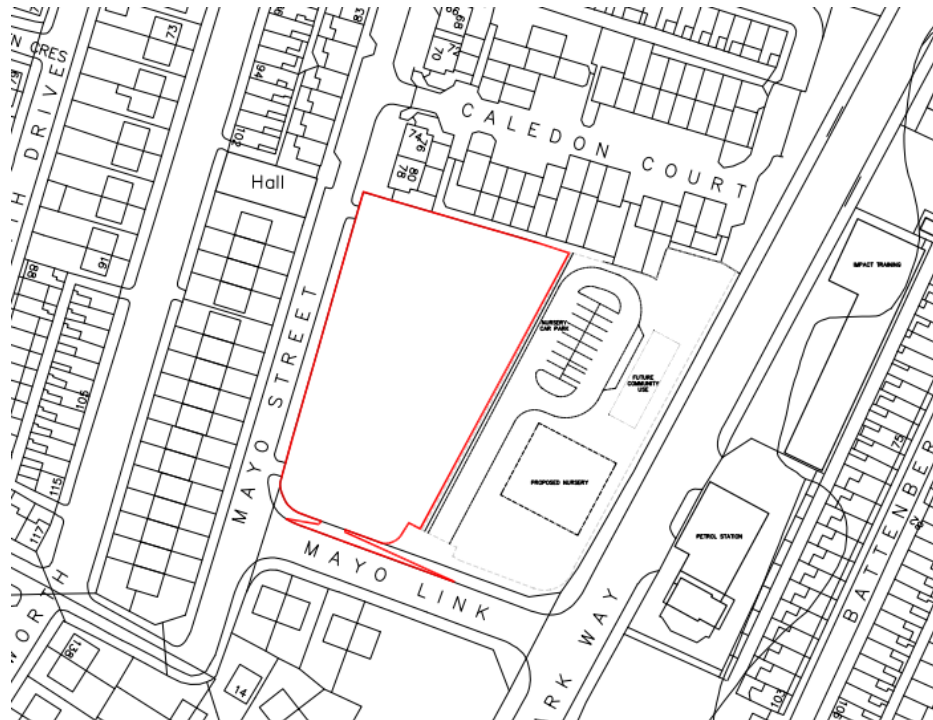
ANNEX	
Date Valid	02/06/21
Date First Advertised	25/06/21
Date Last Advertised	07/04/23
Details of Neighbour Notification (all addresses) 38 New Barnsley Crescent, 52 New Barnsley Crescent, 44 New Barnsley Crescent, 34 New Barnsley Crescent, 62 New Barnsley Crescent, 36 New Barnsley Crescent, 54 New Barnsley Crescent, 60 New Barnsley Crescent, 48 New Barnsley Crescent, 50 New Barnsley Crescent, 46 New Barnsley Crescent, 56 New Barnsley Crescent, 261 Whiterock Road, 265 Whiterock Road, 58 New Barnsley Crescent, 40 New Barnsley Crescent, 42 New Barnsley Crescent, 24 Dermott Hill Parade, 52 Whiterock Road, 22 Dermott Hill Parade, 20 Dermott Hill Parade, 50 Whiterock Road	

