

Public Document Pack

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



**Belfast
City Council**

14 th March, 2024

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall on Tuesday, 19th March, 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:

7. Planning Applications Previously Considered

- (b) LA04/2020/2105/F - Residential development comprising 55no. apartments comprising 12 no social, and 43 no private apartments and associated site works. - 1-5 Gaffikin Street (Pages 1 - 30)

8. New Planning Applications

- (a) LA04/2020/2607/F - Residential development for the erection of 33 no dwellings (including 5 no affordable units) including public open space, equipped children's play area and associated development as enabling works to deliver the refurbishment of 3 no listed pavilions within the Belvoir Park Hospital complex (previously approved under Y/2014/0401/F and Y/2014/0390/LBC). [amended scheme] - Former Belvoir Park Hospital Site Hospital Road (Pages 31 - 78)
- (c) LA04/2023/2890/F - Proposed demolition of existing buildings and erection of a housing development comprising of 43No. social housing units including dwellings and apartments (Cat 1), car parking, landscaping including an equipped children's play area, and all associated site and access works - Christ the Redeemer Parish Hall and lands immediately north and west of Christ the Redeemer Church, Lagmore Drive (Pages 79 - 100)
- (e) LA04/2023/4208/F - Change of use from Dwelling to HMO - 24 Orient Gardens (Pages 101 - 110)

ADDENDUM REPORT	
Application ID: LA04/2020/2105/F	Committee Date: 19 th March 2024
Proposal: Residential development comprising 55no. apartments comprising 12 no social, and 43 no private apartments and associated site works.	Location: 1-5 Gaffikin Street Belfast BT12 5FH
Referral Route: Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Benmara Property Ltd 181 Templepatrick Road Ballyclare	Agent Name and Address: Footprint Architectural Design 181 Templepatrick Road Ballyclare
<p>Background:</p> <ol style="list-style-type: none"> 1. This application was due to be considered at the February 2023 Planning Committee. However, the application was deferred for a Committee site visit. The site visit took place on 24th February 2023. At the site visit it was observed that one of the units of the existing building is a car repair garage/workshop and it was considered that this would fall within Use Class B3: General Industrial and as such Policy PED7 of then PPS4 would have been a relevant planning consideration. 2. The application is reported back to the Committee for re-assessment against the Belfast Local Development Plan: Plan Strategy 2035. The Plan Strategy was adopted in May 2023. This provides a new policy framework for decision-making. In accordance with the advice given to Members at the April 2023 Committee, the application is required to be re-assessed having regard to the policies in the Plan Strategy. 3. The proposal has been amended to include 12 no social and 43 no private apartments, instead of 6 no social; 6 no intermediate and 43 no private apartments. 4. This report should be read in conjunction with the report to the 14th February 2023 Planning Committee, appended. <p>Updated consultation responses:</p> <ol style="list-style-type: none"> 5. Northern Ireland Housing Executive (NIHE) – Supportive of the 12 social units proposed however they have emphasized that 2 bed/2 person units are not an approved form of social housing. 6. BCC Waste Management – No objection following the submission of a Waste Management Plan. 7. DfI Roads Service – No objection subject to conditions. 8. BCC Urban Design – There have been no design amendments proposed since that of February 2023, however the consultee commented on the submitted Masterplanning Statement. 	

Updated Policy Context:

9. 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.
10. 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.
11. 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 ("Departmental Development Plan") until the Local Policies Plan is adopted.
12. **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 the 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).
13. **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.
14. The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP (2004 and 2014), and unzoned land within all. The site is located within Belfast City Centre and is identified as being within Shaftesbury Square Character Area CC013 within dBMAP.

Relevant Planning Policies

Plan Strategy

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

SP1A – managing growth and supporting infrastructure delivery
SP2 – sustainable development
SP3 – improving health and wellbeing
SP5 – positive placemaking
SP6 – environmental resilience
SP7 – connectivity
SD2 – Settlement Areas

HOU1 – Accommodating new homes
HOU4 – Density of residential development
HOU5 – Affordable Housing
HOU6 – Housing Mix
HOU7 – Adaptable and accessible accommodation
DES1 – Principles of urban design
DES2 – Masterplanning approach for major development
RD1 – New residential developments
HC1 – Promoting healthy communities
ENV1 – Environmental quality
ENV2 – Mitigating environmental change
ENV3 – Adapting to environmental change
ENV4 – Flood risk
ENV5 – Sustainable drainage systems (SuDS)
TRAN1 – Active travel – walking and cycling
TRAN 2 – Creating an accessible environment
TRAN4 – Travel plan
TRAN6 – Access to public roads
TRAN8 – Car parking and servicing arrangements
OS3 – Ancillary open space
NH1 – Protection of natural heritage resources
TRE1 – Trees

Supplementary Planning Guidance

Placemaking and Urban Design
Masterplanning Approach for Major Development
Transportation
Planning and Flood Risk

Updated Assessment

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

Consultation responses

17. Whilst consultees may have 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, for example PPS6 and PPS15.

Key issues

18. 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
- Climate change
- Open space
- Access and transport
- Health impacts

- Environmental protection
- Flood risk and drainage
- Waste-water infrastructure
- Natural heritage
- Built heritage
- Pre-application Community Consultation

Representations

19. Following re advertisement in the local press as well as neighbour notification, an additional 10 letters of objection were received, and 1 letter of support. The issues were raised are the same as previously, with the exception of one letter noting that amendments being submitted around Christmas were misleading as you don't have enough time to reply. Written representations are considered throughout the assessment until Determination.

Principle of housing in this location

20. The site is within the development limits in BUAP, Draft BMAP and the unlawfully adopted version of BMAP and is not subject to any zonings. The area is characterised by a mix of uses. The proposed development is residential and considered acceptable in principle at this location and in keeping with the mix of existing uses in the locality, subject to the consideration and resolution of other planning and environmental matters. Concerns regarding PED7 of PPS4 previously are now not applicable. Whilst the Plan Strategy does not refer to unzoned land to be protected. Para 6.89 of the SPPS states that *“while the same principle should also apply generally to unzoned land in settlements in current economic development use (or land last used for these purposes); councils may wish to retain flexibility to consider alternative proposals that offer community, environmental or other benefits, that are considered to outweigh the loss of land for economic development use.”* It is considered that the site is a suitable location in principle for housing and that the proposal is compliant with HOU1 which sets out the requirements for new residential accommodation in Belfast City.

Housing Density

21. Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations. The site is located within the city centre where the average density should be dwellings per 150-350 hectare (ha). The site area is 0.17 ha and so the proposal equates to a density of 323 dwellings per ha, demonstrating that it would make effective use of land.

Affordable Housing

22. 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. NIHE are supportive of 20% units for social housing (12no units) in this development as per their comments dated 1st November 2023. They emphasised that 2 bed/2 person is not an approved form of social housing however. The Agent has stated they can confirm the type of units required can be provided in line with the agreed S76 to ensure the feedback from NIHE is compiled with. The remaining units are a mix of 1 bed/2 person and 2 bed/3 person.

Housing Mix

23. Policy HOU6 applies, however the requirement for a mix of house types will not apply to single apartment developments, and instead the housing mix will be considered acceptable through greater variety in the size of units. The proposal consists of one and two bedroom apartments, ranging from 41sqm to 66sqm, and is therefore acceptable.

Adaptable and accessible accommodation

24. 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.
25. 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 and meet the standards set out in Appendix C of the Plan Strategy, as set out in the submitted Adaptable and Accessible Accommodation Statement.

Design and Placemaking

26. 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.
27. The proposal was subject to a lengthy and detailed PAD process, much of which focused on the design and layout of the proposed building. The proposal is of a modern design. The building can be viewed as 3 sections, a five storey element with a part setback sixth floor at the corner of Donegall Road/Blondin Street, a central five storey element and a three storey plus setback floor at the corner of Donegall Road/Oban Street. Whilst this is an increase in height from what is existing on the site there are a number of taller buildings, Whitehall Square immediately adjacent (6 storeys to Donegall Road and 5 elsewhere) and Ulidia House (4 storeys with 1 storey set back on the top), located in the immediate area. The Urban Design Criteria (UDC) for this location in dBMAP 2015 for this character area states that 'new development shall respect the established building line and that building heights shall be a minimum of 2 storeys and a maximum of 3 storeys'. Previous approvals on the site itself must be acknowledged however as well as existing buildings in the area, and the proposed height is considered acceptable, especially in the context of existing developments in the immediate area which exhibits a variety in terms of building heights and designs.
28. The taller element of the building will be situated to the east of the site, and therefore adjacent to Whitehall Square. The opposite side of the building adjacent to Oban Street displays a 3 storey element with 1 storey set back, which is considered to respect the residential scale of the dwellings adjacent on the Donegall Road.
29. In regards to impact on residential amenity, criterion (b) of Policy RD1 requires there to be no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance and the orientation of the development in relation to the existing dwellings. With regards to the potential loss of light to the existing

residential properties a detailed Daylight and Sunlight Assessment was submitted, which includes a consideration of the impact on neighbouring properties. The report demonstrates that the development meets BRE guidelines and on balance is considered acceptable from a daylight and sunlight perspective.

30. With consideration to the orientation of the development as well as the layout of the apartments there will not be an unacceptable degree of overlooking to residential amenity, particularly at Nos 70-80 Donegall Road and Whitehall Square as raised as a concern within some representations received. This can be said for overshadowing also, especially considering the set backs for proposed terraces.
31. The development is accessed via Gaffikin Street and Donegall Road both for pedestrians, and Gaffikin St for the car park. Defensible space is provided to the front of the ground floor apartments in the form of a 1.1m metal railing with a hedge. This should alleviate any safety concerns.
32. Of the 55 apartments, there are eleven 1 bed apartments, with the remainder are 2 bed apartments. A large roof top terrace is proposed, as well as a much smaller terrace on the fourth floor. 45 of the apartments also display recessed balconies. The apartments range in size from 41-56sqm for a 1 bed apartment, and from 60-66sqm for a 2 bed apartment. The proposed apartments meet the recommended space standards as set out in the Appendix C of the Pan Strategy.
33. The proposed materials are predominantly brick alongside PPC aluminium windows/doors, zinc cladding at the fifth floor, frameless glass balustrades around both terraces, precast concrete lintel window headers and at ground floor hedge railings, render and metal louvres. The proposed materials are considered acceptable for the area which is characterised by a variety of building types and elevation treatment, however as suggested by BCC Urban Design Officer samples of these should be submitted and agreed in writing with the Council prior to work commencement.
34. A Masterplanning statement setting out the applicant's justification as to how the proposal accords with the masterplanning principles as set out in Policy DES2 was submitted. BCC Urban Design Officer commented that previous advice provided on 07 June 2021 would concur with the statements made on pgs. 2 and 3 which address each criterion of the policy in turn. No concerns are therefore raised in relation to the information contained within this statement and that all relevant criteria have been met. The proposal is acceptable when assessed against policies SP5, DES1, DES2 and RD1.

Climate change

35. 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.
36. The proposal includes various sustainable design features which seek to mitigate environmental change. These measures include LED light fittings, and high-performance glazing and insulation to improve the performance of the building. 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 existing building, which is a building unsuitable for conversion for residential purposes and its demolition is considered acceptable. Excavated materials from the site will be reused if deemed suitable. Other waste will be disposed of according to waste disposal regulations and the submitted 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. The proposal is considered compliant with Policy ENV2.

37. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. The applicant has demonstrated in their Climate Change Statement that the proposal is compliant with criteria a to i. The introduction of natural SuDs is welcomed through rooftop terrace / green roof with box planting. Furthermore, box hedging is proposed along the boundaries of ground floor apartments. The proposal is considered compliant with Policy ENV3.
38. 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:
- rooftop terrace / green roof with box planting and box hedging is proposed along the boundaries of ground floor apartments.
 - Oversized pipework
- The proposal is considered compliant with Policy ENV5.

Open Space

39. 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.
40. Recessed balconies are provided for 45 of the proposed apartments. Private communal external terraces are provided on the fourth and fifth floors. Overall an average of approximately 10sqm of amenity provision per unit has been proposed. The Plan Strategy Statement confirms within the site area of 0.17ha the open space of 455sqm approx equates to 27% of the site area.
41. 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. Whilst 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 Lower Crescent and to Botanic Gardens a high-quality area of open space. Having regard to these considerations, the approach to open space is considered acceptable.

Access and Transport

42. The proposed development includes car parking provision of 22 spaces (0.4 spaces per apartment). The site is located on an arterial route and is well served by public transport with good access to the bus and railway stations/stops. Cycle parking spaces (32no) are also provided within the car park.

43. A number of versions of Transport Assessment Form, Parking Statement, and Travel Plan were submitted. The most recent Travel Plan submitted November 2021 proposes : -
- Funding for travel passes for three years to help establish sustainable travel and cycle hire membership.
 - Funding for cycle hire membership for three years
 - Commitment given by applicant the plan will be promoted by a Travel Coordinator. This will reduce dependence on the car and therefore contribute to reduced growth in car journeys in the future.
44. Whilst objectors raised concerns regarding the lack of parking and traffic increase, the scale of development and transport implications of the proposal were assessed by DFI Roads Service, the authoritative body on road safety and parking. Having considered the supporting information submitted as well as the plans, they have no objections to the development proposal on road safety and traffic progression grounds subject to conditions and securing the proposed green travel measures. They also did not raise any concern regarding the accuracy of the Travel Plan submitted.
45. The proposal is considered acceptable having regard to Policies TRAN1, TRAN2, TRAN4, TRAN 6 and TRAN8.

Health Impacts

46. 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.
47. 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 Botanic Gardens, an 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 space. The proposal is considered to satisfy the requirements of Policy HC1.

Environmental protection

48. 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. BCC Environmental Health reviewed a number of documents submitted relating to noise, and contaminated land.
49. The issue of noise was raised in the representations, as a result of demolition/construction work. All construction work should be undertaken in line with best practice guidelines, however a condition was recommended by BCC EHO requiring that detailed Construction Environmental Management Plan (CEMP) be submitted and agreed with the Council, prior to demolition and then again prior to construction commencing (as often different contractors may be involved). The CEMP should demonstrate best practicable means will be employed in controlling adverse impacts associated with dust, noise and vibration and

shall include arrangements and evidence of neighbour liaison/communication in advance of works commencing.

50. With regards to potential noise impact from the use of communal amenity areas which in noise terms do not benefit from being enclosed within a courtyard a condition has been recommended regarding access to the communal areas being restricted between certain hours to reduce the potential for noise in these areas affecting nearby off site sensitive residents.
51. While reduction by screening and distance from the road has been predicted in noise report submitted to achieve levels of noise just below the upper limits recommended in relevant guidance for the communal external amenity areas at fourth and fifth floor levels, a number of private balconies are likely to experience external noise levels significantly in excess of the recommended upper limit of 55dBLAeq,16hr outlined in the WHO guidelines. On balance given its urban location this is acceptable. BCC EHO suggested a number of very detailed conditions to be attached should approval be granted relating to all noise mitigation measures.
52. A Generic Quantitative Risk Assessment was submitted relating to the risk of contaminated land on the site. Comments were invited from both BCC EHO and DEARA's Regulation Unit, who both responded with no objections, suggesting conditions to be included should approval be granted.
53. BCC EPU has no objection to the proposal from an air quality perspective subject to the request for technical information to be submitted and agreed should any centralised combustion plants (boilers/CHP, biomass) be proposed. Based on this, an Air Quality Impact Assessment may be required for relevant human health receptors.

Flood risk and drainage

54. 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.
55. DfI Rivers had 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

56. Policy SP1a requires that necessary infrastructure is in place to support new development. DAERA Waste Management Unit has expressed concern that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW) and recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to

be upgraded. NI Water Limited confirmed that waste water treatment capacity is not available at present for the proposed development.

57. NI Water confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. These works are estimated to be completed within the five-year lifespan of planning permission were it to be granted. Moreover, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development will not all come forward at once which means in practical terms it would be unreasonable to withhold planning permission in relation to these issues.
58. 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. 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.
59. In light of the NI Water response dated 25/04/22 a negative planning condition shall be included in any approval to require full details of the how foul/waste water is to be disposed of prior to commencement of the development. As this matter can be addressed by a suitably worded planning condition this issue is not considered to be a refusal reason.
60. Shared Environmental Service (SES) 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 a condition. Consent is required for the method of sewage disposal, agreed in writing with Northern Ireland Water (NIW) or Consent to discharge has been granted under the terms of the Water (NI) Order 1999, prior to the commencement of development. DAERA WMU whilst expressing concern also suggested this condition to be attached, but noted that Consent is not guaranteed. The proposal is acceptable having regard to Policy SP1A of the Plan Strategy.

Natural heritage

61. With respect to the natural heritage on the site a Biodiversity Checklist including bat roosting and bird nesting potential assessment were considered by Natural Environment Division (NED). They responded with no objections to the proposal. The existing structure was assessed as having negligible bat roosting potential given a complete lack of potential roost features (PRFs). No evidence of nesting or roosting birds were identified inside the building by the ecologist, and NED are content that the demolition of the existing built structure will have no significant impacts on protected/priority species, including bats and breeding/nesting birds. Therefore, the proposal complies with the requirements of Policy NH1.

Built Heritage

62. The proposed site is in close proximity to No.1-29 Malone Place (Grade B2x8 & B1x1) which is a terrace of nine listed buildings. HED Historic Buildings was consulted and has no objections and the proposal complies with paragraph 6.12 of the SPPS and policy requirements relating to listed buildings. HED (Historic Monuments) also noted they were content that the proposal is satisfactory to SPPS and archaeological policy requirements.

Pre-application Community Consultation

63. The proposal falls under the category of Major Development, and therefore Pre-Application Community Consultation was carried out under the planning reference LA04/2020/0872/PAN. Feedback given was both supportive and unsupportive of the proposal.
64. Whilst some representations raised the issue that the developer was reluctant to meet with locals Community Consultation was carried out through the PAN process, and complied with The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020, which applied to this application.

Recommendation

65. 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, and deal with any other matters that arise, provided that they are not substantive.

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. Prior to the commencement of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161 of The Water and Sewerage Services (NI) Order 2006, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. Details of which shall be submitted and agreed in writing with the Council.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

3. 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.

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

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

5. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades of the hereby permitted development. The window specification for habitable rooms shall be in line with recommendations of section 5 of the Irwin Carr Consulting Noise Impact Assessment (dated 28th May 2021, referenced Rp003N2020187).

Reason: In the interests of residential amenity

6. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of alternative means of ventilation. Windows shall be capable of a sound reduction of 40dB(Rw+Ctr) to the Donegall Rd northern façade, 36 dB(Rw+Ctr) to the Eastern (Blondin Street) and Western façade and 33dB(Rw+Ctr) to the rear southern façade along Gaffikin Street as recommended in section 5.4 of the Irwin Carr Consulting NIA dated 28th May 2021 Rp003N2020187. The sound reduction specification (dBD,n,e +Ctr) for the alternative means of ventilation shall be the same as or greater than the sound reduction specification for the windows of each façade to ensure suitable internal noise levels of habitable rooms outlined in British Standard BS8233:2014 are achieved with the windows shut and the alternative means of ventilation operating or in the open position.

Reason: In the interests of residential amenity

7. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided

Reason: In the interests of residential amenity

8. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed.

Reason: In the interests of residential amenity

9. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: In the interests of residential amenity

10. The separating floor between the ground floor plant room and any habitable rooms directly above shall be constructed to ensure a sound reduction performance as per the recommendation in section 6 of the Irwin Carr Consulting NIA dated 28th May 2021, reference: Rp003N2020187.

Reason: In the interests of the residential amenity

11. The roof construction to the hereby permitted development shall incorporate an additional layer of 12.5mm plasterboard with staggered joints to ensure an overall sound reduction of 49dBRw is achieved by the roof.

Reason: In the interests of residential amenity

12. Access to and use of any communal external amenity area shall not be permitted between the hours of 22:30-08:00hrs

Reason: In the interests of residential amenity

13. The external communal amenity areas shall incorporate a 1.2m high glazed barrier to a minimum thickness of 10mm with no gaps below the glass or between sections of barrier.

Reason: In the interests of residential amenity

14. Prior to installation of any plant and equipment associated with the proposed development, details shall be provided to the planning authority for review and approval in writing. The details submitted shall be accompanied by comment by an acoustic consultant demonstrating that the rating level (dBLAr,T) of the plant/ equipment when in operation will not exceed the representative background sound level (dBLA90,T) at night when measured and/or determined in accordance with BS4142:2014. The details will be required to be supported with representative background noise levels taken at night in the location where the plant is proposed.

Reason: In the interests of residential amenity

15. The plant and equipment at the development shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity

16. Prior to demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be submitted to the Council for review and approval in writing. The CEMP shall include site specific measures to be employed by the appointed

contractor to control noise, dust and vibration during the demolition demonstrating the use of 'best practicable means'. The CEMP shall have due regard to Parts 1 and 2 of BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: In the interests of residential amenity

17. Prior to commencement of construction on site, a Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority for review and approval in writing. The CEMP shall include site specific measures to control noise, dust and vibration during the construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of any chosen piling method and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. The CEMP shall have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: Protection of residential amenity

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

Reason: Protection of human health.

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

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

20. After completing any remediation works required under Condition 19, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contaminationhow-to-manage-the-risks>. The verification

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

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

21. In the event that a combustion plant is proposed at a subsequent design stage of the development, which has a single or combined NO_x emission rate greater than 5mgs-1, the applicant must submit an air quality impact assessment for the development. The assessment shall include a specification for the combustion plant to be installed, to include emission rates and flue termination heights, of the proposed combustion systems for heating and hot water. The assessment must demonstrate that occupants of the proposed development will not be exposed to concentrations of air pollution in excess of air strategy objectives.

Reason: protection against adverse health effects.

22. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with drawing No.P306/R01 Rev.E uploaded to the Planning Portal 21st December 2023, prior to the occupation of any other works or other development hereby permitted.

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

23. 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 Department for Infrastructure.

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

24. The development hereby permitted shall not be occupied until the redundant lowered kerbing to the southern frontage of the development at Gaffikin Street is removed and the footway reinstated to the satisfaction of the Department for Infrastructure.

