

Public Document Pack

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



**Belfast
City Council**

9th May, 2024

PLANNING COMMITTEE

Dear Alderman/Councillor,

The above-named Committee will meet in the Lavery Room, City Hall on Tuesday, 14th May, 2024 at 5.00 pm, for the transaction of the business noted below.

You are requested to attend.

Yours faithfully,

John Walsh

Chief Executive

AGENDA:

1. **Routine Matters**
 - (a) Apologies
 - (b) Minutes
 - (c) Declarations of Interest
2. **Committee Site Visit**
 - (a) Note of Committee Site Visits (Pages 1 - 2)
3. **Request for agreement to hold a Special Meeting of the Planning Committee (if required)** (Verbal Request)
4. **Notifications of Provision/Removal of Accessible Parking Bay**
 - (a) Provision of 3 Edenvale Grove (Pages 3 - 6)
 - (b) Provision of 4 Knocknagoney Road (Pages 7 - 10)
 - (c) Provision of 6 Vandyck Gardens (Pages 11 - 14)

- (d) Provision of 13 Lancefield Road (Pages 15 - 18)
 - (e) Provision of 27 Knock Grove (Pages 19 - 22)
 - (f) Provision of 91 Grace Avenue (Pages 23 - 26)
 - (g) Provision of 24 Knock Green (Pages 27 - 30)
 - (h) Provision of 162 Cliftonville Road (Pages 31 - 34)
5. **Appeals** (Pages 35 - 36)
6. **Planning Decisions Issued** (Pages 37 - 56)
7. **Miscellaneous Reports**
- ~~(a) **ITEM WITHDRAWN** - Model Section 76 Planning Agreements~~
 - ~~(b) **ITEM WITHDRAWN** - Committee Decisions on Planning Applications awaiting issuing~~
 - (c) Delegation of Local Applications with NI Water Objections (Pages 57 - 62)
 - (d) Department for Infrastructure Memoranda of Reply to the recommendations of the Public Accounts Committee on the NI Planning System (Pages 63 - 78)
 - (e) Advanced Notice of Listed Buildings - All Saints Church, Canterbury Street and Queen's University, University Road (Pages 79 - 86)
 - (f) Consultation of revised timetable and new SPG for Mid and East Antrim Council's SPG (Pages 87 - 146)
8. **Planning Applications previously considered**
- (a) **LA04/2023/3635/RM** - Redevelopment of existing surface level car park for erection of residential development comprising of 205 No. units, car parking, landscaping and all associated site works. - Lands bound by Glenalpin Street, Wellwood Street and Norwood Street (Pages 147 - 164)
 - (b) **LA04/2023/4208/F** - Change of use from Dwelling to HMO (6 Beds) - 24 Orient Gardens (Pages 165 - 176)
9. **New Planning Applications**
- (a) **LA04/2023/3143/F** - Part demolition of the existing school building and removal of 3 no. temporary classrooms on the Derryvolgie Ave campus and construction of a new single storey extension. Construction of a new single storey 8 class school building and off-road drop-off / collection lay-by on Windsor Ave campus including a new access onto Windsor Ave. Alterations to existing car parking, accesses and play areas and associated landscaping and site works. - St Bride's Primary School, Derryvolgie Avenue (Pages 177 - 190)

- (b) **LA04/2023/3483/F** - Proposed Michael Davitt Heritage & Community Centre, Reception, Toilets and associated Car Parking with Exhibition Signage to existing Trim Trail - Land North of Former Corpus Christi College, Accessed off Michael Davitts GAC Grounds, Via St Mary's Gardens (Pages 191 - 200)
 - (c) **LA04/2023/3936/O** - Outline planning for proposed replacement dwelling and all associated site works - 89a Upper Springfield Road (Pages 201 - 208)
 - (d) **LA04/2023/4162/F** - Change of use from retail unit to amusement arcade and adult gaming centre. - 51 Rosemary Street (Pages 209 - 218)
 - (e) **LA04/2023/2748/A** - 1 Digital Advertisement Display - 12-13 Shaftesbury Square (Pages 219 - 230)
 - (f) **LA04/2024/0168/F** - Demolition of detached garage and erection of single storey rear/side extension - 26 Eastleigh Drive (Pages 231 - 240)
10. **Restricted Items**
- (a) LDP SA Scoping Report (Pages 241 - 730)

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Planning Committee

PLANNING COMMITTEE SITE VISITS – NOTE OF MEETING

Tuesday 23rd April, 2024

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

Members Present: Councillor Garrett (Chairperson);
Alderman Rodgers; and
Councillors P. Donnelly and Douglas.

Officers in Attendance: Mr. E. Baker, Planning Manager; and
Ms. C. Donnelly, Democratic Services Officer.

The Members received a pre-briefing in the Lavery Room, City Hall at 12.00 p.m. and the officers and Members convened at Glenalpin Street (12:40 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Members to acquaint themselves with the location and the proposal at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 12:50 p.m.

- **LA04/2023/2459/F** - Redevelopment of the NICSSA pavilion complex within the Stormont Estate creating a centre of excellence for sport. The development will comprise of demolition of the existing pavilion building and replacement with new 2 storey building providing state of the art indoor sports halls, changing accommodation, function/meeting space offering improvements to the existing offering. Day to Day operation of the site will be improved by way of improvements to internal road network via new access/egress arrangements from the existing Stoney Road junction, additional car and cycle parking and new waste/recycling areas. (Revised description, reduction in site boundary and further information received), Lands within the Stormont Estate to include The Maynard Sinclair Pavilion and Dundonald House, Belfast, County Down, BT4 3TA and BT4 3SU.

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

Officers in Attendance: Mr. E. Baker, Planning Manager; and
Ms. C. Donnelly, Democratic Services Officer.

The Members and the officers convened at The Maynard Sinclair Pavilion (1:10 p.m.) for the purpose of undertaking the site visit in respect of the above application and to allow the Members to acquaint themselves with the location and the proposal at first hand.

The Members viewed the site with the proposed plans.

The visit concluded at 1:40: p.m.



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Eastern Division

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

Annex 7

Castle Buildings

Stormont Estate

Tel: 0300 200 7899

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 18 April 2024

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY – 3 EDENVALE GROVE, BELFAST

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

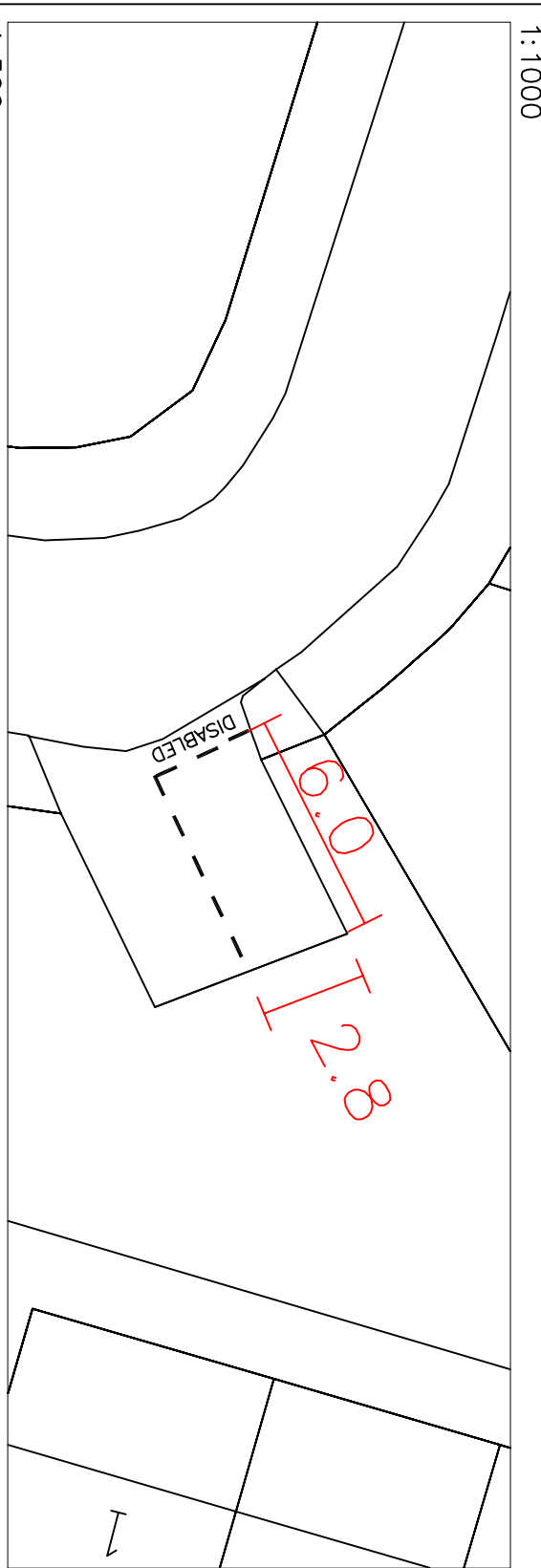
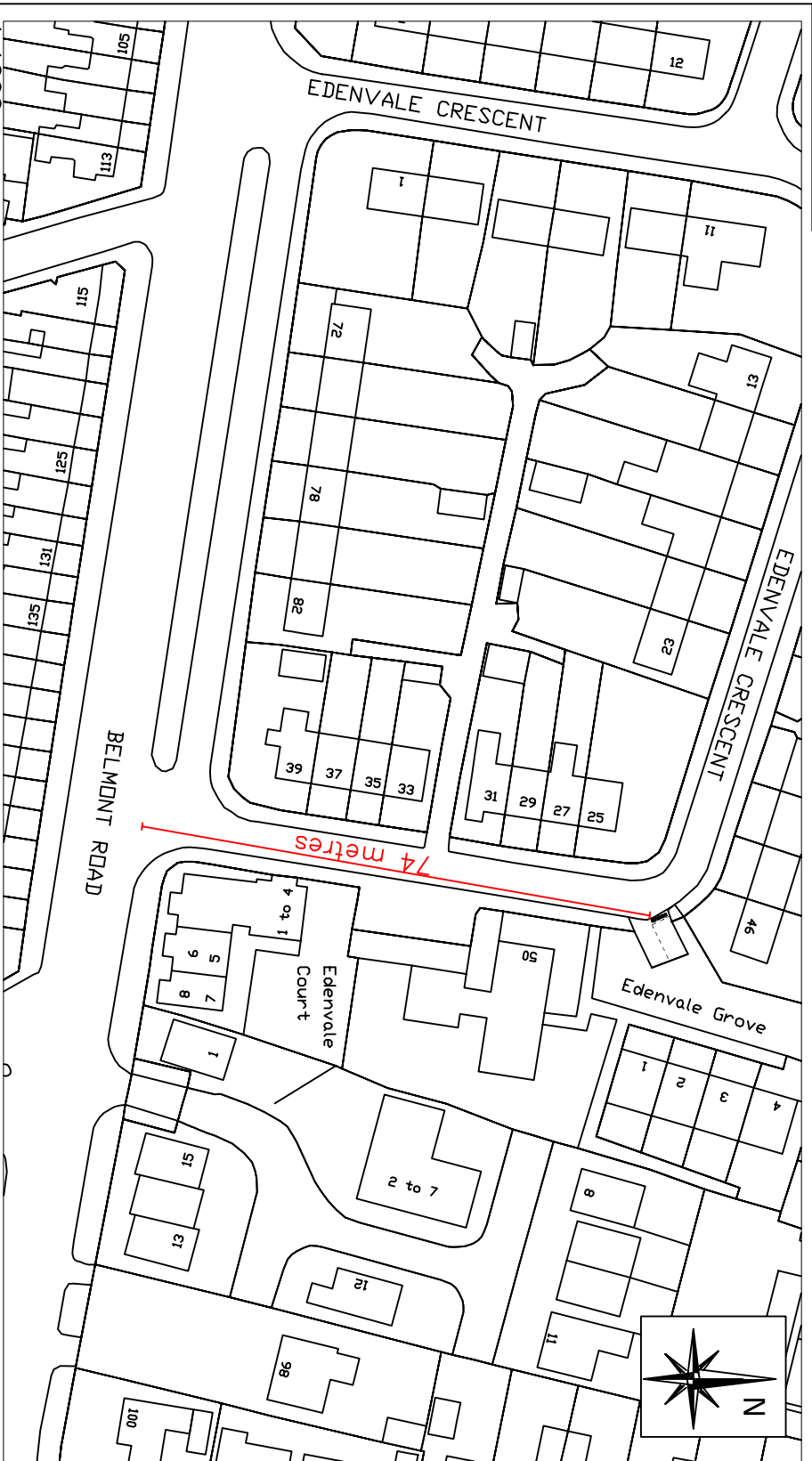
We would welcome your comments on this proposal.

Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

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Edenvale Crescent, Belfast (north-east side) – from a point 74 metres north of its junction with Belmont Road, for a distance of 6 metres in an north-easterly direction.



No.	Revision	Date

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Project
**3 EDENVALE GROVE
BELFAST**

Title
**PROVISION OF AN ACCESSIBLE/
DISABLED PARKING BAY**

FILE NO.	DESIGNED	AO'H	date
DRAWN	CHECKED		date
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Dwg. No.
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Being dealt with by: Mr. Ling Gillespie
Direct Line: 02890522272

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 16 April 2024

Dear Mr Walsh

**PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY – 4
KNOCKNAGONEY ROAD, BELFAST**

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

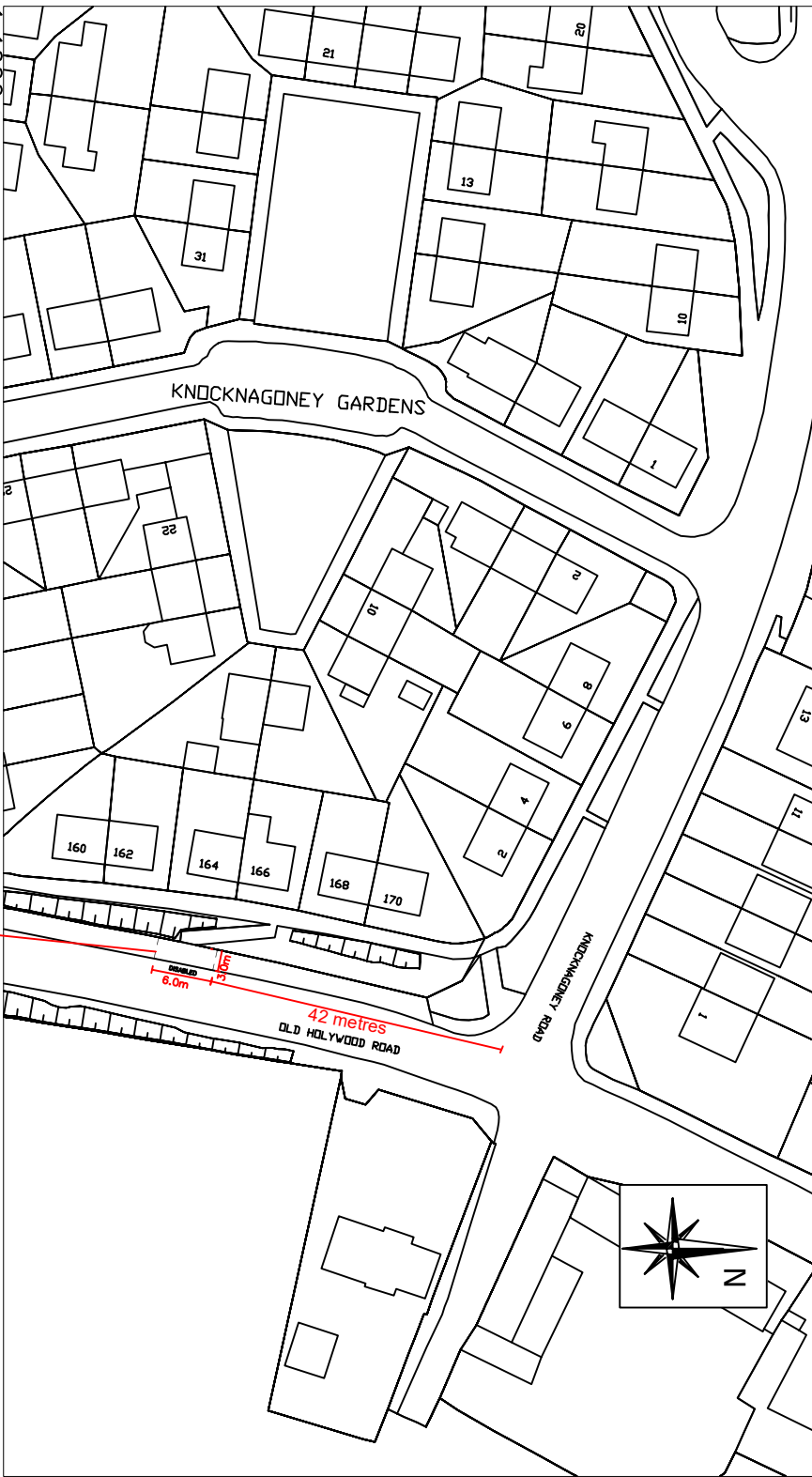
We would welcome your comments on this proposal.

Yours sincerely

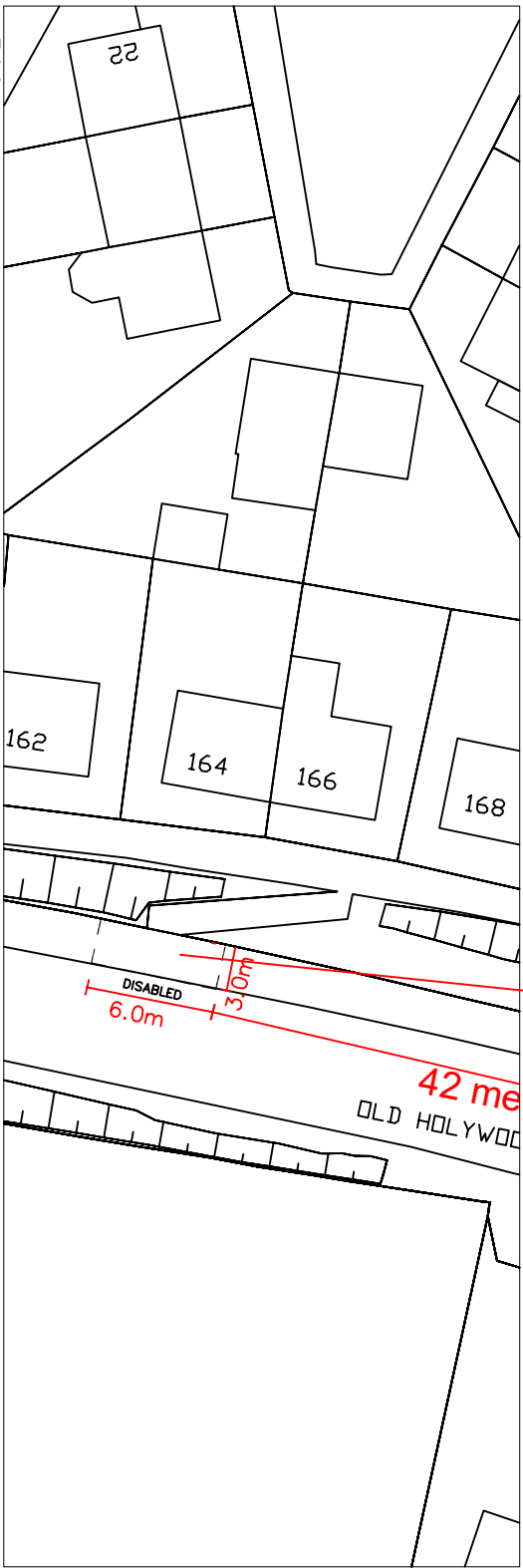
PP Ling Gillespie
Graham Campbell
Traffic Manager

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Old Hollywood Road, Belfast (north-west side) – from a point 42 metres south-west of its junction with Knocknagoney Road, for a distance of 6 metres in a south-westerly direction.



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**PROPOSED ACCESSIBLE/
DISABLED PARKING BAY**

Title
**4 KNOCKNAGONEY ROAD
BELFAST**

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

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Your reference:
Our reference: MT

Date: 15 April 2024

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY – 6 VANDYCK GARDENS, BELFAST

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

We would welcome your comments on this proposal.