Development Management Officer Report

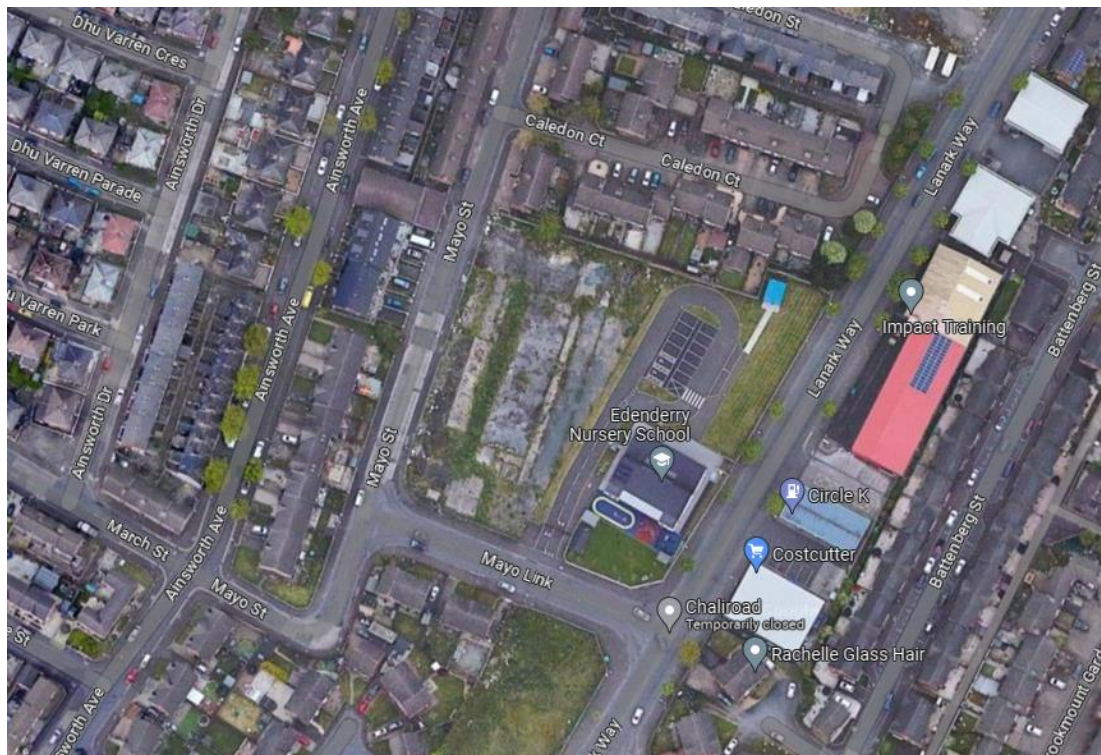
Summary	
Committee Meeting Date: 19 th September 2023	
Application ID: LA04/2021/2488/F	
Proposal: Application under Section 54 of the Planning Act (NI) 2011 in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary Condition No. 11 (seeking to amend timing for approval of the scheme for the discharge of surface water from the site prior to operation of the development).	Location: Corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road, Belfast
Referral Route: Major development (the proposal seeks to vary a condition on a previous permission for Major development and would, if approved, create a new standalone approval)	
Recommendation:	Approval subject to conditions
Applicant Name and Address: Shankill Women's Centre	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2 8LE
Executive Summary: This application seeks to vary condition 11 of planning permission LA04/2016/1276/F, which grants planning permission for a Community centre and associated site works. The proposal is to amend the trigger point for the timing of the submission of details for the discharge of surface water drainage for the site. The original condition requires the information to be provided and approved prior to commencement of development, whereas the proposal is to change this to prior to occupation. This recognises that development has already commenced on site with the building nearing completion. Statutory Consultees have offered no objections subject to conditions. No representations have been received. It should be noted that the granting of a Section 54 application to vary conditions creates a new standalone planning permission. Therefore, should permission be granted, the other original conditions should be repeated as appropriate. Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.	

1.0 Drawings

Site Location Plan



Aerial image



2.0	Characteristics of the Site and Area
2.1	The application site comprises of a flat portion of land on the corner of Mayo Link and Mayo Street. Construction of the approved community centre is well under way.
2.2	To the north, west and south there are residential land uses. Immediately to the East is a Nursery School.
3.0	Description of Proposed Development
3.1	In January 2017, full planning permission was granted under application LA04/2016/1276/F for a Community centre and associated site works at the corner site between Mayo Street and Mayo Link, off Lanark Way, Shankill Road.
3.2	In October 2021, the current application was submitted seeking to vary condition 11 of planning approval LA04/2016/1276/F.
3.3	Condition 11 as approved states: <i>“No development shall commence until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. This must include storm sewer requisition approval. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.</i> <i>Reason: To ensure that the development can be adequately drained.”</i>
3.4	It is proposed to vary the wording of the condition to: <i>“The development shall not become operational until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.”</i> <i>Reason: To ensure that the development shall be adequately drained.”</i>
4.0	Planning Assessment of Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035
4.2	Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)
4.3	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
4.4	Other Policies Belfast Agenda