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

25. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with drawing No.P306/R01 Rev.E uploaded to the Planning Portal 21st December 2023, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.

Reason: To ensure adequate provision has been made for parking within the site.

26. The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with drawing No.P306/R01 Rev.E uploaded to the Planning Portal 21st December 2023.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles

27. The development hereby permitted shall operate in accordance with the Residential Travel Plan Rev.2 dated November 2021.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

28. The development hereby permitted shall not commence until details and samples and a written specification of the materials to be used in the external elevations, have been submitted to and have been approved in writing by the Council. These include brick, PPC aluminium windows/doors and precast concrete lintel window headers as well as GF hedge railings, render, metal louvres and vehicle entrance details. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of visual amenity.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 14 th February 2023	
Application ID: LA04/2020/2105/F	
Proposal: Residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.	Location: 1-5 Gaffikin Street Belfast
Referral Route: Major development	
Recommendation:	Approval
Applicant Name and Address: Benmara Property Ltd 181 Templepatrick Road Ballyclare	Agent Name and Address: Footprint Architectural Design 181 Templepatrick Road Ballyclare
<p>Executive Summary: This application seeks full permission for a residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.</p> <p>The key issues in the assessment of the proposal are as follows:</p> <ul style="list-style-type: none"> - Principle of use on the site - Demolition - Access, movement and parking - Impact on natural heritage - Impact on built heritage - Design and layout - Open space and landscaping - Flood risk - Waste water treatment - Other environmental matters <p>The application site measures approximately 0.17ha and is located at lands bounded by Gaffikin St, Donegall Road, Blondin St and Oban St, Belfast. There is an existing car accessory shop, tyre centre and boxing club all within one large building on site at present. It displays a pitched roof and predominantly red bricked finish.</p> <p>The site is within the development limits of Belfast in BUAP, and both versions of Draft BMAP (2004 and 2014), and unzoned land within all. The site is located within Belfast City Centre and is identified as being within Shaftesbury Square Character Area CC013 within dBMAP. The immediate area is mostly residential with a mix of single and two storey terraced dwellings and a six storey apartment development directly adjacent (Whitehall Square).</p> <p>Following advertisement in the local press as well as neighbour notification, 118 letters of objection are recorded as being received from local residents, as well as 1 petition raising the following issues (summarised):</p> <ul style="list-style-type: none"> - Overlooking, overshadowing and loss of private amenity - Traffic and insufficient parking - Social (and affordable) housing needed and not private - Out of keeping with the existing built environment - Inappropriate scale - Negative visual impact - Existing resentment towards existing apartments in the area will worsen 	

- Dominance
- Overburdening the existing sewerage system
- Construction work and noise will impact on residential amenity
- Too many apartments are in the area already
- Community will not benefit from private rentals
- Developer was reluctant to meet with local residents
- Large number of dwellings in Gaffikin St are blocked up
- Travel Plan submitted is inaccurate
- Safety concerns
- Loss of existing boxing club
- Safe access required for ambulances and care workers
- PAN shows the development is not wanted in the area

In addition, a number of letters state their objection to the proposal but do not expand on the reasons why. Within a letter of objection from Blackstaff Residents Association, a request for a time extension was made for the submission of objection letters during Covid restrictions, and this was granted. Details were also included regarding a proposed "Traditional Family Residential Protection Areas" to be presented to DfC.

The proposal was amended from that initially submitted during the assessment of the application. The original submission was for a residential development of 55 apartments with no social or intermediate dwellings included.

The proposal has been assessed against and is considered to comply with the Strategic Planning Policy Statement for Northern Ireland (SPPS), Belfast Urban Area Plan 2001 (BUAP), Draft Belfast Metropolitan Area Plan 2015 (BMAP), PPS2, PPS3, PPS6, PPS7, PPS8, PPS12, PPS13, PPS15, Parking Standards, and Creating Places.

No objections were raised by Consultees, subject to Conditions should approval be granted, with the exception of NI Water who requested an up to date Waste Water Impact Assessment. This is addressed in the main report.

Having regard to the development plan, relevant policy context and other material considerations, the proposed development is considered acceptable and it is recommended that full 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 any other issues which might arise.

Case Officer Report

Site Location Plan



Representations:

Letters of Support	None received
Letters of Objection	118
Number of Support Petitions and signatures	None received
Number of Petitions of Objection and signatures	1 received containing 28 signatures

Characteristics of the Site and Area

1.0 Description of Proposed Development

The application seeks full planning permission for a residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.

1.1 The application follows a lengthy Pre-Application Discussion (PAD) process with officers.

2.0 Description of Site

The site measures 0.17 hectares approximately, located at lands bounded by Gaffikin St, Donegall Road, Blondin St and Oban St, Belfast. There is an existing car accessory shop, tyre centre and boxing club all within one single storey large building on site at present. It displays a pitched roof and predominantly red bricked finish. There are commercial/warehouse type buildings to the rear of the site, and residential dwellings in the rest of the immediate area. They take the form of apartments and terraced dwellings.

Planning Assessment of Policy and Other Material Considerations

3.0 Site history

3.1 There are a number of Planning Approvals on the site itself which are relevant, as detailed below:

Z/2007/1490/O - Site for residential development comprising 48 apartments – Approved 05/12/07

Z/2010/0777/F - Residential development comprising 51no. apartments – Approved 05/08/11

LA04/2015/0617/O – Residential development comprising 42 no. apartments – Approved 17/08/16
LA04/2018/0021/RM - Residential development comprising 42 apartments – Approved 13/11/18

3.2 The proposal falls under the category of Major Development, and therefore Pre-Application Community Consultation was carried out under the planning reference LA04/2020/0872/PAN. Feedback given was both supportive and unsupportive of the proposal.

3.3 Whilst some representations raised the issue that the developer was reluctant to meet with locals Community Consultation was carried out through the PAN process, and complied with The Planning (Development Management) (Temporary Modifications) (Coronavirus) Regulations (Northern Ireland) 2020, which applied to this application.

4.0 Policy Framework

- 4.1 Belfast Urban Area Plan 2001 (BUAP)
- 4.2 (Draft) Belfast Metropolitan Area Plan (BMAP) v2004
- 4.3 (Draft) Belfast Metropolitan Area Plan (BMAP) v2014
- 4.4 Belfast Local Development Plan Draft Plan Strategy 2035
- 4.5 Strategic Planning Policy Statement (SPPS)
- 4.6 Planning Policy Statement (PPS) 2: Natural Heritage
- 4.7 Planning Policy Statement (PPS) 3: Access, Movement and Parking
- 4.8 Planning Policy Statement (PPS) 6: Planning Archaeology and the Built Environment
- 4.9 Planning Policy Statement (PPS) 7: Quality Residential Environments
- 4.10 Planning Policy Statement (PPS) 8: Open Space, Sport and Outdoor Recreation
- 4.11 Planning Policy Statement (PPS) 12: Housing in Settlements
- 4.12 Planning Policy Statement (PPS) 13: Transportation and Land Use
- 4.13 Planning Policy Statement (PPS) 15: Planning and Flood Risk

5.0 Statutory Consultees

- 5.1 DfI Roads – No objection subject to conditions
- 5.2 Northern Ireland Water – Issues raised
- 5.3 DfI Rivers Agency – No objection subject to conditions
- 5.4 DAERA Natural Environment Division – No objection
- 5.5 DAERA Regulation Unit – No objection subject to conditions
- 5.6 DAERA Water Management Unit – No objection
- 5.7 DfC Historic Environment Division (HED) Historic Buildings – No objection
- 5.8 DfC Historic Environment Division (HED) Historic Monuments – No objection

6.0 Non-Statutory Consultees

- 6.1 Belfast City Council (BCC) Environmental Health – No objection subject to conditions
- 6.2 BCC Urban Design Officer – No objection subject to conditions
- 6.3 Northern Ireland Housing Executive (NIHE) - No objection
- 6.4 BCC Landscape, Planning and Development – No objection
- 6.5 Shared Environmental Services – No objection subject to conditions

7.0 Representations

7.1 The application has been neighbour notified and advertised in the local press. Additional information/amendments have been received during the processing of the application in response to requests for clarification from consultees, as well as the Applicant's wishes. Re-notification of objectors and neighbours was undertaken in accordance with standard procedures following receipt.

7.2 118 letters of objection were recorded as being received from local residents, as well as 1 petition raising the following issues

(summarised):

- Overlooking, overshadowing and loss of private amenity
- Traffic and insufficient parking
- Social (and affordable) housing needed and not private

- Out of keeping with the existing built environment
- Inappropriate scale
- Negative visual impact
- Existing resentment towards existing apartments in the area will worsen
- Dominance
- Overburdening the existing sewerage system
- Construction work and noise will impact on residential amenity
- Too many apartments are in the area already
- Community will not benefit from private rentals
- Developer was reluctant to meet with local residents
- Large number of dwellings in Gaffikin St are blocked up
- Travel Plan submitted is inaccurate
- Safety concerns
- Loss of existing boxing club
- Safe access required for ambulances and care workers
- PAN shows the development is not wanted in the area

7.3 These issues will be considered within the written assessment however a number of these issues are not planning considerations and outside the remit of planning legislation and guidance. Namely parking obstructions during construction as well as access; loss of the existing boxing club; resentment within the community towards existing apartments; number of existing apartments; proposed ideas for a “Traditional Family Residential Protection Areas” to be presented to DfC; incomes from private rentals; and quantum of existing dwellings which are in disrepair.

8.0 Other Material Considerations

8.1 Parking Standards

8.2 The Belfast Agenda (Community Plan)

8.3 Creating Places

9.0 Assessment

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

9.2 Following the Court of Appeal decision relating to BMAP, the extant development plan is now the Belfast Urban Area Plan 2001. However, given the stage at which the Draft BMAP had reached pre-adoption through a period of independent examination, the policies within the Draft BMAP still carry weight and are a material consideration in the determination of planning applications. The weight to be afforded is a matter of judgement for the decision maker. Given the advanced stage at which Draft BMAP had reached it is considered to hold significant weight (save for policies around Sprucefield which remain contentious). The site is within the development limits of Belfast within (Draft) Belfast Metropolitan Area Plan (BMAP) 2004; BMAP 2015 and, the Belfast Urban Area Plan 2001 (BUAP). It is also located adjacent to an Arterial Route (Donegall Road).

9.3 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.

9.4 The proposed development is for a residential development comprising 55no. apartments comprising 6 no social, 6 no intermediate, and 43 no private apartments and associated site works.

9.5 The key issues are:

- Principle of use
- Demolition
- Access, movement and parking
- Impact on natural heritage
- Impact on built heritage
- Design and layout
- Open space and landscaping
- Flood risk
- Waste water treatment
- Other environmental matters

9.6 Principle of use

The site is within the development limits in BUAP, Draft BMAP and the unlawfully adopted version of BMAP and is not subject to any zonings. The area is characterised by a mix of uses as stated previously. The proposed development is residential and considered acceptable in principle at this location and in keeping with the mix of existing uses in the locality, subject to the consideration and resolution of other planning and environmental matters. The initial submission was for 55 private apartments, however the applicant amended this proposal to 55 apartments, 6 of which are social and 6 are intermediate. The request for social housing had been raised repeatedly within submitted representations. NIHE welcomed the inclusion of social and intermediate dwellings within the proposal also within their response dated 15/02/22.

9.7 Demolition

The development proposes the demolition of an existing single storey building. The building is considered to be of no architectural or historic interest, is not listed or located in an Area of Townscape Character or Conservation Area. The proposed demolition is considered by officers as acceptable in principle.

9.8 Access, movement and parking

The proposed development includes car parking provision of 23 spaces (0.4 spaces per apartment). The site is located on an arterial route and is well served by public transport with good access to the bus and railway stations/stops. Cycle parking spaces (32no) are also provided within the car park.

9.9 A number of versions of Transport Assessment Form, Parking Statement, and Travel Plan were submitted. The most recent Travel Plan submitted November 2021 proposes : -

- Funding for travel passes for three years to help establish sustainable travel and cycle hire membership.
- Funding for cycle hire membership for three years
- Commitment given by applicant the plan will be promoted by a Travel Coordinator. This will reduce dependence on the car and therefore contribute to reduced growth in car journeys in the future.

9.10 Whilst objectors raised concerns regarding the lack of parking and traffic increase, the scale of development and transport implications of the proposal were assessed by DFI Roads Service, the authoritative body on road safety and parking. Having considered the supporting information submitted as well as the plans, they have no objections to the development proposal on road safety and traffic progression grounds subject to conditions and securing the proposed green travel measures. They also did not raise any concern regarding the accuracy of the Travel Plan submitted.

9.11 Impact on natural heritage

With respect to the natural heritage on the site a Biodiversity Checklist including bat roosting and bird nesting potential assessment were considered by Natural Environment Division (NED). They responded with no objections to the proposal. The existing structure was assessed as having negligible bat roosting potential given a complete lack of potential roost features (PRFs). No evidence of nesting or roosting birds were identified inside the building by the ecologist, and NED are content that the demolition of the existing built structure will have no significant impacts on protected/priority species, including bats and breeding/nesting birds. Therefore, the proposal complies with the requirements of Policy NH2 of PPS2.

9.12 Impact on built heritage

The proposed site is in close proximity to No.1-29 Malone Place (Grade B2x8 & B1x1) which is a terrace of nine listed buildings. HED Historic Buildings was consulted and has no objections and the proposal complies with paragraph 6.12 of the SPPS and Policy BH11 of PPS6. HED (Historic Monuments) also noted they were content that the proposal is satisfactory to SPPS and PPS 6 archaeological policy requirements.

9.13 Design and layout

The proposal was subject to a lengthy and detailed PAD process, much of which focused on the design and layout of the proposed building. The proposal is of a modern design. The building can be viewed as 3 sections, a five storey element with a part setback sixth floor at the corner of Donegall Road/Blondin Street, a central five storey element and a three storey plus setback floor at the corner of Donegall Road/Oban Street. Whilst this is an increase in height from what is existing on the site there are a number of taller buildings, Whitehall Square immediately adjacent (6 storeys to Donegall Road and 5 elsewhere) and Ulidia House (4 storeys with 1 storey set back on the top), located in the immediate area. The Urban Design Criteria (UDC) for this location in dBMAP 2015 for this character area states that 'new development shall respect the established building line and that building heights shall be a minimum of 2 storeys and a maximum of 3 storeys'. Previous approvals on the site itself must be acknowledged however as well as existing buildings in the area, and the proposed height is considered acceptable, especially in the context of existing developments in the immediate area which exhibits a variety in terms of building heights and designs.

9.14 The taller element of the building will be situated to the east of the site, and therefore adjacent to Whitehall Square. The opposite side of the building adjacent to Oban Street displays a 3 storey element with 1 storey set back, which is considered to respect the residential scale of the dwellings adjacent on the Donegall Road.

9.15 In regards to impact on residential amenity, criterion (h) of QD 1 of PPS 7 requires there to be no unacceptable adverse effect on existing properties in terms of overlooking, loss of light, overshadowing, noise or other disturbance and the orientation of the development in relation to the existing dwellings. With regards to the potential loss of light to the existing residential properties a detailed Daylight and Sunlight Assessment was submitted, which includes a consideration of the impact on neighbouring properties. The report demonstrates that the development meets BRE guidelines and on balance is considered acceptable from a daylight and sunlight perspective.

9.16 With consideration to the orientation of the development as well as the layout of the apartments there will not be an unacceptable degree of overlooking to residential amenity, particularly at Nos 70-80 Donegall Road and Whitehall Square as raised as a concern within some representations received. This can be said for overshadowing also, especially considering the set backs for proposed terraces.

9.17 The development is accessed via Gaffikin Street and Donegall Road both for pedestrians, and Gaffikin St for the car park. Defensible space is provided to the front of the ground floor apartments in the form of a 1.1m metal railing with a hedge. This should alleviate any safety concerns.

9.18 Of the 55 apartments, there are eleven 1 bed apartments, with the remainder are 2 bed apartments. A large roof top terrace is proposed, as well as a much smaller terrace on the fourth floor. 45 of the apartments also display recessed balconies. The apartments range in size from 41-56sqm for a 1 bed apartment, and from 60-66sqm for a 2 bed apartment. The proposed apartments meet the recommended space standards as set out in the Addendum to PPS7, Safeguarding the Character of Established Residential Areas.

9.19 The proposed materials are predominantly brick alongside PPC aluminium windows/doors, zinc cladding at the fifth floor, frameless glass balustrades around both terraces, precast concrete lintel window headers and at ground floor hedge railings, render and metal louvres. The proposed materials are considered acceptable for the area which is characterised by a variety of building types and elevation treatment, however as suggested by BCC Urban Design Officer samples of these should be submitted and agreed in writing with the Council prior to work commencement.

9.20 Open Space and landscaping

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. Recessed balconies are provided for 45 of the proposed apartments. Private communal external terraces are provided on the fourth and fifth floors. Overall an average of approximately 10sqm of amenity provision per unit has been proposed which is in line with Creating Places.

9.21 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. An exception to this requirement is in the case of apartment developments where a reasonable level of private communal open space is provided. The level of private open space is comparable with other developments in the area. The site is also in close proximity to existing areas of open space including Botanic Gardens. Taking account of the level of private amenity space proposed and accessibility to a number of existing areas of open space within reasonable walking distance the proposal is on balance considered acceptable.

9.22 Flood Risk

Since the proposal is for development of more than 10 units FLD 3 of PPS 15 applies. A Drainage Assessment was submitted and forwarded to DfI Rivers Agency for comment. They responded on 09/12/20 stating the Drainage Assessment "lacks a current letter from NIW for consent to discharge storm water to their system". They requested that should Approval be granted a Condition is included stating a final Drainage Assessment must be submitted to and agreed in writing with the Council prior to work commencing.

9.23 Following receipt of their response the Applicant submitted a copy of a Conditional Response dated 30/08/18 to an Article 154 application they had made, showing NI Water's consent to connect storm (attenuated) to the combined sewer. This was forwarded to DfI Rivers Agency for comment. They responded on 19/07/22 acknowledging the Drainage Assessment demonstrated the design and construction of a suitable drainage network is feasible. It indicates that the 1 in 100 year event will be contained within the network, when discharging at existing greenfield runoff rate, and therefore there will be no exceedance flows during this event. Further assessment of the drainage network will be made by NIW prior to adoption, however, in order ensure compliance with PPS 15, they suggested the potential flood risk from exceedance of the network, in the 1 in 100 year event, is managed by way of a condition, which shall be included should approval be granted.

9.24 Waste Water Treatment

DAERA Waste Management Unit has expressed concern that the sewage loading associated with the proposal has the potential to cause an environmental impact if transferred to Belfast Waste Water Treatment Works (WWTW) and recommended that the Case Officer consult with Northern Ireland Water Limited (NIW) to determine if the WWTW will be able to cope with the additional load or whether the existing WWTW would need to be upgraded. NI Water Limited confirmed that waste water treatment capacity is not available at present for the proposed development.

9.25 NI Water confirmed that they have a programme for WWTW improvements which will increase capacity over the coming years. These works are estimated to be completed within the five-year lifespan of planning permission were it to be granted. Moreover, NI Water makes allowance for existing significant committed development across the city including extant planning permissions. Such development will not all come forward at once which means in practical terms it would be unreasonable to withhold planning permission in relation to these issues.

9.26 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 unimplemented development across the city. 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.

9.27 In light of the NI Water response dated 25/04/22 a negative planning condition shall be included in any approval to require full details of the how foul/waste water is to be disposed of prior to commencement of the development. As this matter can be addressed by a suitably worded planning condition this issue is not considered to be a refusal reason.

9.28 Shared Environmental Service (SES) 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 a condition. Consent is required for the method of sewage disposal, agreed in writing with Northern Ireland Water (NIW) or Consent to discharge has been granted under the terms of the Water (NI) Order 1999, prior to the commencement of development. DAERA WMU whilst expressing concern also suggested this condition to be attached, but noted that Consent is not guaranteed.

9.29 Other Environmental Matters

BCC Environmental Health reviewed a number of documents submitted relating to noise, and contaminated land.

9.30 The issue of noise was raised in the representations, as a result of demolition/construction work. All construction work should be undertaken in line with best practice guidelines, however a condition was recommended by BCC EHO requiring that detailed Construction Environmental Management Plan (CEMP) be submitted and agreed with the Council, prior to demolition and then again prior to construction commencing (as often different contractors may be involved). The CEMP should demonstrate best practicable means will be employed in controlling adverse impacts associated with dust, noise and vibration and shall include arrangements and evidence of neighbour liaison/communication in advance of works commencing.

9.31 With regards to potential noise impact from the use of communal amenity areas which in noise terms do not benefit from being enclosed within a courtyard a condition has been recommended regarding access to the communal areas being restricted between certain hours to reduce the potential for noise in these areas affecting nearby off site sensitive residents.

9.32 While reduction by screening and distance from the road has been predicted in noise report submitted to achieve levels of noise just below the upper limits recommended in relevant guidance for the communal external amenity areas at fourth and fifth floor levels, a number of private balconies are likely to experience external noise levels significantly in excess of the recommended upper limit of 55dBLAeq,16hr outlined in the WHO guidelines. On balance given its urban location this is acceptable. BCC EHO suggested a number of very detailed conditions to be attached should be approval granted relating to all noise mitigation measures.

9.33 A Generic Quantitative Risk Assessment was submitted relating to the risk of contaminated land on the site. Comments were invited from both BCC EHO and DEARA's Regulation Unit, who both responded with no objections, suggesting conditions to be included should approval be granted.

9.34 BCC EPU has no objection to the proposal from an air quality perspective subject to the request for technical information to be submitted and agreed should any centralised combustion plants (boilers/CHP, biomass) be proposed. Based on this, an Air Quality Impact Assessment may be required for relevant human health receptors.

9.35 Conclusion

Having regard to the policy context, planning history on the site and other material considerations above, the proposal is considered on balance acceptable and planning permission is recommended for approval subject to conditions. It is recommended that delegated authority is given to the Director of Planning and Building Control to finalise the wording of conditions subject to no new substantive planning issues being raised.