Yours sincerely

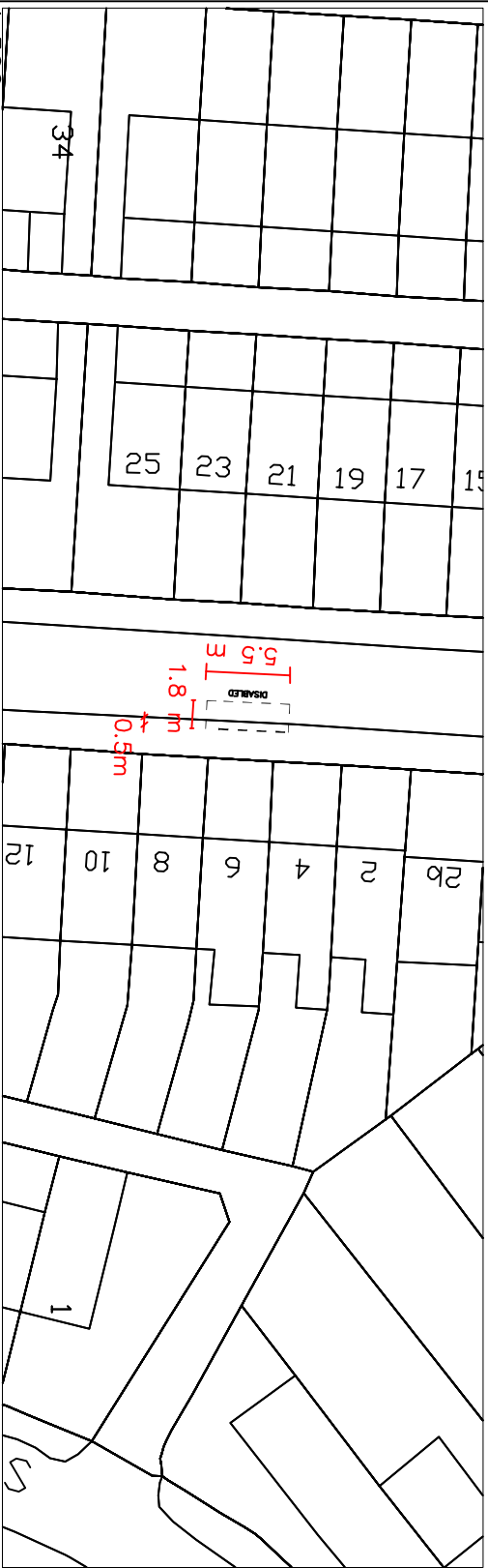
PP Ling Gillespie
Graham Campbell
Traffic Manager

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Vandyck Gardens, Belfast (east side) — from a point 45 metres north of its junction with Voltaire Gardens, for a distance of 5.5 metres, in a northern direction.



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PROVISION OF AN ACCESSIBLE /
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Title
6 VANDYCK GARDENS
BELFAST

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Annexe 7
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Being Dealt With By: Mr Alfie O'Hare
Direct Line: 02890526241

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: TM 2

Date: 22 April 2024

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 13 LANCEFIELD ROAD, BELFAST

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

We would welcome your comments on this proposal.

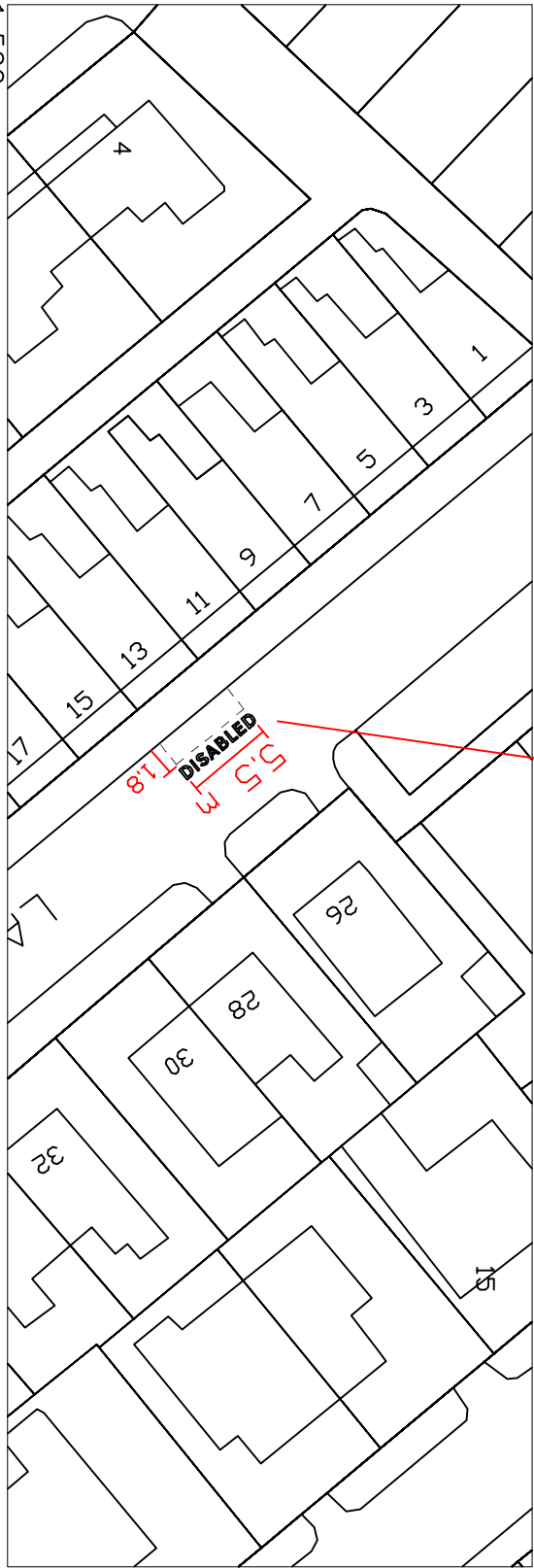
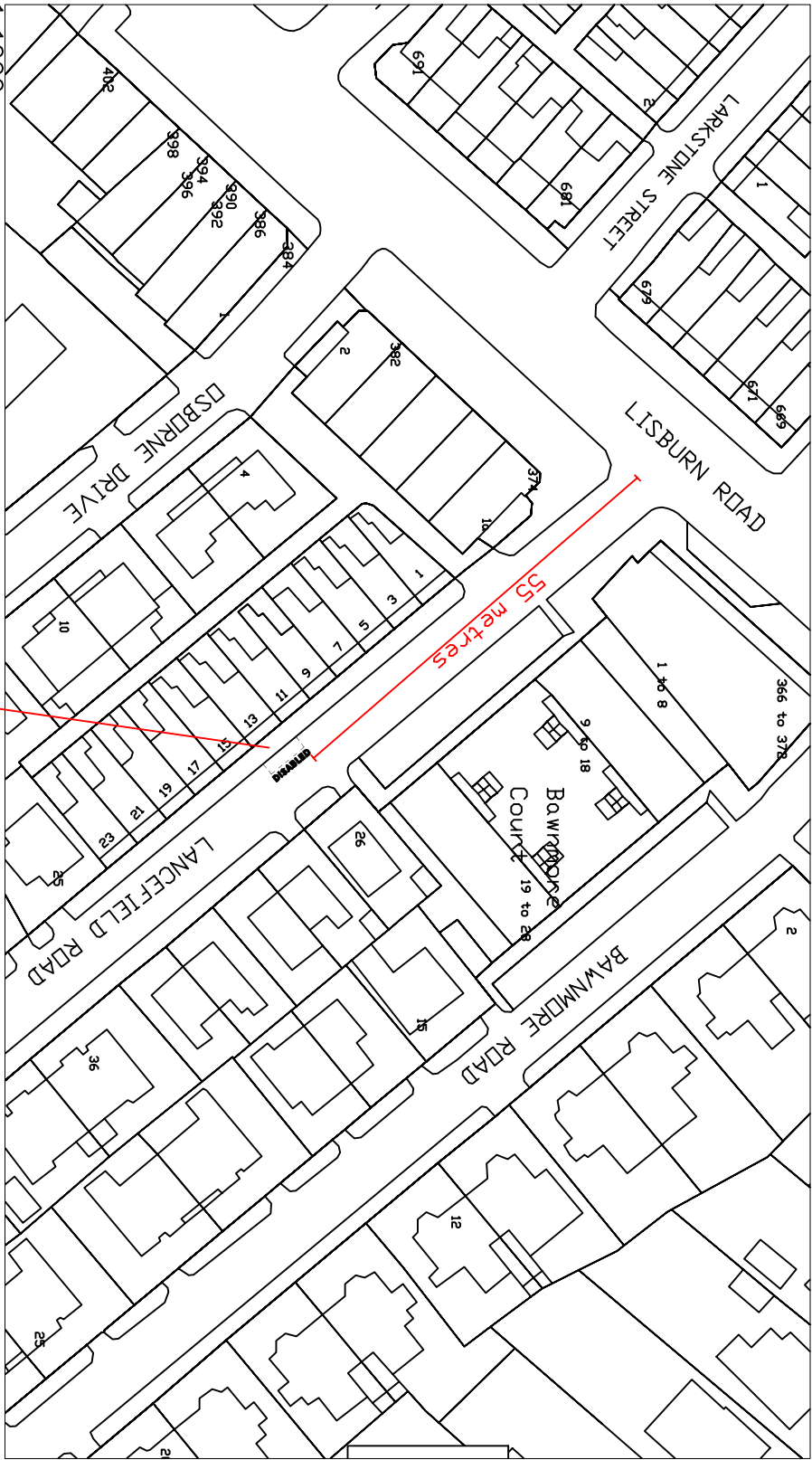
Yours sincerely

PP Alfie O'Hare
Graham Campbell
Traffic Manager

ENC

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Lancefield Road, Belfast (south-west side) – from a point 55 metres south-east of its junction with Lisburn Road, for a distance of 5.5 metres in a south-easterly direction



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13 LANCEFIELD ROAD
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Title
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Being dealt with by: Mr. Ling Gillespie
Direct Line: 02890522272

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 26 April 2024

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY – 27 KNOCK GROVE, BELFAST

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

We would welcome your comments on this proposal.

Yours sincerely

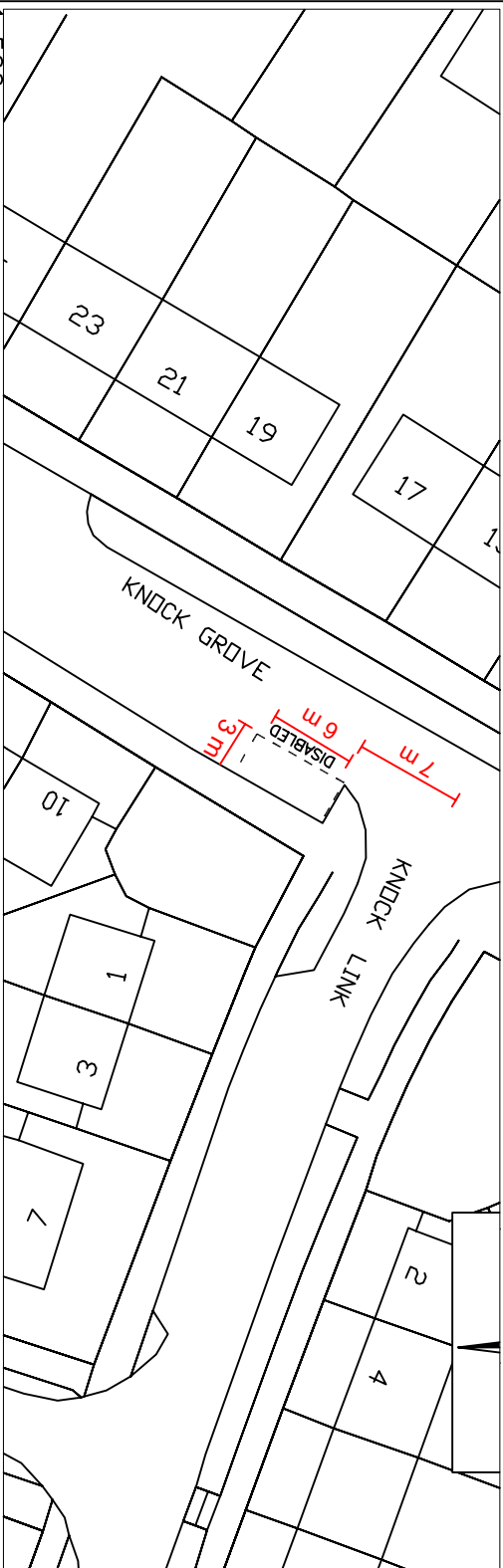
PP Ling Gillespie
Graham Campbell
Traffic Manager

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Knock Grove, Belfast (south east – side) – from a point 7 metres south–west of its junction with Knock Link, for a distance of 6 metres in a south–westerly direction.



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 PROPOSED ACCESSIBLE/
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Title
 27 KNOCK GROVE
 BELFAST

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

Your reference:
Our reference: MT

Date: 17 April 2024

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY – 91 GRACE AVENUE, BELFAST

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

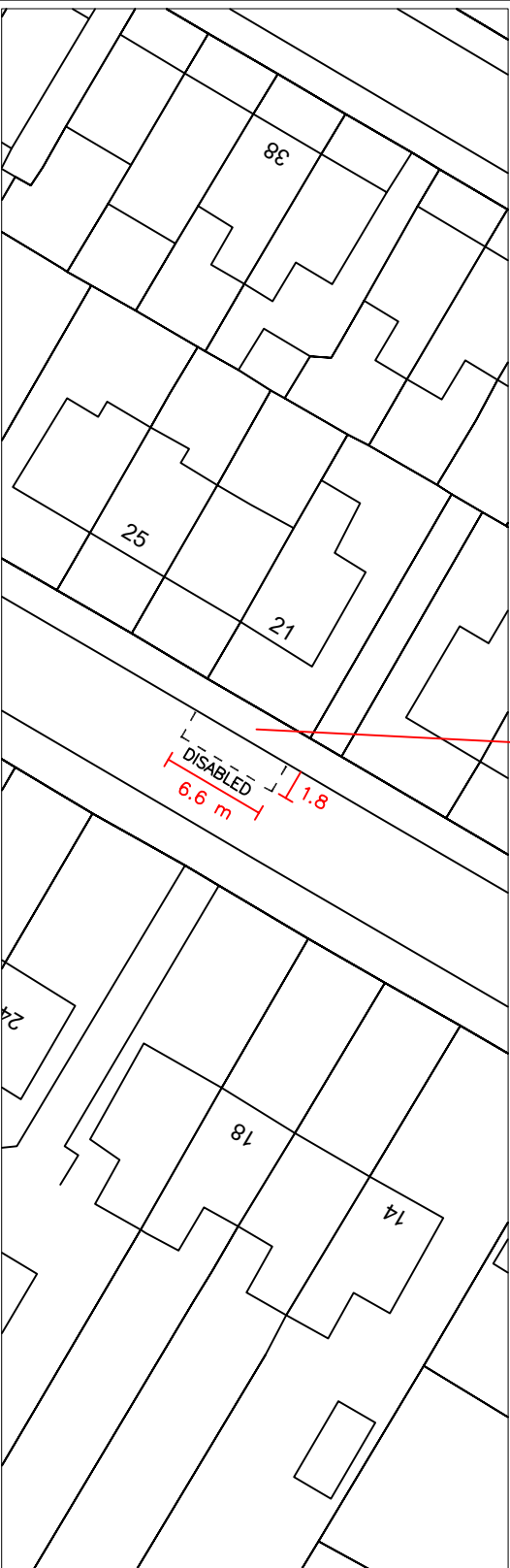
We would welcome your comments on this proposal.

Yours sincerely

PP Ling Gillespie
Graham Campbell
Traffic Manager

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Grace Avenue, Belfast (south-west side) – from a point 27 metres north-west of its junction with Bloomfield Gardens, for a distance of 5.5 metres in a north-westerly direction.



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Project
91 GRACE AVENUE
BELFAST

Title
PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

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Annexe 7

Castle Buildings

Stormont Estate

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Being Dealt With By: Mr Alfie O'Hare

Direct Line: 02890526241

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:

Our reference: TM 2

Date: 30 April 2024

Dear Mr Walsh

PROVISION OF AN ACCESSIBLE/DISABLED PARKING BAY AT 24 KNOCK GREEN, BELFAST

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

We would welcome your comments on this proposal.

Yours sincerely

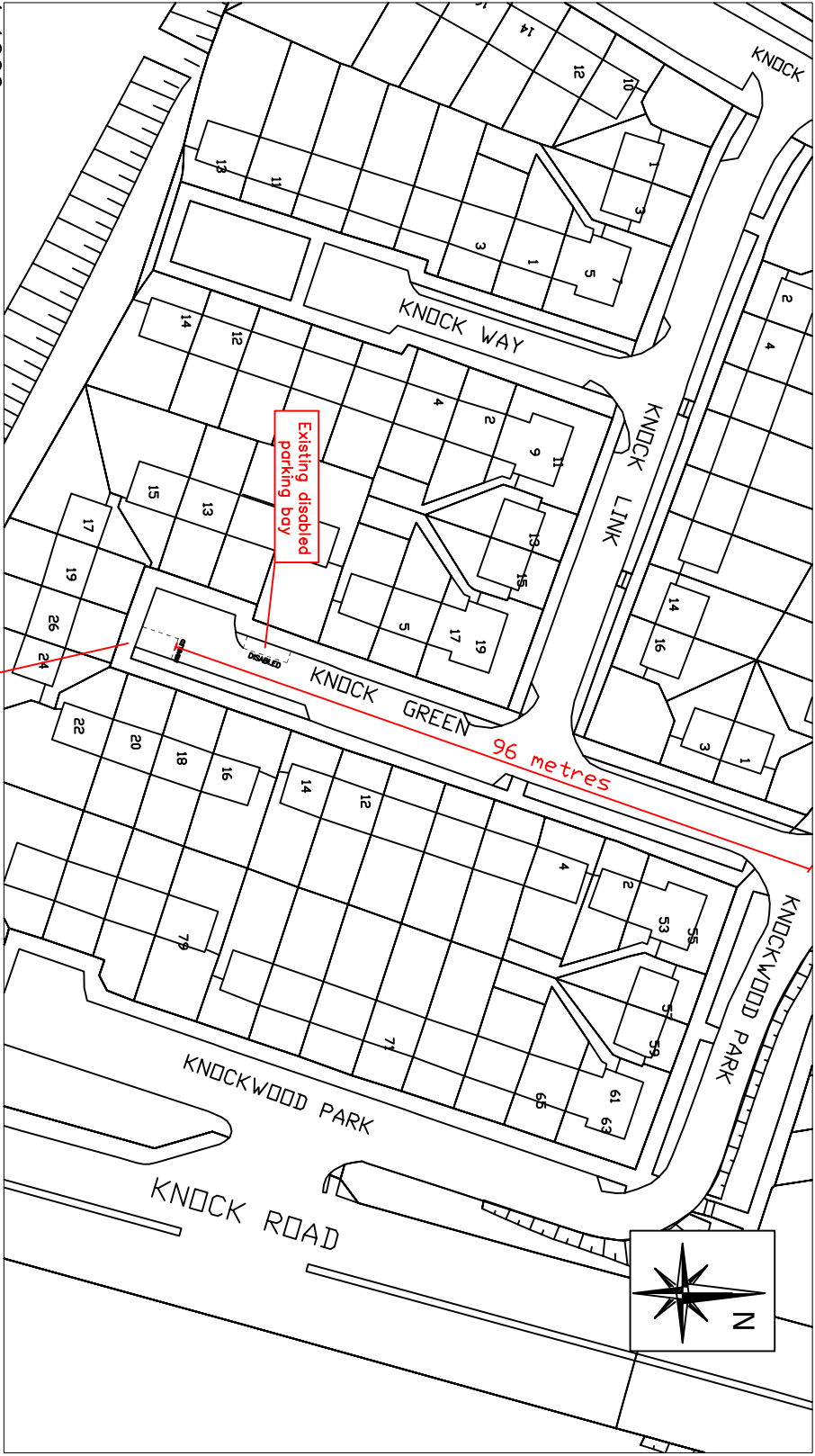
PP Alfie O'Hare

Noel Grimes
Traffic Management

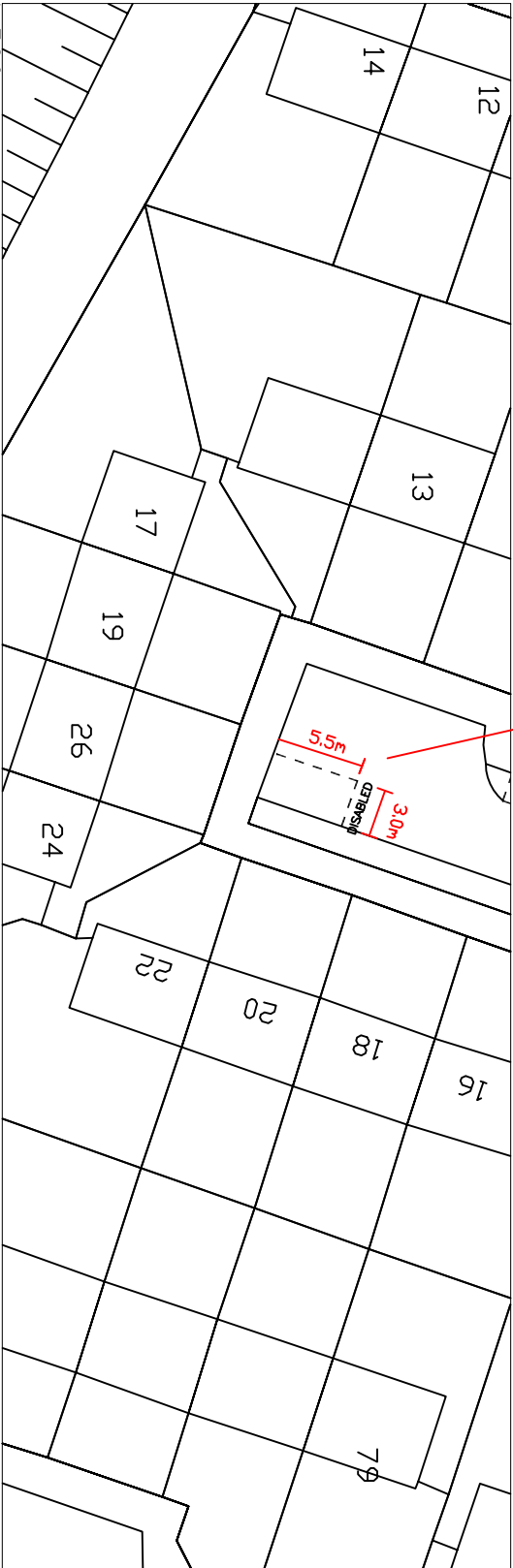
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Knock Green, Belfast (south side of parking area) – from a point 96 metres south–west of its junction with Knockwood Park, for a distance of 5.5 metres in south–westerly direction.