4.5	<p>Relevant planning history</p> <p>The most relevant planning history is summarised below.</p> <p>LA04/2023/3515/DC - Discharge of Conditions 6 and 9 of LA04/2016/1276/F – current</p> <p>LA04/2022/0689/LDP – Completion of works associated with LA04/2016/1276/F to regularise failure to comply with Conditions 6 and 11 of LA04/2016/1276/F – current</p> <p>LA04/2021/2811/F - Application under section 54 of the Planning Act (NI) in respect of planning permission LA04/2016/1276/F (community centre and associated site works) to vary condition No.6 (seeking to remove requirement for archaeological works set out in the approved programme of works to be implemented prior to commencement of any site works or development) – approved May 2022</p> <p>LA04/2021/2346/DC – Discharge of Condition 11 of LA04/2016/1276/F - Withdrawn</p> <p>LA04/2021/2446/NMC - NMC to Planning Approval LA04/2016/1276/F – Approved</p> <p>LA04/2021/0534/DC – Discharge of Condition 6 of LA04/2016/1276/F – Partially discharged</p> <p>LA04/2016/1276/F – Planning permission for a Community centre and associated site works at the corner site between Mayo Street and Mayo Lin off Lanark Way, Shankill Road – approved January 2017.</p>
5.0	Consultations and Representations
5.1	<p>Statutory Consultees</p> <p>NI Water – No objection</p> <p>DfI Rivers Agency – No objection</p>
5.2	<p>Non Statutory Consultees</p> <p>N/A</p>
5.3	<p>Representations</p> <p>The application has been neighbour notified and advertised in the local press. No written representations have been received.</p>
6.0	PLANNING ASSESSMENT
6.1	Development Plan Context
6.2	Section 6(4) of the Planning (Northern Ireland) Act 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.
6.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.4	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will

	provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.5	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. The main policies for consideration in this case are Policies ENV4 (Flood Risk) and ENV5 (SuDS).
6.6	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. The relevant zonings/designations are set out below. The site is within the development limits of Belfast in the BUAP, and both versions of draft BMAP 2015. The site is within a ‘Housing Action Area’ in the BUAP. In dBMAP (v2004), the site is within the Belfast Metropolitan/Settlement Development Limit. It is within a Major area of existing Employment/Industry (BT 11/35).
7.0	Key issues
7.1	The principle of development has already been established through the planning approval LA04/2016/1276/F to which this proposal relates. The key issues to be considered in the assessment of the current application are drainage and waste-water infrastructure
8.0	Drainage and Waste-Water Infrastructure
8.1	The proposal is to amend the trigger point for the timing of the submission of details for the discharge of surface water from the site. The original condition requires the information to be provided and approved prior to commencement of development, whereas the proposal is prior to occupation. This recognises that development has already commenced with the building expected to be completed in December 2023 with occupation in January 2024.
8.2	<p>The original condition 11 reads:</p> <p>‘No development shall commence until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. This must include storm water requisition approval. The development shall not be brought into use until surface water drainage has been constructed in accordance with the approved scheme.</p> <p><i>Reason: To ensure that the development can be adequately drained.</i></p>
8.2	During assessment of the original planning application, LA04/2016/1276/F, it was confirmed there are no designated watercourses under the terms of the Drainage (Northern Ireland) Order 1973 within this site. The Flood Hazard Map (NI) also indicated that the site does not lie within the 1 in 100 year fluvial flood plain. However, a final surface water drainage scheme was required to be submitted by condition.
8.3	Work commenced on implementing the planning permission without condition 11 having been discharged. This application has been submitted to defer the timing of submission and approval of the information required by condition 11 to prior to occupation rather than prior to commencement of development.