Neighbour Notification Checked: Yes

Summary of Recommendation: Approval subject to Conditions

Conditions

- 29. 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.

30. Prior to the commencement of the approved development, the applicant must demonstrate how any out of sewer flooding, emanating from the surface water drainage network agreed under Article 161 of The Water and Sewerage Services (NI) Order 2006, in a 1 in 100 year event, will be safely managed so as not to create a flood risk to the development or from the development to elsewhere. Details of which shall be submitted and agreed in writing with the Council.

Reason – In order to safeguard against surface water flood risk to the development and manage and mitigate any increase in surface water flood risk from the development to elsewhere.

31. 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.

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

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

33. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, the final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all façades of the hereby permitted development. The window specification for habitable rooms shall be in line with recommendations of section 5 of the Irwin Carr Consulting Noise Impact Assessment (dated 28th May 2021, referenced Rp003N2020187).

Reason: In the interests of residential amenity

34. Prior to installation, the applicant shall submit to the planning authority, for review and approval in writing, confirmation of the specification of alternative means of ventilation. Windows shall be capable of a sound reduction of 40dB(Rw+Ctr) to the Donegall Rd northern façade, 36 dB(Rw+Ctr) to the Eastern (Blondin Street) and Western façade and 33dB(Rw+Ctr) to the rear southern façade along Gaffikin Street as recommended in section 5.4 of the Irwin Carr Consulting NIA dated 28th May 2021 Rp003N2020187. The sound reduction specification (dB(D,n,e +Ctr) for the alternative means of ventilation shall be the same as or greater than the sound reduction specification for the windows of each façade to ensure suitable internal noise levels of habitable rooms outlined in British Standard BS8233:2014 are achieved with the windows shut and the alternative means of ventilation operating or in the open position.

Reason: In the interests of residential amenity

35. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed so as to achieve suitable internal noise levels in all habitable rooms in accordance with BS8233:2014, with the windows closed and the alternative ventilation provided

Reason: In the interests of residential amenity

36. Prior to occupation of the hereby permitted development, the approved final window schedule and approved alternative means of ventilation shall be installed.

Reason: In the interests of residential amenity

37. Prior to occupation of the hereby permitted development, the developer shall verify that the window schedule and alternative means of ventilation as approved have been installed by way of a written declaration from the supplier and installation contractor confirming such installation.

Reason: In the interests of residential amenity

38. The separating floor between the ground floor plant room and any habitable rooms directly above shall be constructed to ensure a sound reduction performance as per the recommendation in section 6 of the Irwin Carr Consulting NIA dated 28th May 2021, reference: Rp003N2020187.

Reason: In the interests of the residential amenity

39. The roof construction to the hereby permitted development shall incorporate an additional layer of 12.5mm plasterboard with staggered joints to ensure an overall sound reduction of 49dB_{Rw} is achieved by the roof.

Reason: In the interests of residential amenity

40. Access to and use of any communal external amenity area shall not be permitted between the hours of 22:30-08:00hrs

Reason: In the interests of residential amenity

41. The external communal amenity areas shall incorporate a 1.2m high glazed barrier to a minimum thickness of 10mm with no gaps below the glass or between sections of barrier.

Reason: In the interests of residential amenity

42. Prior to installation of any plant and equipment associated with the proposed development, details shall be provided to the planning authority for review and approval in writing. The details submitted shall be accompanied by comment by an acoustic consultant demonstrating that the rating level (dBL_{A,r,T}) of the plant/ equipment when in operation will not exceed the representative background sound level (dBL_{A90,T}) at night when measured and/or determined in accordance with BS4142:2014. The details will be required to be supported with representative background noise levels taken at night in the location where the plant is proposed.

Reason: In the interests of residential amenity

43. The plant and equipment at the development shall be installed in accordance with the approved details.

Reason: In the interests of residential amenity

44. Prior to demolition, site clearance or site preparation, a Construction Environmental Management Plan (CEMP) shall be submitted to the Council for review and approval in writing. The CEMP shall include site specific measures to be employed by the appointed contractor to control noise, dust and vibration during the demolition demonstrating the use of 'best practicable means'. The CEMP shall have due regard to Parts 1 and 2 of BS5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: In the interests of residential amenity

45. Prior to commencement of construction on site, a Construction Environmental Management Plan (CEMP) shall be submitted to the planning authority for review and approval in writing. The CEMP shall include site specific measures to control noise, dust and vibration during the construction phase, demonstrating the use of 'best practicable means'. The CEMP shall include rationale for and details of any chosen piling method and demonstrate that noise and vibration levels will not have an adverse impact on nearby premises. The CEMP

shall have due regard to Parts 1 and 2 of BS 5228:2009+A1:2014 Code of practice for noise and vibration control on construction and open sites, Noise and Vibration and to the IAQM, 'Guidance on the assessment of dust from demolition and construction version 1.1', and dated February 2014. The CEMP and associated records must be made available to the Environmental Protection Unit at any time upon request.

Reason: Protection of residential amenity

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

Reason: Protection of human health.

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

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

48. After completing any remediation works required under Condition 19, and prior to occupation of the development, a verification report needs to be submitted in writing and agreed with the Council. This report should be completed by competent persons in accordance with the Land Contamination: Risk Management (LCRM) guidance available at: <https://www.gov.uk/guidance/land-contaminationhow-to-manage-the-risks>. The verification report should present all the remediation and monitoring works undertaken and demonstrate the effectiveness of the works in managing all the risks and achieving the remedial objectives.

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

49. In the event that a combustion plant is proposed at a subsequent design stage of the development, which has a single or combined NO_x emission rate greater than 5mg/s, the applicant must submit an air quality impact assessment for the development. The assessment shall include a specification for the combustion plant to be installed, to include emission rates and flue termination heights, of the proposed combustion systems for heating and hot water. The assessment must demonstrate that occupants of the proposed development will not be exposed to concentrations of air pollution in excess of air strategy objectives.

Reason: protection against adverse health effects.

50. The vehicular access, including visibility splays and any forward sight distance, shall be provided in accordance with drawing No.P306/R01 Rev.C uploaded to the Planning Portal 20th December 2021, prior to the occupation of any other works or other development hereby permitted.

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

51. 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 Department for Infrastructure.

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

52. The development hereby permitted shall not be occupied until the redundant lowered kerbing to the southern frontage of the development at Gaffikin Street is removed and the footway reinstated to the satisfaction of the Department for Infrastructure.

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

53. The development hereby permitted shall not be occupied until hard surfaced areas have been constructed and permanently marked in accordance with drawing No.P306/R01 Rev.C uploaded to the Planning Portal 20th December 2021, to provide for parking within the site. No part of these hard surfaced areas shall be used for any purpose at any time other than for the parking and movement of vehicles in connection with the approved development.

Reason: To ensure adequate provision has been made for parking within the site.

54. The development hereby permitted shall not be occupied until sheltered cycle parking facilities have been provided in accordance with drawing No.P306/R01 Rev.C uploaded to the Planning Portal 20th December 2021.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles

55. The development hereby permitted shall operate in accordance with the Residential Travel Plan Rev.2 uploaded to the Planning Portal 20th December 2021.

Reason: To promote the use of alternative modes of transport in accordance with sustainable transportation principles.

56. The development hereby permitted shall not commence until details and samples and a written specification of the materials to be used in the external elevations, have been submitted to and have been approved in writing by the Council. These include brick, PPC aluminium windows/doors and precast concrete lintel window headers as well as GF hedge railings, render, metal louvres and vehicle entrance details. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of visual amenity.

ANNEX	
Date Valid	21/10/20
Date First Advertised	20/11/20
Date Last Advertised	31/12/21
Date of Last Neighbour Notification	20/12/21
Date of EIA Determination	N/A
ES Requested	No
Notification to Department (if relevant)	
Date of Notification to Department: N/A Response of Department: N/A	

Development Management Report

Summary	
Committee Date: 19 th March 2024	
Application ID: LA04/2020/2607/F	
Proposal: Residential development for the erection of 33 no dwellings (including 5 no affordable units) including public open space, equipped children’s play area and associated development as enabling works to deliver the refurbishment of 3 no listed pavilions within the Belvoir Park Hospital complex (previously approved under Y/2014/0401/F and Y/2014/0390/LBC).	Location: Former Belvoir Park Hospital Site Hospital Road Belfast BT8 8JP.
Referral Route: Application for Major development	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Belvoir Park LLP 14 Holywell Road London EC2A 4JB	Agent Name and Address: Clyde Shanks 5 Oxford Street Belfast BT1 3LA
Executive Summary: <p>The application relates to land at the former Belvoir Park Hospital (“BHP”), which has been redeveloped for housing. The former BPH is located off Hospital Road close to the border with Lisburn Castlereagh City Council. The site is located at the rear and western edge of the complex – see site location plan in the main body of the report.</p> <p>The application seeks full planning permission for the erection of 33 dwellings including 5 affordable units. The applicant refers to the proposal as “Phase 5” of the redevelopment of the former BPH. The applicant has presented the proposal as enabling development to fund the restoration of the three remaining undeveloped Listed pavilions granted planning permission and Listed Building Consent for conversion to residential use under previous phases of the redevelopment. The proposal would also see the delivery of five social housing units (15%) for Category 1 active elderly accommodation; provision of Public Open Space facilities for both Phase 5 and previous phases of the redevelopment; and improved connectivity from the former BHP to and Ballylesson Road and into and across the adjacent woodland.</p> <p>The proposal is classed Major development as the site area exceeds 1 hectare and the applicant has undertaken pre-application community consultation.</p> <p>The application follows a Pre-Application Discussion (PAD) with officers, although the process was not completed with several key issues remaining outstanding at the time the planning application was submitted.</p>	

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

- Development plan context
- The principle of housing in this location
- Enabling development
- Improved open space facilities
- Protection of open space and improved open space facilities
- Impact on the Historic Environment
- Affordable housing
- Housing density
- Housing mix
- Adaptable and accessible accommodation
- Design and placemaking
- Residential quality and impact on amenity
- Provision of open space
- Landscape impact including trees
- Access and transport
- Climate Change
- Health impacts
- Environmental protection
- Natural heritage
- Waste-water infrastructure
- Flood risk and drainage
- Section 76 planning agreement
- Pre-Application Community Consultation Report

In the **Belfast Urban Area Plan 2001 (BUAP)**, the site and previous phases are outside the development limit. They are within the “Inner Greenbelt” zoning and an “Area of High Scenic Value” (AHSV).

In the **Belfast Metropolitan Area Plan 2015 (v2004)**, the vast majority of the site is located outside the development limit. It is within Lagan Valley Regional Park (LVRP) and an Area of High Scenic Value (AHSV).

In the **Belfast Metropolitan Area Plan 2015 (v2014)**, the vast majority of the site is located outside the development limit and outside the LVRP. However, the site is within an AHSV, and adjacent to Minnowburn Site of Local Nature Conservation Importance (SLNCI). The portion of the site within the development limit was also zoned as Committed Housing.

There are Listed Buildings and an Archaeological Site and Monument within the wider Belvoir Park Hospital (BPH) site.

In terms of statutory consultees, DfI Roads, DfC HED, DAERA NIEA, DfI Rivers, HED, NIHE and NI Water were consulted. Non-statutory consultees include BCC Environmental Health, Landscape and Development team and Tree Officer. Their responses are detailed in the main report.

16 no objections and one representation in support have been received. These are detailed in the main report.

Whilst the proposal is in conflict with policies that direct new housing to previously developed land within the development limit and protect the countryside, as well as conflict with some other policies in the Plan Strategy, this has to be balanced against the benefits of the scheme. Primarily, this includes restoration of the three remaining undeveloped Listed pavilions, but also the

provision of enhanced open space facilities for new and existing residents, provision of social housing and improved connectivity to Ballylesson Road and into and across the adjacent woodland. Although the site is outside the development limit, regard is had to the limited visual impact that the proposal would have on the countryside and wider landscape. When applying the planning balance, it is considered that the benefits of the proposal outweigh the negatives. It is therefore recommended that planning permission is granted.

Recommendation

Having regard to the Development Plan and relevant material considerations, and in the planning balance, it is considered that the proposal is acceptable. 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 including from the final consultation responses from DfI Roads and Tree Officer, provided that they are not substantive.

Typical street elevation:

Plots 1-7 & 25-31



Elevations of apartments:



Rear Elevation



Side Elevation



front Elevation



Side Elevation

Photo of a converted pavilion within the site:



Photos of unconverted pavilions:



Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The application seeks full planning permission for the erection of 33 dwellings and is referred to by the applicant as “Phase 5” of the residential redevelopment of the former Belvoir Park Hospital (“BPH”) site.
1.2	In the BUAP, the site is outside the development limit. In both versions of dBMAP 2015, the vast majority of the application site is outside the development limit. The applicant has presented the proposal as enabling development to fund the restoration of three remaining Listed pavilions granted planning permission under previous phases of the redevelopment. The proposal would also see the provision of five (15%) social housing (Category 1 active elderly); provision of enhanced public open space facilities for residents of both Phase 5 and previous phases of the redevelopment; and improved connectivity to Ballylesson Road and into and across the adjacent woodland.
1.3	The proposal is classed as Major Development as the site area exceeds 1 hectare. The applicant has undertaken pre-application community consultation.
1.4	The application follows a Pre-Application Discussion (PAD) with officers, although the process was not completed with several key issues remaining outstanding at the time the planning application was submitted.
2.0	Description of Site and Area
2.1	The wider BPH complex comprises the following main elements: <ul style="list-style-type: none"> • Phases 1 to 3 – completed new build housing as well as completed conversions of three of the six listed pavilions into houses and apartments There are three listed pavilions which have not yet been converted (located to the northern end) and the application seeks to enable their restoration; and • Phase 4 – the initial stages of Phase 4 are currently under construction (mostly conversion of listed buildings to residential use). There is a new application for the latter portion of the Phase IV site to develop lower density housing rather than the new build apartments approved.
2.2	The site is bounded by Phases 1 to 3 on its east side. Phase 4 is to the north-east. The site backs onto open countryside to the south and west, separated by a mature landscape buffer of trees and hedgerow. To the north is extensive woodland.
2.3	The site slopes gradually away from east to west. There is a small copse of mature trees within the centre of the site that is proposed to be incorporated into the proposed play area. Much of the site has been used over the last ten or so years to store building materials and machinery to facilitate the construction of the initial phases. The image below is included in the applicant’s Planning Statement and is an older image.

2.4



2.5

The most recent Google Earth image available shows that the grass has mostly reseeded:



2.6

Within the wider BPH site, there is a Scheduled monument (a Rath) of archaeological importance. There is also a confirmed Tree Preservation Order (including woodlands and the rath) and new landscaping planted from recent planning approvals within the overall site in the last number of years.

2.7

The wider area contains Lagan Valley Regional Park which is designated as an Area of Outstanding Natural Beauty (AONB).

Planning Assessment of Policy and other Material Considerations

3.0	Relevant Site History
3.1	<p><u>Phase 4</u> LA04/2020/0026/F Erection of 22 dwellings (16 semi-detached dwellings and 6 apartments), including retention and conversion of Listed mortuary building, and demolition of unlisted outbuildings. Development includes amendments to access, parking, private and communal amenity areas, landscaping and other ancillary works approved under application LA04/2018/1219/F. Status: Under Consideration</p> <p>LA04/2020/0027/LBC Retention and conversion of mortuary building to provide a pair of semi-detached dwellings, amendments to access, parking layout, communal and private amenity areas, landscaping and other ancillary works. Status: Under Consideration</p> <p>LA04/2022/2098/F and LA04/2022/2099/LBC Retention and conversion of rear return of administration building and conversion of front part of administration building to provide 28 apartments in total, amendments to access, parking layout, communal and private amenity areas, landscaping and other ancillary works. Decision: Approved/Consent Granted Decision Date: 14.10.2023</p> <p>LA04/2020/1489/LBC Alterations and extension to North Gate Lodge comprising a new single storey extension to north west, construction of terraced area, removal of a section of the rear yard wall, removal of the rear external stair, provision of insulated dry lining to inner face of external perimeter walls, the installation of slim 12mm thick double glazing, the replication of historic timberwork, detailing and all associated site works and landscaping. Decision: Consent Granted Decision Date: 04.02.2021</p> <p>LA04/2019/1515/F Proposed residential development for the erection of 6no. units comprising a new block of apartments along with car parking and associated development. Decision: Permission Granted Decision Date: 28.08.2020</p> <p>LA04/2018/1219/F and LA04/2018/1056/LBC Residential development for the erection of 79 residential units in total, comprising new build apartments ranging from 3-4 stories, inclusive of underground parking, amendments to previously approved conversion and extension/alteration of listed buildings, conversion of listed mortuary, parking, landscaping and associated site works. Decision: Approved/Consent Granted Decision Date: 13.08.2020</p>
3.2	<p><u>Phases 1 to 3</u> LA04/2015/0539/F Proposal: Application to vary condition 6 of Y/2009/0462/O to state: None of the residential units in any phase hereby approved shall be occupied until the works to restore the listed and retained building(s) within that phase have been completed in</p>

accordance with the plans approved under Y/2009/0461/F or Y/2014/0401/F relevant to the phase in question and written confirmation has been obtained from the Council
Decision: Permission Granted **Decision Date: 20.06.2017**

Y/2014/0401/F

Proposal: Phase 2 development involving: Restoration of listed and unlisted pavilions through change of use and conversion from hospital wards to dwellings, including internal sub-division of buildings, removal of non-original features, amendment to external envelope to allow new doorways, minor extension, new external steps, railings and walls; removal of glazing to and partial retention of existing covered walkway, amendment to existing car parking areas and existing internal driveways; erection of 9 no. new build dwellings comprising 2 detached, 2 pairs of semi-detached and 3 town houses; amendment to access onto Hospital Road approved under Y/2009/0462/O and landscaping to external areas.

Decision: Permission Granted

Decision Date: 10.12.2015

Y/2014/0390/LBC

Proposal: Phase 2 works to listed pavilion buildings and covered walkway involving: 1. Restoration of listed pavilions through conversion from hospital wards to dwellings, including internal sub-division of buildings, removal of non-original features, amendment to external envelope to allow new doorways, minor extension, new external steps, railings and walls; and 2. removal of repair and partial reinstatement (without glazing) of existing covered walkway.

Decision: Consent Granted

Decision Date: 07.01.2016

Y/2014/0223/RM

Proposal: Phase 1 Reserve matters application-decontamination and demolition of buildings 20-27,30 and 12 (excluding observation pavilion), erection of 15 detached and 12 semi-detached (27 total) dwellings, construction of service road from hospital road access (approved under Y/2009/0462/O) and landscaping.

Decision: Permission Granted

Decision Date: 06.02.2015

Y/2009/0464/LB

Proposal: Alterations and extensions to existing buildings and other works within the curtilage of listed structures to facilitate conversion of same to provide 110 dwellings. Proposals include removal of all non-original structures, additions and other accretions to listed and non-listed structures which will include the western extension to the former Administration building and partial removal of external covered walkway.

Decision: Consent Granted

Decision Date: 25.11.2011

Y/2009/0462/O

Proposal: Site for residential development of 310 dwellings consisting of new build and conversion of existing buildings. To include retention of all listed structures and removal of all non-listed structures, site clearance and associated works. Retention of existing vehicular access point off Hospital Road, plus provision of new vehicular access off Hospital Road.

Decision: Permission Granted

Decision Date: 23.11.2011

Y/2009/0461/F

Proposal: Change of use plus alteration and extension of existing hospital buildings (existing Class C3 use) and other works to facilitate provision of 110 dwellings including removal of all non-original structures, additions and other accretions to existing listed and non-listed structures which will include the western extension to the former Administration Building and partial removal of external covered walkway.