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Title
24 KNOCK GREEN
BELFAST

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

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

OfficeoftheChiefExecutive@BelfastCity.gov.uk

Your reference:
Our reference: MT

Date: 3 May 2024

Dear Mr Walsh

**PROVISION OF AN ACCESSIBLE/ BLUE BADGE PARKING BAY – 162
CLIFTONVILLE ROAD, BELFAST**

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

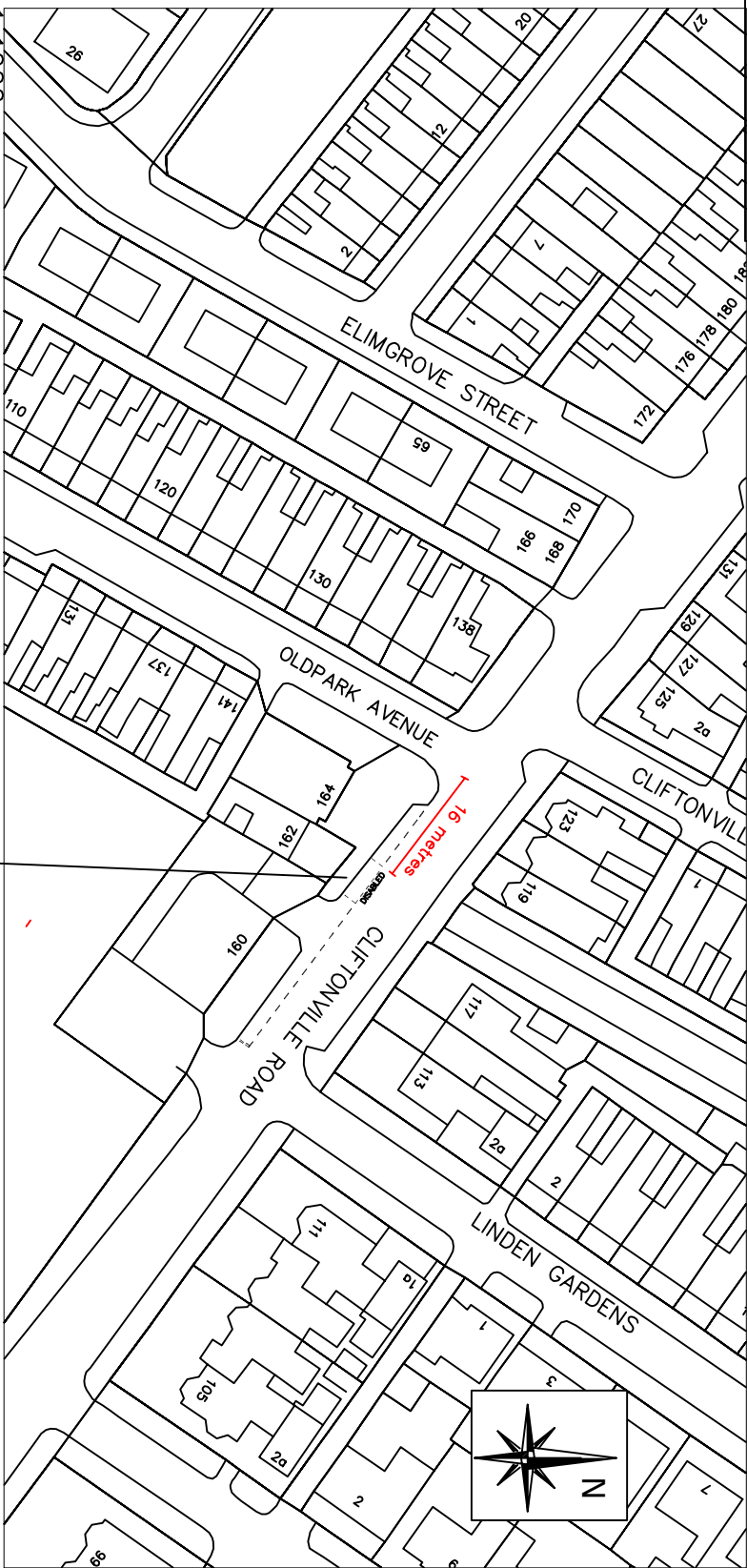
We would welcome your comments on this proposal.

Yours sincerely

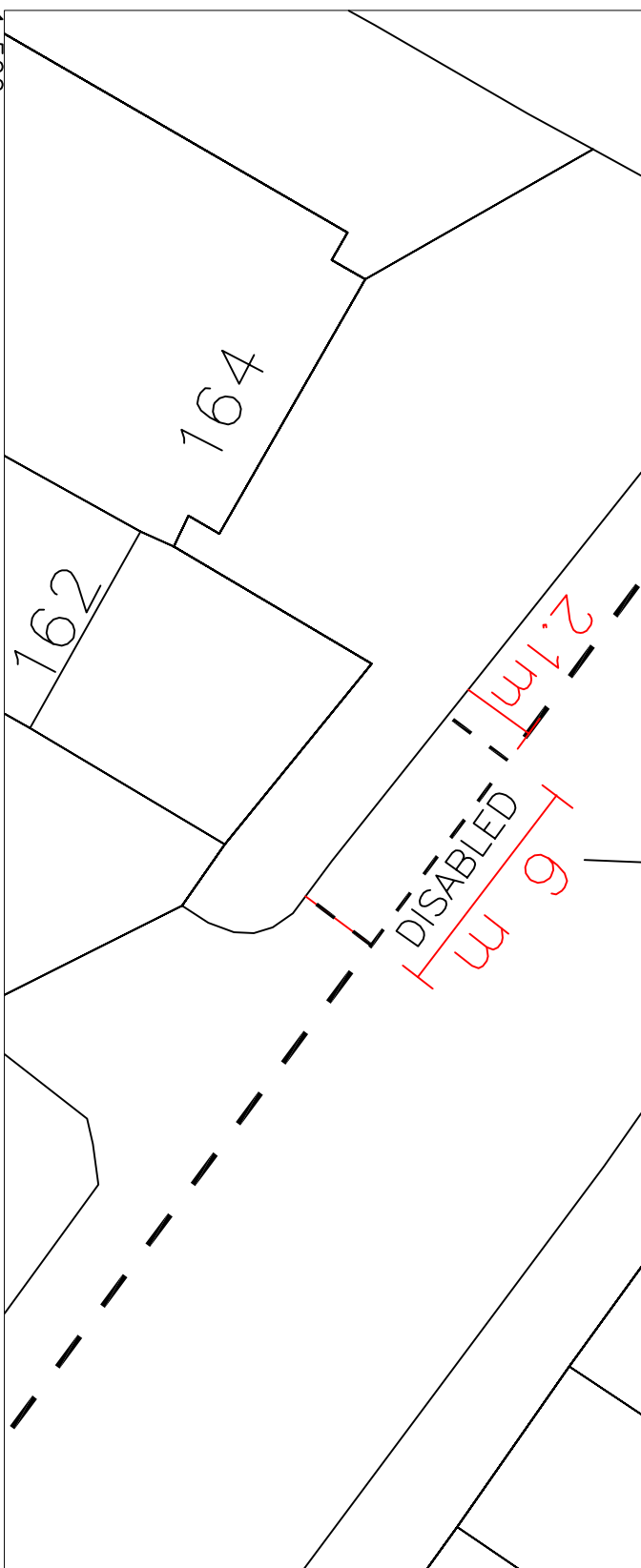
PP Ling Gillespie
Graham Campbell
Traffic Manager

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Cliftonville Road, Belfast (south-west side) - from a point 16 metres south-east of its junction with Oldpark Avenue, for a distance of 6 metres in a south-easterly direction.



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Project 162 CLIFTONVILLE ROAD
BELFAST 33

Title PROPOSED ACCESSIBLE/
DISABLED PARKING BAY

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Agenda Item 5

PLANNING COMMITTEE – 14 MAY 2024

APPEALS NOTIFIED

COUNCIL: BELFAST

ITEM NO 1 PAC REF: 2024/E0001

PLANNING REF: LA04/2022/0282/CA

APPLICANT: Mr Richard Steenson

LOCATION: Land at 4-5 Donegall Square South, Belfast, BT1 5JA

PROPOSAL: Alleged unauthorised hoarding (Donegall Square South, Belfast, BT1 5JA)

PROCEDURE:

ITEM NO 2 PAC REF: 2024/A0014

PLANNING REF: LA04/2023/3716/F

APPLICANT: Mr Justin Long

LOCATION: 85 Joanmount Gardens, Belfast, BT14 6NY

PROPOSAL: Change of use from dwelling to short term holiday let

PROCEDURE:

APPEAL DECISIONS NOTIFIED

ITEM NO 1 PAC REF: 2022/L0004

PLANNING REF: LA04/2021/1435/LDP

RESULT OF APPEAL: DISMISSED

APPLICANT: M J McBride Developments

LOCATION: 112 Serpentine Road, Belfast, BT36

PROPOSAL: Residential development of 16 No dwellings as approved under Z/2000/1483/F and Z/2005/1879/F (Amended Description)

APPEAL DECISIONS NOTIFIED (CONTINUED)

ITEM NO	2	PAC REF:	2023/A0003
PLANNING REF:	LA04/2021/2571/F		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Cornerstone c/o Agent		
LOCATION:	Approximately 10m west to the entrance of Arches Care Home at 144 Upper Newtownards Road, Belfast, BT4 3EQ		
PROPOSAL:	Installation of a 17.5 m pole with 6 No antenna, 2 No ground based cabinets, 1 No electrical meter cabinet and ancillary equipment		
ITEM NO	3	PAC REF:	2022/E0058
PLANNING REF:	LA04/2021/0454/CA		
RESULT OF APPEAL:	ALLOWED		
APPLICANT:	Mr Donal O'Kane		
LOCATION:	Land at 4 Malone Park Central, Belfast, BT9 6NP		
PROPOSAL:	Alleged erection of a fence, without the benefit of planning permission, between 4 and 4b Malone Park Central, Belfast		

Decisions issued between 01 Apr 2024 and 30 Apr 2024 - No.124

<u>Application number</u>	<u>Category</u>	<u>Location</u>	<u>Proposal</u>	<u>Decision</u>
LA04/2021/2504/F	LOC	445 - 449 Ormeau Road Belfast BT7 3GQ (Amended Address)	Retrospective change of use from restaurant to take-away hot food with some seating available (Amended Description)	Permission Granted
LA04/2022/0860/F	LOC	Castleton Bowling and Social Club 60 Skegoneill Avenue Belfast BT15 3JP	Change of use from former clubhouse to leisure / party venue for private hire (Retrospective)	Permission Granted
LA04/2022/1989/DC	LOC	Lands located south west of and immediately to the rear of No. 68, 72, 74 and 74A Ligoniel Road Belfast BT14 8BY.	Discharge of Condition no.3 - LA04/2018/2600/F (Verification Report).	Condition Discharged
LA04/2022/2073/DC	LOC	176-178 Shore Road (HSS Hire) and 194-196 Shore Road (Lidl) Belfast BT15 3QA.	Discharge of condition 18 LA04/2021/0165/F relating to provision of drainage mitigation works and the submission of a verification report	Condition Discharged
LA04/2022/2276/F	LOC	KILPOOLE 151 & 153 BELMONT CHURCH ROAD STRANDTOWN BELFAST DOWN	Proposed residential development consisting of 4Nos. detached three storey dwellings with integral garages, associated car parking, landscaping, boundary treatment and all associated site works	Permission Granted

LA04/2022/2234/F	LOC	35 Kings Road, Belfast, BT5 6JG	Refurbishment of original house including reinstating original chimney, single storey extensions to side and rear and associated site works. Widening of existing access with associated visibility splays and gates.	Permission Granted
LA04/2022/2248/DCA	LOC	35 Kings Road Belfast BT5 6JG	Original dwelling house to be retained and refurbished. Later double and single storey extensions and outbuildings to be demolished.	Consent Granted
LA04/2022/2378/F	LOC	Spar Malone 70-74 Malone Road Belfast BT9 5BU	Extension of existing shop at ground and first floor level, removal of 1 no. petrol pump unit, new fuel tanks, cutback of canopy, adjustments to car parking layout and associated site works.	Permission Granted
LA04/2023/2625/DC	LOC	78a Connsbrook Avenue, Belfast, BT4 1JW	Discharge of condition 1 LA04/2021/2017/F Wastewater Impact Assessment Discharge of condition 2 LA04/2021/2017/F Drainage Assessment	Condition Discharged
LA04/2023/2761/F	LOC	737a Antrim Road, Belfast, BT15 4EL	Construction of a new detached 2-storey dwelling and associated site works	Permission Granted

LA04/2023/2836/F	LOC	On the footpath of the Springfield Road, approximately 10.8m south-east of Unit 1, 97 Lanark Way, Belfast, BT13 3BH	Installation of 18m high slim-line monopole, supporting 6 no. antennas, 2 no. equipment cabinets, 1 no. electric meter cabinet, and ancillary development thereto.	Permission Granted
LA04/2023/2946/F	LOC	Land covering the road surface between the James Street South junction and Franklin Street Junction Brunswick Street, Belfast, BT2 7GE	Retention of the existing outdoor social space that includes cafe/bar/storage container/canopy area, performance stage, outdoor seating, and associated works (Temporary Permission)	Permission Granted
LA04/2023/2890/F	LOC	Christ the Redeemer Parish Hall and lands immediately north and west of Christ the Redeemer Church, Lagmore Drive, Dunmurray, BT17 0TG	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	Permission Granted
LA04/2023/2910/F	LOC	82 Marlborough Park North, Belfast, BT9 6HL	Renewal of LA04/2017/2513/F Single Storey side sunroom extension.	Permission Granted
LA04/2023/3013/F	LOC	Lands approx.50m to the North of no.35 Hampton Park & approx. 30m to the West of no.60 Hampton Park, Galwally	Erection of 1no. detached dwelling, garage and all associated site works. Internal road network as per LA04/2019/0775/F and access via Hampton Park has been constructed as per the previous approval (Amended Plans)	Permission Granted
LA04/2023/3076/F	LOC	Glór na Móna, Gaelionad Mhic Goill 4 Whiterock Close, Belfast, BT12 7RG	Single storey extension to the Gael-Ionad Mhic Goill building, to provide additional common room space and classroom facilities, reception area, a multi-purpose room and heritage cafe space, with associated toilets and ancillary spaces in	Permission Granted

LA04/2023/3130/F	LOC	Unit 3-5 Curzon Building, 306-310 Ormeau Road, Belfast, BT7 2GE	Change of use from bank to restaurant and sub-division of premises into 3 restaurant units and associated new shopfronts.	Permission Granted
LA04/2023/3237/F	LOC	Former Life Church, on land to the rear of 11 Bruce Street and immediately east of Holmes Street, Belfast	Change of Use from Church to Entertainment complex comprising a number of large-scale gaming opportunities, karaoke rooms, restaurant, bar and outdoor seating area. External alterations to the southern and eastern elevations comprising new	Permission Granted
LA04/2023/3387/F	LOC	25 Pim Street, St. Patrick's Primary School, Belfast, BT15 2BN	Provision of a ball stop fence to primary school pitch.	Permission Granted
LA04/2023/3462/F	LOC	24-28 Bradbury Place, Belfast, BT7 1RS	Proposed Change of Use of vacant first floor restaurant seating, storage and ancillary space to amusement and gaming to facilitate extension to existing ground floor amusement and gaming premises.	Permission Granted
LA04/2023/3758/F	LOC	40m North of 260 Antrim road, Belfast, BT15 2AT	New Pedestrian Footbridge and replacement steps to comply with DDA requirements.	Permission Granted
LA04/2023/3716/F	LOC	85 Joanmount Gardens, Belfast, BT14 6NY	Change of use from dwelling to short term holiday let. Retrospective: erection of two outbuildings – utility room and garden room.	Permission Refused

LA04/2023/3900/F	LOC	4 GRANSHA GARDENS BALLYMURPHY BELFAST ANTRIM BT11 8AP	Single storey side and rear extension with internal alterations	Permission Granted
LA04/2023/3778/F	MAJ	38-52 Lisburn Road, Malone Lower, Belfast, BT9 6AA	Demolition of existing Russell Court buildings and re development of existing surface car park to accommodate two new buildings (five storey and four storey) for the QUB Institute of Research Excellence for Advanced Clinical Healthcare (iREACH Health), including landscaping, parking, and servicing.	Permission Granted
LA04/2023/3784/DC	LOC	197-203 Crumlin Road, Belfast, BT14 7DX	Discharge Condition 5 LA04/2020/0754/F Final version of drainage assessment and drainage proposals for the site, as agreed and approved by NI Water (Article 161 Agreement)	Condition Discharged
LA04/2023/3856/F	MAJ	Lands at Stormont Estate, Upper Newtownards Road, Belfast BT14 3SB	Short duration Geothermal Ground Source Heating Demonstration Project comprising shallow drilling, testing and completion of 5 no. exploratory boreholes, associated temporary access, compound areas and mobile public information kiosk.	Permission Granted

LA04/2023/3958/F	LOC	83 Botanic Avenue, Belfast, BT7 1JL	Renovation and conversion of 1no. domestic apartment to 2no. domestic apartments.	Permission Granted
LA04/2023/3871/F	LOC	Sinclair Seamen's Presbyterian Church 5 - 7 Corporation Square, Belfast, BT1 3AJ	Replacement railings on Corporation Street. Addition of information panels on the replacement railings. Installation of an angled interpretive panel providing information inside the courtyard. Replacement Roundel on the front of the Church. Metal gates at the entrance to the Church .	Permission Granted
LA04/2023/3873/LBC	LOC	Sinclair Seamen's Presbyterian Church 5 - 7 Corporation Square, Belfast, BT1 3AJ	Railings replacement on Corporation Street. Addition of information panels on the replacement railings. Installation of an angled interpretive panel providing information inside the courtyard. Replacement Roundel on the front of the Church. Metal gates at the entrance to the Church .	Consent Granted
LA04/2023/3906/F	LOC	1-9 Winecellar Entry, Belfast	Conversion of vacant office space into 8 No. short term let bedrooms of 1st & 2nd floor of building.	Permission Granted
LA04/2023/3969/F	LOC	Diageo Bonding Centre 3 Marshalls Road, Castlereagh, Belfast, BT5 6SL	Extension to an existing canned goods warehouse and associated loading bays to facilitate packaging requirements of Diageo with associated offices, plant room, staff facilities and associated site works.	Permission Granted

LA04/2023/4021/F	LOC	166 Upper Newtownards Road, Belfast, BT4 3ES	Change of use from dwelling to 5 Bed House in Multiple Occupation.	Permission Granted
LA04/2023/4110/F	LOC	133, Ground Floor Royal Avenue, Belfast, BT1 1FG	Reconfiguring the internal layout. Rear extension to Unit 1. Reconfiguration of Unit 2 to provide a cafe space. Alterations to Royal Avenue façade and new window in extension along William Street	Consent Granted
LA04/2023/4084/DCA	LOC	Ground Floor 133 Royal Avenue, Belfast, BT1 1FG	Alterations to Royal Avenue frontage including new double entrance doors, housed within the existing structural opening. Demolition of existing annex and single storey rear extension, roller shutter and external yard wall along William Street to facilitate proposed single storey extension. Partial demolition of internal and rear walls of Units 1 and 2	Consent Granted
LA04/2023/4116/F	LOC	25 COMMEDAGH DRIVE BALLYDOWNFINE BELFAST ANTRIM BT11 8GG	Proposed first floor side extension and proposed roof space conversion with rear dormer	Permission Refused
LA04/2023/4171/F	LOC	18 HARBERTON DRIVE MALONE UPPER BELFAST ANTRIM BT9 6PF	Proposed internal & external Refurbishment of dwelling to include replacement bay windows, single storey and 2 storey rear extension, re-render, new windows and doors, new front boundary wall and pillars, all new rainwater goods and fascia boards and landscaping to gardens	Permission Granted