8.4	Initially, the proposal was for a revised drainage strategy for which DfI Rivers advised that further information was required, including a drainage assessment. Officers were concerned that this would have meant additional information being provided beyond the five year duration of the original planning permission, which ran until January 2022.
8.5	In February 2022, the applicant therefore submitted an application for a Certificate of lawful development (proposed) (LA04/2022/0689/LDP), seeking to demonstrate that the necessary pre-commencement conditions had either been fully addressed or were currently being regularised by way of a Section 54 application. It also sought to demonstrate that substantive works had been undertaken in relation to the construction of the approved development within the required time period. This CLOPUD application remains undetermined at this time.
8.6	However, in August 2022, the applicant confirmed that the original proposals for the discharge of surface water from the site, necessitating a sewer requisition, are proposed to be implemented after all. Correspondence from NI Water confirming this sewer requisition as acceptable was also submitted. DfI Rivers and NI Water have both subsequently responded to confirm the variation of condition 11 is acceptable.
8.6	Having regard to the advice from these statutory consultees, it is considered that the proposed variation of condition 11 for the deferral of the timing of the submission and approval of the surface water scheme is acceptable. The variation of condition will create a new standalone planning permission and it will be necessary to repeat the conditions on the original permission as appropriate, subject to the variations granted by this decision.
10.0	Recommendation:
10.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.
11.0	Draft Conditions:
11.1	<p>It should be noted that the other original conditions will be repeated as appropriate as approval of this Section 54 variation of condition application will create a new standalone planning permission. Some conditions of the original approval LA04/2016/1276/F have been discharged and final wording will make reference to this.</p> <p>1. The development hereby permitted shall have begun by 03 January 2022.</p> <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011 and for the avoidance of doubt as to the duration of the permission.</p> <p>2. The development shall not become operational until a scheme for the discharge of surface water from the site has been submitted to and approved in writing by the Local Planning Authority. The development shall not be first brought into use until surface water drainage has been constructed in accordance with the approved scheme.</p> <p>Reason: To ensure that the development shall be adequately drained.</p>

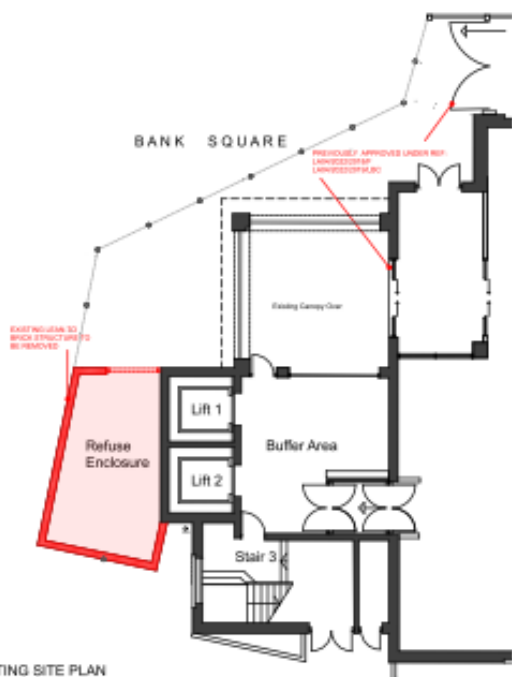
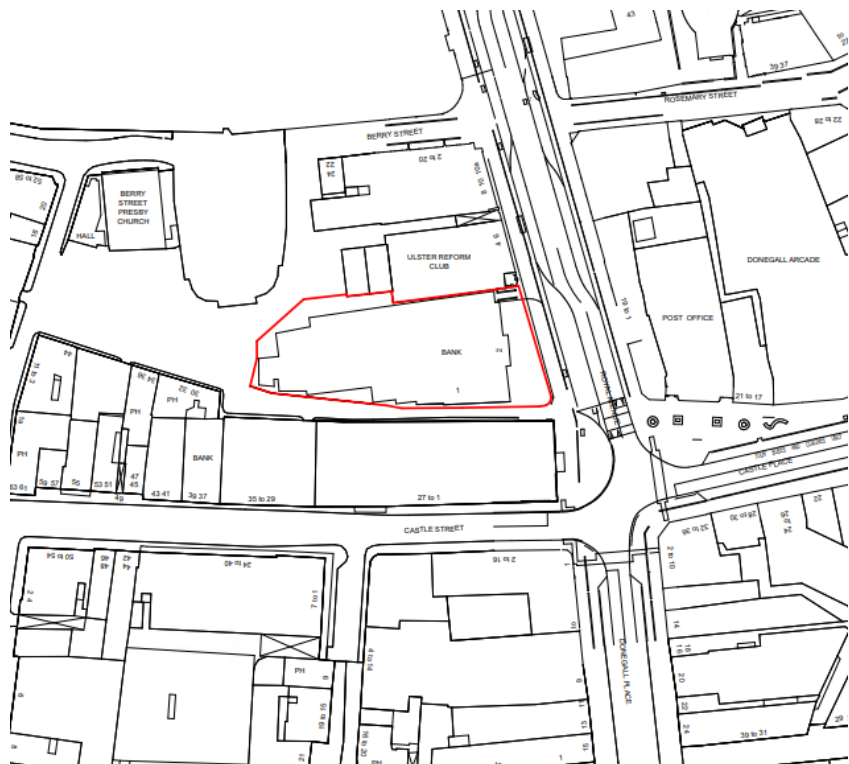
Committee Report

