Public Document Pack

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

16th January, 2024

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, 16th January, 2024 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. **Committee Site Visits**

   (a) Note of Committee Site Visits (Pages 1 - 4)

   (b) Schedule of Committee Site Visits - 2024 (Pages 5 - 6)

3. **Notifications of Provision/Removal of Accessible Parking Bays**

   (a) Provision of 152 Locksley Park (Pages 7 - 10)

   (b) Provision of 33 Pacific Avenue (Pages 11 - 14)

   (c) Provision of 103 Bloomfield Avenue (Pages 15 - 18)

   (d) Provision of 206 Locksley Park (Pages 19 - 22)

4. **Notifications from Statutory Bodies: Abandonment and Extinguishment**

   (a) Abandonment at Botanic Avenue and Donegall Pass and at Marcus Ward Street (Pages 23 - 32)

5. **Appeals (Pages 33 - 34)**

6. **Planning Decisions Issued (Pages 35 - 58)**

7. **Miscellaneous Reports**

   (a) Pilot for notification of Conservation Area Consent (DCA) Applications (Pages 59 - 66)

8. **Previously considered Planning Applications**

   (a) **LA04/2023/2668/F** - Demolition of existing buildings and the erection of an affordable housing development comprising of 69 No. units with a mix of apartments and townhouses, including an ancillary community hub and offices, car parking, landscaping and all associated site and access works (amended description). - Lands bound by Pilot Street, Short Street, the rear of nos. 11-29 Garmoyle Street and, the rear of Nos. 63 and 65a Dock Street and No. 123 Corporation Street (Pages 67 - 94)

   (b) **LA04/2023/2388/F** - Residential development comprising 256no. units, public realm, and associated access and site works. - Lands immediately north of Cross Harbour Bridge, East of Donegall Quay and south of AC Marriott Hotel, City Quays (Pages 95 - 128)

   (c) **LA04/2021/2016/F** - Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development. (Further information received) - 21-29 Corporation Street and 18-24 Tomb Street (Pages 129 - 182)

   (d) **ITEM WITHDRAWN**: ~~LA04/2022/0097/F - Proposed three and a half storey residential development comprising of 18no. units (3no. wheelchair apartments and 15no. Category 1 - Social Housing) and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping works (Amended Drawings) - 22-30 Hopefield Avenue~~

   ~~(e)~~ **ITEM WITHDRAWN**: ~~LA04/2022/2103/F - Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works. - 1 and 2 Duncrue Pass~~

9. **New Planning Applications**

   (a) **LA04/2022/1219/F** - Demolition of existing building and erection of 11 storey building (May Street/Victoria Street) and 4 storey building (Gloucester Street) comprising 77 apartments with communal areas, ground floor retail services (A2) unit, cycle and car parking, and vehicular access via Gloucester Street - 177-183 Victoria Street 66-72 May Street and 4-8 Gloucester Street (Pages 183 - 216)

(b) **LA04/2023/2418/F** - Demolition of existing retail units and vehicle drop off area of 215-225 Castlereagh Road, Belfast and erection of 4 storey apartment building containing, 16 no apartments with associated development and ancillary works. - 215 - 225 Castlereagh Road (Pages 217 - 232)

(c) **ITEM WITHDRAWN**: ~~LA04/2023/3635/RM - Redevelopment of existing surface level car park for erection of residential development comprising of 205 No. units, car parking, landscaping and all associated site works. - Lands bound by Glenalpin Street, Wellwood Street and Norwood Street~~

~~(d)~~ **ITEM WITHDRAWN**: ~~LA04/2020/0568/F and LA04/2020/0569/LBC - Change of use (including refurbishment of and extension to) of former police station to 74 bedroom hotel with associated restaurant, bar and ancillary facilities. - 21 Queen Street~~

(e) **LA04/2021/1531/F** - Construction of 3 No. apartment blocks consisting of 20 No. 2 bed apartments and 4 no. 3 bed apartments (Amended drawings) - 7 and 9 Ballygomartin Road (Pages 233 - 246)

(f) **LA04/2023/4021/F** - Change of use from dwelling to 5. Bed House in Multiple Occupation (amended description) - 166 Upper Newtownards Road (Pages 247 - 256)

(g) **LA04/2023/4093/F** - Raise ridge to accommodate dormer to side elevation and fenestrational changes to front and rear elevation and 2x skylights - 5 Squires Hill Road (Pages 257 - 264)

(h) **LA04/2023/3888/F** - Proposed two year extension to planning approval LA04/2021/1707/F for an Active Travel Hub Comprising 2no. Shipping Containers. - Cathedral Gardens (Pages 265 - 272)

10. **Restricted Items**

(a) Solace NI Update (Pages 273 - 284)

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Planning Committee

PLANNING COMMITTEE SITE VISITS – NOTE OF MEETING

Wednesday 10th January, 2024

1. **LA04/2023/2388/F** - Residential development comprising 256no. units, public realm, and associated access and site works. - Lands immediately North of Cross Harbour Bridge, East of Donegall Quay and South of AC Marriott Hotel, City Quay

Members Present: Councillor Garrett (Chairperson);
Alderman Rodgers; and
Councillors T. Brooks, Carson and Groogan.

Officers in Attendance: Mr. E. Baker, Planning Manager;
Mr. N. Hasson, Senior Planning Officer;
Ms. B. Russell, Planning Officer; and
Ms. C. Donnelly, Democratic Services Officer.

The Members and the officers convened at AC Marriott Hotel, City Quay (12:20 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Members to acquaint themselves with the location and the proposal at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 12.35 p.m.

2. **LA04/2023/2668/F -** Demolition of existing buildings and the erection of an affordable housing development comprising of 71No. units with a mix of apartments and townhouses, including an ancillary community hub and offices, car parking, landscaping and all associated site and access works - Lands bound by Pilot Street, Short Street, the rear of nos. 11-29 Garmoyle Street and, the rear of Nos. 63 and 65a Dock Street and No. 123 Corporation Street.

Members Present: Councillor Garrett (Chairperson);
Alderman Rodgers; and
Councillors T. Brooks, Carson and Groogan.

Officers in Attendance: Mr. E. Baker, Planning Manager;
Mr. N. Hasson, Senior Planning Officer;
Ms. B. Russell, Planning Officer; and
Ms. C. Donnelly, Democratic Services Officer.

The Members and the officers convened at Corporation Street (12:40 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Members to acquaint themselves with the location and the proposal at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 12.50 p.m.

3. **LA04/2022/2103/F** - Proposed change of use and redevelopment of the existing waste management facility and adjoining plant hire business to create a new waste disposal installation for the incineration of healthcare and hazardous waste streams and associated works. - 1 and 2 Duncrue Pass.
.

Members Present: Councillor Garrett (Chairperson);
Alderman Rodgers; and
Councillors T. Brooks and Carson.

Officers in Attendance: Mr. E. Baker, Planning Manager;
Mr. N. Hasson, Senior Planning Officer;
Ms. B. Russell, Planning Officer; and
Ms. C. Donnelly, Democratic Services Officer.

The Members and the officers convened at Duncrue Pass (13:00 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Members to acquaint themselves with the location and the proposal at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 13.15 p.m.

4. **LA04/2022/0097/F** - Proposed three and a half storey residential development comprising of 18no. units (3no. wheelchair apartments and 15no. Category 1) and associated access, bin storage, boundary treatments, bike stands, car parking and site and landscaping works (Amended Drawings) - 22-30 Hopefield Avenue.
.

Members Present: Councillor Garrett (Chairperson);
Alderman Rodgers; and
Councillors T. Brooks and Carson.

Officers in Attendance: Mr. E. Baker, Planning Manager;
Mr. N. Hasson, Senior Planning Officer;
Ms. B. Russell, Planning Officer; and
Ms. C. Donnelly, Democratic Services Officer.

The Members and the officers convened at Hopefield Avenue (13:30 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Members to acquaint themselves with the location and the proposal at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 13.40 p.m.

5. **LA04/2022/1219/F** - Demolition of existing building and erection of 11 storey building (May Street/Victoria Street) and 4 storey building (Gloucester Street) comprising 77 apartments with communal areas, ground floor retail services (A2) unit, cycle and car parking, and vehicular access via Gloucester Street - 177-183 Victoria Street 66-72 May Street and 4-8 Gloucester Street.
.

Members Present:	Councillor Garrett (Chairperson); Alderman Rodgers; and Councillors T. Brooks and Carson.
Officers in Attendance:	Mr. E. Baker, Planning Manager; Mr. N. Hasson, Senior Planning Officer; Ms. B. Russell, Planning Officer; and Ms. C. Donnelly, Democratic Services Officer.

The Members and the officers convened at Hopefield Avenue (13:45 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Members to acquaint themselves with the location and the proposal at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 13.50 p.m.

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Belfast City Council

PLANNING COMMITTEE

Subject:	Schedule of Site Visits 2024
Date:	16th January, 2024
Reporting Officer:	Carolyn Donnelly, Democratic Services Officer
Contact Officer:	Carolyn Donnelly, Democratic Services Officer

Restricted Reports

Is this report restricted? **Yes** ☐ **No** ☒

Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.

Insert number ☐

1. Information relating to any individual
2. Information likely to reveal the identity of an individual
3. Information relating to the financial or business affairs of any particular person (including the council holding that information)
4. Information in connection with any labour relations matter
5. Information in relation to which a claim to legal professional privilege could be maintained
6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction
7. Information on any action in relation to the prevention, investigation or prosecution of crime

If Yes, when will the report become unrestricted?

After Committee Decision	☐
After Council Decision	☐
Sometime in the future	☐
Never	☐

Call-in

Is the decision eligible for Call-in? **Yes** ☒ **No** ☐

1.0	**Purpose of Report or Summary of main Issues**
	To advise the Committee of the proposed dates and times of future site visits of the Planning Committee between January and June 2024.

2.0	**Recommendations**
	The Committee is requested to approve the schedule of meetings as outlined.
3.0	**Main report**
	<u>Key Issues</u>
3.1	At its meeting in December, the Committee requested that dates be set aside each month to facilitate future Committee site visits.
3.2	Accordingly, the following dates have been identified for Planning Committee site visits for the period from February to June, 2024: • Wednesday, 7th February (briefing at 12.00pm before site visit)
3.3	• Tuesday, 26th March; • Tuesday, 23rd April; • Tuesday, 21st May; and • Tuesday, 25th June. All site visits to commence at 12.00 p.m. <u>Financial & Resource Implications</u> None associated with this report. <u>Equality or Good Relations Implications/Rural Needs Assessment</u> None associated with this report.
4.0	**Appendices – Documents Attached** None associated with this report.

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

Network Traffic, Street Lighting and Transportation

Eastern Division

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: TM 2

Date: 19 December 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 152 LOCKSLEY PARK, 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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Drg. No.

Locksley Park, Belfast (south-east side) – from a point 53 metres north-east of its junction with Garron Crescent, for a distance of 5.5 metres, in a north-easterly direction.

1:1000

1:500

NO.	REVISION	DATE

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Project: PROPOSED ACCESSIBLE/ DISABLED PARKING BAY

Title: 152 LOCKSLEY PARK BELFAST

FILE NO.		DESIGNED	AO'H	date DEC'23
DRAWN		CHECKED		date
TRACED		APPROVED		date

Drg. No.: TM2/BEL/DEC/23/63/A

Revision:

Scales: AS SHOWN

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Stormont Estate
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Textphone: 028 90540022

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Network Traffic, Street Lighting and
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Being dealt with by: Mr. Ling Gillespie
Direct Line: 02890522272

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 21 December 2023

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY AT 33 PACIFIC 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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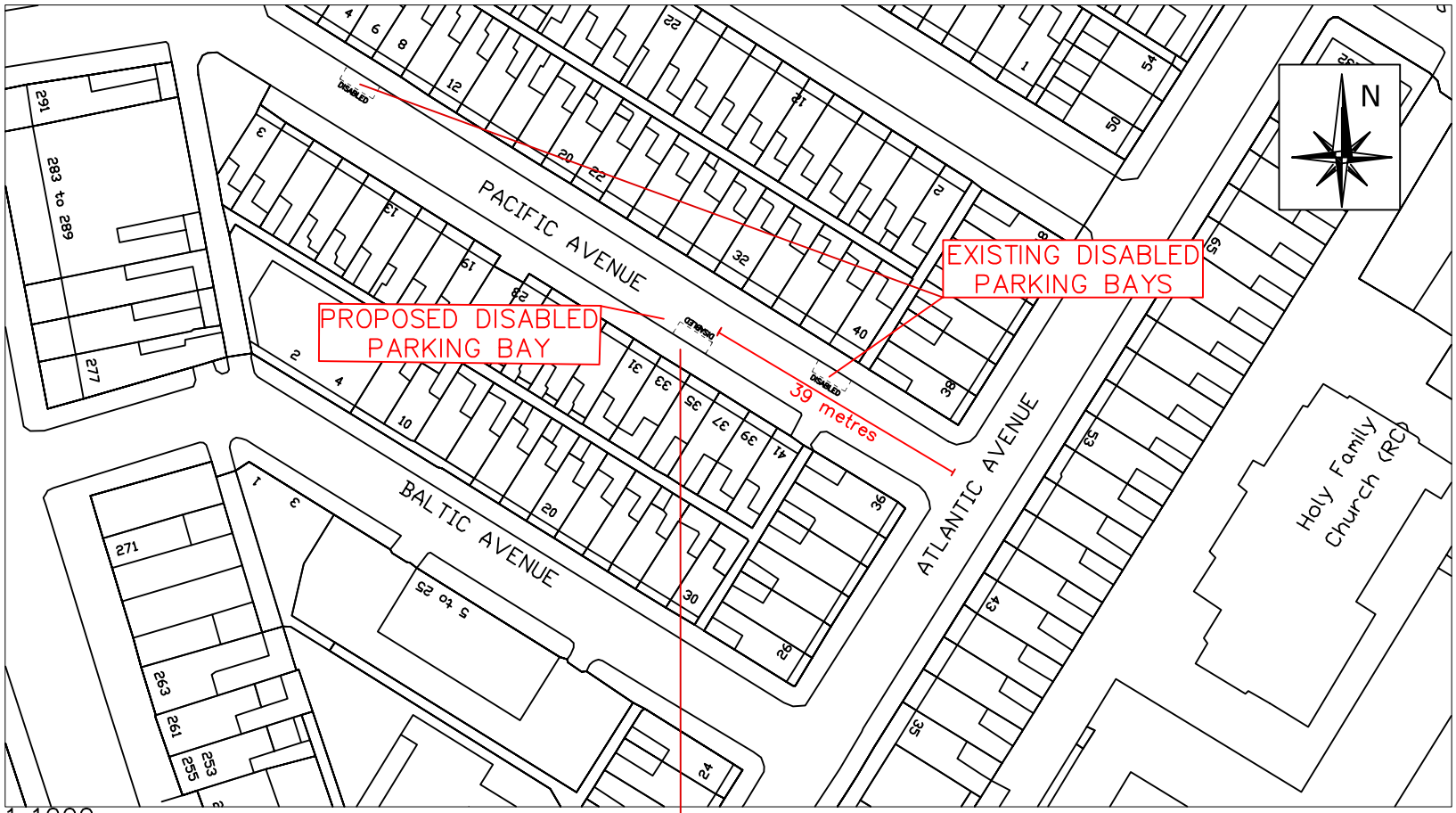
Drg. No.

Pacific Avenue, Belfast (south–west side) – from a point 39 metres north–west of its junction with the Atlantic Avenue, for a distance of 5.5 metres in a north–westly direction.



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NO.	REVISION	DATE

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Project

33 PACIFIC AVENUE
BELFAST

Title

PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

FILE NO.		DESIGNED	AO'H date DEC'23
DRAWN		CHECKED	date
TRACED		APPROVED	date

Drg. No. TM2/BEL/DEC/23/64/A

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Being Dealt With By: Mr Alfie O'Hare
Direct Line: 028 9052 6241

Mr John Walsh
Chief Executive
Belfast City Council
City Hall
BELFAST
BT1 6RB

Your Ref:
Our Ref: TM 2

Date: 11 December 2023

Dear Mr Walsh

103 BLOOMFIELD AVENUE, BELFAST – REMOVAL OF AN ACCESSIBLE/BLUE BADGE PARKING BAY

I am writing to advise you that we propose to remove an accessible/disabled parking bay at 103 Bloomfield Avenue, Belfast, as it is no longer required; I have attached a plan showing the location of the bay.

We would welcome your comments on this proposal.

Yours sincerely

PP Alfie O'Hare
Graeme Salmon
Traffic Manager

ENC

INVESTORS IN PEOPLE

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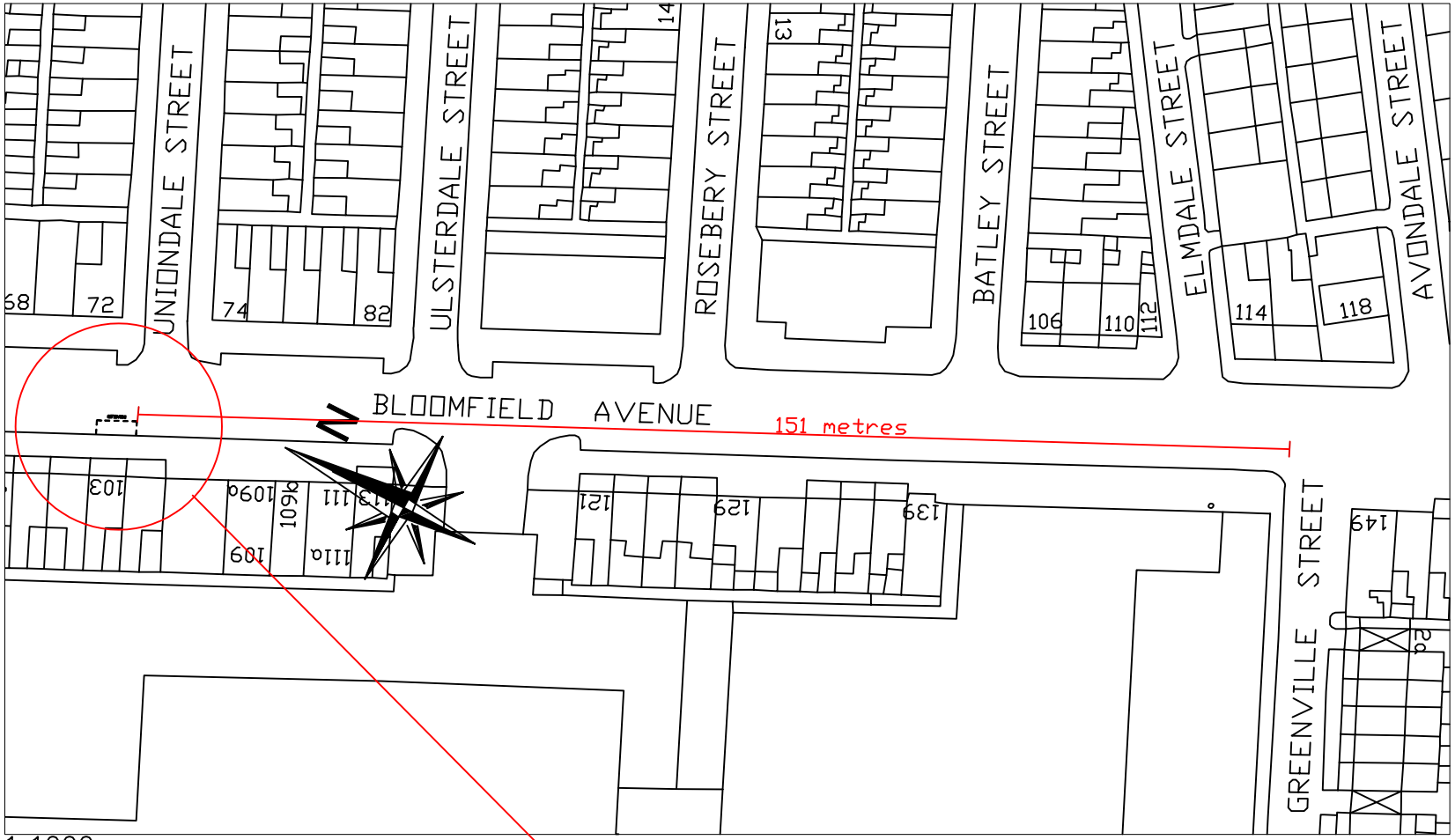
Drg. No.

Bloomfield Avenue, Belfast, (south-west side) – from a point 151 metres north-west of its junction with Greenville Street, for a distance of 5.5 metres.



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NO.	REVISION	DATE

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Project

103 BLOOMFIELD AVENUE BELFAST

Title

REMOVAL OF AN ACCESSIBLE/ DISABLED PARKING BAY

FILE NO.		DESIGNED	AO'H	date DEC'23
DRAWN		CHECKED		date
TRACED		APPROVED		date

Drg. No. TM2/BEL/DEC/23/61/A

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 8 January 2024

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY AT 206 LOCKSLEY PARK, 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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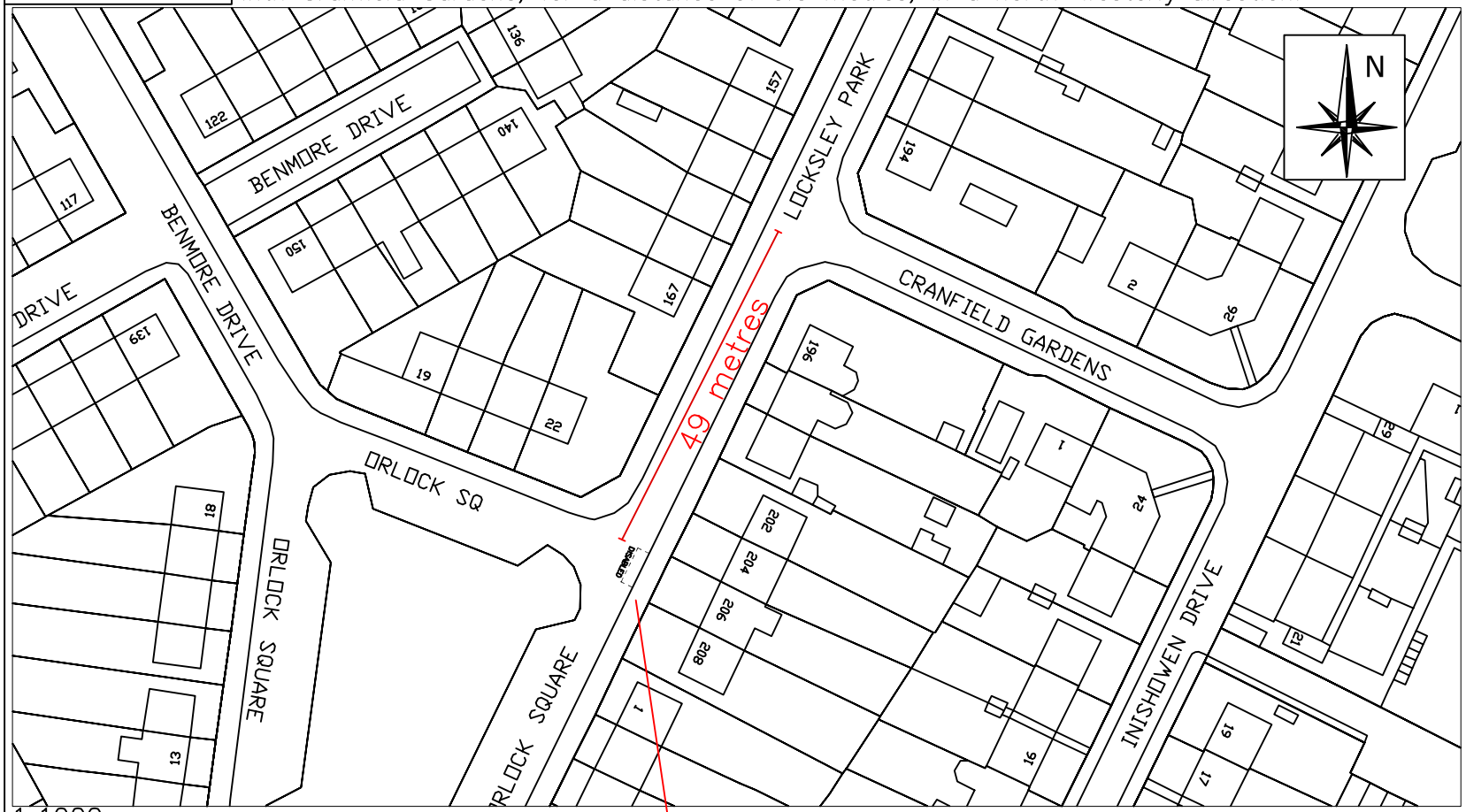
Drg. No.

Locksley Park, Belfast (south–east side) – from a point 49 metres south–west of its junction with Cranfield Gardens, for a distance of 5.5 metres, in a north–westerly direction.



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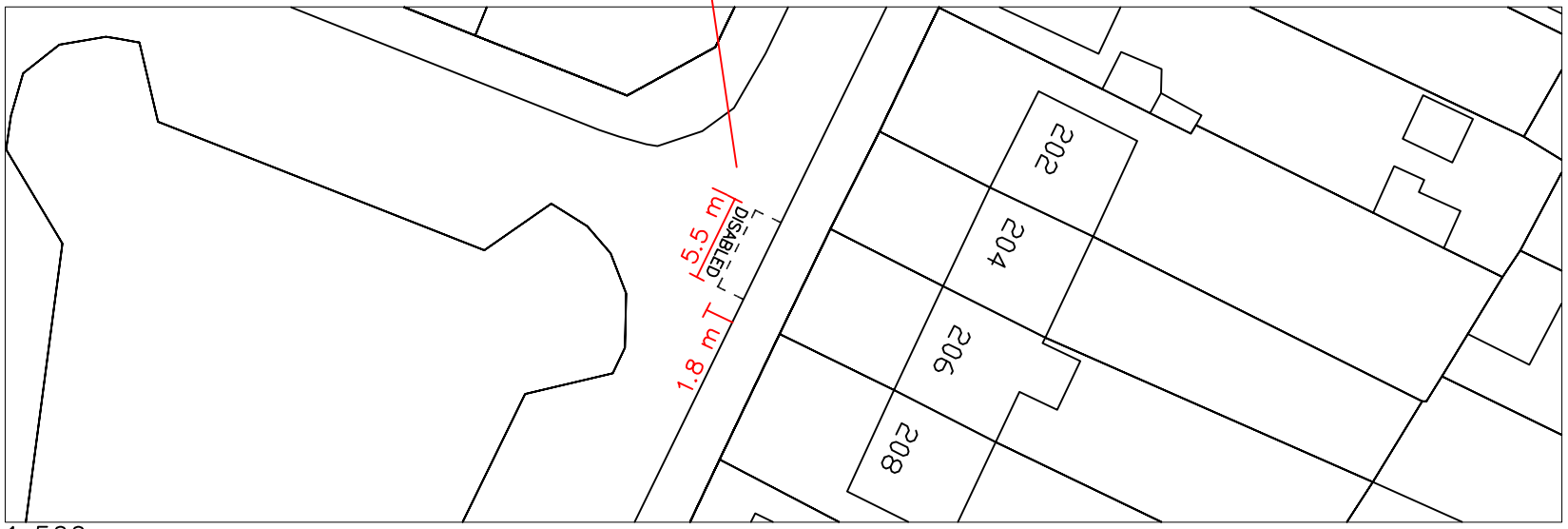

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Project

PROPOSED ACCESSIBLE/ DISABLED PARKING BAY

Title

206 LOCKSLEY PARK BELFAST

FILE NO.		DESIGNED	AO'H	date DEC'23
DRAWN		CHECKED		date
TRACED		APPROVED		date

Drg. No. TM2/BEL/DEC/23/65/A

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Belfast City Council

PLANNING COMMITTEE

Subject:	Notifications from statutory bodies (Abandonments)
Date:	16th January 2024
Reporting Officer:	Kate Bentley, Director of Planning & Building Control
Contact Officer:	Keith Sutherland, Planning Manager (Plans & Policy)

Is this report restricted?	**Yes**		**No**	X
Is the decision eligible for Call-in?	**Yes**	X	**No**	

1.0	**Purpose of Report or Summary of Main Issues**
1.1	To bring to the attention of the Planning Committee notification of two proposed abandonments received from the Department for Infrastructure (DfI) (see **Appendix 1&2**).
2.0	**Recommendation**
2.1	The Committee is asked to note the notification correspondence received.
3.0	**Main Report**
3.1	The Council has received the following two notifications from DfI:
3.2	**Proposed abandonment of the back street at Botanic Avenue and Donegall Pass, Belfast** Received on 24th November 2023 this notification concerns a request for a proposed abandonment under The Roads (NI) Order 1993 of the back street at Botanic Avenue and Donegall Pass (**Appendix 1**). The abandonment has been requested by the owner of the site. There are no current planning applications or any relevant recent planning history relating to the land proposed for abandonment. The Department considers that the land to be abandoned is not necessary for road traffic and as such is considered to be surplus to the adopted road network.
3.3	**Proposed abandonment at Marcus Ward Street, Belfast** Received on 21st December 2023 this notification concerns a request for a proposed abandonment under The Roads (NI) Order 1993 of land to the rear of the footway at Marcus Ward Street (**Appendix 2**). The abandonment has been requested by the Kainos Group PLC and relates to a current planning application (LA04/2023/4373/F) for the development of Purpose Built Managed Student Accommodation (PBMSA) on the adjacent site.
3.4	In considering these notifications other services within the Council were consulted – City & Neighbourhood Services, Estates and City Regeneration & Development and no concerns were raised. There is no requirement for the Council to respond to these consultations and it is recommended that the Committee notes this report.

3.5	Financial & Resource Implications There are no resource implications associated with this report. Equality implications or Good Relations implications / Rural needs assessment None.
4.0	**Appendices – Documents Attached**
	Appendix 1: Proposed abandonment of the back street at Botanic Avenue and Donegall Pass, Belfast. **Appendix 2:** Proposed abandonment at Marcus Ward Street, Belfast.

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Telephone: 0300 200 7899
Textphone number: 028 9054 0022
Being dealt with by: Victor Clegg
Email: Victor.clegg@infrastructure-ni.gov.uk
Direct Line: 02890 526193
Our Ref: MD2/Z/03/1111
Date: 14 November 2023

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

BCC
DEPARTMENT FOR
PLACE AND ECONOMY
RECEIVED
24 NOV 2023
BELFAST PLANNING
SERVICE

Dear Sir/ Madam,

ROADS (NI) ORDER 1993
ABANDONMENT OF THE BACK STREET AT BOTANIC AVENUE AND DONEGALL PASS, BELFAST.

Further to previous correspondence in respect of the above-mentioned proposed abandonment, I enclose for your information a copy of the draft order and related map together with a copy of the statutory notice which is to be published in the Belfast Gazette on 24th November 2023 and the Belfast Telegraph, News Letter and Irish News on 22nd and 29th November 2023.

When the Department for Infrastructure makes the order, I will forward a copy when it comes into operation.

Yours faithfully

Victor Clegg
Lands Branch

ENC

INVESTORS IN PEOPLE

HYDE/ROADS/BSC/S/04/L20

STATUTORY RULES OF NORTHERN IRELAND

2023 No.

ROADS

The Back Street at Botanic Avenue and Donegall Pass, Belfast (Abandonment) Order (Northern Ireland) 2023

BCC
DEPARTMENT FOR
PLACE AND ECONOMY
RECEIVED
24 NOV 2023
BELFAST PLANNING
SERVICE

Made - - - - 2023

Coming into operation 2023

The Department for Infrastructure(**a**) makes the following Order in exercise of the powers conferred by Article 68(1) and (5) of the Roads (Northern Ireland) Order 1993(**b**) and now vested in it(**c**).

The Department in accordance with Article 68(4) of that Order proposes to abandon the area of road described in the Schedule as it is not necessary.

Notice has been published, served and displayed in compliance with paragraphs 1, 2 and 3 of Schedule 8 to that Order.

(Here will follow, where appropriate, recitals of the fact of any written objections or other representations received or inquiry held and the outcome thereof).

Citation and commencement

1. This Order may be cited as the Back Street at Botanic Avenue and Donegall Pass, Belfast (Abandonment) Order (Northern Ireland) 2023 and shall come into operation on 2023.

Application

2. The area of road described in the Schedule is abandoned.

3.—(1) All existing cables, wires, mains, pipes or other apparatus placed along, across, over or under the abandoned area of road shall be retained.

(2) All existing rights as to the use or maintenance of such cables, wires, mains, pipes or other apparatus shall be preserved.

Sealed with the Official Seal of the Department for Infrastructure on 2023

(L.S.)

(a) Formerly the Department for Regional Development; see section 1(6) and (11) of, and Schedule 1 to, the Departments Act (Northern Ireland) 2016 (2016 c. 5 (N.I.))
(b) S.I. 1993/3160 (N.I. 15)
(c) S.R. 1999 No. 481 Article 6(d) and Schedule 4 Part IV

A senior officer of the Department for Infrastructure

SCHEDULE

Article 2

AREA OF ROAD TO BE ABANDONED

An area of 58 square metres of superseded road extending from Ratcliffe Street, Belfast for a distance of 15.43 metres in a south-westerly direction and then 20.84 metres in a south-easterly direction to the rear of No. 12a Botanic Avenue, Belfast more particularly delineated and shown coloured red on map number IN1/23/739777.

A copy of the map has been deposited at the Department's Headquarters, Clarence Court, 10-18 Adelaide Street, Belfast and at DfI Roads Eastern Division, Annexe 7, Castle Buildings, Stormont Estate, Upper Newtownards Road, Belfast.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order abandons the area of road described in the Schedule.

ABANDONMENT – BOTANIC AVENUE AND DONEGALL PASS, BELFAST

The Department for Infrastructure (DfI) being of the opinion that the road is no longer necessary proposes to make an Order under Article 68 of the Roads (Northern Ireland) Order 1993, the effect of which would be to abandon an area of 58 square metres of superseded road extending from Ratcliffe Street, Belfast for a distance of 15.43 metres in a south-westerly direction and then 20.84 metres in a south-easterly direction to the rear of No. 12a Botanic Avenue, Belfast.

The area of road proposed to be abandoned is delineated on a map, which together with a copy of a draft order, may be inspected free of charge during office hours within the period from 22 November 2023 to 3 January 2024 at DfI Roads Eastern Division, Annexe 7, Castle Buildings, Stormont Estate, Belfast, BT4 3SQ or viewed online at www.infrastructure-ni.gov.uk/consultations

Inspection of the draft Order is by appointment only which can be arranged either by e-mail using the e-mail address below or by telephone during office hours (Mon to Fri 9.00 a.m. to 5.00 p.m.) on 0300 200 7899.

Any person may, within the period above, object to the proposal by writing to DfI Roads at the address above or by emailing landseastern@infrastructure-ni.gov.uk stating the grounds of the objection.

The information you provide in your response to this consultation, excluding personal information, may be published or disclosed in accordance with the Freedom of Information Act 2000 (FOIA) or the Environmental Information Regulations 2004 (EIR). If you want the information that you provide to be treated as confidential, please tell us why, but be aware that, under FOI/EIR, we cannot guarantee confidentiality. For information regarding the Departmental Privacy Notice following the introduction of GDPR please go to the following link https://www.infrastructure-ni.gov.uk/dfi-privacy or phone the Data Protection Office on 028 90540540. For further details on confidentiality, the FOIA and the EIR please refer to www.ico.org.uk

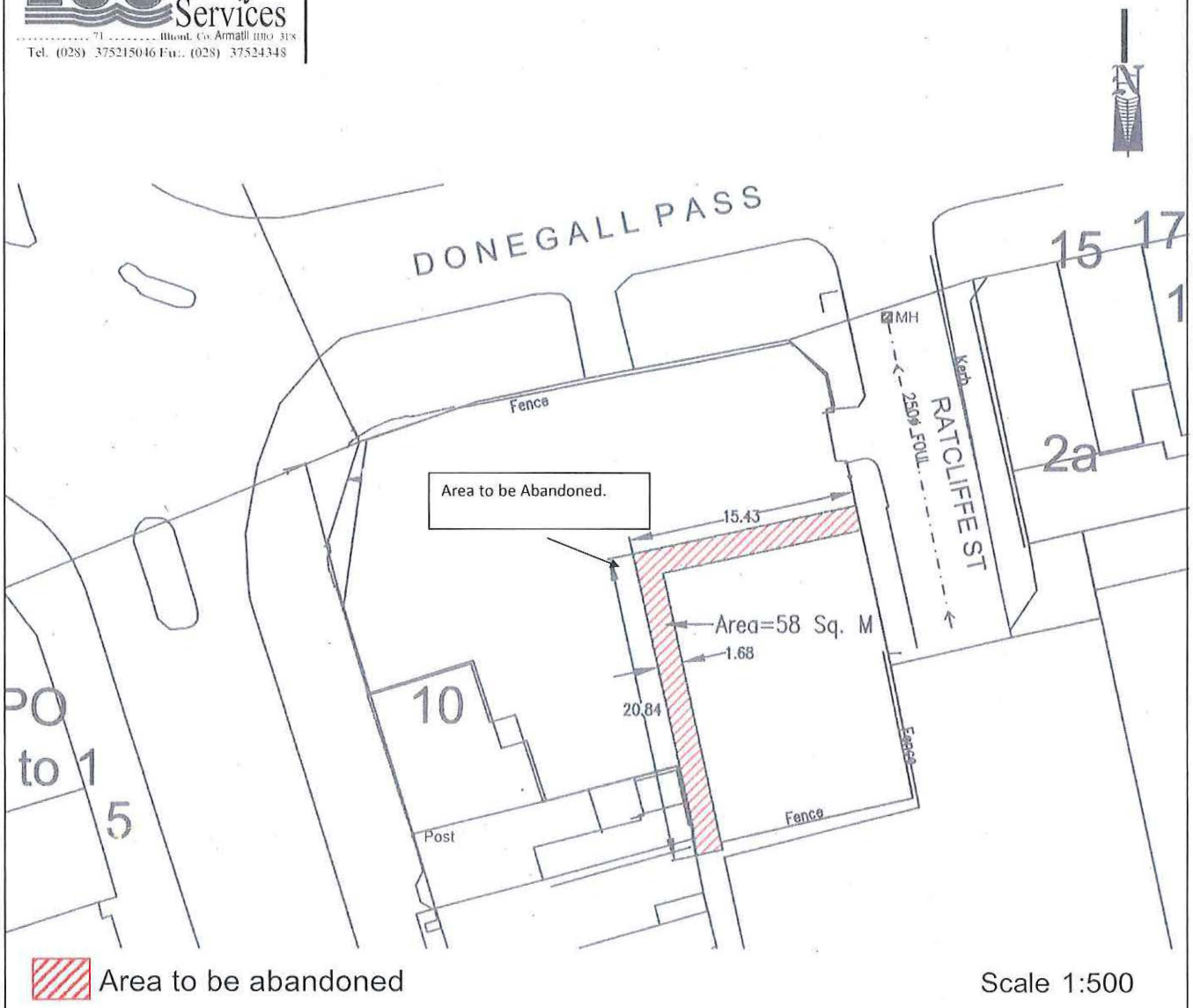
Department for
Infrastructure
www.infrastructure-ni.gov.uk

LSS Land Survey Services

71 Bloomfield Co. Armagh BT60 3UR

Tel. (028) 37521504 6 Fax. (028) 37524348

Job Number: 34115



Area to be abandoned

Scale 1:500

DEPARTMENT FOR INFRASTRUCTURE

Map No. IN1/23/739777 referred to in "The Back Street at Botanic Avenue and Donegall Pass, Belfast (Abandonment) Order (Northern Ireland) 2023" made by the Department on 2023 and coming into operation on 2023.

©Based upon the Ordnance Survey map with the Permission of the Director and the Chief Executive.

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SCALE 1:500

FOR INFORMATION - APPROXIMATE LOCATION AT BOTANIC AVENUE/DONEGALL PASS

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

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

Annexe 7, Block 2
Castle Buildings
Stormont Estate
Upper Newtownards Road
BELFAST
BT4 3SQ
Telephone: 0300 200 7899
Textphone number: 028 9054 0022
Being Dealt With By: Victor Clegg
Email: Victor.clegg@infrastructure-ni.gov.uk
Direct Line: 02890 526193
Our Ref:MD2/Z/03/1113
Date: 14 December 2023

DEAR SIR/ MADAM,

ROADS (NI) ORDER 1993

PROPOSED ABANDONMENT AT MARCUS WARD STREET, BELFAST BT2 7HN.

An application has been received from Kainos Group PLC for the abandonment of land to the rear of the footway on Marcus Ward Street as shown hatched on the attached plan, Drawing No: KHQ-TOD-10-ZZ-DR-A-10002.

The Applicant will be seeking Planning Permission for the redevelopment of the adjacent site.

Could you please let me have your comments on the above proposal.

A prompt response would be appreciated, and I look forward to hearing from you. If I do not receive your reply, I shall assume you have no objection and will proceed accordingly.

Yours faithfully

Victor Clegg
Lands Section

ENC

BCC
DEPARTMENT FOR
PLACE AND ECONOMY
RECEIVED
21 DEC 2023
BELFAST PLANNING
SERVICE

INVESTORS
IN PEOPLE

DISCLAIMER:

Key:

= DfI ADOPTED SURFACE TO BE ABANDONED

Length = 37.98 m (approx)
Area = 28.66 sq m. (approx)

NORTH

P02	01.08.23	DfI comments update	MB MB
P01	25.05.23	Original Issue	AC PC

KAINOS

Kainos HQ

Proposed DfI Roads Abandonment Site Plan 02

TODD ARCHITECTS

TODD

24/05/2023	AC	PC	1:200	A1
23025	INFORMATION	P02
KHQ-TOD-10-ZZ-DR-A-10002		

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PLANNING COMMITTEE – 16 JANUARY 2024

APPEALS NOTIFIED

COUNCIL: BELFAST

ITEM NO	1	PAC REF:	2023/A0087
PLANNING REF:	LA04/2022/1831/F		
APPLICANT:	Mr John Young		
LOCATION:	258 Limestone Road, Belfast, BT15 3AR		
PROPOSAL:	Change of use from residential to short term stay accommodation		
PROCEDURE:			

ITEM NO	2	PAC REF:	2023/A0090
PLANNING REF:	LA04/2023/3933/A		
APPLICANT:	Clear Channel NI		
LOCATION:	Vacant lands adjacent to No 3 Upper Dunmurry Lane, Dunmurry, Belfast, BT17 0AA		
PROPOSAL:	Replacement of 2 existing standard 48 sheet advertisement hoardings with one digital screen		
PROCEDURE:			

APPEAL DECISIONS NOTIFIED

ITEM NO	1	PAC REF:	2022/A0038
PLANNING REF:	LA04/2021/2415/A		
RESULT OF APPEAL:	WITHDRAWN		
APPLICANT:	Laura Greenhill		
LOCATION:	Hurree Unit 6, Channel Wharf, 21 Old Channel Road, Belfast, BT3 9DE		
PROPOSAL:	Retrospective wall mounted business signs		

APPEAL DECISIONS NOTIFIED (CONTINUED)

ITEM NO	1	PAC REF:	2022/A0090
PLANNING REF:	LA04/2021/2324/F		
RESULT OF APPEAL:	DISMISSED		
APPLICANT:	James Sloan		
LOCATION:	210 Malone Road, Belfast, BT9 5LA		
PROPOSAL:	Seeking planning permission retrospectively to develop land without complying with condition on previous approval LA04/2020/0409/F, condition 4 to increase the height of fencing alongside boundary at certain points only, for screening and safety purposes		

ITEM NO	2	PAC REF:	2022/A0108
PLANNING REF:	LA04/2022/0913/F		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Paul and Anne Stewart		
LOCATION:	42 and 42A Strathmore Park South, Belfast, BT15 5HL		
PROPOSAL:	Removal of Condition 7 regarding occupancy of dwelling No 42A of LA04/2015/1102/F		

COSTS DECISION

ITEM NO	3	PAC REF:	2022/A0108
PLANNING REF:	LA04/2022/0913/F		
COSTS DECISION:	Partial award of costs - Not eligible		
APPLICANT:	Paul and Anne Stewart		
LOCATION:	42 and 42A Strathmore Park South, Belfast, BT15 5HL		
PROPOSAL:	Removal of Condition 7 regarding occupancy of dwelling No 42A of LA04/2015/1102/F		

Planning decisions issued December 2023 - No.133

Application number	Category	Location	Proposal	Decision
LA04/2020/1899/LBC	LOC	Former Good Shepherd Centre at lands at Nos 511 and 511a Ormeau Road Belfast BT7 3GS	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)	Consent Granted

LA04/2020/1901/F	LOC	Former Good Shepherd Centre at lands at Nos. 511 and 511a Ormeau Road Belfast BT7 3GS.	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)	Permission Granted
LA04/2021/1276/F	LOC	45 Little Donegall Street Belfast BT1 2JD.	Construction of vertical extensions on the two existing rear apartment blocks 1 more apartment to each (2no. in total), replacing existing roof terraces.	Permission Granted
LA04/2021/2643/F	LOC	79 & 81 Stockman's Lane Belfast BT9 7JD	Shed for storage of Maintenance equipment and separate area for tenants' storage.	Permission Granted
LA04/2022/1640/O	LOC	50m East of 199 Ballyhill Road Belfast	Site for 2 infill dwellings	Permission Refused

LA04/2022/1816/F	LOC	4 Chlorine Gardens Belfast BT9 5DJ.	Refurbishment and alterations to existing property to include a two storey extension to the rear to create 6No. own door short term serviced apartments, along with landscaped communal garden and bicycle storage.	Permission Granted
LA04/2022/1827/DCA	LOC	18 Strangford Avenue Belfast BT9 6PG.	Part demolition of walls to facilitate proposed extension to rear	Consent Granted
LA04/2022/1831/F	LOC	258 Limestone Road Belfast BT15 3AR.	Change of use from residential to short term stay accommodation.	Permission Refused
LA04/2022/2060/F	MAJ	122-126 DUNCRUE STREET LOW-WOOD INTAKE BELFAST ANTRIM BT3 9AR	Replacement of fire damaged storage and distribution warehouse on same building footprint (Retrospective).	Permission Granted
LA04/2021/1384/F	LOC	Lands 15m south of 48 Finvoy Street Belfast	Demolition of garage block and replacement with 2no. three storey 3-bed townhouses and associated site works.	Permission Granted
LA04/2022/1122/F	LOC	7 Ailesbury Drive Belfast BT7 3FB	Proposed rear and side extension. Proposed demolition of existing garage and erection of replacement two-storey store and study.	Permission Granted
LA04/2022/1677/F	LOC	Former Good Shepherd Centre at lands at Nos. 511 and 511a Ormeau Road Belfast BT7 3GS.	Change of use from artist's studio space (sui generis) at second floor of existing Good Shepherd Centre to office accommodation (Class B1).	Permission Granted

LA04/2022/1826/F	LOC	18 Strangford Avenue Belfast BT9 6PG.	Two storey extension to the rear of existing dwelling, and conversion of existing garage to home gym and store(amended proposal)	Permission Granted
LA04/2022/1828/DCA	LOC	4 Chlorine Gardens Belfast BT9 5DJ.	Alterations to window openings on front facade. Removal of single story lean-to store at rear. Alterations to rear facade to facilitate rear extension. Removal of ramp and front door.	Consent Granted
LA04/2022/1872/F	LOC	14 Camberwell Terrace Belfast BT15 3AS.	Change of use from 1No. dwelling house to 3 Apartments with bin store to front. Demolition of rear return and erection of 2 storey and 3 storey extension (amended description)	Permission Granted
LA04/2022/2138/F	LOC	22 CLONALLON COURT STRANDTOWN BELFAST DOWN BT4 2AB	Single storey side extension.	Permission Granted
LA04/2022/2139/F	LOC	22 BOUCHER CRESCENT BALLYMURPHY BELFAST ANTRIM BT12 6HU	Extension to existing car showroom to include proposed workshop, car valet/wash area and internal ancillary alterations.	Permission Granted
LA04/2022/2153/A	LOC	22 BOUCHER CRESCENT BALLYMURPHY BELFAST ANTRIM BT12 6HU	Car showroom signage	Consent Granted

LA04/2022/2216/F	MAJ	CENTRE HOUSE 69 - 87 CHICHESTER STREET TOWN PARKS BELFAST ANTRIM BT1 4JE	Change of use from offices to hotel (146 bedrooms) over five floors (2nd to 6th floor) including extension to 5th floor (17 bedrooms), goods hoist from ground to 2nd floor and elevational alterations to an existing building.	Permission Granted
LA04/2022/2254/LBC	LOC	NETTLEFIELD PRIMARY SCHOOL 16 RADNOR STREET BALLYMACARRET BELFAST DOWN BT6 8BG	Prefabricated modular single classroom unit including entrance hallway, w/c and store.	Consent Granted
LA04/2022/2256/F	LOC	NETTLEFIELD PRIMARY SCHOOL 16 RADNOR STREET BALLYMACARRET BELFAST DOWN BT6 8BG	Prefabricated modular single classroom unit including entrance hallway, w/c and store.	Permission Granted
LA04/2023/2417/F	LOC	31 LOOPLAND DRIVE BALLYMACONAGHY BELFAST DOWN BT6 9DW	Single storey extension to rear.	Permission Granted
LA04/2022/2353/F	LOC	261 GROSVENOR ROAD TOWN PARKS BELFAST ANTRIM BT12 4LL	Proposed extension to existing retail shop plus change of use from former bookmakers shop to part of the extended SPAR retail shop floor, back or house storage and staff accomadation. Minor alterations of existing car park and footpath area.	Permission Granted

LA04/2023/2495/F	LOC	326 Ballysillan Road, Belfast, BT14 6RA	Retention of retail use including amalgamation of existing units, rear extension to provide ancillary accommodation and storage and construction of new boundary walls. Proposal involves demolition of existing rear return and detached building. (Amended Description)	Permission Granted
LA04/2023/2536/LBC	LOC	Elmwood Building - Geography Building Queen's University Belfast, Elmwood Avenue, Belfast, BT9 6AZ	Removal of brickwork and railings to provide a safe pedestrian entrance from Elmwood Avenue to the Geography building.	Consent Granted
LA04/2023/2529/F	LOC	1 EUTERPE STREET MALONE LOWER BELFAST ANTRIM BT12 5PS	Retrospective application for roof terrace with privacy screening.	Permission Granted
LA04/2023/2573/F	LOC	35 CRANMORE GARDENS MALONE LOWER BELFAST ANTRIM BT9 6JL	Demolition of 2 storey rear return and existing single storey extension. Addition of new 2.5 storey extension to the rear; new side extension to replace existing extension and new single storey extension to side. Provision of new vehicular access and entrance gates / piers and new boundary treatment to Cranmore Gardens	Permission Granted

LA04/2023/2575/DCA	LOC	35 CRANMORE GARDENS MALONE LOWER BELFAST ANTRIM BT9 6JL	Demolition of 2 storey rear return and existing single storey extension. Addition of new 2.5 storey extension to the rear; new side extension to replace existing extension and new single storey extension to side. Provision of new vehicular access and entrance gates / piers and new boundary treatment to Cranmore Gardens	Permission Granted
LA04/2023/3678/F	LOC	3 UPTON AVENUE BALLYFINAGHY BELFAST BT10 0LU	TQ TESTING DEPLOYMENT - IGNORE - THIS WILL BE DELETED Test 3 Test MT MT30.	Permission Granted
LA04/2023/2676/CLEUD	LOC	20 RIDGEWAY STREET MALONE LOWER BELFAST ANTRIM BT9 5FB	House of Multiple Occupation.	Permitted Development
LA04/2023/2818/CLEUD	LOC	7 Ponsonby Avenue, Belfast, BT15 2LS	Existing use: Use of first floor as residential apartment'	Permitted Development
LA04/2023/2857/F	LOC	28 Beechmount Avenue, Belfast, BT12 7NA	Retention of Change of use from Residential Dwelling to Short Term Holiday Let Accommodation	Permission Refused
LA04/2023/2947/F	LOC	399 Cregagh Road, Belfast, BT6 0LF	Single storey extension to rear of existing dwelling.	Permission Granted
LA04/2023/2965/F	LOC	45 RIVERDALE PARK EAST BALLYMONEY BELFAST ANTRIM BT11 9DA	Proposed single storey extension to rear of dwelling and internal alterations.	Permission Granted
LA04/2023/3032/F	LOC	323 - 335 Beersbridge Road, Belfast, BT5 5DS	Extension of existing retail unit, amended parking layout and associated general ancillary site works.	Permission Granted

LA04/2023/3041/F	LOC	8 CRANMORE AVENUE MALONE LOWER BELFAST ANTRIM BT9 6JH	Proposed single storey rear extension; elevational alterations and proposed rear dormer with 2.1m close boarded fence to rear and widening of front access	Permission Granted
LA04/2023/3044/CLEUD	LOC	Flat 3, 98 Eglantine Avenue, Belfast, BT9 6EU	Existing use: Currently the flat has a temporary HMO certificate as a three bedroom property. It has been a HMO property since 1998. Attached are the last three years tenancy agreements	Permitted Development
LA04/2023/3054/F	LOC	14 GLENDARRAGH KNOCKNAGONEY BELFAST DOWN BT4 2WB	Single Storey Extension to Rear of Dwelling and Detached Garage.	Permission Granted

LA04/2023/3057/PAD	LOC	Unit 2 2 Rosetta Road Belfast, BT6 0LT	Create an indoor, miniature town where children (up to the age of seven) can have fun and learn valuable life skills whilst exploring the world we live in through role play and imagination. The play centre allows children to experience the high-street including play areas (contained within booths) such as a corner shop, ice cream parlor, construction site, post office, vets, salon, boutique and many more. The premises will have an on-site café and will provide a hub for parents to come and enjoy a relaxed and safe environment. Internally there will be no structural changes, only the installation of a stud wall toilet facility.	PAD Concluded
LA04/2023/3085/F	LOC	9 Kings Road, Belfast, BT5 6JF	Partial demolition of existing ground floor rear extension and associated pitch roof over. Remaining section of the existing ground floor rear return is to be altered to provide new glazed external doors and glazing to rear elevation. First floor landing window is to be altered reinstating it to its original size.	Permission Granted

LA04/2023/3086/DCA	LOC	9 Kings Road, Belfast, BT5 6JF	Partial demolition of existing single storey extension to the rear of the property to include internal and external walls, floors and roof over. Demolition of sections of wall below the existing sill of the remaining window in the rear return to increase the size of the window. Removal of pitch roof above existing single storey return. Demolition of sections of wall at first floor level below half landing window, reinstating window to its original size. Removal of external store door to be replaced with window.	Consent Granted
LA04/2023/3116/F	LOC	135 Stranmillis Road, Belfast, BT9 5AJ	Change of use of first floor from office / storage to apartment. New second floor extension to provide additonal apartment (2 no. apartments total)	Permission Granted
LA04/2023/3174/LBC	LOC	64 Old Cathedral Buildings Donegall Street, Belfast, BT1 2GT	Reinstatement of building following extensive fire damage. Works to include, replacement of roof structure, replacement windows, strip out and replacement of internal floor structures (retaining existing staircase) Replacment of all internal finishes	Consent Granted

LA04/2023/3194/F	LOC	240 Newtownards Road, Belfast, BT4 1AF	Proposed change of use and renovation of an existing office/ community building into a ground floor 'Good Relations' Community Hub and 6no. studio apartments on the first/ second floor. These will be for short term accommodation for those in housing need while they are waiting to find permanent housing.	Permission Granted
LA04/2023/3258/DC	LOC	6-20 Bloomfield Avenue, Belfast, BT5 5AD	Discharge of condition 10 LA04/2022/0651/F Remediation Strategy & Verification Report	Condition Not Discharged
LA04/2023/3312/F	LOC	81 -107 York Street, Belfast, BT15 1AT	Conversion of 2 No. ground floor retail units approved under planning permission LA04/2016/2385/F to 1 No. retail unit, external alterations to ground floor elevations and amendment to service access arrangements as approved under planning permission LA04/2016/2385/F	Permission Granted
LA04/2023/3335/DC	LOC	753 Antrim Road, Belfast, BT15 4EN	Discharge of Condition 8 LA04/2019/2255/F Final detailed drainage assessment	Condition Discharged
LA04/2023/3337/DCA	LOC	8 CRANMORE AVENUE MALONE LOWER BELFAST ANTRIM BT9 6JH	creation of new openings and demolitions to accommodate the proposed extension.	Consent Granted
LA04/2023/3331/CLOPUD	LOC	62 Beersbridge Road, Belfast, BT5 4RU	Proposed completion of apartment building as approved under LA04/2018/1187/F.	Permitted Development

LA04/2023/3336/F	LOC	100 Orby Road, Belfast, BT5 5HP	Single storey rear extension, ramp access and widening of existing vehicle access. (Amended Proposal Description)	Permission Granted
LA04/2023/3338/F	LOC	15 Rochester Avenue, Belfast, BT6 9JU	Change of roof type from hipped roof to pitch roof. (Amended Proposal description)	Permission Granted
LA04/2023/3390/F	LOC	LANDS TO REAR OF 34-66 ONSLOW PARADE, BELFAST	Revised Boundary treatments for approved care home, in substitution of boundary treatments previously approved under LA04/2015/0543/F.	Permission Granted
LA04/2023/3413/DCA	LOC	83 Somerton Road, Belfast, BT15 4DG	Demolition of existing kitchen extension and timber shed. Partial demolition of rear wall to accommodate alterations. Demolition of existing dormer windows to rear elevation	Consent Granted
LA04/2023/3446/F	LOC	206 Forest Winds Upper Malone Road, Belfast, BT17 9JZ	Dwelling and Garage (Change of house type in respect of approved replacement dwelling, LA04/2022/1171/F)	Permission Granted
LA04/2023/3460/F	LOC	93 Somerton Road, Belfast, BT15 4DH	Single storey rear and side extension, roofspace conversion to include front and rear dormers, covered garden storage to rear.	Permission Granted
LA04/2023/3442/F	MAJ	Lands directly south of Titanic Belfast and north-west of Hamilton Dock located off Queens Road, Belfast.	Erection of Hotel/Aparthotel comprising 135 hotel beds and 93 aparthotel beds, restaurant / cafe/bar uses, gym, landscaped public realm, car parking, cycle parking and associated site and road works	Permission Granted

LA04/2023/3450/DC	LOC	The Kings Hall Lisburn Road, Belfast, BT9 6GW	Layout and detail of the roof amenity terrace Discharge of Condition 29 - LA04/2020/0845/O	Condition Partially Discharged
LA04/2023/3440/NMC	LOC	28 Coolnasilla Park South, Belfast, BT11 8LF	NMC to LA04/2022/0755/F - Side, front and rear walls of side extension to be finished in cream painted smooth render.	Non Material Change Granted