LA04/2023/4225/A	LOC	8 Fountain Centre, Units 7,8 and 9 College Street, Belfast, BT1 6ET	Shop Sign	Consent Granted
LA04/2023/4259/F	LOC	23 Kirkliston Drive, Belfast, BT5 5NX	Demolition to side / rear of dwelling. Construction of side porch and single storey rear / side extension.	Permission Granted
LA04/2023/4247/DCA	LOC	23 Kirkliston Drive, Belfast, BT5 5NX	Demolition works to side / rear of dwelling.	Consent Granted
LA04/2023/4271/F	LOC	722 St Gerards Roman Catholic Church Antrim Road, Newtownabbey, BT36 7PG	Change of house type for plots 2, 6 - 18 and 23 - 43 of planning permission LA04/2019/0062/F.	Permission Granted
LA04/2023/4322/F	LOC	18 VAUXHALL PARK MALONE LOWER BELFAST ANTRIM BT9 5GZ	Two Storey Extension to side and rear; single storey rear extension, single storey garage, and Attic conversion with Dormer to rear (amended plans)	Permission Granted
LA04/2023/4449/F	LOC	14 & 15 Upper Crescent, Belfast, BT7 1NT	Internal alterations to facilitate use as an 8- bedroom luxury guest house incorporating associated wellness centre, sensory garden, conferencing facilities, dining areas and reception. Alteration to dormers to rear as previously approved.	Permission Granted

LA04/2023/4327/LBC	LOC	14 & 15 Upper Crescent, Belfast, BT7 1NT	Internal alterations to facilitate use as an 8-bedroom luxury guest house incorporating associated wellness centre, sensory garden, conferencing facilities, dining areas and reception. Alteration to dormers to rear as previously approved.	Consent Granted
LA04/2023/4311/F	LOC	5 Glendowan Avenue, Belfast, BT17 0XG	SINGLE STOREY REAR EXTENSION	Permission Granted
LA04/2023/4332/F	LOC	68 RYDALMERE STREET MALONE LOWER BELFAST ANTRIM BT12 6GF	Single storey rear extension	Permission Granted
LA04/2023/4345/DC	LOC	Lands between McDonalds & Railway Line to the rear of 233-263 Shore Road	Discharge condition 23 LA04/2018/2835/F. Underground floodwater storage system details	Condition Discharged
LA04/2023/4336/F	LOC	96 Knock Eden Park, Belfast, BT6 0JG	Partial demolition to roof to facilitate loft conversion with dormer. (Amended Proposal Description)	Permission Granted
LA04/2023/4348/DCA	LOC	18 HARBERTON DRIVE MALONE UPPER BELFAST ANTRIM BT9 6PF	Proposed demolition of rear single storey flat roof and pitched roof returns, window openings and walls, demolition of existing bay windows, internal demolition of wall partitions and demolition of front boundary wall and pillars	Consent Granted

LA04/2023/4389/F	LOC	3 Stranmillis Street, Stranmillis, Belfast, BT9 5FE	Single storey rear extension and rear dormer to HMO property, addition of a side porch, internal works, alterations to the configuration of windows and changes to fencing. Minor demolition to facilitate proposed works.	Permission Granted
LA04/2023/4398/F	LOC	87 Ardenlee Avenue, Belfast, BT6 0AD	Proposed ground floor extension to rear and new dormer to facilitate roofspace conversion.	Permission Granted
LA04/2023/4436/NMC	LOC	8 Nelson Street, Belfast, BT15 1BH	Non material change to LA04/2021/2893/F. Increasing the height of 2no AOV's on the 11th floor roof and 3no AOV's and 1no smoke shaft on the 12th floor roof. 3no are to be raised 500mm above the lift overrun, approx 2m above roof level, 2no are to be raised 500mm from finished roof level and 1no is to be raised 500mm above parapet level (approx 2m). 2no VFR comfort conditioning units are to be contained within a 12.6m x 4.8m acoustic perimeter to reduce noise emittance on Main Hall roof. Removal of high level (levels 10 & 11) cladding panels, cladding sections between the large format kitchen windows and cladding sections on main hall elevations. Cladding to be replaced with panels of a Buff coloured brick - proposed brick 'Dunrow Cream Antique'.	Non Material Change Granted
LA04/2023/4551/F	LOC	50 Ormiston Crescent, Strandtown, Belfast, BT4 3JQ	Demolition of conservatory to facilitate single storey extension (Amended Proposal description)	Permission Granted

LA04/2023/4447/F	LOC	15 Metres South East of 205 Shore Road, Belfast, BT15 3QA	Proposed relocation of Bus Shelter.	Permission Granted
LA04/2023/4486/F	LOC	30 Earl Haig Park, Belfast, BT6 8NR	Single storey conservatory to side of property	Permission Granted
LA04/2023/4535/LBC	LOC	BRYSON HOUSE 28 BEDFORD STREET TOWN PARKS BELFAST ANTRIM BT2 7FE	Fitting of secondary windows internally to specified existing ground floor windows	Consent Granted
LA04/2023/4560/DC	LOC	6 Bloomfield Avenue, Belfast, BT5 5AD	Confirmation statement of completed groundworks. Discharge of condition 10 LA04/2022/0651/F	Condition Discharged
LA04/2023/4566/A	LOC	29 GRESHAM STREET TOWN PARKS BELFAST ANTRIM BT1 1JL	3 no. Illuminated Shop signs	Consent Granted
LA04/2023/4612/F	LOC	16 Cliftonville Road, Belfast, BT14 6JX	Change of use from dwelling to house in multiple occupancy (HMO)	Permission Granted

LA04/2023/4589/LBC	LOC	CLARENCE HOUSE 4-10 MAY STREET BELFAST ANTRIM BT1 4NJ	Demolition of internal studs; Refurbishment, repair and redecoration works on ground and first floor; Repairs to external elevations; Jet clean rainwater disposal system; Repointing works to elevations; Window frame repairs; Infill to joints with lime mortar; and Refurbishment of cords (Amended Description)	Consent Granted
LA04/2023/4610/F	LOC	126 Crumlin Road, Belfast, BT14 6AH	Single storey side & rear extension and associated site works.	Permission Granted
LA04/2024/0028/F	LOC	122 Orchardville Crescent, Belfast, BT10 0JT	Proposed single storey extension to side/rear of dwelling, internal alterations and level access to side of property.	Permission Granted
LA04/2024/0019/A	LOC	160-162 Castlereagh Road, Belfast, BT5 5FT	Media Charger with Screen and 2 signage posts (Retrospective)	Consent Granted
LA04/2024/0018/F	LOC	160-162 Castlereagh Road, Belfast, BT5 5FT	Electric Car Charger with Screen Media Charger Unit (Retrospective)	Permission Granted
LA04/2024/0009/F	LOC	45 Strathmore Park North, Belfast, BT15 5HQ	Two storey rear extension	Permission Granted
LA04/2024/0041/F	LOC	8 SUFFOLK AVENUE BALLYMONEY BELFAST BT11 9JS	proposed single storey rear extension, 2 storey rear extension and enlarged dormer window	Permission Granted

LA04/2024/0054/F	LOC	Former Print Hall, Ground Floor, 124-144 Royal Avenue, Belfast, BT1 1DN	Change of use to conference centre facility with associated use as events/entertainment space	Permission Granted
LA04/2024/0029/F	LOC	1 Bristow Drive, Belfast, BT5 7QU	First Floor Rear & Side Extension	Permission Granted
LA04/2024/0030/F	LOC	63 Orangefield Avenue, Belfast, BT5 6DH	Single storey extension to side of existing dwelling.	Permission Granted
LA04/2024/0059/F	LOC	6 WELLINGTON PLACE TOWN PARKS BELFAST BT1 6GE	Change of Use from Class A1 (Retail) to Class A2 (Financial, professional and other services), with New Shop Front and Internal Fit Out Works	Permission Granted
LA04/2024/0060/LBC	LOC	6 WELLINGTON PLACE TOWN PARKS BELFAST BT1 6GE	Change of Use from Class A1 to Class A2, with New Shop Front and Internal (Non- Structural) Fit Out Works	Consent Granted
LA04/2024/0073/F	LOC	24 Ravenhill Park, Belfast, BT6 0DE	Single storey garage to rear of dwelling	Permission Granted
LA04/2024/0083/F	LOC	41 Lismoyne Park, Belfast, BT15 5HE	Two storey extension to rear of dwelling.	Permission Granted
LA04/2024/0078/F	LOC	106 Sandown Road, Belfast, BT5 6GW	2 storey rear extension. Alteration to vehicular access + site works.	Permission Granted
LA04/2024/0094/NMC	LOC	Former Belfast Metropolitan College Tower Street, Belfast, BT5 4FH	Non-material change to alter wording of condition no.13 of planning application LA04/2022/1998/F'.	Non Material Change Granted

LA04/2024/0102/F	LOC	30 Castlegowan Crescent, Belfast, BT5 7WQ	Rear dormer for roof space conversion and installation of 3 No Roof Lights to the front of dwelling	Permission Granted
LA04/2024/0124/F	LOC	4 Ardmore Drive, Belfast, BT10 0JN	Dormer to rear of existing dwelling, new steps to rear access.	Permission Granted
LA04/2024/0123/F	LOC	83 Carlingford Street, Belfast, BT6 8NE	Proposed two storey side extension & single storey rear extension	Permission Granted
LA04/2024/0127/DC	LOC	161-163 Castlereagh Road, Belfast, BT5 5FG	Discharge of Condition 4 LA04/2019/1997/F. Construction Management Plan Discharge of Condition 5 LA04/2019/1997/F. Boundary Details	Condition Partially Discharged
LA04/2024/0131/F	LOC	Cumann Lamh Dhearg, 168 Upper Springfield Road, Hannahstown, Belfast, BT17 0LZ	Single storey front and rear extension to existing clubroom.	Permission Granted
LA04/2024/0129/CLEUD	LOC	35 Crocus Street Belfast BT12 7AP	Existing 5 bedroom HMO	Permitted Development
LA04/2024/0163/F	LOC	48 Rosetta Road, Belfast, BT6 0LT	Build up gable wall to allow for roofspace conversion with rear dormer and 4 No rooflights to front of dwelling	Permission Granted
LA04/2024/0186/F	LOC	105 Glen Road, Andersonstown, Belfast, BT11 8BD	Hip to gable attic conversion with new rear dormer	Permission Granted
LA04/2024/0183/DCA	LOC	82 Marlborough Park North, Belfast, BT9 6HL	Partial demolition of porch to accommodate side extension.	Consent Granted

LA04/2024/0220/CLEUD	LOC	28 ELAINE STREET MALONE LOWER BELFAST BT9 5AR	4 bed House in Multiple Occupation (HMO)	Permitted Development
LA04/2024/0221/CLEUD	LOC	6 HARROW STREET MALONE LOWER BELFAST BT7 1QG	3 bed House in Multiple Occupation (HMO)	Permitted Development
LA04/2024/0237/DC	LOC	22-24 Windsor Park, Malone Lower, Belfast, BT9 6FR	Discharge of condition 13 LA04/2022/0047/F - Tree Protection Plan	Condition Discharged
LA04/2024/0241/F	LOC	66 Ardenlee Avenue, Belfast, BT6 0AB	Single storey infill extension, dormer window and velux to main roof at rear.	Permission Granted
LA04/2024/0240/CLEUD	LOC	13 Chadwick Street, Belfast, BT9 7FB	Existing HMO use	Permitted Development
LA04/2024/0250/F	LOC	10 Bray Court, Belfast, BT13 3JT	Single storey rear extension and removal of existing decking.	Permission Granted
LA04/2024/0266/F	LOC	14-16 King Street, Belfast, BT1 1HU	2 no. awnings installed to shopfronts at 14- 16 King Street.	Permission Granted
LA04/2024/0260/F	LOC	Gable Wall 136-142 Great Victoria Street Belfast BT2 7BG	Installation of living wall system with frame and visual reference to the "Flying Figures"	Permission Granted
LA04/2024/0274/F	LOC	7 Tweskard Park Belfast BT4 2JY	Single storey side extension.	Permission Granted
LA04/2024/0275/F	LOC	28 Connsbrook Drive Belfast BT4 1LU	Single storey rear extension	Permission Granted
LA04/2024/0297/F	LOC	100 Disraeli Street, Belfast, BT13 3HX	Single storey rear extension.	Permission Granted

LA04/2024/0323/CLOPUD	LOC	To the rear of footway outside No. 229 & 231 Castlereagh Road, Belfast	Bus shelter with living roof	Permitted Development
LA04/2024/0322/CLOPUD	LOC	To the rear of footway outside house numbers 229 & 231 Castlereagh Road, Belfast	Bus Shelter	Permitted Development
LA04/2024/0317/F	LOC	4 Salisbury Gardens, Belfast, BT15 5EL	Retrospective: Single storey rear extension and solar panels to rear roof plane	Permission Granted
LA04/2024/0320/WPT	LOC	3 Mount Pleasant, Belfast, BT9 5DS	Works to trees in a Conservation Area	Works to Trees in CA Agreed

LA04/2024/0338/PAN	MAJ	Divis and Black Mountain National Trust Site, Divis Road, Hannahstown, Belfast, BT17 0NG	<p>Alterations to the site include refurbishing and repurposing of 3no existing vernacular buildings and replacing 1 shed, a small garage and an agricultural structure with a new amenity building. The setting of these buildings and surrounding landscape will be suitably upgraded, including enhancements to the existing pond network, introduction of signage interpretation and a suite of site-appropriate furniture.</p> <p>Wider site improvement works are proposed including path enhancements, installation of site furniture and interpretation signage. This includes upgrades to the track from Robin's Well to the existing publicly accessible trails on Divis. A new circular route at the summit is also proposed and repair works to the existing boardwalk. Hardstanding on the summit will be broken out to promote naturalisation and biodiversity re-establishment.</p>	Proposal of Application Notice is Acceptable
LA04/2024/0349/F	LOC	Grass Verge 5m East of Entrance to no. 60 Milltown Road (Petrol Filling Station), Milltown Road, Castlereagh, Belfast, BT8 8HF	20m high Telecoms Streetpole with integrated antenna and 2no. 300mm diameter dishes, ground based equipment cabinets and associated ancillary equipment.	Permission Granted
LA04/2024/0370/CLEUD	LOC	McCartney House, 529 Upper Newtownards Road, Belfast, BT4 3LN.	Erection of a single storey side extension/sunroom within parameters of permitted development.	Permitted Development

LA04/2024/0384/WPT	LOC	8 Cyprus Avenue Belfast BT5 5NT	Works to 4 trees adjacent to driveway	Works to Trees in CA Agreed
LA04/2024/0450/F	LOC	37 Glenmillan Park, Belfast, BT4 2JE	Extension of garage, single storey front extension to dwelling and widening of access	Permission Granted
LA04/2024/0449/WPT	LOC	34 Eglantine Avenue, Belfast, BT9 6DX	3x trees in Malone Ca	Works to Trees in CA Agreed
LA04/2024/0453/DCA	LOC	70-74 Malone Road, Belfast, BT9 5BU	Demolition works to front elevation of existing shop to facilitate new extension and demolition of part of petrol forecourt canopy.	Consent Granted
LA04/2024/0477/F	LOC	Lands Approx. 60m NW Of 29 Hazel View, Dunmurry	Vary Condition 6 of previous approval LA04/2021/2462/F (Date for completion of road works)	Permission Granted
LA04/2024/0486/CLEUD	LOC	22 Malone Avenue, Belfast, BT9 6ER	Existing HMO Use	Permitted Development
LA04/2024/0520/CLEUD	LOC	7 Eblana Street, Belfast, BT7 1LD	HMO use	Permitted Development
LA04/2024/0515/DC	LOC	150 Kingsway, Dunmurry, BT17 9AA	Discharge condition 12 and 13 of LA04/2017/1784/F Tree Protection Works	Condition Discharged
LA04/2024/0504/WPT	LOC	73 Malone Road, Belfast, BT9 6SB	Works to trees in CA	Works to Trees in CA Agreed

LA04/2024/0543/DC	LOC	Lands at McClure Street, BELFAST, BT7 1SH	Discharge of condition 16 of LA04/2018/2659/F social housing occupation	Condition Discharged
LA04/2024/0526/WPT	LOC	Strathearn School, 188 Belmont Road, Belfast, BT4 2AU	Works to TPO protected trees	Works to TPO Granted
LA04/2024/0558/CLEUD	LOC	29 Ridgeway Street, Belfast, BT9 5FB	Existing HMO	Permitted Development
LA04/2024/0562/PAN	MAJ	Lands including and to the rear of 24-54 Castle Street, 2-6 Queen Street, 1-7 & 21 Fountain Street, Belfast	Demolition of existing buildings and construction of Purpose Built Multi Storey Managed Student Accommodation and associated shared/ancillary spaces with ground floor retail/retail service units, resident's gym/cinema and ancillary development/uses.	Proposal of Application Notice is Acceptable
LA04/2024/0572/CLOPUD	LOC	101 Oakhurst Avenue, Belfast, BT10 0PD	Single storey rear extension	Permitted Development
LA04/2024/0585/PAN	MAJ	Lands at 3-9 Dalton Street (bordered by Middlepath Street and Bridge End), Belfast	Demolition of existing buildings and construction of 278no. apartments, gym and 3no. retail units (further to application LA04/2018/2649/F) with associated car parking and landscaping.	Proposal of Application Notice is Acceptable
LA04/2024/0602/CLEUD	LOC	Flat 1, 111 Fitzroy Avenue, Belfast, BT7 1HU	Existing House in Multiple Occupancy.	Permitted Development
LA04/2024/0603/CLEUD	LOC	Flat 3, 111, Fitzroy Avenue, Belfast, BT7 1HU	Existing house in multiple occupancy	Permitted Development

LA04/2024/0616/WPT	LOC	To the rear of 9 Mount Pleasant, Stranmillis	Works to Fell 1x tree in a CA	Works to Trees in CA Agreed
LA04/2024/0633/CLEUD	LOC	6 Magdala Street, Belfast, BT7 1PU	HMO existing use (House in multiple occupation)	Permitted Development
LA04/2024/0668/WPT	LOC	7 Glenburn Park, Belfast, BT14 6TF	Fell 1x TPO tree	Works to TPO Granted
LA04/2024/0688/WPT	LOC	28 Knockdene Park South, Belfast, BT5 7AB	6 Felling Trees in CA	Works to Trees in CA Agreed
LA04/2024/0689/WPT	LOC	5 Glenmachan Avenue, Belfast, BT4 2RG	Works to 1 x tree protected by a TPO	Works to TPO Granted
LA04/2024/0691/WPT	LOC	13 Malone Park, Belfast, BT9 6NH	Works to trees in a Conservation Area	Works to Trees in CA Agreed
				<u>Total Decisions - 124</u>



Subject:	Delegation of Local applications with NI Water objections
Date:	14 th May 2024
Reporting Officer(s):	Kate Bentley, Director of Planning and Building Control
Contact Officer(s):	Ed Baker, Planning Manager (Development Management) Ciara Reville, Principal Planning Officer

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Some time in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report or Summary of Main Issues
1.1	The Planning Committee will recall that at its meetings on 27 June 2022, 15 November 2022 14 February 2023, 14 March 2023 18 April 2023, 15 August 2023 17 October 2023, 12 December 2023, 12 February 2024 and 19 March 2024, it agreed to delegate authority to the Director of Planning and Building Control the determination of a number of Local applications to which NI Water had objected.
1.2	The Council continues to receive objections from NIW to some Local applications. The purpose of this report is to seek the Committee's agreement to delegate to officers those Local planning applications to which NI Water has objected as set out at Appendix 1 .
1.3	For the avoidance of doubt, it is only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water which are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it may later transpire require to be referred to the Committee for other reason/s (other than the NI Water objection) will be reported to the Committee to determine. Individual

	Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.
2.0	Recommendation
2.1	That the Committee agrees to delegate to the Director of Planning and Building Control those Local planning applications to which NI Water has objected set out at Appendix 1 .
3.0	Main Report
	<u>Background</u>
3.1	The Committee will be aware from the Committee Workshop on 18 November 2021 that NI Water has objected to a significant number of Local applications on grounds of insufficient waste-water infrastructure capacity.
3.2	As advised at the Committee Workshop, officers have been engaging with NI Water to try to resolve those objections. Whilst progress is being made, and NI Water is actively considering a threshold for the scale and nature of development above which they would like to be consulted on future planning application, the objections to these Local applications remain.
	<u>Scheme of Delegation</u>
3.3	Members will be aware that the Council operates a Scheme of Delegation for Planning which identifies which matters are to be determined by the Committee and which are delegated to officers.
3.4	Paragraph 3.8.5 (f) of the Scheme of Delegation (January 2020) states that planning applications are not delegated where <i>'There is an objection from a statutory consultee and the recommendation of the Planning Officer is to approve.'</i> This means that those applications are required to be determined by the Planning Committee.
3.5	The Planning (General Permitted Development) Order (Northern Ireland) 2016 identifies NI Water as a statutory consultee <i>'...where a development proposal is likely to significantly impact upon the availability of suitable water and sewerage infrastructure to service development proposals.'</i>
3.6	This means that where NI Water has lodged an objection to a Local application and the officer recommendation is to approve, the application cannot be delegated and must be determined by the Committee.
3.7	Therefore, at those previous meetings, the Committee agreed to delegate Local applications, as appended to the respective reports, with NI Water objections to the Director of Planning and Building Control. This has avoided the potential need to report to date 208 applications individually to the Committee. To have reported all those applications to the Committee would have been logistically extremely difficult, costly and would have resulted in further delays for applicants.
	<u>Nature of NI Water objections</u>
3.8	NI Water has lodged objections to Local applications for one or both of the following reasons. <ul style="list-style-type: none"> a) There is insufficient capacity at the local Waste Water Treatment Plant to support the proposed development, and/or b) There is insufficient network capacity within existing Combined Storm Overflows to support the development, and/ or

	c) There is insufficient network capacity within the foul sewerage system and a Wastewater Impact Assessment is required.
3.9	In broad terms, NI Water is concerned that a lack of infrastructure capacity would give rise to risk of environmental harm including pollution, flooding and adverse impact on existing property. In some cases, NI Water is concerned that the application site may be hydrologically linked to Belfast Lough and may harm its water quality.
3.10	However, despite requests, NI Water has to date not provided robust evidence to support individual objections including demonstration of actual specific impacts resulting from individual proposals that stems from their broad concerns outlined above.
3.11	Importantly, allowance must be made for existing significant committed development across the city including extant planning permissions. It is highly unlikely that all such development, which includes unimplemented permissions for over 20,000 houses and significant levels of commercial floor space across the city, will come forward at once, if at all. In practical terms it would be unreasonable for the Council to withhold planning permission given the fall-back of the need to connect those developments to existing waste water infrastructure.
3.12	In the case of Waste Water Treatment capacity, NI Water advises that there will be increased capacity from July 2023, albeit this will not be sufficient to address long term waste water treatment plant infrastructure requirements.
3.13	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. NIW have in recent months added further detail to their responses but sufficient robust evidence has not been provided..
	<u>Habitats Regulations Assessment</u>
3.14	Officers have met with Shared Environmental Services (SES). Belfast City Council is the Competent Authority under the Conservation (Natural Habitats, etc.) Regulations (Northern Ireland) 1995 (as amended) for undertaking an Appropriate Assessment where a proposal is likely to have a significant environmental effect on Belfast Lough, an environmentally protected Special Protection Area (SPA), RAMSAR and Special Area of Conservation (SAC). Water quality of the lough is a key consideration. The Habitats Regulations are framed in such a way that it is not only the impacts of individual development proposals that need to be considered, but also "in combination" impacts with other development.
3.15	Whilst a precautionary approach applies to Habitats Regulations Assessment (HRA), SES confirms that the onus is on NIW to provide evidence of likely actual impacts, rather than hypothetical impacts. As Competent Authority, the Council may take its own objective view on whether a proposal is likely to have a "significant effect" on water quality of the Lough. However, having regard to the precautionary approach, where there is clear intensification the Council will consult SES and ask them to undertake a HRA Appropriate Assessment Screening to ascertain whether there would be a likely significant impact. This would also trigger statutory consultation with DAERA NI Environment Agency. The Planning Service will consult SES and DAERA on a case by case basis as required.
	<u>Local applications for which delegated authority is sought to determine</u>
3.16	The further Local applications to which NI Water has objected and which delegated authority is sought to determine are listed at Appendix 1 .

3.17	It should be noted that only those applications which would have been delegated to officers under the Scheme of Delegation were it not for the objection from NI Water are proposed to be delegated. Therefore, any of the Local applications listed at Appendix 1 which it transpires need to be referred to the Committee for other reason/s under the Scheme of Delegation will be reported to the Committee to determine. Individual Members can also still request that the applications at Appendix 1 are referred to the Committee under paragraph 3.8.1 of the Scheme of Delegation.
4.0	Financial & Resource Implications
4.1	The cost, time and resources involved in individually reporting all Local applications to which NI Water has objected to the Planning Committee would be considerable. It would also require several additional sittings of the Committee. The recommended approach set out in this report is considered to be a much more efficient use of resources.
5.0	Equality or Good Relations Implications / Rural Needs Assessment
5.1	No adverse impacts identified.
6.0	Appendices – Documents Attached
	Appendix 1 – List of Local applications which are proposed to be delegated to officers to determine.

Appendix 1 – Local applications with NIW objections (May 2024)

	DEA	REFERENCE	DATE RECEIVED	PROPOSED	ADDRESS
1	Botanic	LA04/2023/3576/F	27/06/23	Proposed change of use (part first floor and second, third, fourth and fifth floors) from hairdresser/office space to provide 30 no. serviced apartments with associated roof terraces.	11-15 Donegall Place and 1-7 Fountain Lane
2	Oldpark	LA04/2022/2036/F	12/10/2022	Mixed use development comprising of retail space on ground floor (extension to existing retail unit) and 8 residential apartments on 1st and 2nd floor.	935-937 Crumlin Rd
3	Court	LA04/2022/1114/F	20/05/2022	Proposed residential development comprising of 11 no. 2-bed apartments	Lands to North of No's 1-23 (odd) Heath Lodge Drive
4	Castle	LA04/2024/0243/F	12/02/2024	Refurbishment of the ground-floor retail unit, (including internal modifications to the rear return and the removal of the existing (ground-floor only) 'lean-to', to accomodate 3 No. residential apartments	263 Antrim Road Belfast BT15 2GZ
5	Botanic	LA04/2023/3400/F	02/06/2023	Proposed alterations to existing premises to facilitate change of use from offices to guest accommodation and ancillary space including installation of lift and railings to the front boundary (Amended Description)	49-51 Malone Road
6	Castle	LA04/2023/4603/O	20/12/2023	Outline application for detached dwelling adjacent to No. 7 Glencoe Park	7 Glencoe Park
7	Oldpark	LA04/2023/4069/F	20/09/20223	Erection of 13 no. apartments and 2 no. dwellings including carparking, landscaping and all other associated site works.	Lands at 380-382a Oldpark Road, to the north and north west of 376-404 Oldpark Road, and lands between 1a Deerpark Road and 376 Oldpark Road, Belfast, Belfast, BT14 6QF
8	Titanic	LA04/2022/2412/F	23/11/2022	Change of use from office/commercial to provide 5Nr Apartments with in curtilage car parking and all associated site works	157 Albertbridge Road
9	Black Mountain	LA04/2024/0448/F	04/03/2024	2-storey extension to front of existing office building at 5 Millennium Way, alterations to car parking layout and associated works	5 Millennium Way, Springvale Business Park, Belfast, BT12 7AL
10	Balmoral	LA04/2023/4600/O	20/12/2023	Demolition of Existing Dwelling and Construction of 6 No. Apartments	108 Upper Lisburn Road, Finaghy, Belfast, BT10 0BB

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Subject:	Memorandum of Response to Public Accounts Committee report on Planning in Northern Ireland
Date:	14 May 2024
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Kate Bentley, Director of Planning and Building Control

Restricted Reports

Is this report restricted?

Yes

☐

No

☒

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

Insert number

☐

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

If Yes, when will the report become unrestricted?

After Committee Decision

After Council Decision

Sometime in the future

Never

☐
☐
☐
☐

Call-in

Is the decision eligible for Call-in?

Yes

☒

No

☐

1.0	Purpose of Report/Summary of Main Issues
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1.1	This report provides an update on the Memorandum of Response published by the Department of Finance following the Public Accounts Committee (PAC) report on Planning in Northern Ireland.
2.0	Recommendation
2.1	The Committee is asked to: <ul style="list-style-type: none"> a) Note the contents of the report including the Memorandum of Response; and b) Note the update on the Regional Planning Improvement Programme.
3.0	Main Report
3.1	<p><u>Memorandum of Response</u></p> <p>In early 2022, two reviews of the NI Planning system were published:</p> <ul style="list-style-type: none"> • The Department for Infrastructure's review of the Implementation of the Planning Act (Northern Ireland) 2011; and • The Northern Ireland Audit Office's review of the NI Planning System.
3.2	In March 2022, the NI Assembly Public Accounts Committee (PAC) published its Report on Planning in NI. This report made 12 recommendations relating to the establishment of an independent Commission, streamlining the LDP process, transparency, engagement, the oversight role of the Department, quality of applications, reviewing past decisions, the financial sustainability of the planning system and importantly, the culture of those operating and engaging in the planning system.
3.3	At that time, the Department for Infrastructure (DfI) was required to provide a formal response to the PAC report within 8 weeks of its publication (i.e. by 19 May 2022), whilst the PAC recommendations also required an update be given to the successor Public Accounts Committee on the improvements made in six months' time (i.e by 24 September 2022).
3.4	As the Executive collapsed in early 2022, there was no successor PAC in place for the DfI to either provide their formal response to the report or to provide a 6-month update on actions taken.
3.5	Following the restoration of the Executive in January 2024, the Memorandum of Reply to the Report from the Public Accounts Committee was presented to the Northern Ireland Executive by the Minister of Finance on the 18 th April 2024 (Appendix 1). There is no further information available as to whether this will be considered by the PAC or any timescales around this.
3.6	The Memorandum sets out that the Department accepts all the recommendations in the PAC report. In responding to the specific PAC recommendations, the DfI place significant reliance on the formation of the Interim Regional Commission and the Planning Improvement Programme, setting out that these structures address the recommendations in relation to the need for a fundamental review to ascertain the long term strategic changes (<i>recommendation 1</i>) and the need to identify tangible improvements that can be achieved in the short term (<i>recommendation 2</i>). In the Department's view the Planning Improvement Programme also constitutes the radical action plan required by <i>recommendation 3</i> .
3.7	The Department also sets out that the recommendations relating to streamlining LDP processes (<i>recommendation 4</i>) and cultural change in the way local and central government interact around planning (<i>recommendation 12</i>) are largely addressed through the Interim Regional Commission and Planning Improvement Programme structures.
3.8	In relation to open and transparent decision making (<i>recommendation 5</i>) the Department sets out that they have produced and implemented a file management protocol. The Department has also undertaken a review of its past decisions (<i>recommendation 10</i>).

3.9	Whilst the Department accepts <i>recommendation 6</i> which sets out that they should ensure a suitable and proportionate means of engaging with the planning system including a deeper consideration of the appropriateness of limited third party rights of appeal, they then state that they were not persuaded in their review of the implementation of the Planning (NI) Act 2011 of the need to amend current provisions for appeals. They state that the matter will now be considered by the DfI Minister.
3.10	In answering the recommendation relating to the inconsistency of the operation of the planning system in relation to rural housing (<i>recommendation 7</i>), the Department set out that they will consider the next steps for regional planning policy on the issue following a recent Call for Evidence in January 2024.
3.11	In responding to the recommendation that requires the Department to urgently consider its oversight of the planning system, alongside cultural change (<i>recommendation 8</i>), the Department states that it will continue to work to ensure that they strike the right balance between respecting council's rights and responsibilities for carrying out their own statutory processes and decisions, whilst ensuring that regional planning objectives are achieved. The Department points out that delivering an efficient and effective planning system is a collective responsibility, but that they have shown leadership through the creation of the Planning Improvement Programme, which they believe will drive cultural change.
3.12	In responding to recommendations in relation to the quality of applications entering the system (<i>recommendation 9</i>) and financial sustainability (<i>recommendation 11</i>) the Department largely focuses on specific actions including the validation checklist, application fee increases and requesting additional resources for both DfI planning function and statutory consultees.
3.13	It should be noted that there are a number of recommendations in the PAC report that relate to local authorities working in collaboration with the Department, or relate to actions that local authorities can undertake. As set out in the Regional Planning Improvement Programme updates local authorities are working on those actions through Heads of Planning and SOLACE.
3.14	<u>Regional Planning Improvement</u> Since the publication of the reports in early 2022, this Committee has been provided with a number of updates on the Regional Planning Improvement Programme being progressed jointly between DfI and SOLACE with the most recent reports being considered in October 2023 and January 2024.
3.15	In October 2023, the Committee agreed to write to the Chair of the Interim Regional Commission. This letter was issued on the 20 November 2023 (Appendix 2) with a response received on the 30 November 2023 (Appendix 3).
3.16	Members should also note that the Infrastructure Minister met with members of the Interim Regional Commission on the 24 April 2024 and is due to meet with SOLACE on the 22 May 2024 to discuss the Planning Improvement work.
4.0	Appendices - Documents Attached
	<p>Appendix 1 – Department of Finance Memorandum on the Fourteenth Report from the Public Accounts Committee Mandate 2017-2022. 18 April 2024.</p> <p>Appendix 2 – Letter from John Walsh to the Chair of the Interim Planning Commission. 20 November 2023.</p> <p>Appendix 3 – Letter from the Chair of the Interim Planning Commission to John Walsh. 30 November 2023.</p>

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**Department of Finance
Memorandum on the Fourteenth
Report from the
Public Accounts Committee
Mandate 2017-2022**

Planning in Northern Ireland

**Presented to the Northern Ireland Assembly
by the Minister of Finance**

18 April 2024



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Glossary of Abbreviations

DfI	Department for Infrastructure
iRPC	interim Regional Planning Commission
LDP	Local Development Plan
PAC	Public Accounts Committee
PAN	Planning Advice Note
RTPI	Royal Town Planning Institute
SPPS	Strategic Planning Policy Statement

Fourteenth Report

Department for Infrastructure

Planning in Northern Ireland

Introduction

The respective roles of the Department for Infrastructure (DfI) and local government in the Northern Ireland planning system are set out in legislation and reflect the intention of the Executive to create the two-tier planning system in 2015, transferring the majority of planning functions to the newly formed councils. Local councils have responsibility for a significant number of planning functions and are autonomous, locally accountable sovereign political authorities, out with the control of DfI. Accountability for the planning system, therefore, lies both with local and central government.

Whilst DfI has an important leadership role in the two-tier planning system, it does not have sole responsibility for addressing all the Committee's recommendations. A number of the recommendations reference local government and are relevant to the remit of council planning authorities. Therefore, in order to respect the correct accountability arrangements, DfI's response relates to the aspects of those recommendations which are for central government and does not respond on those aspects for which responsibility lies with the councils.

Notwithstanding this, DfI has led and continues to work with local government and other key stakeholders on a joint programme to improve the efficiency and effectiveness of the planning system. Within this context of collective ownership and responsibility, this Memorandum of Reply (MoR) identifies actions that have been taken by DfI in respect of those Committee recommendations for which it is either fully or partially responsible.

PAC Recommendation 1

The planning system in Northern Ireland is not working. The Committee recommends that a Commission is established to undertake a fundamental review to ascertain the long-term, strategic changes that are needed to make the system fit for purpose. This should be led by someone independent from the Department.

DfI accepts and has implemented this recommendation.

DfI has established an interim Regional Planning Commission (iRPC) which is independently chaired and comprises representatives from key stakeholder groups including the economy, environment and community sectors. A Terms of Reference outlining the objectives of the interim Commission is available on the DfI website and amongst its key objectives it aims to guide and promote continuous improvement by identifying, constructively responding to, and exploring new ways of tackling emerging issues in planning and sharing constructive and proactive comment across stakeholders on planning processes.

The interim Commission is currently providing advice and support to the wider Planning Improvement Programme using their expertise, skills and experience to constructively review, identify improvements and promote further accountability in the planning process.

The iRPC meets on a quarterly basis with the first meeting held on 24 February 2023. The Royal Town Planning Institute (RTPI) provides independent secretarial support to the interim Commission.

PAC Recommendation 2

The Committee has heard that there are a number of opportunities to make immediate improvements to the planning system. We recommend that a commission is established to identify tangible improvements that can be achieved in the short term. This must focus on problem solving, delivery and achieving outcomes within a fixed time frame.

DfI accepts and has implemented this recommendation.

As set out in the response to the first recommendation, an iRPC has been established and is providing advice and support to the wider Planning Improvement Programme. The Programme encompasses a suite of 40 actions with relevant targets and time

frames attributed to each action. It covers work streams including: Governance; Policy & Legislation; Local Development Plan (LDP); Development Management; Performance; Engagement and Financial Sustainability. Governance arrangements have been formalised to ensure accountability and appropriate oversight of the Programme.

PAC Recommendation 3

The Committee expects action to be taken to improve the planning system. In lieu of any accountability for performance within the system, the Department will provide the Committee with a radical action plan and provide the successor Committee with an update on the improvements made in six months' time.

DfI accepts this recommendation.

As reflected in the responses above, DfI has initiated and developed a Planning Improvement Programme which has been endorsed by local government. It encompasses a suite of 40 actions covering work streams including: Governance; Policy & Legislation; LDP; Development Management; Performance; Engagement and Financial Sustainability. Governance arrangements have been formalised to ensure accountability and appropriate oversight of the programme.

DfI will provide a copy of the Planning Improvement Programme to the Committee and are happy to update the Committee on progress made at any point.

PAC Recommendation 4

The Committee recommends that the Department considers ways to streamline the remaining LDP processes, and works with councils to learn lessons from those that have been through the independent examination process with a view to taking a more pragmatic approach to the remaining plans. The Department and councils need to work collaboratively to produce these important plans as soon as possible.

DfI accepts this recommendation.

The LDP process is a significant new process in the reformed planning system, which is being led by local government, and overseen by DfI in its central government strategic role. LDP preparation and production is advancing at different rates across the 11 council planning authorities and the timelines are set by each local council and agreed with DfI. As the system matures and becomes better established, best practice recommendations will become apparent. DfI however remains committed to capturing and sharing key learning as appropriate.

Streamlining LDP processes is a significant element of the Planning Improvement Programme with several actions being taken forward jointly by DfI and local government covering all areas of the existing process including legislation, guidance, procedures and the role of key stakeholders including the Planning Appeals Commission.

It is worth highlighting that to date four Councils have adopted their draft Plan Strategies and are progressing to Local Policies Plan stage. Progress on the remaining draft Plan Strategies for the other councils is at various stages of the process.

PAC Recommendation 5

The Committee recommends that all those involved in decision-making ensure that processes are open and transparent, particularly where a high degree of interpretation has been exercised. The Department and councils should consider how checks on good record keeping, to ensure transparency, could be carried out effectively.

DfI accepts this recommendation and has implemented it in respect of its role as a planning authority in the two-tier system.

DfI has produced and implemented a File Management Protocol to assist staff with consistent records management, ensuring that relevant documents are uploaded to the Planning Portal for external viewing. The protocol also ensures that records which are not suitable for publication on the Planning Portal are stored securely and retained by DfI for audit and accountability purposes.

PAC Recommendation 6

The Committee recommends that the Department should ensure that there is suitable and proportionate means of engaging with the planning system. This should include a deeper consideration of the appropriateness of limited third-party rights of appeal.

DfI accepts this recommendation.

The reformed planning system includes measures to significantly front-load third party and community engagement in the development management and forward planning processes. In the Review of the Implementation of the Planning (NI) Act 2011 report, DfI stated that it was not persuaded of the need to amend current provisions for appeals, and this was not brought forward as a recommendation. Any consideration of the introduction of limited third party rights of appeal into the planning system would require a change to primary legislation, with associated public consultation and Assembly scrutiny. This matter will be considered by the DfI Minister, who will decide the way forward on this policy matter.

PAC Recommendation 7

The operation of the planning system for rural housing is at best inconsistent and at worst fundamentally broken. The Committee believes that it is essential that policy in the area is agreed and implemented equally and consistently across Northern Ireland. The Department should ensure this is the case.

DfI accepts this recommendation in respect of its role and responsibility for regional planning policy.

In January 2024, DfI published a Call for Evidence on a potential focused review of the Strategic Planning Policy Statement for Northern Ireland (SPPS) in relation to Climate Change, including consideration of the future direction of policy for development in the countryside. The DfI Minister will consider the next steps for regional planning policy on this issue, following consideration of the responses from this Call for Evidence.

Under the two-tier planning system, it is the responsibility of council planning authorities to process and determine all planning applications for rural housing and to ensure that planning policy is considered and is a material factor when planning decisions are made; and to ensure that there is transparency around this process.

PAC Recommendation 8

The Committee recommends that the Department urgently considers how it exercises its oversight of the planning system. In the Committee's view, this must be accompanied with a cultural change. Intervention should be to support delivery and to make improvements. The current minimal approach is no longer sustainable.

DfI accepts this recommendation.

DfI will continue to work to ensure that oversight of the planning system strikes the right balance between respecting council's rights and responsibilities for carrying out their own statutory processes and decisions, whilst ensuring that regional planning objectives are achieved. It is also important to acknowledge that the objective of achieving an efficient and effective planning system which delivers for the economy, communities and the environment is a collective responsibility for all those involved in the planning process, and all stakeholders must play their part.

DfI has demonstrated leadership through the creation of the joint Planning Improvement Programme endorsed by local government to support delivery and make improvements across the planning system. In conjunction with associated governance arrangements including the Planning Improvement Project Board it is considered that the Planning Improvement Programme will help drive cultural change.