Development Management Report	
Application ID: LA04/2023/3787/LBC	Date of Committee: Tuesday 19 th September 2023
Proposal: Proposed demolition of lean-to external store	Location: 2 Royal Avenue Belfast BT1 1DA.
Referral Route: Referral to the Planning Committee under Section 3.8.5 (c) of the Scheme of Delegation	
Recommendation: Approval	
Applicant Name and Address: Belfast City Council City Hall Belfast BT1 5GS	Agent Name and Address: 152 Albertbridge Road Belfast BT5 4GS
<p>Executive Summary: The application is for the proposed demolition of a lean-to external store at the rear of a listed building including provision of new raised planters, bench seating and a gas main enclosure. The building is a two-storey, high Victorian sandstone, B+ graded listed building (HB26/50/106). The building occupies a prominent position adjacent to the Primark building, facing onto Royal Avenue and has been extensively extended to the rear of the site facing onto Bank Street.</p> <p>Area Plan The site is located within the City Centre in BUAP and within the Retail Core, City Centre Conservation Area and Primary Retail Frontage within both versions of dBMAP. The application site is currently used as a community, recreational and cultural space to facilitate multi-disciplinary uses as approved on a temporary basis under the application LA04/2021/2580. A recent application for new structural openings, boundary treatments and minor internal renovations was approved under LA04/2022/2018/F. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings.</p> <p>The proposal is considered to comply with the SPPS, Policies BH1 and BH2 of the Belfast Local Development Plan Strategy 2035 and Section 91(2) of the Planning Act (Northern Ireland) 2011. The lean-to store is of a later fabric to the Listed Building and its removal will open up the rear of the building. The planters and bench seating will enhance the setting of the listed building as well as the conservation area.</p> <p>HED were consulted and are content subject to a condition requesting details of the landscaping works prior to installation.</p> <p>Internal BCC Conservation Advice was sought and no objection was raised to the proposal.</p> <p>Recommendation Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p> <p>Due to a clerical error, the application was not advertised on 25th of August 2023 as scheduled. The application will now be advertised on 15th of September 2023. As the site is for community use and there are DfC funding deadlines, the application is being brought to Committee for</p>	

consideration ahead of the expiration of the advertisement and delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise.