LA04/2023/3464/NMC	LOC	10 Lorne Street, Belfast, BT9 7DU	Amendments to LA04/2017/1163/F the internal arrangement of apartments - there is no increase in number of apartments or the total number of bedrooms provided and hence there can be no intensification of use of the apartment block. Amendments to external elevations are mainly due to operational and structural issues associated with the maintentance and construction of the building respectively, and comprise of: Omission of bin store to Community Centre Elevation 4 and associated wall finish extended to ground level; Extension of bin store along SE boundary to accommodate Eurobin provision; Reconfiguration of disabled parking space; New timber gates to Community Centre Elevation 4 and Lower Windsor Elevation 2; Omission of 3 No. windows on the Community Centre Elevation 4; Extension of planted bed along SE Elevation (internal to courtyard); Updated locations of soil and vent pipes, rainwater pipes, and manhole positions. New rendered column to support projecting structure above along SE	Non Material Change Granted
LA04/2023/3584/A	LOC	236 Upper Newtownards Road, Belfast, BT4 3EU	(Retrospective) Temporary advertising hoarding for a period of 12 months. (Amended Site Description)	Consent Granted

LA04/2023/3480/F	LOC	65 Ballygomartin Road, Belfast, BT13 3LB	Change of use from Dwelling to HMO	Permission Granted
LA04/2023/3491/F	MAJ	47 Boucher Road, Belfast, BT12 6HR	Proposed Retail Warehouse Unit with Associated Car Parking and Site Works.	Permission Granted
LA04/2023/3512/F	LOC	1A Benmadigan Hill Antrim Road, Belfast, BT36 7GF	New vehicular access, alteration to existing wall, construction of new wall, new pedestrian access and gate and closing up of existing access. (Retrospective)	Permission Granted
LA04/2023/3501/F	LOC	46 Stranmillis Road, Belfast, BT9 5AD	Retention of decking and awning to front of shop	Permission Granted
LA04/2023/3502/A	LOC	46 Stranmillis Road, Belfast, BT9 5AD	1no first floor sign on gable elevation	Consent Granted
LA04/2023/3541/DC	LOC	A Wing, Crumlin Road Gaol 53-55 Crumlin Road, Belfast, BT14 6ST	Prototype for altered cell windows Discharge of Condition no.14 LA04/2019/2756/F	Condition Discharged
LA04/2023/3589/F	MAJ	STORMONT HOTEL 587 UPPER NEWTOWNARDS ROAD BALLYCLOGHAN BELFAST DOWN BT4 3LP	‘Hybrid planning application for a retirement village comprising: a) The change of use of the existing hotel, conference centre and offices (sui generis) to a 97-bed care home (Use Class C3(b)) and 1,559sqm diagnostic medical facility (Use Class D1(a)). b) Outline planning permission with all matters reserved for independent living and assisted living retirement apartments (Use Class C3), associated internal access roads, communal open space, revised access from Castleview Road, associated car parking, servicing, amenity space and landscaping.’	Application Invalid

LA04/2023/3768/F	LOC	5 Greenwood Park, Belfast, BT4 3JN	Single storey side and rear extension. Additional site works.	Permission Granted
LA04/2023/3747/F	LOC	18 Thirlmere Gardens, Belfast, BT15 5EF	Single storey extension with raised terrace and access ramp	Permission Granted
LA04/2023/3794/F	LOC	36 Lacefield, Belfast, BT4 3PA	Roofspace conversion with velux windows to side roof and new juliet balcony to rear and single storey side extension (amended site location map).	Permission Granted
LA04/2023/3822/F	LOC	Belfast Stories - Site 10 78-90 Union Street & 14-20 Kent Street, Smithfield and Union, Belfast, BT1 2JA	Temporary permission for two years for community facility containing green and grow space to include raised beds, pollinator towers, rainwater harvesting containers, compost bins, solar panels, seating and toilets. Space to be partly covered by a stretch tent and proposed shipping container to provide ancillary office space. □	Permission Granted
LA04/2023/3815/NMC	LOC	Vacant land bounded by First Street, North Howard Street, Third Street and Conway Street, Belfast	Change Units 11-16 from 3-bed to 2-bed dwellings. Reduce floorspace of Units 10 and 17. Change finish of Unit 12 to brick (instead of Unit 16).	Non Material Change Granted
LA04/2023/3861/F	LOC	1 Belmont Park, Belfast, BT4 3DU	Single storey extension to side and rear to provide open plan kitchen / living / dining area, internal alterations & new side door	Permission Granted
LA04/2023/3868/F	LOC	21 Haddington Gardens Belfast BT6 0AN	Roof-space conversion with dormer to rear and roof-lights to the front elevation.	Permission Granted

LA04/2023/3970/F	LOC	SERVICE LAND TO WEST OF 15 NEWTOWNBREDA ROAD, BELFAST, CO. ANTRIM, BT8 6BQ	THE REMOVAL OF EXISTING 15M HIGH POLE AND ASSOCIATED CABINETS AND REPLACED WITH A 20M HIGH POLE ON NEW PAD FOUNDATION, 6NO. (VM) ANTENNAS, 2NO. (VM) DISHES, 1NO. (VM) GPS MODULE, 1NO. CABINET.	Application Invalid
LA04/2023/3968/F	LOC	30 Irwin Crescent, Belfast, BT4 3AQ	Single Storey Rear Extension and Dormer to Rear Elevation	Permission Granted
LA04/2023/3992/A	LOC	2-10 Floral Buildings East Bridge Street, Belfast, BT1 3NQ	1 Digital	Consent Granted
LA04/2023/3984/F	LOC	16 Richhill Crescent, Belfast, BT5 6HF	Demolition of existing sunroom to the rear. Addition of two storey and single storey extension to the rear.	Permission Granted
LA04/2023/4001/NMC	LOC	10 Lorne Street, Belfast, BT9 7DU	Rationalisation and simpification of materials and finishes used, and associated practical revisions, including: horizontal transoms added to some windows with opening light; Omission of all zinc cladding; Vertical slate cladding added where indicated; Additional mansard roofs where indicated; Omission of blue brick and surface banding	Non Material Change Refused
LA04/2023/3988/F	LOC	105 BARNETTS ROAD BALLYCLOGHAN BELFAST DOWN BT5 7BE	Dwelling to receive full refurbishment works and proposed increase in ridge height due to full roof replacement works.	Permission Granted
LA04/2023/4048/A	LOC	3 Donegall Square West, Belfast, BT1 6JA	2 Shop sign	Consent Granted

LA04/2023/4042/F	LOC	33 Notting Hill, Belfast, BT9 5NH	Proposed siteworks to front of property including erection of new railings and vehicular and pedestrian access gates, and hard and soft landscaping.	Permission Granted
LA04/2023/4053/CLEUD	LOC	FLat 2, 4 DONNYBROOK STREET MALONE LOWER BELFAST ANTRIM BT9 7DD	House in Multiple Occupation (HMO)	Permitted Development
LA04/2023/4057/F	LOC	52 Mountainview Gardens, Belfast, BT14 7GW	Single storey side and rear extension, widening of access to side, raise cill height to the landing window at the existing gable wall, ramp to extension to rear and associated ground levelling.	Permission Granted
LA04/2023/4101/F	LOC	2 Royal Avenue, Belfast, BT1 1DA	Change of use of the ground floor from A1 Retail to mixed-use community recreational and cultural space for multi-disciplinary uses, including small scale retail and café. Also change of use of the first floor from office use to a mix of office, community, recreational and cultural space to facilitate multi-disciplinary uses.	Permission Granted
LA04/2023/4065/F	LOC	13 Ardglen Place, Old Park, Belfast, BT14 7RP	Single storey shower room extension at rear curtilage and single storey extension to existing front lobby.	Permission Granted
LA04/2023/4109/CLEUD	LOC	Flat 1, 8 Cameron Street, Belfast, BT7 1GU	House of Multiple Occupation	Application Invalid

LA04/2023/4132/F	LOC	112 Eglantine Avenue, Belfast, BT9 6EU	Proposed alterations to existing HMO including; internal structural changes to street-front apartments and complete redevelopment of rear apartments.	Application Invalid
LA04/2023/4133/DCA	LOC	112 Eglantine Avenue, Belfast, BT9 6EU	Demolition of existing three-storey rear return and outbuildings	Application Invalid
LA04/2023/4166/F	LOC	Lands at the "Bullring" located approximately 65m to the east of 15 Peter's Hill, BT13 1EN	Relocation of the "Angel of the Shankill" statue to lands at the "Bullring" site.	Permission Granted
LA04/2023/4183/F	LOC	34 Denorrton Park, Belfast, BT4 1SF	Proposed single storey rear and side extension with terraced area.	Permission Granted
LA04/2023/4161/DETEIA	LOC	LANDS NORTH EAST OF OLYMPIC HOUSE, EAST OF QUEENS ROAD AND SOUTH OF BELFAST METROPOLITAN COLLEGE	Erection of Purpose Built Managed Student Accommodation (PBMSA) scheme with internal landscaped courtyard, public realm, site works and access arrangements from Queen's Road.	Environmental Statement Not Required
LA04/2023/4156/A	LOC	69a Great Victoria Street, Belfast, BT2 7AF	Proposed replacement of existing 48 sheet advertisement with a digital advertisement	Consent Granted
LA04/2023/4191/DC	LOC	150 Knock Road, Belfast, BT5 6QD	Discharge condition 11 LA04/2021/2144/F Final Drainage Assessment	Condition Discharged
LA04/2023/4205/F	LOC	1 Knockmount Park, Belfast, BT5 6GR	REPLACEMENT OF EXISTING BOUNDARY WALL AND FENCE WITH NEW WALL AND FENCE AND WIDENING OF DRIVEWAY ACCESS (AMENDMENT TO PREVIOUS APPROVAL REF: LA04/2021/2501/F (RETROSPECTIVE)	Permission Granted
LA04/2023/4210/WPT	LOC	11 Glenmachan Drive, Belfast, BT4 2RE	Works to 2 trees.	Works to TPO Granted
LA04/2023/4218/CLOPUD	LOC	81 Antrim Road, Belfast, BT15 2BJ.	Change of use from HMO to airbnb.	Application Invalid

LA04/2023/4230/CLEUD	LOC	Flat 1, 49 Eglantine Avenue, Belfast, BT9 6EW	3 bedroom flat - HMO - House in Multiple Occupation	Permitted Development
LA04/2023/4231/CLEUD	LOC	Flat 2, 49 Eglantine Avenue, Belfast, BT9 6EW	5 Bedroom Flat - HMO - Houses in Multiple Occupation	Permitted Development
LA04/2023/4250/CLOPUD	LOC	10 Riverside View, Wellington Square, Belfast, BT7 3LE	Single storey extension	Permitted Development
LA04/2023/4342/F	LOC	9 Pirrie Park Gardens, Belfast, BT6 0AG	Erection of fire enclosure to the existing external fire staircase at Downey House School, Belfast	Permission Granted
LA04/2023/4270/NMC	LOC	Westbank Road, Belfast, BT3 9LJ	Addition of plant room with external refrigerator equipment as indicatively approved in stamped approved drawing 02B.	Non Material Change Granted
LA04/2023/4266/F	LOC	3 Toronto Street, Belfast, BT6 8EQ	TWO STOREY REAR EXTENSION	Permission Granted
LA04/2023/4282/CLEUD	LOC	Flat 1 189 Cliftonpark Avenue, Belfast, BT14 6DT	Short term holiday let accommodation	Permitted Development
LA04/2023/4283/DC	LOC	Admin Building Former Belvoir Park Hospital, Belfast, BT8 8SJ	Discharge of condition 10 of application LA04/2022/2098/F A window sample as specified within the wording of the condition has been shown and approved by HED.	Condition Discharged
LA04/2023/4277/DC	LOC	20 North Circular Road, Belfast, BT15 5HB	Discharge condition 2 LA04/2022/1071/F Lighting Verification Report	Condition Discharged

LA04/2023/4278/DC	LOC	Lands at the Gasworks Northern Fringe site; bounded to the north by McAuley Street Stewart Street and Raphael Street; Cromac Street to the west; the River Lagan and Belfast-Newry railway line to the east; and the Gasworks Business Park to the south.	discharge of condition 44 application Brick specification sheets	Condition Partially Discharged
LA04/2023/4323/F	LOC	Unit 7a Connswater Retail Park, Connswater Link, Belfast, BT5 4AF	Alteration of front elevation to provide additional window opening	Permission Granted
LA04/2023/4326/A	LOC	Unit 7a Connswater Retail Park, Connswater Link, Belfast, BT5 4AF	Replacement of existing high level facia signage with new Specsavers corporate signage along with 2 No. projecting signs and 2 No. rows of manifestation dots to glazing.	Consent Granted
LA04/2023/4296/F	LOC	10 Strathearn Mews, Belfast, BT4 2QU	Single storey extension to rear with internal alterations	Permission Granted
LA04/2023/4297/DC	LOC	Vacant lands at access road to Olympia Leisure Centre, directly opposite and approx. 70m east of, Nos 9-15 Boucher Road, Belfast	Discharge of condition 21 Final Construction Environmental Management Plan	Condition Discharged
LA04/2023/4306/DC	LOC	Lands at the Gasworks Northern Fringe site; bounded to the north by McAuley Street Stewart Street and Raphael Street; Cromac Street to the west; the River Lagan and Belfast-Newry railway line to the east; and the Gasworks Business Park to the south.	Discharge of condition 25 Vibration Impact Assessment; Foundations and floor construction details	Condition Discharged

LA04/2023/4371/F	LOC	177 Malone Road, Belfast, BT9 6TB	Demolition of existing garage, two storey side extension to dwelling, single storey external covered patio to rear. Detached replacement garage, new first floor rear window to dwelling and associated site works. (in substitution of LA04/2022/1092/F)	Permission Granted
LA04/2023/4328/F	LOC	6 Hazel Drive, Dunmurry, Belfast, BT17 0ZH	Single storey accessible rear bedroom and bathroom extension.	Permission Granted
LA04/2023/4308/NMC	LOC	Site to the rear of, 30, 30A and 32 Ballysillan Road, and between10 and 41 Faburn Park, Belfast BT14 8AJ	With reference to the 6 new dwellings only, complete removal of chimney stacks from the design. Non material change Z/2013/0797/F.	Non Material Change Granted
LA04/2023/4310/F	LOC	2 Ballymurphy Parade, Belfast, BT12 7LB	Proposed single storey extension to side and rear of dwelling.	Permission Granted
LA04/2023/4354/DC	LOC	Former Belfast Telegraph complex at 124-144 Royal Avenue and, 1-29 Little Donegall Street, Belfast, BT1 1DN	Discharge condition 4 LA04/2018/1991/F Heating System Specification	Condition Discharged
LA04/2023/4319/DC	LOC	140 Donegall Street, Belfast, BT1 2FJ	Discharge conditon 16 LA04/2021/0516/F Disabled Parking Provision Plan	Condition Discharged
LA04/2023/4321/F	LOC	8 Kylemore Park, Belfast, BT14 6SA	Single-storey rear and side extension with external terrace.	Permission Granted
LA04/2023/4331/DC	LOC	333-339 Albertbridge Road, Ballymacarret, Belfast, BT5 4PY	Discharge condition 5 LA04/2016/2183/F Details of enclosure for bin storage	Condition Discharged
LA04/2023/4341/WPT	LOC	70 Kings Road, Belfast, BT5 6JL	Works to trees in Conservation Area (Reduce height and width by approx 2-3 meters)	Works to Trees in CA Agreed
LA04/2023/4359/F	LOC	24 Glasvey Court, Dunmurry, Belfast, BT17 0DY	Single storey, level access extension.	Permission Granted

LA04/2023/4370/DC	LOC	10-16 Hill Street, Belfast, BT1 2LA	Discharge Condition 8 - LA04/2023/2685/F Archaeological programme of works	Condition Discharged
LA04/2023/4392/NMC	LOC	Lands at 13-23 Clarence Street and 26-28 Linenhall Street, Belfast, BT2 8ED	An application to alter the wording of existing planning conditions 2, 9, 10, 12 and 14 within application LA04/2015/0674/F under section 67 part 3.b of the Planning Act (2011).	Non Material Change Granted
LA04/2023/4402/DC	LOC	Danske Bank 10 Donegall Square West, Belfast, BT1 6JS	discharge of condition 2 Document detailing the cladding samples submitted for HED approval.	Condition Discharged
LA04/2023/4407/CLEUD	LOC	36 Beechmount Street, Belfast, BT12 7NG	Existing use: HMO	Permitted Development
LA04/2023/4411/LBC	LOC	38-40 University Road, Belfast, BT7 1NH	Removal of all existing 1970's softwood sashes to windows. Installation of new like-for-like hardwood sashes with upgraded slim-double glazed units.	Consent Granted
LA04/2023/4418/PAN	MAJ	ECIT Building Queens Road, Queen's Island, Belfast, BT3 9DT	Extension to the ECIT Building (Institute of Electronics, Communications and Information Technology), Queen's Road, Queen's Island to provide additional research and development space with associated landscaping and site works.	Proposal of Application Notice is Acceptable
LA04/2023/4475/PAN	LOC	15 Bloomfield Avenue, Belfast, BT5 5AA	Change of use of first and second floor of The Arches Centre into 44 No. apartments and erection of additional storey (new 3rd floor) to provide 21 No. apartments and associated and ancillary development.	Proposal of Application Notice is Acceptable

LA04/2023/4499/DC	LOC	30 Wellington Park, Belfast, BT9 6DL	All points regarding soft & hard landscaping as per condition No. 5 of permission LA04/2016/2649/F.	Application Invalid
LA04/2023/4490/WPT	LOC	70 Kings Road, Belfast, BT5 6JL	Works to trees in a Conservation Area	Works to Trees in CA Agreed
LA04/2023/4529/WPT	LOC	34 Cleaver Park, Belfast, BT9 5HY	Works to trees in a Conservation Area	Works to Trees in CA Agreed
LA04/2023/4536/DC	LOC	The Kings Hall Lisburn Road, Belfast, BT9 6GW	Discharge of condition 29 and 30 LA04/2020/0845/O Landscape Plan & Landscape Maintenance and Management Plan	Condition Discharged
				Total Decsions 133

Belfast City Council

PLANNING COMMITTEE

Subject:	Pilot for amending the process for notifying Conservation Area Consent (DCA) applications to the Department for Infrastructure
Date:	16th January 2024
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management)

Restricted Reports				
Is this report restricted?	**Yes**		**No**	X
If Yes, when will the report become unrestricted?				
After Committee Decision				
After Council Decision				
Some time in the future				
Never				

Call-in				
Is the decision eligible for Call-in?	**Yes**	X	**No**	

1.0	**Purpose of Report or Summary of Main Issues**
1.1	To report on a pilot for amending the process for notifying Conservation Area Consent applications to the Department for Infrastructure (DfI). The pilot is intended to reduce the number of such applications that the Council is required to notify to DfI, therefore reducing administrative processes and speeding up the application process for those applications.
1.2	The pilot will run from 1st February 2024 and is expected to be for an initial period of 6-months with the option of extending.
2.0	**Recommendation**
2.1	The report is for notation.

3.0	**Main Report**
	Background
3.1	Section 105 of the Planning Act (Northern Ireland) 2011 ("the Act") states that Conservation Area Consent is required for demolition of a building in a Conservation Area. Such applications are more commonly referred to as "Demolition in a Conservation Area" applications, or "DCA applications". There are a number of exclusions for the requirement for Conservation Area Consent including, amongst others, where the cubic content of the building does not exceed 115 cubic metres or part of such a building; or demolition of a gate, wall, fence or other measure of enclosure which is less than 1 metre high where abutting a highway or public open space, or 2 metres high in any other case.
3.2	Section 90 of the Act empowers the Department for Infrastructure (DfI) to issue a direction requiring that DCA applications are referred to it. The current direction requires all DCA applications which councils intend to approve to be notified to DfI before the decision can be issued. Officers advise that this is wholly disproportionate since demolition in a Conservation Area is essentially a local matter and not generally of regional importance. This notification process is not required in other jurisdictions such as England and Wales.
3.3	Indeed, the requirement for councils to notify all DCA applications to DfI is unnecessary bureaucracy and an example of the excessive "red tape" which currently exists in the NI planning system. These notifications require additional administrative processes and adds to determination periods. It also causes uncertainty for applicants. BCC Planning Service has raised this issue with the Department from time to time and met DfI in 2019, requesting reform of the notification process.
3.4	Following its call for evidence in 2021, DfI published its review of the implementation of the Act in January 2022. As part of this review, DfI set out its commitment to reviewing the various current directions, including that relating to the notification of DCA applications by councils. The review of the Conservation Area Consent notification process also forms part of the regional planning improvement programme following publication of the NI Audit Office and Public Accounts Committee reports on the NI planning system in 2022.
	Evidence base
3.5	The Department has confirmed that between September 2018 and 04 November 2023, 415 DCA applications were notified to it. Of these, **no DCA applications were referred** ('called in') to the Department for determination. However, DfI is aware of six DCA applications that were called-in between April 2015 and September 2018.
3.6	However, the Committee will be aware of DfI's more recent decision to call-in the DCA application relating to the proposed demolition of existing dwellings and erection of two new dwellings at 448 and 450 Lisburn Road (LA02/2021/1318/DCA). The Council is unaware of any further call-in decisions and therefore this would represent a single DCA application called-in over an approximate 5-year period. This equates to only 0.25% of all DCA applications called-in during that time. This clearly demonstrates that the current notification requirements are disproportionate.
	Pilot notification process
3.7	It is pertinent that for the period in question, 354 of the 415 DCA applications were notified by BCC, representing 85% of all DCA applications across the region. Clearly, BCC is responsible for the vast majority of DCA notifications in NI due to the number of Conservation Areas across the city and it has been approached by the Department about taking part in a pilot for reforming the DCA notification process.

3.8	Under the pilot, BCC will **only be required** to notify DCA applications to DfI under the following circumstances: (a) where the proposal involves <u>full demolition</u> of the building and/or; (b) where, prior to a decision being taken, the council intends to grant consent and specialist conservation advice [from within the Planning Service] raises concern(s) about the proposed demolition.
3.9	A copy of the draft temporary direction is provided at **Appendix 1**.
3.10	The pilot is exclusively with Belfast City Council, which is the only council involved in the pilot at this time.
	<u>Aims and Objectives of the pilot</u>
3.11	It is envisaged that the pilot will: • reduce administrative processes and increase efficiency to improve performance against statutory targets, while safeguarding the character or appearance of conservation areas; • provide more certainty for applicants and stakeholders around the decision making process; • enable a review of the checks and balances of the conservation area consent process to deliver change addressed in the regional planning improvement programme; • guide and promote continuous improvement by identifying, constructively responding to, and exploring new ways in the delivery of planning; and • encourage collaboration and joined up working between stakeholders.
3.12	Officers strongly welcome the pilot, which is expected to streamline the current DCA notification process, and acknowledge the positive role that the Department has played in proposing the pilot and helping to bring it forward.
	Monitoring and Review
3.13	The pilot will commence on 1st February 2024 and will be for an initial period of six months, with the option to extend.
3.14	Data will be collected during the pilot to enable the Department to review the impact on the DCA notification process. As well as recording the applications that have been notified, information will be captured in relation to the DCA applications that would have been required to notified to DfI under the old process.
3.15	The outcome of the pilot will be reported to the Committee.
4.0	**Financial & Resource Implications**
4.1	The pilot is expected to reduce administrative processes and speed up the application process for some Conservation Area Consent applications. This will have a positive impact on finances and resources.

5.0	**Equality or Good Relations Implications / Rural Needs Assessment**
5.1	There are no equality or good relations / rural needs implications associated with this report.
6.0	**Appendices – Documents Attached**
	Appendix 1 – Copy of draft Conservation Area Consent Notification Direction.

The Conservation Areas (Removal of Duty to Notify) (Belfast City Council) Direction 2023

The Department for Infrastructure makes the following Direction in exercise of the power conferred on it by section 90(1) and (5) (as applied by section 105(6)) of the Planning Act (Northern Ireland) 2011[1]. This direction applies to Belfast City Council.

Citation, Commencement and Expiry

1. This Direction may be cited as the Conservation Areas (Removal of Duty to Notify) (Belfast City Council) Direction 2023.

2. This direction comes into operation on xx and ceases to have effect on such a date to be notified to the Council by the Department in writing.

Interpretation

3. In this Direction:

"*the Act*" means the "Planning Act (Northern Ireland) 2011";

"*conservation area consent*" has the meaning given in section 105(2) of the Act;

"*specialist conservation advice*" means advice obtained by, for and on behalf of the council from any person who has successfully completed;

the Royal Society of Ulster Architects (RSUA) course in Historic Building Conservation or;

can demonstrate that they have successfully completed an equivalent, or higher, course.

Determination by councils of certain conservation area consent applications without notifying the Department

4. Section 89 (as applied by section 105(6)) of the Act shall cease to apply to applications for conservation area consent save for those applications described at paragraph 5 below.

5. (a) for the demolition of all of the building and/or;

(b) where, prior to a decision being taken, the council intends to grant consent and specialist conservation advice raises concern(s) about the proposed demolition.

Sealed with the Official Seal of the Department for Infrastructure on xx **---**

[1] 2011 c.25(N.I.)

(L/S) ALISTAIR BEGGS
A senior officer of the Department for Infrastructure

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Explanatory Note
(This note is not part of the Direction)

Paragraph 3 sets out the definition of "specialist conservation advice" for the purposes of this direction. The terms "the Act", and "conservation area consent", are also defined i.e. for the purposes of clarity.

Paragraph 4 of this Direction disapplies the requirement to notify the Department of applications for conservation area consent i.e. subject to the exceptions specified in paragraph 5.

Paragraph 5 retains the requirement to notify the Department, of applications for conservation area consent, in three circumstances i.e. where the council intends to:

- grant consent for the complete demolition of a building [sub-paragraph 5(a)];

- grant consent and specialist conservation advice obtained by, for and on behalf of the council raises concern(s) about the proposed demolition and those concerns remain even where mitigation measures and/or other material planning considerations have been accepted by the council to off-set those concerns [sub-paragraph 5(b)]; and

- grant consent:
  - for the complete demolition of a building [sub-paragraph 5(a)]; and
  - specialist conservation advice obtained by, for and on behalf of the council raises concern(s) about the proposed demolition and those concerns remain even where mitigation measures and/or other material planning considerations have been accepted by the council to off-set those [sub-paragraph 5(b)].

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ADDENDUM REPORT	
Committee Date: 16th January 2023	
Application ID: LA04/2023/2668/F	
Proposal: Demolition of existing buildings and the erection of an affordable housing development comprising of 69No. units with a mix of apartments and townhouses, including an ancillary community hub and offices, car parking, landscaping and all associated site and access works (amended description)	**Location:** Lands bound by Pilot Street, Short Street, the rear of nos. 11-29 Garmoyle Street and, the rear of Nos. 63 & 65a Dock Street and No. 123 Corporation Street, Belfast
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Belfast Harbour Harbour Office Corporation Square Belfast BT1 3AL	**Agent Name and Address:** Turley Hamilton House 3 Joy Street Belfast BT2 8LE

Background:

This application was due to be considered at the December Planning Committee. However, the application was deferred for a Committee site visit. The site visit took place on 10th January 2024.

This report should be read in conjunction with the report to the 12th December 2023 Planning Committee, appended.

Additional consultation responses

BCC Environmental Health – no objection subject to conditions. Conditions advised in relation to contamination, noise, final construction environmental management plan and updated air quality assessment should centralised boilers, CHP, generators or biomass sources be proposed. These conditions are recommended.

BCC Economic Development Unit – recommends that an Employability Skills Developer Contribution is required for the construction phase. Officers advise that this should be secured by way of a Section 76 planning agreement.

BCC City Regeneration and Development (previously received) welcomes development proposals which provide high quality sustainable development to meet current and future demands. However, concerns are raised regarding mixed tenure approaches to ensure that everyone has access to good quality accommodation that meets the needs of different ages, genders and abilities. Belfast City Council is collaborating with the Belfast Harbour Commission on opportunities to further improve the public realm and streetscape, connectivity, and legibility of this area of Greater Clarendon/City Quays District. Further comments as follows:

- Residential population – concerns regarding the single tenure approach to the off-site provision of affordable housing;
- Connectivity – concerns relating to the lack of greenery, but it is noted that further details of landscaping will be subject to a condition to ensure appropriate public realm arrangements;

- Parking – supports the reduction of car parking through the implementation of green travel measures to ensure there are alternatives to the private car;
- Waste management – the storage areas should be secured by condition;
- Accessibility – further clarification on how the proposal has considered accessibility; and
- Energy conservation – supports proposals that maximise BREEAM standards or equivalent, which this application strives to do.

Officers advise that these are planning policy considerations which have been satisfactorily addressed in the original Committee report, appended.

Recommendation

Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other matters that arise, provided that they are not substantive.

Development Management Report

Summary	
Committee Date: 12th December 2023	
Application ID: LA04/2023/2668/F	
Proposal: Demolition of existing buildings and the erection of an affordable housing development comprising of 69No. units with a mix of apartments and townhouses, including an ancillary community hub and offices, car parking, landscaping and all associated site and access works (amended description)	**Location:** Lands bound by Pilot Street, Short Street, the rear of nos. 11-29 Garmoyle Street and, the rear of Nos. 63 & 65a Dock Street and No. 123 Corporation Street, Belfast
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Belfast Harbour Harbour Office Corporation Square Belfast BT1 3AL	**Agent Name and Address:** Turley Hamilton House 3 Joy Street Belfast BT2 8LE

Executive Summary:

This application relates to two parcels of land either side of Pilot Street at Sailortown to the north of the City Centre. The application seeks full planning permission for the erection of 69 residential units, including 16 houses and apartments on “Site 1” adjacent Dock Street, Garmolye Street and Short Street; and a block of 53 apartments on “Site 2” adjacent Corporation Street.

The key issues for consideration of the application are set out below.

- Principle of housing in this location
- Housing density
- Affordable housing
- Housing mix
- Adaptable and accessible accommodation
- Design and placemaking
- Public realm
- Impact on heritage assets
- Climate change
- Residential quality and impact on amenity
- Open space
- Access and transport
- Health impacts
- Environmental protection
- Flood risk and drainage
- Waste-water infrastructure
- Waste management
- Natural heritage
- Employability and Skills
- Section 76 planning agreement

- Pre-application Community Consultation

The site is within the development limit and north of the City Centre. Site 2 is within a Major Employment Area in both versions of the draft Belfast Metropolitan Area Plan 2015 (v2004 and v2014) and zoned existing employment land in the most recent version (v2014).

The proposal is for social housing for which there is a significant unmet need in the city. Moreover, the proposal will help to regenerate this part of Sailortown. The loss of employment land is therefore considered acceptable.

The application is linked to the application for 256 Build To Rent apartments at City Quays 4 as it will provide the affordable housing required for that scheme under Policy HOU5. Both applications are being considered by the Committee on the same agenda.

On balance, the design of the proposal is considered in keeping. Sufficient parking would be provided. Following amendments to the scheme, there would be no unacceptable impacts on adjacent residential properties.

NIHE is supportive of the social housing. DfI Roads, DAERA, DfI Rivers and SES offer no objections to the proposal. NI Water has concerns about the availability of waste-water infrastructure. Final comments are awaited from Environmental Health in relation to potential noise impacts from the two bars adjacent the site.

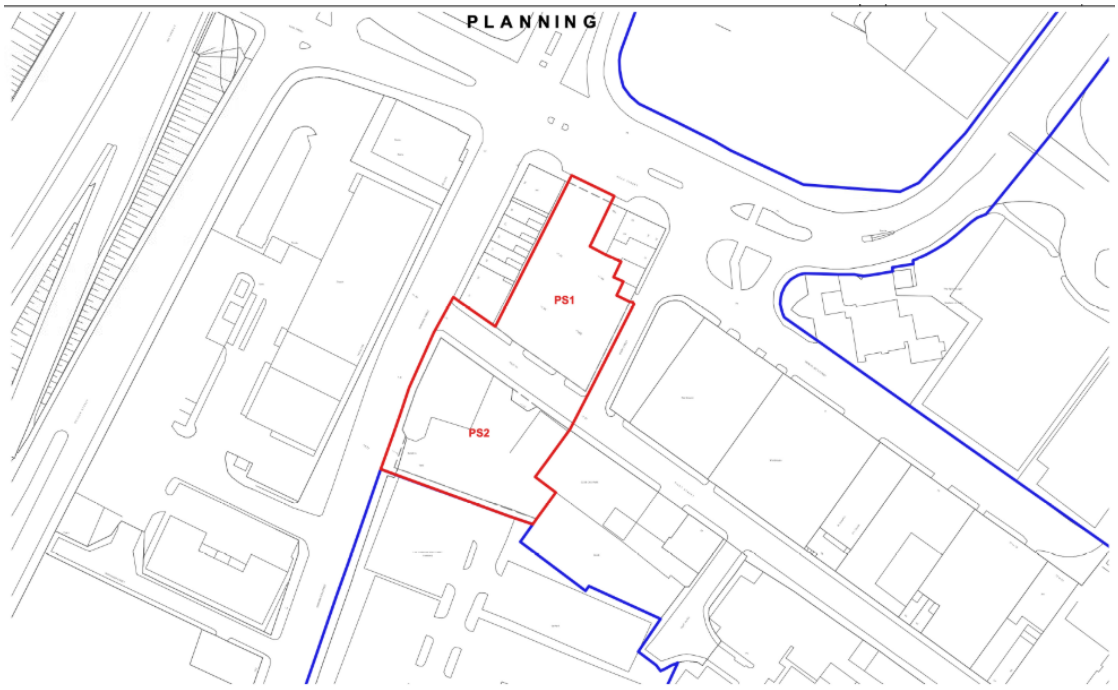
Three objections have been received from residents on Garmoyle Street on grounds of adverse impact upon their amenity, however, officers consider that those issues have been resolved following amendments to the scheme.

Having regard to the Development Plan and material considerations, it is recommended that planning permission should be granted subject to conditions and a Section 76 planning agreement.

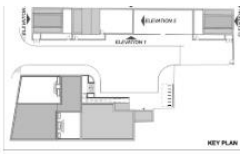
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, subject to final comments from Environmental Health, and deal with any other matters that arise, provided that they are not substantive.

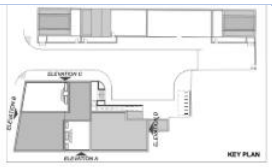
DRAWINGS AND IMAGERY

Site Location Plan:



Proposed Elevations Site 1:





Proposed Elevations Site 2:

CGI:

1.0	**Characteristics of the Site and Area**
1.1	This application site comprises two parcels of land situated to either side of Pilot Street in Sailortown to the north of the City Centre. Both sites are previously developed land (brownfield) and have a combined site area of 0.4 ha.
1.2	**Site 1** is located next to Pilot Street, Short Street and Dock Street. Historically the site was used by Irish Feeds Ltd for the storage and distribution of animal feeds. Its most recent use is as an area of hardstanding and informal car park. The north eastern boundary of the site is shared with The American Bar, a three storey Public House; and Benny's Café, a two-storey café/sandwich bar. The north western boundary comprises of McKenna's Bar, a two storey Public House; and residential properties located at Nos. 11-27 (evens) and Nos. 25-29 Garmoyle Street, and a vacant retail unit located at Nos. 2-4 Pilot Street. Further east of the site are residential properties located at Nos. 1-15 (evens) Short Street, a row of two and a half storey terraced properties, and Harbourview Apartments; a two and a half storey block stepping up to five/five and a half storey towards the waterfront which is operated by Clanmil Housing Association.
1.3	The residential properties along Garmoyle Street have rear returns facing towards the site. The retail unit also has high level windows which overlook the site; however, given the operations associated with this unit there is not anticipated to be any issues relating to overlooking/privacy. An existing gated alleyway runs between the site and the rear of the properties along Garmoyle Street. The alleyway is understood to be used for servicing of these properties and is outside the application boundary. **Site 1:**
1.4	**Site 2** is located at the junction of Corporation Street and Pilot Street, comprising of an existing two storey office building to its northern boundary, and 2 x two-storey warehousing buildings located to its north-western and south eastern boundaries respectively; both which were associated with the former ship supplies business in the site which ceased operations in 2017. The site is bound to its southern, eastern, and western boundaries by a circa 2.5m high brick wall with security gates located along its boundaries with Pilot Street and Corporation Street. Further east of the site is the Dockers Club, a social/boxing club established in the 1970s. Further northwest of the site is the Driver and Vehicle Agency (DVA) Headquarters. Immediately southwest of the site is an existing surface level car park.

Site 2:

Description of Proposed Development

1.5 The application seeks full planning permission for the demolition of existing buildings and the erection of an affordable housing development comprising of 69 residential units with a mix of apartments, townhouses, including an associated community hub and offices, car parking, landscaping and all associated site and access works.

1.6 The application follows Pre-Application Discussions with officers.

2.0 PLANNING HISTORY

2.1 Relevant planning history is summarised below.

- *Z/2010/1006/O* – Proposed major mixed use development comprising offices; small scale retail and retail services; cafes/restaurants; a hotel; residential development and associated amenity space; basement, multi storey and surface level car parking; open space, service areas and related infrastructure improvements. Lands bounded by the River Lagan to the east Corporation Street to the west Dock Street and Corry Link to the north and the elevated M3 Cross Harbour Bridge/Motorway to the south City Quays Clarendon Dock Belfast BT1 3AL.

  Permission granted on 22nd July 2014. Applications for reserved matters must be made by 21st July 2024. The permission must be begun by either 21st July 2026 or within 2 years of the date of approval of the last reserved matters.

- LA04/2021/1570/F- Retrospective out-door beer garden with covered seating area and dispense bar. West of 65-65A Dock Street, Belfast BT15 1FL.

  Permission granted on 25th October 2023.

- LA04/2021/1570- Out-door beer garden with covered seating area and dispense bar. Retrospective application for a beer garden to the west of 65-65A Dock Street Belfast BT15 1FL. Planning permission granted on 24th October 2023.

3.0	**PLANNING POLICY**
3.1	**Development Plan – operational policies** <u>Belfast Local Development Plan, Plan Strategy 2035</u> Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity 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 EC3 – Major employment and strategic employment locations Policy EC4 – Loss of zoned employment land Policy DES1 – Principles of urban design Policy DES2 – Masterplanning approach for major development Policy RD1 – New residential development Policy BH1 – Listed Buildings Policy BH5 – Archaeology Policy HC1 – Promoting healthy communities 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 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) Policy GB1 – Green and blue infrastructure network Policy OS3 - Ancillary open space Policy TRE1 – Trees Policy NH1 – Protection of natural heritage resources <u>Supplementary Planning Guidance</u> Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Tall Buildings Masterplanning approach for Major developments Sustainable Urban Drainage Systems Transportation Trees and Development Development Viability

	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) **Regional Planning Policy** Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) **Other Material Considerations** Developer Contribution Framework (2020) *Belfast Agenda* (Community Plan)
4.0	**CONSULTATIONS AND REPRESENTATIONS**
4.1	<u>Statutory Consultees</u> **DfI Roads** – No objection subject to conditions. **DfI River** – No objection subject to conditions. **DAERA** – No objection subject to conditions. **NI Water** – Concerns about the availability of waste water infrastructure, which are addressed in the main assessment. **NIHE** – supports the proposal, accepting the principle of off-site social housing.
4.2	<u>Non-Statutory Consultees</u> **Planning Service Plans & Policy Unit** – refer to main assessment. **Planning Service Urban Design Officer** – concerns raised about some aspects of the design of the proposal, which are addressed in the main assessment **Planning Service Conservation Advice** – refer to main assessment. **Environmental Health** – awaiting final response. **BCC Economic Development Unit** – awaiting final response. **Shared Environmental Services (SES)** – no objection subject to conditions.
4.3	Whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy. <u>Representations</u>
4.4	The application has been advertised in the newspaper and neighbours notified.
4.5	Three objections have been received from residents on Garmoyle Street (adjacent terrace). Concerns are raised about loss of light and overshadowing; loss of privacy; loss of parking from Site 1 and lack of parking for the proposal; and anti-social behaviour.

5.0	**PLANNING ASSESSMENT**
	Main Issues
5.1	The main issues relevant to consideration of the application are set out below. • Principle of development • Housing density • Affordable housing • Housing mix • Adaptable and accessible accommodation • Design and placemaking • Impact on the heritage assets • Climate change • Residential quality and impact on amenity • Open space • Access and transport • Environmental protection • Flood risk and drainage • Waste-water infrastructure • Natural heritage • Employability and Skills • Section 76 planning agreement • Pre-application Community Consultation
	Development Plan Context
5.2	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.
5.3	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.
5.4	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. <u>Operational Polices</u>
5.5	The Plan Strategy contains a range of operational policies relevant to consideration of the application. These have been listed above. <u>Proposals Maps</u>
5.6	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.
5.7	Belfast Urban Area Plan 2001 – the site is un-zoned “white land”.
5.8	Belfast Harbour Plan Local Plan – Site 1 is un-zoned “white land”. Site 2 is within Laganside.
5.9	Belfast Metropolitan Area Plan 2015 (2004) – the site is located within the development limit. Site 1 is zoned housing land (NB 05/06). Site 2 is zoned is a Major Area of Existing Employment.
5.10	Belfast Metropolitan Area Plan 2015 (v2014) – the site is located within the development limit. Site 1 is un-zoned “white land”. Site 2 within Belfast Harbour Major Employment Location and is zoned for existing employment.
	<u>Principle of housing in this location</u>
5.11	Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below. a. **The site is suitable for housing** – the site is located within a mixed-use area comprising housing and commercial uses. Loss of zoned employment land is discussed below. The location is considered suitable in principle for housing. b. **The location is accessible and convenient to public transport and walking cycle infrastructure** – the site is adjacent the City Centre and within reasonable walking distance to the city centre core. It is accessible to shops, services, amenities and public transport. c. **Provision is made for any additional infrastructure required as a result of the development** – suitable infrastructure is in place.
5.12	The proposal will support the regeneration of the area, which is welcomed.
5.13	Site 2 is zoned as a Major Area of Existing Employment in both versions of dBMAP 2015 (v2004 and v2014) and existing employment land (v2014). Site 2 is protected employment land under Policies EC3 and EC4. However, in view of the benefits of the proposal in respect of delivery of much needed social housing, regeneration of the area and that the proposal would facilitate a Build To Rent scheme at City Quays, as detailed later in the report, the loss of employment land is in this case considered acceptable.
5.14	It is considered that the site is a suitable location in principle for housing and that the proposal is compliant with Policies HOU1 and HOU2.
	<u>Housing density</u>
5.15	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
5.16	The site is located within the inner city where the average density should be 75-150 dwellings per hectare (ha). The site area is 0.4 ha and so the proposal equates to a density of 173 dwellings per ha, demonstrating that it would make effective use of land.

Affordable housing

5.17 Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing.

5.18 The application is linked to the application for a Build to Rent (BTR) scheme of 256 residential units at City Quays 4 (LA04/2023/2388/F). The application is seeking to address the requirements of Policy HOU5 for that other application by providing social housing at the Pilot Street site, rather than provide affordable housing as part of the BTR scheme. The BTR application is reliant on the Pilot Street application in respect of affordable housing and therefore both applications should be considered by the Committee at the same time.

Proposal for off-site affordable housing provision

5.19 Policy HOU5 requires the BTR proposal to deliver a minimum 52 affordable homes (rounded up). The Pilot Street application seeks full permission for 69 residential units – under Policy HOU5, this generates a requirement to provide a minimum of 20% affordable housing in its own right, equating to a further 14 affordable homes (rounded up). The net affordable housing requirement for both sides is therefore 66 affordable homes – the Pilot Street proposal exceeding this by three residential units.

5.20 NIHE is supportive of both the BTR and Pilot Street applications, accepting the principle of off-site social housing, noting that both sites are in the same ownership and that the proposals '…*allow for a more appropriate development of social housing units in this area*.' NIHE cites the strong housing need in Belfast with a social housing waiting list of 12,086 households with 9,426 in housing stress. Demand is increasing with projection of social housing need indicating a requirement for 7,984 new units across Belfast over the 5-year period 2022-2017.

5.21 The Pilot Street application is proposed to deliver 69 social homes across two sites either side of Pilot Street, with the breakdown of house types set out in the tables below.

Site 1

Accommodation type	Size per unit (sqm)	Number of units	% units
2 bedroom 3 person terrace	75	1	6%
3 bedroom 5 person townhouses	110	2	13%
2 bedroom 3 person apartments	64-71	13	81%
Total		**16**	**100%**

Table 1a: Breakdown of house types at Pilot Street, Site 1

Site 2

Accommodation type	Size per unit (sqm)	Number of units	% units
2 bedroom 3 person apartments	65 - 67.5	39	73%
1 bedroom 2 person apartments	55.5 - 57	8	15%
2 bedroom 3 person apartments	85	6	11%
Total		**53**	**100%**

Table 1b: Breakdown of house types at Pilot Street, Site 2

Tenure

5.22 The Pilot Street application is for a 100% social housing scheme. The SPG seeks to avoid mono-tenure housing in the interests of sustainable and balanced communities. Paragraph 4.4.14 of the SPG states that larger mono-tenure schemes [such as that proposed] may be considered having regard to the following considerations:

- *'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 an area, in order to minimise large areas of single tenure social housing; and*
- *Whether a scheme is proposed as 'shared housing''*

5.23 Dealing with the first criterion, NIHE supports the application, citing a significant unmet need in Belfast. However, turning to the second and third criteria, there is already significant social housing in the immediate area and there is no evidence that the proposal is for shared housing. The proposal would therefore unlikely contribute to a sustainable and balanced community. Nevertheless, regard is had to the strong support for the proposal from NIHE, that the proposal includes a small number of family homes for which there is a particular need in this location, the largely supportive response from the local community housing to the pre-application community process and the longevity of the scheme. Having regard to these factors, and on balance, the proposed tenure mix is considered acceptable.

5.24 Whilst the BTR application is reliant on the Pilot Street application in respect of affordable housing provision under Policy HOU5, the Pilot Street application is standalone and not reliant on the BTR application. It can therefore be considered on its own merits.

5.25 If approved, it will be necessary to require the delivery of the social housing on the Pilot Street site prior to occupation of the BTR development. This would allow construction of the BTR scheme to proceed and should be secured by way of a Section 76 planning agreement in respect of that application.

<u>Housing mix</u>

5.26 Policy HOU6 applies. It requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of:

a. Up to date analysis of prevailing housing need in the area;
b. The location and size of the site;
c. Specific characteristics of the development; and

d. The creation of balanced and sustainable communities.

5.27 The requirement for a mix of house types will not apply to single apartment developments such as the proposal. In such cases, the housing mix will be considered acceptable through greater variety in the size of units.

5.28 The proposed housing mix is shown in Tables 1a and 1b, above. The proposal mostly consists of two-bedroom 3 person units with a small number of three bedroom 5 person townhouses and 1-bedroom apartments. This is considered to represent a reasonable housing mix with the family homes welcomed in particular given the unmet need for larger social housing units. NIHE is supportive of the housing mix. Having regard to these factors, the proposed housing mix is considered acceptable.

Adaptable and accessible accommodation

5.29 Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The applicant has provided evidence that these criteria are satisfied.

5.30 The policy also requires that at least 10% of units in residential developments of 10 units or more are wheelchair accessible and provides an additional nine criteria (g. to o.) with which these units should accord. The proposal includes 10% wheelchair units. It is considered that the proposal complies with the additional nine criteria g. to o. The proposed floor plans clearly show the 10% wheelchair acceptable units demonstrating that the criteria above has been met.

Design and placemaking

5.31 The proposal has been assessed against the SPPS, and Policies SP5, DES1, DES2 and RD1. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent land.

Pilot Street Site 1:

5.32 Site 1 is largely vacant other than the hardstanding used as a temporary surface car park. The site fronts Dock Street (north), Short Street (east) and Pilot Street (south). To the west, the site is defined by a uniform brick wall, separated from the rear boundaries of the existing residential terrace properties along Garmoyle Street by a narrow alleyway (0.6m). The original submission included 5 townhouses along the western site of the site in close proximity to the rear boundary wall of properties along Garmoyle Street. Serious concerns were raised about the adverse impact on the rear of the Garmoyle Street properties by reason of overbearing and loss of outlook. Therefore, two of the townhouses were omitted, thereby reducing the scheme to 69 residential units. This will be discussed further later in the report. The changes have allowed for an additional communal garden to be integrated into the design of Site 1.

5.33 The proposed layout is considered to be reflective of similar developments within the surrounding and would not appear incongruous when viewed within the street scene. There is a proposed four-storey apartment block which addresses Short Street; this is considered appropriate as the additional height at this location is comparative with the wider Harbourview apartment development (five storeys) also located along Pilot Street.

5.34	The apartment block element of the development extends to four storeys at the junction of Pilot Street and Short Street, stepping down to three storeys towards Dock Street. This design respects the height of the existing buildings at this juncture including the American Bar. The apartment block is also lowered to three storeys towards Corporation Street. It is considered that the differentiation in heights, setbacks at upper levels, and vertical/horizontal articulation of materials assist in minimising the overall scale and massing of the apartment block, which is considered in keeping with the area.
5.35	The proposal includes three townhouses; one centrally within the site close to the rear boundary of the properties on Garmoyle Street; one on Pilot Street and a further townhouse on Dock Street. The design of the townhouses on Pilot Street and Dock Street has been amended to ensure that the gable ends more appropriately address the existing street scene. A white render finish has been introduced to the townhouse on Dock Street, which better relates to the adjacent building. This part of the development has been designed to address the new internal courtyard and the primary elevation onto the new pedestrian access into the development. The proposed orientation serves to assist prospective residents' integration with the wider Pilot Street Development. The townhouses are considered to satisfactorily relate to the existing properties and street scene and their design is acceptable.
	Pilot Street Site 2:
5.36	Site 2 is located on a prominent corner plot at the junction of Corporation Street and Pilot Street where additional height is considered appropriate. A community hub and Housing Association offices are proposed at ground floor level. An enclosed under-croft car parking arrangement is also proposed at ground floor level. This is not uncharacteristic of the wider apartment developments in the locality, such as the James Clow buildings located between Pilot Street and Princes Dock Street which includes a similar arrangement. The scale, height and massing of Site 2 can be appropriately read with larger buildings further to the west of the site including Clarendon Apartments and the James Clow Building. The apartment block extends to six storeys along Corporation Street and steps down to four storeys at its junction with Pilot Street. A setback has been introduced at fourth to sixth floor level, accommodating a rooftop terrace area.
5.37	Whilst the Senior Urban Design Officer is critical of the apportionment of massing across the building, suggesting that the building should rise at its north west corner at the junction of Corporation Street and Pilot Street rather being reduced in scale, officers advise that the proposed massing better responds to the smaller scale of the existing properties on Garmoyle Street and for this reason is acceptable.
5.38	The proposal has a contemporary aesthetic with regards to materials, where the predominant material is brick and variations thereof, which is considered contextually appropriate in this area. Officers requested that further consideration was given to the adding visual interest and relief to the large blank gables on the south and east sides. In response, further brick bonding has been introduced, which alongside the materials at the upper levels, helps to break up the overall scale and mass of the building.
	General comments:
5.39	The Senior Urban Design Officer has raised concerns regarding both sites in relation to the ground and finished floor levels proposed. The raised plinth arrangement will lift the building approximately 1.3m above street level and effectively requires the duplication of the public footway around the edge of the building as well as a series of stairs, ramps, and disabled lifts. The applicant advises that the raised finished floor levels are a core mitigation measure due to the site lying within the floodplain. DfI Rivers has welcomed

	this design approach to further alleviate flood risk within the city centre. Taking into account the concerns in relation to flooding, and having regard to the site context and precise built form of the proposal, on balance, the raised floor levels are acceptable.
	Public realm:
5.40	The *Developer Contribution Framework* requires applications for Major development to make improvements to the public realm. The existing pavement and footways around the site are in poor condition and the applicant is proposing to resurface them with "black top" asphalt. This is welcomed and considered appropriate to the context of the site – it is considered unreasonable to require high quality paving in this location, particularly because of the likely difficulties obtaining separate approval from DfI Roads, who would likely object due to concerns about the cost of maintenance.
	Impact on heritage assets
5.41	The proposal is sufficiently far from Listed Buildings such as to not impact on their setting. There would be no archaeological implications. The proposal is considered compliant with Policies BH1 and BH5.
	Climate change
5.42	Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development.
5.43	The proposal includes various sustainable design features which seek to mitigate environmental change. These measures include the integration of solar panels on the roof of the buildings, low energy light fittings, increased water attenuation, and high-performance glazing to improve the performance of the buildings and reduce solar gain, whilst maximising daylight transmission rates. The applicant has stated that the proposal is anticipated to achieve a 4.5 star rating out of 5 under the HQM One Scheme. A condition is recommended to require that the proposal is constructed to this standard.
5.44	Policy ENV2 also states that development proposals, where feasible, should seek to avoid demolition and should consider how existing buildings or their main structures could be reused. It is proposed to demolish the warehouse at Site 2 – this is a modern building unsuitable for conversion for residential purposes and its demolition is considered acceptable. Excavated materials from the site will be used if deemed suitable. Other waste will be managed through a Waste Management Plan to ensure that all construction and demolition waste associated with the development is managed and controlled to prevent the risk of environmental pollution or ecological damage.
5.45	The proposal is considered compliant with Policy ENV2.
5.46	Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change.
5.47	The applicant has demonstrated that the proposal is compliant with criteria a to i. The implementation of SuDs is welcomed. Other measures which adapt to environmental change and provide resilience in extreme weather conditions are included. The ground levels have been deliberately raised in cognisance of the wider flood risk in this location.
5.48	The proposal is considered compliant with Policy ENV3.

5.49 Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The applicant has demonstrated the proposal will include the following SuDs measures:

- Construction of 'blue roofs';
- SuDs planters in the terraced areas to provide an effective stormwater management mechanism;
- Rain gardens/rain butts;
- Oversized pipework; and
- Gated discharge and check valves.

5.50 A condition is recommended requiring the hard surface areas to be porous.

Residential quality and impact on amenity

5.51 Policies DES1, DES1 and RD1 highlight the need to minimise the impact of overshadowing and loss of daylight on both new and existing residents and the promotion of quality residential environments.

5.52 *Creating Places* advocates external private amenity space of between 10 and 30 sqm per residential unit. The proposal includes both private and communal spaces as detailed in the table below.

5.53 **Site 1**

Location	Size (sqm)
Communal Roof Terrace	106
Communal Garden	120
Private Terraces/Gardens	72
TOTAL	**289**
AVERAGE	**18.6**

5.54 The amenity space for the private garden areas associated with the townhouses provides 24 sqm on average per dwelling. The remainder of the amenity space equates to approximately 16.1sqm for the apartments and end terrace. Given the characteristics of the proposal and site, this is considered acceptable.

Site 2

Location	Size (sqm)
Private first floor communal area	457
Private fourth floor communal terrace	133
TOTAL	**590**
AVERAGE	**11.1 sqm**

5.55 The amenity space for Site 2 equates to an average of 11.1 sqm per unit. This is at the lower end of the advice within Creating Places but is considered acceptable, having regard to the characteristics of the proposal and site.

5.56 Regard if also had to the proximity to the high quality open space at City Quays Gardens, approximately 450m distance from the site (4 minute walk).

5.57 The removal of two of the townhouses within the centre of Site 2 has addressed the original serious concerns about overbearing and loss of outlook to the rear of the terrace housing on Garmoyle Street. A shadow analysis has demonstrated that there are no significant issues of overshadowing or loss of light to the rear of the terrace properties, assisted by the fact the proposed remaining townhouse is to the north (with the path of the sun being to the south).

5.58 There is potential for the gable first floor bedroom of the remaining central townhouse in Site 2 to overlook the rear terrace. It is recommended that the window is fitted with obscured glazing to at least 1.7 metres above floor level; whilst this is not normally recommended for a habitable room, given the characteristics of the proposal and site, on balance, this approach is considered acceptable.

Space standards:

5.59 Site 2 proposes a mix of two and three-bedroom townhouse and apartments which have private terraces and garden areas***.***

Accommodation Type	Size per unit (Sqm)	Number of Unit
3 person 2 bedroom terrace	**75**	**1**
5 person 3 bedroom townhouse	**110**	**2**
3 person 2 bedroom apartments	**64-71**	**13**

5.60 Site 2 proposes of a mix of one and two-bedroom apartments, a community hub, and offices which will be associated with the management of the affordable housing**.**

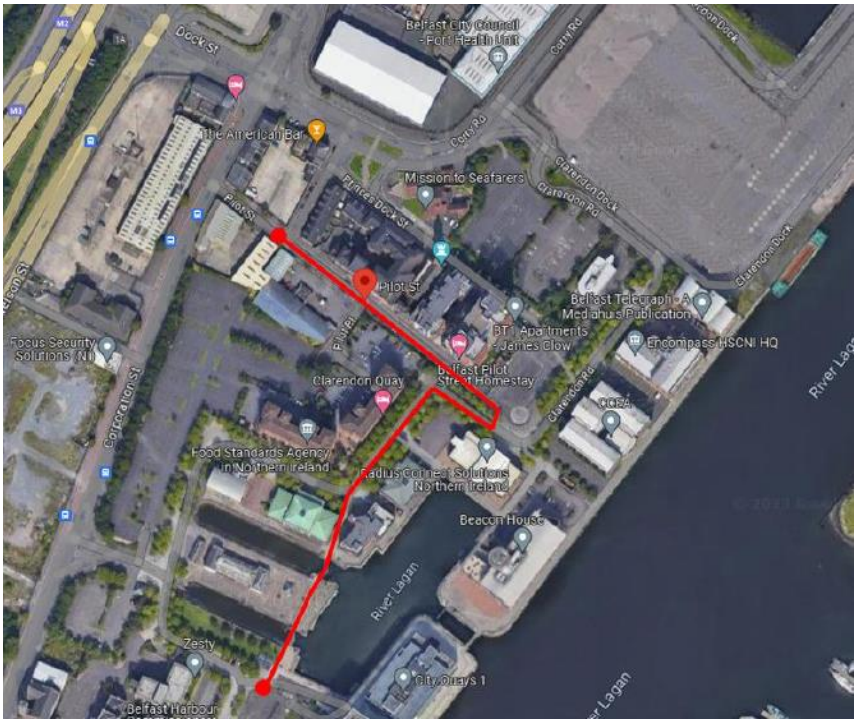
Accommodation Type	Size per unit (Sqm)	Number of Unit
3 person 2 bedroom apartments	**65-67.5**	**39**
2 person 1 bedroom apartments	**55.5-57**	**8**
3 person 2 bedroom WC apartment	**85**	**6**
Community Hub	**194**	**N/A**
Offices	**156**	**N/A**

5.61 The proposed residential units for both Sites 1 and 2 are in accordance with the minimum space standards as set out in Appendix C of the Plan Strategy.

<u>Open space</u>

5.62 Policy OS3 requires that all new development proposals makes appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to a) the normal expectation will be at least 10% of the total site area; and b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development.