PAC Recommendation 9

The Committee recommends that the Department and local government should implement immediate changes to improve the quality of applications entering the system. Whilst this may require legislative change, we do not believe that this should be an excuse for delay.

DfI accepts this recommendation.

Following a public consultation in November 2022, legislation has been drafted to enable the production of statutory validation checklists for planning applications submitted to council planning authorities. DfI is engaging with key stakeholders including the Planning Appeals Commission and Department of Justice (in relation to providing for a dispute mechanism), local government and statutory consultees, to ensure that the practical out-workings of the amending legislation and supporting guidance achieve the objective of improving the quality of applications entering the system. The legislation will need to be approved by the DfI Minister and completed in line with Assembly procedures. DfI has also encouraged local government to proceed to develop their own local validation checklists in advance of the legislation, and to work with developers and agents to prepare them for the changes. In terms of applications processed by DfI, the Regional Planning Casework Team carries out direct engagement with applicants from an early stage to ensure the submission of accurate and appropriate documents/drawings and decrease the likelihood of an invalid application being received.

PAC Recommendation 10

The Committee recommends that planning authorities regularly review past decisions to understand their real-world outcomes, impact on communities and the quality of the completed development.

DfI accepts and has implemented this recommendation in respect of its role and responsibilities.

DfI has undertaken a review of its own past decisions and is using this to inform a methodology for future recording and reporting on real-world outcomes.

PAC Recommendation 11

The planning system must be financially sustainable and this requires an appropriate, long-term funding model. The Committee recommends that all those involved in delivering planning work together to achieve this. In the short term the Department should take the lead on bringing forward legislation on planning fees as a matter of urgency.

DfI accepts this recommendation in respect of its role and responsibilities.

DfI recognises that the long-term financial sustainability of the regional planning system is of critical importance, particularly in these difficult financial times. This issue is, however, influenced by a multitude of factors, many of which are outside the DfI's direct remit and control, such as the wider management and prioritisation of finances within individual councils and other departments.

DfI recognises that in order to achieve the improvement to the planning system, the whole system and key parties to delivering the process i.e. DfI, council planning authorities, statutory consultees and the Planning Appeals Commission must be properly funded and resourced in terms of capacity and capability. For its part, DfI has requested additional resources for the DfI planning function, including Roads and Rivers statutory consultees, through the 2024/25 budget process. It is recognised however that any additional funding will be subject to the constraints on the budget available and the consideration of competing priorities and funding decisions are ultimately a matter for Ministers and the Executive.

DfI also recognises that any assessment of financial and budgetary requirements should be set against the most efficient systems and processes available, and any work towards streamlining existing processes and systems should inform the financial sustainability of the planning system.

In terms of planning fees, DfI legislated in April 2023 to provide an inflationary uplift of approximately 12.3 per cent across all planning application categories to assist councils and DfI in covering the cost of processing planning applications. DfI also intends to introduce a further inflationary uplift to planning fees in 2024. The DfI Minister will decide the approach to future uplifts on an ongoing basis.

PAC Recommendation 12

There is a fundamental need for a cultural change in the way local and central government interact around planning. Whilst cultural change will take time, this should be reflected immediately in a more inclusive planning forum which includes representation from developers and communities.

DfI accepts and has implemented this recommendation.

As reflected in the response to recommendation 1 above, an inclusive iRPC which is independently chaired and comprises representatives from key stakeholder groups including the economy, environment and community sectors has been established and the work which central and local government are taking forward together is set out in this MoR.



Your reference

Our reference JW/as

Date 20 November 2023

Ms Rosemary Thomas
Chair of the Interim Regional Planning Commission
c/o Julie Sullivan: julie.sullivan@rtpi.org.uk

Dear Rosemary

Regional Planning Improvement Programme and the Interim Regional Commission

I am writing to you in your capacity as the Chair of the Interim Regional Commission as I am aware that there is a workshop being planned for the Commission members in November and I thought it would be an opportune time to express both our commitment to and concerns around the approach taken to date.

Belfast City Council has made extensive representations to the Department for Infrastructure's call for evidence on the implementation of the Planning Act, as well as to the Northern Ireland Audit Office in producing their report. We were also able to give evidence to the Public Accounts Committee in their consideration of Planning in Northern Ireland. Our interest and commitment to identify issues and improve the regional planning system is absolute.

For Belfast as the capital and economic regional driver of Northern Ireland, it is essential that the Council shares its observations and concerns regarding the operation of the planning system in Northern Ireland. Planning has a vital role to play in the economic prosperity of the city, social cohesion and promoting the environment. It is also key to delivery of the *Belfast Agenda*, the City's Community Plan.

The Regional Planning Improvement Programme that has been progressed over the last 18 months has identified a number of issues that are in the process of being addressed but we are very concerned that the actions identified, the culture in which the actions are being pursued and the governance around the programme will not result in the fundamental change identified and required by the Public Accounts Committee and ourselves.

As the Interim Planning Commission will meet to consider its role, remit and work programme in November, I would like to extend the offer of meeting with yourself or the wider Commission. This would enable constructive discussion on Belfast City Council's long standing and well documented concerns around the regional planning improvement programme in the hope of achieving better outcomes for the regional improvement work to much better serve the needs of our citizens, businesses and environment.

I look forward to receiving your response.

Yours sincerely


John Walsh LLB LLM
Chief Executive

Belfast City Council, Office of the Chief Executive
City Hall, Belfast BT1 5GS
Tel: 028 9027 0202, Textphone: 028 9027 0405
Email: walshjohn@belfastcity.gov.uk

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Chief Executive's Office	
Date: 4/10/23	
Noted by CX: Y/N	
Ref: JW 3-11	
Referred to:	
Copy sent	Original sent
MB updated	Invite reg

38, Ravensdene Crescent,
Belfast,
BT6 0DB

30 November 2023

John Walsh, LLB, LLM,
Chief Executive,
Belfast City Council,
City Hall,
Belfast, BT1 5GS

Your ref: JW/as

Dear John,

**REGIONAL PLANNING IMPROVEMENT PROGRAMME AND INTERIM
REGIONAL PLANNING COMMISSION**

Thank you for your letter of 20 November expressing your Council's commitment to improving the regional planning system and outlining how you have been inputting to the process so far.

I note your view that the Regional Planning Improvement Programme will not result in the fundamental change needed, and your offer of a meeting. Your Council's Head of Planning, Kate Bentley, has been making an insightful and positive contribution to the Commission's deliberations to date. Her experience and current role as leader of the Heads of Planning Group is immensely useful as implementation of key elements of the Planning Improvement Programme proceeds. Introducing change is invariably challenging, however much those changes are needed; the most challenging change to secure is that of culture change.

It is my understanding that the Department's Deputy Secretary, Julie Thompson, has been liaising closely with local authorities and their Chief Executives through the Planning Improvement Programme Board and via Alison McCullagh; you will be aware that Alison represents SOLACE on the Commission. As the Commission's next meeting will be in the New Year, it would be helpful if you could raise any continuing concerns with Alison and SOLACE, as well as with Kate, so that they can feed them into the Commission for our consideration and any actions arising, when we next meet.

As the local authority with the largest population and greatest number of planning applications, your authority's views will be of particular interest to the Commission so I will bear in mind your offer to meet.

Yours sincerely,

A handwritten signature in blue ink that reads "Rosemary Thomas". The signature is written in a cursive style with a large initial 'R' and a trailing flourish.

Rosemary Thomas

Interim Chair of the Regional Planning Commission



Subject:	Listing of various structures
Date:	Tuesday, 14 th May 2024
Reporting Officer:	Dermot O’Kane, Ext 2293
Contact Officer:	Robert Kennedy, Ext 2294

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

1.0	Purpose of Report or Summary of main Issues
1.1	<p>Correspondence has been received from the Historic Environment Division (HED) regarding the proposed listing of</p> <ul style="list-style-type: none"> - All Saints’ Church, Canterbury Street, Belfast, BT7 1LB; and, - International Research Centre for Experimental Physics, The Queen's University of Belfast, University Road, Belfast, BT7 1NN
1.2	Article 80 (3) of the Planning Act (NI) 2011 requires the HED to consult with the Council before placing any building on the statutory list of buildings of special architectural or historic interest.
1.3	<p>The structures being considered are considered by HED to fall within the definition of the word ‘building’;</p> <p><i>“Listed building” is defined in section 80(7) (lists of buildings of special architectural or historic interest) of the Planning Act (Northern Ireland) 2011: “(7) In this Act “listed building” means a building which is for the time being included in a list compiled under this section.</i></p> <p><i>“Building” is defined in section 250(1) (interpretation) of the Planning Act (Northern Ireland) 2011. The term “building” includes any structure or erection, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;</i></p> <p><i>Under section 80 Lists of buildings of special architectural or historic interest</i></p> <p><i>80 — (1) The Department—</i></p> <p><i>(a) shall compile lists of buildings (which means structure/erection) of special architectural or historic interest; and</i></p> <p><i>(b) may amend any list so compiled.</i></p>

2.0	Recommendations
2.1	<p>Committee is requested to:</p> <p>Note the contents of Appendix 1 and support the proposed listing of</p> <ul style="list-style-type: none"> • All Saints' Church, Canterbury Street, Belfast, BT7 1LB • International Research Centre for Experimental Physics, The Queen's University of Belfast, University Road, Belfast, BT7 1NN <p>as detailed in paragraphs 3.5 of this report.</p>
3.0	Main report
3.1	The Second Survey of all of Northern Ireland's building stock, is currently underway, to update and improve on the first List of buildings of special architectural or historic interest which began in 1974.
3.2	<p>In considering whether to include a building as Listed, the Historic Environment Division (HED) takes into account the architectural and historic interest of a structure and is also given the power to consider:</p> <ul style="list-style-type: none"> • any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and • the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building which consists of a manmade object or structure fixed to the building or which forms a part of the land and which is comprised within the curtilage of the building.
3.3	Should the Department for Communities decide to list a property, this places certain responsibility on the owner, for example, a listed building has to be maintained in a way appropriate to its character and cannot be altered or demolished without prior approval.
3.4	The summaries set out in Appendix 1 for the proposed listings are taken from the evaluation in the consultation report and details the main features alongside the recommended class of listing. The appendix also sets out the summary of the four categories (A to B2) for Listed Buildings in Northern Ireland under the ongoing work as part of the Second Survey.
3.5	<p>The Department based on the completion of detailed surveys, is currently considering the listing the following structures and has requested the Council's comments in relation to:</p> <ul style="list-style-type: none"> • All Saints' Church, Canterbury Street, Belfast, BT7 1LB • International Research Centre for Experimental Physics, The Queen's University of Belfast, University Road, Belfast, BT7 1NN
3.6	<u>Financial & Resource Implications</u> None
3.7	<u>Equality or Good Relations Implications</u> None

4.0	Appendices – Documents Attached
	APPENDIX 1: Structure Evaluations

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APPENDIX 1: Structure Evaluations

Background

The Second Survey of all of Northern Ireland's building stock, is currently underway, to update and improve on the first List of buildings of special architectural or historic interest which began in 1974. This second survey in Belfast was due to be completed in 2017 but is ongoing.

The structures being considered are considered by HED to fall within the definition of the word 'building'.

*"Listed building" is defined in section 80(7) (lists of buildings of special architectural or historic interest) of the Planning Act (Northern Ireland) 2011: "(7) In this Act "listed building" means a **building** which is for the time being included in a list compiled under this section.*

*"Building" is defined in section 250(1) (interpretation) of the Planning Act (Northern Ireland) 2011. The term "building" **includes any structure or erection**, and any part of a building, as so defined, but does not include plant or machinery comprised in a building;*

*Under section 80 Lists of buildings of special architectural or historic interest
80—(1) The Department—*

*(a) shall compile lists of **buildings (which means structure/erection)** of special architectural or historic interest; and*

(b) may amend any list so compiled.

In considering whether to include a building as Listed, the Department (NIEA) takes into account the architectural and historic interest of a structure and is also given the power to consider:-

- any respect in which its exterior contributes to the architectural or historic interest of any group of buildings of which it forms part; and
- the desirability of preserving, on the ground of its architectural or historic interest, any feature of the building which consists of a manmade object or structure fixed to the building or which forms a part of the land and which is comprised within the curtilage of the building.

Should the Department for Communities decide to list, this places certain responsibility on the owner, for example, a listed building has to be maintained in a way appropriate to its character and cannot be altered or demolished without prior approval.

The summaries below are taken from the from the evaluation in the consultation report and details the main features alongside the recommended class of listing.

All Saints' Church, Canterbury Street, Belfast, BT7 1LB

HB26/27/054

Evaluation

All Saints' Church of Ireland was designed by Architect W J Fennell in 1898 and opened in 1899. It is a freestanding red brick late-Victorian Gothic Revival church with red Dumfries sandstone dressings. All Saints' Church is located on Canterbury Street, facing onto University Street, approximately halfway between Wolseley Street and the Ormeau Road in South Belfast, approximately 0.5 miles NE of The Lanyon Building (HB26/27/005) at Queen's University. The front façade faces south onto University Street, and is enclosed by red brick terraced housing on Canterbury Street on the W side, and similar on Westminster Street on the E. All Saints was one of the largest churches in Belfast and MacNeice in his history of the Church of Ireland in Belfast notes that the trend in the 1890s was to build large churches. He describes all Saints as 'a fine church' which had had 'a succession of devoted men as incumbents'. A contemporary newspaper article commented on the setting of the church, finding that it was 'favourably situated for presenting a fine picture from various points of view'. The site was thought to give the church 'an abundant supply of light and freedom of approach from all sides' and also allowed for a 'garden space' around the church and a 'carriage drive' to the main entrance, features which some other local churches lacked. (Northern Whig) It is also possible that Fennell was involved in the naming of the streets either side of the church, which were named after the Iron Church was built. Among Fennell's Belfast lectures was one entitled 'Canterbury: A Lecture on the Gothic Art of England' given in November 1905, and another on the same topic, called 'Westminster' in September 1906. The streets either side of All Saints are named Canterbury and Westminster with valuation records suggesting that Canterbury was named and developed first (c1891). Following the erection of the chancel (1905), the contemporary architectural journal, the Irish Builder, commented that the church was now 'one of the largest and most beautiful in the city'. The Lord Bishop of Down, Connor and Dromore, in his opening sermon, remarked that one of the greatest beauties of architecture, 'more than florid or enriched ornamentation', was 'the beauty of proportion' which had been achieved at All Saints by the construction of the chancel. All Saints' Church is a robust presence on University Street with its setting enhanced by the close proximity of terraced housing flanking side elevations in Canterbury Street on W side and Westminster Street on E elevation forming a pleasing urban form. The building is of local interest and social and cultural importance.

Proposed NIEA listing – **B2**

Extent of proposed listing – Church, boundary walls, piers and original gates

Image:



HB26/27/077

Evaluation

A large brick building in a modern style with neo-Georgian elements consisting of flat-roofed interlocking three-dimensional blocks of varying heights with a tall, canted entrance tower, constructed to the designs of John MacGeagh. The building was designed in 1955 and constructed between 1958 and 1962, during a period of rapid growth for the university and of increasing commitment to research and study in the discipline of physics. The involvement of physicists had been extremely significant in the Second World War as physics was seen to play a huge part in winning the war with British academic physicists making a significant contribution to the development of the atom bomb. Radar and radio, vital to wartime communications, also required physics trained personnel. A shortage of scientists, particularly physicists, was a concern in the mid-1950s, when it was proposed that Ulster could start training scientists and technicians to accelerate the nuclear power programme for the UK. The building was officially opened by The Queen Mother in April 1962. The building is of similar style and detailing to The Sir William Whitla Hall (HB26/27/067), also by John MacGeagh which opened in 1949 and is located on its West side. MacGeagh is remembered for 'thoroughness of design and attention to detail' and the neo-Georgian idiom in which he often designed. The Whitla Hall, designed with Edward Maufe is perhaps his most significant work, but he was also responsible for several other buildings at Queen's University including the School of Geology, and the main library tower (now remodeled), as well as more minor structures such as the tower and archway on the N side of the quadrangle. MacGeagh is also well-known as the designer of the north and south transepts of St Anne's cathedral and several noted churches and church halls. The building was part of a wider post-war regeneration of Belfast and the construction of the physics building, Transport House, the Electricity Board offices in Danesfort and several other substantial steel and concrete structures led the Belfast Telegraph to note that Belfast's 'war scars' were healing. The building features a distinctive entrance tower with towers being a traditional feature of academic physics laboratories in the late 19th and early 20th centuries, the height facilitating experiments on pendula and freefalling bodies. The new building had several unique features specific to its function: delivery points equipped with cranes and hoists were to enable heavy equipment to be brought into the building. The building was designed to be easily decontaminated from radioactive dust, with three distinct systems of mechanical ventilation.

Proposed NIEA listing – **B2**

Extent of proposed listing – Building and Railings

Image:



Note:

Listed buildings in Northern Ireland are divided into four categories:

Grade A

Special buildings of national importance including both outstanding grand buildings and the fine, little altered examples of some important style or date.

Grade B+

Special buildings that might have merited A status but for relatively minor detracting features such as impurities of design, or lower quality additions or alterations. Also buildings that stand out above the general mass of grade B1 buildings because of exceptional interiors or some other features.

Grade B1 and B2

Special buildings of more local importance or good examples of some period of style. Some degree of alteration or imperfection may be acceptable.



Subject:	Notification on Local Development Plan for – Mid and East Antrim Borough Council Revised Timetable and consultation on Supplementary Planning Guidance
Date:	14 May 2024
Reporting Officer:	Kate Bentley, Director of Planning and Building Control
Contact Officer:	Dermot O’Kane, Acting Planning Manager (Plans and Policy) Conor Campfield, Acting Principal Planning Officer

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

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

1.0	Purpose of Report
1.1	<p>The purpose of this report is to advise members that:</p> <ul style="list-style-type: none"> Mid and East Antrim Borough Council (MEABC) has notified Belfast City Council regarding its revised Local Development Plan timetable (Appendix 1); and has published for consultation three draft Supplementary Planning Guidance (SPG) documents to help provide further detail and clarity on the interpretation of some policies contained in their Plan Strategy, which was adopted on 16 October 2023 (Appendices 2-4)
2.0	Recommendations
	<p>The committee is requested to:</p> <ul style="list-style-type: none"> Note the update which sets out MEABC’s revised LDP timetable; and Note the three pieces of SPG.
3.0	Main Report
	<u>Background</u>
3.1	MEABC notified Belfast City Council on 24 April 2024 advising that it has published a revised Timetable for their Local Development Plan.
3.2	MEABC’s Plan Strategy was adopted on 16 October 2023. The revised Timetable (Appendix 1) indicates that preparatory work on their Local Policies Plan (LPP) (second stage in the two-part LDP process) will commence in Quarter 2 2024 with a draft LPP

	ready to be published for consultation in Quarter 4 2025. The revised LDP Timetable further anticipates that their LPP will be adopted in Quarter 4 2028.
3.3	In the same correspondence MEABC also advised that it has published for consultation three draft SPG documents (Appendices 2-4) to help provide further detail and clarity on the interpretation of some policies within their Plan Strategy, which was adopted on 16 October 2023. The topics covered in these draft SPGs are: Affordable Housing, Retention of Economic Development Land and Retail and Town Centre Uses. The consultation period closes at 5pm on Friday 21 June 2024.
3.4	Council officers have reviewed the detail contained with the MEABC's draft SPG and can advise that they follow the same direction of SPG developed by Belfast City Council. The purpose of SPG is to support and clarify policies included within planning policy framework, including development plans and regional planning guidance. The information set out in SPG is a material planning consideration in determining planning applications. The similar approach taken by MEABC will be helpful from a regional perspective and ensure a consistent approach as councils work towards getting their respective LDPs adopted.
3.5	<u>Finance and Resource Implications</u> There are no resource implications associated with this report.
3.6	<u>Asset and Other Implications</u> None noted.
3.7	<u>Equality or Good Relations Implications</u> There are no relevant equality or good relations implications attached to this report.
4.0	Appendices
	Appendix 1 – MEABC revised LDP Timetable Appendix 2 – Affordable Housing SPG Appendix 3 – Retail and Main Town Centre Uses SPG Appendix 4 – Retention of Economic Development Land SPG

Appendix 1- MEABC revised LDP Timetable



Getting in touch

Should you have a Planning query, you can contact the Council's Planning Section in any of the following ways:

By email to:

planning@midandeantrim.gov.uk

Or:

Planning Department
Mid and East Antrim Borough Council
Silverwood Business Park
190 Raceview Road
Ballymena
BT42 4HZ

By telephone:

028 2563 3500

This document can be downloaded from the Council website at:

www.midandeantrim.gov.uk/LDP

It can also be made available for viewing by appointment in the Council Planning Office for those who do not have online access.

Should you require a copy of this Timetable in an alternative format, it can be made available on request in large print, audio format or Braille. It may also be made available in other languages to meet the needs of those for whom English is not their first language.