Decision: Permission Granted

Decision Date: 24.11.2011

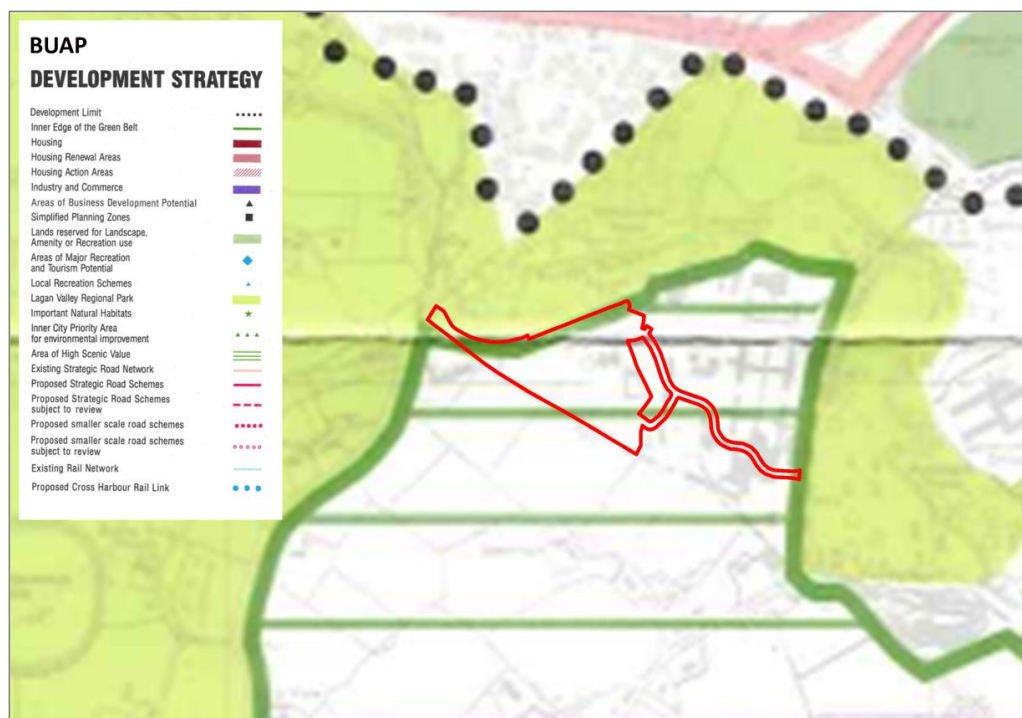
4.0	Policy Framework
4.1	<p>Development Plan – operational policies</p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>Policy SP1 – Growth strategy Policy SP1A – Managing growth and supporting infrastructure delivery Policy SP2 – Sustainable development Policy SP3 – Improving health and wellbeing Policy SP5 – Positive placemaking Policy SP6 – Environmental resilience Policy SP7 – Connectivity Policy 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 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 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 OS1 – Protection of open space Policy OS3 - Ancillary open space Policy NH1 – Protection of natural heritage resources Policy LC1 – Landscape Policy LC1B – Areas of High Scenic Value Policy TRE1 – Trees Policy DC1 – All Countryside Development Policy DC2 – Housing in the countryside</p> <p><u>Supplementary Planning Guidance</u> Affordable Housing and Housing Mix Development Viability Residential Design Placemaking and Urban Design Masterplanning approach for Major developments Sustainable Urban Drainage Systems Transportation</p>

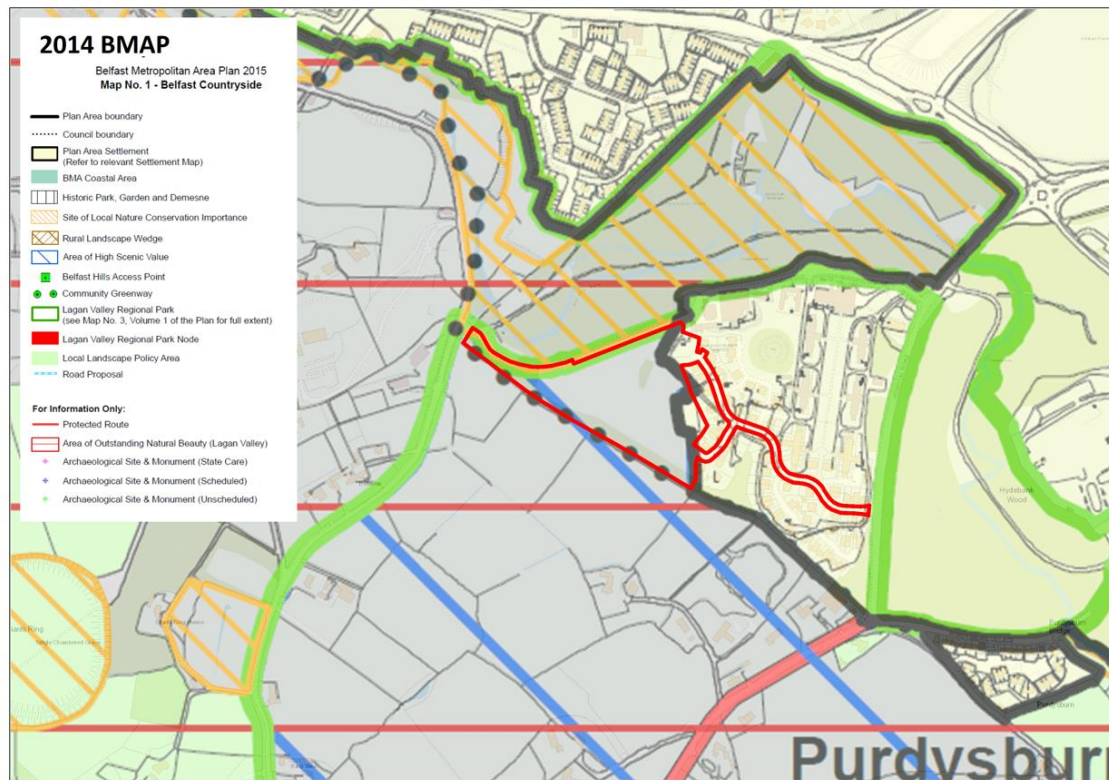
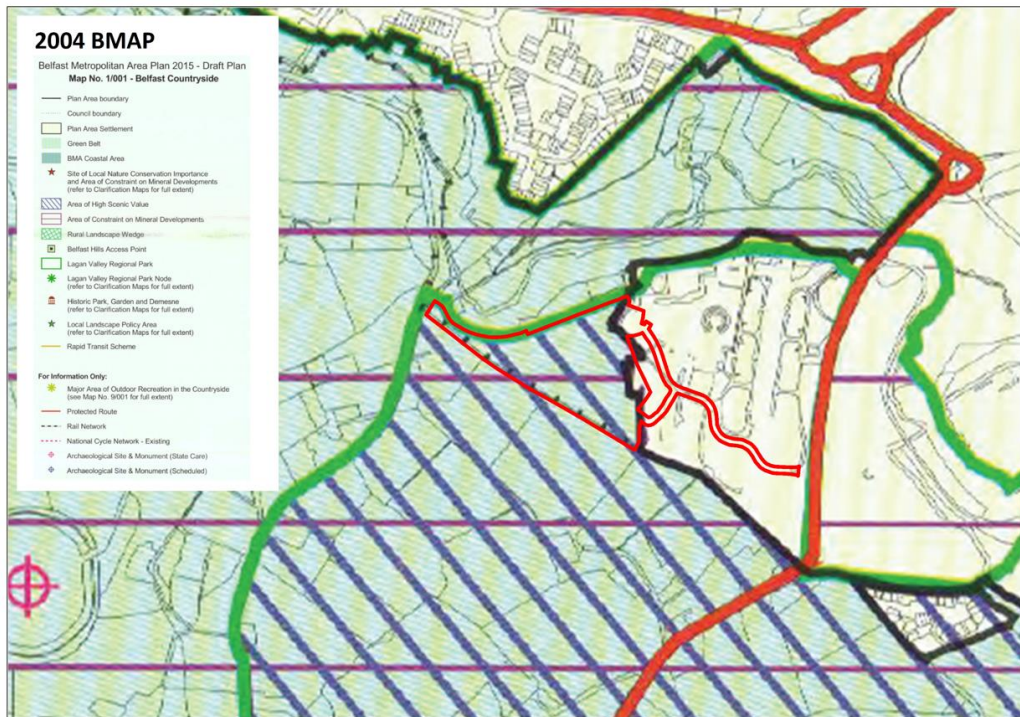
	<p>Trees and Development</p> <p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) (BUAP) Draft Belfast Metropolitan Area Plan 2015 (v2004) (dBMAP v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014) (dBMAP v2014)</p> <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other Material Considerations Developer Contribution Framework (2020) <i>Belfast Agenda</i> (Community Plan) Creating Places (2000)</p>
5.0	<p>Statutory Consultees</p> <p>DFI Roads – no objection subject to conditions. Currently considering amended private streets determination.</p> <p>DFI Rivers Agency – no objection.</p> <p>DAERA NIEA Historic Buildings Unit – no objection subject to conditions.</p> <p>DAERA NIEA Historic Monuments Unit – no objection.</p> <p>DAERA NIEA Water Management Unit – issued standing advice.</p> <p>DAERA NIEA Land, Soil, and Air – no objection subject to conditions.</p> <p>DAERA NIEA Natural Environment Division – no objection subject conditions.</p> <p>NI Water – objection on grounds of lack of waste-water capacity.</p> <p>Northern Ireland Housing Executive – advised that there is social housing need in the area, particularly for Category 1 over 55s active elderly.</p>
6.0	<p>Non-Statutory Consultees</p> <p>Environmental Health BCC – no objection subject to conditions.</p> <p>Planning Service Plans & Policy Unit – refer to main assessment.</p> <p>Tree Officer BCC –Concerns about impact on trees. Amended plans received and further comments awaited.</p> <p>Landscape and Development team BCC – no objection.</p> <p>Shared Environmental Services – no objection subject to conditions.</p> <p>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.</p>

<p>7.0</p> <p>7.1</p> <p>7.2</p> <p>7.3</p> <p>7.4</p> <p>7.5</p>	<p>Representations</p> <p>The application has been advertised in the newspaper and neighbours notified.</p> <p>16 objections and one representation in support have been received.</p> <p>The representations are summarised below. The objections are:</p> <ul style="list-style-type: none"> • Loss of privacy and overlooking • Inappropriately high density • Traffic flow and access • Road safety concerns • Contamination • Development Plan designations including development outside the development limit • Trees and landscaping • Uncompleted development causing an eyesore • Mechanism for delivering the pavilions • Phasing of development • Overlooking/Lack of privacy (previous layout) • Failure to deliver walkways through the site <p>In support:</p> <ul style="list-style-type: none"> • Welcoming a play area for kids <p>The above issues are addressed in the main assessment.</p>
<p>8.0</p> <p>8.1</p> <p>8.2</p> <p>8.3</p> <p>8.4</p>	<p><u>ASSESSMENT</u></p> <p><u>Development Plan Context</u></p> <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p> <p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p> <p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 (“Departmental Development Plan”) remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><u>Operational Polices</u></p> <p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in section 4.0 of the report.</p>

Proposals Maps

- 8.5 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.
- 8.6 In the **Belfast Urban Area Plan 2001** (BUAP), the site and previous phases are outside the development limit. They are within the “Inner Greenbelt” zoning and an “Area of High Scenic Value” (AHSV).
- 8.7 In the **Belfast Metropolitan Area Plan 2015 (v2004)**, the site is located outside the development limit. It is within Lagan Valley Regional Park (LVRP) and an Area of High Scenic Value (AHSV).
- 8.8 In the **Belfast Metropolitan Area Plan 2015 (v2014)**, the site is located outside the development limit and outside the LVRP. However, the site is within an AHSV, and adjacent to Minnowburn Site of Local Nature Conservation Importance (SLNCI). The portion of the site within the development limit was also zoned as Committed Housing. There are Listed Buildings and an Archaeological Site and Monument within the wider Belvoir Park Hospital (BPH) site.
- 8.9 Extracts from proposals maps in the BUAP 2021 and dBMAP (v2004 and v2014), showing the relevant zonings, are reproduced below.





8.10	<p><u>Key Issues</u></p> <p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • The principle of housing in this location • Enabling development • Improved open space facilities • Protection of open space and improved open space facilities • Impact on the Historic Environment • Affordable housing • Housing density • Housing mix • Adaptable and accessible accommodation • Design and placemaking • Residential quality and impact on amenity • Provision of open space • Landscape impact including trees • Access and transport • Climate Change • Health impacts • Environmental protection • Natural heritage • Waste-water infrastructure • Flood risk and drainage • Section 76 planning agreement • Pre-Application Community Consultation Report <p><u>The principle of housing in this location</u></p> <p><u>Development outside the development limit:</u></p>
8.11	<p>The site is outside the development limit in the BUAP. The vast majority of the site is outside the development limit in both versions of dBMAP. Outside the development, in the countryside, development is strictly controlled as the Plan Strategy seeks to <i>'...protect and enhance the character and value of the countryside resource, including for landscape, recreation and nature conservation.'</i></p>
8.12	<p>Policy DC1 sets out general principles for new development in the countryside. There are several strands to the policy. Firstly, that the proposal is supported by justification of rural locational need and demonstrates no significant detrimental impact on rural amenity and environmental quality. All development must ensure no loss or erosion of the rural character of the area. In these regards, there is no locational need for the proposed housing per se and therefore the proposal fails to satisfy this part of the policy. Although for the reasons set out later in this report, it is considered that there would be no significant detrimental impact on rural amenity or environmental quality, nor erosion of the rural character of the area.</p>
8.13	<p>Secondly, for proposals relying on non-mains sewerage, the applicant must demonstrate that this will not create or add to a pollution problem or otherwise threaten environmental quality. In this case, there is no public surface water sewer within 20m of the development boundary, however, access is available via an extension of the existing public surface water sewer. NI Water has stated that the <i>'downstream catchment is constrained by overloaded sewage infrastructure including one or more Unsatisfactory Intermittent Discharge (UID's) which are causing a negative impact on</i></p>

	<p><i>the environment</i>. This issue is considered in more detail below. However, it is considered that the matter can be resolved by imposing a pre-commencement condition that requires full details of foul and surface water drainage to be submitted to and approved in writing by the Council.</p>
8.14	<p>Thirdly, all proposals must be sited and designed to integrate sympathetically with their surroundings and meet other planning environmental considerations. New development should seek to cluster with an consolidate existing built development. For the reasons stated later in the report, it is considered that the proposal would integrate sympathetically with its surroundings and satisfy other environmental considerations. The proposal would consolidate and “round off” the existing housing at the former BPH. In conclusion, Policy DC1 is partly but not wholly complied with.</p>
8.15	<p>Policy DC2 relates to housing proposals in the countryside. It states that there is a general presumption against housing unless the proposal accords with the exceptions set out in Policies DC3 to DC10. The proposal does not meet any of these exceptions and therefore does not meet the requirements of Policy DC2.</p>
8.16	<p>The Public Examination of dBMAP (v2004) considered a representation by Belfast Trust to exclude the application site from within the Area of High Scenic Value (AHSV), however, the Planning Appeal Commission’s recommendation was that the lands made a contribution to the AHSV and accordingly did not recommend any change to the zoning. During the examination, the Belfast Trust sought to extend the zoning for “Committed Housing” to include the application site. However, the Commission advised that as this had not formed part of the original representation, it unable to consider the request. The Commission did note that <i>the ‘Department stated that this triangle site slopes down from the 60 m contour to 20 m at Ballylesson Gate and there is a line of trees at the 30 m contour line (outside the western settlement limit) which could contain development - however this is not before us to consider’.</i></p>
8.17	<p>The vast majority of the site remains outside the settlement limits of draft BMAP 2015 (both versions) and the presumption is therefore against development, unless material considerations dictate otherwise.</p>
8.18	<p>The Planning Service’s Plans and Policy team notes the designations as set out in the BUAP and both versions of BMAP as well as comments made by the PAC in the BMAP Public Examination. They advise that the Belfast Housing Land Availability Report (2019/2020) indicates that there is sufficient capacity of more than 20,000 units within the development limit. They note that should officers consider that the viability and enabling development arguments to be acceptable following appropriate scrutiny, that a planning agreement should be obtained to ensure delivery of the conversion of the listed buildings.</p>
8.19	<p><u>Windfall housing</u></p> <p>Policy HOU2 relates to windfall housing. There is a presumption that all new housing development within the plan area will be delivered on previously developed land within the existing urban footprint. The site is outside the development limit in the BUAP and mostly outside the development limit in both versions of dBMAP. The site is outside the urban footprint and is not previously developed land. Therefore, the proposal is contrary to Policy HOU2.</p>

	<u>Enabling development</u>
8.20	Regional planning policy acknowledges that there may be circumstances where development that would not normally be permitted may be justified if it is to enable the long-term future of heritage assets – this is commonly referred to as “enabling development”.
8.21	The SPPS defines enabling development as: <i>‘Enabling Development is a development proposal that is contrary to established planning policy and in its own right would not be permitted. Such a proposal may however be allowed where it will secure the long-term future of a significant place and will not materially harm its heritage value or setting. Enabling development typically seeks to subsidise the cost of maintenance, major repair, conversion to the optimum viable use of a significant place where this is greater than its value to its owner or market value’</i> (par. 6.25).
8.22	The SPPS goes onto state: <i>‘The justification for allowing the enabling development lies in the over-riding public benefit to the conservation of the significant place and its sustainable future use which would be derived from the implementation of the principal proposal which otherwise would have little prospect of being carried out.’</i> (par. 6.26).
8.23	A key component of the applicant’s case for the granting of planning permission for housing outside the development limit and in contravention of planning policy is that the proposal is enabling development that would fund the restoration of the three remaining undeveloped listed pavilion buildings. These buildings are currently boarded up and in substandard condition. In addition, the applicant is proposing to deliver five of the 33 residential units (15%) as Category 1 social housing; provision of a woodland area and equipped area of open space to benefit residents of the development and wider former BPH complex as a whole; and improved connectivity to Ballylesson Road and into and across the adjacent woodland.
8.24	The enabling development was initially proposed under the policy provisions of PPS 23: ‘Enabling Development for the Conservation of Significant Places’. However, following adoption of the Plan Strategy, PPS 23 is no longer extant. Notwithstanding, the provisions of the SPPS and PPS 23 Best Practice Guidance (BPG) remain.
8.25	Also of note is that following adoption of the Plan Strategy, the provision of affordable housing is now a policy requirement under Policy HOU5. The proposal to provide an element of social housing was originally a “planning gain” as there was previously no such policy requirement. However, the proposal for 15% social housing is actually now below the policy requirement.
8.26	Whilst Policy ED1 of PPS 23 has been superseded, the requirements of the policy are underpinned in the BPG and so the pertinent considerations remain. <u>Long-term benefits to the Significant Place</u>
8.27	An important requirement of enabling development is to secure the long-term future of the Significant Place as a whole. The SPPS defines a Significant Place as <i>‘...any part of the historic environment that has heritage value including scheduled monuments, archaeological remains, historic buildings (both statutory listed or of more local significance) together with any historically related contents, industrial heritage,</i>

	<p><i>conservation areas, or a historic park, garden or demesne</i>'. Officers consider that the wider BPH complex with its multitude of heritage assets is the Significant Place in this case and this view is supported by DfC HED.</p>
8.28	<p>The BPG states that enabling development must '<i>avoid detrimental fragmentation of management of the significant place</i>' and further states that '<i>enabling development will not serve its proper purpose if it does not secure the long-term maintenance of the place</i>'. Accordingly, the applicant will be required to manage all the Listed and Scheduled heritage assets within the entire BPH complex in an integrated manner. This will be secured through the submission and implementation of a "Significant Place Management Plan" as part of the Section 76 Planning Agreement.</p>
	<p><u>Viability and scale of enabling development</u></p>
8.29	<p>The fundamental premise of the enabling development argument is that the three pavilions would not be financially viable for conversion in their own right and that a conservation deficit is present. The three pavilions were granted permission for conversion to housing in previous permissions granted by the Department of the Environment (DoE). However, those permissions did not appropriately control the completion of the works to these Listed Buildings and some of them remain unrestored. Three of the six pavilions have already been converted and, save for the mortuary building, all other listed buildings have either been recently occupied or are due to be occupied in the near future. Due to the condition of the remaining pavilions which will require costly asbestos removal, the applicant contends that it has not been viable to complete the three remaining pavilions.</p>
8.30	<p>The applicant states that the enabling development (i.e. the 33 residential units) is therefore required in order to fund the conversion of those buildings. The BPG requires that a "Statement of Justification" should be submitted including detailed financial viability information to be critically assessed by appropriately qualified professionals.</p>
8.31	<p>The BPG advises that the financial case for enabling development normally rests on there being a conservation deficit. This is when the existing value plus the development cost exceeds the value of the place after development. Development costs obviously include not only repair, but also, if appropriate, conversion to optimum viable use and a developer's profit appropriate to the circumstances. It was agreed that the consideration would not include profitability of previous phases but rather the projected costs for the pavilions, offset by the enabling development to fall within an agreed profit level. The BPG states that a pure entrepreneurial developer will look for an overall return of 15%-20% whilst a builder/developer may seek only a 10% return as there can be additional profits as part of the construction. The more recent Viability SPG advises a minimum profit of 15%.</p>
8.32	<p>The viability information provided with the application has been independently assessed by a consultant acting on behalf of the Council (with the cost met by the applicant). The applicant's financial figures demonstrate a profit margin of 11.6% (based on a loss of 16.04% in restoring the pavilions and a profit of 25.85% in developing the houses). The independent consultant has provided a full analysis and advises that the viability argument provided by the applicant is sound. They confirm that the proposed scale of development is the correct amount that would firstly be necessary, and secondly appropriate to secure the long-term conversion and re-use of the three remaining listed pavilions. This is summarised in the Financial Enabling Narrative Executive Summary which has been uploaded to the Planning Portal and is reproduced at Annex B to this report.</p>

	<u>Completion of the enabling works</u>
8.33	Whilst the BPG states that the benefit (conversion of the listed buildings) should be delivered before the disbenefit (enabling development), it will be necessary for the applicant to generate income to fund the staged renovation of the pavilions. This point is accepted by the Council's independent viability consultant.
8.34	The Section 76 planning agreement will therefore require the staged completion of the restoration works to the pavilions with a limit on the maximum number of units to be completed/occupied until the first, second and third pavilions are completed.
8.35	In addition, there will be a long-stop period by which all three pavilions will be required to be delivered. This will ensure that all the restoration works will be completed.
	<u>Consideration by HED</u>
8.36	DfC HED is content with the proposal, which would result in the remaining pavilions brought back into use. It notes that the following provisions are offered by the applicant through a Section 76 planning agreement: <ul style="list-style-type: none"> • Provision and implementation of a <i>Significant Place Management Plan</i> to ensure comprehensive and considered management of the heritage assets within the former BHP complex; • A phasing programme which will ensure that the appropriate triggers for delivering the enabling development (i.e. restoration of the three remaining Listed pavilions) are met; and • Requirement for a separate Listed Building Consent application for the three pavilions to ensure up to date information and surveys are carried out, and that the proposals meet current policy requirements. (BPG advises that the LBC applications should accompany the main application, however, as there are extant approvals, officers consider that it is reasonable to require the submission of a further Listed Building Consent application and will be required prior to the commencement of development.
8.37	Further obligations in the Section 76 planning agreement are set out later in the report.
	<u>BPG checklist</u>
8.38	Appendix 1 of the BPG provides a checklist for councils, set out overleaf.
8.39	The principle of development relies on the proposal meeting the tests of Paragraphs 6.25 - 6.29 of the SPPS, the consideration of the PPS 23 Best Practice Guidance as well as all other relevant material considerations which are set out in the report below.
8.40	It is considered that the applicant has made a valid enabling case and alongside the other positive aspects of the scheme, this needs to be weighed against the policy conflicts relating to housing outside the development limit and requirement for windfall housing to be delivered on previously developed land.