5.63	Furthermore, planning permission will only be granted for proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development.
5.64	In this case, no public open space is proposed within the site. Policy OS3 accepts that on-site provision for open space can be reduced where the site is close to or would benefit from ease of access to areas of existing public open space. In this regard, the site is within close proximity of the site to *City Quays Gardens*, a high-quality area of open space (0.88ha) approximately 450m distance from the site (4-minute walk). The image below shows the route from the site to City Quays Gardens. Construction of City Quays Gardens is expected to begin shortly. It is considered that once completed City Quays Gardens will be able to be used by occupants of the proposed development.
5.65	It is considered necessary to require the construction of City Quays Gardens prior to occupation of the proposed development; this will be secured by means of a Section 76 planning agreement.



5.66	Having regard to these considerations, the approach to open space is considered acceptable.
	<u>Access and transport</u>
5.67	The site has good accessibility being adjacent the City Centre and within walking distance of the city centre core. It is also close to Yorkgate, supermarkets and amenities at Yorkgate. The site is well served by existing pedestrian facilities with footways provided on both sides of the carriageways as well as controlled pedestrian crossings located at strategic locations on the surrounding network including Corporation Street. An internal cycle storage area is provided at ground floor level of both site apartment blocks and an external cycle storage area at Site 1 to encourage cycling. The proposal is considered compliant to Policy TRAN1.

5.68	Policy TRAN 2 states that the design of new developments must take account of the specific needs of people with disabilities and others whose mobility is impaired. The proposal includes ease of access to reserved parking within Site 1, with the provision of 2 disabled parking spaces. Clarification is awaited on the design disabled spaces within the under croft parking at Site 2, which currently includes 19 car parking spaces.
5.69	Policy TRAN 4 states that planning permission for development proposals with significant travel generating uses will require a travel plan. The application is supported by a travel plan, which sets out a range of measures and targets aimed at promoting sustainable travel within the development. This includes the following green travel measures: • One travel card offered per dwelling for a period of 3 years; • 100% subsidy of car club membership per dwelling for a period of 3 years; and • Membership of Belfast Bikes per dwelling for a period of 3 years.
5.70	The travel plan measures are considered acceptable having regard to Policy TRAN4.
5.71	Policy TRAN 8 states that development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements. Within Site 1, there is a total of 5 in-curtilage car parking spaces, including 2 disabled spaces. Site 2 would provide 19 spaces within the under-croft car park. Given the accessibility of the site and travel plan commitments, this level of parking is considered acceptable. The proposal is considered to accord with Policy TRAN8.
5.72	DfI Roads offers no objection to the proposal, which is considered acceptable with regards to highway safety, traffic progression and parking. The proposal is considered acceptable having regard to Policies TRAN1, TRAN4, TRAN6, TRAN 8 and TRAN 9.
	Health impacts
5.73	Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.
5.74	The proposal provides opportunity for active travel, physical and improved mental wellbeing. The site is within walking distance of the city centre and its amenities. It is within short walking distance of City Quays Gardens, a new area of quality open space. Active travel will be further encouraged through the travel plan and green measures proposed as part of the application. A reasonable level of amenity space would be provided within the development including private and communal gardens (Site 1), roof terraces and outdoor amenity space (Site 2). The proposal would provide quality house for people in housing stress and housing need.
5.75	The proposal is considered to satisfy the requirements of Policy HC1.
	Environmental protection
5.76	Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development.

	Contaminated land
5.77	Environmental Health (EH) has agreed that contamination risks can be dealt by way of conditions that ensure that prior to commencement of development, a remediation strategy is submitted to and approved by the council.
	Air quality
5.78	EH has not raised any concerns with regards to air quality and in this regard, the proposal is considered compliant with Policy ENV1.
	Noise
5.79	EH is currently considering further information provided by the applicant in respect of the compatibility of the proposed housing with two adjacent bars next to the site. EH's final comments will be reported to the Committee as a late item.
	Flood risk and drainage
5.80	Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The council will have regard to guidance publications produced by other authorities and prospective developers/applicants are advised to liaise early in the formulation of their proposals with DfI Rivers to clarify flooding or flood plain issues that may affect particular sites. In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.
5.81	DfI Rivers has reviewed the submitted Drainage Assessment which indicates that flood risk to and from the development will be appropriately managed. DfI Rivers, while not being responsible for the preparation of this Drainage Assessment accepts its logic and has no reason to disagree with its conclusions. It offers no objection to the proposal and the proposal is therefore considered to meet the requirements of Policy ENV4.
	Waste-water infrastructure
5.82	Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water has objected to the proposal on grounds of insufficient capacity at the local waste-water treatment plan. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward at once and some may not come forward at all. For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is acceptable having regard to Policy SP1A of the Plan Strategy.
	Natural heritage
5.83	Policy NH1 relates to the protection of natural heritage resources.
5.84	Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate

	Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also "in combination" impacts with other development.
5.85	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetic impacts. As the Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NIEA.
5.86	In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. SES has advised following an appropriate assessment in accordance with the Regulations and having considered the nature, scale, timing, duration and location of the project, that the proposal would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects. This conclusion is subject to mitigation in the form of a planning condition to prevent commencement of development until the method of sewage disposal has been agreed with NI Water. DAERA also offer no objection, recommending the equivalent condition. This condition is recommended.
5.87	Subject to this condition, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the Strategic Planning Policy Statement.
	Employability and Skills
5.88	The Developer Contribution Framework requires proposals for Major development to make a contribution towards Employability and Skills where necessary. The applicant has submitted an Employability and Skills Profile and a consultation response is awaited from the Council's Economic Development Unit as to whether an Employability and Skills Developer Contribution is required. If this is considered necessary, it will be secured by way of a Section 76 planning agreement.
	Section 76 planning agreement
5.89	If the application is approved, it should be subject to the finalisation of a Section 76 planning agreement to secure the following planning obligations. These are considered necessary to make the proposed development acceptable. • **Social housing** – to require the delivery of the 14 social housing units; • **Open space** – the delivery of City Quays Gardens prior to occupation of any of the residential units; • **Green travel measure** – travel plan and green travel measures; and • **Employability and Skills** – should it be required by the Council's Economic Development Unit

	Pre-application Community Consultation
5.90	The application was preceded by a Proposal of Application Notice (PAN) which set out the applicant's proposals for pre-application community consultation.
5.91	The application is accompanied by a mandatory Pre-application Community Consultation Report (PACC). The PACC report describes the comprehensive pre-application consultation undertaken by the applicant.
5.92	The applicant actively sought the views of the public and stakeholders with regards to this development by utilising the following methods of engagement: • Distribution of an information leaflet containing the details of the proposals and the avenues through which recipients could provide their comments and feedback; • Hosted a public exhibition event with members of the project team to assist in any questions and to allow for further feedback; • Issued a press notice to highlight information about the proposals and provide notification of the public information event; • Placed social media adverts on Facebook which were visible to site neighbours; • Developed and managed a dedicated consultation website to host all proposal information digitally.
5.93	The feedback was reviewed, and the matters were considered within the PACC report, detailing how the feedback was gathered, analysed, assessed, and considered.
5.94	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.
6.0	**Recommendation**
6.1	The proposal would provide valuable social housing for which there is a significant unmet need in the city and would assist the further regeneration of the area. The design of the proposed housing is considered on balance acceptable. Sufficient parking would be provided and the proposal would not be detrimental to highway safety. Following amendments, the proposal would not give rise to harmful impacts on existing neighbouring properties. It is recommended that planning permission is granted.
6.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, subject to final comments from Environmental Health, and deal with any other matters that arise, provided that they are not substantive.
7.0	**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. No external brick, facing panels, or roofing 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.

The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.

The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials.

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

3. 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.

4. None of the residential units hereby permitted shall be occupied until their respective amenity areas have been provided in accordance with the approved plans. These amenity areas shall permanently retained as such at all times.

   Reason: To ensure that appropriate amenity space is provided for the wellbeing of occupants of the development.

5. The development hereby permitted shall be constructed to a minimum of Home Quality Mark 4.5 rating and shall not be occupied until certification that verifies this has been submitted to and approved in writing by the Council.

   Reason: To ensure that the proposal incorporates appropriate measures to mitigate and adapt to climate change.

6. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any Order revoking and/or re-enacting that order), the bedroom window in [Plot X] shall at all times be glazed with obscure glass to at least Privacy Level 3 (or equivalent) and non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor level of the floor that the window serves.

   Reason: To safeguard the privacy of adjacent properties.

7. The development hereby permitted shall not be occupied until the approved sustainability measures have been constructed and installed and independent written verification of such as been submitted to and approved in writing by the Council.

   Reason: To ensure that the proposal incorporates appropriate measures to mitigate and adapt to climate change.

8. The hard surfacing parking and turning areas within Site 1 shall be constructed from porous material.

   Reason: To promote SuDS, having regard to Policy ENV5 of the Belfast Local Development Plan Plan Strategy 2035.

	9. The development hereby permitted shall not be occupied until the waste storage areas have been provided in accordance with the approved plans and shall be permanently retained as such at all times. Reason: To ensure that appropriate provision is made for storage and disposal of waste. 10. The development hereby permitted shall not be occupied until the secure cycle storage area has been provided in accordance with the approved plans and shall be permanently retained as such at all times. Reason: To promote active travel and to mitigate the absence of dedicated parking within the development. 11. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed within the site in accordance with the approved plan. This area shall not be used at any time for any purpose other than for parking and movement of vehicles in connection with the approved development. Reason: To ensure that adequate provision has been made for parking and traffic circulation within the site. 12. The vehicular accesses shall be provided in accordance with the approved plan, prior to the commencement of any other works or other development hereby permitted. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 13. The development hereby permitted shall not be occupied until all existing redundant accesses have been closed off in accordance with the approved plans. Reason: To ensure there is a satisfactory means of access in the interests of road safety and the convenience of road users. 14. The development hereby permitted shall operate in accordance with the approved Servicing Management Plan. Reason: In the interests of road safety and the convenience of road users.

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Addendum Report	
Committee Date: 16th January 2024	
Application ID: LA04/2023/2388/F	
Proposal: Residential development comprising 256no. units, public realm, and associated access and site works.	**Location:** Lands immediately north of Cross Harbour Bridge, East of Donegall Quay and south of AC Marriott Hotel, City Quays, Belfast
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Belfast Harbour Commissioners 4 Corporation Square Belfast BT1 3AL	**Agent Name and Address:** Turley Hamilton House 3 Joy Street Belfast BT2 8LE

Background:

This application was due to be considered at the December Planning Committee. However, the application was deferred for a Committee site visit. The site visit took place on 10th January 2024.

This report should be read in conjunction with the report to the 12th December 2023 Planning Committee, appended.

Additional consultation responses

SES – no objection. The proposal would not have an adverse effect on the integrity of Belfast Lough, either alone or in combination with other proposals. Recommends conditions in relation to foul drainage, final construction environmental management plan and protection of marine mammals. Officers recommend that these conditions are applied to the decision notice.

DfI Rivers – no objection subject to conditions.

BCC City Regeneration and Development (previously received) welcomes the addition of quality residential provision within the city centre. Belfast City Council is collaborating with the Belfast Harbour Commission on opportunities to further improve the public realm and streetscape, connectivity, and legibility of this area of Greater Clarendon/City Quays District. Further comments as follows:

- Residential population – concerns regarding the single tenure approach to the off-site provision of affordable housing;
- Energy efficiency – supports the equivalent to BREAAM standards;
- Connectivity – the 'car free' development is welcomed and the provision of cycle storage and parking is also welcomed. There are excellent public transport links near the application site and have recommended that developer contributions surrounding public realm enhancements are included to enhance the linkages between the city centre and the proposed site;
- Public real and landscaping – there is a lack of greenery in the area, however, acknowledges the importance of development proposals delivering residential accommodation within the city centre. The Riverside Walk linkage is welcomed, with further suggestions to enhance the area through more active frontage and further details on how the Riverside Walk linkage could link to a broader path network; and

- Inactive frontage – opportunity to incorporate communal spaces, social spaces, gyms on the ground floor where it is proposed as plant and services. Further animation along the river frontage.

Officers advise that these are planning policy considerations which have been satisfactorily addressed in the original Committee report, appended.

Recommendation

Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, resolve the outstanding transport and children's play equipment requirements and deal with any other issues that arise from the final consultation responses, provided that they are not substantive.

Development Management Report

Summary	
Committee Date: 12th December 2023	
Application ID: LA04/2023/2388/F	
Proposal: Residential development comprising 256no. units, public realm, and associated access and site works.	**Location:** Lands immediately north of Cross Harbour Bridge, East of Donegall Quay and south of AC Marriott Hotel, City Quays, Belfast
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Belfast Harbour Commissioners 4 Corporation Square Belfast BT1 3AL	**Agent Name and Address:** Turley Hamilton House 3 Joy Street Belfast BT2 8LE

Executive Summary:

This application relates to land at City Quays to the east of Donegall Quay, west side of the River Lagan and the north of the city centre. The application seeks full planning permission for the erection of a 23 storey tower with lower 12 storey element, comprising 254 Build To Rent apartments. The tower would be 76.4 metres at its highest point.

The key issues for consideration of the application are set out below.

- Principle of housing in this location
- Housing density
- Affordable housing
- Housing mix
- Adaptable and accessible accommodation
- Design and placemaking
- Public realm
- Impact on heritage assets
- Climate change
- Residential quality and impact on amenity
- Open space
- Access and transport
- Health impacts
- Environmental protection
- Flood risk and drainage
- Waste-water infrastructure
- Waste management
- Natural heritage
- Employability and Skills
- Section 76 planning agreement
- Pre-application Community Consultation

The site is within the City Centre and un-zoned “white land” with the most recent version of draft Belfast Metropolitan Area Plan 2015 (v2004). There is an extant outline planning permission for residential development on the site, albeit for a lower building.

The site is a suitable location for housing; the proposal would make effective use of previously developed land support City Centre living.

The height, scale and massing of the proposed building is considered in keeping with other tall buildings in City Quays and wider area, including the slightly higher Obel building to the south.

The proposal would provide no dedicated parking, however, this is considered acceptable given the highly sustainable location of the site, travel plan and commitment to green travel measures.

The application proposes the delivery of social housing at an alternative location at Pilot Street for which the Council is considering a concurrent planning application. The off-site provision of affordable housing is considered acceptable in this case for the reasons set out in the report.

NIHE is supportive of the off-site social housing proposals. DAERA offers no objection. Concerns are raised by DfC HED and NI Water. Final comments are awaited from DfI Roads, DfI Rivers and SES and these will be reported as late items.

One third party objection has been received, expressing concerns about the height of the building.

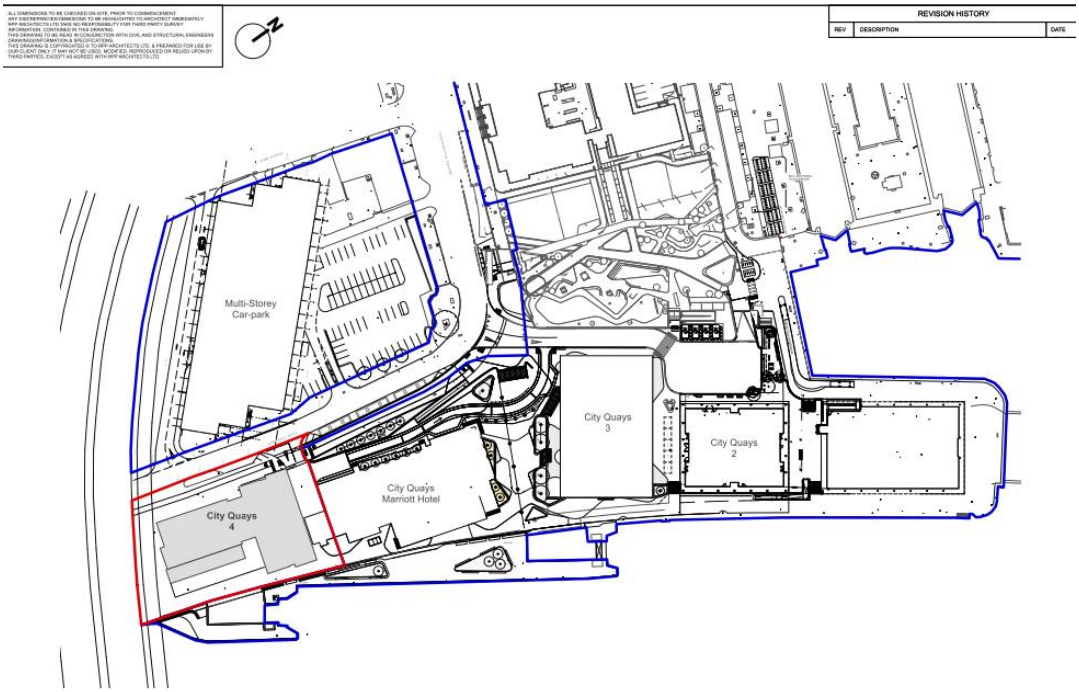
Recommendation

Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

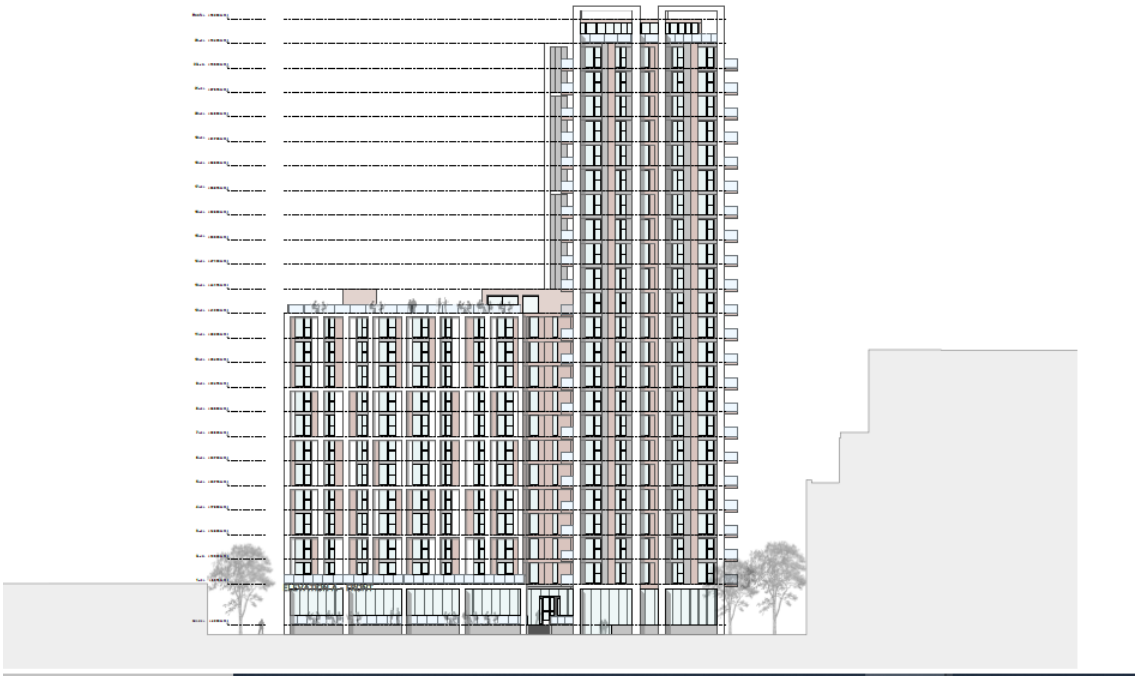
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, resolve the outstanding transport and children’s play equipment requirements and deal with any other issues that arise from the final consultation responses, provided that they are not substantive.

DRAWINGS AND IMAGERY

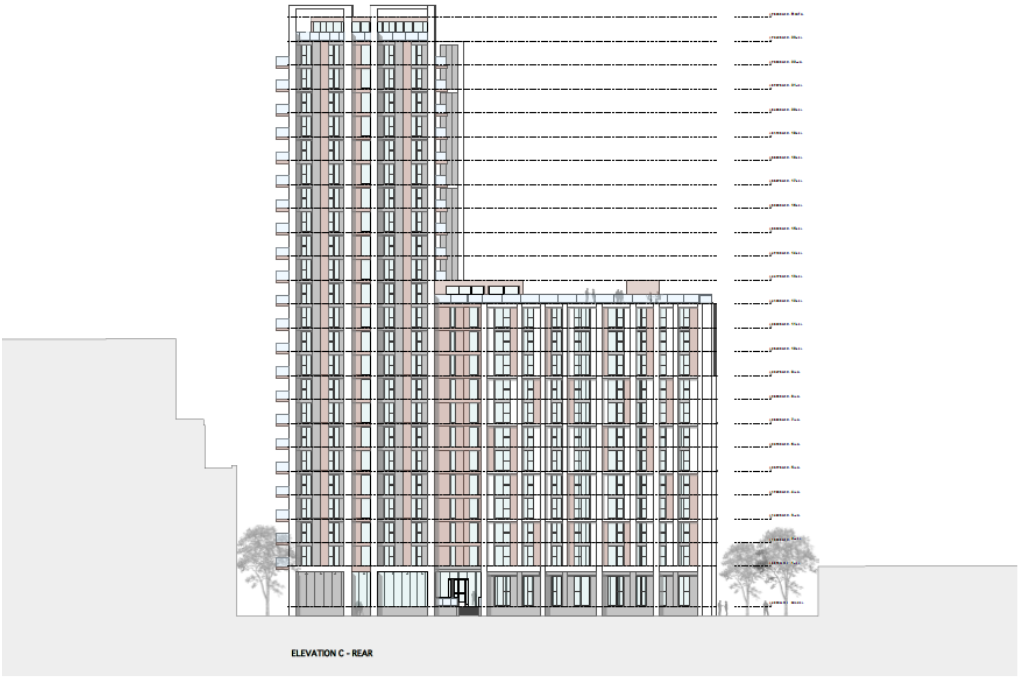
Site Location Plan:



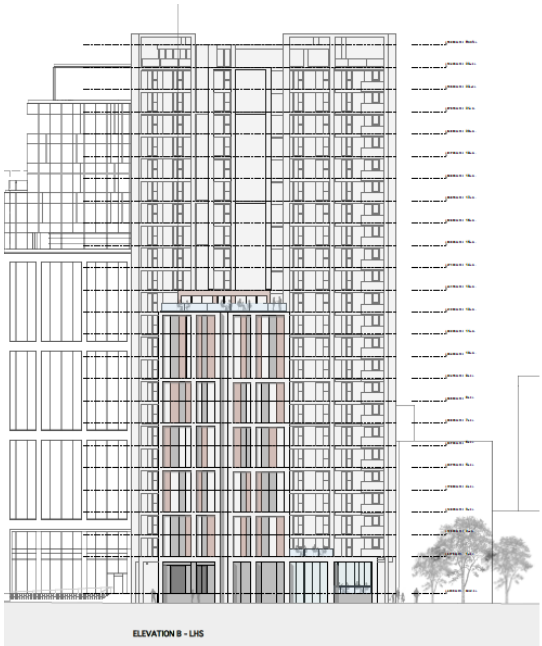
Proposed Front Elevation:

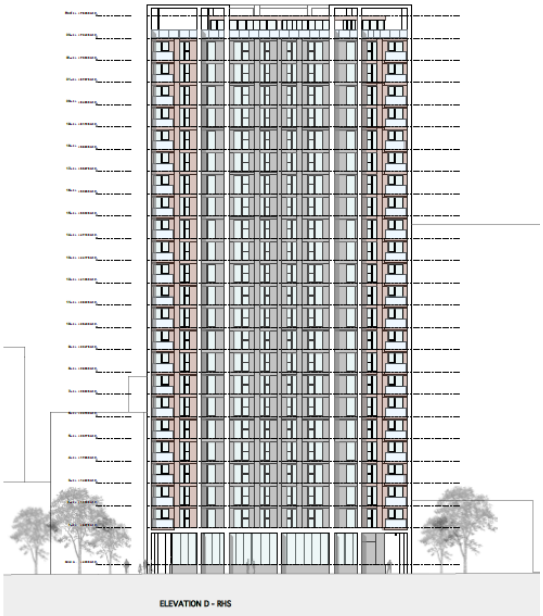


Proposed Rear Elevation:

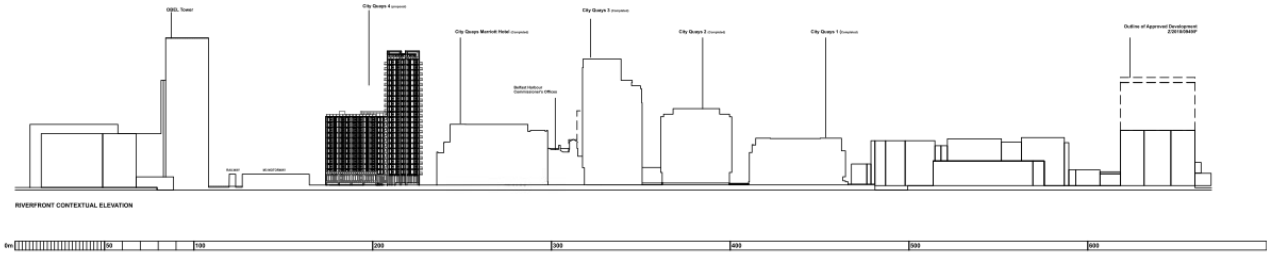


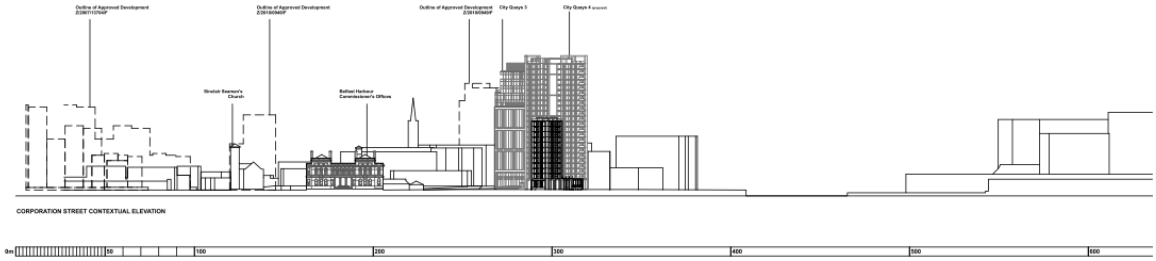
Proposed Side Elevations:





Contextual Elevations:





CGIs:

1.0	**Characteristics of the Site and Area**
1.1	This application relates to the proposed “City Quays 4” development within the City Quays masterplan area, in the north-eastern part of Belfast City Centre. The site is immediately south of the AC hotel by Marriott, north of the Cross Harbour bridge (M3), east of Donegall Quay, and west of the River Lagan. The site area is approximately 0.33 ha and is currently a surface level car park. The Obel Tower is the other side of the M3 bridge to the south, at an overall height of 85 metres.
1.2	There are a number of Listed Buildings in the vicinity of the site, including: • HB26 50 094 Belfast Harbour office: Grade A • HB26 50 093 Sinclair Seaman’s Presbyterian Church: Grade B+ • HB26 50 306 Direct Wine Shipments 5-7 Corporation Square: Grade B2 • HB26 50 090 D Furnace House: Grade B1 • HB26 50 090 A Former Pumping Station: Grade A
1.4	The City Quays masterplan area encompasses circa 10 ha of the Belfast Harbour estate. The area currently comprises offices in City Quays 1, City Quays 2 and City Quays 3. It also includes the AC hotel by Marriott and a multi-storey car park (MSCP).
	Description of Proposed Development
1.5	The application seeks full planning permission for the erection of 256 Build To Rent apartments (comprising a tower element of 23 storeys, approximately 76.4m in height adjacent to the AC hotel by Marriott and a lower section of 12 storeys, approximately 38.0m in height adjacent to the M3), together with all associated site and access works.

1.6	The proposed development includes a mix of studio, one and two-bedrooms homes, complemented by private communal spaces located on the roof top of the tower and lower part of the building and internally on the ground and first floor levels. There is an external public terrace at ground level adjacent to the river front walk. Balcones are provided for the 2-bedroom apartments. Included in the building is co-working space and gym. There would be a 24-hour concierge service.
1.7	The application follows Pre-Application Discussions with officers.
2.0	**PLANNING HISTORY**
2.1	• *Z/2010/1006/O* – Proposed major mixed use development comprising offices; small scale retail and retail services; cafes/restaurants; a hotel; residential development and associated amenity space; basement, multi storey and surface level car parking; open space, service areas and related infrastructure improvements. Lands bounded by the River Lagan to the east Corporation Street to the west Dock Street and Corry Link to the north and the elevated M3 Cross Harbour Bridge/Motorway to the south City Quays Clarendon Dock Belfast. Permission granted on 22nd July 2014. Applications for reserved matters must be made by 21st July 2024. The permission must be begun by either 21st July 2026 or within 2 years of the date of approval of the last reserved matters. • *Z/2013/0325/F* – Erection of office building, surface car parking and other associated works.(Verification Report Received). Vacant land at Clarendon Dock 35m southwest from 27 Albert Quay and 140m northwest of the Harbour Office. Permission granted on 13th September 2013. • Z/2013/1508/F – 9 storey office block with coffee shop at ground floor. Surface car park, landscaping, and other associated works. Vacant land and car parking at the corner of Corporation Square and Donegall Quay Belfast BT1 3AJ. Permission granted on 17th October 2014. • LA04/2015/1423/RM – Hotel (188 bedroom), access, landscaping and other associated site works. Land 70m north of the M3 Cross Harbour Bridge and bounded by the River Lagan to the East Clarendon Dock to the North and Donegall Quay Corporation Square and Clarendon Road to the West. Permission granted on 6th April 2016. • LA04/2016/2656/RM – Multi storey car park (907 spaces - maximum height of 33.2 metres), access road, alterations to existing car parking and road layouts and associated site works (clarified description). Land west of Donegall Quay north of the M3 Cross harbour Bridge east of Tomb Street and 50m south of Corporation Square. Permission granted on 19th June 2017. • LA04/2017/1090/RM- Erection of 16 storey office accommodation (74metres maximum height) comprising 23,976 sq metres of gross floorspace associated access, public realm and other ancillary development. Lands approximately 100m north of M3 Cross Harbour Bridge and bounded by the River Lagan to the

	east Donegall Quay and Clarendon Dock to the north Corporation Square and Clarendon Quay to the west. Permission granted on 5th February 2019. • LA04/2022/0262/F – Public realm improvement scheme to create formal gardens area including erection of 'gateway nest' and 'swinging seat' features and seating; artwork trail; lawn areas; shared pedestrian and access routes; public plazas; promenade along Clarendon Dock; improvements to and widening of footpaths at Corporation Square; extensions of taxi bays, relocation of Belfast Bike and bicycle shelters and stands, realignment of the road; and relocation of listed railings fronting Corporation Square. Surface level car park to east of Harbour Office and adjoining lands at Corporation Square and Clarendon Road Belfast BT1 3AL. Permission granted on 1st March 2023.
3.0 3.1	**PLANNING POLICY** **Development Plan – operational policies** <u>Belfast Local Development Plan, Plan Strategy 2035</u> Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity 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 DES2 – Masterplanning approach for major development Policy DES3 – Tall buildings Policy RD1 – New residential developments Policy BH1 – Listed Buildings Policy BH5 – Archaeology Policy HC1 – Promoting healthy communities 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 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) Policy GB1 – Green and blue infrastructure network Policy OS3 - Ancillary open space

	Policy TRE1 – Trees Policy NH1 – Protection of natural heritage resources <u>Supplementary Planning Guidance</u> Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Tall Buildings Masterplanning approach for Major developments Sustainable Urban Drainage Systems Transportation Development Viability **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) **Regional Planning Policy** Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) **Other Material Considerations** Developer Contribution Framework (2020) *Belfast Agenda* (Community Plan)
4.0	**CONSULTATIONS AND REPRESENTATIONS**
4.1	<u>Statutory Consultees</u> **DfI Roads** – final response awaited. **DfC HED** – Concerns raised in respect of the impact on the setting of Listed Buildings, which are set out and addressed in the main assessment. **DAERA** – No objection subject to conditions **NI Water** – Concerns raised about the availability of waste water infrastructure, which are addressed in the main assessment. **NIHE** – supports the proposal, accepting the principle of off-site social housing.
4.2	<u>Non-Statutory Consultees</u> **Planning Service Plans & Policy Unit** – refer to main assessment. **Planning Service Urban Design Officer** – refer to main assessment. **Planning Service Conservation Advice** – refer to main assessment. **Environmental Health** – content subject to conditions. **BCC Economic Development Unit** – recommends that an Employability and Skills Developer Contribution is required.

	BCC Landscape and Development team – supports the complementary proposals for City Quays Gardens. Would like to see provision made for child friendly outdoor spaces. Satisfied that the proposal would not have an adverse impact on the townscape. **Shared Environmental Services (SES)** – final comments awaited.
4.3	Whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy.
	<u>Representations</u>
4.4	The application has been advertised in the newspaper and neighbours notified.
4.5	One objection has been received, raising concerns about the height of the building. This issue is address in the planning assessment section of this report.
5.0	**PLANNING ASSESSMENT**
	Main Issues
5.1	The main issues relevant to consideration of the application are set out below. • Principle of housing in this location • Housing density • Affordable housing • Housing mix • Adaptable and accessible accommodation • Design and placemaking • Public realm • Impact on the heritage assets • Climate change • Residential quality and impact on amenity • Open space • Access and transport • Health impacts • Environmental protection • Flood risk and drainage • Waste-water infrastructure • Waste management • Natural heritage • Employability and Skills • Section 76 planning agreement • Pre-application Community Consultation
	Development Plan Context
5.2	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.

5.3	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.
5.4	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. <u>Operational Polices</u>
5.5	The Plan Strategy contains a range of operational policies relevant to consideration of the application. These have been listed above. <u>Proposals Maps</u>
5.6	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.
5.7	**Belfast Urban Area Plan 2001** – the site is un-zoned “white land”.
5.8	**Belfast Metropolitan Area Plan 2015 (2004**) – the site is un-zoned “white land” within the City Centre. Provision is made for a proposed bridge across the River Lagan to the north (CC 099/01).
5.9	**Belfast Metropolitan Area Plan 2015 (v2014)** – the site is un-zoned “white land” within the City Centre. It is next to a proposed greenway, BT 147/09. Provision is made for a proposed bridge across the River Lagan to the north (CC 023/01). **<u>Principle of housing in this location</u>**
5.10	Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below. a. **The site is suitable for housing** – the site is a sustainable location within the City Centre and considered suitable in principle for housing. Moreover, it benefits from outline planning permission for mixed use development, including housing. b. **The location is accessible and convenient to public transport and walking cycle infrastructure** – the site is located within the City Centre, on the national cycling route and highly accessible to shops, services, amenities and public transport.

	c. **Provision is made for any additional infrastructure required as a result of the development** – suitable infrastructure is in place.
5.11	The proposal is for a Build to Rent (BTR) residential scheme comprising 256 residential units. BTR is intended solely for the rental market retained in a single ownership. Service quality is a fundamental element of the BTR model with a focus on tenant retention and community experience. Belfast has received few schemes for BTR to date and the proposal will provide a specific form of quality housing that will add to the variety of housing stock offered in the city. The proposal will also support city centre living and will support the city centre including shops, bars, restaurants, leisure and other amenities.
5.12	The proposal is considered compliant with Policies HOU1 and HOU2 and the principle of housing in location is considered acceptable.
	<u>Housing density</u>
5.13	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
5.14	The proposal is for a tall building within the City Centre for which the average density should be greater than 350 dwellings per hectare (ha). The site area is 0.33 ha and so the proposal equates to a density of 776 dwellings per ha, compliant with Policy HOU6.
	<u>Affordable housing</u>
5.15	Policy HOU5 of the Plan Strategy requires housing schemes of 5 units or more, or sites of 0.1 hectares or greater, to deliver a minimum 20% affordable housing.
5.16	In this case, the application is seeking to address the requirements of Policy HOU5 by providing social housing at an off-site location on Pilot Street, Sailortown, rather than provide affordable housing as part of the BTR scheme.
5.17	The *Affordable Housing and Housing Mix* Supplementary Planning Guidance (SPG) recognises that intermediate housing for rent, and specifically Discounted Market Rent, is the most appropriate affordable housing product for the BTR housing model, which retains the building in single ownership.
	Proposal for off-site affordable housing provision
5.18	However, the applicant is proposing to provide off-site social housing instead at a site under its ownership at Pilot Street. The Planning Service is dealing with a concurrent application for that proposal (LA04/2023/2668/F), which is also being considered by the Committee on the same agenda. The BTR application is reliant on the Pilot Street application in respect of affordable housing and therefore both applications should be considered by the Committee at the same time.
5.19	Policy HOU5 requires the BTR proposal to deliver a minimum 52 affordable homes (rounded up). The Pilot Street application seeks full permission for 69 residential units – under Policy HOU5, this generates a requirement to provide a minimum of 20% affordable housing in its own right, equating to a further 14 affordable homes (rounded up). The net affordable housing requirement for both sides is therefore 66 affordable homes – the Pilot Street proposal exceeding this by three residential units.

5.20 NIHE is supportive of both the BTR and Pilot Street applications, accepting the principle of off-site social housing, noting that both sites are in the same ownership and that the proposals '…*allow for a more appropriate development of social housing units in this area*.' NIHE cites the significant housing need in Belfast with a social housing waiting list of 12,074 households with 9,385 in housing stress. Demand is increasing with projection of social housing need indicating a requirement for 7,984 new units across Belfast over the 5-year period 2022-2017.

5.21 The Pilot Street social housing scheme is proposed to deliver 69 homes across two parcels of land, either side of Pilot Street, with the breakdown of house types set out in the tables below.

Site 1

Accommodation type	Size per unit (sqm)	Number of units	% units
2 bedroom terrace 3 person apartments	75	1	6%
3 bedroom 5 person townhouses	110	2	13%
2 bedroom 3 person apartments	64-71	13	81%
Total		**16**	**100%**

Table 1a: Breakdown of house types at Pilot Street, Site 1

Site 2

Accommodation type	Size per unit (sqm)	Number of units	% units
2 bedroom 3 person apartments	65 - 67.5	39	73%
1 bedroom 2 person apartments	55.5 - 57	8	15%
2 bedroom 3 person apartments	85	6	11%
Total		**53**	**100%**

Table 1b: Breakdown of house types at Pilot Street, Site 2

Tenure

5.22 The Pilot Street application is for a 100% social housing scheme. The SPG seeks to avoid mono-tenure housing in the interests of sustainable and balanced communities. Paragraph 4.4.14 of the SPG states that larger mono-tenure schemes [such as that proposed at Pilot Street] may be considered having regard to the following considerations:

- *'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 an area, in order to minimise large areas of single tenure social housing; and*
- *Whether a scheme is proposed as 'shared housing''*

5.23 Dealing with the first criterion, NIHE supports the application, citing a significant unmet need in Belfast. However, turning to the second and third criteria, there is already significant social housing in the immediate area and there is no evidence that the proposal is for shared housing. The proposal would therefore unlikely contribute to a sustainable and balanced community. Nevertheless, regard is had to the strong support for the proposal from NIHE, that the proposal includes a small number of family homes for which there is a particular need in this location, the largely supportive response from the local community for affordable housing during the pre-application community process and the longevity of the scheme. Having regard to these factors, and on balance, the proposed tenure mix is considered acceptable.

5.24 For these same reasons, together with regeneration benefits of the Pilot Street application, the BTR application's proposal to provide off-site social housing is considered, on balance, acceptable. Given that the BTR application is reliant on the Pilot Street application, both applications must be considered together. Should the Pilot Street application be found to be unacceptable, then the BTR application should fail in that it would fail to satisfactorily address Policy HOU5.

5.25 If the BTR and Pilot Street applications are approved, it will be necessary to require the delivery of the social housing on the Pilot Street site prior to occupation of the BTR development. This would allow construction of the BTR scheme to proceed and should be secured by way of a Section 76 planning agreement.

5.26 In their supporting statement, the applicant further argues that the provision of on-site affordable housing within the BTR scheme would be unviable. However, it is already accepted that off-site social housing delivery is acceptable in this case for the reasons set out above. It is therefore unnecessary to consider viability further.

Housing mix

5.27 Policy HOU6 applies. It requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of:

a. Up to date analysis of prevailing housing need in the area;
b. The location and size of the site;
c. Specific characteristics of the development; and
d. The creation of balanced and sustainable communities.

5.28 The requirement for a mix of house types will not apply to single apartment developments such as the proposal. In such cases, the housing mix will be considered acceptable through greater variety in the size of units.

5.29 The proposed housing mix is shown in the table below.

Accommodation type	Size per unit (sqm)	Number of units	% units
Studio apartments	34	52	20%
1 bedroom apartments	46	116	45%
2 bedroom apartments	70	88	34%
Total		**256**	**100%**

5.30	As can be seen, the proposal consists of only smaller studio, one and two bed units. No larger units are proposed. The SPG suggests that more 3 and 4-bedroom apartments should be encouraged to meet the requirement for increased size, whilst promoting choice and facilitating the creation of sustainable and balance neighbourhoods. The applicant states that the housing mix is informed by their commercial advisors, confirming that there is very limited demand for larger, 3-bedroom units in this location. The applicant says that the target market for the 1-bedroom units and studios are young professionals but they are also likely to be attractive to downsizers and retirees. They go onto state that the 2-bedroom units are also available for smaller family units.
5.31	In assessing the housing mix, regard is had to the location of the site at City Quays and the BTR residential model. Regard is also had to the fact that the proposal would enable the delivery of a greater mix of social housing on the Pilot Street site. Taking these considerations into account, on balance, the proposed housing mix is acceptable.
	<u>Adaptable and accessible accommodation</u>
5.32	Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet. The applicant has provided evidence to demonstrate that the proposal is in accordance with criteria a. to f.
5.33	The proposal includes 10% wheelchair units. Criteria h. stipulates that in-curtilage or designated car parking meets disabled parking standards. The proposal is “car free” development with no dedicated parking proposed. However, future occupants of the development will be able to avail of a car parking space within the adjacent Multi Storey Car Park, which includes both general and disabled parking (this is set out further in the Access and Transport section of this report). Criterion i. states that pathways should be wide enough to accommodate a wheelchair and have a firm surface of gently sloping surface. The adjacent area comprises a large hard landscaped public realm space, and therefore these areas will be able to accommodate wheelchairs. All surfaces are level or gently sloping. The proposal is considered to be compliant with Policy HOU7.
	<u>Design and placemaking</u>
5.34	The proposal has been assessed against the SPPS, Creating Places and Policies SP5, DES1, DES2, DES3 and RD1 of the Plan Strategy. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of proposals responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials avoiding any negative impact at street level. Policy DES2 advocates adopting a holistic approach to site layout that is mindful of adjacent development, while Policy DES3 relates to the assessment of tall buildings including any impact on the setting, character and appearance of listed buildings, conservation areas, ATCs, and historic monuments/gardens.
	Scale, height and massing:
5.35	Policy DES1 states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking and goes onto list 11 criteria, a. to k. The proposed building comprises two distinct elements: a lower 12 storey podium which measures around 38.0m in height and a taller 23 storey tower with a shoulder height of approximately 76.4m with plant rising,

measuring a further 3.0m above. The proposal has been articulated as two distinct blocks that step up in height towards those existing CQ buildings to the north. As illustrated in the images below, the podium element picks up contextually on the general datum height struck by those lower buildings within the wider CQ site which includes the immediately adjacent AC by Marriott Hotel, as well as the earlier CQ1 and CQ2 buildings further north.

5.36 The tower element, which includes a much slimmer profile and smaller footprint, nods towards the taller and more recently constructed CQ3 building. It is considered that the proposal will add further interest to the dynamic and emerging waterfront skyline in this location through the realisation of appropriately scaled built form that will sit comfortably as part of the wider cluster of modern buildings, according with Policy DES3.

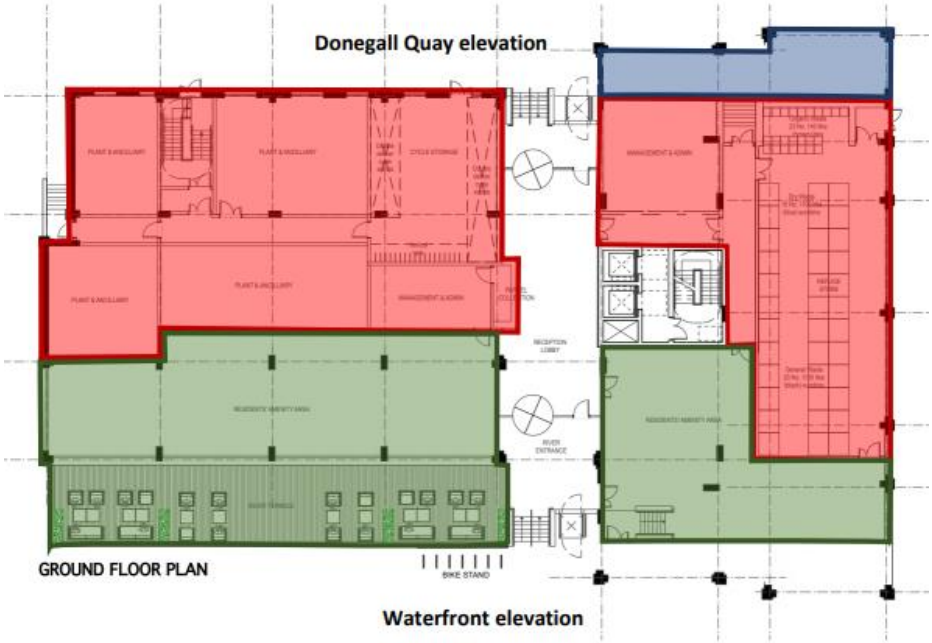
5.37 With regards to building form and façade articulation, it is considered that the proposed composition achieves a subtle distinction between the tower and podium, assisted by the narrower interlinking section, without compromising its ability to tie in with the existing family of buildings. The most recent revisions of the proposed panelling are a darker red colour, opposed to the previous mustard/champagne tone. The red tone is considered to be more contextually appropriate. The building will be subject to significant light across its exposed eastern (river facing) and southern (motorway/city centre facing) elevations which may require the final colour section to be over emphasised to avoid washing out the accent colour. The final colour selection will be subject to a condition. Contextually, the height of the building is considered sympathetic to its wider context and would be slightly lower than the Obel building in deference. The scale, height and massing are considered to respond positively to the local context and character through architecture and urban form through addressing matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape and materials.

Active frontage:

5.38 The primary waterfront elevation, ground floor plan includes two large resident amenity areas either side of a generously proportioned and legible entrance lobby. The southern amenity are benefits from a sizeable external terrace area with no concerns raised in relation to the degree of animation and activation that this arrangement will be able to achieve and the positive effect it will have along this stretch of the waterfront.

5.39 Back of House uses (BOH) such as a large bin storage area have been placed along the northern ground floor elevation, which will have least impact on the surrounding streets and waterfront. However, the Senior Urban Design Officer has raised concerns about the degree of BOH uses along the full extent of the secondary elevation fronting

Donegall Quay, which extend across much of the building's southern elevation. The extent of active (green) and inactive (red) frontages is show in the images below.



5.40 The Senior Urban Design Officer has raised concerns about the lack of active frontage on the Donegal Quay elevation. The building projects out over the ground floor footprint at its north west corner to accommodate the stacking of bedrooms and living areas from first floor upwards across all floors of the tower (effected area highlighted in blue on the plan above). CGIs have been produced to illustrate the envisaged form along this elevation (also see above).

5.41 Criterion f. of Policy DES1 requires the provision of active frontages to ensure vibrancy throughout the day. Additional area of glazing have been inserted, particularly along the south west corner, which will assist in providing additional light in the evenings and views into/out of the building. The double height nature of the covered north west

	corner area will give this corner of the building a more open and airy feeling which will help to a degree in deterring anti-social behaviour. It is considered, that whilst the Donegall Quay elevation does not provide as animated a frontage as the remaining elevations onto the waterfront, there is opportunity to enhance this elevation through the installation of additional lighting and public art to help off-set this. Details of this should be required by condition. On balance, subject to this requirement, the treatment of the frontages is considered acceptable. ***Siting and Alignment:***
5.42	Policy DES2 states that planning permission will be granted for Major development where it accords with the principles a. to j. The wider City Quays development has followed the design and layout principles identified within the City Quays Masterplan (Z/2010/1006/O). The proposal forms one of the last few development sites identified within City Quays, forming the most southernly end piece to the grouping of four buildings that have already been constructed along the waterfront, namely: CQ1 (2015), CQ2 (2017), AC by Marriott Hotel (2018), CQ3 (2022) as well as the CQ MSCP (2019) adjacent to the M3 bridge. Two remaining plots include *City Quay Gardens* (located between CQ2/CQ3 and the Listed Harbour Commissioners Office) and CQ5 to the immediate north of the MSCP and opposite the Harbour office.
5.53	It is considered that the proposal adopts a holistic approach to site assembly, layout and design that is mindful of adjacent sites. The proposal promotes opportunities for urban repair and greater connectivity resulting in enhanced waterfront connectivity and a continuation of the high-quality public realm and landscape offer that has already been realised along Donegall Quay. ***Public realm:***
5.54	The proposal is considered to create an adaptable and well-connected public realm which ties in with the existing waterfront development at City Quays. The choice of materials compliments the character and setting of the City Quays buildings. The proposal incorporates various hard and soft landscaping features, alongside a riverside terrace to its frontage which creates a welcoming entrance to the development and connect with the existing public realm around the City Quays area. **<u>Impact on the heritage assets</u>**
5.55	Policy BH1 seeks to safeguard the setting of Listed Buildings. There are a number of Listed Buildings in the vicinity of the site which could be affected by the proposal, as described below: • HB26 50 094 Belfast Harbour: Grade A • HB26 50 093 Sinclair Seaman's Presbyterian Church: Grade B+ • HB26 50 306 Direct Wine Shipments 5-7 Corporation Square: Grade B2 • HB26 50 090 D Furnace House: Grade B1 • HB26 50 090 A Former Pumping Station: Grade A
5.56	DfC Historic Environment Division (HED) has been consulted. Due to the scale of the large development, HED advises that the above list is not exhaustive as the proposal may impact on the wider setting included in long views of other listed buildings in Belfast City Centre. HED considers that the proposal may have an adverse impact on the listed buildings and their settings. However, officers advise that the listed buildings are sufficiently removed from the proposed site to not cause any demonstrable harm to

	the listed buildings and their settings. Regard is had to the outline masterplan which approves development at “City Quays 5” to the immediate north of the MSCP and opposite the Listed Harbour office. Development here would largely block views of the proposed building from the Listed Harbour office, Sinclair Seaman’s Presbyterian Church and Direct Wine Shipments, reducing the impact of the proposal on the setting of those listed buildings. It is considered that the proposal would not adversely affect the setting of Listed Buildings and is compliant with Policy BH1.
5.57	Policy BH5 relates to archaeology with the Council seeking to conserve and where possible enhance archaeological assets. Consent will normally only be granted where criteria a. to d. are met. The application is in close proximity to a large number of industrial archaeological assets related to ship building and harbour activity in Belfast. The recorded archaeological sites and monuments nearby are indicators of a high archaeological potential for further, previously unrecorded archaeological remains which may be encountered within the application site. HED (Historic Monuments) is content that the proposal satisfies Policy BH5, 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. These measures will be required by condition.
	<u>Climate change</u>
5.58	Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development.
5.59	The applicant has provided details on the various sustainable design features which will be incorporated in the development. These include PV Solar Panels to the roof of the development, and various SuDs measures including rain butts, and blue roofs across external terrace areas. Buildings across City Quays to date have been designed and constructed to achieve BREAAM excellence ratings. Continuing this theme, CQ4 has been designed to meet the latest sustainability guidance for residential developments (the Home Quality Mark – HQM) which is welcomed, sharing a common lineage with BREEAM, a global sustainability assessment method for master planning projects, infrastructure, and buildings. Some of the key design features include open space, building materials and good construction practices which are considered to help meet the objectives of Policy ENV2 (and parts of ENV3) provided that the HQM accreditation is achieved. The applicant has stated that CQ4 is anticipated to achieve a 4.5 star rating out of 5 under the HQM One Scheme. A condition is recommended to require that the proposal is constructed to this standard. The proposal is considered acceptable having regard to Policy ENV2.
5.60	Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The proposal is considered to meet to meet criteria b) in that the proposal incorporates various hard and soft landscaping elements at ground floor level and the upper terraced areas to assist an overall sustainable drainage solution. Criteria d. is met as at the detailed design stage the building will be modelled and checked for compliance with CIBSE Technical Memorandum 59 Design Technology for the assessment of overheating risk in homes (2017). Further information on overheating can be found in the technical reports by RSK which have been submitted to the Council. Furthermore, criterion I. is met in that the site levels are designed to alleviate the flood risk from the development and maintain the safety of residents and their homes in the future. This is supported by the Flood Risk and Drainage Assessment (FRA/DA) prepared by RSK. The proposal is considered acceptable having regard to Policy ENV3.

5.61 Policy ENV5 states that all built development shall include, where appropriate, SuDs measures to manage surface water effectively on site, to reduce surface water run-off and to ensure flooding is not increased elsewhere. The applicant has demonstrated the proposal will include the following SuDs measures:

- Construction of 'blue roofs' in the amenity areas;
- Integration of rain gardens and rain butts;
- Construction of oversized pipes to service the development;
- Gated discharge and check vales;
- Discharge points at multiple locations; and
- A facility for pumping/maintaining discharge rates during extreme conditions.

5.62 The proposal is considered acceptable having regard to Policy ENV5.

Residential quality and impact on amenity

5.63 Policies DES1, DES1 and RD1 highlight the need to minimise the impact of overshadowing and loss of daylight on both new and existing residents and the promotion of quality residential environments.

5.64 The BTR model includes shared communal amenity areas. The proposal includes private external and internal amenity areas as set out in the table below.

Location	Size (sqm)	External (sqm)	Internal (sqm)
Ground floor residents amenity area	496	-	496
First floor terrace	182	182	-
First floor residents amenity area	408	-	408
12th floor residents terrace	362	362	-
12th floor amenity areas (including gym)	92	-	92
23rd floor viewing deck	223	223	-
Private balconies	258	258	-
TOTAL	**2,021 sqm**	**1,025 sqm**	**996 sqm**
AVERAGE	**7.9 sqm**	**4.0 sqm**	**3.9 sqm**

5.65 *Creating Places* advocates external private amenity space of between 10 and 30 sqm per residential unit. The proposal falls below this at an average of 4.0 sqm external amenity space per unit. However, the proposal also includes a reasonable level of shared internal amenity space consistent with the BTR model, increasing the overall amenity space to 7.9 sqm per unit. Creating Places was published in 2000 and did not envisage BTR or the other more contemporary forms of housing. Having regard to the level of internal amenity space to be provided, the location of the site, its immediate proximity to City Quays Gardens and proximity to the city centre core and waterfront, the proposed external amenity provision is considered acceptable.

5.66 The orientation, layout and external design of the proposal has been directly informed by the site's constraints, mainly being its proximity to the M3 bridge and the adjacent AC hotel by Marriott. The arrangement of the hotel assists in addressing any issues relating to privacy or amenity of neighbouring residents, including overlooking loss of lights, overshadowing dominance, noise or other disturbance. The massing of the hotel steps down towards the northern boundary of the application site, and much of the

southern gable of the hotel is blank; other than a lateral strip of windows which relate to the hallways at each floor level of the hotel, therefore no habitable rooms look directly into the application site. There is also a sufficient separation distance from the nearest residential properties in the Obel.

Space Standards:

5.67 The proposal comprises a mix of studio, one and two-bedroom apartments, with the space standards set out below. The proposed units are in accordance with the minimum space standards as set out in Appendix C of the Plan Strategy.

Accommodation Type	Size per unit (Sqm)	Number of Unit
Studio apartments	**34**	**52**
1 bed apartments	**46**	**116**
2 bed apartments 2 person	**70**	**88**
TOTAL		**256**

<u>Open space</u>

5.68 Policy OS3 requires that all new development proposals make appropriate provision for open space, including hard and soft landscaped areas and outdoor amenity areas, to serve the needs of the development. The precise amount, location, type and design of such provision will be negotiated with applicants taking account of the specific characteristics of the development, the site and its context and having regard to a) the normal expectation will be at least 10% of the total site area; and b) complementary and ancillary equipment and facilities, including for active or passive enjoyment of residents or occupiers, should be incorporated into the design of the development.

5.69 Furthermore, planning permission will only be granted for proposals for new residential development of 25 or more units, or on sites of one hectare or more, where public open space is provided as an integral part of the development.

5.70 For residential development of 100 units or more, or for development sites of 5 hectares or more, an equipped children's play area will be required as an integral part of the development. The council will consider an exception to this requirement where a sufficient equipped children's play area exists within reasonable walking distance (generally around 400 metres) of the majority of the units within the development scheme and subject to the further provisions of this policy.

5.71 In this case, no open space is proposed within the site. However, the applicant is committed to delivering *City Quays Gardens*, a high-quality area of open space (0.88ha) a short walk to the northwest of the application site. Construction of City Quays Gardens is expected to begin shortly. It is considered that once completed City Quays Gardens will provide valuable open space for residents of the proposed building. Given the location and characteristics of the BTR proposal, this is considered acceptable. Regard is also had to the close proximity of the site to riverside and its amenities, as well as the city centre core.

5.72 In relation to the provision of children's play equipment, the applicant states that the site is located within 321 metres of the "Bridges Urban Sports Park". This is used for skateboarding, in-line skating and BMX-ing. However, officers are mindful that this is not a general children's playpark and does not provide facilities for younger children. This view is shared by the Council's Landscape and Development team. The applicant has offered a Financial Developer Contribution towards off-site provision of children's play

	equipment. However, the Landscape and Development team's preference is that provision for children's play is provided within City Quays Gardens. Officers are continuing to discuss these options with the applicant.
5.73	It is considered necessary to secure the delivery and future management of City Quays Garden prior to occupation of the proposal. The applicant has agreed to this obligation in principle and this should be secured by means of a planning obligation in a Section 76 planning agreement.
5.74	Subject to appropriately dealing with the issue of children's play equipment, the approach to open space is considered acceptable.
	<u>Access and transport</u>
5.75	The site is a highly accessible location within the City Centre. It is within short walking and cycling distance of the city centre and its shops, services, leisure and employment opportunities. The site is on the national cycling network. It has very good public transport links through access to buses and rail. Provision is made for sheltered and secure cycle parking for 105 bicycles within the building at ground floor. The proposal accords with Policy TRAN1.
5.76	The green travel plan provided with the application will further promote active and sustainable travel. Initially, the applicant proposed that travel cards are offered to each residential unit for three years; three-year membership of Belfast Bikes; and three-year membership of a car club. However, consistent with approach taken to the approved "Loft Lines" scheme for 798 apartments in the Titanic Quarter (LA04/2021/2280/F), the applicant has agreed a more sophisticated approach to green travel measures, whereby each residential apartment will be assigned a minimum value travel vouchers to spend on the travel measures that suit the individual occupier best. This overall travel voucher fund would be in the region of £450k and would be managed by the Travel Plan Coordinator. Occupants would have the option of spending vouchers on any combination of the offered measures to a minimum value per residential unit until the fund is empty. The travel measures options will be extended to include the option of purchasing a new bicycle. This tailored approach to green travel measures is considered to be a much more effective use of developer contributions.
5.77	The developer will also be required to ensure that the prospective tenants pack and promotional material makes it clear that the proposal is a "car free development". This, together with the travel plan and green travel measures, will need to be secured by means of a Section 76 planning agreement.
5.78	No dedicated in-curtilage general parking is proposed, and the applicant is promoting the scheme as "car free" development. It points towards the highly sustainable location of the site. The site is within an area of parking restraint. Officers also have regard to the site's proximity to the large multi-storey car park (MSCP) to the immediate north. The MSCP provides 907 spaces across 17 parking levels, including 45 dedicated disabled spaces. The applicant confirms that the operator of the car park (NCP) offers "season tickets", with annual spaces costing £1,200.
5.79	Having regard to the highly sustainable location of the site, proximity to the MSCP and applicant's commitments to green travel measure, the non-provision of dedicated general parking is considered acceptable.