Further information about all the Council's Planning responsibilities can be found on our website:

www.midandeantrim.gov.uk/planning

1 Introduction

1.1

The purpose of this timetable is to set the key stages and the indicative timescale for the formulation of the Mid and East Antrim Local Development Plan 2030 (LDP).

1.2

The Timetable has been prepared within the legislative context of the Planning Act (Northern Ireland) 2011 and the Planning (Local Development Plan) Regulations (Northern Ireland) 2015. This legislation requires the Council to prepare and keep under review a timetable for the preparation and adoption of its LDP.

1.3

The timetable has been approved by resolution of the Council and agreed with the Department for Infrastructure in accordance with Regulation 7 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015.

2 Purpose of the Local Development Plan

2.1

The fundamental purpose of the LDP is to inform the public, statutory authorities, developers, landowners and other interested parties of the planning policy framework and land use proposals that will guide development decisions within the Borough up to the end of the plan period in 2030.

2.2

The LDP will take account of the Council's Corporate Plan, Community Plan and other Council strategies so that its objectives and land use based policies and proposals reflect the shared vision for the Borough and its communities. The LDP will also be shaped through consultation with communities, stakeholders and the public, in accordance with the arrangements set out in the Council's Statement of Community Involvement (SCI).

2.3

The LDP must also take account of the regional policy context set by the Northern Ireland Executive and central government departments. This includes, amongst others, the Regional Development Strategy (RDS), the Sustainable Development Strategy and the Strategic Planning Policy Statement (SPPS). The LDP is expected to implement at local (Borough) level, the strategic regional planning policy objectives of the RDS and SPPS.

3 The Local Development Process

3.1

The LDP is produced in two stages and will comprise of two separate documents, which together will shape development within the Borough from final adoption, through to the year 2030.

3.2

The first LDP document is the Plan Strategy (adopted October 2023). The Plan Strategy defines the strategic planning objectives for the future development of the Borough. It include a range of strategic policies to facilitate and manage development and also a spatial strategy that indicates in broad terms the location where different types of development will be promoted and areas where development (or specific types of development) will be restricted in order to safeguard interests of acknowledged importance (such as high quality/sensitive landscapes).

3.3

As a prerequisite to the formulation of the Plan Strategy, the Council identified a number of key issues in the Plan area that emerged through the initial evidence gathering phase of the LDP. A Preferred Options Paper (POP) was brought forward to define a range of options for addressing these key issues, including the Council's preferred option. The POP was subject to public consultation and stakeholder engagement in accordance with the provisions set out in the Council's SCI. The outcome informed the Plan Strategy, which itself was subject to public consultation and independent examination.

3.4

The second LDP document will be the Local Policies Plan (LPP). This will be prepared within the context of the adopted Plan Strategy and will include a range of site specific policies, designations and proposals associated with such matters as definition of settlement limits, land use zonings and environmental designations. The LPP is intended to deliver the strategic policies and spatial strategy contained within the LDP Plan Strategy. As with the Plan Strategy, the LPP will be subject to public consultation and independent examination.

3.5

A Sustainability Appraisal of the LDP has commenced at the same time as the Plan and runs in tandem with it. The purpose of the Sustainability Appraisal is to ensure that due account is taken of social, economic and environmental considerations throughout the Plan process, so as to facilitate the delivery of sustainable development through the LDP. Reports from the various stages of the Sustainability Appraisal will be published at key stages of the Plan preparation as detailed in the Timetable at Appendix 1.

4 Status of the Local Development Plan

3.6

Statutory requirements for other assessments to be carried out and integrated within the overall Plan process, include the following:

• Strategic Environmental Assessment (SEA)

SEA is subsumed within the Sustainability Appraisal but, subject to screening, is specifically required in order to examine the environmental effects of the Plan proposals;

• Habitats Regulations Assessment

Considers the potential impact of LDP policies and proposals on European nature conservation sites;

• Equality Impact Assessment

Screening is required to assess if the LDP is likely to have differential impacts on specific sections of the community. If so, an Equality Impact Assessment needs to be undertaken and mitigation measures considered, as necessary;

• Rural Proofing

Rural Proofing is the process by which all major policies and proposals (including LDPs) are assessed to determine whether they will have a differential impact on rural areas. If so, potential mitigation measures need to be considered.

4.1

The adopted Plan Strategy replaces the operational planning policies contained in the various Planning Policy Statements published by the former DOE. The LDP will, on final adoption, replace the current development plans applying to the Borough. The development or area plans to be replaced are:

• Ballymena Area Plan 1986-2001

• Larne Area Plan 2010

• Carrickfergus Area Plan 2001

(insofar as it relates to the Mid and East Antrim Borough Council area)

• Draft Belfast Metropolitan Area Plan 2004

(insofar as it relates to the former Carrickfergus Borough Council area).

5 The Timetable

5.1

The Plan Timetable has been prepared in accordance with Regulation 6 of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and is set out in Appendix 1.

5.2

The timetable details the various actions applicable to key stages in the LDP process and which must be completed if the Plan is to meet legislative requirements and various tests of 'soundness'. It also includes those actions that relate to the assessments referred to in paragraphs 3.5 and 3.6.

5.3

The timetable sets out indicative dates for a number of the key stages in the production of the LDP. The indicative nature of these dates recognises that there are many factors that could potentially impact upon the timescale for delivery of the LDP.

6 Monitoring and Review of Timetable

6.1

It is proposed that the following arrangements be adopted for the monitoring and review of progress on the LDP relative to the Plan Timetable:

- I. Establishment of a Working Group within Council. It is envisaged that this will be the high level co-ordinating body that will ensure oversight and strategic input on behalf of the whole community, as well as from planning professionals.
- II. A work programme will be presented to the Steering Group for each key stage of the Plan process.
- III. Papers will be presented to the Planning Committee on a regular basis regarding various aspects of the LDP, relevant to the particular stage in the process.
- IV. The Plan Timetable will be reviewed annually; any significant delays will be identified and the causes of these will be reported to the Planning Committee.

6.2

In the event that the Plan Timetable requires amendment, Council has the power under the Planning Act 2011, to publish a revised timetable. Any amendments will be publicised and made available on the Council's website:

www.midandeantrim.gov.uk/LDP

6.3

Further to paragraph 6.2, the Plan Timetable was first published in August 2016 with revisions in 2017, 2019, 2020 and 2022. The revised timetable was approved by resolution of Council on 3 April 2024 and subsequently agreed by the Department for Infrastructure in April 2024. The revised Plan Timetable is shown in Appendix 1.

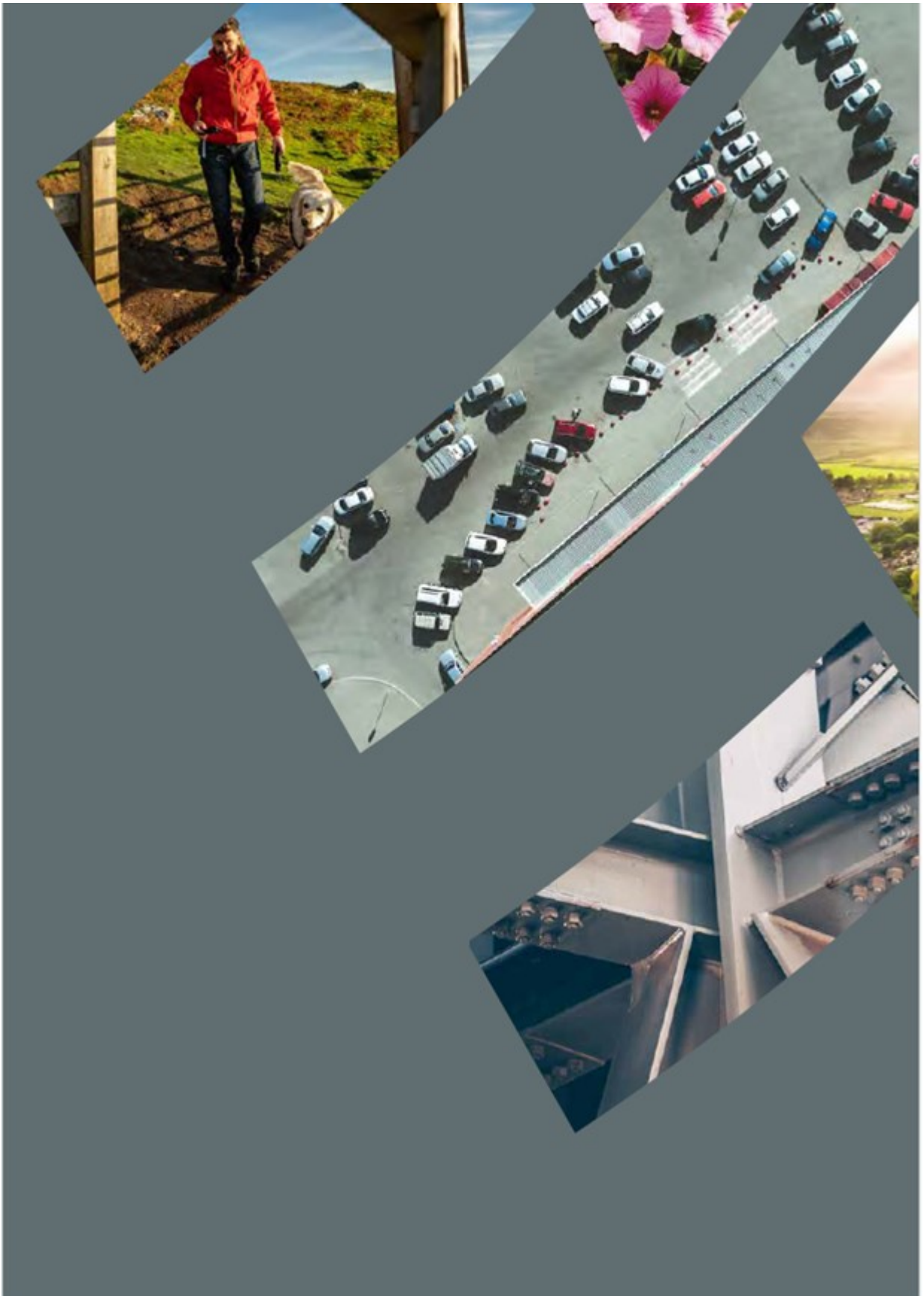
Appendix 1 - Timetable

Local Development Plan process: Key stages	Sustainability Appraisal and Other Assessments and Key Actions	Indicative timeframe*
KEY STAGE 1 – Plan Preparation		
Publication of Statement of Community Involvement		Complete
Publication of original Plan Timetable		Complete
Stakeholder and councillor and Community Plan engagement on key issues	Invite comments from consultation body (NIEA) on draft Sustainability Appraisal (SA) incorporating Strategic Environmental Assessment (SEA) Scoping Report	Complete
Publication of Revised Plan Timetable		Complete
Publication of Preferred Options Paper Statutory public consultation (proposed 12 weeks)	Publication of SA Scoping and Interim Report Screening for EQIA Baseline Habitats Regulations Assessment	Complete
	Prepare Public Consultation report on Responses to Preferred Options Paper	Complete
KEY STAGE 2 – Plan Strategy		
Publication of draft Plan Strategy Statutory public consultation (eight weeks for representations followed by eight weeks for counter-representations)	Publication of SA Report (incorporating SEA) Publication of drafts of HRA, EQIA and RNIA, where relevant	Complete
Independent Examination		Complete
DfI issues binding direction to Council		Complete
Adoption of Plan Strategy	Publication of SA Adoption Report (incorporating SEA) Publication of HRA, EQIA and RNIA, where relevant	Complete
KEY STAGE 3 – Local Policies Plan		
Commence Local Policies Plan process		Quarter 2 2024
Call For Sites (12 weeks consultation)		Quarter 3 2024
Publication of draft Local Policies Plan Statutory public consultation (eight weeks for representations followed by eight weeks for counter representations)	Publication of SA Report (incorporating SEA) Publication of HRA, EQIA and RNIA, where relevant	Quarter 4 2025
Submission of draft Local Policies Plan to DfI followed by Independent Examination before the PAC		Quarter 1 2027
DfI issues binding Direction to Council		Quarter 2 2028
Adoption of Local Policies Plan	Publication of SA Adoption Report (incorporating SEA) Publication of HRA, EQIA and RNIA, where relevant	Quarter 4 2028
KEY STAGE 4 – Monitoring and Review		
Monitoring and Review of LDP (annual monitoring and five year review) Preparation of supplementary planning documents	Monitoring of SA and Other Assessments	Ongoing

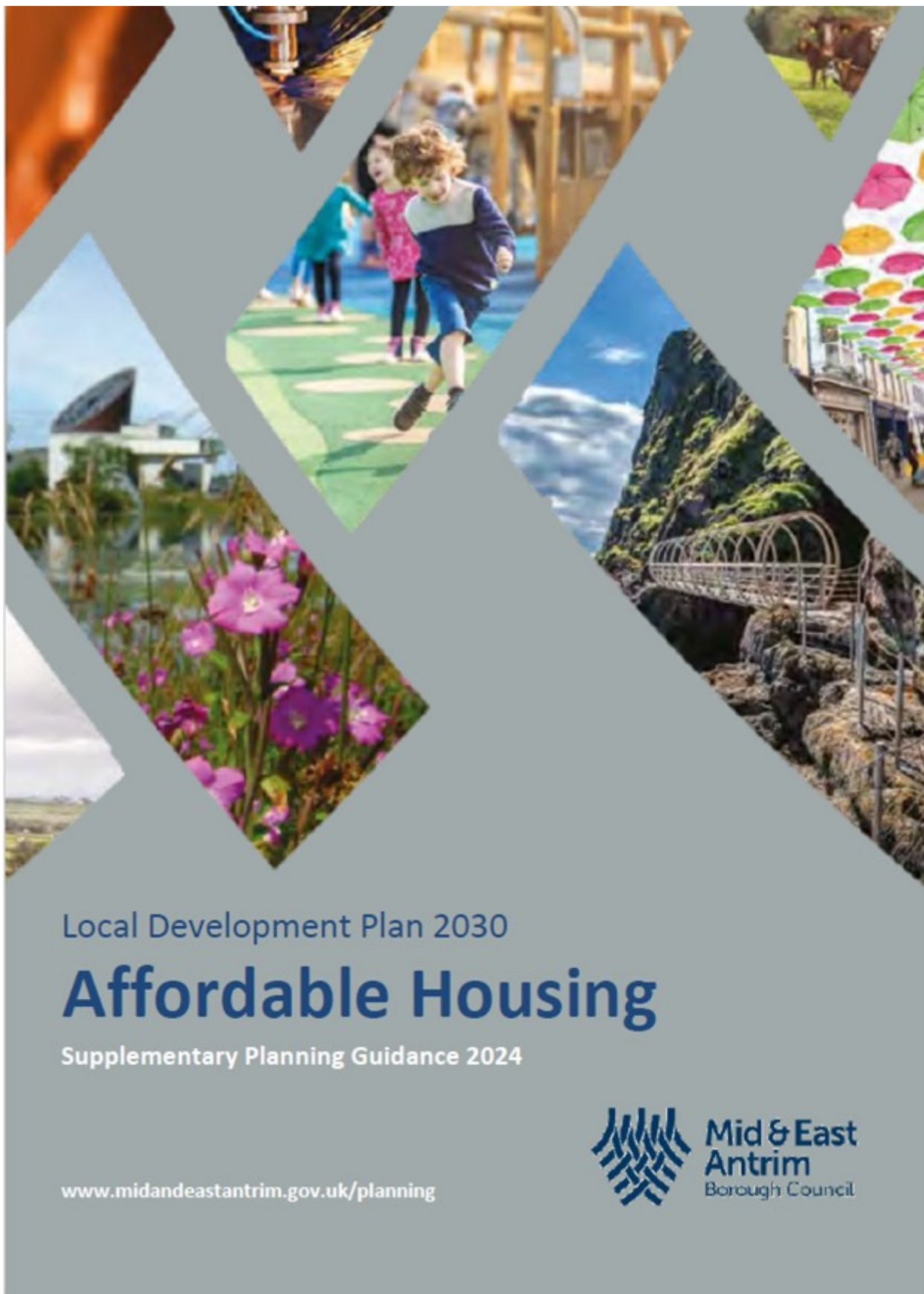
*dates relate to the calendar year.

www.midand-east-tarim.gov.uk

7



Appendix 2- Affordable Housing SPG



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1.0 Introduction

- 1.1 This Supplementary Planning Guidance (SPG) provides guidance specific to the delivery of affordable housing as part of mixed tenure developments in Mid and East Antrim Borough. It is intended for use by developers, the public and by planning officers in the assessment and delivery of planning proposals for new housing developments within the Borough.
- 1.2 Supplementary Planning Guidance represents non-statutory planning guidance that supports, clarifies and/or illustrates by way of example policies included within the current planning policy framework, including development plans and regional planning guidance. The information set out in this SPG is a material planning consideration in determining planning applications and should be read in conjunction with the existing planning policy framework, most notably the Strategic Planning Policy Statement (SPPS) for Northern Ireland and the Mid and East Antrim Borough Council Local Development Plan 2030 (LDP).
- 1.3 Policy HOU5 Affordable Housing in Settlements will enable the delivery of new homes to meet affordable housing need and also ensure that growth contributes positively to the creation of mixed, diverse, inclusive and sustainable communities. A range of housing in terms of dwelling size, type, tenure, and affordability is central to achieving mixed, balanced communities, and ensuring areas are attractive to people of different ages, lifestyles, and incomes.
- 1.4 In order to aid the effective implementation of Policy HOU5, the Council considers it prudent to produce this guidance. It is aimed at providing further clarity to landowners, developers and agents to enable the efficient and effective delivery of affordable housing, consistently with Policy HOU5. It does not introduce new policy. It aims to ensure that the existing policy is implemented and applied consistently and effectively through the development management process.
- 1.5 Appendix 1 includes a checklist of information that should accompany a planning application where a proportion of affordable housing is required.

2.0 Definition of Affordable Housing

- 2.1 Consistently with regional policy, the Mid and East Antrim Borough Council LDP 2030 - Plan Strategy defines affordable housing as comprising of social rented housing and intermediate housing. Each of these terms is defined separately as follows.

Social rented housing: This is housing that is provided at an affordable rent by a registered housing association; that is, one which is registered and regulated by the Department for Communities as a social housing provider. Social rented accommodation should be available to households in housing need and is offered in accordance with the Common Selection Scheme, administered by the Northern Ireland Housing Executive, which prioritises households who are living in unsuitable or insecure accommodation.

Intermediate housing: This consist of shared ownership housing provided through a registered housing association and helps households who can afford a small mortgage, but that are not able to afford to buy a property outright. The property is split between part ownership by the householder and part social renting from the registered housing association. The proportion of property ownership and renting can vary depending on householder circumstances and preferences.

- 2.2 Both the SPPS (2015) and the Mid and East Antrim Borough Council LDP 2030 - Plan Strategy recognise that the DfC definition of intermediate housing may change over time to incorporate other forms of housing tenure below open market rates. The Plan Strategy further advises that where this is the case, such additional products will be considered suitable to help meet affordable housing obligations of the policies of the LDP.
- 2.3 In April 2021, DfC adopted a new overarching definition of affordable housing, which aims to extend the range of affordable housing products. This definition is now adopted by the SPPS. The definition is:

“Affordable housing is:

- a) Social rented housing; or
- b) Intermediate housing for sale; or
- c) Intermediate housing for rent

that is provided outside of the general market, for those whose needs are not met by the market. Affordable housing which is funded by Government must remain affordable or alternatively there must be provision for the public subsidy to be repaid or recycled in the provision of new affordable housing.”

- 2.4 This new definition is consistent with the definition of affordable housing as set out in the Mid and East Antrim Borough Council LDP 2030 - Plan Strategy.

3.0 Key Stakeholders

- 3.1 The delivery of affordable housing requires a collaborative effort from a number of key stakeholders. A broad description of their respective roles is set out below.

Mid and East Antrim Borough Council

- 3.2 Mid and East Antrim Borough Council is the planning authority, with responsibility for preparing the Local Development Plan for the Borough, including associated planning objectives and policies. The Council determines the majority of individual planning applications within the Borough. The Council can negotiate details of affordable housing through the planning system and secure provision by means of conditions or Section 76 planning agreements (s76 Agreements).

Department for Infrastructure

- 3.3 The Department for Infrastructure (DfI) has primary responsibility for the preparation of planning policy consistently with section 1 of the Planning Act (Northern Ireland) 2011, including the Regional Development Strategy (RDS) and the Strategic Planning Policy Statement (SPPS). They also provide planning oversight and guidance for Councils, including the regional monitoring of performance, under the two-tier planning system. DfI can also act as the planning authority in the determination of regionally significant or 'called-in' planning applications.

Department for Communities

- 3.4 DfC is responsible for setting housing policy at a regional level as well as providing grant funding for the Social Housing Development Programme (SHDP). DfC may also provide loan funding for intermediate housing and sets the property value limit for intermediate housing products. In addition, it has responsibility for the registration, inspection and monitoring of Registered Housing Associations (RHAs) and for maintaining the Housing Association Guide, part of which sets the design standards that social rented housing must meet.