Survey drawings and reports showing the existing form of the building and associated landscape and how it has developed through time	Due to asbestos within the buildings and the existence of extant permissions, it is proposed that this can be done and provided prior to the commencement of development
An analysis of the information gathered in the production of a conservation statement	Provided and assessed.
A conservation statement or plan, defining all aspects of significance of the building and landscape, its vulnerability, and guidelines for sustaining its significance;	Provided and assessed.
A design and access statement;	Provided and assessed.
An options appraisal;	Provided and assessed.
Evidence of market testing;	Provided and assessed.
Proposals, defined in sufficient detail to understand impact on the significance of the place;	Provided and assessed.
Impact assessment, including results of detailed targeted investigations to define impact;	Provided and assessed.
A development appraisal for option proposed	Provided and assessed.
Suggested heads of terms for planning agreement, including mechanisms for long-term management and maintenance as appropriate;	Provided and under consideration
A parallel application (if applicable for listed building consent)	Due to asbestos within the buildings and the existence of extant permissions, it is proposed that this can be done and provided prior to the commencement of development

Protection of open space and improved open space facilities

- 8.41 The proposal will result in the loss of open space and landscaping within the original BPH complex and therefore Policy OS1 applies.
- 8.42 Policy OS1 supports the retention and improvement of existing open space. There will be a general presumption of retaining all such lands. Development resulting in a loss of open space will only be considered in exceptionally circumstances where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space. The other exceptions identified in the policy do not apply in this case.
- 8.43 The policy further states that in all circumstances, the council must be satisfied that the loss of any open space would not result in detriment to the overall green infrastructure provision.
- 8.44 All of the site is currently open space and extends to some 2.94 ha. However, 0.59 ha (20% of the total site) would be retained as open space, resulting in a net loss of 2.4 ha of open space. It is considered that the combination of the restoration of the three Listed pavilions; long term management of the Significant Place; provision of improved open space and play facilities; delivery of 15% social housing; and improved connectivity to Ballylesson Road and into and across the adjacent woodland represent a substantial community benefit that decisively outweighs the loss of the open space. In these regards, the proposal is considered to accord with Policy OS1.

<u>Impact on the Historic Environment</u>	
8.45	<p>Section 91(2) of the Planning (Northern Ireland) Act 2011 states that ‘...<i>in considering whether to grant planning permission for development which affects a listed building or its setting, and in considering whether to grant listed building consent for any works, a council or, as the case may be, the Department must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.</i>’</p> <p>The SPPS and Policies BH1, BH4 and BH5 apply.</p>
8.46	<p>Policy BH1 is relevant as the proposal represents new development affecting the setting of a listed building. The scheme is in close proximity to the listed buildings on the former Belvoir Park Hospital site, all of which are Grade B2 listed buildings of special architectural and historic interest. The style and architecture of the proposed development is in keeping with the first four phases all of which are in closer proximity to the listed buildings in question. DfC HED was consulted and advises that it is content with the impact of the proposal on the settings of the listed buildings. It is considered that the proposal complies with Policy BH1.</p>
8.47	<p>Policy BH5 pertains to considerations regarding archaeology. The site contains an archaeological monument (DOW 009:033) (Rath) included in the Northern Ireland Sites and Monuments Record (NISMR). This is shown in the early Ordnance Survey maps as a circular clump of trees. The monument may be a purpose-built tree-ring – a feature created as part of the designed landscape associated with Purdysburn House – or may represent a re-used archaeological enclosure. It is considered a site of local importance. Part d of BH5 requires the imposition of conditions to ensure that appropriate measures are taken for the identification and mitigation of the archaeological impacts of the development including where appropriate, licensing. HED has stated that it has no objections subject to these conditions.</p>
<u>Affordable housing</u>	
8.48	<p>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.</p>
8.48	<p>In this case, the applicant initially proposed a larger scheme of 47 units and this included 20% affordable housing. The proposal was reduced to 33 units in order to address road safety concerns raised by DfI Roads as well as other matters. This has resulted in a reduction of affordable units to 15%.</p>
8.49	<p>Section 5.2.11 of the ‘Affordable Housing and Housing Mix’ Supplementary Planning Guidance (SPG) notes that the Council’s over-riding aim when considering the suitability of alternative affordable housing provision is to secure the maximum viable number of affordable housing units on-site as part of mixed tenure development.</p>
8.50	<p>In January 2022, the Northern Ireland Housing Executive advised that ‘...<i>this proposed development site is located within the Outer East Housing Need Area which has unmet social housing need of 150 units 2021-2026. In Belvoir CLA, there were 80 households in housing stress, 11 of which were older persons.</i>’ The applicant also provided a recent letter from the NIHE (16 January 2024) confirming support for 5 no units for 3-person, 2-bedroom, Category 1 Apartments.</p>

8.51	The applicant provided financial information to demonstrate that it would not be viable to provide more than the five affordable housing units (15%) offered. This information was considered by the Council's independent consultant and found to be acceptable.
8.52	The proposal does not provide a minimum of 20% affordable housing and is therefore contrary to Policy HOU5. However, in view of the viability appraisal and the significant benefits of the scheme in terms as previously described in the report, this is considered acceptable. Regard is also had to the longevity of the application, which was submitted in 2020 before the Plan Strategy was adopted.
8.53	The proposed social housing would need to be secured by way of a Section 76 planning agreement.
	<u>Housing density</u>
8.54	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
8.55	Technically, there are no density bands proposed for sites such as this outside the development limit. The target density for Outer Belfast is 25 to 125 dwellings per hectare (dpa) and for small settlements, 25 to 50 dpa. However, neither apply. Nevertheless, the density of the proposal is a material consideration.
8.56	The site is some 2.94 ha which means that the scheme has a low density of 11.2 dwellings dpa. However, the density is consistent with the character of the existing adjacent housing within the former BPH complex and the layout incorporates areas of green open space, which are considered a positive aspect of the scheme that enables the provision of the enhanced area of open space. Having regard to these factors, the density of the scheme is considered acceptable.
	<u>Housing mix</u>
8.57	Policy HOU6 requires proposals for new residential developments on sites greater than 0.1ha and/or containing 5 or more dwelling units to provide a suitable mix of house types and sizes to promote choice and assist in meeting community need.
8.58	Provision should particularly be made for smaller homes across all tenures to meet future household requirements. The exact mix of house types and sizes will be negotiated on a case-by-case basis, taking account of: <ul style="list-style-type: none"> 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.
8.59	The proposal provides the following housing mix: <ul style="list-style-type: none"> • 5no. 2-bedroom apartments (15%); • 3no. 3-bedroom detached dwellings (9%); and • 25no. 4-bedroom detached dwellings (76%)
8.60	As can be seen, most units are larger 4-bedroom detached houses. There is only a small number of smaller 2-bedroom units and no 1-bedroom units. It is considered that the proposal would not promote choice and assist in meeting community need, contrary to Policy HOU6. However, regard must be had to the other material

	<p>considerations including the enabling development, delivery of the enhanced equipped open space and improved connectivity. The viability information provided with the application demonstrates that the scheme as proposed is viable. Any adjustment of the housing mix to include a larger number of smaller units would likely necessitate increasing overall housing numbers, but this is constrained by the road capacity (the proposal has already been reduced from 45 to 33 residential units) and the objective of limiting overall housing numbers for environmental reasons. On balance, the housing mix is therefore considered acceptable.</p> <p><u>Adaptable and accessible accommodation</u></p>
8.61	<p>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.</p>
8.62	<p>An Adaptable and Accessible Accommodation Statement and Wheelchair Accessibility Statement was submitted in support of the application. Officers are satisfied that the criteria set out in Policy HOU7 are met, including five (15%) of the units designed to wheelchair accessible standards. It is considered that Policy HOU7 is complied with.</p> <p><u>Design and placemaking</u></p>
8.63	<p>The proposal has been assessed against Policies SP5, DES1, DES2 and RD1 of the Plan Strategy, the SPPS and Creating Places. Policies SP5 and DES1 promote good placemaking, high quality design and the importance of development responding positively to local context addressing matters such as scale height, massing, proportions, rhythm, and materials.</p>
8.64	<p>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 eleven criteria, a. to k.</p> <p><i>a. Responding positively to local context and character through architecture and urban form that addresses matters such as height, scale, massing, proportion, plot width, building lines, rhythm, roofscape, materials and any impact on built and natural heritage;</i></p> <p>The proposal has been designed as a coherent extension to the previous phases. It is considered that the proposal responds positively to the local context. This criterion is considered to be satisfied.</p> <p><i>b. Positively reinforcing a sense of place by demonstrating that locally distinctive features have been identified, incorporated and enhanced where appropriate;</i></p> <p>There are numerous features within the site such as the Scheduled rath, the protected trees and listed buildings all of which are incorporated and integrated in the overall design and layout. This criterion is considered to be satisfied.</p> <p><i>c. Providing adequate levels of enclosure and continuity to promote clear and understandable urban form which users can orientate themselves around and move through easily;</i></p>

It is considered that the design and layout have a clear and understandable urban form. This criterion is considered to be satisfied.

- d. *Creating adaptable and well-connected public realm that supports welcoming pedestrian environments;*

The proposal includes linkages between this phase and the previous phases of development as well as a public play area and open space. It would also secure access to Ballylesson Road and adjacent woodland. The road network within the site would include shared surfacing providing public realm. This criterion is considered to be satisfied.

- e. *Fostering inclusive design that promotes accessibility, supports safe communities and the natural surveillance of public spaces to reduce the opportunity for crime and anti-social behaviour;*

The proposal is designed so that the public play space and open space is overlooked on three sides by the development, ensuring appropriate surveillance. Dwellings would overlook the internal road network. This criterion is considered to be satisfied.

- f. *Promoting a diversity of land uses that provide active frontages and ensure vibrancy throughout the day*

This criteria is not strictly applicable as the site is a suburban residential scheme.

- g. *Promoting the efficient use of land by the development of densities appropriate to site context;*

The density of the scheme is discussed in the previous sections of the report and is considered suitable for the reasons given.

- h. *Promoting healthy environments and sustainable development that support and encourage walking, cycling and access to public transport that maximises connections to the city's network of green and blue infrastructure;*

The proposal is accessible by public transport links. The application is supported by green measures including travel plan, travel cards, membership of a car club and bicycle parking and repair facilities on site. In addition, pedestrian links to Phase 3, Phase 4 and Ballylesson Road/Minnowburn/Hazel Wood are proposed. The site is not the most sustainable location for new housing, but this is off-set by the positive aspects of the proposal including enabling development, provision of enhanced play space, social housing and improved linkages.

- i. *Maximising energy efficiencies in buildings through the integration of passive design and renewable energy solutions in their layout, orientation, siting and design, provided the technology is appropriate to the location in terms of any visual, amenity or other environmental impact it may have;*

Sustainable measures and building efficiencies are detailed in the following sections of the report. This criterion is considered to be satisfied.

- j. *Ensuring no undue effect on the amenity of neighbouring properties or public spaces by minimising the impact of overshadowing and loss of daylight; and*

The layout was amended to address initial concerns regarding amenity. All dwellings are now considered to be appropriately sited to ensure no undue impact on the amenity of existing or future properties.

- k. *Ensuring that on-site vehicle parking provision and movement, where required, and any external bin storage areas do not have a negative impact at street level which would result in the creation of dead frontage or unnecessary clutter.*

There is no dead frontage as a result of vehicle parking or bin provision. Satisfactory provision is made for bin storage.

Policy DES2 states that planning permission will be granted for Major development where it accords with masterplanning principles a. to j.

- a. *Adopt a holistic approach to site assembly, layout and design that is mindful of adjacent sites, where suitable for redevelopment, while avoiding prejudice to future development potential and/or quality where development is of a significant scale and prominence;*

It is considered that the proposal is a considered and complementary extension of previous phases of the residential redevelopment of the former BHP complex.

- b. *Promote opportunities for urban repair and greater connectivity to neighbouring areas by minimising or mitigating physical barriers that create undue effort or separation, informed by feedback from existing communities;*

The proposal offers opportunity to improve the facilities for residents of Phases 1 to 4 whilst increasing connectivity through Phase 5 to Hazel Wood and Ballylesson Road.

- c. *Maximise solutions to deliver energy efficiencies that seek to achieve BREEAM 'excellent' or comparable standard;*

The applicant has provided a climate change statement detailing energy efficiencies and building standards as described later in the report, although BREEAM Excellent standard or equivalent are not proposed.

- d. *Promote higher density residential and mixed use development along city corridors and at gateway locations;*

The proposal does not promote higher densities for the reasons set out in the previous sections of the report.

- e. *Contribute positively to the improvement of the public realm within, and in the proximity of, the development site through the use of high quality hard and soft landscape materials and street furniture;*

The proposal includes high quality landscaping and public realm. It would improve open space facilities for all residents on the former BHP complex.

	<p><i>f. Include an appropriate landscape management and maintenance plan, early in the planning process, as an integral part of all landscape proposals;</i></p> <p>An acceptable Landscape Management and Maintenance plan has been provided.</p> <p><i>g. Enhance the waterside character and setting of the River Lagan, including the improvement of existing and provision of new access points and new cross river connections where appropriate;</i></p> <p>This criterion relates to the waterside character of the River Lagan and does not apply.</p> <p><i>h. References unique parts of the city through the realisation of key landmarks within prominent or gateway locations;</i></p> <p>The proposal integrates importance features such as the Scheduled rath appropriately.</p> <p><i>i. Seek to include where appropriate the provision of public art; and</i></p> <p>A public art scheme will be secured by condition. There is ample space, for example within the areas of open space, to deliver such as a scheme and it could make reference to the historic use of the former BHP.</p> <p><i>j. Seek the retention of existing trees within and around the site and make adequate provision to allow them to mature while ensuring the continuance of tree cover through new tree planting.</i></p> <p>It is considered that existing trees and landscaping will adequately be retained. Impact on trees is covered in more detail later in the report.</p>
8.65	<p>Policy RD1 states that planning permission will be granted for new residential development where it is in accordance with general urban design policies and criteria a. to h. have been met.</p> <p><i>a. Will not create conflict with adjacent land uses, remaining in conformity with the character of any established residential area;</i></p> <p>It is considered that the proposal would integrate well with previous phases and would be in keeping with their character and layout.</p> <p><i>b. Does not unduly affect the privacy of amenity of neighbouring residents, including overlooking, loss of light, overshadowing, dominance, noise or other disturbance;</i></p> <p>The proposal would not adversely affect the amenity of existing dwellings.</p> <p><i>c. Makes provision for, or is accessible and convenient to public transport and walking and cycling infrastructure;</i></p>
8.66	<p>The proposal is an extension to the initial phases of housing and is served by public transport. It is close to areas of open space such as Hazel Wood and Dolly's forest as well as being close to the wider Lagan Valley Regional Park. Links will be secured to the wood and Ballylesson Road. However, overall the</p>

	<p>site is not the most sustainable location for new housing. As previously stated, this is considered to be off-set by the benefits of the scheme.</p> <p>d. <i>Provides adequate open space;</i></p> <p>As stated later in the report, satisfactory provision is made for open space as well as enhancement of facilities for existing residents.</p> <p>e. <i>Keeps hard surfacing to a minimum;</i></p> <p>Hard surfacing is limited to the minimum necessary by using shared surface design and with carefully designed locations of incidental open space.</p> <p>f. <i>Creates a quality and sustainable residential environment in accordance with the space standards set out in Appendix C;</i></p> <p>All units meet the space standards as set out in Appendix C with 6 person, 3 bedroom dwellings ranging between 121 – 162 sqm; and 7 person, 4 bedroom dwellings ranging from 151 sqm – 277 sqm.</p> <p>g. <i>Does not contain units which are wholly in the rear of the property, without direct, safe and secure access form the public street;</i></p> <p>All units face onto roads within the development.</p> <p>h. <i>Ensures that living rooms, kitchens and bedrooms have access to natural light;</i></p> <p>All rooms have access to natural light.</p>
8.67	<p>In conclusion, the design and layout of the proposal is consistent with previous phases of the development and considered appropriate. It is considered that the proposal is acceptable having regard to Policies DES1, DES2 and RD1, relevant provisions of the SPPS and Creating Places.</p>
	<p><u>Residential quality and impact on amenity</u></p>
8.68	<p>Policies DES1, DES2 and RD1 provide policy criteria in relation to requiring a high quality residential environment and that development does not adversely impact on the residential amenity of existing properties including overshadowing, loss of light, outlook and privacy.</p>
8.69	<p><i>Creating Places</i> states that ‘to promote choice for residents a variety of different garden sizes should be provided and back garden provision should therefore be calculated as an average space standard for the development as a whole, and should be around 70 sqm per house or greater’.</p>
8.70	<p>The private amenity spaces for the detached dwellings (excluding any landscape banks) range from 83 to 1,380 sqm and even in cases where there is mature trees or landscaped banks, the minimum usable space exceeds 70 sqm. The variance in the sizes of gardens is due to the topography of the site.</p>
8.71	<p><i>Creating Places</i> advocates that for apartments, external private amenity space of between 10 and 30 sqm per residential unit should be provided. The 5 apartments have shared access to an area of 50 sqm amenity space, equating to an average of 10sqm per apartment. Whilst at the minimum end of the guidance, regard is had to the</p>

	significant areas of open space within the wider BPH complex, including the proposed area of public open space directly opposite the apartments, as well as improved access to the woodland.
8.72	Creating Places advocates a minimum separation of 20 metres between dwellings on low density sites. The separation distance generally exceeds 20 metres. The shortest separation distance is between Unit 27 and the dwelling behind it in Phase 3. In that case, the distance is as low as 18 metres, however, the change in levels, planting and orientation of the dwellings mean that there will be no harmful overlooking as the two ground floor living areas will not be able to look into each other.
8.73	There would be no adverse impacts on amenity by way of overlooking, loss of sunlight/daylight or outlook either between the proposed development and existing adjacent housing, or within the site itself.
8.74	It is considered that Policies DES1, DES3, RD1 and relevant provisions of the SPSS and Creating Places are satisfied.
	<u>Provision of open space</u>
8.75	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.
8.76	The proposal includes 20% public open space as an overall proportion of the site. This includes a woodland area in the centre of the site with protected trees and a proposed play facility which will facilitate the entire BPH development.
8.77	BCC Landscape Planning and Development team was consulted and consider the woodland play area and landscape management plan to be acceptable. However, they noted that the initial proposals contained two accesses to the adjacent woodland area known as Hazel Wood to the north and that this has been reduced to one. The access point is now a single node which provides connectivity between Phases 4 and 5 as well as access to Hazel Wood and Ballylesson Road. The access and right of way will be secured via the S76 Planning Agreement to ensure wider permeability.
8.78	The proposal is considered compliant with Policy OS3.
	<u>Landscape Impact including trees</u>
8.79	Policy LC1 states that new development should seek to protect and, where appropriate, restore or improve the quality and amenity of the landscape. Policy LC1B states that in addition to complying with the above requirements, development proposals that have a significant adverse impact on the landscape character, visual amenity and environmental quality of AHSVs will not be supported by the LDP.
8.80	The site is within an Area of High Scenic Value (AHSV) in all three relevant development plans. It is also countryside outside the urban area of the city. However, the site is separated from existing open countryside by a mature landscape belt, trees and woodlands, and in that context is generally contained.

8.81	<p>A Landscape Viability Impact Assessment (LVIA) was submitted with the application. The LVIA states that ‘...at a local level the changes that will arise will be consolidated to a very localised and discrete part of the landscape. Where there will be some limited intervisibility with the newly introduced built forms and their presence will be felt in the immediate environment, these elements will be screened by the retained boundary vegetation coalescing with the landscaping in the peripheral parts of the Site’. It goes on to conclude that ‘it is considered that the Proposed Development could be successfully accommodated within the Belvoir Park Hospital Site, with very limited landscape and visual effects upon the Lagan Valley AONB and the Castlereagh Area of High Scenic Value. It would respond effectively to policy directions at a strategic, regional and local level through being well-integrated within established boundaries on a contained site; and with a sensitive and locally characteristic design approach to built-form and retained and reinforced green infrastructure’.</p>
8.82	<p>The BCC Landscape and Development Team advises the following:</p> <ul style="list-style-type: none"> • it agrees with the assertion that there is a perception that the site forms part of the settled area at Belvoir Park Hospital as opposed to being within a countryside setting, despite the site itself being undeveloped; • although the site is located within a landscape of high sensitivity, the proposed development does not occupy a prominent location within the landscape. The main development area is characterised by an enclosed, small-scale landform that forms part of the low-lying river valley landscape surrounding the River Lagan on lands formerly part of the parkland and gardens of Belvoir Park Hospital; • agrees with the significance of landscape effects resulting from the proposed development as detailed in Appendix A.2: Landscape Effects. In the immediate vicinity and the adjacent woodland, the landscape effects are likely to be “Minor” in Year 1, diminishing significantly over time. In the wider landscape, the landscape effects are not likely to be significant; • the landscape proposals have adequately considered the existing landform and woodland cover, with mitigation measures redressing the removal of individual trees. Proposals are enhanced with additional tree and shrub planting, woodland buffers, hedging and open spaces which have considered the existing landscape character and seeks to enhance it; and • content with proposed planting specifications and layouts.
8.83	<p>The proposal is considered to comply with LC1b and criteria a. to h. of Policy LC1 as the proposal responds appropriately to the key built, archaeological and natural heritage considerations within the wider site.</p>
8.84	<p>Policy TRE1 states that the Council will seek to protect existing trees from new development, particularly those that are of visual, biodiversity or amenity quality and significance, and there will be a presumption in favour of retaining and safeguarding trees that make a valuable contribution to the environment and amenity.</p>
8.85	<p>Having considered the high amenity value of the trees on this site in terms of location, species, screening and buffering, the Council made a Tree Preservation Order with modifications (ref. TPO/2021/0011/LA04) across the entire application site. Existing trees which are surveyed as healthy and in a fair condition should therefore not be removed or impacted upon through any future developments.</p>

8.86	The Tree Officer has concerns about the proximity of Units 6 to 12 to existing trees. As a result, the applicant has been asked to amend the positioning of dwellings as far forward as possible from the root protection zones. Whilst the previous layout met the recommended separation distance, due to the maturity and scale of the trees, it is considered that further distance is necessary to ensure a harmonious environment between the dwellings and the trees. Otherwise, there may be future pressure from residents to fail some of these trees due to concerns about safety and/or overshadowing.
8.87	The Tree Officer also raises concerns regarding the siting of Unit 27 in terms of its proximity to trees and this too has been re-sited. Amended plans have been received that adjust the position of some of the dwellings and final comments are awaited from the Tree Officer. These will be reported to the Committee as a late item.
<u>Access and Transport</u>	
8.88	The proposal has been reduced from 47 to 33 units following concerns raised by DfI Roads about the access arrangements to the site.
8.89	DfI Roads offers no objection to the revised proposal and is content. Although a revised Private Streets Determination (PSD) layout has been submitted by the applicant to accommodate the adjustment of the positioning of some of the dwellings, made to improve the relationship with existing trees (see previous section of the report). The recommendation of this report is therefore subject to DfI Road's further consultation response in relation to the adjustment to the layout.
8.90	The proposal includes two in curtilage spaces per house and eight spaces for the five affordable apartments. This level of parking is considered satisfactory.
8.91	The proposal includes a travel plan and green travel measures including travel cards for three years and membership of a car club, so as to encourage alternative modes of transport. The green travel measures have been found to be acceptable by DfI Roads and would be secured by a Section 76 planning agreement.
8.92	As previously stated, whilst the site benefits from some public transport services, it is not considered the most sustainable location for new housing. However, it is considered that the benefits of the proposal, in terms of the restoration of the remaining three Listed pavilions, enhanced open space provision, delivery of social housing and improved connectivity, outweigh these concerns in the planning balance.
8.93	The proposal is considered acceptable, having regard to Policies TRAN1, TRAN4, TRAN6, TRAN8, and TRAN10.
<u>Climate change</u>	
8.94	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. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change. 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.