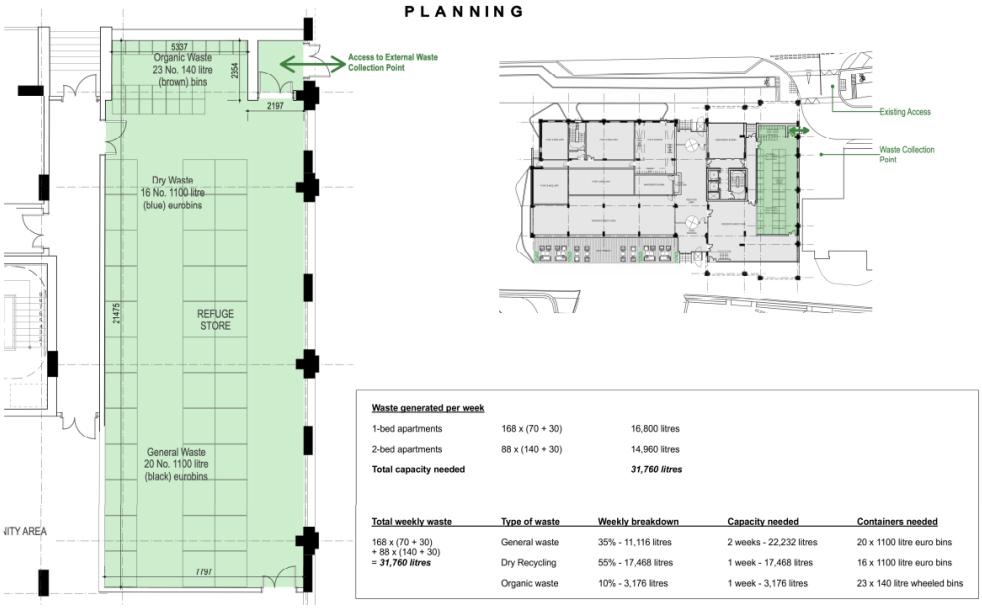
5.80	In relation to disabled parking provision, again no specific in-curtilage parking is proposed. Regard is had to the very close proximity of the site to the MSCP, which provides 45 disabled parking spaces, which residents can use either on a short-term basis or lease annually. It is understood that none of the disabled spaces are currently leased. DfI Roads advises that disabled parking should be within 50 metres – in this case, the MSCP is within 20 metres of the building. The applicant is proposing a controlled pedestrian crossing to enable a safe route across Donegall Quay road from the MSCP to the building. DfI Roads has confirmed that the provision of the crossing is acceptable in principle, but that the detailed design should be agreed in advance before the planning permission for the BTR scheme is issued. The applicant is to submit the detailed design to DfI Roads and this process can run in parallel with the drafting of the Section 76 planning agreement that will secure the necessary planning obligations. The construction of the pedestrian cross will be required by condition. Subject to this provision, it is considered that the approach to disabled parking is acceptable. The application is supported by a Service Management Plan (SMP) which will manage bin deliveries. Servicing will be co-ordinated and controlled to minimise disruption to the surrounding highway network; DfI Roads has advised that a final SMP can be secured by condition. It has confirmed that there would be no conflict between the service road and cycle lane. DfI Roads is also satisfied with the cycle parking proposals.
5.81	DfI Roads has yet to provide its final consultation response but has confirmed that the travel plan and approach to green travel measures is acceptable. It has also said that it is satisfied with the approach to both general and disabled parking. Subject to agreement of the details of the pedestrian crossing, it confirms that there would be no highway safety issues. It also advised that there would be no traffic progression issues. DfI Road's final response will be reported to the Committee as a late item.
5.82	Delegated authority is sought for officers to deal with any further issues raised in DfI Road's final response, provided that they are not substantive.
5.83	Subject to resolution of these issues, the proposal is considered acceptable having regard to Policies TRAN1, TRAN4, TRAN6, TRAN 8 and TRAN 9.
	<u>Health impacts</u>
5.84	Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.
5.85	The site is highly accessible and provides excellent opportunities for active travel, including walking and cycling, through good linkages with the city centre and waterfront. Active travel will be further encouraged through the travel plan and green measures proposed as part of the application. The site is within short walking distance of City Quays Gardens, a sizeable quality area of new open space as well as the amenities along the riverside and within the city centre core. The BTR model provides communal recreation spaces to encourage social interaction and support mental wellbeing. A gym is proposed to provide further opportunities for exercise and fitness. The proposal is considered to satisfy the requirements of Policy HC1.

	Environmental protection
5.86	Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations.
	Contaminated land
5.87	Environmental Health (EH) has reviewed the information within the Preliminary Risk Assessment and Generic Quantitative Risk Assessment City Quays 4. EH recommends conditions in the event that planning permission is granted. The proposal is therefore considered to accord with Policy ENV1.
	Air quality
5.88	EH has reviewed the Air Quality Impact Assessment and the clarification report and find that both sufficiently demonstrate that future occupants of the development will not be exposed to air quality concentrations exceeding UK air quality objectives. EH is also satisfied in relation to potential dust impacts during construction subject to implementation of the proposed dust management measures. The proposal is therefore considered to accord with Policy ENV1.
	Noise and vibration
5.89	Having considered the applicant's noise impact assessment, EH is content that the proposal is acceptable subject to conditions. The proposal is therefore considered to accord with Policy ENV1.
	Flood risk and drainage
5.90	Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The council will have regard to guidance publications produced by other authorities and prospective developers/applicants are advised to liaise early in the formulation of their proposals with DfI Rivers to clarify flooding or flood plain issues that may affect particular sites. In all circumstances, the council will adopt a precautionary approach in assessing development proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.
5.91	DfI Rivers is currently considering additional information from the applicant relating to the design of the flood defence wall and its final comments are awaited.
	Waste-water infrastructure
	Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water has objected to the proposal on grounds of insufficient capacity at the local waste-water treatment plan. It advises that existing public waste-water infrastructure cannot currently support the proposal without significant risk of environmental harm, potential pollution, flood risk and harm to local amenity. However, no clear evidence has been provided to demonstrate specific harm resulting from the development. Moreover, NI Water has a duty to connect committed development across the city to its waste-water infrastructure. Such development, which includes significant levels of residential and commercial floor space across the city, will not all come forward

at once and some may not come forward at all. Regard is also had to the extant outline permission for residential development on the site, albeit for a lower building with less homes. For these reasons, it would be unreasonable for the Council to refuse planning permission on these grounds and the proposal is considered acceptable having regard to Policy SP1A of the Plan Strategy.

Waste management

5.92 In accordance with Policy RD1, new residential development should be provided with adequate space for daily segregation of recyclable materials and waste before it is moved to the communal waste storage area. The application is supported by a Waste Management Plan (WMP) which outlines the operational waste management measures. A communal waste storage area is proposed for the domestic development and is demonstrated in the image below:



The proposed WMP details three types of refuse and their collection frequencies:

- General Waste: fortnightly collections
- Dry Recycling: weekly collections
- Organic Waste: weekly collections

The proposed waste management plan and arrangements are considered acceptable.

Natural heritage

5.93 Policy NH1 relates to the protection of natural heritage resources.

5.94 The site is immediate adjacent the River Lagan and Belfast Lough. Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also “in combination” impacts with other development.

5.95	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NI Water to provide evidence of likely actual impacts, rather than hypothetic impacts. As the Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a significant effect on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council may need to consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This also triggers statutory consultation with DAERA NI Environment Agency.
5.96	In this case, it is considered that there would be clear intensification of the existing use of the site. Accordingly, it has been necessary to consult SES and DAERA. DAERA offers no objection to the application. However, SES's final response is currently outstanding. It is considered unlikely that SES will object to the proposal and it is anticipated that they will recommend a condition requiring drainage to be agreed with NI Water prior to commencement of development. The final SES response is expected shortly and will be reported to the Committee as a late item.
5.97	DAERA has advised that it has no objection to the proposal. It has recommended a condition to require details of foul drainage to be agreed prior to commencement of development. Subject to this condition and the final response from SES, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the Strategic Planning Policy Statement.
	Employability and Skills
5.98	The Developer Contribution Framework requires proposals to make a contribution towards Employability and Skills where necessary.
5.99	The Economic Development Unit advises that given the scale of the construction employment required to implement the proposal, together with current skills shortages, employability and skills related Developer Contributions are required. Officers advise that an Employability and Skills Plan is required to be submitted and implemented, and that this should be secured by way of a Section 76 planning agreement.
5.100	Typical interventions in the Employability and Skills Plan may include: • creating access to employment opportunities • delivering training to upskill people • creation and delivery of apprenticeship opportunities • ring-fencing opportunities for under-represented groups • delivery of employability interventions • addressing barriers to employment and skills development • delivery of youth interventions
	<u>Section 76 planning agreement</u>
5.101	If the application is approved, it should be subject to the finalisation of a Section 76 planning agreement to secure the following planning obligations. These are considered necessary to make the proposed development acceptable. • **Social housing** – to require the delivery of a minimum of 52 of the 69 residential units on Pilot Street, prior to occupation of the development;

	• **Open space** – the delivery and future management of City Quays Gardens on or before occupation of the development; • **Green travel measure** – travel plan; promotion of car club; promotional material for tenants and tenancy packs to be clear that the proposal does not provide dedicated parking; and minimum value travel vouchers for each residential unit with options to spend on car club membership, membership of Belfast Bikes, travel cards and/or new bicycles. • **Employability and Skills** – requirement for the submission and implementation of a Construction Employability and Skills Plan.
5.102	A draft Section 76 planning agreement has been provided with the application and will need to be finalised before planning permission is granted.
	<u>Pre-application Community Consultation</u>
5.103	The application was preceded by a Proposal of Application Notice (PAN) which set out the applicant's proposals for pre-application community consultation.
5.104	The application is accompanied by a mandatory Pre-application Community Consultation Report (PACC). The PACC report describes the comprehensive pre-application consultation undertaken by the applicant.
5.105	The applicant actively sought the views of the public and stakeholders with regards to this development by utilising the following methods of engagement: • Distribution of an information leaflet containing the details of the proposals and the avenues through which recipients could provide their comments and feedback; • Hosted a public exhibition event with members of the project team to assist in any questions and to allow for further feedback; • Issued a press notice to highlight information about the proposals and provide notification of the public information event; • Developed and managed a dedicated consultation website to host all proposal information digitally.
5.106	The feedback was reviewed, and the matters were considered within the PACC report, detailing how the feedback was gathered, analysed, assessed and considered.
5.107	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.
6.0	**Recommendation**
6.1	The proposal would provide a significant number of new homes in a highly sustainable location and would support city centre living. The proposal would make very effective use of land, a finite resource. The provision of off-site social housing responds to the significant unmet need for social housing in the city. The scale, height, massing and design of the building are considered appropriate to the site's context. The approach to green travel is acceptable. The proposal would not have a harmful impact in respect of other land-use planning considerations.

6.2 6.3	It is recommended that planning permission is granted. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, resolve the outstanding transport and children's play equipment requirements and deal with any other issues that arise from the final consultation responses, provided that they are not substantive.
7.0	**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. No external facing panels or 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. The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works. The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials. Reason: In the interests of the character and appearance of the area. 3. Notwithstanding the submitted details, the development hereby permitted shall not be occupied until a lighting and public art scheme to enhance the design and animation of the ground floor has been implemented in accordance with details that shall have first been submitted to and approved in writing by the Council. Reason: To enhance the design and animation of the ground floor. 4. 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. 5. The development hereby permitted shall be not be occupied until the river terrace and residents amenity area on the ground floor; residents first floor terrace and residents amenity area at first floor; and residents terrace and gym at 12th floor have been provided in accordance with the approved plans. These amenity areas shall permanently retained as such at all times. Reason: To ensure that appropriate amenity space is provided for the wellbeing of occupants of the development.

	6. The development hereby permitted shall be constructed to a minimum of Home Quality Mark 4.5 rating and shall not be occupied until certification that verifies this has been submitted to and approved in writing by the Council. Reason: To ensure that the proposal incorporates appropriate measures to mitigate and adapt to climate change. 7. The development hereby permitted shall not be occupied until the sustainability measures set out in Section 3.6.5 of the Flood Risk and Drainage Report, dated 19/12/22, have been constructed and installed and independent written verification of such as been submitted to and approved in writing by the Council. Reason: To ensure that the proposal incorporates appropriate measures to mitigate and adapt to climate change. 8. The development hereby permitted shall not be occupied until the waste storage areas have been provided in accordance with the approved plans and shall be permanently retained as such at all times. Reason: To ensure that appropriate provision is made for storage and disposal of waste. 9. The development hereby permitted shall not be occupied until the pedestrian crossing has been constructed in accordance with the approved plans. Reason: To provide a safe pedestrian route from the multi-storey car park to the building. 10. The development hereby permitted shall not be occupied until the secure cycle storage area has been provided in accordance with the approved plans and shall be permanently retained as such at all times. Reason: To promote active travel and to mitigate the absence of dedicated parking within the development. 11. 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. 12. Prior to the occupation or operation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the Belfast Harbour Commissioners Remediation Strategy City Quays 4 604353 – R7 (00). Dated December 2022 have been implemented. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for the commercial end-use. It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British Standards BS 8485:2015+A1:2019 - Code of Practice for the Design of Protective Measures

for Methane and Carbon Dioxide Ground Gases for New Buildings. In particular, the Verification Report must demonstrate that:

a) The gas protection measures, as per BS 8485:2015+A1:2019 which must include:
   - Structural barrier e.g. Cast in situ monolithic reinforced ground bearing raft with minimal penetrations;
   - A gas resistant membrane which meets all requirements of Table 7 of BS 8485:2015+A1:2019; and
   - Ventilation protection e.g. a passive sub floor dispersal layer which provides at least good performance.

Gas protection measures must be verified in line with the requirements of CIRIA C735, have been implemented.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

13. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related development works shall cease, and the Council shall be notified immediately in writing. No further related development works shall proceed until this new contamination has been fully investigated in accordance with current Environment Agency and CIRIA guidance and British Standards.

    In the event of unacceptable human health risks being identified, a Remediation Strategy shall be submitted to and agreed in writing by the Council. The Remediation Strategy shall be implemented and subsequently a Verification Report shall be submitted to and agreed in writing by the Council prior to the development being occupied or operated. The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British standards.

    Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

14. Prior to installation of façade glazed units (windows and balcony doors) within the hereby permitted development, the applicant shall submit to the Planning Authority, for review and approval in writing, the final glazing schedule detailing the glazing configuration and sound reduction performance (in Rw +Ctr) of the proposed windows/balcony doors to habitable rooms on all facades and floors of the hereby permitted development. The Rw+Ctr values of theglazing specification shall be equivalent to or greater than the sound reduction recommendations contained within Section 5.2.2.3 Proposed Façade Acoustic Specification of the submitted report: RSK – Proposed Residential Development at City Quays 4, Belfast, Road Traffic Noise Assessment (ProPG), Report Ref: 604353 (1), dated December 2022.

    Reason: To safeguard the amenity of occupants of the building herby approved.

	15. Prior to the installation of the alternative means of ventilation to be incorporated within the hereby permitted development, the applicant shall submit to the Planning Authority, for review approval in writing, confirmation of the specification of the alternative means of ventilation to serve habitable rooms. The alternative means of ventilation shall be acoustically attenuated and capable of achieving the internal noise levels for habitable rooms outlined in British Standard BS8233:2014 with the windows shut and the alternative means of ventilation operating. Reason: To safeguard the amenity of occupants of the building herby approved. 16. Prior to occupation of the hereby permitted development, the window/balcony door schedule and approved alternative means of ventilation shall be installed, approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided. The approved windows and alternative means of ventilation shall be retained thereafter. Reason: To safeguard the amenity of occupants of the building herby approved. 17. Prior to occupation of the hereby permitted development, the developer shall that the window/balcony door specifications as per the approved schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation. Reason: To safeguard the amenity of occupants of the building herby approved

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ADDENDUM REPORT	
Committee Meeting Date: 16th January 2024	
Application ID: LA04/2021/2016/F	
Proposal: Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.	**Location:** 21-29 Corporation Street & 18-24 Tomb Street, Belfast.
Referral Route: Major Development	
Recommendation:	Approve subject to conditions and a Section 76 Agreement
Applicant Name and Address: ES Corporation Street Ltd 17-19 Dungannon Road Cookstown BT80 8TL	**Agent Name and Address:** Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA

Background

1. This application was considered at the December 2022 and January 2023 Planning Committee meetings. The application was deferred in December 2022 to allow Members to undertake a site visit, which subsequently took place on 16th January 2023. The application was then deferred at the January 2023 meeting to allow further information to be submitted in relation to proposed amenity space and space standards, and provide the applicant with opportunity to consider the provision of social/affordable housing on the site. Those issues are discussed in this addendum report below.

2. Since the Committee's decision, the Belfast Local Development Plan: Plan Strategy 2035 has been adopted (02 May 2023). This provides a new policy framework for decision-making. In accordance with the advice given to Members at the April 2023 Planning Committee, the application is required to be reconsidered having regard to the policies in the Plan Strategy. The applicant submitted further information in July 2023, October 2023 and December 2023 setting out how the proposal complies with the Plan Strategy.

3. This report should be read in conjunction with the original case officer report to the December 2022 Committee and Addendum Report 1, appended.

Updated Policy Context

4. 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.

5. 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. 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.

7. **Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application, which are set out in the following section of this report. The Plan Strategy replaces the operational policies previously provided by the Departmental Planning Policy Statements (PPSs). Those policies no longer have effect, irrespective of whether planning applications have been received before or after the adoption date (par. 1.11 of the Strategic Planning Policy Statement).

8. **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 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.

Relevant Planning Policies

<u>Plan Strategy</u>

9. The following policies in the Plan Strategy are relevant to consideration of the application.

   Policy SP1A – managing growth and supporting infrastructure delivery
   Policy SP2 – sustainable development
   Policy SP3 – improving health and wellbeing
   Policy SP5 – positive placemaking
   Policy SP6 – environmental resilience
   Policy SP7 – connectivity

   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 DES2 – Masterplanning approach for major development
   Policy DES3 – Tall buildings

Policy RD1 – New residential developments

Policy HC1 – Promoting healthy communities

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

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)

Policy GB1 – Green and blue infrastructure network
Policy OS3 – Ancillary open space

Policy TRE1 – Trees

Supplementary Planning Guidance
Affordable Housing and Housing Mix
Residential Design
Placemaking and Urban Design
Tall Buildings
Masterplanning approach for Major developments
Sensitive Uses
Sustainable Urban Drainage Systems
Transportation
Trees and Development
Development Viability

Updated Assessment

10. The adoption of the Plan Strategy requires the following updated assessment.

Additional Information

11. In May 2023, officers requested that the applicant provides a “Plan Strategy Statement” that sets out how the proposal complies with the relevant policies in the Plan Strategy. The applicant subsequently provided a Plan Strategy Statement, which sets out the policies in the Plan Strategy which they consider apply to this proposal. The Plan Strategy Statement covers a range of policies which are considered in more detail below. In summary, the applicant considers that the proposal complies with the relevant policies and that the development remains acceptable in relation to the Plan Strategy and other material considerations.

Consultation responses

12. Additional consultation seeking internal advice from the Plans and Policy team on housing policy, urban design and environmental policy was considered necessary following adoption of the Plan Strategy and receipt of the Plan Strategy Statement. The additional advice is referenced in the report below.

Strategic Policies

13. The Plan Strategy sets out strategic policies including Policies SP2 – Sustainable development, SP3 – Improving health and wellbeing, SP4 – Community cohesion and good relations, Policy SP5 – Positive placemaking, SP6 – Environmental resilience, SP7 – Connectivity.

14. Officers consider that the proposed development complies with the above strategic policies for the reasons expanded upon below.

Principle of Housing at this location

15. Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below.

a. **The site is suitable for housing** – the site is a sustainable location within the City Centre and considered suitable in principle for housing.
b. **The location is accessible and convenient to public transport and walking cycle infrastructure** – the site is located within the City Centre, and is highly accessible to shops, services, amenities and public transport.
c. **Provision is made for any additional infrastructure required as a result of the development** – suitable infrastructure is in place or will be made through the proposed development, notability improved public realm and connectivity.

16. The proposal is for a Build to Rent (BTR) residential scheme comprising 298 residential units. BTR is intended solely for the rental market retained in a single ownership. Service quality is a fundamental element of the BTR model with a focus on tenant retention and community experience. Belfast has received few schemes for BTR to date and the proposal will provide a specific form of quality housing that will add to the variety of housing stock offered in the city. The proposal will also support city centre living and will support the city centre including shops, bars, restaurants, leisure and other amenities.

17. The proposal is considered compliant with Policies HOU1 and HOU2 and the principle of housing in location is considered acceptable.

Housing Density

18. Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.

19. The proposal is for a tall building within the City Centre for which the average density should be greater than 350 dwellings per hectare (ha). The site area is 0.5 ha and so the proposal equates to a density of 596 dwellings per hectare, compliant with Policy HOU4.

Affordable Housing

20. Policy HOU5 of the Plan Strategy states that planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable housing.

21. No affordable housing is proposed as part of the development as the applicant argues that this would render the scheme unviable. The applicant originally submitted viability

appraisals in June and October 2022. It more recently submitted a Financial Viability Assessment in July 2023, which sets out increased costs relating to construction and securing finance to undertake the development. The Financial Viability Assessment indicates that the developers profit margin for the proposed scheme would be 5.03% (gross) which is below the normal expectation of 10-15% as set out in the Development Viability Supplementary Planning Guidance (SPG).

22. The Financial Viability Assessment (July 2023) indicates that the inclusion of 20% affordable Housing i.e. Discounted Market Rent (DMR) would yield a gross profit of only 1.28% and the inclusion of 10% of DMR within the scheme would yield a profit of only 3.195%. The 10% mix of Social Housing in a standalone block would yield a profit of only 2.51%.

23. The *Affordable Housing and Housing Mix* Supplementary Planning Guidance (SPG) recognises that intermediate housing for rent, and specifically Discounted Market Rent, is the most appropriate affordable housing product for the BTR housing model, proposed for this development, which retains the building in single ownership.

24. Notwithstanding, in February 2023, as part of the wider viability exercise undertaken by the applicant, a draft proposal incorporating 30 Social Housing units (10%) contained within a standalone 6 storey block fronting onto Tomb Street was shared with a number of Housing Associations (Radius Housing, Connswater Homes, Newington, Apex Housing, Alpha Housing, Clanmil Housing and Choice Housing) (see appendix to Plan Strategy Statement dated 7th July 2023). The applicant carried out this exercise to evaluate the demand by social housing providers to deliver such development at this location.

25. The applicant advises that the responses from the Housing Associations included:

    - General preference for traditional standalone housing units (semi-detached, town houses) and with limited appetite for high rise apartments in this configuration;
    - The potential of pepper potting social housing units within the wider BTR development was operationally not feasible or desirable;
    - Common feedback from many of the providers was the potential for anti-social behaviour associated with high rise apartment schemes, which had proved difficult to manage from their previous experience and posed “significant challenges”;
    - Small number of units would be “management intensive” without economies of scale and shared amenity space was not favourable. Concerns were raised around how shared space would be managed and operational cost.
    - Majority of providers did not have a specific requirement for high rise development in the city centre, with one major provider quoting they were already fully committed to various developments in Belfast.

26. In summary, the applicant advises that there was limited demand from the Housing Associations for high rise apartment development in this configuration.

27. As detailed above, the Financial Viability Assessment advises that the inclusion of Social Affordable Housing or Discounted Market Rent would adversely impact upon the developers profit margins. Officers have considered the Financial Viability Appraisal and have no reason to question its overall conclusions. The provision of 20% affordable housing as part of the development effectively makes a difference of around 3-4% on the overall viability, which is an indication that it is not the affordable housing provision that is causing the development to be unviable. This is material to the consideration of this application.

28. Policy HOU5 states that '*Where it can be demonstrated that it is not sustainable or viable for a proposed development to meet the requirements of this policy in full, the council will consider suitable alternatives on a case-by-case basis.'* The amplification text of Policy HOU5 set out in para 7.1.36 of the LDP provides further clarity on this matter and states that: '*It is recognised that there may be occasions where a particular housing site in Belfast might not be able to meet the affordable housing demands in full, so flexibility has been built into the policy to ensure that viability can be taken into account on a case-by-case basis. Where a developer is able to demonstrate, through evidence provided in accordance with agreed assessment approaches to viability testing, that the development is unviable if affordable housing obligations are met in full, alternative approaches will be considered. This could include varying the mix of affordable housing units, the provision of affordable housing on a suitable alternative site within the local area or, in exceptional circumstances, a reduction in the proportion of affordable housing in lieu of a financial contribution to an affordable housing development elsewhere in the district.'*

29. Further guidance is contained in the Affordable Housing and Housing Mix SPG on the alternative approaches referred to above which are set out and considered below.

    1. A deference in the timing of affordable housing requirements pertaining to the site (i.e. a phasing option);
    2. A variation in the required mix of tenure, size or type of affordable units on the site, in accordance with the hierarchy of products outlined above;
    3. A reduction in affordable units on the site;
    4. Provision of the affordable housing units on an alternative site within the same local housing area; or
    5. Commuted sum, equivalent to cost of constructing affordable unit(s) on site.
    6. The maximum viable financial contribution in lieu of affordable provision.

30. These alternative options are considered in turn below.

    Deferred timing/Phasing:

31. The applicant has considered alternatives in the Financial Viability Assessment submitted in July 2023 and a further response provided in November 2023, advising that the development is not capable of being delivered in multiple phases and that deferred timing for this scheme would increase the financial cost and further negatively impact viability. The Plans and Policy team considers that phasing would make little difference as the whole development is likely to be delivered in a single phase. It considers that at the point where the scheme becomes viable, some provision of affordable housing, albeit on a reduced scale, is also likely to be viable and suggests that if approved, the use of a review mechanism secured as part of the Section 76 planning agreement would be beneficial. This would enable a viability reassessment over the lifetime of the development to see if the economic conditions change to the extent that affordable housing could be provided. The applicant has agreed to the inclusion of a review mechanism clause which will be secured through a Section 76 agreement.

    Variation in Housing Mix/Tenure/Size/Type of affordable units:

32. A Housing Mix Statement was submitted in support of the application and states that 'The right unit mix which is *tailored to the target market (and addressing any undersupply) will create a more attractive product. Therefore, the mix of:*
    - *Studio: **2.7%***
    - *One bed: **57.4%** (53.7% 1B1P, 3.4% 1B2P, 0.3% 1BWC)*
    - *Two bed: **33.9%** (29.9% 2B3P, 4% 2B4P)*

- *Three bed:* ***6%***

is ideal for this scenario. It creates a product that is needed in the city centre, whilst providing enough variety for a wider group of potential tenants, and therefore providing for a wider pool of Belfast residents. Providing good quality homes to retain graduates and attract people into the city centre is important. Smaller apartments aimed at fewer people per apartment are a needed alternative to traditional housing which can lead to poorly managed HMO's.

33. *Paragraph 4.3.4 of Policy HOU6 states, "it may therefore be necessary for developments to include more 3 and 4 bed apartments", which has been addressed by including 6% three bed apartments. There are no four bed apartments as this is product is not in demand in the rental market, as shown in other established BTR markets such as Manchester & London.'*

34. The Plans and Policy Team suggests a greater mix of apartment types and sizes of units to provide choice within the housing development and to assist in the creation of a balanced community in the local area. The applicant provided a Viability Assessment in June 2022 which concluded that the provision of an alternative housing mix was not viable (see para 5.8.2 – 5.8.4 of the main report appended). Further commentary on the housing mix is set out in paragraphs 37-44 below. The applicant has indicated that the proposed housing mix is informed by their commercial advisors, confirming that there is very limited demand for larger, 4-bedroom units generally in BTR schemes across the UK and that the proposed mix will target primarily recent graduates. Officers consider that the proposed mix is, on balance, acceptable taking account of a number of material considerations including the location of the site at the edge of the City Centre, the BTR residential model, the commercial information that has informed the housing mix, viability of the scheme as well as the longevity of the application which was submitted in 2021, well before adoption of the Plan Strategy.

Reduction in Affordable Units/ Provision of the affordable housing on an alternative site:

35. A reduction in affordable units or provision of affordable units on an alternative site are not considered viable options as the applicant has demonstrated through evidence provided in the Financial Viability Assessments that the current scheme is not viable and that a reduction in affordable housing i.e. below 20% would also not be viable to deliver.

Provision of Commuted sum:

36. A commuted sum in lieu of on-site delivery of affordable housing is not considered a feasible alternative given that the applicant has demonstrated through evidence provided in the Financial Viability Assessment that the current scheme is not viable.

37. The applicant has confirmed their commitment to providing a developer contribution of £400k – this sum will need to be index linked from December 2022 to take account of inflation – towards improving public realm and connectivity to the city centre. The developer contribution agreed in December 2022 is considered fundamental to improving accessibility to the city centre by all residents of the development, particularly given the high volume of pedestrian traffic which will be generated. Diversion of this commuted sum in lieu of affordable housing is not considered appropriate given the site's isolated location on the fringe of the city centre as segregated by significant roads infrastructure. In any event, it is considered that this amount would yield insufficient funds to deliver any meaningful level of affordable housing.

Maximum viable financial contribution in lieu of affordable provision:

38. As the applicant has demonstrated through evidence provided in the Financial Viability Assessment that the current scheme is not viable, the Plans and Policy team advises that the maximum viable contribution should be calculated at zero.

39. In conclusion, the applicant has considered various alternative options as set out above, however, these would not address the overall viability concerns. Having had regard to the above criteria officers consider that the applicant has satisfactorily demonstrated that the scheme would not be viable if affordable housing was delivered as part of the scheme.

40. The Development Viability SPG provides further guidance where the Council accepts that a development proposal will be unviable if full policy compliance and/or planning obligations/contributions are sought. Thee following options will be considered in order:

    1. **Deferred timing or phasing:** A delay in the timing or phasing the delivery of a particular requirement may enable a proposed development to remain viable.

    2. **Reduced level of obligations and/or contributions:** Where the above option is not sufficient to secure the viability of a proposed development, then a reduction in the level of requirement may be considered. There may be potential to do this for some policy requirements that have flexibility. Any reduction would be limited to the minimum necessary for the scheme to remain viable. The Council may consider building in a review mechanism as part of a Section 76 Agreement to reassess the viability of the scheme at a set point in the future (see Section 6.4 below). Further detail on potential alternative solutions to policy requirements is outlined in the relevant SPG.

    3. **Waiving of requirements:** Only in exceptional circumstances will the removal of requirements and/or obligations be considered, as a very last resort. The nature of the proposed development may also be taken into account, where the Council take into account the other social, community, economic or environmental benefits that would be realised in granting permission for the scheme, i.e. the planning gain arising.

41. Criterion 1 and 2 have been considered above.

    Waiving of requirements:

42. Officers consider that the applicant has demonstrated that the inclusion of affordable housing would be unviable. The applicant's commercial agent has indicated that whilst the levels of return are such that they would not anticipate any developer pursuing the proposed development given the limited and very modest level of commercial return. However, the applicant has advised that they are both the developer and the construction company (MRP and McAleer & Rushe), and as an exception to a normal position they can consider a lower profit margin and return as the wider organisation (McAleer and Rushe) will also generate construction revenue as the contractor. In doing to, it will obtain local efficiencies, assuming a purchaser can be secured, and provided viability remains at an acceptable level when balanced against risk. The applicant advises that this combination offers the potential for the applicant to leverage the project and progress this residential development in Belfast city centre.

43. Having assessed the applicant's viability appraisal, the Plans and Policy team considers that proposal fails to accord with Policy HOU5.

44. The proposal does not comply with Policy HOU5 as no affordable housing is to be provided. However, the applicant has demonstrated that the inclusion of affordable

housing would not be viable. Viability is a material consideration and in this case the non-provision of affordable housing is considered justified. Regard is also had to the significant regeneration benefits that would accrue from development including the physical regeneration of the land which has the potential to act as a catalyst for other development sites in the immediate area; the introduction of 298 homes into the city centre with the potential to increase the population by around 500 people; improved connectivity to the city centre and surrounding areas through the implementation of public realm works secured by the developer contribution of £400k (plus inflationary uplift); and the creation of 400 jobs and indirectly support 520 jobs during the construction phase.

Housing Mix

45. Policy HOU6 of the Plan Strategy states that planning permission will be granted for new residential developments on sites greater than 0.1ha and/or containing 5 or more dwelling units where the proposed development provides a suitable mix of house types and sizes to promote choice and assist in meeting community needs and that provision should particularly be made for smaller homes across all tenures to meet future household requirements. The requirement for a mix of house types will not apply to single apartment developments. In such cases the housing mix will be considered acceptable through greater variety in the size of units.

46. The proposed housing mix is set out in the table below.

Apartment Type	Typical Size	Quantity	Overall Percentage
Studio	36.2 sqm	8	2.7%
1 Bed	43.3sqm to 50 sqm	170	57.1%
1 Bed Accessible	65.9 sqm	1	0.3%
2 Bed	65.9 sqm to 70.3 sqm	101	33.9%
3 Bed	88.1sqm to 88.8 sqm	18	6%
Total		**298**	**100**

47. The applicant has submitted a Housing Mix Statement and considers that the proposal provides a range and mix of housing designed to attract the target market of recent graduates/young professionals. The Housing Mix Statement highlights that there is a need for smaller units with apartments playing a large role in enabling this proposal. Furthermore, the Housing Mix Statement states that the proposal provides an ideal mix that will help with the city's ambition to create City Centre Living further helping the city's future economy.

48. The Housing Mix Statement also highlights that the proposed mix is very similar to the of the "Loft Lines" BTR scheme in the Titanic Quarter (LA04/2021/2280/F – Lands adjacent to and south of the rive Lagan, west of Olympic Way of Queen's Road, Queen's Island, Belfast, BT2 9EQ), in line with BTR market requirements in Belfast and that the proposal has been extensively market tested with multi-national operators. Officers stress that the Loft Lines decision pre-dated the adoption of the Plan Strategy.

49. The space standards (as set out in Appendix C of the Plan Strategy) for each unit type proposed is shown in the table above. The proposed apartments comply with these standards. The Housing Mix Statement indicates that although there is a large amount of 1 bed, 1 person units, these are generous (43.3sqm to 46.7sqm) in size and provide the same internal facilities as 1 bed, 2 person units

House Type	Space Standard (single storey) Square Metres (sqm)
1 person/1 bed	35
2 person/1 bed	50
3 person/2 bedroom	60
4 person/ 2 bedroom	70
4 person/ 3 bedroom	75
5 person/3 bedroom	80
6 person/3 bedroom	85

50. The Plans and Policy team considers that the proposal includes too many apartments that are only suitable for single occupancy (160 x 1 bed units are for 1 person) and reiterate previous recommendations to provide a greater mix of apartment sizes to provide choice within the housing development and to assist in the creation of a balanced community. The Plans and Policy Team considers that the applicant has failed to demonstrate that it is not possible to provide a more suitable mix of apartment types and sizes and has offered little evidence to demonstrate why a greater variety cannot be incorporated and consider that the current proposal fails to comply with Policy HOU6.

51. The applicant has demonstrated that the proposed housing mix is informed by their commercial advisors, confirming that there is very limited demand for larger, 4-bedroom units generally in BTR schemes across the UK.

52. Officers advise that the proposal is in conflict with Policy HOU6 criterion d. the creation of balanced and sustainable communities due to the very high proportion of single bedroom units and relative lack of family housing. However, regard is had to criteria a. to c. of Policy HOU6. Indeed, regard is had to the location of the site at the edge of the City Centre; the BTR residential model; the commercial information that has led to their chosen housing mix; viability of the scheme; and longevity of the application which was submitted in 2021, well before adoption of the Plan Strategy. Taking these considerations into account, on balance, the proposed housing mix is considered acceptable.

Adaptable and accessible housing

53. Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet.

54. An Adaptable and Accessible Accommodation Statement incorporating a Wheelchair Accessibility Statement has been provided by the applicant.

55. The applicant has provided evidence to demonstrate that the proposal is in accordance with criteria a-c and f.

56. Criteria d. and e. relate to the requirements to make provision for an entrance level WC and an accessible shower on the same floor as the main bedroom. The Adaptable and Accessible Accommodation Statement illustrates through drawings that accessible shower rooms could be provided and that bathrooms are suitable for conversion to accessible by replacing the bath with a level shower.

57. Criterion g. requires a wheelchair accessible environment in accordance with space standards. Adaptable and Accessible Accommodation Statement states that subject to future demand and viability the applicant could provide up to 30 units in accordance with the space standards for wheelchair users by adapting current 3person/ 2 bedroom apartments to form a 2 person 1 bedroom accessible apartment when a need has been identified.

58. Criterion h. stipulates that in-curtilage or designated car parking meets disabled parking standards. The car park at ground floor level proposes 14 car parking spaces including 7 disabled spaces which addresses this criterion. Criterion i. states that pathways should be wide enough to accommodate a wheelchair and have a firm surface of gently sloping surface. Access to the site is from Tomb Street and Corporation Street which are level access points. An accessible access to and through the external courtyard is also proposed.

59. Criteria j.- n. relate to layout and storage requirements and it is considered the scheme complies with these criteria. Criterion o. relates to accessible private amenity space. The courtyard and roof gardens are fully accessible and have areas of hard standing. The courtyard includes a platform lift providing access to the first floor amenity area. These criteria are satisfied.

60. The Wheelchair Accessibility Statement indicates that the applicant proposes to initially provide 1 wheelchair accessible apartment on level 01 and could provide up to 30 units (approximately 10%) in accordance with the space standards for wheelchair housing as set out in Appendix C of the Plan Strategy. Furthermore, the applicant states that there is potential to adapt a current 3 person 2 bedroom unit to form a 2 person 1 bedroom wheelchair accessible apartment when the need has been identified. The Statement further indicates that the inclusion of wheelchair accessible configuration would work without impact on the overall layout or façade and suitable apartments to facilitate such adaptations have been identified by the applicant and the applicant has demonstrated how such adaptations could be implemented.

61. The Plans and Policy Team considers that this approach to wheelchair accessible units is contrary to Policy HOU7 and would fundamentally alter the overall mix of accommodation, reducing the number of 2 bed units and increasing the number of 1 bed units contributing to the provision of a less diverse proposal in terms of accommodation mix. In addition, the Plans and Policy Team considers that the wheelchair units should be provided as part of the development now and that there is no mechanism exists through the use of conditions or planning agreement to secure provision of wheelchair units on a ‘demand monitoring’ basis. Whilst the applicant has demonstrated that the units are capable of being adapted if a need arises it is the view of officers that the proposal fails to comply with the policy in that the currents scheme as proposed fails to provide 10% wheelchair accessible units.

62. However, regard is had to the wider benefits of the development as previously described in this assessment. It is considered that these benefits outweigh the non-compliance with Policy HOU7 in this particular case.

<u>Masterplanning for Major development</u>

63. Policy DES2 of the Plan Strategy states that planning permission will be granted for Major development where it accords with a range of masterplanning principles. The proposed development is considered to be in line with the objectives of Policy DES 2 and the proposal is considered acceptable in this regard.

Residential Design

64. Policy DES1 of the Plan Strategy states that planning permission will be granted for new development that is of a high quality, sustainable design that makes a positive contribution to placemaking where it accords with a range of criteria. For the reasons set out in the original Committee report, officers remain of the opinion that the proposal responds positively to the local context and would positively reinforce a sense of place. The proposal will assist in regenerating the area and will reinstate the built frontage along Corporation Street, providing a permeable, sustainable development. Officers consider that the proposal complies with Policy DES1.

65. Policy DES3 of the Plan Strategy states that planning permission will be granted for tall buildings (defined as any building 35m above ordnance datum (AOD) or taller or those which are significantly higher than their surroundings) where they meet a number of criteria (a to h.). The height, scale and massing of the proposed development was previously considered in the original Committee report (see paragraphs 5.5.1 – 5.5.23). In summary, officers considers that the height, scale and massing of the proposed development comprising 4 blocks ranging from 19 storeys (max height c. 62.2m) to 7 storeys (max height c.24.5m) laid out around a central courtyard is appropriate to its surrounding context taking account of the variance in height across the development and taller buildings in the vicinity including the Obel building (27 storeys and 85m high), which provides a backdrop to the proposed development. The drop in height across the development from 19 storey to 11 storeys on Corporation Street and 9 storeys to 7 storeys on Tomb Street enables the building to step down to respect the scale of existing development to the south, along the lower end of Tomb Street/Waring Street.

66. This part of the city centre has been the subject of substantial change in recent years with the redevelopment of the nearby Ulster University and development of Student accommodation and it is considered that it has the capacity to generally accommodate additional tall buildings (subject to satisfying other planning considerations). BCC Landscape Planning and Development Team considered that the site is capable of accommodating a notable change based on its existing site character and nature of adjacent landscape character and that predicted landscape and visual effects as set out in the Landscape Visual Impact Assessment (LVIA) that will not be significant and can be successfully absorbed into the character and views of this part of Belfast.

67. The applicant has submitted a Tall Building Statement along with other supporting statements including an Internal daylight, sunlight and overshadowing report which have been reviewed by the Urban Design Officer. The Urban Design Officer remains of the opinion that the height, scale and massing of the proposed building are acceptable and advises that the previous advice concurs with supporting statements made in response to a number of the criteria in Policy DES 3 and raises no objection. The Urban Design Officer also agrees with the conclusions in the Internal daylight, sunlight and overshadowing report, i.e. that the proposal makes the most of the available daylight and sunlight and that given the sites urban context and mitigating amenity and lighter tonal palette of materials within the courtyard considers that on balance the scheme offers future residents acceptable levels of daylight and sunlight. It is considered that the proposal will add further interest and positively contribute to the skyline at this location through the realisation of appropriately scaled built form that will sit comfortably as part of the wider cluster of modern buildings, according with Policy DES3.

68. Policy RD1 of the Plan Strategy states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal meets defined criteria. For the reasons set out

in the previous Committee report, officers consider that the proposal is acceptable and in accordance with the criteria in Policy RD1.

Health Impacts

69. Policy HC1 seeks to ensure that all new developments maximise opportunities to promote healthy and active lifestyles. New developments should be designed, constructed and managed in ways that improve health and promote healthy lifestyles. This will include supporting active travel options, improving accessibility to local service centres, reducing the use of private car travel, adequate provision of public open space, leisure and recreation facilities, high quality design and promoting balanced communities and sustainable neighbourhoods.

70. A Health Impact Assessment (HIA) has been submitted. It makes reference to a number of measures, including city centre location, sustainable travel initiatives, reduction in private car travel, accessibility, nearby facilities, urban design, additional on-site facilities and promotion of balanced and sustainable neighbourhood.

71. The site is highly accessible and provides excellent opportunities for active travel, including walking and cycling, through good linkages with the city centre. Active travel will be encouraged through the travel plan and green measures proposed as part of the application. The site is within short walking distance of the amenities along the riverside and within the city centre core. Connectivity with the city centre core will be further enhanced through the financial Developer Contribution towards improved public realm. The BTR model provides communal recreation spaces to encourage social interaction and support mental wellbeing. A gym is proposed to provide further opportunities for exercise and fitness.

72. The Plans and Policy team considers that the HIA satisfies the policy. It is considered that the proposal is compliant with Policy HC1.

Climate Change

73. Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals (including changes of use) will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction and operation.

74. The proposal includes demolition of a multi-storey car park. The Demolition Justification statement states that re-use is not appropriate or feasible due to the situation, construction and form of the current multi-storey building. A Construction Environmental Management Plan (CEMP) has been submitted that addresses environmental aspects of the project, including demolition.

75. A site waste management plan indicates that the British Research Establishment (BRE) smart waste system will be used to prevent waste, to reuse where possible, to recycle and at a last resort put waste to landfill. In addition, a waste strategy report has been produced to indicate how waste will be managed during operation. Recycling of waste and the handling of waste during operation would need to be controlled by conditions.

76. Officers acknowledge that the removal of a city centre car park is desirable in terms of the current oversupply of car parking in the city centre and promoting more sustainable travel patterns. The proposal is considered compliant with this aspect of Policy ENV2.

77. The Plan Strategy Statement and associated submissions set out other climate change mitigation measures. These include: a fabric first approach; best use of passive design, renewable energy, natural light, and ventilation; minimisation of waste; etc. A detailed Energy Statement is also included that shows that the development has been designed to achieve significant reductions in the Target Emissions Rating and an anticipated BREEAM excellent rating for the commercial unit. These proposals would need to be controlled by condition. It is considered that these aspects of Policy ENV2 are satisfied.

78. Policy ENV3 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development. In order to minimise the impact of extreme weather conditions, new developments should also embed resilience to current and future climates.

79. The Plan Strategy Statement and Climate Change Statement (CCS) state that the proposals incorporate a number of adaptation measures. These include: green infrastructure and landscaping and passive design measures. The proposal includes native wildflower elements, shrub and tree planting to the ground floor and on roof terraces, which the CCS states will aid cooling, insulation and enhance biodiversity. In terms of extreme weather, a flood risk assessment has been submitted which provides further detail around mitigation strategies for flooding, and details methods of SuDS and adaptation measures, including design and emergency measures for flood events. An updated CSS and updated landscaping proposals include further measures to adapt to climate change including a brown roof to seek to enhance the natural environment with biodiversity, a proposed strategy of natural ventilation and internal shading and further information on SuDS measures. It considered that the proposal satisfies Policy ENV3.

Sustainable Urban Drainage Systems (SuDS)

80. Policy ENV5 of the Plan Strategy states that all built development should include, where appropriate, SuDS measures to manage surface water effectively on site, to reduce surface water runoff and to ensure flooding is not increased elsewhere.

81. The updated Climate Change Statement and Drainage Statement submitted in October 2023, along with accompanying plans, set out details of proposed soft SuDS. These include two rain gardens, brown/green roof at the top of the 7-storey block fronting onto Tomb Street block and additional planting. It is considered that the proposed measures adequately address the requirements and objectives of Policy ENV5. The proposal is therefore considered compliant with Policy ENV5.

Amenity Provision

82. The applicant has provided a breakdown of amenity provision within the proposed development as et out in the table below. The average amenity provision per apartment equates to 9.9 sqm and includes internal residential lounges and gym, along with external amenity spaces (the Amazon parcel store has been removed from the calculations because it is not amenity space).

External Amenity Provision	Square metres (sqm)
Courtyard – Split level	1,221
9th Floor Roof Terrace	210
11th Floor Roof Terrace	340
18th Floor Roof Terrace	106
Balconies (Total for 93 units)	485
Total	**2,362**
Average Per apartment	**7.93**
Internal Amenity Provision	**Square metres (sqm)**
Ground Floor Residential Lounge 1 (Corporation St)	186
Ground Floor Residential Lounge 2 (Corporation St)	149
Ground Floor Residential Lounge 3 (Tomb St)	117
Gym	50
Residential Lobby	46
Sky Lounge	41
Total	**589**
Average per apartment	**1.97**
Overall Total	2,951
Overall Average per apartment	**9.9**

83. Guidance on the level of amenity provision is set out in 'Creating Places'. Paragraph 5.20 of 'Creating Places' states that '*In the case of apartment or flat developments, or 1 and 2 bedroomed houses on small urban infill sites, private communal open space will be acceptable in the form of landscaped areas, courtyards or roof gardens. These should range from a minimum of 10 sq m per unit to around 30 sq m per unit. The appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept. Generally developments in inner urban locations and other high-density areas will tend towards the lower figure. Apartment developments on green-field sites and within lower density areas should normally seek to provide the higher figure, although this may be reduced where some private open space is provided in the form of patios or balconies*.'

84. 'Creating Places' is older guidance published in 2000 and would not have envisaged the Build to Rent (BTR) model or the other more contemporary forms of housing. However, the guidance clearly states that regard should be had to the 'overall design concept'. The BTR scheme proposes internal residential lounges which are considered an integral part of the overall amenity provision and will serve to provide valuable amenity space for prospective occupants providing a high quality modern residential development within the city centre. Having regard to the 'overall design concept' proposed for this BTR scheme, together with the location of the site close to the waterfront and city centre amenities, officers consider that that the level and type of amenity provision proposed by the application is, on balance, acceptable. A condition is recommended that requires the amenity spaces to be provided and retained in accordance with the plans.

Access and parking

85. The site is a highly accessible location within the City Centre. It is within short walking and cycling distance of the city centre core and its shops, services, leisure and employment opportunities. The site has very good public transport links through access to buses and rail. Provision is made for sheltered and secure cycle parking for 216 bicycles within the building at ground floor. The proposal accords with Policy TRAN1.

86. The proposal includes a car park accessed from Tomb Street to serve the development. The car park at ground floor level proposes 14 car parking spaces and 2 spaces for motor cycles. The car parking spaces comprise comprising 7 disabled spaces, 2 car clubs space and 5 standard car parking spaces. In addition, 216 Bicycle racks are proposed within the development. The site is located in Belfast City Core Area of Parking Restraint as set out in dBMAP (v 2014). Policy TRAN 8 places emphasis on allowing parking provision that will assist in reducing reliance on the private car. The proposed level of car parking is supported by green travel measures which will be secured through a Section 76 Planning Agreement. Having regard to the highly sustainable location of the site, proximity to car parks in the vicinity and the applicant's commitment to green travel measures, the level of parking is considered acceptable. DFI Roads has no objections to the proposed development subject to conditions as set out in the original report (appended).

87. Officers consider that the proposal should include a more sophisticated approach to green travel measures, whereby each residential apartment will be assigned a minimum value travel vouchers to spend on the travel measures that suit the individual occupier best. The value of the overall travel voucher requires to be confirmed with the applicant but such a fund would be appropriately secured through the Section 76 planning agreement and managed by the Travel Plan Coordinator. Occupants would have the option of spending vouchers on any combination of the offered measures to a minimum value per residential unit until the fund is empty. These travel measures options would include travel cards, membership of Belfast Bikes and a car club, as well as vouchers towards the cost of purchasing a new bicycle. This tailored approach to green travel measures is considered to be a much more effective use of developer contributions.

88. The proposal is considered acceptable having regard to Policies TRAN1, TRAN4, TRAN6, TRAN 8 and TRAN 9.

Environmental impacts

89. The proposal is considered to remain acceptable in terms of land contamination, noise/odour and air quality for the reasons set out in the original Planning Committee report. In these regards, the proposal is compliant with Policy ENV1.

Drainage, flood risk and waste-water

90. The proposal is considered to remain acceptable in terms of drainage, flood risk and waste-water infrastructure for the reasons set out in the original Planning Committee report. In these regards, the proposal is compliant with Policies ENV4 and SP1a.

Natural Heritage

91. The site is located in an unsympathetic urban environment with no worthy natural heritage features. Landscaping proposals are included as part of the development comprising trees and shrubs within the communal amenity areas resulting in a net gain of trees which has the potential to enhance the biodiversity and amenity value of the area. The proposal is compliant with Policy TRE 1.

92. Shared Environmental Service (SES) has carried out a Habitats Regulation Assessment on behalf of the Council and advise that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects subject to mitigation measures which are recommended as conditions and would require consent for surface water and foul sewage connections to be secured prior to occupation. On this basis, the condition is considered appropriate and necessary in this particular case. It is considered that the proposal is compliant with Policy NH1.

Regeneration/Economic Impacts

93. The site is located to the northern edge of the city centre area which has suffered from under investment and would benefit from regeneration. The proposal has the potential to act as a catalyst for further redevelopment in its immediate vicinity which comprises a number of vacant sites and would provide significant regeneration benefits in terms of placemaking and improved connectivity with the wider area including the City Centre core, waterfront and City Quays. These are key objectives of the Greater Clarendon and Sailortown Masterplan and the Belfast City Centre Regeneration and Investment Strategy (BCCRIS). The proposal would provide homes for nearly 500 residents, consistent with the aims of growing the residential population of the City Centre, supporting its vitality and viability.

94. The applicant states that the proposal involves £68 million investment, estimating that it would directly support 400 jobs and indirectly support 520 jobs during the construction phase over a 24-30 month build programme. The residents of the development would contribute a Gross Value Added (GVA) of £16.9million per annum, generating domestic rates income of £285,000. These are material considerations that support the case for the grant of planning permission.

Section 76 Planning Agreement

95. If the application is approved, it should be subject to a Section 76 planning agreement to secure the following planning obligations. These are considered necessary to make the proposed development acceptable.

    - **Affordable housing review mechanism** – to enable a viability reassessment to be undertaken to test whether affordable housing can be provided as a result of changing economic conditions;
    - **Developer contribution** – £400k (plus inflationary uplift) for the delivery of improved connectivity to the city centre for and public ream improvements around the site;
    - **Green travel measures including green travel measure fund** – travel plan; promotion of car club; provision of two car club spaces withing the building; promotional material for tenants and tenancy packs to be clear that the proposal provides limited parking; and minimum value travel vouchers for each residential unit with options to spend on car club membership, membership of Belfast Bikes, travel cards and new bicycles; and

- **Employability and Skills** – requirement for the submission and implementation of a Construction Employability and Skills Plan.

96. A draft Section 76 planning agreement has been provided with the application and will need to be finalised before planning permission is granted.

Other considerations

97. Other aspects of the proposal are considered to remain acceptable, having regard to the policies in the Plan Strategy.

Recommendation

98. Having regard to the Development Plan and material considerations, the recommendation remains to approve the application subject to conditions and a Section 76 planning agreement.

99. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise provided that they are not substantive.

ADDENDUM REPORT 1

Committee Meeting Date: 17th January 2023	
Application ID: LA04/2021/2016/F	
Proposal: Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.	**Location:** 21-29 Corporation Street & 18-24 Tomb Street, Belfast.
Referral Route: Major Development	
Recommendation:	Approve subject to conditions and a Section 76 Agreement
Applicant Name and Address: ES Corporation Street Ltd 17-19 Dungannon Road Cookstown BT80 8TL	**Agent Name and Address:** Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA

Background

This application was deferred for a site visit by the Planning Committee on 19 December 2022 to allow Members the opportunity to undertake a site visit. The committee site visit is scheduled for Monday 16 January 2023.

The Committee should read this Addendum Report in conjunction with the original full planning report, appended.

Recommendation

As per the previous Committee report, the recommendation to approve subject to conditions and a Section 76 agreement remains unchanged.

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

Development Management Officer Report
Committee Application

Summary	
Committee Meeting Date: 19 December 2022	
Application ID: LA04/2021/2016/F	**Target Date:**
Proposal: Demolition of existing multi-storey car park and the erection of 298no. build for rent apartments (19 storey) including ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.	**Location:** 21-29 Corporation Street & 18-24 Tomb Street, Belfast.
Referral Route: Major Development	
Recommendation:	Approve subject to conditions and a Section 76 Agreement
Applicant Name and Address: ES Corporation Street Ltd 17-19 Dungannon Road Cookstown BT80 8TL	**Agent Name and Address:** Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA

Executive Summary:

This application seeks full planning permission for the demolition of the existing (vacant) multi-storey car park and the erection of 298no. build for rent apartments within four blocks ranging from 7 to 19 storeys, an internal courtyard, ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.

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

- The acceptability of the proposed use at this location
- The acceptability of the design
- Impact on surrounding context
- Access, parking and traffic management
- Environmental Considerations - Drainage, Contamination, Noise

The proposed uses - residential and ground floor commercial are considered acceptable in this city centre location**.** The proposal was the subject of a Pre-Application Discussion (PAD). The Urban Design Officer and HED are content with the proposed scheme. The scale, height, massing and design of the proposed development are considered acceptable and appropriate to the existing context.

NI Water has objected to the application on grounds of insufficient waste-water drainage infrastructure capacity and foul sewage network capacity. These issues are dealt with in detail in the main report.

All other consultees have no objection to the proposed development subject to conditions. Two third party objections were received raising concerns regarding the impacts of the proposed development on the adjacent Royal Mail Sorting Office. Environmental Health has considered the Noise Impact Assessments accompanying the application and has no objections subject to recommended conditions relating to noise mitigation controls.

Developer obligations in the form of green travel measures which comprise travel cards for each unit for 3 years, provision of 2 car club spaces within the building, provision of discounted membership of a car club (50%) for a period of 3 years and membership of a bike scheme for a period of 3 years are proposed to support the proposed development. In addition, the applicant has agreed to make a financial contribution of £400,000 towards improving public realm and connectivity to the city centre. Employability and Skills interventions for the construction stage will also be secured. The above obligations will be secured through a Section 76 planning agreement.

Recommendation

Having regard to the development plan, relevant policy context and other material considerations including the representations, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions and a Section 76 planning agreement.

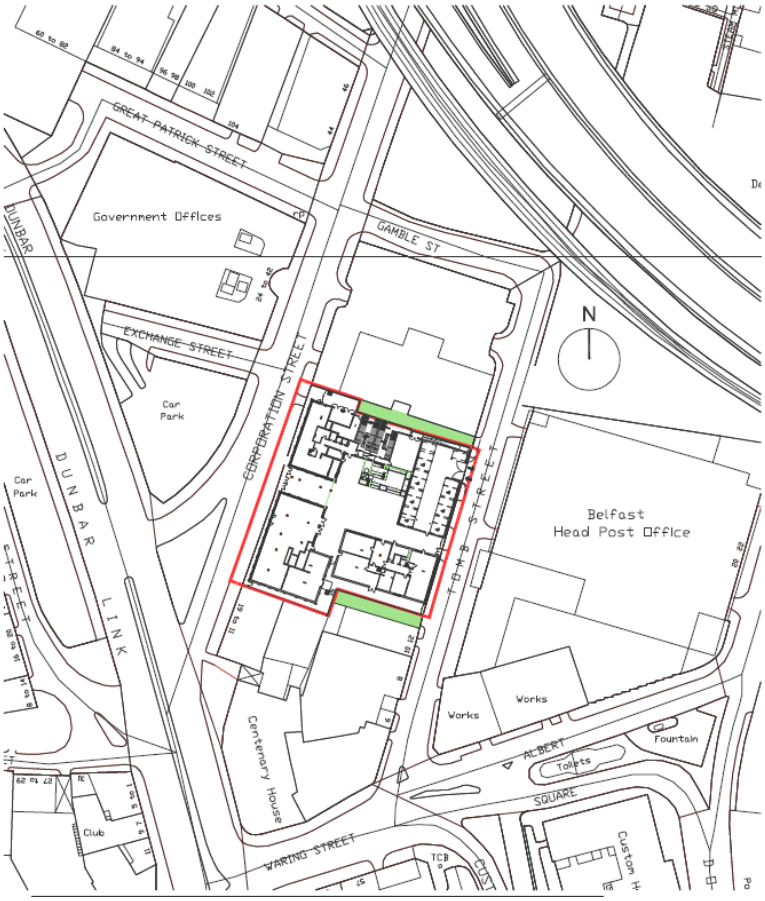
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and to deal any other issues which might arise.