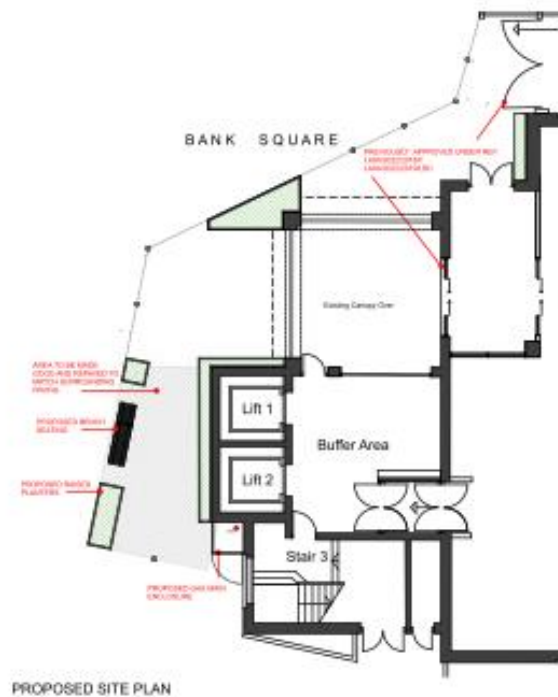
Case Officer Report

Site Location Plan and Existing Site Plan



EXISTING SITE PLAN
AS PREVIOUSLY APPROVED UNDER REF:
LA04/2022/2018/F, LA04/2022/2019/LBC

Proposed Site Plan



Characteristics of the Site and Area

1.0 Description of Proposed Development
Proposed demolition of lean-to external store.

2.0 Description of Site
The site is located at 2 Royal Avenue. The building is a two-storey, high Victorian sandstone, B+ graded listed building (HB26/50/106). The building is in a prominent position facing onto Royal Avenue and has been extensively extended to the rear of the site facing onto Bank Street.

The application site is currently used as a community, recreational and cultural space to facilitate multi-disciplinary uses as approved on a temporary basis under application LA04/2021/2580. The surrounding area is commercial in nature with a mix of city centre uses, the building is surrounded by a number of listed buildings. The site is located within the City Centre in BUAP and within the Retail Core, City Centre Conservation Area and Primary Retail Frontage within both versions of dBMAP.

Planning Assessment of Policy and other Material Considerations

3.0 Site History

Application Number: LA04/2022/2018/F Decision: Permission Granted
Proposal: Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations.
Decision Date: 08 March 2023