8.95	The applicant has provided details on the various sustainable design features which will be incorporated in the development. There is no demolition proposed and so this aspect of Policy ENV2 does not apply.
8.96	<p>All dwellings would be designed to incorporate the following measures:</p> <ul style="list-style-type: none"> • a fabric first approach to energy use and conservation; • high levels of thermal insulation and air tightness to the dwelling envelopes combined with construction detailing; • high efficiency boilers to provide the heat source for space heating and water heating all of which will operate under zoned thermostatic controls to avoid unnecessary energy usage; • dwellings orientated to maximise solar gains with large glazed areas which minimises the need for artificial lighting; • solar panels located on south-facing dwelling rooftops; • naturally ventilated dwellings; • significant areas of soft landscaping (SuDS) to public open spaces as well as in private; • amenity spaces which allows natural ground filtration to absorb water during periods of rainfall and reduction in surface water entering the drainage system and avoidance of potential for flooding; • significant new tree planting • SuDS incorporated as set out in Drainage Assessment; and • Surface water attenuation design with the required storage for a 100 year exceedance storm event
8.97	<p>The Plans and Policy team has assessed the proposals and advised that the above measures meet the requirements of Policy ENV2 and ENV3. They note that appropriate soft SuDS measures should be considered and incorporated. The applicant has agreed to a condition for a final landscaping plan which will incorporate SuDs. Subject to conditions to secure these measures, the proposal is considered compliant with Policies ENV2, ENV3 and ENV5.</p> <p><u>Health impacts</u></p>
8.98	<p>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.</p>
8.99	<p>The proposal provides opportunity for active travel, physical and improved mental wellbeing. The site is within walking distance Hazel Wood and Dolly's Forest and is close to the Lagan Valley Regional Park. Active travel will be further encouraged through the travel plan and green measures proposed as part of the application. Good levels of private amenity space will be provided within the development including private gardens and communal open space. The design of the scheme considered to be good, which would contribute to the wellbeing of residents.</p>
8.100	<p>The proposal is considered to satisfy the requirements of Policy HC1.</p>

	<u>Environmental protection</u>
8.101	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.
	<u>Contaminated land</u>
8.102	Both DAERA and Environmental Health (EH) has advised that contamination risks can be dealt by way of conditions. These will require submission of a detailed remediation strategy and verification report.
	<u>Air quality</u>
8.103	EH has not raised any concerns with regards to air quality and in this regard the proposal is considered compliant with Policy ENV1.
	<u>Noise</u>
8.104	EH has not raised any concerns with regards to noise and the proposal is considered compliant with Policy ENV1.
	<u>Natural heritage</u>
8.105	Policy NH1 relates to the protection of natural heritage resources. The Council will adopt the precautionary principle when considering the impacts of proposed development on local, national or international natural heritage resources.
	<u>Designated Sites</u>
8.106	The application site is in close proximity to Purdys Burn which flows into the Lagan and is hydrologically connected to Belfast Lough (RAMSAR site) and Special Protection Area (SPA) and Outer Belfast Lough Area of Special Scientific Interest (ASSI).
8.107	The site is also adjacent to Minnowburn Site of Local Nature Importance (SLNCI) and contains hedgerows and a watercourse which are Northern Ireland Priority Habitats (NIPH).
8.108	The site is within an Area of High Scenic Value (AHSV) as detailed in the landscape section above.
	<u>Protected Species</u>
8.109	Following advice from DAERA Natural Environment Division (NED), surveys and confirmation of trees with bat roost potential was requested and provided. Subject to retention of important trees, NED is content subject to a condition regarding lighting.
8.110	The presence of protected birds has been confirmed and NED is content subject to a condition restricting construction to outside the bird nesting season.
8.111	With regards to badgers and otters, NED is content subject to a condition requiring the submission and implementation of a Construction Environmental Management Plan (CEMP).

<u>Habitats Regulations Assessment</u>	
8.112	The site is hydrologically linked to the environmental protected Belfast Lough. In view of the objection from NI Water and its concerns about environmental pollution due to concerns about waste-water infrastructure capacity, the Council is required to undertake an Appropriate Assessment to assess the potential impacts of the proposal.
8.113	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). 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.
8.114	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 hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a “significant effect” on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification, the Council will consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. SES has therefore been requested to undertake an Appropriate Assessment on behalf of the Council.
8.115	<p>SES has carried out an Appropriate Assessment, which concludes 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 is subject to conditions to mitigate the impacts of the proposal. The conditions require the following.</p> <ul style="list-style-type: none"> • prior agreement of the method of sewage disposal; • a defined buffer of at least 10 m maintained between the location of areas used for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc and the watercourses bordering the northern and southern edges of the application site; and • submission, approval and implementation of a final Construction Environmental Management Plan (CEMP).
8.116	It is recommended that the Council adopts the Appropriate Assessment.
8.117	Subject to the conditions advised by SES and DAERA, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the SPPS.
<u>Waste-water infrastructure</u>	
8.118	NI Water has objected to the application on grounds of insufficient waste-water capacity. Whilst there is currently sufficient capacity at the waste-water treatment plant, it has identified network capacity issues. NI Water advises that the downstream catchment is constrained by overloaded sewerage infrastructure. It advises that this poses potential significant environmental risks as well as detriment to existing properties. NI Water welcomes further discussions with the applicant on this issue and advises the applicant to submit a Waste Water Impact Assessment to it. Conditions are recommended in the event that planning permission is granted.

8.119	Notwithstanding its objection, NI Water has to date not provided robust evidence to support its specific objection including demonstration of actual specific impacts resulting from individual proposals that stems from its broad concerns.
8.120	Importantly, allowance must be made for existing significant committed development across the city including extant planning permissions. It is highly unlikely that all such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will come forward at once, if at all. In practical terms it would be unreasonable for the Council to withhold planning permission given the fall-back of the need to connect those developments to existing waste water infrastructure.
8.121	The Council must be mindful that were it to refuse planning permission based on NI Water's concerns, it would need to provide robust evidence to the Planning Appeals Commission in the event that the applicant appeals the decision. In the absence of robust evidence, it would be unreasonable to refuse planning permission.
8.122	Having regard to Policy SP1a, for the reasons set out above, the proposal is considered acceptable.
	<u>Flood risk and drainage</u>
8.123	The site is located outside the floodplain. The application is supported by a Drainage Assessment. DfI Rivers was consulted and subject to a condition requiring approval of a final drainage assessment and detailed drainage network design, offers no objection.
8.124	DAERA NIEA: Water Management Unit was consulted and are content subject to a condition requiring confirmation of consent to discharge prior to commencement of development.
8.125	Subject to appropriate conditions, the proposal is considered compliant with Policy ENV4 and relevant provisions of the SPPS.
	<u>Section 76 planning agreement</u>
8.126	Should planning permission to be granted, it should be subject to a Section 76 planning agreement to secure the following obligations. These are considered necessary to make the proposed development acceptable.
	<ul style="list-style-type: none"> • The carrying out of further surveys of the three remaining Listed pavilions and the submission of further application/s for Listed Building Consent as necessary. This is to ensure the most appropriate renovation scheme, which respects the architectural and historic qualities of the buildings; • To require the enabling works to the three remaining Listed pavilions in accordance with the applicable Listed Building Consent/s; • The submission and implementation of a Conservation Management Plan for the Significant Place; • Provision of at least five of the units as social housing (Category 1 active elderly) or such other form of social housing to be first agreed by the Council; • Implementation of the Travel Plan; • Implementation of specific green travel measures – travel cards for 3 years and membership and promotion of a car club; • Delivery, management and maintenance of the equipped area of open space; • Management of the open space and common parts of the site; and.

	<ul style="list-style-type: none"> • Provision of access and right of way for the public to the pedestrian link from the site to Ballylesson Road and into and across the adjacent woodland. <p><u>Pre-Community Consultation</u></p>
8.127	For applications for Major development, applicants are required by legislation to consult the community in advance of submitting the application.
8.128	Applicants are also required to submit to the council a 'Proposal of Application Notice' (PAN) in advance, which sets out the proposals for the pre-community consultation. A PAN was submitted in October 2017 (LA04/2017/2298/PAN) and was confirmed by the Council to be acceptable.
8.129	<p>The applicant is further required to prepare a Pre-Application Community Consultation report (PACC) to accompany the planning application. A PACC Report was submitted with the application, which includes details of public meetings, stakeholder and householder flyers and the public advertisement. 25 people attended and three feedback forms were submitted with the main points summarised below:</p> <ul style="list-style-type: none"> • welcomed the reduced density of the housing; • requested a children's play area; • expressed concern regarding traffic; • wished to see an openable pedestrian access onto Ballylesson Road; and • querying the provision of social housing
8.130	The PACC report details the ways in which the above feedback has been considered and it is considered compliant with the legislative requirements.
9.0	<u>Conclusion and Recommendation</u>
9.1	Whilst the proposal is in conflict with policies that direct new housing to previously developed land within the development limit and protect the countryside, as well as conflict with some other policies in the Plan Strategy, this has to be balanced against the benefits of the scheme. Primarily, this includes restoration of the three remaining undeveloped Listed pavilions, but also the provision of enhanced open space facilities for new and existing residents; delivery of social housing; and improved connectivity to Ballylesson Road and into and across the adjacent woodland. Although the site is outside the development limit, regard is had to the limited visual impact that the proposal would have on the countryside and wider landscape. When applying the planning balance, it is considered that the benefits of the proposal outweigh the negatives. It is therefore recommended that planning permission is granted.
9.2	Having regard to the Development Plan and relevant material considerations, and in the planning balance, it is considered that the proposal is acceptable. It is recommended that planning permission is granted subject to conditions and a Section 76 planning agreement.
9.3	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 from the final consultation responses from DfI Roads and Tree Officer, provided that they are not substantive.

10.0

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. All external facing and roofing materials shall be carried out as specified on the approved plans.

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

DESIGN AND PLACEMAKING

3. Notwithstanding the submitted details, no development shall commence unless final details of climate change measures to mitigate and adapt to climate change have been submitted to and approved in writing by the Council. The development shall not be occupied unless the climate change measures have been implemented in accordance with the approved details. The climate change measures shall be retained in accordance with the approved details at all times.

Reason: To mitigate and/or adapt to climate change.

4. No development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) unless details of a Public Art Scheme have been submitted to and approved in writing by the Council. The scheme shall include details of individual public art installations, proposals for future management and maintenance, and a programme for implementation. The development shall not be carried out unless in accordance with the approved details.

Reason: In the interests of place making and the amenities of the area. Approval is required upfront because public art may be integral to the design and layout of the scheme.

Environmental Health

5. No development shall commence on site (other than site clearance, enabling works or works to fulfil this condition) unless a Remediation Strategy has been submitted to and approved in writing by the Council. The Remediation Strategy must provide final details of how the outline remedial proposals contained within the RSK Ireland Ltd report entitled 'Neptune Group, Updated Remedial Strategy, Lands at Former Belvoir Park Hospital, Phase 5' (dated July 2021 and referenced 602881-R3 (00)) are to be implemented on the site. The Remediation Strategy shall follow current Environment Agency and CIRIA guidance and British Standards and 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 remediation 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.

6. Prior to occupation, a Verification Report shall be submitted to and approved in writing by the Council. The Verification Report shall be completed by competent persons and be in accordance with current Environment Agency and CIRIA guidance and British Standards. It must demonstrate that the mitigation measures outlined in the agreed Remediation Strategy have been implemented, that they 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. 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.

DfC Historic Environment Division

8. No development or works shall commence on site (other than that required to fulfil this condition) unless a programme of archaeological work has been implemented in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Council.

Reason: To ensure that archaeological remains and features are preserved in situ. Approval is required upfront because archaeological remains and features could be damaged or permanently lost.

9. A programme of post-excavation analysis, preparation of an archaeological report, dissemination of results and preparation of the excavation archive shall be undertaken in accordance with the programme of archaeological work approved under condition **[X – insert number of condition above]**.

These measures shall be implemented, and a final archaeological report shall be submitted to the Council within **six months** of the completion of archaeological programme of works.

Reason: To ensure that the archaeological remains and features are properly analysed and recorded.

DAERA Regulation Unit Land and Groundwater Team

10. The development hereby permitted shall not be occupied until the remediation measures as described in the RSK Ireland Ltd, Updated Remedial Strategy Report, Ref 602881-R3 (00) have been implemented and a Verification Report to confirm the same has been submitted to and approved in writing by the Council.

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

11. If during construction, new contamination or risks are encountered which have not previously been identified, works shall cease and the Council shall be notified immediately in writing. This new contamination shall be fully investigated in accordance with the Land Contamination: Risk Management (LCRM) guidance available at <https://www.gov.uk/guidance/landcontamination-how-to-manage-the-risks>. In the event of unacceptable risks being identified and a remediation strategy shall be submitted to and approved in writing by the Council. The development shall not be occupied unless a Verification Report that confirms the same has been submitted to and approved in writing by the Council.

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

Natural Environment Division

12. No development or works shall commence on site (including site clearance, site preparation, demolition and the formation of foundations and trenches) unless a Final Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Council.

The Final CEMP shall include:

- a) Construction methodology and timings of works;
- b) Pollution Prevention Plan, including suitable buffers between the location of all construction works, storage of excavated spoil and construction materials, any refuelling, storage of oil/fuel, concrete mixing and washing areas and any watercourses or surface drains present on or adjacent to the site;
- c) Site Drainage Management Plan; including Sustainable Drainage Systems (SuDS), foul water disposal and silt management measures; and
- d) The precautionary ecological mitigation recommended in NEDs responses, dated 11/02/2023, including preconstruction checks for badger and otter, and the soft-fell of trees with low bat roost potential.

No development or works shall be carried out unless in accordance with the Final Construction Environmental Management Plan.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

13. No external lighting shall be erected or installed unless in accordance with a Lighting Plan that has been first submitted to and approved in writing by the Council.

The Lighting Plan shall include:

- a) The specifications of lighting to be used across the site, including model of luminaires, location and height;
- b) All measures to mitigate for the impacts of artificial lighting on bats and other wildlife, e.g. timing of lighting, use of low level lighting, screens, hoods, cowls etc.
- c) A horizontal illuminance contour plan (isolux drawing) showing predicted light spillage across the site;
- d) Predicted illuminance on the Minnowburn SLNCI, retained trees/hedgerows, and the riparian habitat to be less than 1 lux.

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

14. No vegetation clearance, removal of hedgerows, trees or shrubs shall take place between 1 March and 31 August inclusive in any calendar year, unless a competent ecologist has undertaken a detailed check for active bird's nests immediately before clearance and provided written confirmation that no nests are present/birds will be harmed and/or there are appropriate measures in place to protect nesting birds.

Reason: To protect breeding birds.

DFI ROADS

15. The development hereby approved shall not be occupied until the parking, circulation 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.

16. No development hereby approved shall not be occupied unless the access, including visibility splays and any forward sight lines, have been provided in accordance with the approved plans. 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.

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

Reason: In the interests of highway safety.

18. The Private Streets (Northern Ireland) Order 1980 as amended by the Private Streets (Amendment) (Northern Ireland) Order 1992.

The Council hereby determines that the width, position and arrangement of the streets, and the land to be regarded as being comprised in the streets, shall be as indicated on Drawing No. [TBC].

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

19. No residential unit on Road 1 (as identified on the approved plans) shall be occupied unless Vehicle Restraint System has been constructed in accordance with details that shall have first been submitted to and approved in writing by the Council.

Reason: In the interests of highway safety.

20. No dwelling or apartment shall be occupied until that part of the service road which provides access to it has been constructed to base course.

Reason: To ensure appropriate access to the development.

SHARED ENVIRONMENTAL SERVICES / DFI RIVERS / NI WATER

21. Notwithstanding the submitted details, 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.

SHARED ENVIRONMENTAL SERVICES

22. A buffer of at least 10 metres must be maintained between the location of areas used for refuelling, storage of oil/fuels, concrete mixing and washing areas, storage of machinery/materials/spoil etc. and the watercourses bordering the northern and southern edges of the application site.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

23. No development or works shall commence on site (including site clearance, site preparation, demolition and the formation of foundations and trenches) unless a Final Construction Environmental Management Plan has been submitted to and approved in writing by the Council. This shall reflect the mitigation and avoidance measures to be employed for pollution control and protection of water quality as detailed in the Outline Construction Environment Management Plan (RSK, March 2024), Remedial Strategy (RSK, July 2021). No development or works shall be carried out unless in accordance with the Final Construction Environmental Management Plan.

Reason: To ensure the project will not have an adverse effect on the integrity of any European site.

TREES AND LANDSCAPING

24. All hard and/or 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.

25. 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.

26. The works hereby approved shall not be carried out unless in accordance with the approved Tree Protection Plan. The measures set out in the Tree Protection Plan shall remain in place until the completion of the construction.

Reason: To safeguard existing tree(s) in the interests of visual amenity.

27. No works shall be carried out on site unless written notification has been given to the Council at least 14 days prior to the commencement of works.

Reason: To enable the Council to verify that the tree protection measures have been appropriately carried out.

28. Any excavation within Tree Protection Areas shall be carried out using non mechanised hand tools only. All roots that are uncovered during excavation and which are in excess of 2.5cm in diameter shall be protected and treated in accordance with BS 3998: 2010 Recommendations for Tree Work [or any guidance revoking and/or re-enacting it) and foundations bridged around them.

Reason: To safeguard existing tree(s) in the interests of visual amenity.

29. If roots are accidentally damaged the Council must be immediately notified in writing and given the opportunity to inspect the damage before it is covered over. The roots must be wrapped in wet hessian wrap until the arrival of an arborist or Council. Remedial works to roots/trees shall be submitted to and agreed in writing by the Council before development that

affects the roots proceeds. The development shall not proceed unless in accordance with the approved details.

Reason: To safeguard existing tree(s) in the interests of visual amenity.

INFORMATIVES

NOT01 Drawing Numbers

This decision relates to the following approved drawing numbers: [TBC]

NOT04 Section 76 planning agreement

This planning permission is subject to a planning agreement under Section 76 of the Planning Act (Northern Ireland) 2011. This decision should be read in conjunction with the planning agreement, which secures the following planning obligations:

- Further surveys and restoration of the three remaining Listed pavilions
- Submission and implementation of a Conservation Management Plan for the Significant Place;
- Provision of five of the units as social housing (Category 1 active elderly);
- Implementation of the Travel Plan and green travel measures;;
- Delivery, management and maintenance of the equipped area of open space;
- Management of the open space and common parts of the site; and
- Provision of access and right of way for the public to the pedestrian link from the site to Ballylesson Road and Hazelbank Wood.

NOT02 Compliance with planning permission

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 contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk.

NOT03 Discharge of condition(s)

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.

NOT05 Non-planning requirements

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.