Signature(s):

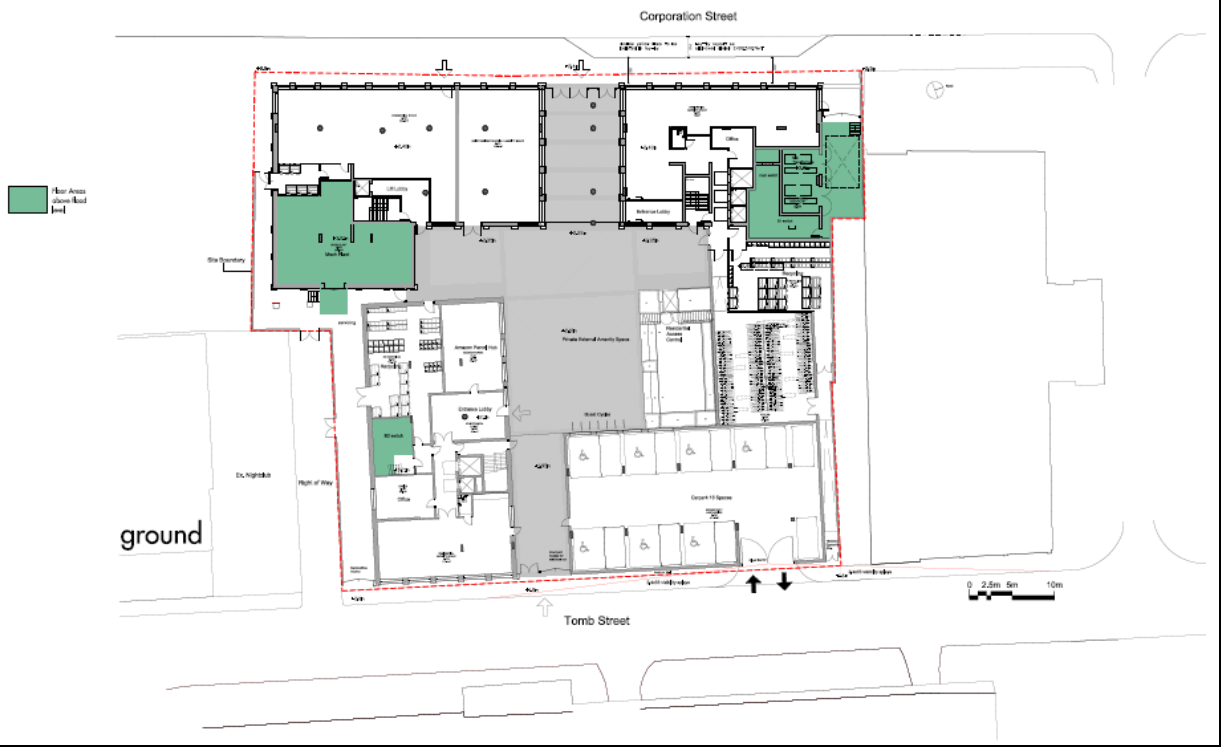
Case Officer Report

1.0 Drawings

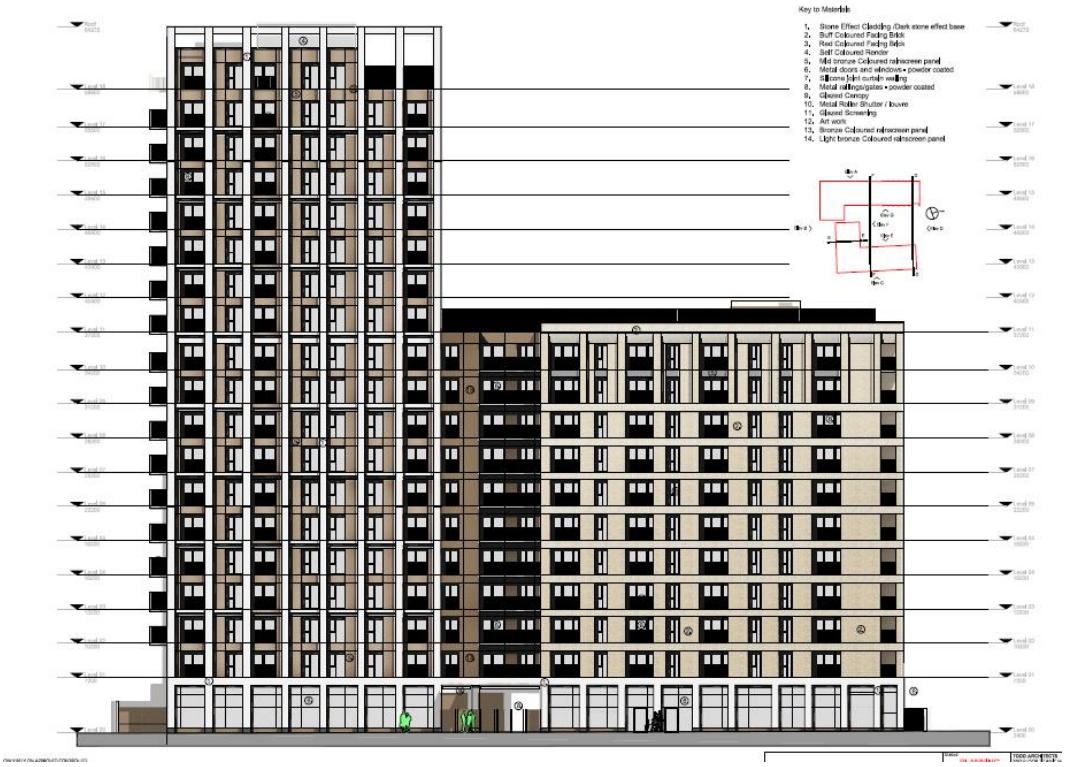
Site Location Plan



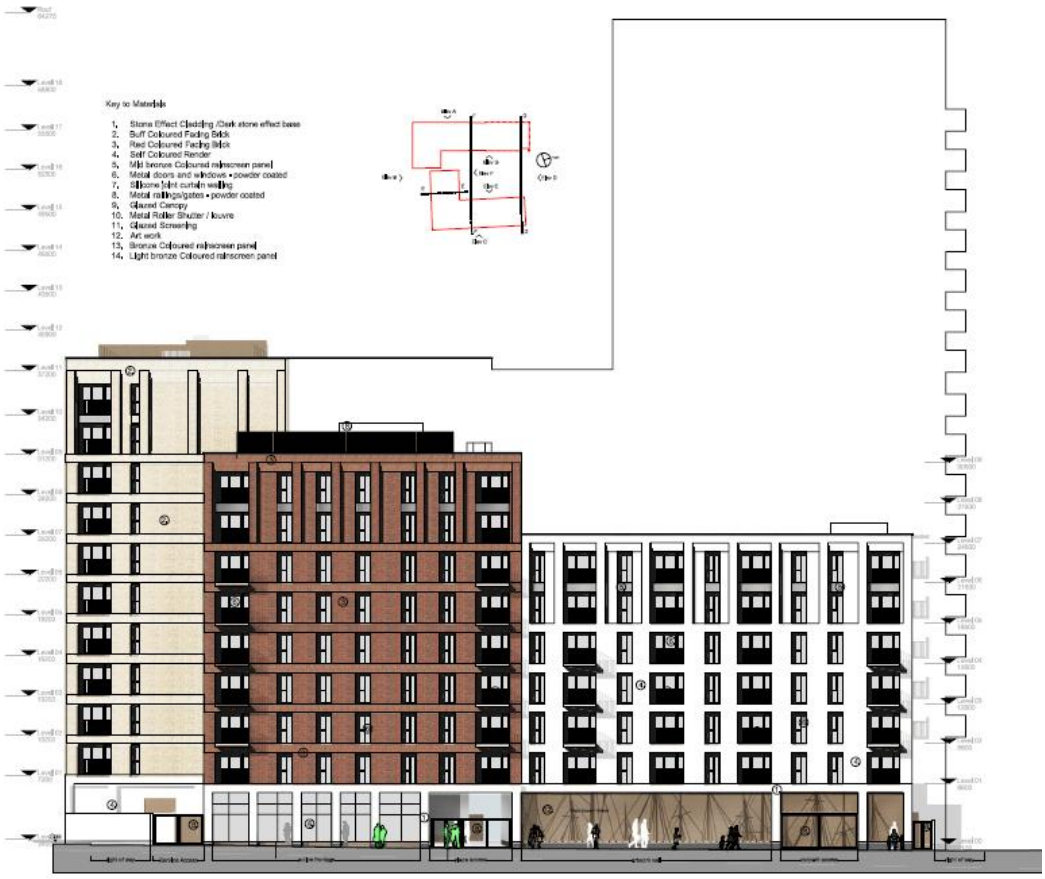
Ground floor Plan



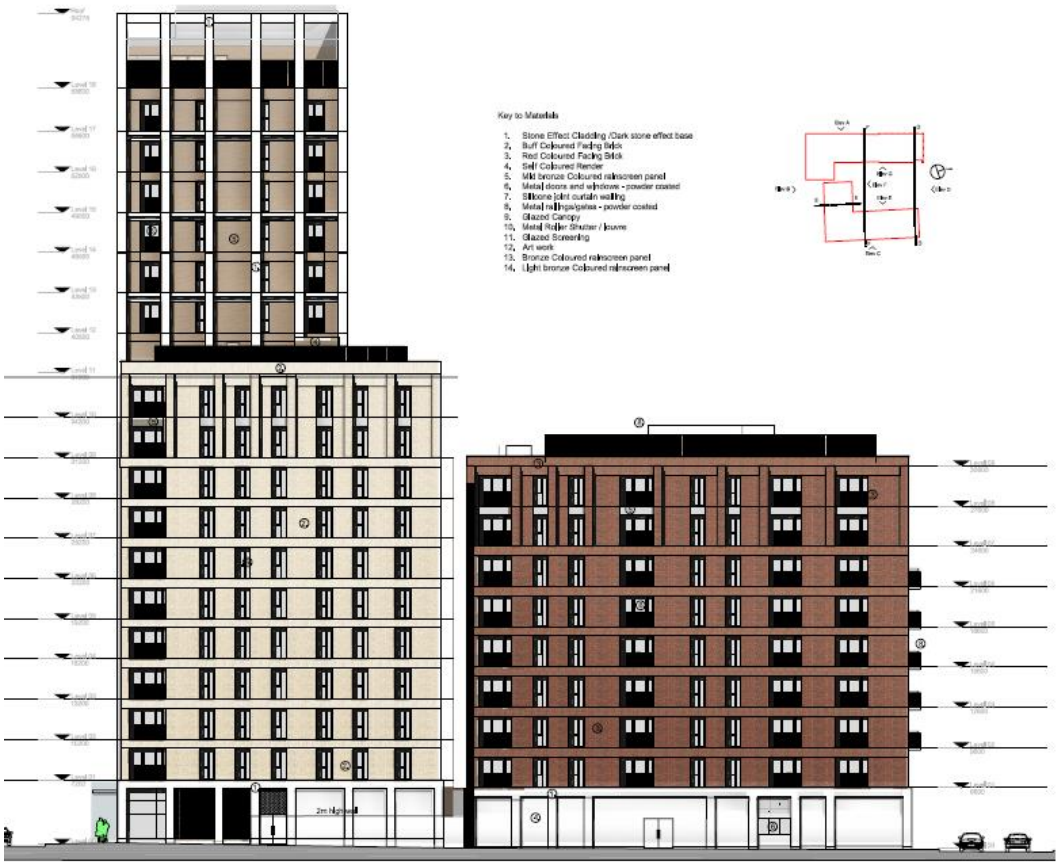
Corporation St. Elevation



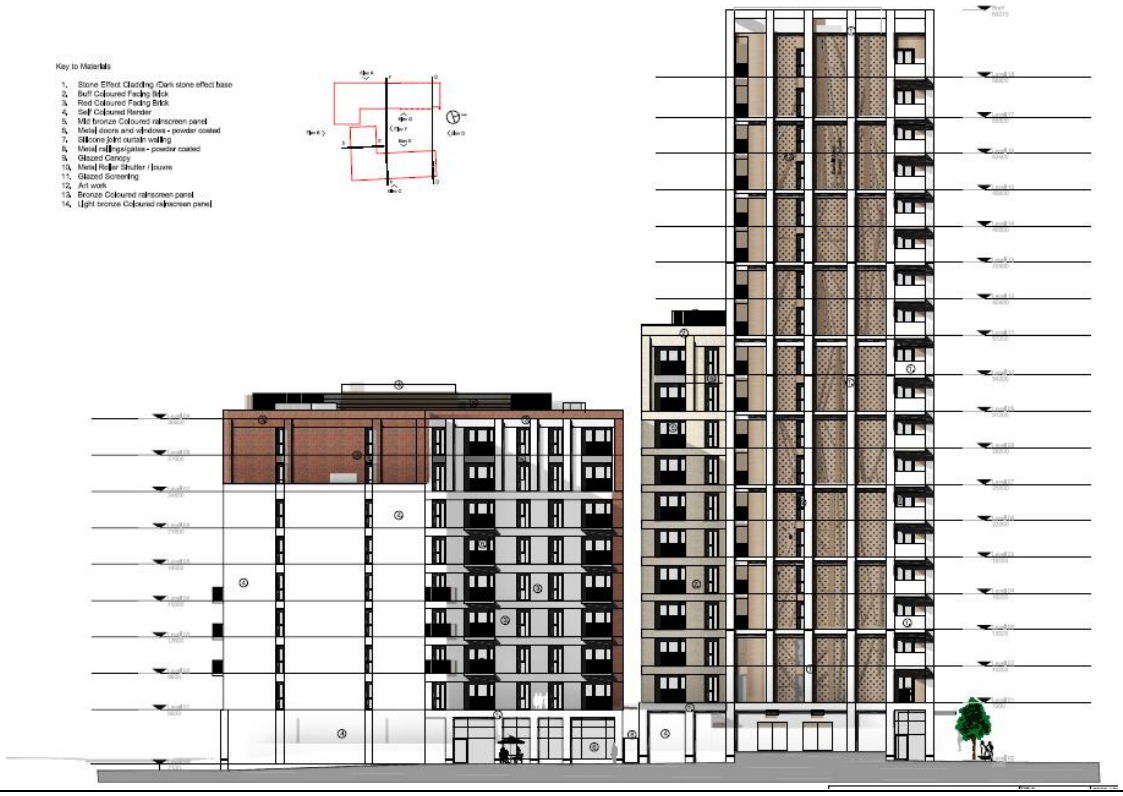
Tomb St. Elevation



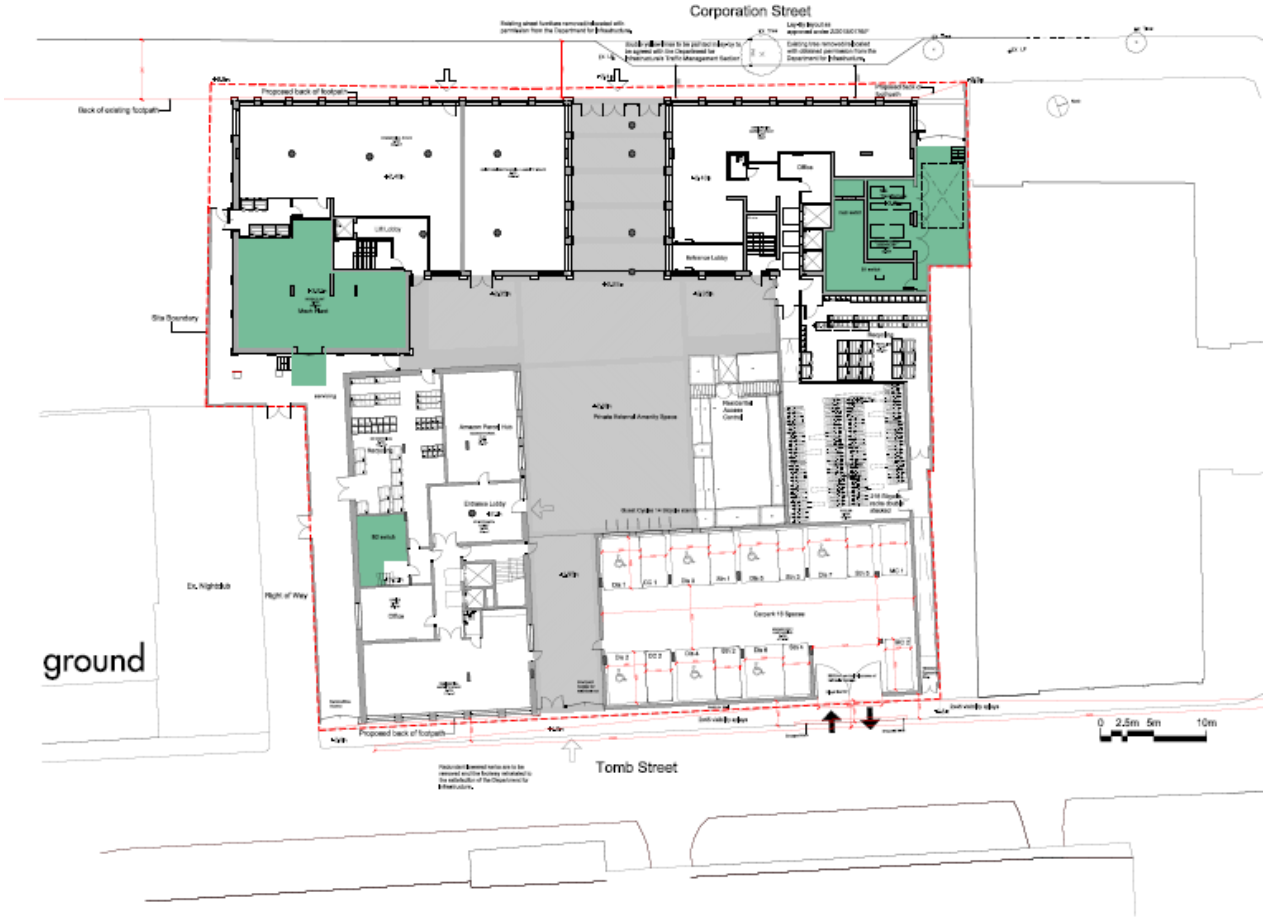
Southern Elevation



Northern Elevation



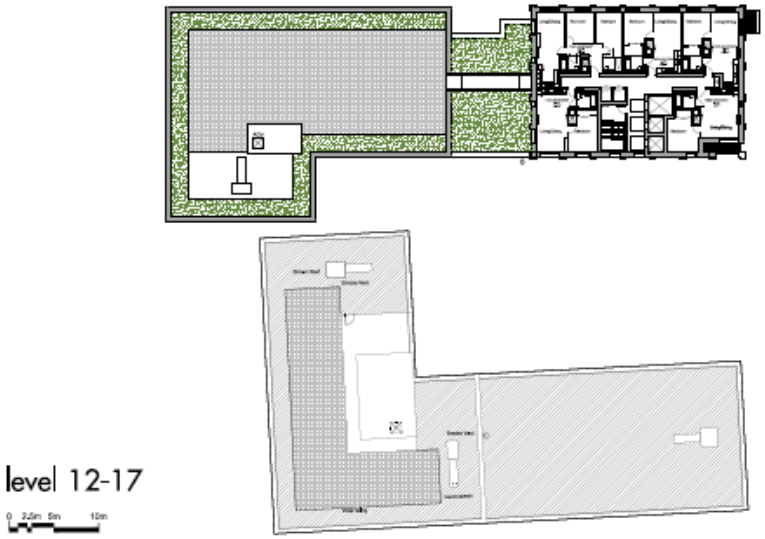
Ground Floor Plan



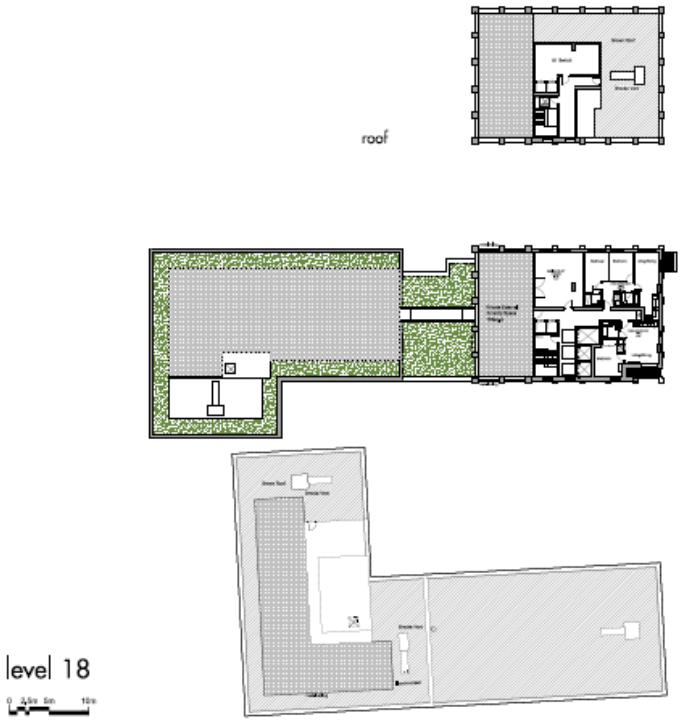
First Floor Plan

Ninth to Tenth Floor

Twelfth to Seventeenth Floor



18th Floor/Roof Plan



Ground Floor Landscape Plan

CGIs

CGI view along Corporation Street

CGI view along Dunbar Link

CGI view from Custom House Square

CGIs of Northern Tower at night time

2.0	**Characteristics of the Site and Area**
2.1	The site extends from Corporation Street along its western boundary to Tomb Street along its eastern boundary. An existing 5 storey government office block is located to the immediate north of the site. There is a vacant plot of land and an existing nightclub to the immediate south of the site. Within the wider area there are a mix of uses including Royal Mail sorting office on Tomb Street, a residential facility on Corporation St/Waring St/Tomb St along with residential, commercial and business uses. The application site comprises an existing multi-storey car park accessed from Tomb Street, a surface level car park and a vacant area of land which is currently overgrown.

3.0	**Description of Proposal**
3.1	The development proposes the demolition of the existing multi-storey car park on the site and the erection of 298no. build for rent apartments in four blocks from 7 to 19 storeys. The proposal also includes a ground floor commercial unit (A1/A2), car/cycle parking provision along with associated development.
4.0	**Planning Assessment of Policy and Other Material Considerations**
4.1	**Policy Context** **Regional Planning Policy** • Regional Development Strategy 2035 (RDS) • Strategic Planning Policy Statement for Northern Ireland (SPPS) • Planning Policy Statement 3 (PPS 3) - Access, Parking and Movement • Planning Policy Statement 7 (PPS 7) – Quality Residential Environments • Planning Policy Statement 8 (PPS 8) – Open Space, Sport and Outdoor Recreation • Planning Policy Statement 15 (PPS 15) - Flood Risk **Local Planning Policy Context** • Belfast Urban Area Plan (2001) BUAP • Draft Belfast Metropolitan Area Plan 2015(v2004) • Draft Belfast Metropolitan Area Plan 2015(v2014) Belfast Local Development Plan Draft Plan Strategy 2035 **Other Material Considerations** • Creating Places • Developer Contribution Framework
4.2	**Planning History** **LA04/2018/2433/PAN** - Construction of 347 build for rent apartments over 9 to 19 storeys, retail unit at ground floor level and semi-basement carpark consisting of c.84 spaces, 21-29 Corporation Street and 18-24 Tomb Street, Belfast. PAN Acceptable 22.10.2018 **LA04/2018/2419/PAD** - Construction of 347 build for rent apartments over 9 to 19 storeys, retail unit at ground floor level and semi-basement carpark consisting of c.84 spaces, 21-29 Corporation Street and 18-24 Tomb Street. **Z/2015/0176/F** - construction of basement carpark, 250 bed hotel including; bar, conference facilities and ancillary accommodation, and demolition of 2 storey structure and multi deck carpark, 21-29 Corporation Street and 18-24 Tomb Street, Belfast, BT1 3BA. Permission granted 12.02.2019 **Z/2008/2396/F** - Construction of basement car park, 250 bed hotel including bar, conference facilities and ancillary accommodation and demolition of 2 storey structure and multi-deck car park, 21-29 Corporation Street and 18 - 24 Tomb Street, Belfast, BT1. Permission granted 14.01.2010
4.3	**Consultations**
4.3.1	**Statutory Consultations**

	DFI Roads – No objection subject to conditions. **DFI Rivers Agency –** No objection. **NI Water –** Objection. **NIEA** – No objection subject to condition. **HED** – No objection.
4.3.2	**Non-Statutory Consultations** **Environmental Health** – No objection subject to conditions. **Shared Environmental Services** – No objection subject to a condition. SES advises that the project would not have an adverse effect on the integrity of any European site either alone or in combination with other plans or projects subject to mitigation measure proposed as a condition. **Economic Development Unit** - No objection. Employability and skills related Developer Contributions Section 76 clauses will be required for the construction phase of the development. **BCC Urban Design Officer** – No objection subject to conditions. **BCC Waste Management Team** – No objection. **BCC Landscape Planning and Development Team** – No objection. **BCC City Regeneration and Development Team** – No objection. **BCC Plans and Policy Team** – No objection.
4.4	**Representations**
4.4.1	The application has been advertised and neighbours notified. Two third party objections have been received which raised the following issues. *Initial objection on behalf of Royal Mail received on 27th September 2021* • The SPPS is clear that the applicant should provide noise mitigation and existing businesses should not be unduly affected by a new noise-sensitive use. Noise from existing Royal Mail use is likely to affect residential amenity and these mitigation measures are essential. • Bedrooms and windows are proposed overlooking Royal Mail. The impact of Royal Mail existing use, importantly the noise impacts on the proposed development have not been appropriately tested. • The noise survey should be updated to capture early morning movements to/from the Royal Mail site. A detailed scheme of noise mitigation measures should be provided to secure appropriate mitigation. • The Construction Management Plan should be updated to confirm no impact on Royal Mail. • Whilst Royal Mail acknowledge the need for residential development in Belfast, the proposed development will introduce a new residential use immediately adjacent to an established noise-generating use and appropriate mitigation should be secured by condition. *Further objection on behalf of Royal Mail received 05/12/22* • The updated Noise Impact Assessment from the 31/10/22 confirms impact of Royal Mail existing operation on the proposed development and provides proposed mitigations to deal with the noise impact. Royal Mail asks that if the planning permission is recommended for approval the planning conditions are recommended to protect future occupiers to avoid any future complaints and protect Royal Mail operations i.e. noise insulation measures for the development to be been submitted to and approved in writing by the Council and submission of noise mitigation

	measures as set out in Noise Impact Assessment should be installed and agreed in writing with the Council and be implemented and permanently retained thereafter. The matters raised in the objection are considered in the report below.
5.0	**Planning Assessment**
5.1	**Key Issues** The key issues to be considered in the assessment of this application are: • The acceptability of the proposed use at this location • The acceptability of the design • Impact on surrounding context • Access, parking and traffic management • Environmental Considerations - Drainage, Contamination, Noise, Habitats Regulation Assessment
5.2	**Development Plan Context**
5.2.1	Section 6(4) of the Planning Act (Northern Ireland) 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
5.2.2	The adoption of the Belfast Metropolitan Area Plan (BMAP) in 2014 was declared unlawful as a result of a judgement in the court of appeal delivered on 18 May 2017. This means that the Belfast Urban Area Plan 2001 (BUAP) provides the statutory plan context for the area.
5.2.3	Draft BMAP 2015 (dBMAP v2014), in its most recent, post-examination form remains a significant material consideration when making planning decisions. It was at the most advanced stage possible prior to adoption. However, in assessing this application regard is also had to the provisions of draft BMAP which was published in 2004 (dBMAP 2004).
5.2.4	In dBMAP (v2004) the site is unzoned land within the city centre and falls within the main office area, Victoria Street/Oxford Street draft Area of Townscape Character (Ref CC 106), Laganside North and Docks Character Area (Ref CC 017), Belfast Core Area of Parking Restraint and within the Belfast Metropolitan/Settlement Development Limit. Part of the site also falls within a Development Opportunity site (Ref CC 081). In dBMAP (v2014) the site is also unzoned land within the city and within the Belfast Metropolitan/Settlement Development Limit. The site also falls with the Laganside North and Docks Character Area (Ref CC015) and Belfast City Core Area of Parking Restraint (CC 025). Within the BUAP and the site is unzoned land within the City Centre and within the main office area.
5.2.5	The Belfast Local Development Plan Draft Plan Strategy 2035 will guide future planning application decision making to support the sustainable spatial growth of the city up to 2035. The draft Plan Strategy has been subject to examination by the Planning Appeals Commission and the Council has been provided with a copy of their Report, together with a Direction from the Department for Infrastructure in relation to additional required steps before it can be adopted. Paragraph 1.10 of the Strategic Planning Policy Statement (SPPS) states that a transitional period will operate until

	such times as a Council's Plan Strategy has been adopted. Accordingly, whilst the Draft Plan Strategy is now a material consideration it has limited weight until it is adopted and during this transitional period existing policies will be applied including the SPPS and relevant PPSs.
5.3	**Background**
5.3.1	This proposal was the subject of extensive PAD discussions with the agent/applicant prior to submission of the planning application. Advice was provided from the Urban Design Officer, HED, DFI Roads and Planning Service during the PAD process.
5.4	**Principle of Development/Proposed Use**
5.4.1	The site is located within Belfast City Centre and the proposal includes residential and commercial uses (A1: Shops /A2: Financial, Professional and Other Services). The proposed development is considered to meet the core principles of the Strategic Planning Policy Statement for Northern Ireland (SPPS) and objectives of the Belfast Agenda. The proposed uses do not conflict with the development plan context. The proposed uses are considered acceptable in principle and compatible with surrounding uses. Further assessment of the proposed development is set out below.
5.5	**Scale, Height, Massing, Design and Layout**
5.5.1	The proposed development comprises 4 blocks laid out around a central courtyard which is accessed at street level from Corporation Street and Tomb Street. The site is bounded to the west by Corporation Street and to the east by Tomb Street. The blocks vary in height, design and materials across the development. Two blocks front onto Tomb Street which are 7 storeys (max. height c.24.5m including roof plant/lift overrun) and 9 storeys (max. height c.31.8m including roof plant/lift overrun) high and two blocks front onto Corporation Street which are 11 storeys (max. height c.37.6m including roof plant/lift overrun) and 19 storeys (max. height c.62.2m including roof plant/lift overrun).
5.5.2	The tallest 19 storey block is located at the north-western portion of the site fronting onto Corporation Street. The development steps down along Corporation Street to 11 storeys. Along Tomb Street the development is 9 storeys at the south-eastern corner stepping down to 7 storeys. The proposed internal courtyard allows for pedestrian flow from Corporation Street and Tomb Street and incorporates both public and private amenity space (the latter at first floor level).
5.5.3	The proposed building is taller than its immediate neighbours to the north and south which include the adjacent 5 storey office block, 4-6 storey residential development to the south and 1 -3 storey nightclub to the immediate south. A vacant site is located immediately to the south of the site on Corporation Street which is currently used as a surface level car park. Within the wider area building heights vary and include taller buildings to the east including the Royal Mail building on Tomb Street which extends from 6-10 storeys high and the Obel building which is 27 storeys (85m high). The Obel building provides a backdrop of a tall building to the proposed development when viewed from Dunbar Link as shown in the VUCITY image below. Planning permission was previously granted on part of the site for a 12 storey hotel (37m high) which established the principle of a taller building on the site.

Proposed View along Dunbar Link extracted from VUCITY

5.5.4 The proposal comprises 298 apartments on floors 1 to 19. A commercial unit (393 sqm GFA) is proposed at ground floor level fronting onto Corporation Street. Ancillary facilities including bike/bin storage, an Amazon Parcel Hub and utility services are also provided at ground floor level. Two residential amenity lounges are proposed along Corporation Street and along Tomb Street frontage. These uses provide welcome active frontage at street level.

5.5.5 The primary (western) elevation fronting Corporation Street comprises two distinct elements;- i.e. the 19 storey tower proposed to be finished in mid bronze coloured panels and an adjacent 11 storey block which is proposed to be finished in buff coloured facing brick. A recessed link setback by three bays, incorporates a darker bronze-coloured panel finish between these blocks helps break up the massing of the development and adds visual interest. The Urban Design Officer considers that the materials will result in a contrasting element between the tower and the buff facing brick of its 11 storey neighbour giving the tower a slender appearance. The recessed link allows for the provision of projecting balconies. The upper two floors of the 11 storey buff brick element includes a degree of chamfering to the brick detailing which helps define a two storey 'top' element which is a welcomed design detail.

5.5.6 A ground floor uniform base with continuous strong horizontal banding above ground floor level brings cohesion to the development along Corporation Street. The predominant finish at ground floor level along Corporation Street is stone effect cladding with a dark stone effect base. The stone effect cladding continues on the vertical piers on the 19 storey tower elevation which provides a primary frame with mid bronze coloured panels proposed between the piers surrounding window frames.

5.5.7 The northern elevation of the 19 storey element proposes artwork in the form of fret cut panelling which is also proposed along part of the Tomb Street ground floor frontage and along part of the southern elevation ground floor.

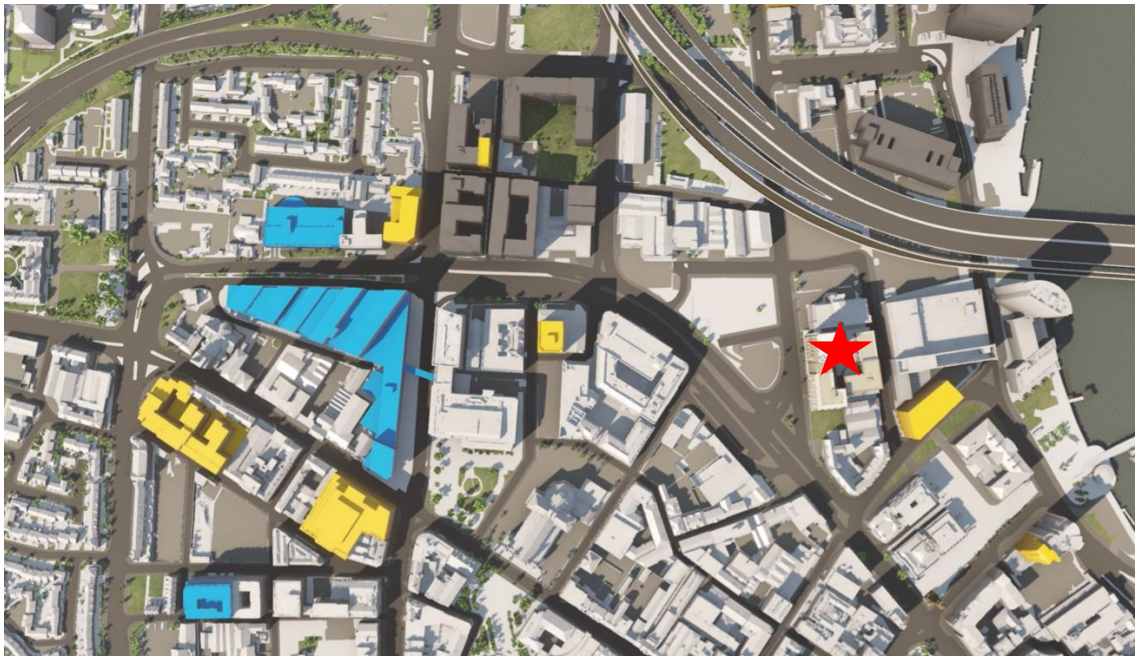
5.5.8 A variety of juliette, recessed and projecting balconies are proposed along Corporation Street which will add visual interest whilst also providing private amenity space to individual apartments. The applicant has advised that window reveal depths will be determined following detailed engagement with the Mechanical Engineer and the

	vent/window/curtain walling contractors later in the construction process. A planning condition is recommended to ensure that such details are submitted to and agreed by the Council prior to commencement of the development.
5.5.9	Along Tomb Street the proposed 9 storey block is to be predominantly finished in red coloured facing brick and the 7 storey block to be finished in self-coloured render. The red brick picks up on the finished of existing buildings on the lower end of Tomb Street whilst contrasting with the 7 and 11 storey lighter coloured finishes. The 9 storey block also includes detailing of the upper floors which provides a smoother transition to the height of the lower 7 storey element and is welcomed by the Urban Design Officer. As with the Corporation Street elevation stone effect banding at ground level and vertical piers brings cohesion to the base of the building.
5.5.10	The Urban Design Officer considers that the proposed development has the potential to positively contribute to the skyline particularly when viewed from Queen's Quay and the Lagan footbridge. The Urban Design Officer welcomes the concentration of building height to the northern portion of the site which will create a taller focal point within the cityscape at this location which is emphasised by the notable drop from 19 storeys to the 7-11 storeys height of the remaining three component and allows for a more slender and elegant form to be applied to the tower element that begins to cluster with adjacent buildings and responds positively to the legibility of the city, assisting with long distance orientation.
5.5.11	The Urban Design Officer also considers that the drop in height enables the building to step down to respect the scale of existing development to the south, along the lower end of Tomb Street/Waring Street.
5.5.12	The Urban Design Officer advises that consideration has been made across the scheme in the detailing and application of materials to relate these elements to the scale, height and massing in a meaningful way.
5.5.13	Parking is proposed at ground floor level with access from Tomb Street. Part of the Tomb Street ground floor frontage is proposed to be finished in a perforated metal screen (along with the Northern elevation of the 19 storey block and part of the southern elevation (ground floor)). The applicant has proposed that the perforated metal screening be linked to the historical Sailortown context, playing a role both during the day and night and mitigating against the visual impact of ground floor parking. The historic references to the area are considered appropriate. Details of the artwork will require to be submitted prior to commencement and a condition is set out below. The backlit copper screen along the front elevation of the proposed car park will screen the car parking and provide visual interest particularly at night-time.
5.5.14	BCC Landscape Planning and Development Team has assessed the Landscape and Visual Impact Assessment (LVIA) accompanying the application and consider that currently the site would be categorised as a landscape of low sensitivity, quality and value and therefore capable of accommodating change in landscape and visual terms. They also consider that the visual setting demonstrates a capability to accommodate a notable change based on the existing site character and nature of adjacent landscape character. Furthermore, they advise that the LVIA demonstrates predicted landscape and visual effects that will not be significant and can be successfully absorbed into the character and views of this part of Belfast. **Laganside North and Docks Character Area Urban Design Criteria**

5.5.15	The site falls within Laganside North and Docks Character Area as set out in Draft BMAP 2015 which states that the following design criteria be applied within the area: *1.The density of development in the area shall be maintained and increased where appropriate, including around the transport nodes, through high site coverage and high plot ratio;* *2. Development proposals shall take account of the height of adjoining buildings;* ***Street Frontages*** *3. That part of any development which fronts onto York Street shall be a minimum building height of 5 storeys, or 17 metres to building shoulder height, and a maximum height of 7 storeys;* *4. That part of any development which fronts onto Frederick Street, Great Patrick Street or Dunbar Link shall be a minimum building height of 4 storeys, or 12 metres to building shoulder height, and a maximum height of 6 storeys;* *5. Development which fronts onto Frederick Street, Great Patrick Street or Dunbar Link shall be set back 1.5 metres from the footway to allow for a privacy zone for residential development;* *6. That part of any development which fronts onto Victoria Street shall be a minimum building height of 6 storeys, or 18 metres to building shoulder height, and a maximum height of 7 storeys;* ***Intersections*** *7. On the key gateway site at the intersection of Corporation Street and Dunbar Link, as identified on Map No. 2/001- Belfast City Centre, building height shall be a minimum of 6 storeys and a maximum of 8 storeys;* *8. On the key gateway site at the intersection of Albertbridge Road / Albert Bridge with Short Strand, as identified on Map No. 2/001- Belfast City Centre, building height shall be a minimum of 4 storeys and a maximum of 5 storeys;* *9. On the key gateway site at the intersection of Newtownards Road / Bridge End and Short Strand, as identified on Map No. 2/001 - Belfast City Centre, building height shall be a minimum of 4 storeys and a maximum of 6 storeys;* *10. On the key gateway site at the intersection of Queen's Bridge / Ann Street and Oxford Street, as identified on Map No. 2/001 - Belfast City Centre, building height shall be a minimum of 6 storeys and a maximum of 8 storeys;* ***Elsewhere*** *11. New development shall respect the established building line. Exceptions may only be permitted where development creates significant public open space;* *12. In the area bounded by York Street, M3 Bridge, Queen's Square and Dunbar Link, building heights shall be a minimum of 3 storeys and a maximum of 5 or 6 storeys with a setback upper floor. Development proposals shall provide for a landmark building up to 10 storeys in height on the north of Great Patrick Street, east of Nelson Street. New development shall be positioned with development of quarter to half block scale;* *13. In the area east of the River Lagan (including the Sirocco Works / Bridge End / Short Strand Development Opportunity Ref. CC 020) building height shall be a minimum of 3 storeys and a maximum of 5 storeys or 6 storeys with setback upper floors. Development proposals shall provide for a landmark building, up to 12 storeys in height, between Queen Elizabeth and Queen's Bridges. New development shall be positioned with development of quarter to half block scale; and* *14. Large block coarse grain shall be permitted along the river. In other locations, development shall be fine grain in nature, and aim to reflect traditional plot widths*
5.5.16	The density of the proposed development equates to 596 per hectare which is high density and is considered to comply with criterion 1 set out above. The proposed

development takes account of the height of surrounding buildings and meets the second criterion. Criterion 3 – 10 do not apply given the location of the site. The site respects the established building line along Corporation Street and Tomb Street and complies with criterion 11. Criterion 12 sets a minimum (3 storeys) and maximum building height (5/6 storeys). Since the publication of BMAP planning permission was also granted on part of the site for a 12 storey hotel (37m high) on 12.02.2019 and this permission remains live which exceeds the maximum height set out in the urban design criteria above and is an important material consideration in the assessment of the proposed development. In addition, building heights within the area vary with a number of taller buildings (The Obel and recent development around the re-located University of Ulster including Student accommodation) in close proximity to the site i.e. the northern edge of the city centre. The aerial image below shows the changing landscape in the vicinity of the site. As a result the height of the proposed development is considered appropriate at this location given the existing and emerging urban context. Criterion 13 does not apply.

5.5.17 The proposed design of the development has four distinct blocks. The variation in heights, materials and fenestration/elevation detail across the development seeks to respect the traditional plot widths/urban grain and the development is considered to comply with criterion 14.



This aerial view extracted from the VUCITY model demonstrates approvals in yellow, development under construction in blue and recently completed development in dark grey. The coloured developments include taller buildings e.g. Graham House, Albert Square, 35-41 Queen's Square, Student accommodation at York Street/Great Patrick Street/Little Patrick Street/Nelson Street, residential development at Academy Street, Ulster University, York Street/Frederick Street, Student accommodation at Little Donegall Street, Kent Street/North Street. The application site is identified by the red star.

5.5.18 BUAP Tall Buildings Policy CC 12 states that high buildings must be sympathetic in scale to the traditional height of buildings in the City Centre. The policy seeks to ensure that high buildings:-

- Do not mar or dominate the surrounding hills or the scale of attractive Belfast views;

	• Relate sympathetically in design to the urban structure of the city; • Relate sympathetically to their immediate surroundings; • Relate sympathetically to buildings or groups of buildings of architectural and historic interest
5.5.19	The BUAP states that '*Belfast does not have the tradition of high point or slab blocks, commercial or residential, normally associated with large urban areas. The centre has been built to a traditional height of mainly 4 to 6 storeys. The City has a unique hill setting and consequently tall buildings can be incongruous as well as blocking out sections of the hills, particularly as viewed from the approaches to the City Centre'*.
5.5.20	The BUAP was published in 1990 and over the intervening three decades buildings higher than 6 storeys have been approved and built in the city centre. As indicated above in recent years in the vicinity of the site a number of student blocks have been constructed which are 11/12 storeys high and a 16 storey development has been granted approval on Academy Street. The Obel building at 27 storeys (85m high) sits to the north east of the site. When viewed from north/north west the Obel building provides an existing backdrop of a taller building to the proposed development. The development of the University of Ulster site on York Street has resulted in a grouping of taller buildings in the vicinity of the site.
5.5.21	As a result the urban context is quite different to that at the time when the statutory BUAP was published. Notwithstanding, it is considered that the proposed development is sufficiently removed from the surrounding hills so as not to mar or dominate them. Views into the site will be short to medium range and will not adversely impact on attractive views of Belfast. BCC Landscape Planning and Development Team having assessed the Landscape Visual Impact Assessment, agree that the baseline and visual setting demonstrates a capability to accommodate a notable change based on the existing site character and nature of adjacent landscape character and agree that the assessment demonstrates predicted landscape and visual effects that will not be significant and can be successfully absorbed into the character and views of this part of Belfast.
5.5.22	The height, scale and massing of the proposed development has been assessed above and it considered that the proposed development satisfactorily relates to the immediate context and the urban structure of the city. In conclusion it is considered on balance the proposed development does not conflict with Policy CC 12 of the BUAP.
5.5.23	The Urban Design officer considers that the proposed scale, height and massing is acceptable given the existing context and has a considered approach to the distribution of scale, height and massing across the site. On balance the scale, proportions, height and massing of the proposed development are considered acceptable taking account of the factors set out above and the proposed development is considered to be in compliance with the SPPS and criterion (a) (g), (h) and (i) of Policy QD1 of PPS 7.
5.6	**Materials**
5.6.1	The development proposes a variety of materials including include buff coloured facing brick (on the exterior of the lower block on Corporation Street) stone effect cladding on horizontal banding and vertical piers along with mid-bronze coloured panels on the 19 storey element and dark bronze panels on the recessed element. On Tomb Street primary materials include red coloured facing brick on the 9 storey element and self-coloured render on the 7 storey element with stone effect cladding at ground level.

	Artwork within the development is proposed to be finished in copper and will be backlit. The Urban Design Officer considers that the palette of materials is appropriate to the context and reflects the industrial character of the neighbouring Sailortown/Docklands.
5.6.2	During the processing of the application, the materials on elevations fronting onto the internal courtyard have been amended to include a lighter palette of materials (i.e. from red brick to self – coloured render). These changes will help increase light levels and in combination with the buff brick and metallic panels also proposed will assist in optimising reflective light within the courtyard. Officers have assessed the proposal in VUCITY and are satisfied that adequate levels of natural light will be achieved in the internal courtyard and within apartments facing onto the courtyard.
5.6.3	The external finishes of the block vary across the site bringing individuality and distinctiveness to the four blocks creating variety in the development and are found in the locality and are considered acceptable and complaint with the SPPS and criterion (g) of Policy QD 1 of PPs 7.
5.7	**Amenity/Open Space Provision**
5.7.1	The proposed development has been assessed against the SPPS, Policy QD 1 of PPS7, Policy OS 2 of PPS 8 (Open Space, Sport and Recreation) and Creating Places. Communal and private amenity space solely for the use of residents is provided throughout the development at a number of locations including ground floor residential lounges, raised amenity space in the internal courtyard, rooftop terraces and private balconies.
5.7.2	The internal courtyard proposes an external amenity area. At ground floor level public access is available. Access to the upper (first floor) level is controlled by a gate on the stair and access is restricted to residents only. A water feature (water cascading over a textured wall) is proposed between the ground and first floor amenity areas which will provide visual interest within the courtyard. Defensible/buffer planting is located around the perimeter of the first floor amenity area. This is welcomed by the Urban Design Officer and will assist in protecting the amenity/privacy of first floor apartments fronting onto the external amenity area.
5.7.3	Balconies are provided for 123 of the 298 apartments. Overall an average of 10 sqm of amenity provision per apartment has been proposed which accords with the lower limit (10 and 30 sqm) as recommended in Creating Places guidance. The level of amenity provision is considered satisfactory for an inner city location and is commensurate with other recent development proposals.
5.7.4	Environmental Health response advises that the Noise consultant has stated that residents have access to external communal areas within the range of 50-55db LAeq16hr.
5.7.5	Acoustic barriers are proposed around the 9th and 11th Floor communal roof terraces and comprise Environmental Health recommend a condition securing the installation of acoustic barriers around the 9th and 11th Floor roof terraces. These barriers comprise of a 0.7m high parapet wall and a 1.2 m glazed acoustic barrier. These measures are required to mitigate external noise which is predicted to exceed the World Health Organisation (WHO) recommended external noise thresholds (50-55dB LAeq16hr). A condition is recommended requiring details of the acoustic barriers to be submitted for approval prior to commencement of the development. The Urban Design Officer considers that the inclusion of these measures will not result in a material difference from a visual impact perspective.

5.7.6	The 18th floor roof terrace does not include an acoustic barrier. The Noise information submitted confirms that predicted noise levels within the 18th Floor and Ground floor terrace are within the WHO recommended external noise thresholds.
5.7.7	The Noise Information submitted advises that the primary noise sources impacting the external areas are associated with the adjacent night club beer garden and patron dispersal which will have the most impact at night when residential occupiers are not using the external amenity areas.
5.7.8	Environmental Health has referred officers to the British Standard BS8233:2014 guidance which states the following: *'the acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the range 50-55dB$L_{Aeq,16hr}$."* The standard continues… *"these guideline values may not be achievable in all circumstances where development might be desirable. In such a situation development should be designed to achieve the lowest practicable noise levels in these external amenity spaces* ***but should not be prohibited."*** The Noise report submitted by the applicant states that individual balcony areas are not considered an intrinsic feature of the development and no mitigation has been recommended and that typically barriers at balcony areas provide minimal mitigation.
5.7.9	Officers acknowledge the guidance as set out above and consider that the proposed mitigation measures on the 9th and 11th floor will seek to achieve the lowest practicable noise levels in these external amenity areas. Officers also consider that in this urban context close to existing businesses and roads infrastructure a degree of external noise is unavoidable. Furthermore, officers are of the view that there are a number of external communal amenity areas on the 18th and ground/first floor level which are within the WHO thresholds. In addition, there are several internal amenity areas providing amenity space for residents in the form of residential lounges. In summary, there are a number of communal amenity areas within the development providing prospective occupiers with a variety of useable amenity spaces which are within the WHO noise thresholds and this is on balance considered acceptable.
5.7.10	Policy OS 2 of PPS 8 states that proposals for new residential development of 25 or more units will only be permitted where public open space is provided as an integral part of the development. Policy OS 2 of PPS 8 goes on to state that an exception to the requirement of providing public open space will be permitted in the case of apartment developments where a reasonable level of private communal open space is provided. In this case a reasonable level of amenity space has been provided and it is considered that the exemption test is met.
5.7.11	The proposal is considered to comply with criterion (c) of Policy QD1 of PPS 7 and Policy OS 2 of PPS 8.
5.8	**Space Standards/Living Standards**
5.8.1	The development proposes 298 apartments in total which comprise of the following:- • 8 studio apartments, • 160 1 bed apartments 1 person apartments, • 10 - 1 bed, 2 person apartments, • 90 - 2 person, 3 bed apartments, • 12 - 2 bed, 4 person apartments and

	• 18 - 3 bed, 6 person apartments.
5.8.2	Whilst the space standards set out in the Addendum to PPS 7 do not apply to this proposal the recommended space standards are nevertheless a useful guide in ensuring the provision of good quality residential accommodation. The proposed units comply with the space standards as set out in the Addendum to PPS 7. The majority of units are 1 bed, 1 person apartments thereby limiting occupation to a single person. During the processing of the application the applicant was encouraged to amend the unit sizes to provide a better balance of unit sizes and, in particular, to increase the number of 1 bed, 2 person units as smaller units are considered inflexible. As a result the applicant submitted a viability report which assessed an alternative mix which included 18 studio apartments, 215 - 1 bed, 2 person apartments and 65 - 2 bed 4person apartments. The Viability Report concluded that an alternative mix of units as set out above would not be financially viable whereas the scheme as submitted is considered financially viable. The Viability Report indicated that market testing of the proposed scheme had taken place which had attracted both operator and investor interest in the scheme and neither raised any issues regarding the developers proposed unit mix. The Viability Report further states that one of the interested operator investors has a completely contrary view to Belfast City Council planners in that they are seeking a weighting towards 1 bed, 1 person units which provide for a more efficient scheme in terms of both occupier interest and financial viability.
5.8.3	The Plans and Policy team has assessed the Viability Report and advises that the '*assumptions used within the viability report submitted by the applicant look reasonable and they have no reason to question the conclusions drawn, as they align with the emerging conclusions from the Council's own viability work'*. The Plans and Policy team advise that it should however be possible for the applicant to design a scheme that provides a more sustainable mix of unit sizes than the original proposal that is viable to deliver and we would recommend further discussion with the applicant in relation to this.'
5.8.4	Following assessment of the Viability Report and receipt of the Plans and Policy team response the applicant's team was provided with the opportunity to make amendments to adjust the scheme to create a more balanced development given the comments set out in the Plans and Policy team response. No further amendments have been received.
5.8.5	Restricting occupancy of individual apartments via condition would not be appropriate in enforcement terms as it would be difficult to monitor and would require an excessive degree of supervision. The predominance of 1 bed 1 person apartments does not of itself justify a refusal of the proposal and there is no policy basis on which to do so. On balance the mix of unit sizes is considered acceptable.
5.8.6	The applicant has also voluntarily submitted an Addendum to the initial Viability Assessment which considers the financial viability of Social and Affordable Housing if incorporated into the proposed scheme and amended scheme considering a differing unit mix based on the Belfast City Council Local Development Plan 2035 (Draft Plan Strategy). Policy HOU 5 of the Draft Plan Strategy states that 'Planning permission will be granted for residential development on sites greater than 0.1 hectares and/or containing 5 or more dwelling units where a minimum of 20% of units are provided as affordable housing.' As set out at paragraph 5.25 above the Draft Plan Strategy is a material consideration but has limited weight until it is adopted. Until such times as the Plan is adopted existing policies will be applied including the SPPS and relevant PPSs. The response from NIHE advises that they would support a 10% social housing

	scheme on this site however the existing policy context does not require the provision of social and/or affordable housing and therefore it is not being sought for this development. The proposal remains for private, build-to-rent accommodation.
5.8.7	The Plans and Policy team has assessed the Addendum Viability Assessment and agree with the conclusion that tested schemes at 20% Social/Affordable Housing are considered unviable.
5.9	**Impact on the surrounding context**
5.9.1	The site is located in close proximity to a number of listed buildings of special architectural or historic interest as protected under Section 80 of the Planning Act (NI) 2011, including: the Head Line Building, 10-14 Victoria Street Belfast (HB26/50/053 - Grade B1), the Former First Trust Bank, 4 Queen's Square, Belfast (HB26/50/056 - Grade B+) and Custom House Custom House Square Belfast (HB26/50/062 - Grade A).
5.9.2	HED notes that the Townscape and Visual Impact Assessment information shows the visual impact of the proposal from significant nodes around the city and advises that whilst the tower element of the design is largely visible across the Belfast skyline, the proposal does not appear to detract from designated views of or from listed buildings in the vicinity. HED considers the proposal complies with paragraph 6.12 of the SPPS 6.12 (Development proposals impacting on Setting of Listed Buildings) and Policy BH11 (Development affecting the Setting of a Listed Building).
5.9.3	The proposed development will sit adjacent to a 5 storey office block to the immediate north. The southern elevation of the office block comprises large areas of blank gable along with centrally located windows. The proposed 19 storey block fronting onto Corporation Street will be juxtaposed next to blank sections of the adjacent office building's southern elevation and surface level car parking. The 7 storey block fronting onto Tomb Street will also be juxtaposed next to a large section of blank gable. A right of way is located between the 7 storey block and the adjacent office building creating a separation buffer. Above first level there is gap of c. 22m between the 19 storey and 7 storey blocks which will allow light to penetrate into the centrally located windows located on the southern elevation of the office block. The primary outlook from the office block is towards Corporation Street, Tomb Street and Gamble Street. It is considered that the proposed development will have minimal impact on the existing office block and the proposed relationship is considered acceptable.
5.9.4	A nightclub is located to the immediate south of the site and there is a right of way along part of the southern boundary between the site and the nightclub creating a degree of separation. Environmental Health has assessed the proposed relationship with the nightclub and are satisfied that the glazing specifications (containing an element of laminated glass which is superior to standard glass in terms of acoustic performance) presented in the accompanying Noise Information supporting the application demonstrate that the proposed glazing will meet required glazing sound reduction requirements. The Noise Information supporting the application also confirms that the proposed glazing will ensure night time noise on Tomb Street is adequately mitigated.
5.9.5	Tomb Street Post Office is located directly across from the site on Tomb Street. Concerns have been raised regarding the impact of the proposed development on the existing operations of the Post Office. The most recent objection on behalf of Royal Mail requests that if an approval of planning permission is recommended, that planning conditions are included to protect future occupiers to avoid any future complaints and

	protect Royal Mail operations. Environmental Health has considered the objections received on behalf of Royal Mail and advise in their response that the Noise Information supporting the application advises that the assessment carried out captures the worst case noise levels from all sources in the locality and applied these to demonstrate the worst case impact on the development and that noise levels measured at the Tomb Street façade represents the highest levels measured from all sources through the survey including the operation of the post office premises. Environmental Health advise that the assessment carried out presents mitigation incorporated to ensure internal noise target levels will be met and will ensure that noise levels are significantly lower than any levels identified in the industry standard BS 4142 (Methods for Rating and Assessing Industrial and Commercial Sound). Environmental Health recommend a number of noise related conditions to ensure that proposed noise mitigation measures such as glazing, alternative means of ventilation, acoustic specification of each façade, and acoustic barriers are carried out in accordance with the Noise Information submitted and that prior to installation, further details of e.g. glazing, alternative means of ventilation and acoustic specification of facades are submitted for approval by the Council. Furthermore, Environmental Health also recommend such mitigation measures (glazing, alternative means of ventilation) are verified prior to occupation. The proposed conditions are considered appropriate and address the issues raised by Royal Mail, as set out in their most recent objection letter.
5.9.6	Centenary House and Calder Fountain Lifehouse supported housing development is located to the south of the site. It is considered that there is adequate separation between these existing buildings and the proposed development to ensure no adverse impact on existing residential amenity.
5.9.7	It is considered that the design and layout of the proposed development will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance. The proposal is considered compliant with the SPPS and PPS 7.
5.10	**Access Parking and Traffic Management**
5.10.1	The development proposes a car park accessed from Tomb Street to serve the development. The car park at ground floor level proposes 14 car parking spaces and 2 spaces for motor cycles. The car parking spaces comprise comprising 7 disabled spaces, 2 car clubs space and 5 standard car parking spaces. In addition, 216 Bicycle racks are proposed within the development. The site is located in Belfast City Core Area of Parking Restraint as set out in dBMAP (v 2014). Policy TRAN 1 states that reductions in standards will be considered in appropriate circumstances where evidence of alternative transport arrangements can be clearly demonstrated, or other material considerations exist that justify an exception to the policy. In this case the reduction in parking is proposed to be supported by the following green travel measures which will be secured through a Section 76 Planning Agreement. • Travel cards for each apartment for 3 years/Travel Plan Fund • Discounted membership of a car club for a period of 3 years • Discounted membership of Belfast Bike Scheme for 3 years
5.10.2	Pedestrian access to the building will be provided from Corporation Street and Tomb Street and from within the internal courtyard which will provide a movement pattern that supports walking and cycling. The proposed commercial unit fronting Corporation Street will be accessed and serviced from Corporation Street.