	<p>Application Number: LA04/2022/2019/LBC Decision: Consent Granted Proposal: Proposed alterations to a listed building including provision of new structural opening with pedestrian entrance doors, roller shutters, improved boundary treatments and minor internal renovations. Decision Date: 08 March 2023</p> <p>Application Number: LA04/2021/2580/F Decision: Permission Granted Proposal: Temporary (2 years) change of use of the ground floor at the former Tesco Metro store on Royal Avenue Belfast from use class A1 to a community, recreational and cultural space to facilitate multi-disciplinary uses under use classes D1 (community and cultural uses) and D2 (assembly and leisure). Decision Date: 04 January 2022</p>
4.0	Policy Framework
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035. Policies BH1 and BH2</p>
4.2	<p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) Belfast Local Development Plan, Plan Strategy 2035</p>
4.3	<p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p>
5.0	<p>Statutory Consultees Responses HED were consulted and recommended a condition requesting details of the landscaping works prior to installation.</p>
6.0	<p>Non-Statutory Consultees Responses BCC Conservation and Heritage were consulted and had no objection to the proposal.</p>
7.0	<p>Publicity and Representations The application is due to be advertised on the 15th September 2023.</p> <p>No representations have been received thus far and delegated authority is sought to deal with any issues arising from any representations that may be received during the statutory advertisement period.</p>
8.0	<p>Other Material Considerations None</p>
8.1	<p>Any other supplementary guidance None</p>
9.0	Assessment
9.1	The proposal is considered to be in compliance with the Belfast Local Development Plan, Plan Strategy 2035.
9.2	Development Plan Context
9.2.1	Section 6(4) of the Planning (Northern Ireland) Act 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.
9.2.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
9.2.3	The Development Plan is the Belfast Local Development Plan, which replaces the Belfast Urban Area Plan 2001 as the statutory plan for the city. The Belfast LDP is in two parts: Part 1 is the Plan Strategy, which was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals map for Belfast and has yet to be published.
9.2.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
9.2.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
9.3	Key Issues
9.3.1	<p>Impact on Listed Building</p> <p>Section 91 (2) of the Planning Act (Northern Ireland) 2011 applies which states ‘the Department 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.’ Policy BH1 of the Plan Strategy provides policy for the extension or alteration of a listed building and four criteria to be met which are:</p> <p>f. The works preserve, restore and complement the building’s features of special architectural or historical importance to ensure the existing building remains intact and unimpaired;</p> <p>g. The design respects the essential character of the existing building and/or setting;</p> <p>h. The proposal makes use of quality materials and appropriate detailing sympathetic with the existing building and/or setting; and</p> <p>i. In the case of extensions, they shall be subservient to the existing building with regard to height, scale, massing, form and alignment;</p>
9.3.2	The proposal is deemed to comply with the SPPS and Policy BH1 of the Plan Strategy. The proposed works are to the rear lean-to of the building which was constructed during the 1990s. The essential character of the building will be retained. The proposal will open up the rear of the building by removing this lean to refuse area, this will improve the setting of the listed building. HED were consulted and considered the proposal shall not have any additional adverse impact on the listed building. HED recommended landscaping conditions (attached).

9.3.3	<p>Impact on Conservation Area</p> <p>Policy BH2 of the Plan Strategy states total or partial demolition of a building will only be permitted where:</p> <p>j. It makes either a negative or no material contribution to the character and appearance of the area; and</p> <p>k. The design quality of the proposed building is considered to enhance the overall character of the conservation area paying due regard to viability of retention or restoration of the existing building.</p>
9.3.4	<p>The proposal is deemed to comply with the SPPS and Policy BH2 of the Plan Strategy. The proposed works are to the rear lean to of the building which was constructed during the 1990s. The essential character of the building will be retained. The proposal will open up the rear of the building by removing this lean to refuse area, this will improve the setting of the listed building. HED were consulted and considered the proposal shall not have any additional adverse impact on the listed building. HED recommended landscaping conditions (attached).</p>
9.5	<p>The lean-to is later fabric and makes a negative contribution to the character and appearance of the area. Its removal will enhance the setting of the existing building and the functionality of the square.</p>
9.6	<p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.</p>
9.7	<p>Delegated authority is sought for the Director of Planning and Building Control to finalise the conditions and deal with any other matters which may arise including representations which may occur during the statutory advertisement period.</p>
10.0	<p>Summary of Recommendation: Approval</p>
11.0	<p>Draft Conditions</p> <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 94 of the Planning Act (Northern Ireland) 2011. 2. Notwithstanding the submitted details, the following features shall not be installed, implemented, or carried out unless in accordance with further details which shall have been submitted to and approved in writing by the Council. <ol style="list-style-type: none"> a. Bench seating – material & colour b. Raised planters –material & colour c. Gas main enclosure - material & colour <p>The landscaping works shall not be carried out unless in accordance with the details so approved.</p>

	<p>Reason: In the interests of the special architectural and historic qualities of the Listed Building.</p> <p>Informatives</p> <p>1. This decision relates to the following approved drawing numbers: 01, 03</p>
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ANNEX	
Date Valid	22 nd August 2023
Date First Advertised	15 th September 2023
Date Last Advertised	
Date of Last Neighbour Notification	N/A
Date of EIA Determination	N/A
ES Requested	No
Drawing Numbers and Title	
01 1022-HBD-SL1 Site Location Map 03 1022-HBD_LBC01 Refuse Store Removal	

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