NOT06 Protected Species

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

- a) Deliberately capture, injure or kill a wild animal including a European protected species, which includes all species of bat;

	<ul style="list-style-type: none"> b) Deliberately disturb such an animal while it is occupying a structure or place which it uses for shelter or protection; c) Deliberately disturb such an animal in such a way as to be likely to: <ul style="list-style-type: none"> (i) affect the local distribution or abundance of the species to which it belongs; (ii) Impair its ability to survive, breed or reproduce, or rear or care for its young; or (iii) Impair its ability to hibernate or migrate; d) Deliberately obstruct access to a breeding site or resting place of such an animal; or e) To damage or destroy a breeding site or resting place of such an animal. <p>If there is evidence of bat activity / roosts on the site, all works should cease immediately and further advice sought from the Wildlife Inspector's Team, Northern Ireland Environment Agency, Klondyke Building, Cromac Avenue, Gasworks Business Park, Belfast BT72JA. Tel. 028 9056 9605.</p>
11.0	Representations from Elected Representatives (if relevant) N/A
12.0	Referral to Dfl (if relevant) N/A

ANNEX A	
Date Valid	16.12.2020
Date First Advertised	15.01.2021
Date Last Advertised	02.02.2024
Details of Neighbour Notification (all addresses)	
<p>21 Lady Ishbel Avenue, Belfast, BT8 8FR 20 Lady Ishbel Avenue, Belfast, BT8 8FR 26 Lady Ishbel Avenue, Belfast, BT8 8FR 27 Lady Ishbel Avenue, Belfast, BT8 8FR 23 Lady Ishbel Avenue, Belfast, BT8 8FR 41-43 Ballycairn Presbyterian Church, Ballylesson Road, Belfast 2 Haddo Lane, Belfast, Down, BT8 8FU 8 Haddo Place, Belfast, Down, BT8 8FY 3 Haddo Place, Belfast, Down, BT8 8FY 18 Lady Ishbel Avenue, Belfast, BT8 8FR Ballycairn Presbyterian Church, 39 Ballylesson Road, Belfast 4 Haddo Lane, Belfast, Down, BT8 8FU 22 Lady Ishbel Avenue, Belfast, BT8 8FR 19 Lady Ishbel Avenue, Belfast, BT8 8FR 29 Lady Ishbel Avenue, Belfast, BT8 8FR 5 Haddo Place, Belfast, Down, BT8 8FY 4 Haddo Place, Belfast, Down, BT8 8FY 9 Haddo Place, Belfast, Down, BT8 8FY 17 Lady Ishbel Avenue, Belfast, BT8 8FR 25 Lady Ishbel Avenue, Belfast, BT8 8FR 28 Lady Ishbel Avenue, Belfast, BT8 8FR 2 Haddo Place, Belfast, Down, BT8 8FY 16 Lady Ishbel Avenue, Belfast, BT8 8FR 1 Haddo Place, Belfast, Down, BT8 8FY 24 Lady Ishbel Avenue, Belfast, BT8 8FR 7 Haddo Place, Belfast, Down, BT8 8FY 15 Haddo Crescent, Belfast, Down, BT8 8FX 6 Haddo Place, Belfast, Down, BT8 8FY 14 Lady Ishbel Avenue, Belfast, BT8 8FR 3 Ishbel Mews, Belfast BT8 8FZ 10 Lady Ishbel Avenue, Belfast, BT8 8FR 5 Ishbel Mews, Belfast BT8 8FZ 14 Haddo Woods, Belfast BT8 8FS</p>	
Date of Last Neighbour Notification	05.05.2024
Date of EIA Determination	19th January 2021
ES Requested	No

ANNEX B

CLYDE SHANKS

Planning Development

Second Floor, 7 Exchange Place, Belfast BT1 2NA
 t | 028 9043 4393
 e | enquiries@clydeshanks.com
 clydeshanks.com

BRIEFING NOTE

CLIENT	Belvoir Park LLP
PROJECT	Belvoir Park Phase 5 (planning ref. LA04/2020/2607/F)
JOB REF	NEP1005
DATE	2 nd August 2023

Appendix 1: FEN Executive Summary

Site Address/Location of development	Lands at the rear of the former Belvoir Park Hospital, Hospital Rd, Belfast
Description of Development	Residential development for the erection of 33no. dwellings (including 5no. apartments for over 55 active elderly persons) also comprising public open space, equipped children's play area and associated development. Restoration and conversion of three Listed Pavilion Buildings
Zoning ref. if applicable (see Local Policies Plan)	N/A

Summary of key assumptions in Site-specific Viability Assessment:				
Summary of housing mix (by tenure type and size)				
Phase 5:				
No of units	No of bedrooms / occupants	Size (sqm)	Type of unit	Tenure
5	2 bedroom / 3 person	69 - 81	Apartment	Social (Active Elderly)
3	3 bedroom / 6 person	121 - 162	Detached dwelling	Private
5	4 bedroom / 7 person	151	Detached dwelling	Private
20	4 bedroom / 8 person	155 - 277	Detached dwelling	Private

| ENERGY | RETAIL | LEISURE | RESIDENTIAL | WASTE | COMMERCIAL | AGRI-FOOD |

Registered Address: Clyde Shanks Limited, 10 Pilots View, Heron Road, Belfast BT3 9LE. Company Registration No. N1606619

Unrestored Pavilion Buildings:				
No of units	No of bedrooms / occupants	Size (sqm)	Type of unit	Tenure
3	2 bedroom / 4 person	150	Townhouse	Private
12	3 bedroom / 6 person	152 - 312	Townhouse	Private

Assumption	Amount
A) Development Value	
Gross Development Value	£22,965,000
B) Land costs	
Benchmark Land Value (including landowner premium)	£0
C) Construction and development costs	
Construction Costs	£16,894,464
Professional Fees	£1,228,098
Marketing	£65,000
Disposal Fees	£325,925
Contingencies	£946,957
Abnormal Costs (factored into build costs)	£0
Total construction and development costs	£19,460,444
D) Finance	
Finance Cost	£1,116,931
E) Profit	
Developer profit	£2,387,625
Profit as a % return	11.6%
F) = B + C + D + E	Total cost £22,965,000
Viability	
Residual land value (headroom) (A-F)	£0

This page is intentionally left blank

Development Management Report

Summary	
Committee Date: 19 th March 2024	
Application ID: LA04/2023/2890/F	
Proposal: Proposed demolition of existing buildings and erection of a housing development comprising of 43No. social housing units including dwellings and apartments (Cat 1), car parking, landscaping including an equipped children's play area, and all associated site and access works.	Location: Christ the Redeemer Parish Hall and lands immediately north and west of Christ the Redeemer Church, Lagmore Drive, Dunmurray, BT17 0TG
Referral Route: Paragraph 3.8.2 of the Scheme of delegation where a representation has been received which conflicts with the Planning Officer's recommendation	
Recommendation: Approval subject to conditions and Section 76 planning agreement	
Applicant Name and Address: Newpark Developments (NW) Ltd 72-74 Omagh Road Dromore Co. Tyrone BT78 3AJ	Agent Name and Address: Donna Lyle Hamilton House, 3 Joy St, Belfast BT2 8LE
Executive Summary: This application relates to Christ the Redeemer Parish Hall and lands immediately north and west of Lagmore Drive. The application seeks full planning permission for demolition of existing buildings and erection of a housing development comprising 43 social housing units including dwellings and apartments (Cat 1), car parking, landscaping including an equipped children's play area, and all associated site and access works. The key issues for consideration of the application are set out below. <ul style="list-style-type: none"> • Principle of development • Protection of open space • Loss of community infrastructure • 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 • Provision of new open space • Access and transport • Environmental protection • Flood risk and drainage • Waste-water infrastructure 	

- Natural heritage
- Section 76 planning agreement

There are no objections from statutory consultees. A further response is awaited from DfI Roads in relation to the amended Private Streets Determination (PSD) drawing.

98 objections have been received. These are set out in the main report.

The proposal would provide valuable social housing for which there is a significant unmet need in this part of West Belfast. The loss of open space under Policy OS3 and loss of a community facility under Policy CI1 are considered, on balance, acceptable given the substantial community benefits derived through the provision of the social housing and provision of a Financial Developer Contribution for improving open space facilities in the area. The design of the proposed housing is considered acceptable. Sufficient parking would be provided, and the proposal would not be detrimental to highway safety.

Recommendation

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 Section 76 planning agreement to secure the development as social housing, open space management, green travel measures and Financial Developer Contribution.

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 DfI Roads consultation, provided that they are not substantive.

DRAWINGS AND IMAGERY

Site Location Plan:



Site Layout Plan:



Proposed Elevations Detached Houses:



Proposed Elevations Semi-detached Houses:



Proposed Elevations Apartments:



CGI:



1.0	<p>Characteristics of the Site and Area</p>
1.1	<p>The site is located immediately west of Lagmore Drive and Christ the Redeemer Parish Hall, south of Nos 3-27 Lagmore Meadows and east of Nos 37-55 Lagmore Meadows, Belfast. The site is generally flat with a gradual fall towards its western boundary. Other than existing buildings on site it is generally grassland which has been cleared of vegetation, with more dense vegetation located to its south western boundary. A watercourse runs along the western boundary of the site which has been culverted.</p>
1.2	<p>The surrounding area is predominately residential and characterised by two storey detached and semi-detached properties located at Lagmore Meadows, Lagmore Drive, and Lagmore Downs located to the north and east of the site, respectively. Immediately south of the site is Christ the Redeemer Church and beyond the church is Christ the Redeemer Primary School.</p>
1.3	<p>The current buildings on the site include the Church Hall and a temporary building to the rear of it. They currently provide community facilities for the local Girl Guides and a childcare/after schools club, 'Little Saints out of School'. The building benefits from ample parking spaces to facilitate the current uses.</p>
1.4	<p>The site is located approximately 7 miles from Belfast City Centre and has easy access to various local amenities and services via walking, cycling, and public transport. Within 400m of the site there are 8 bus stops, including the G1 Glider route which is available on the Stewartstown Road.</p>
	<p>Description of Proposed Development</p>
1.5	<p>The application seeks full planning permission for demolition of existing buildings and erection of a housing development comprising of 43 social housing units including dwellings and apartments (Cat 1), car parking, landscaping including an equipped children's play area, and all associated site and access works.</p>
1.6	<p>The scheme is on the 2023/24 NIHE social housing programme. However, satisfactory amended plans were not submitted until 13th March 2024 following issues first raised by the Planning Service in May 2023 then November 2023.</p>
2.0	<p>PLANNING HISTORY</p>
2.1	<p>Relevant planning history is summarised below.</p> <ul style="list-style-type: none"> • S/2009/0906/F- Proposed new replacement church and associated car parking, 134 spaces in church ground and 50 spaces at primary school adjoining the church site to replace the existing church and removal of temporary buildings on completion. Permission granted.
3.0	<p>PLANNING POLICY</p>
3.1	<p>Development Plan – operational policies</p> <p><u>Belfast Local Development Plan, Plan Strategy 2035</u></p> <p>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</p>

	<p>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 CI1 – Community infrastructure Policy DES1 – Principles of urban design Policy RD1 – New residential development 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 OS1 – Protection of open space Policy OS3 - Ancillary open space Policy TRE1 – Trees Policy NH1 – Protection of natural heritage resources</p> <p><u>Supplementary Planning Guidance</u></p> <p>Affordable Housing and Housing Mix Residential Design Placemaking and Urban Design Sustainable Urban Drainage Systems Transportation Trees and Development</p> <p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p> <p>Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS)</p> <p>Other Material Considerations Developer Contribution Framework (2020) <i>Belfast Agenda</i> (Community Plan)</p>
4.0	CONSULTATIONS AND REPRESENTATIONS
4.1	<p><u>Statutory Consultees</u></p> <p>DfI Roads – final response outstanding to confirm the acceptability of the PSD drawings.</p>

	<p>DfI River – no objection subject to conditions.</p> <p>DAERA – no objection subject to conditions.</p> <p>NI Water – No objection.</p> <p>NIHE – supports the proposal, accepting the principle of a full social housing scheme.</p> <p>4.2 <u>Non-Statutory Consultees</u></p> <p>Planning Service Plans & Policy Unit – refer to main assessment.</p> <p>Planning Service Urban Design Officer – concerns raised about some aspects of the design of the proposal, which are addressed in the main assessment.</p> <p>Environmental Health – no objection subject to conditions.</p> <p>Shared Environmental Services (SES) – no objection subject to conditions.</p> <p>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.</p> <p><u>Representations</u></p> <p>4.4 The application has been advertised in the newspaper and neighbours notified.</p> <p>4.5 Ninety-eight objections have been received from residents within the immediate area. Concerns are raised about the following issues:</p> <ul style="list-style-type: none"> • Traffic and congestion • Parking • Parking used by parents for school drop off will be removed • Child safety with regards to traffic • Anti-social behaviour • Area densely populated • Sewage capacity • Loss of privacy • Loss of after school’s club through demolition of hall • Girl Guides can no longer use the existing hall • Impact on flora and fauna <p>4.6 A further email was received on from the owner/operator of Little Saints out of School stating that that the developer has asked them to vacate the church hall building on 7th April. They state that as it stands the childcare facility currently do not have a space to go to facilitate approximately 100 children.</p> <p>5.7 These issues are addressed within the planning assessment section of the report.</p>
--	---

5.0	<p>PLANNING ASSESSMENT</p> <p>Main Issues</p>
5.1	<p>The main issues relevant to consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of development • Protection of open space • Loss of community infrastructure • 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 • Provision of new open space • Access and transport • Environmental protection • Flood risk and drainage • Waste-water infrastructure • Natural heritage • Section 76 planning agreement <p>Development Plan Context</p>
5.2	<p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
5.3	<p>Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.</p>
5.4	<p>The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 (“Departmental Development Plan”) remain part of the statutory local development plan until the Local Policies Plan is adopted.</p> <p><u>Operational Polices</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These have been listed above.</p>

	<p><u>Proposals Maps</u></p>
5.6	<p>Until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.</p>
5.7	<p>Belfast Urban Area Plan 2001 – the site is un-zoned “white land”.</p>
5.8	<p>Belfast Metropolitan Area Plan 2015 (2004) – the site is located within the development limit and is ‘un-zoned’ or “white land”. To the west of the site there is a local Landscape Policy Area (LLPA) ‘Lagmore’ (ML 17).</p>
5.9	<p>Belfast Metropolitan Area Plan 2015 (v2014) – the site is located within the development limit and is ‘unzoned’ or “white land”.</p>
	<p><u>Principle of housing in this location</u></p>
5.10	<p>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 – only part of the site is previously developed land with the remainder open space. Policy HOU2 goes onto require that such proposals also satisfy three criteria discussed below.</p> <ul style="list-style-type: none"> a. The site is suitable for housing – the site is located within a residential area. Consideration of the loss of open space and a community use are discussed below. Subject to consideration of those issues, the proposal is considered to suitable for housing. b. The location is accessible and convenient to public transport and walking cycle infrastructure – the site is located approximately 7 miles from Belfast City Centre and has easy access to various local amenities and services via walking, cycling, and public transport. Within 400m of the site there are eight bus stops, including the G1 Glider route which is available on the Stewartstown Road. The proposal is considered to satisfy this criterion. c. Provision is made for any additional infrastructure required as a result of the development – suitable infrastructure is considered to be in place other than the requirement for enhanced off-site open space to help mitigate for the loss of open space from the site. This is discussed in the following section of the report.
5.11	<p>The proposal largely complies with Policy HOU2 although the entire site is not previously developed land – part of the site is open space and this is considered in the following section of the report. Subject to consideration of the loss of open space and community facility below, the site is considered an acceptable location in principle for new housing.</p>

<u>Protection of open space</u>	
5.12	Policy OS3 states that development resulting in the loss of open space on lands specifically identified for these uses in the LDP will only be considered in exceptional circumstances where it is clearly shown that redevelopment will bring substantial community benefits that decisively outweigh the loss of the open space.
5.13	Part of the site has previously been developed to provide a church hall with associated temporary buildings and car parking. Aside from these elements, there are open areas that currently appear to be unmanaged scrub areas generally located to the rear (north and west) of a palisade fence that crosses to the rear of the operational church. There is a smaller unmanaged open space area to the rear of the temporary buildings that is also proposed to be developed.
5.14	Irrespective of their current condition, all areas of open space close to the western and northern boundaries of the site and to the rear of the temporary buildings are considered to be protected open space. In this regard, the Plan Strategy defines 'open space' as: <i>'...all open space and ancillary facilities of recreational, amenity or environmental value, including land and water bodies, irrespective of ownership or access. This includes a wide range of types of open space, such as amenity open space, natural and semi-natural spaces. etc'</i> . Approximately half of the site is considered open space and there is a policy presumption against its loss.
5.15	The proposal is for the provision of 100% social housing. A consultation response from Northern Ireland Housing Executive advises that there is a strong demand especially for family homes in the social housing sector within the Lagmore area (see Affordable Housing section of the report). The provision of Category 1 apartments for the elderly population offers the opportunity for households to move to more appropriate accommodation for their needs and in turn further support further provision of their previous homes to those in need.
5.16	In addition, as identified during the PAD process, the applicant has been requested to provide a Financial Developer Contribution for improving open space in the local area as part of the mitigation for the loss of open space from the site. An area of land at Twinbrook to the east has been identified by the Council's Landscape and Development team as benefiting from improvements including improvements to the access; boundary treatment; bins; lighting and so forth. It considers that those lands serve the wider locality and is a route to the east side of the A512 and Upper Dunmurry. The applicant has agreed to make a financial Developer Contribution of £27,500 towards these improvements (this sum will need to be index linked to the date of the Committee) and would need to be secured by means of a Section 76 planning agreement.
5.17	It is considered that the delivery of this quantum of social housing, in combination with the Financial Developer Contribution to improve open space amenity in the locality, would bring substantial community benefits that decisively outweigh the loss of open space, compliant with Policy OS1.
<u>Loss Of Community Infrastructure</u>	
5.18	Policy CI1 outlines a policy presumption against the development of existing community infrastructure or lands identified for such use for alternative uses. Proposals for alternative uses will require to demonstrate that the existing facility/designated site is no longer required and that alternative arrangements are in place to ensure no significant diminution of community infrastructure provision.

5.19	Lagmore Church Hall and the other associated buildings which are to be demolished as part of the proposal are currently occupied by the Girl Guides and 'Little Saints Out of School' which is a childcare facility/after school club. The applicant has stated that the developer, Newpark, has agreed to let the Girl Guides and childcare facility continue to make use of the hall until a determination has been made on the application. It is the applicants understanding that the Girl Guides have opportunity to access the other hall facilities on the Church site next door to the development proposal but are currently investigating potential use of the community forum building next door. The Childcare provider have apparently also been offered land adjacent to the Church by the Diocese for the establishment of the childcare facility.
5.20	However, no clear evidence has been provided that alternative arrangements for the Girl Guides and childcare facility are in place. It is clear from the objection from the childcare provider that a need for the community building remains. The proposal is therefore contrary to Policy CI1. Notwithstanding, taking into account the substantial community benefit of social housing provision as a result of this application, and in the planning balance, it is considered that this outweighs the loss of the above community uses.
<p><u>Housing density</u></p>	
5.21	Policy HOU4 seeks to promote appropriate housing densities to ensure effective use of land, a finite resource, in sustainable locations.
5.22	The site is located within outer Belfast and therefore, the average density band of 25-125 dwellings per hectare (dph) for Outer Belfast Character Area applies. Given the site area of around 1 ha, the proposed density equates to 41dph, demonstrating that it would make effective use of land. The density of the proposal is considered in keeping with the general character of the area and the proposal is considered to accord with Policy HOU4.
<p><u>Affordable housing</u></p>	
5.23	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. Therefore, the proposal is required to deliver at least 9 affordable homes (rounded up). The scheme seeks full permission for 43 social housing units, meeting the policy requirement.
<p><i>Tenure</i></p>	
5.24	<p>However, the application is a 100% social housing scheme and the Affordable Housing and Housing Mix SPG seeks to avoid mono-tenure housing of this scale in the interests of sustainable and balanced communities. Notwithstanding, 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:</p> <ul style="list-style-type: none"> • <i>'The level of social housing need in the vicinity of the site and the availability of land to address such needs;</i> • <i>The wider tenure and characteristics of an area, in order to minimise large areas of single tenure social housing; and</i> • <i>Whether a scheme is proposed as 'shared housing'</i>
5.25	Dealing with the first criterion, NIHE supports the application, citing a significant unmet need in Belfast. NIHE advises that the housing needs assessment shows an unmet social housing need of 784 social housing units for Outer West Belfast. As of March 2023, there were 770 households in housing stress. NIHE has confirmed that the

	proposal is on its 2023/24 social housing programme. However, it has been advised that the application has been significantly delayed by the delays in the applicant providing satisfactory amended plans.
5.26	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 NIHE's support for the proposal and that the scheme includes a large number of family homes for which there is a particular need in this location. Furthermore, regard is had to the longevity of the application, which was submitted in March 2023, prior to adoption of the Plan Strategy, and preceded by a Pre-Application Discussion (PAD) submitted in December 2021. Having regard to these factors, and on balance, the proposed tenure mix is considered acceptable.
	<u>Housing mix</u>
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: <ul style="list-style-type: none"> 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 proposed apartments. In such cases, the housing mix will be considered acceptable through greater variety in the size of units.
5.29	The proposal is considered to represent a reasonable housing mix with 1, 2 and 3 bedroom units, including family homes, which are 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.
	<u>Adaptable and accessible accommodation</u>
5.30	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.
5.31	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 5 wheelchair accessible units (over 10%) wheelchair units, including 2 apartments and 3 houses as set out at Appendix 1. It is considered that the proposal complies with the additional nine criteria g. to o. Policy HOU7 is therefore satisfied.
	<u>Design and placemaking</u>
5.32	The proposal has been assessed against the SPPS, and Policies SP5, DES1 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.