5.10.3	Servicing of the site is proposed from Corporation Street and Tomb Street. The Service Management Plan states that *'A representative from the development management company will be responsible for setting up the initial delivery times of any regular vehicle deliveries to the premises'* and that '*In keeping with other city centre sites and the existing behaviours of other developments on Tomb Street, servicing for the proposed development will take place on-street. For any servicing needs along Corporation Street, the development site benefits from an extant planning approval (Z/20115/0176/F) for the provision of a lay-by, which will allow service vehicles to stop clear of the carriageway without causing any delay to traffic flow. This lay-by includes the extension of existing double yellow lines to ensure the area is not abused as parking. All efforts will be made to co-ordinate and confirm initial delivery times to avoid any detrimental effects on the public roads, this includes clashes with other deliveries or peak traffic times.'*
5.10.4	It is proposed that waste including recycling will be stored in dedicated bin areas on the ground floor. The Service Management plan advises that '*Bins will be provided in the bin store of the apartment block and the management company will organise that these are brought on-street (Tomb Street) and returned to the bin storage area on bin collection days.'*
5.10.5	A number of the apartments fall outside the recommended 30m travel distance from bin storage to apartments which is set out in Building Control Regulations. During the processing of the application discussions took place with the applicant, Waste Management Unit (WMU) and Building Control (BC). The applicant presented mitigating measures and both WMU and BC are satisfied with the proposed arrangements.
5.10.6	DFI Roads has no objections to the proposed development subject to conditions which are set out below. The proposal is considered to comply with the SPPS, Policy AMP 7 of PPS 3 Criteria (e) and (f) of Policy QD 1 of PPS 7 and Policy TRAN 1 of dBMAP.
5.11	**Environmental Considerations - Drainage, Contamination, Noise, Air Quality**
	Drainage
5.11.1	The proposal has been considered against policies FLD 1-5 of Revised PPS15. DFI Rivers have raised no objections under FLD 1, 2, 3, 4 and 5, subject to a condition requiring a final drainage assessment to be submitted prior to commencement.
5.11.2	NI Water has objected to the proposal on the basis that there is insufficient waste water treatment capacity available to service the proposed development. They have also advised that the foul sewer network cannot presently serve this development proposal without significant risk of environmental harm and detrimental impact on existing properties. Importantly, NI Water makes allowance for existing significant committed development across the city including extant planning permissions such as the extant hotel approval on the site. Such development, which includes un-implemented permissions across the city, will not all come forward at once.
5.11.3	In practical terms it is considered unreasonable for the Council to withhold planning permission for the proposed development given NI Water's pre-existing commitments to connect to significant levels of un-implemented development across the city including the extant permission on part of the site. Moreover, NI Water has not provided evidence that the proposed development would have a direct and detrimental

	impact on waste-water infrastructure or environment, particularly in the context of impacts over and above what has already been committed across the city. NI Water confirms that it has a programme for WWTW improvements which will increase capacity over the coming years. Whilst NI Water advises that it cannot support the proposal at this time, some additional capacity will be available from July 2023 as a result of the completion of initial upgrade work, subject to an Impact Assessment. NI Water therefore recommends negative planning conditions to permit the proposed development to be constructed but not occupied until 01 July 2023 and until such times as an extension to the existing surface water network to serve the development is provided.
5.11.4	Shared Environmental Service (SES) has carried out a Habitats Regulation Assessment (see reference below) on behalf of the Council and advise that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects subject to mitigation measures which are recommended as conditions and would require consent for surface water and foul sewage connections to be secured prior to occupation. On this basis, this condition is considered appropriate and necessary in this particular case.
5.11.5	**Noise** The application is supported by a Noise Impact Assessment and accompanying addendums. Environmental Health has considered the proposal along with the objections received (as referred to above) and have recommended appropriate conditions.
5.11.6	**Contamination** The application is supported by a Preliminary Risk Assessment which has been considered by both DAERA: NIEA and Environmental Health. Neither has raised objections and both have provided conditions/informatives if permission is granted.
5.11.7	**Air Quality** Environmental Health has reviewed the proposal and has advised that they have no concerns regarding air quality.
5.12	**Habitats Regulation Assessment**
5.12.1	In accordance with Regulation 43(1) of the Conservation (Natural Habitats, etc.) (Northern Ireland) 1995 (as amended) Shared Environmental Services (SES) on behalf of the Council has carried out an appropriate assessment and having considered the nature, scale, timing, duration and location of the project, SES advises that the development would not have an adverse effect on the integrity of any European site, either alone or in combination with other plans or projects. In reaching this conclusion, SES has assessed the manner in which the project is to be carried out including mitigation measures. This conclusion is subject to mitigation measures being conditioned in any approval which require consent for surface water and foul sewage connections to be secured prior to occupation. The recommended condition is set out in full below.
5.12.2	Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the HRA report, and conclusions therein, prepared by Shared Environmental Service, dated 02/11/2021. This found that the project would not have an adverse effect on the integrity of any European site.

5.13	**Developer Obligations**
5.13.1	Para 5.69 of the SPPS states that '*Planning authorities can require developers to bear the costs of work required to facilitate their development proposals*.' Relevant further guidance is provided by the Council's Developer Contribution Framework, adopted in 2020.
5.13.2	Green Travel Measures in the form of a travel card for each apartment for a period of 3 years, provision of 2 car club spaces within the building, provision of discounted membership of a car club (50%) for a period of 3 years and membership of a bike scheme for a period of 3 years are proposed to support the proposed development. In addition, the developer has agreed to provide a financial contribution of £400k towards improving public realm and connectivity to the city centre which will include a contribution towards the pedestrian junction on Corporation Street/Dunbar Link.
5.13.3	BCC Economic Development Unit has advised that given the scale of the employment to be created, the high rates of unemployment, current sectoral growth and reported shortages in specific skilled trades, it is likely that the development will give rise to skills or labour shortages within the construction sector and conclude that Employability and skills related Developer Contributions Section 76 clauses will be required for the construction phase of the development.
5.13.4	BCC CRD highlight that the significance of the immediate and wider setting of the proposal is reflected in the suite of DfC documents, regarding the ongoing regeneration of Greater Clarendon and Sailortown and consider that the scheme should contribute to the improvement of the public realm to both integrate the proposed development and enhance local streetscape quality/character, and to enable safe and sustainable movement within this part of the city centre.
5.13.5	CRD advise that in order to ensure a fully integrated approach to the design and delivery of public realm within the streets immediately adjacent to the proposed development and within the wider area as set out in existing regeneration strategy and guidance, it is considered that a developer contribution in the form of a commuted sum paid to the council is appropriate in this instance. This approach would enable the delivery of necessary improvements associated with the proposal as part of a strategic programme of public realm investment that reflects the joint Council, DfC and DfI ambition set out in 'A Bolder Vision'.
5.13.6	Furthermore, CRD consider that the proposal should also contribute to (and benefit from) enhanced pedestrian and cycle links to/from the city centre. Such improvements should be designed alongside the development of public realm proposals, and contribute to permeability and ease of movement by providing enhanced crossings to address the severance caused by Corporation St / Dunbar Link. A contribution towards enhanced pedestrian crossings is considered appropriate.
5.13.7	Officers consider that public realm works are necessary to mitigate the impacts of this major development. In addition, the site's location, somewhat disconnected from the city centre due to the surrounding dominant roads infrastructure necessitates the requirement for improved connectivity to the city centre. The applicant has agreed to provide a financial contribution of £400,000 towards public realm improvements/improved connectivity to the city centre. Such improvements will include pedestrian crossing improvements at Corporation Street and Dunbar Link and upgrades to the walking/cycling environment surrounding the site.

5.13.8	The planning obligations will be included as part of the planning permission by means of a Section 76 planning agreement and comply with the adopted Developer Contributions Framework and the SPPS. Delegated authority is requested to finalise the S76.
5.14	**Pre-Application Community Consultation**
5.14.1	In accordance with the requirements of Section 27 of the Planning Act (NI) 2011, the applicant served a Proposal of Application Notice (PAN) on Belfast City Council on 09 October 2018 *(LA04/2018/2433/PAN)*. Belfast City Council responded confirming that the PAN and associated approach met the requirements of Section 27 of the Planning Act and was acceptable subject to additional consultation with Inner North Belfast Neighbourhood Partnership. The response also advised that a leaflet drop should take place with businesses and residents which directly abut the proposed full application site.
5.14.2	Given the passage of time between the initial public consultation events and submission of the planning application officers recommended during the PAD process that the applicant undertake an updated public consultation exercise. Whilst there is no legislative requirement to undertake additional public consultation events it is considered good practice and the applicant undertook an updated consultation exercise. Furthermore, during the period between the initial community consultation exercise and the updated consultation exercise the Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020 was enacted in response to COVID19 restrictions. This Regulation temporarily suspended the requirement for a public event and facilitated alternative consultation measures such as web based engagement, use of social media, community surveys and use of information sheets and newsletters in place of public events.
5.14.3	A Pre-Application Community Consultation Report has been produced to comply with the statutory requirement laid out in Section 28 of the Planning Act (Northern Ireland) 2011. The purpose of a PACC report is to confirm that pre-application community consultation has taken place in line with statutory minimum requirements. The report has confirmed advertising for the public event and that the initial public event took place in accordance with section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015. The report also confirmed that an online community consultation magazine was available on the Clyde Shanks Ltd website on the 1st July 2021 until the 15th July 2021. The report also confirmed that a leaflet drop to businesses and residents which directly abut the application site took place in 2018.
5.14.4	The report states that 2 feedback forms were returned during the initial public consultation event and that '*The majority of the comments received at the public event were positive and supportive of the project, with particular emphasis on the quality of design and articulation of the elevations*.' No feedback was received during the most recent round of consultation.
5.14.5	The Pre-Community Consultation Report submitted satisfactorily demonstrates that the applicant has complied with the requirements of Sections 27 and 28 of the Planning Act (NI) 2011 and Section 5 of The Planning (Development Management) Regulations (Northern Ireland) 2015 and has adhered to Council recommendations during the PAN process. The PACC report is considered acceptable.
Neighbour Notification Checked	**Yes**

Summary of Recommendation:
Having regard to the development plan, relevant policy context and other material considerations including the representation, the proposed development is considered acceptable and it is recommended that full planning permission is granted subject to conditions and a Section 76 to secure an Employability and Skills Plan, green travel measures and a financial contribution towards improving public realm and connectivity to the city centre.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and the Section 76 and to deal any other issues which might arise.

Draft Conditions:

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

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

2. No external finishes shall applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council.

   The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.

   The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external finishes.

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

3. Notwithstanding the submitted details, no development (other than site clearance, site preparation, demolition and the formation of foundations and trenches) shall commence on site unless the detailed design of the recesses to the windows and external doors have been submitted to and approved in writing by the Council. The details shall include detailed scaled section drawings. The development shall not be carried out unless in accordance with the details so approved.

Reason: In the interests of the character and appearance of the area. Approval is required in advance because the design of the recesses is fundamental to the overall design of the building.

4. Prior to installation details of the Artwork to be erected along the Tomb Street elevation (ground floor), Northern Elevation of the 19 storey block and the Southern Elevation (ground floor) shall be submitted to and agreed in writing by the Council. The development shall be carried out in accordance with the agreed details and retained thereafter.

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

5. The development shall not be occupied unless the visibility splays and any forward sight distance have been provided in accordance with the Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. The access and visibility splays shall be retained in accordance with the approved plans at all times.

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

6. The area within the visibility splays and any forward sight line shall be cleared to provide a level surface no higher than 250mm above the level of the adjoining carriageway before the development hereby permitted is occupied and such splays shall be retained and kept clear thereafter.

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

7. The vehicular access hereby permitted shall be formed by lowered kerbs at the carriageway edge and associated re-grading of the footway to the satisfaction of the Council.

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

8. 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.19-059-P-101 Rev.P01 bearing the Department for Infrastructure Determination date stamp 10th June 2022.

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

9. 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 the public road have been completed in accordance with the details outlined in blue on drawing No.19-059-P-101 Rev.P01 bearing the Department for Infrastructure Determination date stamp 10th June 2022. The Department hereby attaches to the determination a requirement under Article 3(4)A of the above Order that such works shall be carried out in Accordance with an agreement under Article 3(4)C.

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.

10. The development hereby approved shall not be occupied or operated until the hard surfaced areas have been provided in accordance with the Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. Such areas shall not be used for any purpose other than the parking and movement of vehicles and such areas shall remain free of obstruction for such use at all times.

Reason: To ensure adequate car parking within the site

11. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the with Private Streets Determination drawing No.19-059-P-101 Rev.P01 uploaded to the Planning Portal 15th February 2022. The covered bicycle storage shall be retained in accordance with the approved plans at all times.

Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.

12. The development hereby permitted shall not be occupied or operated unless in accordance with the Service Management Plan Rev.B uploaded to the Planning Portal 2nd September 2021.

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

13. Prior to the commencement of any of the approved development on site, a final drainage assessment, compliant with FLD 3 & Annex D of PPS 15, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to the Planning Authority for its consideration and approval.

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

14. 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 is in place for the operational phase of the proposal that will ensure no impacts to European Sites. Approval is required upfront because the design of drainage is an integral part of the development and its acceptability.

15. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measures outlined in the RSK Environment Ltd report entitled 'ES Corporation Street, Remedial Strategy, Lands at 21 to 29 Corporation Street, Belfast' (referenced 603571_R2(01) and dated July 2021) have been implemented.

    The Verification Report shall demonstrate the successful completion of remediation works and that the site is now fit for end-use. It must demonstrate that the identified potential contaminant linkages are effectively broken. The Verification Report shall be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. In particular, this Verification Report must demonstrate that:

    a) Gas protection measures commensurate with the site's Characteristic Situation 2 classification have been provided to the buildings in accordance with BS 8485:2015+A1:2019 (minimum gas protection score of 3.5). Gas protection measures must be verified in line with the requirements of CIRIA C735.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

16. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. 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: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health and of environmental receptors to ensure the site is suitable for use.

17. Prior to the installation of the glazing units to the façade of the habitable rooms of the hereby permitted development a noise report detailing the proposed glazing unit to the habitable rooms on each floor and on each façade, shall be submitted to and approved in writing by the Council. The report shall include the glazing units acoustic data sheets and shall demonstrate that the proposed glazing units acoustic performance meet the required glazing sound reduction as detailed in table 12 of the Irwin Carr Consulting Additional Information entitled "21-29 Corporation Street Belfast & 18-24 Tomb Street" dated 30th November 2022 report reference LT001N 2022077. The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity.

18. Prior to the construction of the hereby approved development the acoustic specification of the walls of each façade of the residential units shall be submitted to and approved in writing by the Council. The entire façade structure must meet as a minimum the acoustic specification as detailed in table 12 of the Irwin Carr Consulting Additional Information entitled "21-29 Corporation Street Belfast & 18-24 Tomb Street" dated 30th November 2022 report reference LT001N2022077. The approved façade wall structure shall be constructed as approved.

Reason: Protection of residential amenity.

19. Prior to the construction of the hereby approved development, the applicant shall submit a noise report shall be submitted to and approved in writing by the Council. The noise report shall confirm the final specification of the mechanical Ventilation Heat Recovery system (MVHR) proposed to the residential units including the operation noise levels, and details of any necessary acoustic mitigation measures. The report shall demonstrate that the operation noise associated with the MVHR system shall not exceed the night time internal noise guidelines of 30dB LAeq British Standard BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' in line with section 3.2.4 of the Irwin Carr Additional Information dated 30th November, letter reference LT001N 2022077.

    The noise report shall confirm the location of the external inlet and outlet vents serving the MVHR system. The report shall provide details of the proposed acoustic mitigation measures and shall demonstrate by way of calculation that noise break in via the externally located inlet and outlet vents and the façade shall not exceed the BS8233 internal noise targets and the Irwin Carr Consulting design target of NR 20 over each octave band. The development shall be carried out in accordance with the approved details.

Reason: Protection of residential amenity

20. Prior to occupation of the hereby approved residential units, the window schedule and alternative means of ventilation, as approved, shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with British Standard BS8233:2014

'Guidance on sound insulation and noise reduction for buildings', and so that the residential units are not impacted by music break in from entertainment venues and can achieve NR 20 over each octave band, with the windows closed and the alternative ventilation provided in accordance with building control regulations. The approved windows and alternative means of ventilation shall be retained within the development thereafter.

Reason: Protection of residential amenity

21. Prior to occupation of any residential unit hereby permitted, a report verifying that the window schedule and alternative means of ventilation as approved have been installed shall be submitted to and approved in writing by the Council. The report shall comprise a written declaration from the suppliers and installers of the glazing and alternative means of ventilation confirming that the scheme of windows and alternative means of ventilation have been installed as approved.

Reason: Protection of residential amenity

22. Prior to commencement details of the proposed 0.7m parapet wall and 1.2m glazed acoustic barrier shall be submitted to and approved in writing by the Council. The glazed acoustic barrier shall be at least 1.2m in height, with no gaps and a mass of at least 15kg/m2 and prior to occupation shall be installed in the external roof terraces to the 9th and 11th as detailed in appendix B of the Irwin Carr Consulting Additional Information entitled '21-29 Corporation Street Belfast & 18-24 Tomb Street" dated 30th November 2022 report reference LT001N2022077' and agreed details. The parapet wall and acoustic barrier shall be retained thereafter.

Reason: Protection of residential amenity

23. No development shall commence on site (including demolition, site clearance and site preparation) unless a Final Environmental Construction Management Plan has been submitted to and approved in writing by the Council. The Final Environmental Construction Management Plan shall include measures to control noise, dust, vibration and other nuisance during the demolition/construction phase and ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. No development (including demolition, site clearance and site preparation) shall be carried out unless in accordance with the approved Final Environmental Construction Management Plan.

Reason: To safeguard the amenities of the area and to ensure effective avoidance and mitigation measures have been planned for the protection of the water environment. Approval is required upfront because construction works have the potential to harm the amenities of the area.

Notification to Department (if relevant) – Not Required

Date of Notification to Department: N/A
Response of Department: N/A

Representations from Elected Members: None

ANNEX	
Date Valid	26th August 2021
Date First Advertised	10th September 2021
Date Last Advertised	17th December 2021
Details of Neighbour Notification (all addresses) The Owner/Occupier, 10-14 ,Tomb Street,Belfast,Antrim,BT1 3AS The Owner/Occupier, 11-17 ,Corporation Street,Belfast,Antrim,BT1 3BA The Owner/Occupier, 18a ,Tomb Street,Belfast,Antrim,BT1 3AS The Owner/Occupier, 19 Corporation Street,Belfast,Antrim,BT1 3BA The Owner/Occupier, 2 Victoria Street,Belfast,Antrim,BT1 3GE The Owner/Occupier, 24-42 Corporation Street, Belfast, BT13DP The Owner/Occupier, 26-36 ,Tomb Street,Belfast,Antrim,BT1 3AS The Owner/Occupier, 6 Tomb Street, Belfast, BT1 3AS Clare Lucey Cushman & Wakefield,1 Colmore Square,Birmingham,B4 6AJ The Owner/Occupier, Design Centre, 39 Corporation Street, Belfast, BT1 3BA The Owner/Occupier, Graham House, 1 Albert Square, Belfast, BT1 3EQ The Owner/Occupier, Royal Mail Delivery Office, 7-13 Tomb Street, Belfast, BT1 1AA	
Date of Last Neighbour Notification	6th December 2022
Date of EIA Determination	6th September 2021
ES Requested	No
Drawing Numbers and Title	

Drawing Nos.

01 – Site Location Plan – Published 02.09.21
02A– Block Plan – Published 13.10.22
03B - Ground Floor Plan – Published 07.12.21
04a - First Floor Plan – Published 25.11.21
05a - Second to Fourth Floor Plan – Published 25.11.21
26 - Fifth and Sixth Floor Plan – Published 25.11.21
06a - Seventh to Eighth Floor Plan – Published 25.11.21
07a - Ninth to Tenth Floor Plan – Published 25.11.21
08a - Eleventh Floor Plan – Published 25.11.21
09a - Twelfth to Seventeenth Floor Plan – Published 25.11.21
10a - Eighteenth Floor and Roof Plan – Published 25.11.21
11a - Context Elevations – Published 25.11.21
12a - Elevation A Rev A (Corporation St) – Published 25.11.21
13a - Elevation B Rev A (Southern Elevation) – Published 25.11.21
14a - Elevation C Rev A (Tomb St) – Published 25.11.21
15b - Elevation D Rev B (Northern Elevation) – Published 20.06.22
16a - Elevation E Rev A – Published 25.11.21
17a - Elevation F Rev A – Published 25.11.21
18b - Elevation G Rev C (Courtyard Elevation) – Published 30.06.22
19a - Landscape Proposals Ground Floor Rev B – Published 26.11.21
20A - Landscape Proposals Level 11 - Roof Terrace – Published 09.11.21
21A - Landscape Proposals Level 18 - Roof Terrace – Published 09.11.21
22 - Landscape Details-Planters, Benches – Published 02.09.21
23 - Landscape Proposals-Concept – 02.09.21
24 - Landscape Details-Paving Published 02.09.21
25 - Section DD – Published 02.09.21
27 - Landscape Proposals – Level 9 Roof Terrace – Published 26.11.21
28 - General Arrangement Plan – Published 07.12.21
30 - Construction Details – Published 07.12.21
19-059-P-101 - Private Streets Determination – Stamped Drawing Published 22/06/22
31 – Coloured Elevation A (Corporation Street) Published 07.07.22
32 – Coloured Elevation B (Southern Elevation) Published 07.07.22
33 – Coloured Elevation C (Tomb Street) Published 07.07.22
34 – Coloured Elevation D (Northern Elevation) Published 07.07.22
35 – Coloured Elevation E (Internal Courtyard) Published 07.07.22
36 – Coloured Elevation F (Internal Courtyard) Published 08.07.22
37 – Coloured Elevation G (Internal Courtyard) Published 08.07.22

Development Management Report

Summary	
Committee Date: 16th January 2024	
Application ID: LA04/2022/1219/F	
Proposal: Demolition of existing building and erection of 11 storey building (May Street/Victoria Street) and 4 storey building (Gloucester Street) comprising 77 apartments with communal areas, ground floor retail services (A2) unit, cycle and car parking, and vehicular access via Gloucester Street	**Location:** 177-183 Victoria Street 66-72 May Street and 4-8 Gloucester Street Belfast
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Vinder Capital & Endeavour Building Ltd Avonmore House 15 Church Square Banbridge BT32 4AP	**Agent Name and Address:** Gavyn Smyth / Gavin Rolston Clyde Shanks Ltd 2nd Floor 7 Exchange Place Belfast BT1 2NA

Executive Summary:

This application relates to an “L” shaped parcel of land with frontages onto May Street, Victoria Street and Gloucester Street. It is approximately 0.1 ha in size.

The site is located in a draft Area of Townscape Character. It is within an Area of Archaeological Potential and area liable to flooding. There are three Listed Buildings close to the site. The site is adjacent the Linen Conservation Area to the south.

The application was subject to a detailed PAD process which commenced in July 2019. The application was submitted in June 2022. It seeks full planning permission for an apartment block ranging from 4 to 11 storeys in height. The proposal would comprise 77 apartments with communal areas, ground floor retails services (Class A2), cycle and parking, and vehicular access via Gloucester Street.

The key issue for consideration of the application are set out below.

- Principle of development
- Housing density
- Affordable housing
- Housing mix
- Adaptable and accessible accommodation
- Climate change
- Impact on the character and appearance of the area
- Heritage impacts
- Residential quality and impact on amenity
- Access and transport

- Other environmental impacts
- Developer Contributions
- Pre-application Community Consultation

There are no objections from statutory consultees. The Planning Service's Plans and Policy Unit has raised concerns about the proposal's non-compliance with Policies HOU5 (affordable housing) and HOU6 (housing mix).

One objection has been received as detailed in the main report.

The site is a central and sustainable location for new housing. The proposal would make effective use of previously developed land. The external design of the proposed buildings would be in keeping with the character and appearance of the draft Area of Townscape Character. There is no objection from DfC HED and the proposal would not harm the setting of nearby Listed Buildings.

The proposal does not include provision for affordable housing, as required by Policy HOU5 of the Plan Strategy. The applicant has demonstrated through a viability appraisal (independently verified by the Council) that the proposed development is unviable were affordable housing to be included. The proposal is in conflict with Policy HOU5.

The proposal would comprise a significant number of 1 and 2 bedroom units, including a substantial number of single person 1 bedroom properties. There would be a small number of 3 bedroom units. However, overall, the proposed housing mix is not considered to contribute to the creation of mixed and balanced communities and the proposal is contrary to Policy HOU6 of the Plan Strategy.

Whilst the proposal is in contravention with Policies HOU5 and HOU6, the Planning Act (Northern Ireland) 2011 permits departure from the Plan Strategy where material considerations indicate otherwise. Failure to comply with planning policy, which would otherwise lead to permission being refused, can be outweighed by other material considerations which the planning authority considers sufficient to justify the grant of permission in the circumstances.

In this particular case, officers have had regard to the benefits of the scheme in terms of regeneration of this part of the city centre, the proposal making effective use of land in a sustainable and accessible location, increasing city centre living and supporting the vitality and viability of the city centre.

Regard is also had to the longevity of the application process with the PAD submitted in July 2019, Proposal of Application Notice (PAN) in July 2020 and planning application in June 2022. The Committee will recall that the draft Plan Strategy was submitted to DfI for the purposes of Independent Examination in August 2019. The Plan Strategy was adopted in May 2023. The current owner purchased the site in 2018.

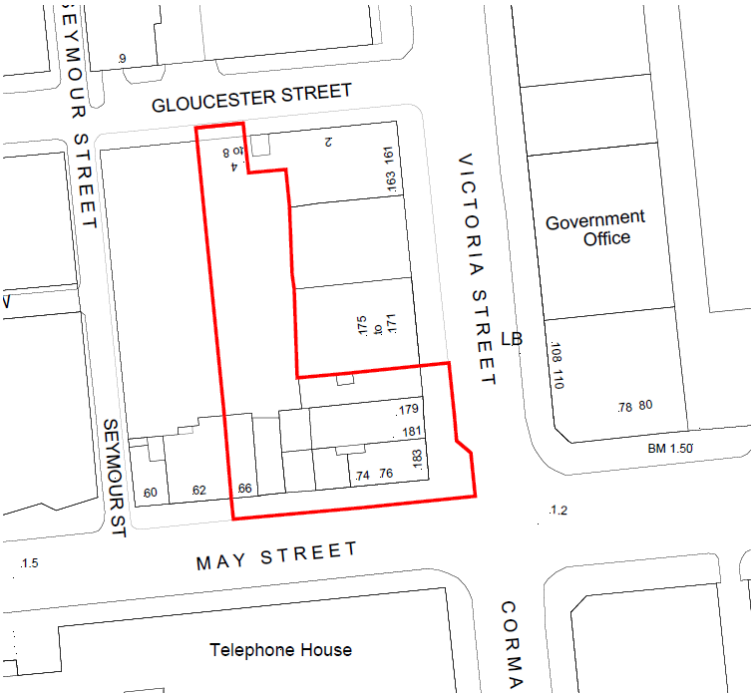
The applicant has also agreed to an affordable housing review clause that would require the delivery of affordable housing were economic conditions to change sufficiently. The review mechanism would be secured by way of a Section 76 planning agreement.

Having regard to the Development Plan and material considerations, and in the planning balance, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other issues that arise, provided that they are not substantive.

DRAWINGS AND IMAGERY

Site Location Plan:



Proposed Ground Floor Plan / Layout:

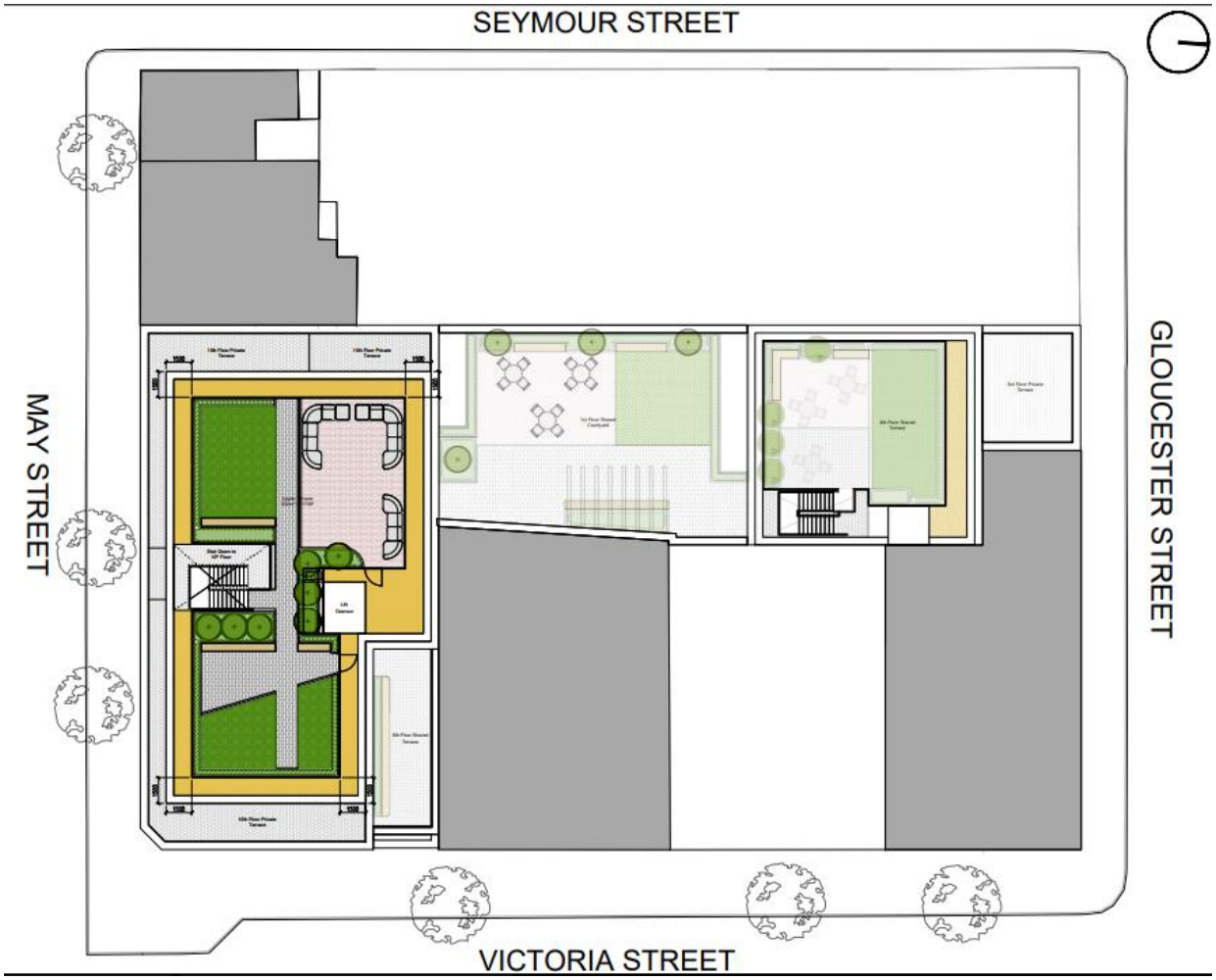
Proposed First Floor:

Proposed Second Floor

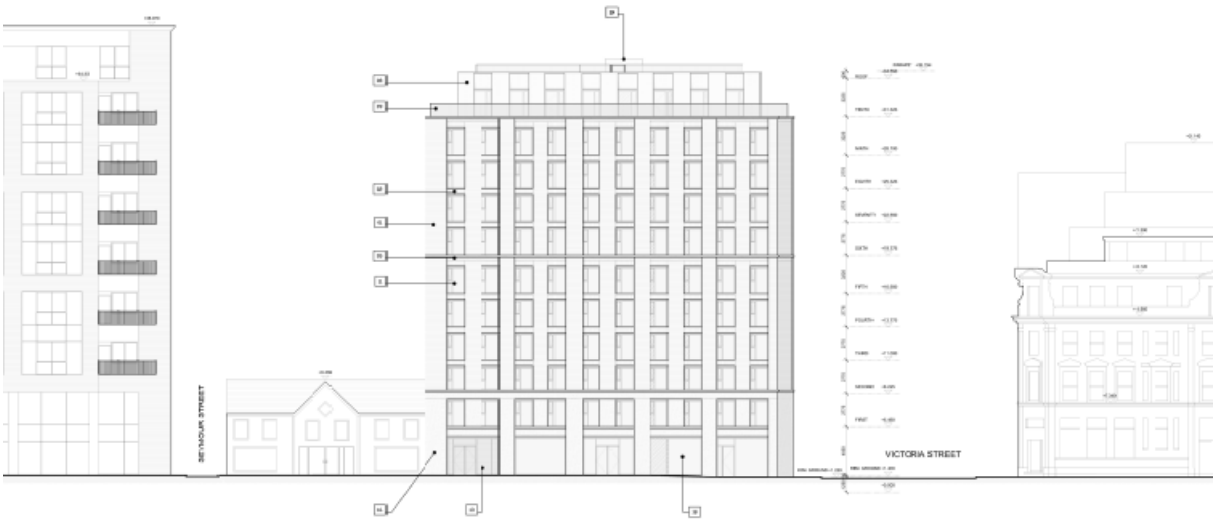
Proposed 9th Floor

Proposed 10th Floorplan:

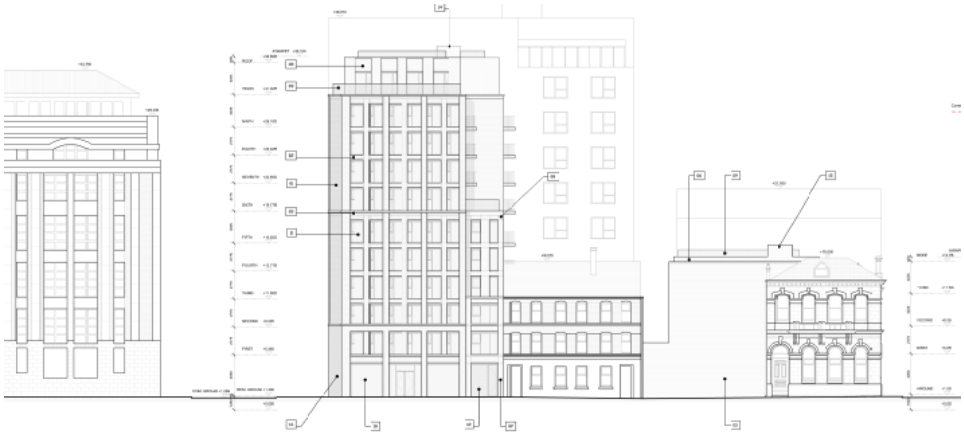
Proposed Roof Plan:



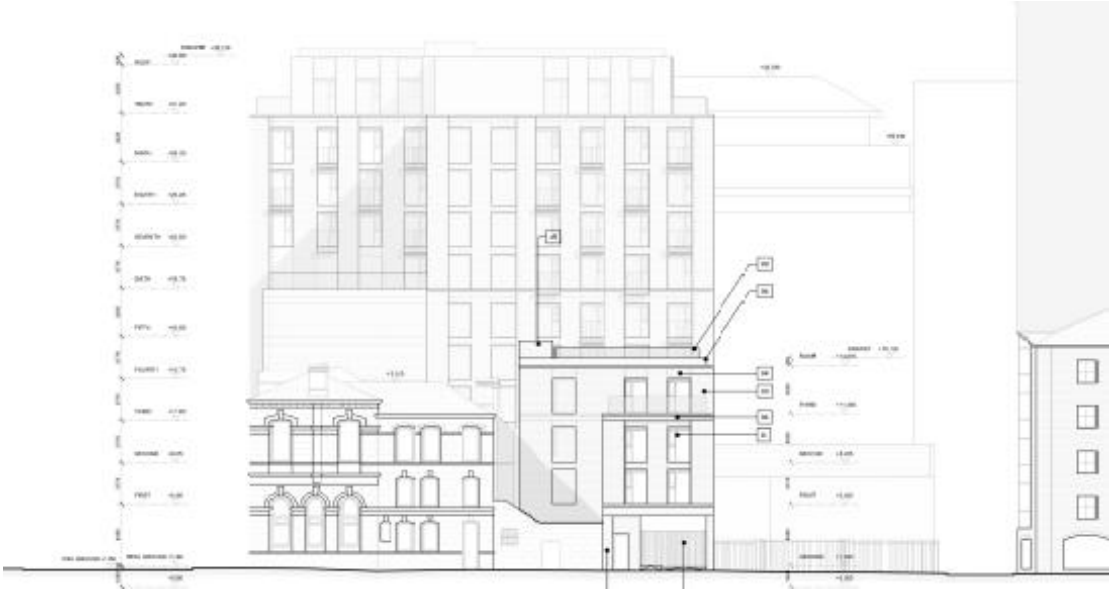
Proposed South Elevation (May Street):



Proposed East Elevation (Victoria Street):



Proposed North Elevation (Gloucester Street):



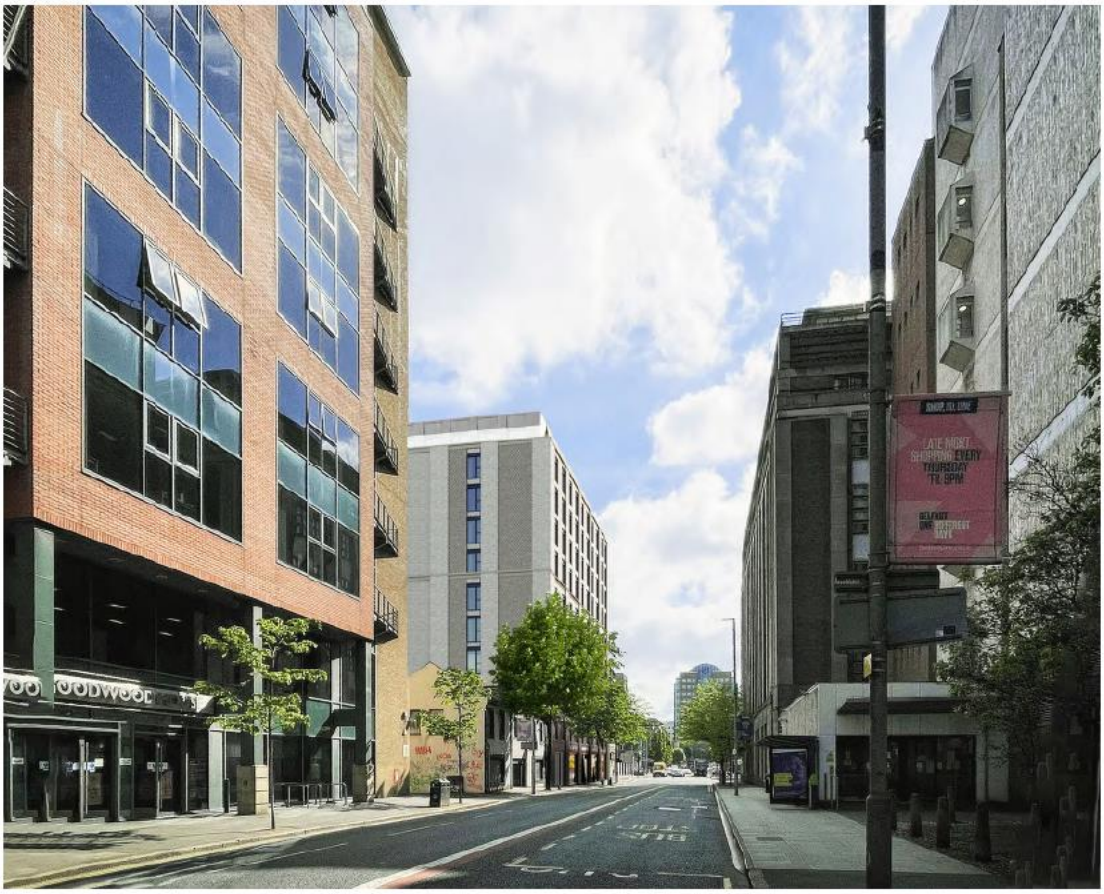
CGI – May Street/Market Street (looking west):

CGI – Victoria Street (looking north):

CGI – Victoria Street (looking south):

CGI – Gloucester Street (Note: the gable elevation below has been revised to provide acceptable articulation, although an updated CGI image has not been provided):

CGI – May Street (looking east):



1.0	**Characteristics of the Site and Area**
1.1	This application relates to an “L” shaped parcel of land with frontages to May Street, Victoria Street and Gloucester Street. It is approximately 0.1 ha in size.
1.2	The site comprises a row of three storey buildings on Victoria Street and May Street. As the site turns onto May Street, the three building corner building then drops down to single storey units then a two storey building.
1.3	The site is located in a draft Area of Townscape Character. It is within an Area of Archaeological Potential and area liable to flooding.
1.4	The Linen Conservation Area is located to the other side of May Street to the south.
1.5	There are a number of Listed Buildings in the vicinity of the site including: • Telephone House, 45-75 May Street to the opposite side of May Street to the south (Grade B2 Listed) • Nos .161-163 Victoria Street on the junction with Gloucester Street to the north (Grade B1) • Former Northern Bank, Nos. 108-110 Victoria Street to the opposite side of Victoria Street to the east (Grade B2 Listed)

	Description of Proposed Development
1.6	The application seeks full planning permission for an apartment block ranging from 4 to 11 storeys in height. The proposal would comprise 77 apartments with communal areas, ground floor retails services (Class A2), cycle and parking, and vehicular access via Gloucester Street.
1.7	The application follows Pre-Application Discussions with officers.
2.0	**PLANNING HISTORY**
2.1	LA04/2020/1329/PAN – Proposal of Application Notice for demolition of existing buildings and erection of multi-storey residential development with ground floor retail/restaurant – determined July 2020.
2.2	The application was subject to a Pre-Application Discussion process (PAD), received in July 2019. There is no other relevant planning history.
3.0	**PLANNING POLICY**
3.1	**Development Plan – operational policies** <u>Belfast Local Development Plan, Plan Strategy 2035</u> Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity 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 DES2 – Masterplanning approach for major development Policy RD1 – New residential developments Policy RET1 – Establishing a centre hierarchy Policy BH1 – Listed Buildings Policy BH3 – Areas of Townscape Character Policy BH5 - Archaeology Policy NH1 – Protection of natural heritage resources Policy HC1 – Promoting healthy communities

	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 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) Policy GB1 – Green and blue infrastructure network Policy OS3 - Ancillary open space Policy TRE1 – Trees <u>Supplementary Planning Guidance</u> Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Tall Buildings Masterplanning approach for Major developments Sustainable Urban Drainage Systems Transportation Trees and Development Development Viability
3.2	**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)
3.3	**Regional Planning Policy** Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)
3.4	**Other Material Considerations** Developer Contribution Framework (2020) *Belfast Agenda* (Community Plan)
4.0	**CONSULTATIONS AND REPRESENTATIONS**
4.1	<u>Statutory Consultees</u> **DfI Roads** – no objection subject to conditions. **DfC HED** – no objection subject to conditions. **DAERA** – no objection. **NI Water** – no objection subject to conditions. **NIHE** – supports the regeneration of the site and provides detailed comments set out in the main assessment.

4.2	Non-Statutory Consultees **Planning Service Plans and Policy Unit** – refer to main assessment. **Planning Service Urban Design advice** – no objection overall subject to conditions. **Planning Service Conservation Advice** – refer to main assessment. **Environmental Health** – no objection subject to conditions. **BCC City Regeneration and Development** – supports the proposed residential development at this location, however, would welcome the inclusion of an appropriate mix of tenures including affordable housing with appropriate wheelchair accessible homes. The proposal involves demolition of an unoccupied building and will bring people to live, work and play in the area. The surrounding area can expect to benefit from the increased city centre population. **BCC Economic Development Unit** – a Construction Employability and Skills Plan should be secured by way of a Section 76 planning agreement. **BCC Landscape and Development team** – no objection. Fully supports the inclusion of four green roof terraces that incorporate small tree and shrub planting. **Shared Environmental Services (SES)** – no objection subject to conditions.
4.3	Whilst consultees may have in some cases referred to the no longer extant Planning Policy Statements in their consultation responses, the substance of those policies remains sufficiently similar in the Plan Strategy so as not to require the consultees to re-evaluate the proposal in the context of the Plan Strategy. Representations
4.4	The application has been advertised in the newspaper and neighbours notified.
4.5	An objection has been received on behalf of Nos. 171 to 175 Victoria Street, adjacent the application site. • The application form is incomplete and does not provide ownership details. • Concerns about how the context of the site has been portrayed in the visual material accompanying the application. • Refers to the draft BMAP 2015 policy context including maximum heights of 6 storeys or 18 metres; and importance of nearby historic buildings. The proposal has no cognisance of Policy DES3 of the draft Plan Strategy which relates to proposals for tall buildings. • Concerns about scale, massing and design, and impact on Telephone House • Concentrated noise and pollution • Overpowering scale to the detriment of nearly Listed, historic and other buildings. • Overlooking and loss of light to the adjacent premises. • The proposal would compromise the future potential to convert the adjacent premises to residential. • Potential to create local wind effects on May Street. Careful modelling of these impacts should be provided.
4.6	The issues are address in the main assessment below.

5.0	**PLANNING ASSESSMENT**
	Main Issues
5.1	The main issues relevant to consideration of the application are set out below. • Principle of development • Housing density • Affordable housing • Housing mix • Adaptable and accessible accommodation • Climate change • Design and impact on the character and appearance of the area • Heritage impacts • Residential quality and impact on amenity • Other environmental impacts • Developer Contributions • Section 76 planning agreement • Pre-application Community Consultation
	Development Plan Context
5.2	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.
5.3	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.
5.4	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.
	<u>Operational Polices</u>
5.5	The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are set out at paragraph 3.1 of the report.
	<u>Proposals Maps</u>
5.6	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.

5.7	The site is un-zoned “white land” in the BUAP and both versions of dBMAP 2015 (v2004 and v2014). The site is within the City Centre and a draft Area of Townscape Character (ATC) in both versions of dBMAP 2015.
5.8	In dBMAP 2015 (v2004), the site is within character area CC 011 where building heights onto Victoria Street should be a minimum shoulder height of 6 storeys or 18 metres, and maximum seven storeys. It is also within the Commercial District.
	Principle of development
5.9	Policy HOU1 of the Plan Strategy sets out the housing requirements for the plan-period. This includes a total of 2,000 windfall homes. The proposal comprises windfall housing and so Policy HOU2 applies. Policy HOU2 requires windfall housing to be delivered on previously developed land, which the application site is. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below. a. **The site is suitable for housing** – the site is un-zoned “white land” and considered suitable in principle for housing; b. **The location is accessible and convenient to public transport and walking cycle infrastructure** – the site is located within the City Centre and highly accessible to shops, services, amenities and public transport. c. **Provision is made for any additional infrastructure required as a result of the development** – suitable infrastructure is in place.
5.10	The proposal will support city centre living and will support the city centre including shops, bars, restaurants, leisure and other amenities.
5.11	The proposal is considered compliant with Policies HOU1 and HOU2 and the principle of housing in this location is considered acceptable.
5.12	The provision of ground floor Class A2 (financial and professional services) would help to activate the ground floor and is welcomed and compliant with Policy RET1 of the Plan Strategy.
5.13	The principle of the proposed uses is considered acceptable.
	Housing density
5.14	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
5.15	The proposal is for a tall building within the City Centre for which the average density should be greater than 350 dwellings per hectare (ha). The site area is 0.1 ha and so the proposal equates to a density of 770 dwellings per ha, compliant with Policy HOU6.
	Affordable housing
5.16	Policy HOU5 requires proposals of 5 units or more to deliver at least 20% of the units as affordable housing. The proposal is for 77 apartments and so Policy HOU5 is engaged. This equates to a minimum requirement of 16 affordable units.
5.17	The applicant states that it is not economically feasible to include any social or intermediate housing as part of the proposed development. The Development Viability SPG states at paragraph 2.2.6 that: ‘*In a case where an applicant considers that they are unable to comply fully with the relevant policy requirements without rendering their*

	development unviable, the onus will be on the applicant to demonstrate why their particular circumstances justify the need for a viability assessment at the application stage.' The applicant has provided a viability appraisal as part of the application, and this has been independently assessed on behalf of the Council.
5.18	The conclusion of the viability appraisal is that it is not viable to provide any level of affordable housing as part of this development. The Development Viability SPG suggests that a typical profit should be in the range of 10-15%. The viability appraisal indicates that providing any affordable housing would result in no profit and, in fact, would be a loss to the developer of up to 10%.
5.19	The Plans and Policy team advises that the most significant contributing factor to the inability to provide affordable housing is the cost of the land. Whilst this cannot be changed, the Development Viability SPG states at paragraph 4.3.4 that: *"The price paid for land will… not be considered justification for failing to accord with relevant policies in the plan. In other words, overpaying for land/falls in land value should have been accounted for in the required developer's return and should not result in non-compliance with planning requirements. It is therefore important that all planning policy obligations, including the provision of affordable housing, should be factored in when considering how much to pay for land."*
5.20	Whilst there are queries in relation to some of the costs assumptions in the viability appraisal, such as how construction costs have been calculated and how inflation has been accounted for, this is unlikely to affect the overall conclusion which is that it is not viable to deliver any level of affordable housing as part of this scheme.
5.21	The applicant states that the site was purchased in 2018. The draft Plan Strategy was published for consultation in August 2018 with the final draft Plan Strategy forwarded to DfI for the purposes of Independent Examination in August 2019. The Plan Strategy was adopted in May 2023. It is acknowledged that the price paid for the land is fixed and cannot be changed. However, the proposal is in conflict with Policy HOU5 and the Development Viability SPG.
5.22	The applicant was made aware of the potential requirement for affordable housing as part of the PAD process and there has been opportunity for the applicant to recognise and understand the potential implications of the emerging policy environment. There is evidence in the applicant's submissions of some discussion with a Housing Association, but no details as to when in the process this took place.
5.23	The applicant has considered various alternative options as required by the SPG including deferring the timing of delivery of affordable housing, variation in size/mix, alternative sites, reduction in the level of affordable housing and providing a Financial Developer Contribution. However, these would not address the overall viability conclusion.
	NIHE consultation
5.24	NIHE advises that there continues to be a strong housing need in Belfast with a social housing waiting list of 12,237 households with 9,307 in housing stress (March 2022). Demand is increasing year by year and its projection of social housing need indicates a requirement for 6,125 new units of social housing accommodation across the Council area over the 5 year period 2021-2026.

5.25	NIHE supports a minimum 20% social housing within this mix, consistent with Policy HOU5, which requires the proposal to deliver a minimum 20% affordable housing. NIHE advises that a minimum of 15 no. units should be social homes with the preference of 2 bedroom properties being a suitable and sustainable mix.
5.26	Paragraph 4.9.4 of the Development Viability SPG states that: '…*in exceptional cases where the Council accepts that meeting the full policy requirements is unviable, an appropriate balance will need to be struck between the level of developer return and the obligations/mitigation required to ensure policy compliance. As every situation is different, each development will be judged on its merits at the time of assessing the planning application*.'
5.27	In relation to the waiving of requirements, paragraph 6.2.14 states that '*Only in exceptional circumstances will the removal of requirements and/or obligations be considered, as a very last resort. The nature of the proposed development may also be taken into account, where the Council take into account the other social, community, economic or environmental benefits that would be realised in granting permission for the scheme, i.e. the planning gain arising.*'
5.28	Members are reminded that SPG is guidance as opposed to policy. The Planning Act (Northern Ireland) 2011 permits departure from the Local Development Plan where material considerations indicate otherwise. Failure to comply with planning policy, which would otherwise lead to permission being refused, can be outweighed by other material considerations which the Council considers sufficient to justify the grant of permission in the circumstances. Viability is a material consideration.
5.29	Whilst the proposal is in contravention with Policy HOU5, in this case regard is had to the regeneration benefits that would accrue from development including the physical regeneration of the land and public realm improvements; and introduction of 77 homes and estimated population of 125 people into the city centre, with increased city centre living an objective of the Plan Strategy. The applicant states that the proposal would support 100 jobs and indirectly support 110 jobs during the construction phase with an estimated retail expenditure per annum of £1.57m.
5.30	Regard is also had to the longevity of the application process which commenced well before the adoption of the Plan Strategy in May 2023. The PAD was submitted in July 2019, Proposal of Application Notice (PAN) in July 2020, and application in June 2022.
5.31	The applicant has agreed to an affordable housing review clause that would require the delivery of affordable housing were economic conditions to change favourably. This would enable a viability reassessment prior to the commencement of development to ascertain whether the economic conditions have changed to the extent that affordable housing could be provided. The review mechanism would be secured by way of a Section 76 planning agreement.
5.32	Having regard to all of the considerations set out above, and recognising that the issues are finely balanced, the non-provision of affordable housing is considered acceptable in this case.

Housing mix

5.33 Policy HOU 6 applies. It requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of:

a. Up to date analysis of prevailing housing need in the area;
b. The location and size of the site;
c. Specific characteristics of the development; and
d. The creation of balanced and sustainable communities.

5.34 The proposed housing mix is shown in the table below.

Accommodation type	**Number of units**	**% of proposed accommodation**	**Totals**
Studio	11 no.	14.3%	11
1 Bed 1 person	40 no.	51.9%	44 x 1 bed
1 bed 2 person	4 no.	5.2%	
2 bed 2 person wheelchair accessible	8 no.	10.4%	19 x 2 bed
2 bed 3 person	9 no.	11.7%	
2 bed 4 person	2 no.	2.6%	
3 bed 4 person	1 no.	1.3%	3 x 3 bed
3 bed 5 person	1 no.	1.3%	
3 bed 6 person	1 no.	1.3%	
Total units	**77**		

5.35 The applicant has submitted a Housing Mix Statement and supporting evidence from several estate agents/surveyors to support the proposal. They consider that the proposal provides a range and mix of housing designed to attract the target market of recent graduates/young professionals. The Housing Mix Statement highlights that there is a need for smaller units with apartments playing a large role in enabling this proposal. Furthermore, the Housing Mix Statement states that the proposal provides an ideal mix that will help with the city's ambition to create City Centre Living further helping the city's future economy.

5.36 Although the applicant notes that the mix of apartments proposed was negotiated with the Council through the PAD process between 2019 and 2022, it should be born in mind that this was prior to the adoption of the Plan Strategy. It is also notable that the Planning Service provided advice on the proposed housing mix in September 2022. This recommended that the mix proposed needed to be rebalanced to "reduce the number of smaller one-bed units and increase the number of larger units (i.e., to include more three-bedroom apartments)." The housing mix has since been revised from that originally submitted to that shown in the table above. This has included an increase in smaller 1-bedroom units to meet wheelchair standards (see later section of the report) but also the inclusion of a small number of larger three bedroom units.

5.37 However, the Plan and Policy team advises that the proposed housing mix remains unacceptable:

'…the applicant has introduced a greater variety of units within the scheme.

	However, one-bed (71.4%) and two-beds units (24.7%) still constitute over 96% of the proposed units. It is also notable that the units proposed are also generally smaller on average – of the 1-bed units proposed, all but 4 units are now designed for single occupation as opposed to 44 of the units for two people, whilst the original scheme consisted of 21 2-bed flats for 4 people, whilst the new scheme now contains only 2 units for 4 people, etc. Therefore, although we appreciate provision of an increase in the number of 3-bed units, we still consider the proposal still fails to provide a diverse range of accommodation sizes in accordance with Policy HOU6.
5.38	The space standards at Appendix C of the Plan Strategy specifically note that the use of 1 person / 1-bedroom flats should be restricted as this dwelling type is not flexible and is unpopular with tenants. It is also notable that although Policy HOU6 highlights a need for "smaller homes across all tenures to meet future household requirements" there is also an explicit acknowledgement that where a mix of house types is not possible in the case of single apartment developments, "the housing mix will be considered acceptable through greater variety in the size of units."
5.39	The applicant indicates based on market research and evidence from estate agents that the mix would be appropriate for current market requirements. They state that market demand in the short to medium term, is primarily for smaller units, and the applicant has therefore focused on provision of the studio, 1 bed and 2 bed units. The applicant has further changed the mix to include a small number of 3 bed units as previously described. However, the Plans and Policy team advises that the mix remains inappropriate to meet the plan requirements and allow greater flexibility for future needs which the policy seeks to achieve.
5.40	Officers advise that the proposed housing mix would not support the creation of balanced and sustainable communities and is therefore in conflict with Policy HOU6. However, regard must also be had to the benefits of the scheme in terms of regeneration and supporting a residential scheme that makes effective use of land in a sustainable and accessible location that would increase city centre living. The proposal would also have a positive economic impact in terms of construction jobs and supporting the vitality and viability of the city centre. Regard is also had to the longevity of the application which was submitted in June 2022. Having regard to these factors, in the planning balance, the non-compliance with Policy HOU6 is in this case considered acceptable.
	Adaptable and accessible accommodation
5.41	Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life and sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) with which the wheelchair accessible units should accord.
5.42	The applicant argues that *'The proposal is in broad compliance with Policy HOU7 as the apartments proposed have been designed in a flexible way to ensure they are 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.'* However, in relation to criteria a. to f. the proposal fails to comply with the following criteria:

Policy HOU7 – assessment criteria	Reason for non-compliance
b. Main entrances should be sheltered from the weather;	"The primary entrance does not feature an external canopy"
d. Accommodation should provide entrance level WC with space to provide an accessible shower in the future if required;	"the proposal cannot accommodate the additional floor build-up required for a recessed shower trap, as such there is no provision for a future level access shower in apartments."
e. An accessible bathroom should be provided on the same floor as the main bedroom;	Bathrooms provided are not all 'accessible'

5.43 In response to criterion b. the applicant indicates that the ground floor communal lobby area will facilitate shelter for visitors to the building.

5.44 Criterion d. would necessitate further revisions to the design. This would require either an increase in scale and height to facilitate additional floor to ceiling heights or a reduction in apartment numbers within the currently proposed and reorganisation of the internal layout.

5.45 In relation to criterion e. the response indicates that not all bathrooms are accessible. However, it does not indicate which or how many bathrooms fail to meet this test.

5.46 Given that the total number of units proposed is 77, the 10% requirement for wheelchair accessible units under Policy HOU7 is that eight units should be wheelchair accessible. The applicant has amended the scheme and now includes 8 wheelchair apartments as part of the proposal, therefore meeting the requirements. They also note that that this was not a requirement at the time the application was submitted.

5.47 In assessing all of the requirements of HOU7, it is considered on balance that the lack of provision of an external shelter canopy is outweighed by the internal lobby provision. Similarly, the accessible shower and bathroom design revisions are outweighed by protection of heritage assets with an overall increase of the building height required to meet the policy objectives being undesirable due to setting issues with the adjacent Listed Buildings. Regard must also be had to the regeneration, housing and economic benefits of the scheme and longevity of the application, as discussed previously. It would not be considered appropriate to refuse planning permission for non-compliance with these specific aspects of Policy HOU7 when the application is considered in the round.

Climate change

5.48 Policy ENV2 encourages the existing building stock to be retained and reused where possible. It is noted that the existing buildings which are proposed to be demolished are generally of small-scale, poor quality and condition, and not considered of sufficient architectural or heritage interest to warrant retention. Importantly, the proposal would provide high density housing in a sustainable location. Having regard to these factors, the proposed demolition is considered acceptable. Details of the re-use of existing materials could be secured by means of condition were permission to be granted.

5.49 The proposal includes a number of sustainable design features to mitigate environmental change. These measures include meeting or exceeding local building control guidance for energy and sustainability requirements, conservation of fuel and power; air permeability; efficient heating system; passive design; accessibility of site in terms of location, amenities and sustainable travel options; waste storage and collection. Final details of these measures would need to be secured by condition.

5.50	Policy ENV 3 supports proposals which are resilient/adaptable in a changing climate. The proposal incorporates measures to adapt to environmental change to support sustainable and enduring development. These measures include flood proofing; green infrastructure; openable windows and an MVHR (Mechanical Ventilation Heat Recovery) system; communal open space; SuDS in the form of landscaping to roof areas and underground attenuation; high energy-performance envelope with high thermal mass. Having regard to these measures and, in particular, the proposed landscaped roof terraces, the proposals are considered acceptable. Again, final details would need to be secured by condition.
5.51	In relation to SuDS, it is noted that the site has potential risk of flooding from both pluvial and coastal flooding, although this risk will be eliminated through an underground SuDS attenuation system to serve the site. It is also proposed to provide green infrastructure in the form of grass and other planted areas on the roofs in order to make the development more resilient to severe rainfall events. These latter measures are welcomed and it is considered that the green infrastructure measures meet the objectives of Policy ENV5.
5.52	Subject to conditions, the proposal is considered to accord with Policies EN2, ENV3 and ENV5 of the Plan Strategy.
	Impact on the character and appearance of the area
5.53	The site is a prominent location in the City Centre with frontages to the principal roads of Victoria Street and May Street. Whilst exceeding the maximum height of 7 storeys set out in dBMAP 2015 (v2014), there are a range of substantial tall buildings in the area including the 8 storey building to the west on May Street; 8 storey building to the north of Gloucester Road to the north; and 7 storey building (Telephone House) to the other side of May Street to the south. Regard is also had to the benefits of high-density housing to the vitality of the City Centre and that this is a high sustainable location. Buildings of similar height are therefore supported due to the height and form of existing buildings in this context. The proposal is 33m in height and marginally higher than Telephone House opposite (32.5m), however the upper floor is setback to minimise visual impacts. The shoulder height of 29.9m is also 1m higher than the shoulder height of Telephone House but is considered acceptable and would not adversely impact on visual amenity or character.
5.54	Urban Design advice generally offers no objection to the scale and massing of the proposed buildings and relationship/massing in relation to neighbouring properties and streetscapes. However, both Urban Design and Conservation advice is that it would be preferable for the 11 storey block on May Street to step down in height next to the much lower existing two storey building on the immediately adjacent plot to the west. However, the proposed block would mainly be read in the context of the substantial 8 storey office block, Goodwood House, further to the west and the relationship is considered acceptable. The scale and massing of the buildings onto Gloucester Street and Victoria Street are also appropriate.
5.55	The architectural treatment and detailing of the proposed building are considered acceptable, using a suitable range of materials. Urban Design also raises concerns about the lack of articulation of the large west gable due to the extent of public views of this elevation from the west. However, it is considered that sufficient articulation is provided through the window openings and variety in how the materials are applied. Amended plans have been submitted which increase the articulation of the blank west gable of the three/four storey block onto Gloucester Street, which are also considered acceptable by officers in making this recommendation.

5.56	The site is within a draft ATC, and notwithstanding the Conservation concerns, it is considered that the character of the area would be safeguarded. It is considered that the character and appearance of the adjacent Linen Conservation Area to the south would be preserved due to restricted views into and out of the Conservation Area by intervening buildings.
5.57	The proposed building would be 33 metres in height and Policy DES3 (tall buildings) applies. The proposal is considered compliant with Policy DES3 given the height of a number of buildings within the local context and the broadly supportive response from urban design.
5.58	The proposal is considered in keeping with the character and appearance of the area. It accords with Policies DES1, DES3 and BH3 of the Plan Strategy.
	Heritage impacts
	<u>Listed Buildings</u>
5.59	There are a number of Listed Buildings in the vicinity of the site including: • Telephone House, 45-75 May Street to the opposite side of May Street to the south (Grade B2 Listed) • Nos .161-163 Victoria Street on the junction with Gloucester Street to the north (Grade B1) • Former Northern Bank, Nos. 108-110 Victoria Street to the opposite side of Victoria Street to the east (Grade B2 Listed)
5.60	DfC HED has been consulted. It acknowledges the engagement at the Pre-Application Discussion stage and is content with the scale, massing and design of the proposals. DfC HED has no objection to the demolition of the existing terrace which it considered to be 'unremarkable' but 'mannerly'. It is content that the proposal complies with regional policy relating to the impact of proposals on the setting of Listed Buildings. DfC HED recommends that materials samples are secured by condition.
5.61	Having regard to the assessment of the design of the proposal and the advice from DfC HED, it is considered that the proposal accords with Policy BH1.
	<u>Archaeology</u>
5.62	The site is located in an Area of Archaeological Potential. Having assessed the archaeological information provided with the application, DfC HED advises that the site has low potential for archaeology and that no further archaeological works are required. The proposal is considered to accord with Policy BH5.
	Residential quality and impact on amenity
5.63	Policy RD1 states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal satisfies the criteria set within the policy. These include requirements around providing a quality residential environment such as space standards (Appendix C) and that habitable rooms have natural light.

5.64	The layout, outlook, and aspect of the proposed apartments is considered acceptable taking account of the city centre location. A daylight/sunlight assessment confirms the proposal meets BRE internal lighting standards and this aspect is therefore acceptable. No unacceptable overshadowing is considered to occur on neighbouring properties.
5.65	Furthermore, additional criteria i. to n are relevant for new developments of over 30 units. Criteria j, m, and n relating to lobby space, cycle parking and communal space provision are considered acceptable taking account of the positive response from DfI Roads on cycle parking and the character of the area. Internal communal space is included at ground floor reception hub (c.108sqm) and first floor gym (c.24sqm) in addition to external amenity areas at 1st, 4th, 6th and 11th floors. Amenity space overall equates to c. 778sqm or 10.1sqm per unit. This meets the minimum requirements set out in *Creating Places* guidance and is acceptable.
5.66	Space standards for residential accommodation are set out in Appendix C of the Plan Strategy. The proposal includes a range of unit sizes within the development, a breakdown of which is set out above. The units range in size from 35sqm for the studio apartments to approximately 38-45sqm for the 1bedroom units, approximately 50-72sqm for the 2person1bed units, and 75-85sqm for the 3bed units. The proposed units sizes are in accordance with the space standards and are considered acceptable.
	Access and transport
5.67	The site is a highly accessible location with good access to shops, services, jobs and public transport.
5.68	A small parking area with three disabled spaces is proposed at the rear of the site with access onto Gloucester Street.
5.69	DfI Roads offers no objection to the proposal subject to conditions. The Travel Plan and green travel measures would need to be secured by way of a Section 76 planning agreement were planning permission to be granted.
	Other environmental impacts
	<u>Contaminated land</u>
5.70	Environmental Health has been consulted. It refers to the applicant's preliminary risk assessment which advises that the risk of contaminants is moderate and moderate/low. Environmental Health recommends conditions in the event that planning permission is granted. The proposal is therefore considered to accord with Policy ENV1.
	<u>Air quality</u>
5.71	Environmental Health refers to the air quality assessment provided with the application. It is satisfied that the assessment has sufficiently demonstrated that in relation to transport aspects, the proposed development will not have adverse impact on air quality in the vicinity of the site and that future occupants of the development will not be exposed to air quality concentrations exceeding UK Air Quality Objectives. It recommends a condition requiring an updated Aur Quality Assessment should centralised combustion sources that pose a potential risk.
5.72	Environmental Health is also satisfied in relation to potential dust impacts during construction subject to implementation of the proposed dust management measures.

5.73	Subject to these conditions, the proposal is therefore considered to accord with Policy ENV1.
	<u>Noise and vibration</u>
5.74	Having considered the applicant's noise impact assessment, Environmental Health is content that the proposal is acceptable subject to conditions. The proposal is therefore considered to accord with Policy ENV1.
	<u>Natural heritage</u>
5.76	SES offers no objection to the proposal. It advises that following an appropriate assessment, the proposal would not have an adverse impact on the integrity of any European sites either alone or in combination with other plans or projects. It recommends a condition requiring further details of sewage disposal. It is recommended that the HRA report is adopted.
5.77	DAERA NED advises that having considered the applicant's Biodiversity Checklist and Outline Construction Environmental Management Plan, it has no concerns.
5.78	Having regard to the advice from SES and DAERA, and subject to conditions, it is considered that there would be no adverse impacts on the natural environment. In this regard, the proposal is compliant with Policy NH1.
	<u>Drainage and Flood Risk</u>
5.79	The application is accompanied by a Flood Risk Assessment and Drainage Assessment. DfI Rivers has advised that it has no reason to disagree with the conclusions of the Flood Risk Assessment. It advises that a condition is necessary to provide final detailed flood remediation measures.
5.80	Similarly, DfI Rivers states that it has no reason to disagree with the conclusions of the Drainage Assessment. It advises that the Drainage Assessment has demonstrated that the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year flood event could be contained through the addition of an underground offline system adjacent to the online attenuation system, when discharging at existing green field runoff rate, and therefore there will be no exceedance flows during this event. It recommends that a final drainage scheme is secured by condition.
5.81	Having regard to the advice from DfI Rivers, the proposal is considered to accord with Policy ENV4 of the Plan Strategy.
	<u>Wastewater</u>
5.82	NI Water offers no objection to the proposal subject to conditions. Further details of foul and surface water drainage would need to be secured by condition were permission to be granted. The proposal is considered to accord with Policy SP1a and ENV4 of the Plan Strategy.

	Representations:
5.83	One representation has been received. In response to the objection, design, heritage impacts, impact on amenity, noise and air quality are issues that addressed in the main assessment. The Council should assess the proposal on the basis of adjacent existing uses, not potential uses, and the proposal must be assessed on its merits.
5.84	In relation to ownership, the applicant has completed "Certificate C". This is completed where the applicant does not own all of the land to which the application relates and does not know the name and address of all the owners. Notice must be given to all known owners. Where the owner is unknown, notice must be published in a local newspaper. It is the applicant's responsibility for ensuring that the appropriate certificate is signed on the application, that a notice is published in the press and the necessary notices issued.
5.85	There is no evidence that the proposal would create particularly unusual micro-climate issues that would require specific consideration of this issue.
	Developer Contributions
5.86	The Economic Development Unit advises that '*The construction industry currently reports sectoral growth and shortages in specific skilled trades, both in Belfast and across Northern Ireland. Given the scale of the employments to be created in delivering this scheme, it is foreseeable that the development will give rise to skills or labour shortages within this sector. The recommendation is therefore that Section 76 Employability and Skills related Developer Contribution clauses will be required for this phase of the development. Should there be a significant change in employment figures, a further review may be required*.'
5.87	The requirement for a Construction Employability and Skills Plan is supported by the Developer Contribution Framework.
	Section 76 planning agreement
5.88	Should the Committee resolve to grant planning permission, a Section 76 planning agreement would be required to secure the following planning obligations. • Affordable housing review mechanism – to enable a viability reassessment to be undertaken prior to commencement of development to test whether affordable housing can be provided as a result of changing economic conditions; • Green travel measures: travel plan; travel card for each apartment for a period of 3 years; discounted membership of a car club (100%) for a period of 3 years; and membership of a bike scheme for a period of 3 years; • Construction Employability and Skills Plan.
	Pre-application Community Consultation
5.89	The application was preceded by a Proposal of Application Notice (PAN) which set out the applicant's proposals for pre-application community consultation.
5.90	The application is accompanied by a mandatory Pre-application Community Consultation Report, which is considered to meet the necessary requirements.

6.0	**Recommendation:**
6.1	Having regard to the Development Plan and material considerations, and in the planning balance, it is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.
6.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement and deal with any other issues that arise, provided that they are not substantive.
7.0	**Draft Conditions:**
7.1	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.
7.2	A landscape management plan covering a minimum of 20 years including long term design objectives, performance indicators over time, management responsibilities and establishment maintenance and maintenance schedules for all landscaped areas, shall be submitted to and approved by the Local Planning Authority. The landscape management plan shall be carried out as approved and reviewed at years 5, 10 and 15 and any further changes agreed with the Local Planning Authority in writing prior to implementation. Reason: To ensure the provision of amenity afforded by an appropriate landscape design.
7.3	All hard and soft landscape works shall be completed in accordance with the approved drawings, the appropriate British Standard, the relevant sections of the National Building Specification NBS [Landscape] and plant material with the National Plant Specification NPS prior to occupation of any dwelling / part of the development hereby approved. All plant stock supplied shall comply with the requirements of British Standard 3936, 'Specification for Nursery Stock'. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of British Standard 4428 'Code of Practice for General Landscape Operations [excluding hard surfaces]'. Reason: To ensure the provision, establishment and maintenance of a high standard of landscape.
7.4	No part of the development hereby permitted shall commence until a plan for the maintenance and management of all communal areas within the development hereby permitted has been submitted to and agreed in writing with the Council. The development shall operate in accordance with the agreed details. No variation to the plan shall be implemented without the prior agreement of the Council in writing. Reason: in the interests of residential amenity.
7.5	No part of the development hereby permitted shall be occupied or become operational until all public realm improvements have been carried in accordance with the approved details and shall be retained thereafter. Reason: in the interests of amenity.

7.6	No development shall commence on site unless details of a surface water drainage scheme, which shall incorporate Sustainable Urban Drainage System (SUDS) principles, has been submitted to and approved in writing by the Planning Authority. The scheme shall include a programme for implementation of the works and proposals for future maintenance and management. The development shall not be carried out unless in accordance with the approved SUDS scheme. Reason: To ensure sustainable drainage of the development. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.
7.7	No work shall commence on the proposal until samples of the following (noted below) have been submitted to and agreed in writing with the Council in conjunction with Historic Environment Division, and all work shall conform to the agreed samples. Samples shall be retained on site until completion of the works: • Light grey brick • Red brick • Bronze cladding panel • Grey cladding panel • Metal balcony • Glazing – grey frame The development shall be carried out in accordance with the agreed details. No dwelling shall be occupied 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.
7.8	No dwelling shall be occupied until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained. REASON: To ensure acceptable parking facilities on the site.
7.9	All redundant accesses from the site to the public road shall be permanently closed off and the footpath reinstated to the satisfaction of the Department for Infrastructure. REASON: In order to minimise the number of access points on to the public road in the interests of road safety and the convenience of road users.
7.10	The development shall operate in accordance with the Service Management Plan. REASON: In the interests of road safety and the convenience of road users.
7.11	The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with the approved drawing prior to the occupation of the 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.

7.12	No development shall commence (other than site clearance, enabling works or works to fulfil this condition) until a Quantitative Risk Assessment has been submitted to and approved in writing by the Council. The Quantitative Risk Assessment shall consider the RSK Ireland report entitled 'Quicklet NI, Preliminary Risk Assessment, Lands at Victoria Street, Belfast, 603104-R1(00), August 2021'. The Quantitative Risk Assessment shall follow best practice and must incorporate: - A detailed site investigation in line with BS 10175:2011+A2:2017. Any ground gas investigations shall be conducted in line with BS 8576:2013and BS 8485:2015+A1:2019. - A satisfactory assessment of the risks (including an updated Conceptual Site Model), conducted in line with current Environment Agency guidance. In addition, risks associated with ground gases shall be assessed under the methodology outlined in BS8485:2015+A1:2019 and CIRIA C665. Should the Quantitative Risk Assessment demonstrate that human health contaminant linkages exist on the site, then a Remediation Strategy shall be submitted. The Remediation Strategy must demonstrate how the identified contaminant linkages are to be demonstrably broken and no longer pose a potential risk to human health. It must also detail how the proposed remedial works are to be verified. The development shall not be carried out unless in accordance with the approved Remediation Strategy. Reason: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.
7.13	In the event that a Remediation Strategy is required, prior to occupation or operation of the development, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report must be in accordance with Environment Agency guidance, British Standards and CIRIA industry guidance. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented and have broken the relevant contaminant linkages and that the site no longer poses a potential risk to human health. Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.
7.14	If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. 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: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.
7.15	In the event that any centralised combustion sources (boilers, CHP, biomass or generators) are proposed and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality

	(January 2017), this Service would request that an updated Air Quality Impact Assessment be submitted to and approved in writing by the Planning Authority prior to the installation of the plant. The assessment shall include details of the combustion plant to be installed, to include emission rates and flue termination heights of the proposed combustion systems and must demonstrate that there will be no exceedances of the Air Quality Strategy objectives at relevant human receptor locations, associated with operation of the proposed combustion plant and with the overall development. As the proposed development is to include private terraces this Service would advise that the termination points of flues or vents associated with any combustion plant should be so located as to safeguard recreation areas such as terraces/balconies/roof spaces and neighbouring receptors against exceedances of Air Quality Strategy objectives. The suitability of the proposed combustion plant, flue location and flue termination height shall be confirmed using the emission screening tools detailed within the Defra Local Air Quality Management Technical Guidance document LAQM.TG(22). Where the emission screening tools are not applicable to the proposed development, suitability must be demonstrated using atmospheric dispersion modelling software. The emission screening tools and atmospheric dispersion modelling must demonstrate that there will be no exceedances of the UK Air Quality Strategy objectives at relevant receptor locations. Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health.
7.16	Dust management measures, as detailed within Chapter 7 of Irwin Carr Consulting, Air Quality and Odour Impact Assessment, Mixed Use Development, May Street, Belfast (26 May 2022) shall be implemented throughout the duration of the construction phase of the development. Reason: To ensure that ambient air pollution related to the site is appropriately dealt with, in the interests of human health and amenity.
7.17	Prior to installation of the hereby approved windows, the applicant shall submit to the planning authority, for review and approval in writing, a final window schedule detailing the sound reduction specification. The selected windows shall be in line with the recommendations in the Irwin Carr Consulting report titled: 'Noise Impact Assessment, May Street, Belfast, referenced Rp001N 2021234 (May Street, Belfast) dated 26 May 2022. Prior to occupation of the hereby permitted development, the windows shall be installed as approved and be retained thereafter.
7.18	Prior to occupation of the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, a verification report to demonstrate the windows have been installed as approved such as documentary confirmation from the supplier and installer. Reason: In the interests of residential amenity.

7.19	Prior to installation of alternative means of ventilation throughout the hereby permitted development, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the sound reduction specification of the alternative means of ventilation. The report confirming the sound reduction specification for any alternative means of ventilation and /or any mechanical means of ventilation proposed shall demonstrate that internal noise levels in habitable rooms will be achieved in line with BS8233:2014 'Guidance on sound insulation and noise reduction for buildings'. Reason: In the interests of residential amenity.
7.20	Prior to occupation of habitable rooms of the hereby permitted development, the alternative means of ventilation shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the alternative ventilation provided and operational. The approved alternative means of ventilation shall be retained thereafter. Reason: In the interests of residential amenity.
7.21	Prior to occupation of habitable rooms of the hereby permitted development, a report verifying that the alternative means of ventilation as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise a written declaration from the suppliers and installers of the alternative means of ventilation confirming that the alternative means of ventilation have been installed as approved. Reason: In the interests of residential amenity.
7.22	Prior to occupation of any apartment units hereby permitted, the sound reduction measures of the separating walls and a separate floor constructed of 200mm concrete slab between the first floor and second floor apartments as outlined in Table 2 from Irwin Carr Consulting letter dated 20 January 2023 shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014. The approved separating walls and separate floor constructed of 200mm concrete slab between the first floor and second floor apartments must be retained thereafter. Reason: In the interests of residential amenity.
7.23	Prior to occupation of any apartment units hereby permitted, a report verifying that the sound reduction measures of the separating walls and a separate floor constructed of 200mm concrete slab between the first floor and second floor as outlined in Table 2 from Irwin Carr Consulting letter dated 20 January 2023 as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise a written declaration from the contractor / installers of the walls and floor construction confirming that the walls and floor have been installed as approved. Documentary evidence such as in-situ photographs should be taken during construction where possible to support verification. Reason: In the interests of residential amenity.

7.24	Prior to occupation of any apartment units hereby permitted, the sound reduction measures of a separate floor constructed of 200mm concrete slab between the ground floor and first floor as outlined in Table 3 from Irwin Carr Consulting letter dated 20 January 2023 shall be installed, as approved, to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014. The approved 200mm concrete slab between the ground floor and first floor must be retained thereafter. Reason: In the interests of residential amenity.
7.25	Prior to occupation of any apartment units hereby permitted, a report verifying that the sound reduction measures of a separate floor constructed of 200mm concrete slab between the ground floor and first floor as outlined in Table 3 from Irwin Carr Consulting letter dated 20 January 2023 as approved have been installed shall be submitted to the planning authority for review and approval in writing. The report shall comprise a written declaration from the contractor / installers of the walls and floor construction confirming that the walls and floor have been installed as approved. Documentary evidence such as in-situ photographs should be taken during construction where possible to support verification. Reason: In the interests of residential amenity.
7.26	Prior to occupation of any apartment units hereby permitted, the sound reduction measures of the glass barriers to all the external amenity areas as outlined in Section 2 from Irwin Carr Consulting letter dated 20 January 2023 shall be installed, as approved, to achieve suitable external noise levels in accordance with BS8233:2014. The approved glass barriers will have no gaps between panes and to be 1.2m in height and must be retained thereafter. Reason: In the interests of residential amenity.
7.27	Prior to occupation of any apartment units hereby permitted, a report verifying that the sound reduction measures of the glass barriers to all the external amenity areas as outlined in Section 2 of the Irwin Carr Consulting letter dated 20 January 2023 as approved have been installed shall be submitted to the planning authority for review and approval in writing. Reason: In the interests of residential amenity.
7.28	The report shall comprise a written declaration from the contractor/installers of the glass barriers confirming that the glass barriers have been installed as approved. Documentary evidence such as in-situ photographs should be taken during construction where possible to support verification. Reason: In the interests of residential amenity. Reason: In the interests of residential amenity.
7.29	Following demolition and prior to construction, no development shall commence until the Planning Authority has received in writing and agreed that suitable risk assessments and supporting data have been provided. These should identify all unacceptable risks to health and the water environment. The investigations should include, but not be restricted to: • Identifying all potential contaminant sources within the planning boundary.

	• Site investigations and groundwater monitoring designed and implemented in accordance with British Standard BS 10175:2011 + A2:2017 – 'Code of practice for investigation of potentially contaminated land sites' to identify the contamination risks associated with the potentially contaminating activities which took place at this site or in the surrounding area. • Provision of risk assessment(s) completed in accordance with the guidance on risk assessment and risk management included in the UK technical framework as described in the Land Contamination: Risk Management (LCRM) guidance available at: https://www.gov.uk/guidance/land-contamination-how-to-manage-therisks to identify all unacceptable risks to health and the water environment and provision of remedial criteria to be met through a remedial strategy. These works are required to ensure that the land will be in a condition suitable for the development. Reason: Protection of environmental receptors to ensure that the site is suitable for use.
7.30	Following demolition and prior to construction, development works shall not commence until a detailed remediation strategy to address all unacceptable risks to environmental receptors identified at Condition 1 has been submitted in writing and agreed with the Planning Authority. This should identify all unacceptable risks, the remedial objectives / criteria and the measures which are proposed to mitigate them (including maps / plans showing the remediation design, implementation plan detailing timetable of works, remedial criteria, monitoring program etc.). Reason: Protection of environmental receptors to ensure that the site is suitable for use.
7.31	In the event that piling is required, no development or piling work should commence on this site until a piling risk assessment, undertaken in full accordance with the methodology contained within the Environment Agency document on "Piling and Penetrative Ground Improvement Methods on Land Affected by Contamination: Guidance on Pollution Prevention", has been submitted in writing and agreed with the Planning Authority. The methodology is available at: http://webarchive.nationalarchives.gov.uk/20140329082415/http://cdn.environment-agency.gov.uk/scho0501bitt-e-e.pdf. Reason: Protection of environmental receptors to ensure the site is suitable for use.
7.32	Once a contractor has been appointed, a Final Construction Environmental Management Plan (CEMP) should be submitted to NIEA Water Management Unit, at least 4 weeks prior to the commencement of construction to ensure effective avoidance and mitigation methodologies have been planned for the protection of the water environment. Reason: To ensure effective avoidance and mitigation measures have been planned for the protection of the water environment.

7.33	Prior to the commencement of any of the approved development on site, the applicant shall submit a final flood risk assessment, compliant with FLD 1 and Annex D of PPS15, and containing appropriate mitigation measures as a means of protecting the development from future flood events to the Planning Authority. Reason: In order to safeguard against coastal flood risk to the development.
7.34	Prior to the construction of the drainage network, the applicant shall submit a final drainage assessment, compliant with FLD 3 and Annex D of PPS 15, to be agreed with the Planning Authority which demonstrates the safe management of any out of sewer flooding emanating from the surface water drainage network, agreed under Article 161, in a 1 in 100 year event. Reason: To provide appropriate drainage of the site.
7.35	No development shall proceed beyond sub-floor construction until the foul sewerage network engineering solution as shown on solution design drawing to mitigate the downstream foul capacity issue as agreed with NI Water is provided by the developer to the satisfaction of NI Water. The development shall not be occupied until the developer has complied with all of the requirements set out in the agreement entered into with NI Water under Article 161 of the Water and Sewerage Services (Northern Ireland) Order 2006. Reason: To ensure a practical solution to sewage disposal from this site is possible.

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Development Management Officer Report
Committee Application

Summary	
Application ID:LA04/2023/2418/F	**Committee Meeting Date: 16th January 2024**
Proposal: Demolition of existing retail units and vehicle drop off area of 215-225 Castlereagh Road, Belfast and erection of 4 storey apartment building containing, 16 no apartments with associated development and ancillary works.	**Location:** 215-225 Castlereagh Road, Belfast, BT5 5FH
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: Richard Steenson 32-38 Linenhall St Belfast BT2 8BG	**Agent Name and Address:** Ciaran Shields 1 Church Square Banbridge BT32 4AS

Executive Summary:
This application seeks full planning permission for the demolition of existing units and vehicle drop off area of 215-225 Castlereagh Road, Belfast and erection of 4 storey apartment building.

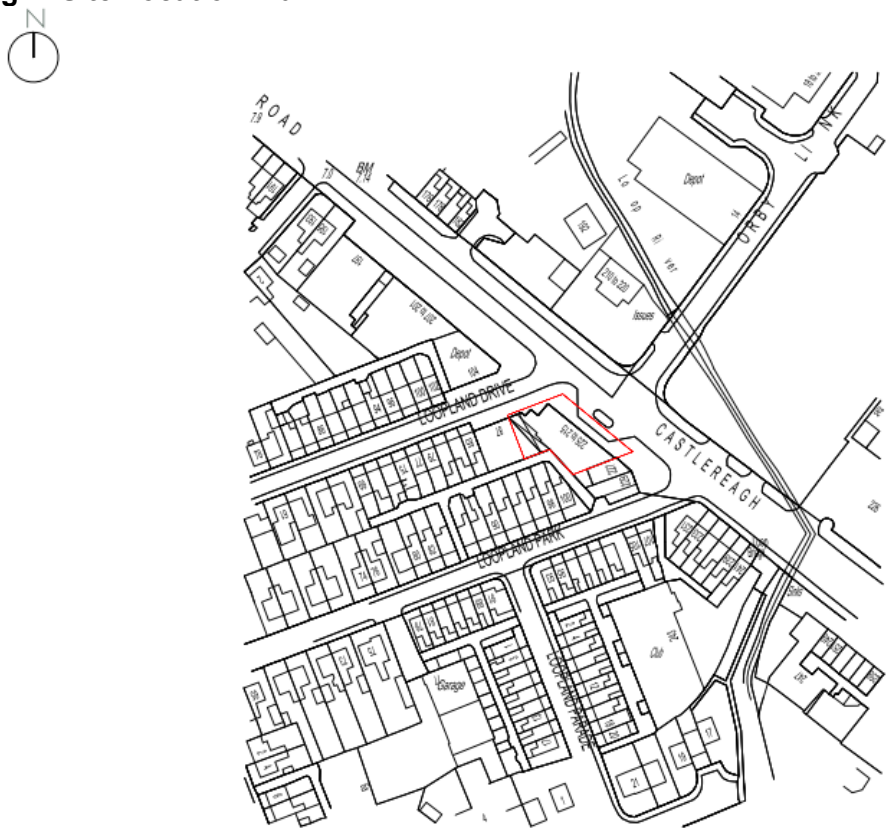
The key issues are:

- Principle of development
- Design, scale, layout and impact upon the character and appearance of the area including residential amenity
- Impact on Amenity
- Affordable Housing and Housing Mix
- Accessible and Adaptable Accommodation
- Climate Change
- Drainage
- Traffic, Movement and Parking
- Waste-water Infrastructure
  Noise, odour and other environmental impacts including contamination

Recommendation
Having regard to the development plan and other material considerations, including the extant planning permission, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement being entered into to secure affordable housing.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise, including consideration of the outstanding Rivers Agency consultation, provided that they are not substantive.

Officer Report

1.0	Drawings
1.1	**Fig 1. Site Location Plan** 
1.2	**Fig.2 Proposed Site Layout**

2.0	**Characteristics of the Site and Area**
2.1	The site is located at 215-225 Castlereagh Road. The current building on site is single storey and is occupied by retail businesses. There is a drop off area to the front of the site for cars included in the application site. Further in front of this is a bus stop. Loopland Drive and Loopland Park are adjacent to the site and are predominantly residential, with a takeaway and patisserie immediately adjacent to the site on the Castlereagh Road. Opposite the site there is a large retail park and an apartment complex. Boundary treatments in the area are comprised of low brick walls with metal railings and hedgerows.
3.0	**Description of Proposal**
3.1	Demolition of existing retail units and removal of vehicle drop off area at 215-225 Castlereagh Road, and erection of a 4 storey apartment building containing 16 no apartments with associated development and ancillary works.
3.2	The proposed building will range in height from three to four storeys along the front elevation facing onto the Castlereagh Road.
4.0	**Planning 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** Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	**Relevant Planning History**
4.6	No significant recent history on the application site.
5.0	**Consultations and Representations**
5.1	**Statutory Consultations** DfI Roads – Content subject to conditions DfI Rivers – Content NI Water – Approval
5.2	**Non-Statutory Consultations** BCC Environmental Health – Content subject to conditions BCC Senior Urban Design Officer– Advice.
5.3	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.

5.4	**Representations** The application has been advertised and neighbours notified. The Council has received the following representations in support and objection. Objections: 6 The objections raise issues regarding the below: - Loss of privacy - Loss of light - Scale and massing of the proposal - Parking and traffic - Disruption during construction - Contamination - Air quality - Sewage and drainage
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	**Relevant Planning Policies** The following policies in the Plan Strategy are relevant to consideration of the application.

	Strategic Policies Policy SP1A – managing growth and supporting infrastructure delivery Policy SP2 – sustainable development Policy SP3 – improving health and wellbeing Policy SP5 – positive placemaking Policy SP6 – environmental resilience Policy SP7 – connectivity Policy SP8 – green and blue infrastructure network *Spatial Development Strategy* Policy SD1 – Settlement hierarchy Policy SD2 – Settlement Areas *Shaping a Liveable Place* 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 *Transport* 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 *Building a Smart Connected and Resilient Place* 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) *Promoting a Green and Active Place* Policy OS1 – Protection of Open Space Policy OS3 – Ancillary Open Space Policy TRE1 – Trees Policy LC1 – Landscape
6.7	<u>Supplementary Planning Guidance</u> Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development
6.8	**Key Issues** The key issues are: • Principle of development

	• Design, scale, layout and impact upon the character and appearance of the area including residential amenity • Impact on Amenity • Affordable Housing and Housing Mix • Accessible and Adaptable Accommodation • Climate Change • Drainage • Traffic, Movement and Parking • Waste-water Infrastructure Noise, odour and other environmental impacts including contamination The adoption of the Plan Strategy requires the following updated assessment.
6.9	Additional Information Officers requested that the applicant provides 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.
6.10	The Planning Service's Plans and Policy team has been consulted on the applicant's Plan Strategy. No further consultations have been considered necessary following adoption of the Plan Strategy.
6.11	**Principle of development** 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 site is also designated as shopping/commercial area within the draft Belfast Metropolitan Plan 2015 (v2004 and v2014). The presumption is therefore in favour of development subject to planning considerations detailed below.
6.12	The proposal is complaint with Policy HOU1, accommodating new homes as it will meet the delivery of housing supply in the Belfast City Council area. Policy HOU2, Windfall Housing is also met as the proposal is situated on previously developed land and is currently white land within the BMAP 2004 and 2015 versions. The proposed scheme is considered to be a suitable site for an apartment scheme, it is accessible and convenient to public transport and walking and cycling infrastructure.
6.13	**Design, layout and impact upon the character and appearance of the area including residential amenity:** Policy RD1 seeks to promote quality residential development that creates places that are attractive, locally distinctive, and appropriate to their surroundings. The proposal is compliant with Policy RD1 of the Plan Strategy 2035 and meets the below criteria:
6.14	a. *Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area:* The site is located within an area which has a mix of residential and commercial units. The proposal is for 16 apartments. There are four storeys in height with the GF, 1F and 2F comprising four apartments per floor with three apartments proposed at the upper 3F.

	The proposed elevations, at the upper parapet height at 3F level equates to 12.45m with the parapet at 2F level measuring approximately 9.45m. Due to the proposed design approach whereby the upper 3F apartments include generous private terraces in addition to a larger communal terrace, the building will visually read as being predominately three storeys in height with intermittent 'bays' rising to four storeys. This is illustrated in the proposed elevation and upper floor plan. Along the Castlereagh Road elevation the proposal drops to three and then to two storeys where it meets the adjacent two storey terrace at Loopland Park. Along Loopland Drive the building drops to three storeys and reflects the eaves of the adjacent three storey building. It is considered that the scale, height and massing of the building are contextually appropriate and are keeping with the surrounding area. .
	b. *Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance:*
6.15	Concerns have been raised with regards to overlooking and loss of privacy. However, the layout/aspect of the building within the site is such that there will be no significant overlooking into neighbouring properties. The front elevation facing onto the Castlereagh Road is approximately 58m to the apartment development on the opposite side of the road. With regards to the Loopland Drive elevation the proposed window openings are not considered to cause any unacceptable overlooking to the neighbouring properties with the separation distance remaining the same to what already exists on the street. The rear elevation of the proposed scheme has no window openings and therefore there will be no unacceptable overlooking or loss of privacy to those residents at Loopland Park. The proposed terrace on this elevation is considered acceptable as it will not overlook directly into the surrounding resident's' properties or their private amenity space. It is considered that the design, layout and separation distances proposed are acceptable and will not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.
	c. *Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure*
6.16	The development site is located on a major arterial route linking to Belfast and the outer ring, with regular bus services along the Castlereagh Road.
	d. *Provides adequate open space:*
6.17	Each apartment is provided with private amenity space in the form of a terrace/ terraced balcony ranging from approximately 4sqm-17/5sqm, with the exception of apartment nos 9, 11, 12 and 13 not availing from their own private amenity space. Although the abovementioned apartments do not have their own private amenity, there is the provision of a communal terrace area of approximately 43.5sqm which would provide approximately 10.8sqm of open space for the four apartments which do not avail of their own private amenity space. Creating Places states that the appropriate level of provision should be determined by having regard to the context. Taking this into account, there is a park (Greenville Park) approximately 0.5 miles (10 min walk on google maps) to the proposal also which is easily accessed and links to the Connswater Greenway. Therefore, on balance, it is considered that there an appropriate amount of private and private communal space to create a quality residential environment.

6.18	e. *Keeps hard surfacing to a minimum* Car parking is considered to not dominate the residential development as parking is provided on street
6.19	f. *Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C.* There are twelve proposed 1 person 2 bed apartments ranging from 47sqm-66sqm and four 2 bed, 2 person apartments ranging from 63.5sqm-85sqm. The proposed scheme is in keeping with the space standards as set out in appendix C.
6.20	g. *Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street; and* The entrances to the properties are from the Castlereagh Road elevation allowing for safe access from the footpath. The ground floor apartments avail from defensible structures to the front and sizable terraces, providing a sense of security and safety for residents and visitors, maximising opportunities for natural surveillance.
6.21	h. *Ensures that living rooms, kitchens and bedrooms have access to natural light* In terms of prospective residents, each unit has adequate outlook. All apartments benefit from adequate outlook and access to natural light.
6.22	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.
6.23	**<u>Climate change</u>** Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation.
6.24	ENV2 also states that development proposals should, where feasible, seek to avoid demolition and should consider how their main structures could be reused. The proposal involves the demolition of an existing building, which was previously occupied by commercial businesses. It is single storey in height and opportunities to reuse and extend the existing structures were considered but their design precluded their reuse.
6.25	On balance, the council are satisfied that the existing building is not fit for the purpose of a new residential apartment scheme. In conclusion, the existing building is not viable or suitable for redevelopment. The proposed demolition is necessary to facilitate the proposal.
6.26	The applicant has submitted a Climate Change Statement setting out that the following features are incorporated into the design: • Sustainable design features to include photovoltaic panels and a sedum roof which will provide habitat for insects and bird life and will assist and reduce the surface

	run off of rainfall. Energy from the PV panels will contribute towards the running of air source heat pumps. • All apartments will be designed to exceed the new building regulations requirements and will therefore be highly efficient. • Glazing and ventilation systems will be designed to ensure all dwellings do not overhear and therefore no air conditioning systems should be required.
6.27	There will a net gain 9 trees, on the proposed private and public terrace areas. Therefore, on balance the proposal is considered to mitigate and adapt to climate change and comply with Policy TRE1.
6.28	The proposal is considered on balance to satisfy the requirements as set out in ENV2, ENV3 and ENV5 of the Plan Strategy. A pre commencement condition is proposed to ensure delivery of the above measures and that soft landscaping within the site introduces SuDS measures to partially meet ENV3 and comply with ENV 5.
	Density of Residential Development
6.29	Policy HOU4 sets density bands to be used as a guide to inform proposed developments within the relevant settlement/character areas and states development proposals outside of these broad bands will be considered on their merits, subject to meeting all other policy requirements.
6.30	The site is located within on an arterial route, the Castlereagh Road as designated in 2014 version of draft BMAP and therefore in terms of Policy HOU4 the assigned average density band of 100-175 would apply within the inner-city corridor. At approximately 0.06 ha, the provision of 16 units represents a density of over 266 units, which is above the density threshold. However, given the location of the development, the surrounding residential context and the ability to meet other the design requirements, of policies DES1 and RD1, the density is considered acceptable in this instance.
	Affordable housing and Housing Mix
6.31	HOU5- Affordable Housing of the 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.
6.32	The applicant has provided two 1 bed apartments and one 2 bed apartment as discount market rented price which meets the definition of affordable housing. The delivery and monitoring of the DMR units will require a Section 76 planning agreement and delegated authority is requested to allow officers to finalise this.
6.33	The application is considered to comply with HOU5 of the Plan Strategy subject to the S.76.
6.34	Policy HOU6 applies. It requires that provision should be made for small homes across all tenures to meet future household requirements and that the exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of: a. Up to date analysis of prevailing housing need in the area; b. The location and size of the site; c. Specific characteristics of the development; and d. The creation of balanced and sustainable communities

6.35	The development contains a mix of one- and two-bedroom apartments. A total of sixteen units are proposed with twelve one-bedroom units proposed on the ground, first, second and third floors. The four two-bedroom apartments are proposed at ground first and second floor levels. The apartment building design and layout was informed by the surrounding urban context and the desire to develop a relatively high-density development in a sustainable location on one of Belfast's main arterial routes. Taking these considerations into account, on balance, the proposed housing mix is acceptable.
	Adaptable and Accessible Housing
6.36	Policy HOU7 requires that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life. Policy HOU7 sets six criteria (a. to f.) to be met in order to help deliver adaptable and accessible homes. The policy also requires that at least 10% of units in residential developments of 10 units or more to be wheelchair accessible and provides an additional nine criteria (g. to o.) which these units must meet. The applicant has provided evidence to demonstrate that the proposal is in accordance with criteria a. to f.
6.37	The four-ground floor apartments are all wheelchair accessible. A lift is also provided in the centre of the apartment building to allow access to the upper flowers for wheelchair users. Three of the apartments (10%) are designed to meet 'Lifetime Homes' standards. These standards have been developed to ensure that a home is flexible, adaptable and accessible. The applicant also provided a response to each of the criteria a-o. . Criteria h. stipulates that in-curtilage or designated car parking meets disabled parking standards. The proposal is "car free" development with no dedicated parking proposed. However, future occupants of the development will be able to avail of a car parking space within the immediate area as the parking survey demonstrated there were available spaces.
6.38	**Access, movement, and parking**
6.39	The proposal has been assessed against Policy TRAN 8- Car Parking and Servicing Arrangements. It is considered that adequate parking has been provided for the proposal. Policy TRAN 10 has been met in that the design of car parking meets the following criteria: a. It respects the character of the local townscape/landscape b. It will not adversely affect visual and residential amenity c. Provision has been made for security, and the direct and safe access and movement of pedestrians and cyclists within the site; and d. Provision has been made for accessible parking bays which facilitate safe, convenient access for people with a disability or impaired mobility.
6.40	The means of access to the development would be safe. There is sufficient parking available having regard to the location and sustainability of the site. DfI Roads were consulted and is satisfied that parking on-street is unlikely to have a significant impact on the local road network in terms of traffic and road safety. A condition has been proposed to ensure sufficient secure cycle parking is provided to meet TRAN 1.
6.41 6.42	**Drainage** Policy ENV4 states that planning applications in flood risk areas must be accompanied by an assessment of the flood risk in the form of a Flood Risk Assessment (FRA). The council will have regard to guidance publications produced by other authorities and prospective developers/applicants are advised to liaise early in the formulation of their proposals with DfI Rivers to clarify flooding or flood plain issues that may affect particular sites. In all circumstances, the council will adopt a precautionary approach in assessing development

6.43	proposals in areas that may be subject to flood risk presently or in the future as a result of environmental change predictions.
6.44	According to Flood Maps NI an area along the northeast of the site may be affected by surface water flooding. However, the Council advised DfI Rivers that this site should be treated as an exception under ENV4, as the site is previously developed/brownfield land. We are awaiting a final response from DfI Rivers and delegated authority is sought for the Director of Planning and Building Control to resolve these outstanding issues.
6.45	The proposal is deemed compliant to ENV4.
6.46	**Waste-water infrastructure** NI Water has offered no objection to the proposal; therefore, it is acceptable having regard to Policy SP1A of the Plan Strategy.
6.47	NIEA Regulation were consulted and identified no unacceptable risks to the ground water environment from RSKs' PRA. The Land and Groundwater Team have no objections to the development.
6.48	The proposal is also considered compliant with Policy NH1 of the of the Belfast Local Development Plan, Plan Strategy 2035, and paragraphs 6.176 and 6.177 of the Strategic Planning Policy Statement; and taking account of all relevant material considerations.
6.49	**Noise, odour and other environmental impacts including Contamination** Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of noise, air pollution, general amenity, ambient air quality, contaminated land, and other considerations.
6.50	Contaminated land Environmental Health (EH) has reviewed the information within the Preliminary Risk Assessment. EH recommends conditions in the event that planning permission is granted. The proposal is therefore considered to accord with Policy ENV1.
6.51	Air quality EH has reviewed the Air Quality Impact Assessment and find that both sufficiently demonstrate that future occupants of the development will not be exposed to air quality concentrations exceeding UK air quality objectives. In terms of potential operational irw quality impact from combustion plant, EH has no concerns given the information presented that ASHPs are to be installed. If the proposal changes whereby ASHPs are no longer proposed to serve hot water heating needs of the development, the applicant shall preent details to the planning servce for review and apporvla. The proposal is therefore considered to accord with Policy ENV1.
6.52	Noise and vibration Having considered the applicant's noise impact assessment, EH is content that the proposal is acceptable subject to conditions. The proposal is therefore considered to accord with Policy ENV1.
6.53	***Representations:*** Six objection raises issues regarding overlooking and loss of privacy, traffic and parking, contamination and air quality, drainage and sewage, scale and massing of the proposal and disruption during construction. These issues have been fully assessed above;

	however, the application is considered acceptable for the reasons set out in the above assessment.
7.0	**Recommendation**
7.1	Having regard to the development plan and other material considerations, the proposal is considered on balance acceptable. It is recommended that planning permission is granted subject to conditions and a S.76 planning agreement to secure 20% affordable housing.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and Section 76 planning agreement, and deal with any other issues that arise, including consideration of the outstanding Rivers Agency consultation, provided that they are not substantive.

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. No dwelling shall be occupied 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.

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

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

4. The development shall operate in accordance with the Service Management Plan.

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

5. The development shall operate in accordance with the Travel Plan. The offer of Residential Travel cards shall suffice.

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

6. A three year Residential Travel Card Scheme shall be implemented for this development. The Scheme shall begin upon the date of first occupation and terminate three years later. The Scheme shall provide the offer of a free Residential Travel Card to one occupier of each dwelling (within one month of their occupation) which is valid for the remainder of the scheme period, or until the property is vacated, whichever comes first. This provision shall extend to any subsequent occupants until termination of the scheme.

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

7. Prior to commencement of development the applicant shall submit to the Planning Service for review and approval, the final details of the ventilation strategy to habitable rooms. The final details shall confirm that any vents (when in the open position) have a sound reduction equivalent to or greater to the sound reduction achieved by the glazing. Where any element of mechanical of active means of ventilation is proposed, the final details shall include a Noise

Impact Assessment that confirms that the noise associated with its operation will not exceed internal target levels for habitable rooms in line with BS 8233:2014 Guidance on sound insulation and noise for buildings/ProPG 2017.

Reason: To safeguard the amenity of occupants of the building hereby approved. Approval is required upfront because the ventilation strategy may be intregral to the overall design of the development.

8. Prior to the occupation of the development the approved ventilation strategy to habitable rooms *(in addition to that provided by open windows)* shall be installed as approved and retained at all times.

   Reason: To safeguard the amenity of occupants of the building hereby approved.

9. Prior to occupation of the development, glazing of a sound reduction specification identified as necessary by the acoustic consultant Irwin Carr Consulting shall be installed. The specification must be installed in habitable rooms at various receptors as per the colour coded plan in appendix C of the submitted Irwin Carr Consulting letter, dated 21 September 2023 referenced LT001N 2022255 (Castlereagh Road). The colour coded plan in appendix C shall be cross referenced with the technical sound reduction specification for each receptor identified as necessary within Table 7 of the Irwin Carr Consulting report titled 'A noise impact assessment Castlereagh Road, Belfast', referenced Rp001N2022255 (Castlereagh Rd) dated 21 December 2022.

   Reason: To safeguard the amenity of occupants of the building hereby approved.

10. Prior to occupation of the hereby permitted development. Vibration isolation mounts shall be installed to all the air source heat pumps and be retained at all times.

    Reason: To safeguard the amenity of occupants of the building hereby approved.

11. Prior to occupation of the hereby permitted development, the glazed barriers to external amenity areas shall be of a height, mass and specification recommended in Section 3.3 of the submitted Irwin Carr Consulting Letter, dated 21 September 2023 referenced LT001N 2022255 (Castlereagh Road). The glazing barriers as approved shall be retained thereafter.

    Reason: To safeguard the amenity of occupants of the building hereby approved.

12. Prior to occupation of the hereby approved development the applicant shall submit to the planning service, for review and approval in writing, a verification report to demonstrate that the rating level (dBLar, T) from the combined operation of the ASHPs does not exceed the representative daytime or night time background sound level (dBLA90) to the rear of the development)

    Reason: Protection of residential amenity

13. Prior to the occupation of the proposed development, a Verification Report shall be submitted to and approved in writing by the Council. This report must demonstrate that the remediation measure outlined in the RSK report entitled-Killutagh Estates Preliminary Risk Assessment 215 to 225 Castlereagh Road, Belfast BT5 5FH 604438- R1 (00) A Dated November 2022, have been implemented and contain an affirmative statement that no unexpected contamination was encountered during the development.

    The Verification Report shall be completed by competent persons and demonstrate the successful completion of the remediation works and that the site is now fit for end-use

(residential without plant uptake). It must demonstrate that the identified human health contaminant linkages are effectively broken. The Verification Report shall be in accordance with current Environment Agency and CIRIA guidance and British Standards.

Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

14. In the event that unexpected contamination is encountered during the carrying out of the development, all related works should cease, and the applicant should contact the council. Investigation of the contamination, risk assessment and, if necessary, remediation work, should be undertake and verified in accordance with current Environment Agency and CIRIA guidance and British Standards.

    Reason: To demonstrate that the required remedial measures have been incorporated into the development, in the interests of human health.

15. Prior to the commencement of the development hereby approved a landscape management plan shall be submitted and agreed in writing with the council. The landscape management plan should detail all soft landscaping including species, size and type, and include details of appropriate SUDs measures to assist in minimising flood risk. All agreed landscaping and SUDs measures shall thereafter be retained and managed as agreed.

    Reason: In the interests of mitigating against environmental change.

16. All hard and/or soft landscaping works shall be carried out in accordance with the above 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.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers: 01 02 03A 04A 05A 07A 08A 09A 10A 11A 17 18 19 20 24

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	21/12/2022
Date First Advertised	17/02/2022
Date Last Advertised	17/02/2022
100 LOOPLAND PARK 104 LOOPLAND DRIVE 188-204 CASTLEREAGH ROAD 192 CASTLEREAGH ROAD 210-220 CASTLEREAGH ROAD 227 CASTLEREAGH ROAD 229 CASTLEREAGH ROAD 87 LOOPLAND DRIVE 89 LOOPLAND DRIVE 96 LOOPLAND PARK 98 LOOPLAND PARK 1 to 47 THE COURTYARD, 222 CASTLEREAGH ROAD	

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Development Management Officer Report
Committee Application

Summary	
Application ID: LA04/2021/1531/F	**Committee Meeting Date:** 16th January 2024
Proposal: Construction of 3 No. apartment blocks (2 x 3 Storey and 1 x 2 Storey) consisting of 20 No. 2 bed apartments and 4 no. 3 bed apartments	**Location:** 7 & 9 Ballygomartin Road Belfast BT13 3LA
Referral Route: Para 3.8.2 (a) (i) of the Council's Scheme of Delegation: *Housing schemes up to and including 12 units other than proposals for change of house type on an approved scheme below 50 units*	
Recommendation:	**Approval**
Applicant Name and Address: CYM Properties 181 Templepatrick Road Ballyclare BT39 0RA	**Agent Name and Address:** Footprint Architectural Design 181 Templepatrick Road Ballyclare BT39 0RA

Executive Summary:

The proposal is for 'Construction of 3 No. apartment blocks (2 x 3 Storey and 1 x 2 Storey) consisting of 20 No. 2 bed apartments and 4 no. 3 bed apartments'.

The Council has received 12 objections in respect of this planning application, in relation to issues such as character, design, residential amenity, bin stores, parking, loss of view and property values.

The application site is located on undesignated white land, in accordance with the BUAP. However, the site is partially zoned for housing in both versions of dBMAP, with the eastern portion of the site remaining whiteland. The site is also designated a draft Area of Townscape Character in both versions of dBMAP.

The key issues for consideration in this application are:

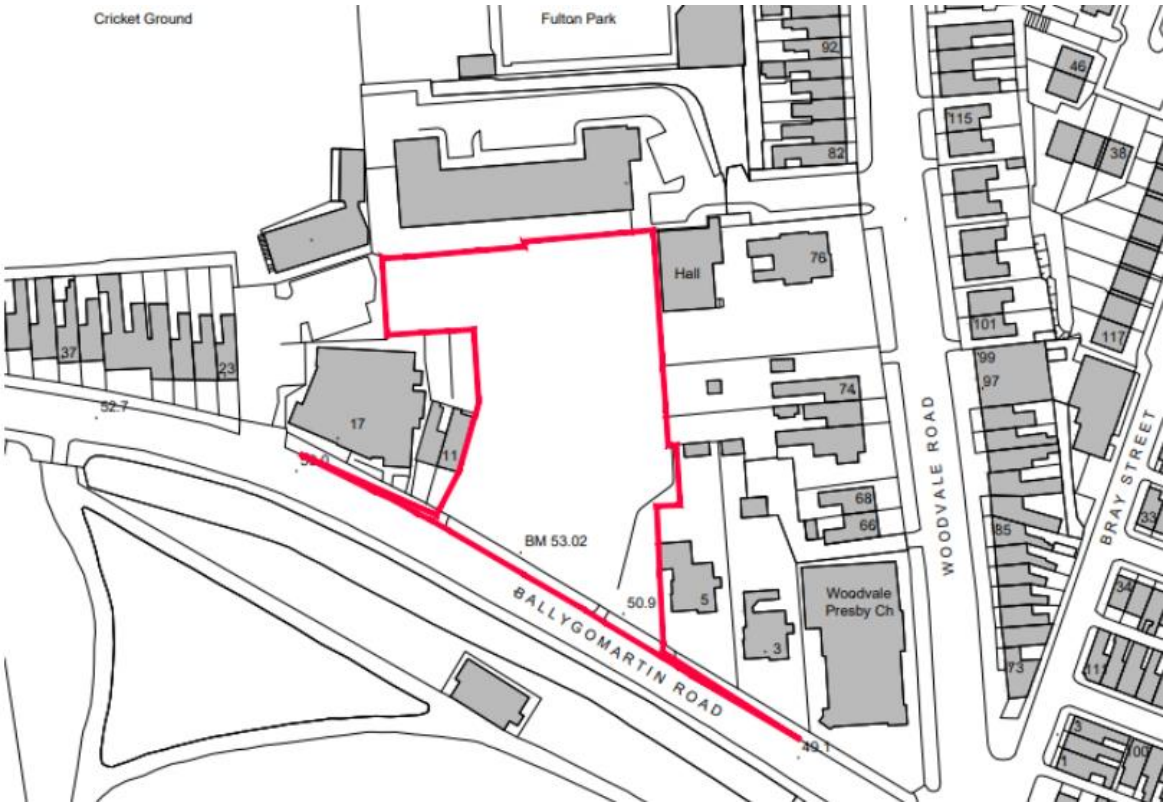
- Principle of residential development
- Impact on character of the area / design issues
- Impact on residential amenity
- Impact on parking and road safety
- Impact on trees / landscaping
- Impact on Sewage infrastructure and Drainage
- Proposed Waste management

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

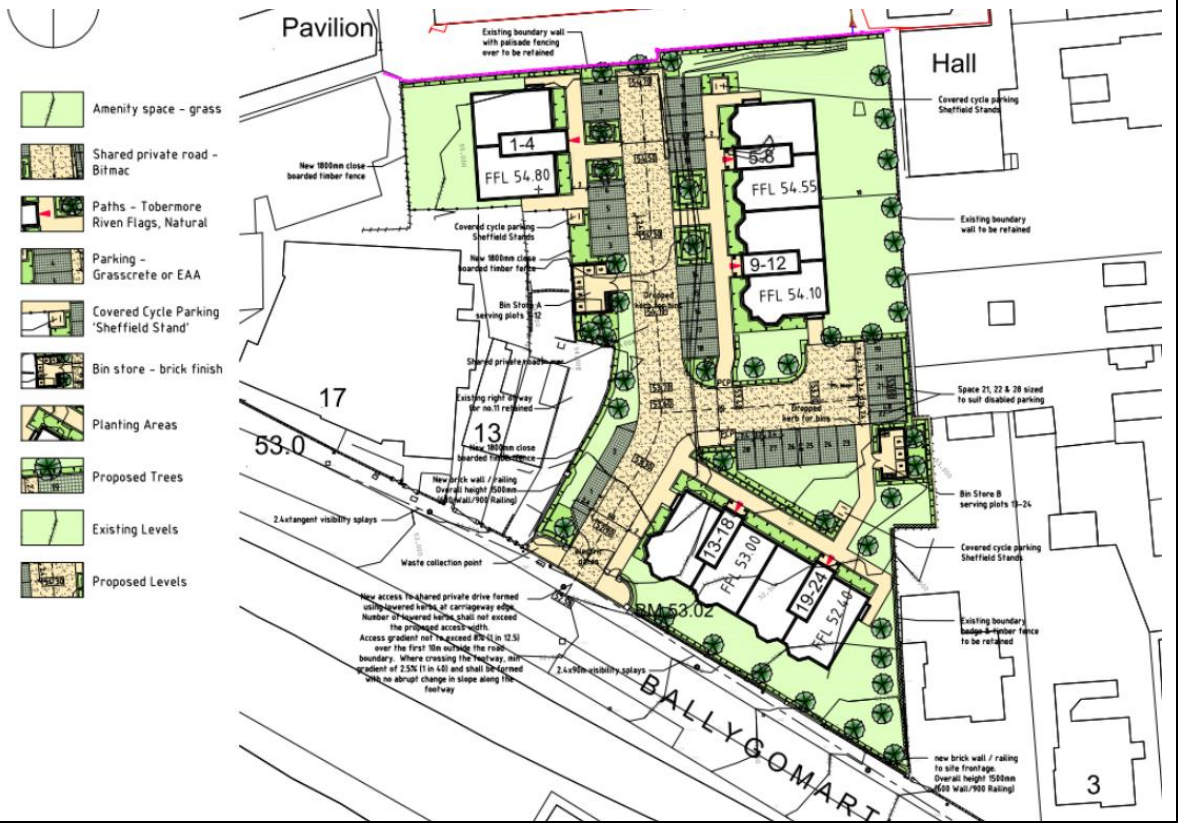
It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other issues that may arise, including completion of the Section 76 Legal Agreement to secure affordable housing, in accordance with Policy HOU5, provided that they are not substantive.