	<i>Housing Units:</i>
5.33	The proposed layout is considered to be reflective of similar developments within the surrounding area and would not appear incongruous when viewed within the street scene. The layout follows the linear arrangement seen to the north and west of the site along Lagmore Meadows. There are a mix of detached and semi-detached dwellings, with both front and rear gardens, and associated parking with each dwelling. The associated material primarily comprises buff facing brick (stretcher and stack bond) alongside white framed windows with cills, which is reflective of those properties within the wider context.
5.34	The proposed height of the semi-detached dwellings is approximately 5.13m to the eaves and 7.70m to the ridge. The proposed height of the detached dwellings is approximately 5.15m to the eaves and 8.80m to the ridge. Each of the dwellings benefits from rear back gardens enclosed by timber fencing. To the front of each of the sites there are driveways to the side and front gardens with metal railings for a sense of enclosure and security. There is an exception of parking to the front of plots 18-21, however, on balance this is considered acceptable due the provision of green spaces and landscaping between each plot to minimise hardstanding.
	<i>Apartments:</i>
5.35	The proposed height of the apartment block is approximately 11.41m. The materials are to match those of the dwellings. Concerns were originally raised by officers in relation to overdevelopment, poor outlook and parking. Following negotiations with the applicant, amendments have been received, which overcome these concerns. The apartment building has been moved from the north-eastern boundary to increase the separation distance to 3.7m with the existing church site boundary. This has in turn resulted in the provision of windows and a more appropriate outlook for the apartments proposed on this part of the site.
5.36	The proposed parking layout has been amended to further increase green space and planting along the north facing elevation. Private defensible space has been provided for the ground floor apartments in the form of 1m high galvanised metal railing and low-level box hedging introduced to define defensible space. A green wall is proposed between the boundary of the church site and application site which is welcomed, however, further details are awaited. This can be dealt with by way of condition.
5.37	Following revisions, the design and layout of the proposal is considered acceptable, having regard to Policies SP5, DES1 and RD1, and relevant provisions of the SPPS.
	<u>Climate change</u>
5.38	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. Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change.
5.39	The proposal includes various sustainable design features which seek to mitigate and adapt to environmental change. These measures include the orientation of all units to optimise solar gain, light and ventilation. Large windows openings have been introduced within facades to help flood internal spaces with natural light where achievable. Trickle vents are also incorporated into the windows to provide the required background ventilation calculations for each unit, and the overall scheme has been developed and

	<p>based on the ‘fabric first’ approach, with 125mm cavities and high-quality full fill wall insulation proposed. Air tightness will be maximised across the units in line with Design Stage SAP Calculations and attenuation systems will be provided to control the flow of storm water from the site. These measures can be secured by condition.</p>
5.40	<p>Policy ENV2 seeks to re-use existing buildings where possible for environmental reasons. The proposal involves demolition of the existing church hall; this is considered acceptable in this case because of the overriding benefits of delivering social housing.</p>
5.41	<p>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.</p>
5.42	<p>Whilst the proposal is not considered fully compliant with Policy ENV5, regard is had to the importance of progressing the application which is on the 2023/24 NIHE social housing programme and that further details of SuDS can be secured by way of condition.</p> <p><u>Residential quality and impact on amenity</u></p>
5.43	<p>Policies 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. They also highlight that planning permission will be granted for proposals which create a quality and sustainable residential environment.</p>
5.44	<p>There is a separation distance of over 20m from Units 1 to 18. From Units 19 to 23 the separation distance is between 17.5m to 19.5m to Lagmore Meadows. The rear gardens will benefit from timber fencing and tree planting along the boundary with Lagmore Meadows which will alleviate any concerns regarding overlooking or loss of privacy. The separation distances and location of the proposed houses also ensure there will be no loss of light or overshadowing onto neighbouring properties. The apartment block has been sited to ensure no issues relating to dominance or overlooking occur. It is considered that the design, layout and separation distances proposed are acceptable and would not impinge on residential amenity via overlooking, dominance, loss of light or overshadowing.</p>
5.45	<p><i>Creating Places</i> advocates external private amenity space of between 10 and 30 sqm per residential unit for apartment buildings. The amenity space for the private amenity space associated with the apartments provides 41.65 sqm on average per dwelling. This is greater than the 10-30sqm recommended within <i>Creating Places</i>. Given the characteristics of the proposal and site, this is considered acceptable.</p>
5.46	<p>In terms of the houses, the gardens of Units 18, 19, 20 and 23 are below the space standards in <i>Creating Spaces</i> of 70 sqm. The garden sizes of these units are shown in the table overleaf. However, given the overall average garden size of 86 sqm, which exceeds the standard, together with the benefits of the scheme, on balance, the smaller garden size of these units is considered acceptable.</p>

Houses

Location	Accommodation	Size (sqm)
Plot 18	3P2B	58.13
Plot 19	3B2B	59.75
Plot 20	3P2B	64.71
Plot 23	5P2B	54.85
TOTAL		1.978.12
AVERAGE		86 sqm

Garden space standards

Space standards:

5.47 The proposed residential units for both the housing units and apartments are in accordance with the minimum space standards as set out in Appendix C of the Plan Strategy.

5.48 It is considered that the proposal meets the requirements of Policies RD1 and DES1.

Provision of new open space

5.49 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.

5.50 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.

5.51 Approximately 10% of the total site area would be public open space provision for the enjoyment of future residents. This includes a children's playpark and a linear path which is throughout the site. Both elements are incorporated into the design of the development. It should be noted that an equipped play park is not a policy requirement for schemes of this scale and so its provision is welcomed.

5.52 The proposal complies to Policy OS3.

Access and transport

5.53 In relation to Policy TRAN1, the site is a reasonably accessible location with access to public transport and local amenities. Cycle parking is to be provided for the apartment development.

5.54 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 the housing units. Within the

	apartment units, there are disabled parking spaces. The application is considered to be compliant to Policy TRAN 2.
5.55	Policy TRAN4 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. The travel plan and green travel measures would be secured by means of a Section 76 planning agreement. The travel plan measures are considered acceptable having regard to Policy TRAN4 and DfI Roads have conditioned that the development shall operate in accordance with the Travel Plan.
5.56	In relation to Policy TRAN6, DfI Roads 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. The means of access to the development would be safe.
5.57	Turning to Policy TRAN 8, it is considered that adequate parking has been provided for the proposal. There are two spaces per dwelling apart from Units 19 and 20 which have one space. This is considered satisfactory. The apartment units have been provided with 16 spaces, including 2 disabled parking bays. Although this provision is not 1:1, DfI Roads has offered no objections to the provision of parking. It is considered adequate given the location and choice of other transport modes available and the Travel Plan, which will promote alternative forms of transport to the use of private cars.
5.58	The design of the car parking is considered satisfactory and compliant with Policy TRAN10.
5.59	DfI Roads offers no objection to the proposal, which is considered acceptable with regards to highway safety, traffic progression and parking. However, confirmation is awaited from DfI Roads on the acceptability of very recent amendments to the Private Streets Determination (PSD) drawing – delegated authority is sought to deal with this point. The proposal is considered acceptable having regard to Policies TRAN1, TRAN 2, TRAN4, TRAN6, TRAN 8 and TRAN 10.
	<u>Environmental protection</u>
5.60	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.
5.61	Environmental Health (EH) has advised that contamination risks can be dealt by way of conditions. It has not raised any concerns with regards to air quality or noise. Having regard to the advice from EH, the proposal is considered compliant with Policy ENV1.
	<u>Flood risk and drainage</u>
5.62	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.

5.63	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 the Drainage Assessment, accepts its logic and has no reason to disagree with its conclusions.
5.64	DfI Rivers offer no objection, provided that there is a suitable maintenance strip in place up to 10m where considered necessary – DfI Rivers acknowledges a working strip for the culvert is to be retained. The proposal is considered to comply with Policy ENV4.
<u>Waste-water infrastructure</u>	
5.65	Policy SP1a requires that necessary infrastructure is in place to support new development. NI Water offers no objection, advising that there is available capacity at the Wastewater Treatment Works and suitable network capacity. The proposal is acceptable having regard to Policy SP1Aa of the Plan Strategy.
<u>Natural heritage</u>	
5.66	Policy NH1 relates to the protection of natural heritage resources.
5.67	A consultation was sent to DAERA Natural Environment Division (NED) regarding protected badger setts. A response from NED has confirmed that they are content that the plans show no works occurring within the 25m protection zones and is therefore content that the proposed development is unlikely to significantly impact the local badger group. NED advises that a condition should be attached to the decision notice. NED is also content with the assessment of the bat roosting potential of the buildings proposed to be demolished. It notes that should evidence of roosting bats be found during works, all must stop and advise should be sought from NIEA Wildlife Team. An informative will be added to the decision notice to this effect.
5.68	NED notes that some vegetation may require removal and advises that the vegetation on the site may support breeding birds. All wild birds and their nests are protected. NED therefore advises that any removal of buildings/structures and vegetation on site should be undertaken outside the bird breeding season which occurs from 1st March to 31 st August or checked by a suitably qualified ecologist with protective measures undertaken if any active nest is found.
5.69	Subject to appropriate conditions, the proposal is considered compliant with Policy NH1, Policy ENV1 and the relevant provisions of the SPPS.
<u>Section 76 planning agreement</u>	
5.70	<p>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.</p> <ul style="list-style-type: none"> • Social housing – to require the delivery of all 43 residential units as social housing as part of the off-set for the loss of open space and community facilities; • Management of the open space, play equipment and common parts of the site; • Travel Plan and green travel measures; • Financial Developer Contribution of £27,581 (index linked) towards enhanced open space amenities in the area.

<p>6.0</p> <p>6.1</p> <p>6.2</p> <p>6.3</p>	<p>Recommendation</p> <p>The proposal would provide valuable social housing for which there is a significant unmet need in this part of West Belfast. The loss of open space under Policy OS3 and loss of a community facility under Policy CI1 are considered, on balance, acceptable given the substantial community benefits derived through the provision of the social housing and provision of a Financial Developer Contribution for improving open space facilities in the area. The design of the proposed housing is considered acceptable. Sufficient parking would be provided, and the proposal would not be detrimental to highway safety.</p> <p>It is recommended that planning permission is granted.</p> <p>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 DfI Roads, and deal with any other matters that arise, provided that they are not substantive.</p>
<p>7.0</p>	<p>DRAFT CONDITIONS:</p> <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. <p>Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011.</p> 2. No external facing 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. <p>The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works.</p> <p>The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external facing materials.</p> <p>Reason: In the interests of the character and appearance of the area.</p> 3. No development or works shall commence (including site clearance and site preparation) unless protection zones, which are clearly marked with posts joined with hazard warning tape, have been provided around each badger sett entrance at a radius of 25 metres as shown on Drawing number 02B published to the Planning Register on 26 October 2023. No works, vegetation clearance, disturbance by machinery, dumping or storage of materials shall take place within the protection zones without a Wildlife Licence has been obtained from DAERA NIEA. The protection zones shall be retained and maintained in accordance with the requirements of this condition until all construction activity has been completed on site. <p>Reason: To safeguard badgers, a protected species.</p> 4. The development hereby approved shall not be occupied unless a scheme for the provision of play equipment to be provided as part of the open space have been submitted to and approved in writing by the Council. The play equipment shall be implemented in accordance with the approved details prior to occupation of the development and retained as such at all times.

Reason: To ensure that appropriate provision is made for children's play equipment.

5. Notwithstanding the submitted details, no development shall commence on site (other than site clearance, site preparation, demolition and the formation of foundations and trenches) 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 Council. 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, which shall be retained as such thereafter.

Reason: To ensure sustainable drainage of the development, having regard to Policy ENV4 of the Belfast LDP Plan Strategy 2035. Approval is required upfront because the design of the drainage is an integral part of the development and its acceptability.

6. Notwithstanding the submitted details, no development shall commence unless final details of climate change measures to mitigate and adapt to climate change, including those relating to the design of the building and SuDS, have been submitted to and approved in writing by the Council. The development shall not be occupied unless the climate change measures have been implemented in accordance with the approved details. The climate change measures shall be retained in accordance with the approved details at all times.

Reason: To mitigate and/or adapt to climate change.

7. 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.

8. Notwithstanding the submitted details, the development hereby permitted shall not be occupied until details of boundary walls including the living wall, fences or other means of enclosure have been submitted to and approved in writing by the Council. The development shall not be occupied unless the boundaries have been implemented in accordance with the approved details and shall be permanently retained as such thereafter.

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

9. The development hereby approved shall not be occupied 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.

10. 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.

11. No development shall commence on site (other than that required to fulfil this condition) unless the visibility splays have been provided in accordance with the approved plans. Within the visibility splays, there shall at no time be obstruction to visibility above 250mm as measured from ground level.

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

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

Reason: To ensure there is a satisfactory and safe means of access.

13. 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.

APPENDIX 1

Space standards

Housing:

Table 1

Accommodation Type	Specialised Housing Type	Size per unit (Sqm)	Number of Units
5 person 3 bedroom house	Wheelchair accessible	130.9sqm	3
5 person 3 bedroom house	General needs	93.46sqm	8
3 person 2 bedroom house	General needs	74.48sqm	12
Total			23

Apartments :

Table 2

Accommodation Type	Specialised housing type	Size per unit (Sqm)	Number of Units
3 person 2 bedroom apartments	Cat 1 Wheelchair accessible	86.73sqm	1
3 person 2 bedroom apartment	Cat 1	61.35sqm	16
2 person 1 bedroom apartment	Cat 1	65.16sqm	2
2 person 1 bedroom apartment	Cat 1 Wheelchair accessible	53.41sqm	1
Total			20

Development Management Officer Report Committee Application

Summary	
Application Ref: LA04/2023/4208/F	Committee Meeting Date: 19 th March 2024
Proposal: Change of use from dwelling to HMO (6 Beds)	Location: 24 Orient Gardens, Belfast, BT14 6LH
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member (Cllr Tomas O'Neill)	
Recommendation:	Approval subject to condition
Applicant Name and Address: Charlene Turkington 24 Orient Gardens, Belfast, BT14 6LH	Agent Name and Address: Ally Olphert Create Architecture Blick Studios 51 Malone Road Belfast
<p>Executive Summary:</p> <p>This application seeks full planning permission for Change of use from a dwelling to a 6 Bed House in Multiple Occupation. The site is located at 24 Orient Gardens.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character and appearance of the Lower Cliftonville draft area of townscape character • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection <p>24 objections have been received with the issues raised addressed within the main report.</p> <p>The application has been called in for the following reasons:</p> <ol style="list-style-type: none"> 1. Significant public Interest. 2. Concerns relating to congestion and parking. <p>The scheme is compliant with Policy HOU10 in that the 10% threshold for HMO's on this stretch of the Orient gardens has not yet been reached. Officers consider that the scheme will not be harmful in terms of traffic, parking, impact on amenity of the surrounding area of the Lower Cliftonville Draft Area of Townscape Character.</p> <p>Recommendation</p> <p>Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions. 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.</p>	

2.0	Characteristics of the Site and Area
2.1	The application site is located at 24 Orient Gardens. The property is a 3 storey residential terraced property with a two-storey rear return. There is a small, enclosed amenity space to the rear of the building. The immediate area is predominantly residential.
2.2	The site falls within the development limit as set out in the BUAP 2001 and draft BMAP 2015. In the draft BMAP 2015, the site is located within a proposed Area of Townscape Character, Lower Cliftonville. The site does not fall within any of the existing HMO Policy Areas or Development Nodes as designated in the Belfast HMO Subject Plan 2015.
3.0	Description of Proposal
3.1	The application is seeking full planning permission to change the of use to a dwelling to a 6 bed HMO (suis generis).
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	Relevant Planning History There is no relevant planning history.
5.0	Consultations and Representations
5.1	Statutory Consultations Dfl Roads – No objections DFI Roads – Position retains from the previous response after evaluation of parking survey.
5.2	Non-Statutory Consultations BCC Plans & Policy Team – No objections. HMO considered acceptable at this location.
5.3	Representations
5.3.1	The application has been advertised and neighbours notified. The Council has received 24 letters of objection. The issues raised in the objections are summarised as follows: <ol style="list-style-type: none"> 1. Parking, traffic, road safety. 2. Waste and refuse collection 3. Adverse impact on the sewage network 4. Anti-social behaviour/noise 5. Adverse visual impact/anti-social behaviour/noise pollution 6. Overcrowding 7. Devaluing property <p>Issues 1-5 are addressed in the main body of the report.</p>
5.3.2	Additional points are considered as follows:

5.3.3	<p>6. Overcrowding – The proposal includes 6 bedrooms which meet the space standards for HMOs as set out in the Plan Strategy. A HMO at this location would require a HMO licence which whilst outside the remit of the planning process would restrict the number of occupants.</p> <p>7. Devaluing property – This is not a material consideration and is outside the remit of planning.</p>
6.0	PLANNING ASSESSMENT
6.1	Development Plan Context
6.1.1	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.
6.1.2	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 (“Departmental 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, 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).
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 is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious. The site is located within the settlement development limit in the BUAP and is not zoned for any use. In draft BMAP 2015 (v2004) the site is located within the settlement development limits of Belfast and within a proposed Area of Townscape Character – Lower Cliftonville (Ref: BT 058). In draft BMAP 2015 (v2014) the site is also located within the settlement development limits of Belfast and within a proposed Area of Townscape Character – Lower Cliftonville (Ref: BT 041). The site is not located in a Housing Policy Area or a HMO Development Node in the Belfast HMO Subject Plan 2015.
6.2	Relevant Planning Policies
6.2.1	The following policies in the Plan Strategy are relevant to consideration of the application.

	<ul style="list-style-type: none"> • Policy SD2 – Settlement Areas • Policy HOU10 - Housing Management Areas • Policy RD1 – New residential developments • Policy TRAN8 – Car parking and servicing arrangements • Policy ENV1 – Environmental quality • Policy OS3 – Ancillary open space • Policy BH3 – Area of townscape character
6.3	Key Issues
6.3.1	<p>The key issues to be considered in this application are:</p> <ul style="list-style-type: none"> • The principle of an HMO at this location • Impact on the character and appearance of the Lower Cliftonville draft ATC • Impact on residential amenity • Traffic, Parking and Access • Waste and refuse collection
6.4	The principle of an HMO at this location
6.4.1	<p>The site is outside Housing Policy Areas and development nodes as designated in the Belfast HMO Subject Plan 2015. Policy HOU10 of the Plan Strategy is applicable and states that:</p> <p><i>‘Outside of designated HMAs planning permission will only be granted for HMOs where the number of HMOs would not as a result exceed 10% of all dwelling units on that road or street. Where such a street is in excess of 600 metres in length, the 10% threshold will be calculated on the basis of existing residential units within 300 metres of either side of the proposal on that street’.</i></p>
6.4.2	<p>The justification and amplification text to Policy HOU10 confirms at paragraph 7.1.66 that the level of HMOs outside a HMA will be measured by adding together:</p> <ol style="list-style-type: none"> 1. The number of HMOs recorded under the HMO Licensing scheme; and 2. The number of planning approvals for HMOs not yet licensed, <p>with the total then divided by the total number of dwelling units within the street. If a street is longer than 600, the total number of dwellings in the street will relate to the total properties within 300m either side of the property on the street.</p>
6.4.3	<p>According to the LPS Pointer Address database there are 48 domestic properties on Orient Gardens. This would allow for 4 HMO properties on Orient Gardens before the 10% threshold would be exceeded. According to our records there is one existing HMO on Orient Gardens. The proposal for a change of use from dwelling to HMO would not result in an exceedance of the 10% threshold and is therefore considered compliant with Policy HOU 10 and is acceptable in principle at this location.</p>
6.4.4	<p>Officers consider that this scheme is compliant with relevant policy for the reasons stated above and any further applications for HMOs will be assessed in accordance with the relevant planning policy.</p>
6.4.5	<p>Paragraph 7.1.69. of HOU10 states that in all cases, intensive forms of housing whether within or outside HMAs will still be carefully assessed against the relevant criteria set out</p>

	in Policies RD1, RD2 and RD3. The assessment of the proposal against these policies is set out below.
6.5	Impact on the character and appearance of the Lower Cliftonville draft ATC
6.5.1	The site is located within a proposed Lower Cliftonville ATC which is characterised by 3 storey Victorian red brick terraced dwellings. No external changes are proposed to the dwelling and the proposal will not create conflict with the character of the Lower Cliftonville draft ATC and the overall character of the area will be maintained. The proposal is considered to comply with Policy BH3 - Areas of townscape character.
6.6	Impact on residential amenity
6.6.1	The property is a large 3 storey dwelling and is an appropriate size to accommodate an HMO, comfortably providing accommodation for 6 people whilst still meeting the space standards. The proposal complies with the HMO space standards for a 6 bed HMO as set out within Belfast Local Development Plan: 2035. The proposal would provide a quality and sustainable residential environment.
6.6.2	<p>Policy RD1 applies as set out above and states that <i>'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:</i></p> <p><i>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 HOU10 and RD1 & RD3. The HMO licensing scheme also seeks to ensure that landlords are compliant with regulations, such as the number of occupants and provision of sufficient bin storage.</i></p> <p><i>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 which is a licensing requirement.</i></p> <p><i>c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure - There is sufficient space for cycle parking. Metro services are available along the Cliftonville Road, a 2 minute walk from the property.</i></p> <p><i>d) Provides appropriate open space - The existing rear amenity space is to be retained which is considered sufficient to serve the proposal.</i></p> <p><i>e) Keeps hard surfacing to a minimum - No hard standing is proposed as part of this application.</i></p> <p><i>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 generous amount of living space for the occupants of the 6 bedrooms. The proposal therefore complies with the HMO space standards for a 6 bed HMO as set out within Belfast Local Development Plan: 2035.</i></p> <p><i>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</i></p>

	<p>secure access from the front door of the dwelling.</p> <p><i>h) Ensures that living rooms, kitchens and bedrooms have access to natural light - All habitable rooms in the dwelling have access to natural light.</i></p>
6.6.3	<p>The LDP plan Strategy seeks to facilitate sustainable housing growth in response to changing housing needs. Carefully managing the variety of house types, sizes and tenures will help to meet the diverse needs of all the community. This supports wider LDP aims of shaping quality and sustainable residential development, providing a mix of housing that create more balanced communities, increasing density without town cramming. HMOs are regulated by the relevant Policy set out in the LDP plan Strategy and the proposal has been found to comply with the relevant policies. This HMO comprises 6 bedrooms and will also be subject to the licensing process which will determine how many persons the home can accommodate. HMO's can meet high demand for housing and the application site is located in an accessible location close to services and public transport. It is considered that the proposal would not undermine the availability of family housing in the area.</p>
6.6.4	<p>As indicated above, the HMO will further require to be licensed with BCC which requires the implementation of an anti-social behaviour plan, ensuring the HMO operator runs the property effectively.</p>
6.6.5	<p>The proposal is considered compatible with adjacent land uses. It would not harm the amenity of adjacent and nearby properties or result in unacceptable overlooking, overshadowing, overbearing, loss of outlook or daylight. The proposal is considered to comply with Policy RD 1.</p>
6.6.6	<p>Policy RD3 is applicable and 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:</p> <p><i>a) Any units are self-contained - This criterion is not applicable.</i></p> <p><i>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 (refer to section 6.8 below)</i></p> <p><i>c) The original property is greater than 150 square metres gross internal floorspace in the case of sub-division of an existing dwelling – This criterion is not applicable to this proposal.</i></p> <p><i>d) Conversions above commercial premises do not prejudice the commercial functions of the business - This criterion is not applicable to this proposal.</i></p>
6.6.7	<p>Taking account of the criteria set out above the proposal is considered to comply with Policy RD3.</p>
6.7	<p>Traffic, Parking and Access</p>
6.7.1	<p>Officers acknowledge the objections to parking. DFI Roads have no objections to the scheme. Whilst the various policy requirements of HOU10 seek to address need and protect residential amenity, the provision of car parking is not a requirement of this policy.</p>
6.7.2	<p>Policy TRAN8 – Car parking and servicing arrangements states that, '<i>Development proposals will be required to provide adequate provision for car parking and appropriate servicing arrangements</i>'. Existing Regional Planning Policy and supplementary planning guidance, including the published 'Parking Standards', do not incorporate car parking as a requirement for HMO development.</p>

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.

This page is intentionally left blank