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 an irregularly shaped site, located on the northern side of the Ballygomartin Road. The site is relatively flat and measures approximately 0.43 Hectares in area, with the roadside boundary approximately 58 metres in length.
2.2	The eastern boundary of the site is well established with existing vegetation and borders existing residential dwellings. The northern boundary is defined by an existing red brick wall, which separates the site from McCallum Court, an existing Retirement housing complex. The western boundary is not as well defined, particularly closer to the road. This part of the site borders a dwelling at No. 11 Ballygomartin Road and the grounds of Woodvale Cricket Club.
2.3	There are a number of mature trees located along the boundaries of the site, however there is little vegetation within the application site. There are a number of street trees located along the Ballygomartin Road boundary.
2.4	The surrounding area is characterised by a mix of uses, including residential, medical, recreational and ecclesiastical. It is noted Woodvale Park is located directly across the road from the application site.
3.0	**Description of Proposal**
3.1	The proposal is for ' Construction of 3 No. (2 x 3 Storey and 1 x 2 Storey) apartment blocks consisting of 20 No. 2 bed apartments and 4 no. 3 bed apartments (Amended drawings) .
4.0	**Planning 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	**Relevant Planning History** Z/2009/0161/F - Demolition of existing properties and construction of a new 69 bed residential/nursing home with 8 visitor beds accommodation within footprint (Amended scheme and description) – Permission Granted 4th April 2012.
5.0	**Consultations and Representations**
5.1	**Statutory Consultations** DFI Roads – No bjection, subject to conditions NI Water (NIW) – No objection, subject to condition. DFC Historic Environment Division (HED) – No objection DAERA Northern Ireland Environment Agency (NIEA) – No objection, subject to conditions

5.2	**Non-Statutory Consultations** BCC Environmental Health (EHO) – No objection, subject to conditions. DFI Rivers – No objection, subject to condition. Shared Environmental Services (SES) – No objection, subject to condition. NI Housing Executive (NIHE) – Sufficient supply of social housing. BCC Tree officer – No objection, subject to conditions. BCC Urban Design – No objection.
5.3	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.
5.4	**Representations** The applications have been advertised and neighbours notified. The Council has received 12 objections in respect of this planning application, although it is acknowledged 2 objectors have objected on 3 occasions. The issues raised by objectors include: • Issues with height of proposed apartment buildings. • Detrimental impact on character of the surrounding area. • Overall design of the scheme is weak and unimaginative. • Proposed apartments will be an eyesore. • Impact on neighbouring property at No. 5 Ballygomartin Road – potential overlooking from upper floor apartments towards the rear of No. 5 and potential overshadowing / lack of light. • Impact on neighbouring property at No. 74 Woodvale Road – loss of privacy, impact on light in rear garden. • Impact on adjacent sheltered housing scheme – issues regarding loss of privacy, loss of sunlight, existing apartments overlook the application site. • Issue with location of bin stores – directly adjacent to boundary with existing dwellings and could result in environmental issues for neighbouring residents, i.e. odour, vermin etc. Visual impact of bin stores from neighbouring developments. • Issues with proposed parking plans. • Area already has traffic and parking issues. • Potential anti-social behaviour as a result of the proposed development. • Noise / nuisance impact of proposed development during construction. • Concerns regarding distance of proposal to boiler house at McCallum Court. • Loss of view • Detrimental impact on value of neighbouring property. It is noted that loss of view and value of property are not material planning considerations, however all other issues will be discussed within the report.
6.0	**PLANNING ASSESSMENT**
6.1	**Development Plan Context** 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.
6.6	The application site is located on undesignated white land, in accordance with the BUAP. However, the site is partially zoned for housing in both versions of dBMAP, with the eastern portion of the site remaining whiteland. The site is also designated a draft Area of Townscape Character in both versions of dBMAP.
	Relevant Planning Policies
6.7	The following policies in the Plan Strategy are relevant to consideration of the application. Policy SD1 – Settlement hierarchy 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 BH1 – Listed Buildings Policy BH3 – Areas of townscape character Policy BH4 – Works to grounds affecting built heritage assets 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 Policy ENV1 – Environmental Quality Policy ENV2 – Mitigating Environmental Change

	Policy ENV3 – Adapting to Environmental Change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable urban drainage systems (SuDS) Policy NH1 – Protection of natural heritage resources Policy TRE1 – Trees
	Key Issues
6.8	The key issues for consideration in this application are: - Principle of residential development - Impact on character of the area / design issues - Impact on residential amenity - Impact on parking and road safety - Impact on trees / landscaping - Impact on Sewage infrastructure and Drainage - Proposed Waste management
	Principle of residential development
6.9	As noted in para 6.6, the application site is located on undesignated whiteland, in accordance with the BUAP and is partially zoned for housing within dBMAP. The surrounding area is characterised by a mix of uses, including residential. It is considered that the proposed residential use is acceptable in principle.
	Impact on character of the surrounding area / Design
6.10	The application site is located at the eastern end of the Ballygomartin Road, approximately 80 metres from the junction with the Woodvale Road. Woodvale Presbyterian Church, a grade B1 listed building, is located beside this junction, approximately 40 metres from the site. On the eastern side of the site lies a pair of 2 storey detached dwellings, finished in a mix of red brick and render. On the western side lies a pair of semi detached 2.5 storey dwellings, finished in red brick with render detailing. At the rear of the site, there is a large 3 storey sheltered housing scheme, finished in red brick. Further along to the west of the site lies a row of terraced dwellings, 2.5 storeys in height. Woodvale Park lies directly opposite the site, with that roadside boundary well defined by mature trees.
6.11	The proposed development includes 3 apartment blocks of varying sizes, with uniform materiality. Apartments 13-24 are located directly adjacent to the Ballygomartin Road (Block A), Apartments 5-12 are located on a north-south axis in the north eastern portion of the site (Block B) and Apartments 1-4 (Block C) are located in the north western corner of the site.
6.12	Block A is a 3 storey apartment building, finished in a mixture of red brick and render, with grey roof slates. The block includes double height bays on the Ballygomartin Road (south) and the access road (west) elevation. This block is accessed to the rear. There is a slight incline along this part of the Ballygomartin Road, therefore there is a slight variation in finished floor levels along the block (approximately 0.6 m). The height of the block varies from 11.25 m on the eastern gable to 12 m on the western gable. Block A is in general conformity with the established building line along this part of Ballygomartin Road. It is set slightly in front of the line of No's 11 and 13, however these dwellings are set further back than other neighbouring building, such as No's 3, 5 and 17. Block A is set approximately 5.6 m back from the site boundary, which provides effective relief within the streetscape.
6.13	Block B is also a 3 storey apartment building, finished in a mixture of red brick and render, with grey concrete roof tiles. This block is accessed from the front and measures approximately 12.1 m to ridge level. Block B is not as visually prominent as Block A, as it

	is set back within the site. It is located approximately 14 m from McCallum Court to the north and at least 33 metres from the dwellings along Woodvale Road.
6.14	Block C is a smaller apartment building, 2 storeys in height and finished in red brick. Block C measures approximately 10 m to ridge level. It is located approximately 9.4 m to McCallum Court to the north and approximately 18 metres from the rear of No. 13 Ballygomartin Road.
6.15	The proposal includes the construction of a new boundary treatment along the front of the site, with the provision of a 600 mm brick wall with 900 mm railing on top. Furthermore, 6 new trees are proposed along the front boundary to aid visual amenity and integration.
6.16	It is considered that the proposed development responds positively to the local context and character through architecture and urban form and it addresses matters such as height, scale, massing, proportion, plot width, building line, rhythm, roofscape, materials etc.
	Residential Density
6.17	The density of the proposed development equates to approximately 55 dwellings per Hectare, which fits into the density band of 50-150 for city corridors within outer Belfast, in accordance with Policy HOU4.
	Residential Amenity
6.18	A number of concerns were raised with regard to impact on residential amenity from neighbours. With regard to overlooking, it is not considered that there will be any impact from either Block A or Block C as the gable windows that have potential for overlooking towards neighbours will serve bathrooms / shower rooms. In the event of approval, these windows will be condition to be obscure glazed thereby mitigating against overlooking. Block B is located to the rear of existing residential development along Woodvale Road (Even No's 70 – 76). These 4 dwellings are located within quite long, linear plots, with the rear elevation approximately 33 – 42 metres from Block B, however it is noted that the main windows on the rear elevations are located further away. Furthermore, in relation to No. 76, there is an existing building located between the two buildings which will partially screen views into and out of the site. It is acknowledged that the rear amenity areas of these dwellings extends to the site boundary, which is located 10 metres from Block B. The existing boundary treatment is a large wall proposed for retention. This wall will assist in providing screening to these dwellings, and vice versa. Given the enhanced separation distances within this urban area and retention of existing boundary treatment, it is considered that the proposed development will not unduly affect neighbouring residents in terms of overlooking.
6.19	Block A is located approximately 10 – 14 metres from the neighbouring dwelling at No. 5 Ballygomartin Road, due to the orientation of both buildings. Block A is located to the west of this dwelling, therefore it is likely that the rear garden area of No. 5 will experience some minor overshadowing in the evening during the summer. Furthermore, Block B is located to the west of the aforementioned dwellings on Woodvale Road and to the south of McCallum Court. Similarly to the relationship of Block A and No. 5, it is likely that Block B will create some minor overshadowing on the rear gardens of No. 72 – 76 Woodvale Road in the evening during the summer. Block B is located approximately 14 m to the south of McCallum Court. The southern elevation of McCallum Court is dominated by apartment windows, therefore providing outlook to the residents. It is likely that Block B will create some shadow impact on McCallum Court, particularly in the winter, however given the orientation and gable width of Block B (10.3 metres), this impact will be limited in time. During the summer, shadow impact is unlikely to have a major affect on McCallum Court as the sun is higher in the sky. Similarly, Block C is located approximately 9.4 m to the south of McCallum Court and it is likely to have a similar impact to Block B. Although the

	proposal will likely cause overshadowing, the impact is considered to be relatively minor and it will not unduly affect neighbouring properties. Furthermore, it is not considered that the proposal will result in a loss of daylight to any nearby properties.
6.20	The application site does not lie within any Air quality management area, or within an area of concern for poor air quality. EHO have also concluded that estimated transport emissions as a result of the proposal, will have a negligible impact on nitrogen dioxide concentrations in the locality. The agent has also confirmed that heating and hot water will be provided by gas heating within individual apartments. EHO conclude that there are no objections in relation to air quality, subject to condition. Additionally, there is no concern in relation to noise or proximity to the boilers associated with McCallum Court.
	Amenity Space
6.21	The proposed development includes three main areas of amenity space, in proximity to each apartment block. Whilst the location of the amenity space around Block A is not ideal as it is located beside the roadside boundary, the overall provision of space is generous. The useable amenity space measures approximately 700 square metres; this calculation does not include the small areas of landscaping around the apartments and parking areas etc. It is also noted that the application site is located directly across the road from Woodvale Park, which offers additional amenities to potential occupants.
	Contaminated land
6.22	A Preliminary Risk Assessment (PRA) and Generic Quantitative Risk Assessment (GQRA) was submitted in support of the proposal. The Assessment concluded that no unacceptable risks to environmental receptors have been identified and that no specific remedial measures are deemed necessary for the purposes of the proposal. EHO and NIEA provided commented, advising of no objections, subject to conditions.
	Affordable Housing
6.23	NIHE have confirmed that there is sufficient supply of social housing currently within the Social Housing Development Programme and through other supported schemes in the area, therefore there is no demand for social housing at this location. NIHE confirmed that they would welcome the provision of intermediate or discount rental market rate units.
6.24	The agent has advised that the developer is proposing that 5 no. units will be provided as intermediate housing for sale, therefore complying with the tests of policy HOU5. This will be secured by a Section 76 Legal Agreement, in the event of approval.
	Housing Mix
6.25	The proposed development includes an overall mix of 3 no. 1 bedroom apartments, 17 no. 2 bedroom apartments and 4 no. 3 bedroom apartments. It is considered that the proposed development provides a suitable mix of house types and sizes which promotes choice and assists in meeting community needs. In accordance with para 4.3.4 of the SPG, the provision of 3 bedroom apartments is welcomed as this apartment type historically is under provided and helps creation of balanced communities.
	Adaptability and Accessibility
6.26	All new homes should be designed in a flexible way to ensure that housing is adaptable for occupants throughout all stages of life. The proposed development complies with all of the criteria in relation to parking provision, sheltered entrances, living spaces, entrance level WCs, accessible bathrooms and acceptable outlook in living areas.
6.27	For residential developments of 10 units or more (such as this one), 10% of the units shall be wheelchair accessible. In this case, 3 of the 24 units have been designed specifically to enable use and accessibility for wheelchair users.

	Access, Road Safety & Parking
6.28	The proposed parking layout includes 28 no. parking spaces, three of which are suitable for disabled parking. Throughout the application process, the scheme was amended, with a reduction in unit numbers from 30 to 24. Consequently, the required parking standards was also reduced downwards from 45 to 34.5 (35), resulting in a shortfall of 7 spaces. A parking survey was submitted in support of the proposal, which demonstrated that there is capacity for on street parking associated with the proposal and this is unlikely to have a significant impact on the local transport network. In addition to car parking, appropriate provision has been made for cycle parking.
6.29	DFI Roads have confirmed that the proposed access is safe and should be provided prior to commencement of development. DFI Roads confirmed no objections to the proposal, subject to conditions and acknowledged the issues raised by objectors.
	Impact on Listed Building
6.30	The proposed development is located in close proximity to a Grade B1 Listed Building, Woodvale Presbyterian Church (ref. HB26/38/001). HED have advised that the proposed development is sufficiently removed in situation and scale of development as to have a negligible impact on the significance of the listed church or on the quality and character of its setting. It is considered that the proposal complies with the tests of policy BH1.
	Impact on Trees / Proposed landscaping
6.31	An amended landscaping scheme has been submitted in support of the proposal. BCC Tree and Landscaping officer has provided comments, noting that there are no trees located along the front boundary, however there is one ash tree situated along the eastern boundary of the site. This tree is dominated in ivy and showing signs of stress within the upper crown and is recommended to be inspected by an arborist. Following this inspection, if the tree is to be retained, appropriate mitigation measures should be taken. With regard to proposed planting, 38 trees are proposed comprising a mix of birch, oak, lime, rowan, cherry and apple. The proposed trees are to be planted throughout the site and will assist with site integration and promote future amenity value. It is considered that the proposal complies with the tests of policy TRE1, subject to conditions.
	Ecology
6.32	A Biodiversity Checklist, Preliminary Ecological Assessment, Invasive Weeds Management Plan and Outline Construction Environmental Management Plan were submitted in support of the proposed development.
6.33	NIEA Natural Environment Division (NED) have advised that the site may be hydrologically linked to Inner Belfast Lough Area of Special Scientific Interest (ASSI), Belfast Lough RAMSAR site, Belfast Lough Special Protection Area (SPA) and Belfast Lough Open Water SPA; these sites are of international importance and protected by the Habitats Regulations. NED have advised that as the site is approximately 4km south west of these sites, the proposal is unlikely to have a significant impact.
6.34	The submitted information shows that invasive species are present on the site, however there is no evidence of badgers, bats or newts on or adjacent to the site. NED have advised of no objection.
	Habitats Regulations
6.35	Belfast City Council in its role as the competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended), and in accordance with its duty under Regulation 43, has adopted the Habitats Regulations Assessment (HRA) report, and conclusions therein, prepared by our consultees SES, dated 23/11/2022. The

	HRA found that the project would not have an adverse effect on the integrity of any European site.
	Sewage
6.36	NIW initially advised that there was insufficient waste water treatment capacity to serve the development. However, the developer engaged with NIW by way of a Wastewater impact Assessment, which identified a solution to mitigate downstream wastewater network capacity constraints. NIW confirmed the feasibility of the solution on-site and the developer has agreed to requisition a new storm sewer. Consequently, NIW confirmed they have no objection to the proposal, subject to a condition to ensure the wastewater engineering solution is delivered prior to occupation.
6.37	NIEA Water Management Unit (WMU) advised of concerns that the sewage loading associated with the proposal had potential to cause an environmental impact if transferred to a Waste water treatment works (WWTW). However, WMU advised that they would have no objection to the proposal if NIW indicated that the WWTW could accept the additional load. Following the recent positive response from NIW, it is therefore concluded that the concerns of WMU have now been addressed.
	Drainage
6.38	A Drainage Assessment has been submitted in support of the proposed development. DFI Rivers Agency have provided comment, advising that they accept the logic of the DA and it only lacks a Pre Development Enquiry response from NIW. The DA states that the drainage design is preliminary, therefore DFI Rivers have requested that a condition to provide a final Drainage Assessment is imposed on any potential approval. It is concluded that the proposal complies with Policy ENV4.
	Climate Change
6.39	The proposal incorporates a number of measures designed to ensure it contributes to sustainable development, adapting to environmental change and providing sustainable drainage solutions. The proposal includes the construction of all parking bays with grasscrete and the planting of 38 new trees within the site, as well as other landscaping. The grasscrete parking bays will provide further permeable surfaces within the site which will help manage surface water effectively on site and reduce runoff.
	Waste management
6.40	The proposed development includes two generously sized bin storage areas. The bin stores are finished to a high standard and are enclosed by a brick wall 2.1 m in height. Timber trusses are also included along the roof of the bin store. Although the bin stores have been well designed, there is a slight concern regarding the location within the development, particularly in relation to bin store A, which is proposed to serve Apartments 1-12 (Blocks B and C). The bin store is situated approximately 17 m, 18.5 m and 22 m from the front door of these apartments. However, on balance, given the proposed development complies with all relevant planning policies and the bin stores are designed to a high standard, the arrangement is considered acceptable.
7.0	**Recommendation**
7.1	Having regard to the statutory development plan and material considerations, the proposed development is considered acceptable.
7.2	It is recommended that planning permission is granted subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other issues that may arise, including completion of the Section 76 Legal Agreement to secure affordable housing, in accordance with Policy HOU5.

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 development hereby approved shall not be occupied or operated unless in accordance with the approved Travel Plan dated August 2021 and uploaded to the Planning Register on 4th January 2024.

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

3. 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.

Reason: To ensure adequate car parking within the site.

4. No development shall commence on site (other than that required to fulfil this condition) unless the new access has been provided in accordance with the approved plans. The access shall be retained in accordance with the approved plans at all times.

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

5. The development hereby approved shall not be occupied or operated unless covered bicycle storage has been provided in accordance with the approved plans. The covered bicycle storage shall be retained in accordance with the approved plans at all times.

Reason: To ensure adequate provision and availability of cycle parking and encourage sustainable travel.

6. 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.

7. All hard and/or soft landscaping works, including bin storage and boundary treatments, 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.

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

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

9. 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 RPAs.

10. 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.

Reason: In the interests of amenity.

11. Notwithstanding the provisions of the Planning (General Permitted Development) Order (Northern Ireland) 2015 (or any order revoking and/or re-enacting that order), all windows serving bathrooms, shower rooms and ensuites shall at all times be glazed with obscure glass to at least Privacy Level 3 (or equivalent).

Reason: To safeguard the privacy of adjacent properties.

12. Prior to the commencement of development on site, a final drainage assessment, compliant with policy ENV4 of the Belfast Local Development Plan: Plan Strategy 2035, and Sewers for Adoption Northern Ireland 1st Edition, including a detailed drainage network design and a demonstration of how out of sewer flooding due to exceedance of the drainage network will be managed, must be submitted to and approved by the Council.

Reason: To safeguard against flood risk.

13. 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.

14. Prior to the occupation of the hereby approved development, a verification report shall be submitted to and approved in writing by the Council demonstrating that the approved wastewater network engineering solution to mitigate the downstream foul capacity issues has been delivered in accordance with the approved details.

Reason: To ensure a practical solution to sewage disposal from this site.

15. The development shall not be carried out unless in accordance with the approved Sustainable Urban Drainage System (SuDS) measures. The porous / permeable grasscrete car parking bays shall be incorporated prior to occupation of the development, in accordance with the approved details. The SuDS measures shall be retained as such thereafter.

Reason: To ensure sustainable drainage of the development.

16. If during the carrying out of the development, new contamination is encountered that has not previously been identified, all related works shall cease immediately, and the Council shall be notified immediately in writing. No further development shall proceed until this new contamination has been fully investigated in accordance with current industry recognised best practice. In the event of unacceptable human health risks being identified, a Remediation Strategy and subsequent Verification Report shall be submitted to and agreed in writing by the Council, prior to the development being occupied or operated. 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: To ensure that any contamination within the site is appropriately dealt with, in the interests of human health.

17. In the event that pollution sources, to include any substantial combustion sources (boilers/CHP, biomass) are proposed as part of this development, and there is a risk of impact at relevant receptor locations as per the criteria detailed within the Environmental Protection UK and Institute of Air Quality Management, Land-use Planning & Development Control: Planning For Air Quality (January 2017), an Air Quality Impact Assessment shall be submitted to and approved by the Council prior to occupation of the development.

Reason: Protection of human health and amenity.

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Development Management Officer Report
Committee Application

Summary	
Application Ref: LA04/2023/4021/F	**Committee Meeting Date:** 16th January 2024
Proposal: Change of use from dwelling to 5 Bed House in Multiple Occupation.	**Location:** 166 Upper Newtownards Road, Belfast, BT4 3ES
Referral Route: Request to be presented to Planning Committee by Elected Member (Cllr Anthony Flynn)	
Recommendation:	Approval
Applicant Name and Address: Sikkim Properties 34 Dufferin Ave Bangor BT20 3AA	**Agent Name and Address:** Gravis Planning Unit 1, Pavilions Office Park Kinnegar Drive Holywood

Executive Summary:
This application seeks full planning permission for Change of use from dwelling to 5 Bed House in Multiple Occupation.

The key issues are:

- The principle of an HMO at this location;
- Impact on surrounding residential amenity/character including policy analysis
- Traffic, Parking and Access
- Waste and refuse collection
- Over-occupation/anti-social behaviour
- Climate change

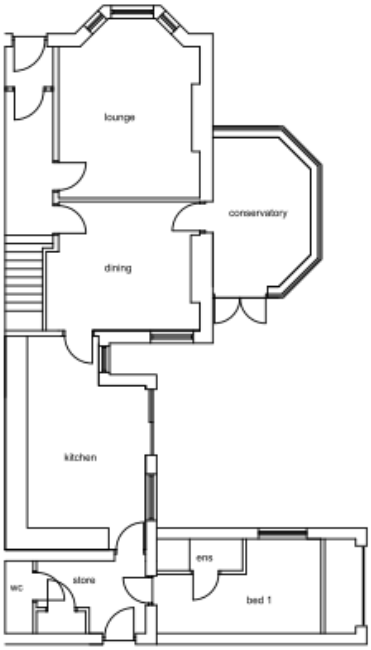
22 objections have been received with the issues raised addressed within the main report.

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.

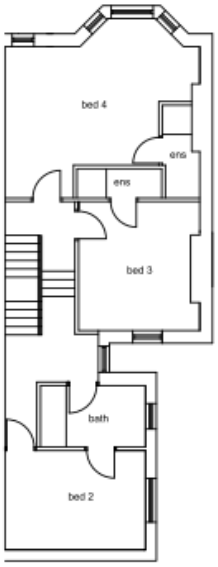
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.

Officer Report

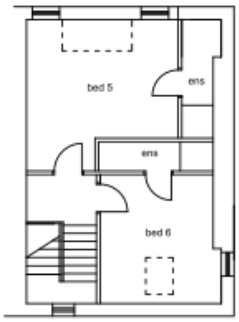
1.0	**Drawings**
1.1	**Existing Floor Plans**



Ground Floor Plan
114.1sqm

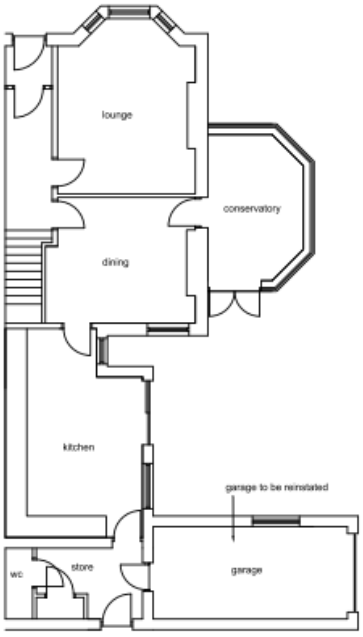


First Floor Plan
73.5sqm

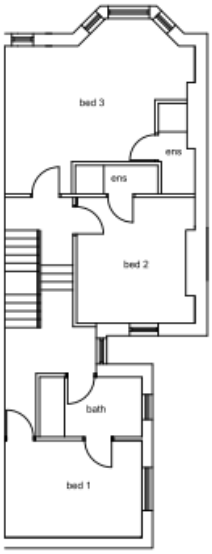


Second Floor Plan
48.1sqm

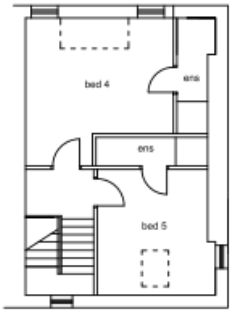
Proposed Floor Plans



Ground Floor Plan
114.1sqm



First Floor Plan
73.5sqm



Second Floor Plan
48.1sqm

	Please note there are no external alterations and therefore elevations have not been shown here.
2.0	**Characteristics of the Site and Area**
2.1	The application site is located at 166 Upper Newtownards Road, a corner plot that adjoins Oakland Avenue.
2.2	The building is three storey semi-detached dwelling finished in white render. There is a small amount of amenity space to the front with pedestrian access, characterised by vegetation which screens the site from the road. There is a small amenity space to the rear/side between the rear return and the side boundary which also hosts an in-curtilage garage.
2.3	The site falls within houses in multiple occupation (HMOS) subject plan for Belfast city council area 2015 - zoning HMO 4/10 HMO development node.
3.0	**Description of Proposal**
3.1	The application is seeking full planning permission for change of use from dwelling to 5 Bed House in Multiple Occupation (amended description).
4.0	**Planning 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** Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	**Relevant Planning History** N/A
5.0	**Consultations and Representations**
5.1	**Statutory Consultations** DfI Roads – No objections
5.2	**Non-Statutory Consultations** BCC Plans & Policy team – No objections
5.3	**Representations** The application has been advertised and neighbours notified. The Council has received 22 objections which are summarised as follows: 1. Parking, traffic, road safety and enforcement 2. Waste and refuse collection 3. Adverse impact on the sewage network

	4. Anti-social behaviour/noise 5. Negatively impact on the character of the area 6. Non-compliance with Policy RD2 7. Lack of cycle parking provision 8. Additional guests staying over/anti-social behaviour 9. Precedent for further HMOs in the area 10. Alleged previous internal works to the property 11. Impact on the provision of family homes in the area Issues 1-8 are covered in the main body of the report. Additional points are considered as follows: 9. Precedent for further HMOs in the area/domino effect - Each application is decided on its own merit. Officers consider that this scheme is compliant with policy considerations. 10. Alleged previous internal works to the property - This would be outside the remit of planning and not relevant to the assessment of the application as internal works do not require planning permission. 11. Impact on the provision of family homes in the area - This HMO is for 5 bedrooms, the licensing process will determine how many persons the home can accommodate. HMO's can meet high demand for housing and the application site is located within one of three HMO Development Nodes on the Upper Newtownards Road which are designated due to their proximity to services and access to public transport.
6.0	**PLANNING ASSESSMENT**
6.1	**Development Plan Context** 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.
6.1.1	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.
6.1.2	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. For this reason, the assessment of this application still considers that the property is in an HMO Node, as designated under the HMO Subject Plan (2015) and will remain so until the LPP is adopted.
6.2	**Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.3	**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.
6.4	**Key Issues** The key issues are: • The principle of an HMO at this location; • Impact on surrounding residential amenity/character including policy analysis • Traffic, Parking and Access • Waste and refuse collection • Over-occupation/anti-social behaviour • Climate change
6.5	**Principle of development** The Upper Newtownards Road is not within a HMA however the site is located within the Upper Newtownards Road HMO Development Node (HMO 4/10) as designated in the HMO Subject Plan for Belfast City Council Area 2015.
6.5.1	Policy HOU11 states "Within designated intensive housing nodes, planning permission will be granted for HMOs and flats/apartments. This will be subject to meeting all other policy requirements."
6.5.2	Para 7.1.76 of Policy HOU 11 states that proposals for HMOs and flats/apartments within intensive housing areas will still be carefully assessed against the relevant residential design requirements set out in policies RD1, RD2 and RD3.
6.6	**Impact on surrounding amenity/character of the area** When considering the policy context, the proposed development in terms of scale, layout, design and materials must be in keeping with the site and its surrounding area. The character and appearance of the area in this case would be preserved. Appropriate open space is provided and/or the site has good access to existing open space infrastructure. The proposal complies with the HMO space standards for a 5 bed HMO as set out within Belfast Local Development Plan: 2035. The proposal would provide a quality and sustainable residential environment. The HMO will further require to be licensed with BCC which mitigates amenity concerns by enforcing an anti-social behaviour plan and ensuring the HMO operator runs the property effectively.
6.6.1	The property is a large three-storey dwelling which has been extended over the years and is an appropriate size to accommodate an HMO, comfortably providing accommodation for 5 people whilst still meeting the space standards.
6.6.2	The proposal is compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties, including unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The policy context is set out in Policies HOU 11, RD1, RD3 and TRAN8 below.
6.7	**Policy HOU 11** Policy HOU 11 para 7.1.76 states that proposals for HMOs and flats/apartments within intensive housing areas will still be carefully assessed against the relevant residential design requirements set out in policies RD1, RD2 and RD3, which have been addressed above. Policy RD2 is not relevant to this application as no extensions are proposed.
6.7.1	Local character, environmental quality and residential amenity, privacy of existing residents and scale and massing will continue to be particularly important considerations within intensive housing areas.

6.7.2	The proposed change of use of an existing dwelling into a HMO is located within an intensive housing node where HMOs are acceptable in principle under policy HOU11 of the BPS. The use is therefore considered appropriate to the local character and surrounding area.
6.8	**Policy RD1** Policy RD1 states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and where it is demonstrated that the proposal:
6.8.1	a) Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential areas - Officers consider that the use does not conflict with adjacent land uses. The scheme meets the policy requirements set out in HOU 11 and RD1 & RD3. The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and sufficient bin storage.
6.8.2	b) Does not unduly affect the privacy or amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance - Officers consider that the scheme will not give rise to any of the issues listed in criterion B. Overlooking, loss of light, overshadowing and dominance will not be changing from what is existing. Noise or other disturbance will be addressed by the anti-social behaviour plan.
6.8.3	c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure - The proposal is located on a glider bus stop and has good access to services and amenities. There is sufficient space for cycle parking.
6.8.4	d) Provides appropriate open space - The proposal maintains the current level of open space, and in addition, the area has good access to open space such as the Comber Greenway.
6.8.5	e) Keeps hard surfacing to a minimum - No hard standing is proposed as part of this application.
6.8.6	f) Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C - The proposal exceeds the requirements set out in the space standards and provides a significant amount of living space for the occupants of the 5 bedrooms.
6.8.7	g) Does not contain any units which are wholly in the rear of the property without direct, safe and secure access from the public street - All units have safe and secure access from the front door of the dwelling.
6.8.8	h) Ensures that living rooms, kitchens and bedrooms have access to natural light - All habitable rooms in the dwelling have access to natural light.
6.9	**Policy RD3** Policy RD3 states that planning permission will be granted for conversion or change of use of existing buildings for residential use where all the criteria in policy RD1 and all the additional criteria below are met:
6.9.1	

6.9.2	a) Any units are self-contained - Officers consider that this criterion is met. b) Adequate refuse storage space is provided within the curtilage of the site, large enough to allow for the separation of recyclable waste, and is designed to not be visible from the amenity space / public realm - Officers consider that this criterion is met. The property will provide 3 refuse bins for general waste, recycling and food waste.
6.9.3 6.9.4	c) The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling - The property is 237.5 sq metres in total. d) Conversions above commercial premises do not prejudice the commercial functions of the business - This criterion is not relevant to this application.
7.0	**Traffic, Parking and Access** Officers acknowledge the objections to parking. DFI Roads have no objections to the scheme. Whilst the various policy requirements of HOU11 seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy. Policy TRAN8 – Car parking and servicing arrangements states, 'Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements'. However, existing Regional Planning Policy and supplementary planning guidance, including the published 'Parking Standards', do not incorporate car parking as a requirement for HMO development. The applicant has however, following amendments, retained the in-curtilage parking space to the rear in the garage and there is ample space for cycle storage. Furthermore the site is located in an extremely sustainable location with the glider service running alongside the site. In this context adequate provision is considered provided to meet TRAN8.
7.0.1	Objectors raised concern regarding parking and parking enforcement, both the PSNI and DFI would be responsible for dealing with any congestion or enforcement issues.
7.1	**Waste and Refuse Collection** Objectors have alluded to previous issues with bin lorries getting down Oakland Avenue, builders' vehicles which will block the street during construction and build-up of waste in the alleyway to the rear of the site which is the main refuse collection point on Oakland Avenue.
7.1.1	Policy RD3 criterion B, states that adequate refuse storage space is provided within the curtilage of the site, large enough to allow for the separation of recyclable waste and is designed to not be visible from the amenity space / public realm. Officers consider that this policy is complied with. The alleyway to the rear will continue to host the bins as before. The disposal of rubbish is the responsibility of tenants and the landlord. The premises will continue to be served by three Council refuse bins for general waste, recycling and food. These three bins should be collected in the same manner as before.
7.2	**Impact on the sewage network** There is no evidence that change of use from a dwelling to a HMO will cause any issues as the dwelling will continue to avail of the main sewage network like other houses in the street.
7.3	**Over-occupation/anti-social behaviour** Officers consider that the scheme complies with space standards and provides a suitable number of bedrooms. The HMO licensing scheme is in place to regulate HMOs. An anti-social behaviour plan will therefore be in place, and it is the landlord's responsibility to ensure compliance with licensing requirements. Tenants also have responsibilities to make sure the landlord can carry out their duties.
7.3.1	

	The NIHMO Unit within BCC has developed a guide highlighting ways to tackle antisocial behaviour linked to their properties. The guide provides preventative measures that landlords can take to manage antisocial behaviour, highlights how to demonstrate compliance by record keeping and intervention, and details how to develop an antisocial behaviour plan. The HMO legislation in Northern Ireland has the potential to have a positive impact on the lives of those living in HMOs, the owners of HMOs, and the residents surrounding HMO properties.
7.3.2	**Climate Change** The proposal will incorporate measures such as improved insulation which will increase the energy efficiency of the building. The proposal is also located in a prime location with access to public transport.
7.4	**Summary** The proposal is acceptable having regard to policies within the Belfast local development plan: plan strategy 2035; and paragraphs 6.135, 6.136 and 6.137 of the Strategic Planning Policy statement for Northern Ireland 2015 and taking account of all material planning considerations.
8.0	**Recommendation**
8.1	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.
8.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.

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.

DRAFT INFORMATIVES:

1. 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.

2. 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.

3. 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	25/09/2023
Date First Advertised	06/10/2023
Date Last Advertised	15/12/2023
Details of Neighbour Notification (all addresses) 1 OAKLAND AVENUE 164 UPPER NEWTOWNARDS ROAD 168 UPPER NEWTOWNARDS ROAD 170 UPPER NEWTOWNARDS ROAD 172 UPPER NEWTOWNARDS ROAD 2 OAKLAND AVENUE 2A OAKLAND AVENUE 2B OAKLAND AVENUE 3 OAKLAND AVENUE 5 OAKLAND AVENUE 7 OAKLAND AVENUE	

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Development Management Officer Report
Committee Application

Summary	
Application ID: LA04/2023/4093/F	**Committee Meeting Date:** Tuesday 16th January 2024
Proposal: Raise ridge to accommodate dormer to side elevation and fenestration changes to front and rear elevation and 2x skylights.	**Location:** 5 Squires Hill Road, Belfast, BT14 8FJ
Referral Route: Paragraph 3.8.5 (a) of the Scheme of Delegation (application by an Elected Member)	
Recommendation:	Approval
Applicant Name and Address: 5 Squires Hill Road, Belfast, BT14 8FJ	**Agent Name and Address:** Andrew Hair 17 Drumcree Place Newtownabbey BT37 9JA

Executive Summary:

The application seeks full planning permission for raising the ridge to accommodate a dormer to the side elevation and fenestration changes to front and rear elevation and 2no skylights.

The main issues to consider are:

- Scale, Massing & Design
- Impact on neighbouring amenity
- Impact on character of area

One third party representation was received and is considered in the report below.

Due to the minor nature of the proposals, no consultation was necessary.

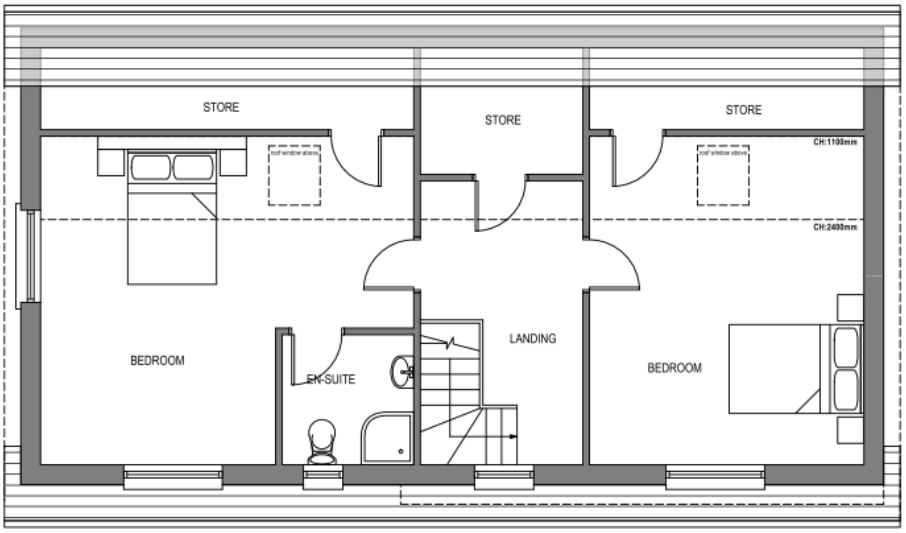
Recommendation - Approval

Having regard to the policy context, the proposal is considered to be acceptable and planning permission is recommended for approval.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise provided that they are not substantive.

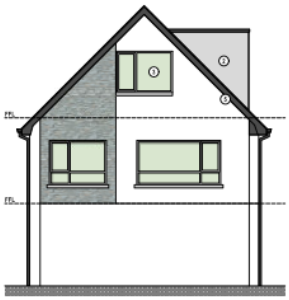
Officer Report

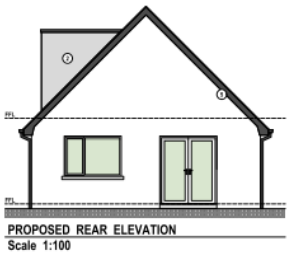
1.0	**Drawings**
1.1	**Proposed first floor plan**



PROPOSED FIRST FLOOR PLAN
Scale 1:50

Existing elevations





2.0	**Characteristics of the Site and Area**
2.1	The dwelling is a detached, 1.5 storey dwelling finished in red brick, render and decorative brick and a pitched roof. The site is designated within the Belfast limits under BMAP/dBMAP.
2.2	The prevailing character of the area is predominantly detached houses with front & rear dormers, finished in a mixture of red brick and render.

2.3	The rear garden contains a detached garage. The boundaries are a mixture of mature hedging and timber fencing.
3.0	**Description of Proposal**
3.1	Raise ridge to accommodate dormer to side elevation and fenestration changes to front and rear elevation and 2no. skylights
4.0	**Planning 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** Developer Contribution Framework (BCC) Belfast Agenda Creating Places (DfI)
4.5	**Relevant Planning History** N/A
5.0	**Consultations and Representations**
5.1	**Statutory Consultations** N/A
5.2	**Non-Statutory Consultations** N/A
5.3	**Representations** Due to the minor nature of the proposal, no consultation was necessary with statutory or non-statutory consultees.
5.4	The application has been advertised and neighbours notified. The Council has received one objection to the proposal.
5.5	The objection raised the following issues: 1. Plans being unclear 2. Negative impact on resale value of neighbouring dwelling 3. The proposal not being in keeping with the character of the area 4. Negative impact on light and therefore mental health of neighbouring dwelling
5.6	These issues have been considered as follows: 1. The plans were to scale and acceptable, however an additional annotated plan was provided by the applicant to assist 2. House values are not a material planning consideration

	3. This is considered within the planning assessment section of the report at Section 6.9 4. This is considered within the planning assessment section of the report at Section 6.8
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 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.
6.5	**Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
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.
6.7	**Key Issues** The key issues are: • Scale, Massing, Design • Impact on neighbouring amenity and character • Climate Change
6.8	**Scale, Massing, Design** Policy RD2 of the Belfast Plan Strategy 2035 states that planning permission will be granted for extensions or alterations to an existing residential property where the scale, massing, design and external materials of the proposal are appropriate to the built form and appearance of the existing property and will not detract from the character of an established residential area. This proposal seeks to raise the ridge of the existing dwelling to accommodate a side dormer, a new window to the front elevation and replacing a window on the rear elevation with a door. The plans were amended as the original scheme had the dormer extend above the ridge, which is contrary to 4.1.3 of SPG 2023 Residential extensions and alterations.

	Paragraph 4.1.21 of the SPG states that extensions or alterations to the roof profile of any building can be particularly sensitive as roofs make an important contribution to a building's appearance and the overall character of the area. Officers acknowledge that the proposal will result in the dwelling having a steeper pitch than the surrounding dwellings, however, the orientation of the houses in this location makes attic conversions difficult resulting with an asymmetrical roof profile. All of the dwellings from No. 11 Squires Hill Road onwards have front and rear dormers. The orientation of this dwelling is such that only a side dormer is possible. The site sits at a lower level to most of Squires Hill Road which reduces the impact of the proposal. Officers consider that the proposal is of an appropriate scale. The dormer will be stepped down from the new ridge by 0.7 metres, 0.7 metres to the eaves and approx. 0.3 metres from the side of the roof. Therefore, on balance, whilst dormers on side elevations on are often resisted, the dwelling presents a unique context subject to there being no issues with overlooking as considered below. Due to the significant difference in levels, No. 11's garden will not be detrimentally impacted in terms of loss of light or overshadowing their garden.
6.9	**Impact on Neighbouring Amenity and Character** Paragraph 4.3.8. of SPG 2023 Residential Extensions and Alterations states that the protection of the privacy of occupants of residential properties is an important element of the quality of a residential environment. Paragraph 4.1.26 also states that dormer windows to the front or side of a property are unlikely to be acceptable in areas where they are uncharacteristic. The council acknowledge that the proposal is contrary to this policy, however, given the unique challenges of the host dwelling's orientation, it is considered that the proposed dormer windows on the side elevation will not unacceptably constitute overlooking to No. 03 Squires Hill Road. Whilst the windows may facilitate enhanced views of No. 03, the views are from bedrooms and not habitable rooms and will form primarily oblique views of the side elevation/roof of No. 03 due to the level difference. Furthermore, No. 03's rear amenity space is largely screened by their detached garage. Paragraph 1.1.4 of the SPG states that it is important that the desire to extend or alter an existing property is balanced against consideration of the impact of such works on the character and appearance of the individual property and its wider surroundings. It also states that it is important to mitigate potential impacts of dormers, particularly on side elevations. Paragraph 4.3.1 of the SPG states that in the case of dormer windows, restricting the size of the windows and setting it back from the eaves is usually an adequate solution that can protect neighbouring amenity. It is considered by the council that the appropriate window sizes on the rear dormer, the orientation of the site and the prevailing area significantly reduce any potential adverse impact from the dormer. The front proposed window on the front elevation will onlook onto the Squires Hill Road and the proposed rooflights minimally interfere with the roof and are therefore not considered to be an issue.
6.10	**Climate Change** The scheme is considered to comply with ENV policies in that recycled materials will be used throughout the construction process and all insulation will be upgraded beyond the current building regulations to vastly improve the energy efficiency of the full house and significantly reduce the energy costs. These interventions comply with policy RD2 and will future proof the home for modern family living.
7.0	**Recommendation**
7.1	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.

7.2	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.

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.

DRAFT INFORMATIVES:

1. This decision relates to the following approved drawing numbers:

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.

ANNEX	
Date Valid	10/10/2023
Date First Advertised	01/12/2023
Date Last Advertised	01/12/2023

Details of Neighbour Notification (all addresses)

11 SQUIRES HILL ROAD
13 SQUIRES HILL ROAD
3 SQUIRES HILL ROAD
4 SQUIRES HILL ROAD
7 SQUIRES HILL ROAD
9 SQUIRES HILL ROAD
11 SQUIRES HILL ROAD

Development Management Officer Report
Committee Application

Summary	
Application ID: LA04/2023/3888/F	**Committee Meeting Date:** 16h January 2024
Proposal: Proposed two-year extension to planning approval LA04/2021/1707/F for an Active Travel Hub Comprising 2no. Shipping Containers.	**Location:** Cathedral Gardens Belfast BT1 2GT
Referral Route: Belfast City Council is the applicant.	
Recommendation:	Approval
Applicant Name and Address: Belfast City Council 9-21 Adelaide Street Belfast Belfast BT2 8DJ	**Agent Name and Address:** Belfast City Council 9-21 Adelaide Street Belfast Belfast BT2 8DJ

Executive Summary:

This application seeks full planning permission for a two-year extension to planning approval LA04/2021/1707/F for an Active Travel Hub Comprising 2no. Shipping Containers. One container will house active travel operators and the other will store bicycles and other equipment. The application is seeking an extension of time due to an offer of additional funding which will enable the continuation of services at the Active Travel Hub as a meanwhile/pilot project within the Cathedral Gardens site.

The proposal is a temporary project which seeks to increase active travel and push for modal shift to sustainable modes of transport. As a time limited project, it is in general conformity with the relevant policy and area designations.

The key issues are:

a) Principle of development;
b) Impact on the character and appearance of the area including the Conservation Area and adjacent listed buildings;
c) Noise, odour and other environmental impacts

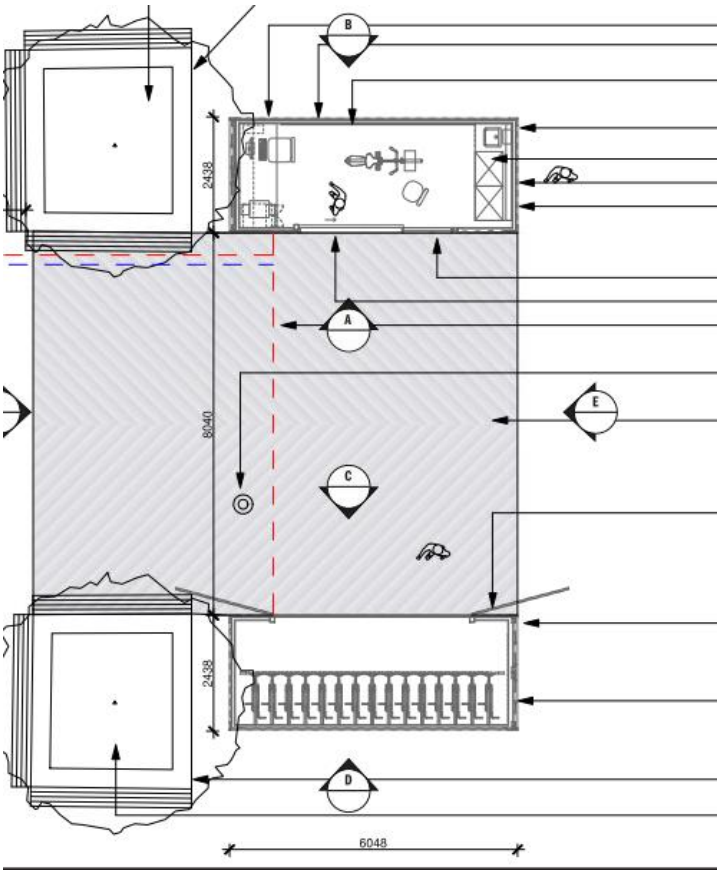
Recommendation

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, for a temporary two year period.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

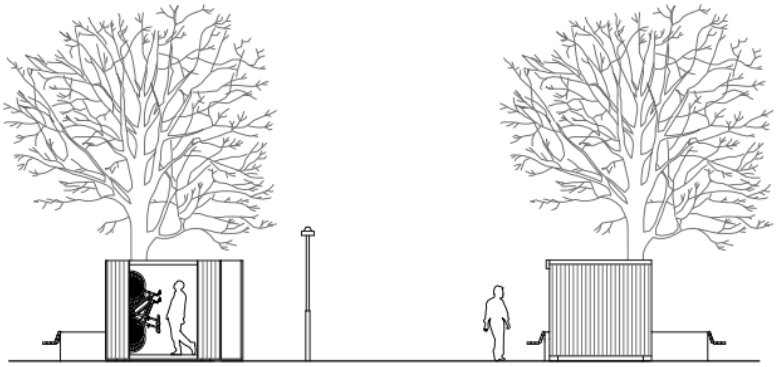
Officer Report	
1.0	**Drawings**
1.1	**Site Location Plan**

1.2 **Site Layout Plan**

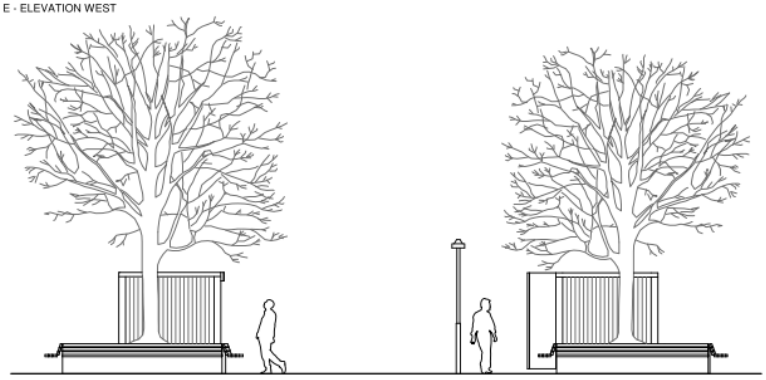


1.3

Proposed Elevations



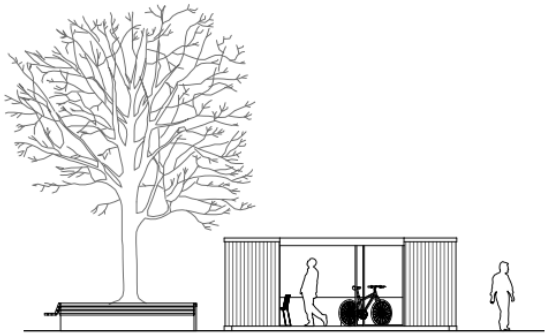
E - ELEVATION WEST



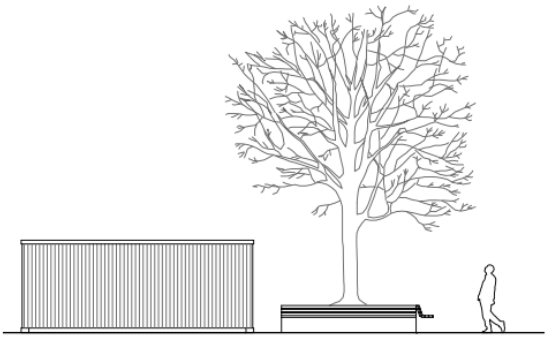
F - ELEVATION EAST

1.4

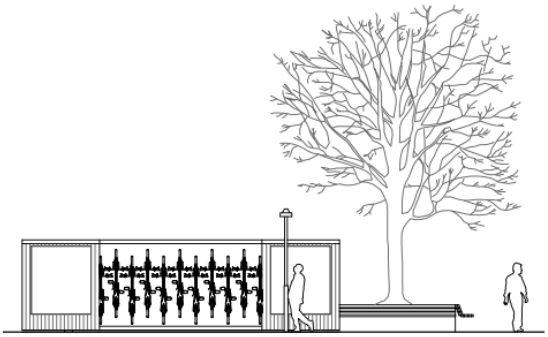
Proposed Elevations



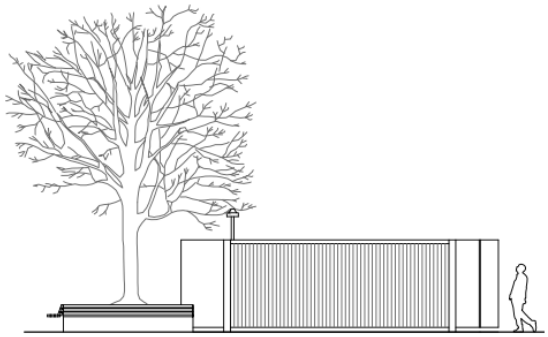
A - CONTAINER 1 ELEVATION NORTH



B - CONTAINER 1 ELEVATION SOUTH



C - CONTAINER 2 ELEVATION SOUTH



D - CONTAINER 2 ELEVATION NORTH

2.0	**Characteristics of the Site and Area**
2.1	The site is located within an area of public space at Cathedral Gardens within Belfast City Centre and Cathedral Conservation Area. St Anne's Cathedral is located South-East of the proposal and University of Ulster Campus is situated North of the proposal. The 2no. shipping containers already exist on site on a temporary basis, this application seeks to extend the period by a further two years. The surrounding area is characterised by a mix of uses including office, retail, community and educational.
3.0	**Description of Proposal**
3.1	Proposed two-year extension to planning approval LA04/2021/1707/F for an Active Travel Hub Comprising 2no. Shipping Containers.
3.2	The painted shipping containers measure 6m x 2.4m with standard steel container doors.
4.0	**Planning 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** Cathedral Conservation Design Guide Belfast Agenda
4.5	**Planning History** LA04/2015/0184/F - Royal Avenue, York Street (part), Frederick Street, Great Patrick Street (part), York Lane, Library Street (part), Little Donegall Street (part), Academy Street, Talbot Street, Curtis Street, Clarkes Lane, Exchange Street West & Cathedral Gardens – Belfast Streets ahead-phase 3. Public realm/ environmental improvement project to improve streetscape and create flexible public spaces through the provision of high-quality natural stone paving, street furniture, trees, lighting, and soft landscaping. Stopping up of a section of Library Street to create Library Square. Stopping up of a section of Academy Street to extend Cathedral Gardens. Permission Granted - 26.11.2015 LA04/2021/1707/F – Cathedral Gardens - Active Travel Hub Comprising 2no. Shipping Containers. 1 Container to House Active Travel Operators, 1 Container to Store Bicycles and other Equipment. Temporary Permission for Two Years Permission Granted – 29.11.2021

5.0	**Consultations and Representations**
5.1	**Statutory Consultations** DfI Roads – Content Historic Environment Division – Content
5.2	**Non-Statutory Consultations** BCC Environmental Health - No objection Conservation Officer - No objection
5.3	**Representations** The application has been advertised and neighbours notified, no representations have been received.
6.0	**PLANNING ASSESSMENT**
6.1	**Development Plan Context** 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.
6.1.2	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.
6.1.3	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
6.1.4	**Operational policies** – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.1.5	**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.
6.2	**Key Issues** The key issues are: a) Principle of development b) Impact on the character and appearance of the area including the Conservation Area and adjacent listed buildings c) Noise, odour and other environmental impacts

6.3	**Principle of development**
6.3.1	The principle of a temporary development of this nature on the site has already been established under planning approval LA04/2021/1707/F for an 'Active Travel Hub Comprising 2no. Shipping Containers. 1 Container to House Active Travel Operators, 1 Container to Store Bicycles and other Equipment. Temporary Permission for Two Years'. The Active Travel Hub is a facility for cycling and walking activities and a base to provide information and knowledge on modal shift change to encourage a new outlook on sustainable green travel measures within the city. The 2no. shipping containers house travel operators with office space, cycling storage and workshop capabilities.
6.3.2	The site is located on undesignated land within the city centre boundary, an Area of Parking Restraint and the Cathedral Conservation Area. The Active Travel Hub is compliant with these designations and will remain ancillary to the existing use of the site as public open space and will not impact the urban landscape. The proposal is considered to comply with Policy OS1- Protection of Open Space of Belfast Local Development Plan, Plan Strategy 2035.
6.3.3	This application seeks a two-year extension to planning approval LA04/2021/1707/F. It is considered that allowing the shipping containers to remain in situ for an additional two years would enable the continuation of service at the Active Travel Hub as a meanwhile project. It is considered that this permission for a further two years should be the last temporary permission allowed as the shipping containers would not be deemed an appropriate permanent structure on this site.
6.4	**Impact on the character and appearance of the area including the Conservation Area and adjacent listed buildings**
6.4.1	The proposal is in close proximity to the following listed buildings which are of special architectural and historic importance and are protected by Section 80 of the Planning Act (NI) 2011: • HB26 50 067 The Cathedral Church of St. Anne, Donegall Street, Belfast • HB26 50 279 Cathedral Buildings, 60-68 Donegall Street, Belfast • Historic Environment Division (HED) has considered the impact on the listed buildings and are content with the proposal. A condition was recommended ensuring the containers are below 2.5m. There are scaled drawings accompanying the application which demonstrate that they are 2.4m in height and therefore the condition is unnecessary. The proposal complies with Policy BH1 (Listed Buildings) of Belfast Local Development Plan, Plan Strategy 2035.
6.4.2	The site is within the Cathedral Conservation Area. Section 104 of the Planning Act sets out that where an area is for the time being designated as a conservation area 'special regard must be had in the exercise with respect to any buildings or other land in that area of any powers under this act to the desirability to: - a. preserve the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise b. enhancing the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does arise'.
6.4.3	The Conservation Officer has been consulted on the application and has no objection to the proposal. It is considered that the proposal is for a time limited duration and allowing the containers to remain in situ for an additional two years will not cause unacceptable impact on the character and appearance of the area. The proposal is compliant with policy BH2 – Conservation Areas of Belfast Local Development Plan, Plan Strategy 2035.

6.5 6.5.1	**Noise, odour and other environmental impacts** Environmental Health have been consulted and have no objection to the proposal subject to a condition.
7.0	**Recommendation**
7.1 7.2	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 wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

DRAFT CONDITIONS:

- The permission hereby granted shall be for a limited period of 2 years only from the date of this decision notice. The structures hereby permitted shall be removed and the land restored to its former condition within 4 weeks of the end of this permission.

  Reason: This type of temporary structure is such that their permanent retention may harm the surrounding character and amenity if retained permanently.

DRAFT INFORMATIVES:

- 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.

ANNEX

Date Valid	18.09.2023
Date First Advertised	29.09.2023
Date Last Advertised	N/A

Details of Neighbour Notification (all addresses)
51 YORK STREET TOWN PARKS BELFAST ANTRIM BT15 1AA
76-78 DONEGALL STREET TOWN PARKS BELFAST ANTRIM BT1 2GU
95-97 DONEGALL STREET TOWN PARKS BELFAST ANTRIM BT1 2AH
ART & DESIGN CENTRE 25-51 YORK STREET TOWN PARKS BELFAST BT15 1ED
METROPOL HOUSE 2-10 YORK STREET TOWN PARKS BELFAST BT15 1AQ
ST ANNE'S CATHEDRAL DONEGALL STREET TOWN PARKS BELFAST BT1 2HB

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of the Local Government Act (Northern Ireland) 2014.

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of the Local Government Act (Northern Ireland) 2014.

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