Northern Ireland Housing Executive

- 3.5 The Northern Ireland Housing Executive (NIHE) is the strategic housing authority for Northern Ireland and its statutory functions are principally set out in the Housing (Northern Ireland) Order 1981. These include the examination and assessment of housing need (article 6(1)). NIHE is also landlord to approximately 82,000 social rented dwellings. It is also responsible for the management and delivery of the SHDP. The number of homes to be provided in each programme year is governed by the amount of funding available from central government through DfC. This function involves making payments of the Housing Association Grant to Registered Housing Associations, in respect of the construction and provision of social housing.
- 3.6 NIHE are also named as a consultation body in section 2(1) of the Planning (Local Development Plan) Regulations (Northern Ireland) 2015 and as a consultee in development management, 'where a proposal is likely to require a statement of affordable housing need' as set out in part 1 paragraph 8 of schedule 3 to the Planning (General Development Procedure) Order (Northern Ireland) 2015.

Registered Housing Associations

- 3.7 A Registered Housing Association is a society, body of trustees, or company that provides social rented and/or intermediate accommodation and may specialise in accommodation for special needs groups. They are the main developers of new social housing for rent in Northern Ireland, do not trade for profit and are regulated by DfC. The requirement for affordable housing units to be included within market developments provides Registered Housing Associations with the opportunity to acquire units on sites that they would otherwise not have access to. The Registered Housing Associations are listed on the website (www.nifha.org) of the Northern Ireland Federation of Housing Associations (NIFHA).

Developers

- 3.8 Developers play a key role in the delivery of affordable housing in partnership with a Registered Housing Association. They are required to engage early in the process with a Registered Housing Association in relation to need and will discuss planning requirements with the Council throughout the process.

4.0 Policy Context

Regional planning policy

Regional Development Strategy (RDS) 2035

- 4.1 The RDS aims to “promote development which improves the health and well-being of communities”. This aim is expanded to explain that the provision of more social and affordable housing helps to build strong balanced communities. Specific policy in relation to affordable housing in the RDS is set out under RG6 ‘Strengthen community cohesion’ and RG8 ‘Managing housing growth to achieve sustainable patterns of residential development’. RG6 seeks to encourage mixed housing development, with neighbourhoods containing homes in a range of sizes and tenures, to enable to stable communities and to reduce isolation.
- 4.2 RG8 states that ‘the varied housing needs of the whole community need to be met’. This includes affordable housing. Local development plans are required to identify housing land to ensure an adequate and available supply of quality housing to meet needs of everyone and to include land for social and intermediate housing.

Strategic Planning Policy Statement for Northern Ireland

- 4.3 The SPPS includes a core planning principle ‘to improve health and wellbeing’, an important element of which is to support the delivery of homes to meet the full range of housing needs. The SPPS acknowledges the role of the local development plan as the primary vehicle for facilitating identified need for affordable housing. Key aims for housing development to be met through the local development plan, include achieving balanced communities, through the provision of housing in a variety of tenures and types.

Mid and East Antrim Borough Council Local Development Plan 2030 Plan Strategy

- 4.4 The Plan Strategy provides the strategic planning framework and planning policies for the plan area as a whole across a range of topics. It sets out the vision for Mid and East Antrim as well as the strategic objectives required to deliver that vision. It also includes a suite of topic-based strategic subject policies, including those relating to housing.
- 4.5 In relation to housing, the Plan Strategy seeks to ensure future housing growth is accommodated by ensuring sufficient land is available to meet housing requirements in sustainable locations. The provision of a range of well-designed house types and sizes and achieving a balance between affordable houses to rent, other types of tenure and market housing for sale are all considered as important factors in building sustainable communities. The Mid and East Antrim Borough Council LDP 2030 has an important role to perform by supporting the delivery of this mix of homes to meet the full range of housing needs and creating places that are safe, inclusive, well planned and where people want to live, work and play.
- 4.6 In seeking a proportion of affordable housing alongside general market housing in larger developments, the Mid and East Antrim Borough Council LDP 2030 will ensure the delivery of an appropriate range of house sizes, types and tenures to meet local needs, whilst minimising future disadvantage often associated with large areas of social housing.
- 4.7 This SPG should be read alongside Policy HOU5 Affordable Housing in Settlements, which requires (where a need for Affordable Housing is established by the Northern Ireland Housing Executive or other relevant housing authority through a Housing Needs Assessment) proposals for housing developments of 10 dwellings or more, or on a site of 0.2 hectare or more, to meet the following quota:
Main and Small Towns: 20% Affordable Housing
Villages and Small Settlements: 10% Affordable Housing.

Local Policies Plan

- 4.8 The Local Policies Plan sets out site-specific proposals in relation to the development and use of land in the Borough. It contains local spatial policies applicable to particular local zonings or local designations. Where Council considers it necessary to provide a higher proportion of affordable housing, to that set out in Policy HOU5, the Local Policies Plan may seek to deliver this through key site requirements attached to specific housing zonings.

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5.0 Affordable Housing Policy

- 5.1 The Mid and East Antrim Borough Council LDP 2030 will identify land for affordable housing using two mechanisms:
1. *LDP policy delivered through Development Management:* The Plan Strategy Policy HOUS Affordable Housing in Settlements sets the proportion of affordable housing required for all residential developments of a certain threshold or more.

Policy HOUS Affordable Housing in Settlements

Where a need for Affordable Housing is established by the Northern Ireland Housing Executive (NIHE) or other relevant housing authority through a Housing Needs Assessment; proposals for housing developments of 10 dwellings or more, or on a site of 0.2 hectare or more, will only be permitted subject to meeting the following quota:

- Main and Small Towns: 20% Affordable Housing
- Villages and Small Settlements: 10% Affordable Housing

Where it is demonstrated that a development is not viable a reduced or alternative provision of affordable housing may be acceptable.

All proposals for residential development will also be required to meet the General Policy and accord with other provisions of the LDP.

2. *Key Site Requirements:* Where Council consider it necessary the Local Policies Plan can set key site requirements (KSR) and zone land for affordable housing. KSRs can specify a number or proportion of the units to be provided for affordable housing.
- 5.2 For both approaches the following will apply:
- Where a planning application is submitted to Council and is subject to an affordable housing requirement, Council will liaise with NIHE to confirm if affordable housing on the site is required. NIHE will advise the Council on the proportions of social rented housing and intermediate housing for each site required. If social rented housing need or intermediate housing demand, in the local area, has been met or has decreased, the affordable housing requirement can be lowered or removed. NIHE will also advise on the mix, size and type of affordable housing required on the site.
 - The social rented housing provided by a Registered Housing Associations is part funded by government grant and part funded by private finance.
 - The intermediate housing may be funded by government, through Registered Housing Associations, in conjunction with private sector finance.
 - Applicants are encouraged to engage with a Registered Housing Association, at an early stage of the design and application process, to discuss layout and the financial and technical regime, and the transfer of the completed affordable housing units. Details on social rented housing design can be found in DfC's Housing Association Guide (<https://www.communities-ni.gov.uk/articles/housing-association-guide>). Once constructed, the affordable housing units shall be transferred to a Registered Housing Association, for allocation and management.
 - Sites should not be artificially divided to circumvent affordable housing policies but can be phased to assist meeting affordable housing requirements. Where there is a phased approach to the development of a site, this should be discussed with the Council at the outset to ensure that the affordable housing requirement can be developed in a comprehensive way over the whole scheme, within an appropriate time. Where a large-scale development proposes a phased approach to the delivery of housing over the course of a considerable number of years, it may be appropriate to include within a Section 76 agreement a review mechanism which allows the parties to the agreement to keep the delivery of affordable housing in later stages of the development under review.

6.0 Amplification

Pre-Application Discussions

- 6.1 The SPPS advocates the use of Pre-Application Discussions (PADs) in order to support the preparation of high standard applications. PADs can provide advice on policy requirements and the information that should be contained within an application, which should streamline the application process.
- 6.2 A PAD service is available from Council's planning team. Applicants are encouraged to use this service if they are proposing development on a site that is required to provide a proportion or number of affordable housing units. Applicants may also invite their chosen Registered Housing Association to a PAD meeting. Council may invite NIHE to provide written comment, or attendance for more complex proposals, to provide advice on housing need and housing mix of the affordable units. If an applicant envisages making a case for reduced or no affordable housing provision on grounds of viability, then they are encouraged to raise this during the PAD process so that the evidence required to demonstrate this can be agreed in advance.

Site size and threshold

- 6.3 Policy HOU5 requires affordable housing to be included on all sites of 0.2 hectare or greater or on sites for 10 or more units. Where a site is smaller than 0.2 hectare, but 10 or more units are proposed, the requirements of Policy HOU5 will apply. Equally, the requirements of Policy HOU5 also apply where a site is 0.2 hectare or greater, but fewer than 10 residential units are proposed. This is most likely to involve a mix of uses within a single development.
- 6.4 Council will be alert to proposals that seek to avoid the requirements of Policy HOU5, being deliberately designed to remain below the threshold when they would otherwise be promoted as larger schemes. This has been taken into account in the wording of Policy HOU5. This issue is likely to arise in cases where, for example:
- The site is zoned for housing and adjoins a broader area of residential zoning;
 - The subject site has another similar planning application for residential development from the same applicant in close proximity; or
 - The subject site and surrounding lands are in the same ownership, or are divided into multiple ownership in advance of making a planning application.
- 6.5 Council will consider site capacity and whether a proposal makes optimum use of the land and will take account of the development potential of all adjoining zoned or un-zoned sites to ensure that development proposals do not take place in a piecemeal fashion. Where the sub-division of land has resulted in two or more sites that fall below the policy thresholds, the Council will treat them as one site for the purposes of applying Policy HOU5.

Proportion

- 6.6 Policy HOU5 requires a minimum of 20% of units to be provided as affordable housing in main and small towns and a minimum of 10% in villages and small settlements. Where 20% or 10% (where applicable) of the total number of units would result in a fraction of a unit, this should be rounded to the nearest whole unit i.e. where the calculation would equate to 0.4 or less this should be rounded down and where it would equate to 0.5 or more it should be rounded up.
- 6.7 However, it should also be noted that where it can be demonstrated that it is necessary and viable to provide a higher proportion of affordable housing, the Council will expect developments to do so. In this context, it is important to note that KSRs pertaining to certain larger housing sites in the plan may seek a higher contribution of affordable housing.
- 6.8 In exceptional circumstances, there may be cases where abnormal costs or constraints and/or the mix of house types and tenures required may result in a proposal being unviable and, therefore, unable to meet the above requirements in full. As with all proposals for development that trigger the requirements of Policy HOU5, this should be discussed with the Council at an early stage as part of the PAD process. As explained below, the onus will rest on the applicant to submit a fully evidenced viability appraisal supporting any

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argument that the development would be unviable if affordable housing was to be required to be delivered at policy compliant levels.

- 6.9 Proposals for residential institutions i.e. care homes and nursing homes will normally be exempt from the requirements of Policy HOU5.

What can be included as affordable housing?

- 6.10 Section 2.0 above outlines the definition of social rented and intermediate housing as detailed in the Plan Strategy, the SPPS and as revised by DfC on 1 April 2021. If an applicant is unsure about whether a particular product meets the definition of affordable housing, this should be raised in the first instance with the Council which may, if appropriate, consult NIHE for advice.
- 6.11 DfC explain that affordable housing is available to households who otherwise could not house themselves, for example, because they would struggle to afford the cost of housing in the open market, or they need a specific type of house which is not commonly available. It is provided outside the general market i.e. it is not a home bought privately or a home rented from a private landlord. It is therefore not available to households who can meet their own housing needs without government support.
- 6.12 Affordable homes are generally delivered via specially designed products, such as those detailed below, which are operated according to specific criteria to ensure that, where government funding is provided, it is targeted based on objective need. The criteria are specific to each product.

Social rented housing

- 6.13 Social rented housing is housing provided at an affordable rent by a Registered Housing Association; that is, one which is registered and regulated by DfC as a social housing provider. Social rented accommodation should be available to households in housing need and is offered in accordance with the Common Selection Scheme, administered by the Northern Ireland Housing Executive, which prioritises households who are living in unsuitable or insecure accommodation. Social rented housing can only be assigned to applicants registered on the common waiting list, in accordance with the Common Selection Scheme, in priority of need and must be controlled and managed by a Registered Housing Association.

Intermediate housing for sale

- 6.14 Intermediate housing for sale is provided through a Registered Housing Association and helps households who can afford a small mortgage, but that are not able to afford to buy a property outright. The property is split between part ownership by the householder and part social renting from the Registered Housing Association. The proportion of property ownership and renting can vary depending on householder circumstances and preferences.

Intermediate housing for rent

- 6.15 DfC has developed a new [Intermediate Rent Policy](https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-homes-for-intermediate-rent-design-standards.pdf)¹ (March 2023) to create an additional supply of affordable homes. It intends to provide an additional rental choice for lower to moderate income households, providing longer-term, higher quality, well-managed homes. Intermediate Rent is not a form of social rented housing and offers private rental tenancies, at a below market rate of rent. Intermediate Rent can provide a solution for households struggling to meet open market rental costs, and those wishing to enter low cost home ownership in the future.
- 6.16 Intermediate Rent homes are intended to remain as Intermediate housing for rent for the longer term. By offering tenancies of up to five years at a time with the option to renew, (subject to agreement of the landlord and tenant), these homes can be offered for rent to multiple households over time. Given the indicative tenancy durations, it would be expected that a dwelling operating as Intermediate Rent would continue to operate for a minimum period of ten years (i.e. two consecutive five-year tenancies). Any Intermediate Rent homes which are developed using Government funding would be expected to be retained as Intermediate Rent in line with any funding agreement conditions.

¹<https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-homes-for-intermediate-rent-design-standards.pdf>

Design of Affordable Housing

- 6.17 Where the Mid and East Antrim Borough Council LDP 2030 has identified an affordable housing requirement, applicants/developers should contact a Registered Housing Association partner of their choice, who can advise them on housing mix and costs for the development of affordable housing, before drawing up and submitting a development proposal. Registered Housing Associations can be contacted directly or through the Northern Ireland Federation of Housing Associations (NIFHA)².
- 6.18 Design standards in respect of social rented housing are contained within the Housing Association Design Guide, which is included within the Housing Association Guide³, maintained, and published by DfC. Social rented housing development that is not purpose designed may mean Registered Housing Associations are unable, or unwilling to take delivery of the housing units, increasing the likelihood of the development not complying with the relevant requirements.
- 6.19 Intermediate housing for sale should be designed in accordance with building regulation standards and Policy HOU7 Adaptable and Accessible Homes. Developers proposing Intermediate housing for rent should be aware of the draft DfC Homes for Intermediate Rent Design Standards⁴ document (and any subsequently finalised document) which has been produced to outline expectations on the development and acquisition of properties to be offered as Intermediate Rent. Intermediate Rent homes developed with government funding are required to meet the design standards in the document, and homes delivered without funding are strongly encouraged to meet the standards outlined.
- 6.20 On mixed tenure sites, a common design approach between tenures should be used. The affordable housing should be indistinguishable from market housing provided on the same site, in terms of external design. The layout should optimise residential amenity for all tenures.

Financing Affordable Housing

- 6.21 Social rented housing is typically funded through a combination of DfC grant funding (administered by NIHE), and a Registered Housing Association's own funding. Social rented housing development is controlled within financial parameters, set out by DfC under Total Cost Indicators (TCI), an 'all-in' forecast on unit costs based on land and property costs from Land and Property Services. Grant is only payable to Registered Housing Associations, who will acquire properties from the developer; therefore, the developer should discuss proposals, TCI levels and financing with a Registered Housing Association. Intermediate housing may be funded by a private capital and loans e.g. loans from DfC such as Financial Transaction Capital.

Viability

- 6.22 Where the developer seeks to reduce or not comply with Policy HOU5 Affordable Housing in Settlements, due to viability concerns, the applicant must provide Council with a full viability appraisal of the submitted proposal. It should be noted, that the viability appraisal may be made available to the public and published alongside other application documents. If a developer wishes to make the case that a viability appraisal should not be made available to the public and published alongside other application documents, it should clearly explain the basis for this and provide a proposed redacted version for publication. The final decision on whether to make a viability appraisal public will be a matter for the Council. If a developer can achieve a minimum profit, (normally 15%) across the whole scheme, the affordable housing requirement will be considered financially viable.
- 6.23 Negotiations to reduce an affordable housing requirement are ordinarily expected only to arise where site circumstances will require exceptional or abnormal costs to be borne by the developer. However, the presence of these issues should reduce land value. The price paid for land will not be considered in the assessment of viability, rather land value will be the current value as independently calculated.

² <https://nifha.org/who-we-are/nifha-members/>

³ <https://www.communities-ni.gov.uk/collections/housing-association-guide>

⁴ <https://www.communities-ni.gov.uk/sites/default/files/publications/communities/dfc-homes-for-intermediate-rent-design-standards.pdf>

- 6.24 The assessment of viability should be carried out using industry standard methodologies and drawing upon robust and representative data. Applicants are encouraged to seek advice from qualified professionals when undertaking these assessments. Council will assess the information provided. It will typically expect the following information to be included in any assessment (this list is not exhaustive and does not preclude the Council from asking for additional information during the application process):
1. Developers/applicants development appraisal;
 2. All fees incurred;
 3. Development Sales Revenue and Unit Sales Prices;
 4. Build costs;
 5. All other costs;
 6. Gross Development Value;
 7. Profit;
 8. Costing of any developer contributions; and
 9. Any other issue considered relevant.
- 6.25 In exceptional circumstances, it may not always be possible to fully meet the required affordable housing quota. This may be due to the affordable housing requirement being determined to be unviable or, for example, if the proposal is the conversion of a listed building. In these instances, the following sequential approach should be taken:
1. A change in housing mix and/or timing of the affordable housing provision.
 2. In consultation with NIHE the potential for reducing the affordable housing quota will be examined.
 3. Offsite provision - this must be within the same housing need assessment area. Such sites need to be uncommitted so that conditions or planning agreements to provide affordable housing can be attached to the permission. Offsite provision needs to have a realistic prospect of gaining planning permission, be within DfC financial parameters for both social and intermediate housing, within the same time frame as the original proposal and accommodate a mix of units to meet needs/demand. Offsite provision should not lead to an over concentration of affordable housing in one location as the new site will have to accommodate its own required proportion of affordable housing, as well as the offsite requirement. The offsite provision should be secured by a Section 76 planning agreement.

Delivery and implementation

- 6.26 The justificatory text of Policy HOU5, states that “the delivery of affordable housing will be secured by way of a planning condition or a formal planning agreement between the Council and the developer” (Mid and East Antrim Borough Council LDP 2030 – Plan Strategy, paragraph 8.1.41 (page 175)). It will ultimately be a matter for the Council at the development management stage to decide in the exercise of its judgement which mechanism(s) are more appropriate on the facts of a particular case. Where a planning condition is used the Council may register it on the Statutory Charges Register of the Land Registry.
- 6.27 Where a Section 76 is required it is recognised that a number of possible methods exist for the delivery of the affordable housing, therefore clauses within the Section 76 Agreement will need to be tailored to reflect the proposed delivery methods, products used and circumstances in each case. To assist this process, the Council is developing template model Section 76 Agreements for the most common approaches. These model planning agreements can then be tailored to the specific circumstances of each development, with the most important consideration from a Council perspective being a workable solution between all parties that results in affordable housing being delivered to meet identified need/demand. Planning permission will not be issued until the final Section 76 agreement has been signed by all relevant parties.
- 6.28 There may be occasions where development is delivered over a number of phases, based on an agreed concept masterplan. In such circumstances, the Council will normally include specific triggers in the Section 76 agreement to ensure that the affordable housing will be delivered at key stages and will not be delivered significantly in advance of, or later than, market housing.

Monitoring

- 6.29 The Council will monitor the delivery of affordable housing to ensure the effectiveness of the policy approach and the findings incorporated in the LDP’s Annual Monitoring Report. This will record the number of affordable homes approved and built per annum and the size of the units.

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7.0 Process Guide

Pre-Application

1. If Policy HOU5 Affordable Housing in Settlements applies to a planning application, the applicant will ordinarily be required to provide affordable housing.
2. From the feasibility stage of the design process, developers should:
 - consult the Mid and East Antrim Borough Council LDP 2030 – Plan Strategy and any associated supplementary planning guidance for housing policy and affordable housing requirements;
 - consult DfC's Housing Association Design Guide on social rented housing, lifetime homes and wheelchair user unit standards; and
 - check the Mid and East Antrim Borough Council Local Development Plan 2030 - Local Policies Plan for additional Key Site Requirements.
3. If Policy HOU5 is applicable, the applicant should contact a Registered Housing Association to seek advice on the tenure, housing mix, design, and costs of affordable housing for the specific location.
4. The applicant is recommended to contact Council for a PAD. NIHE can advise the PAD on the housing need requirements, if requested.
5. Advice given by NIHE will be without prejudice and current at the date of the PAD. The applicant should be aware that advice might change, for example, if there is a change in housing need.
6. An affordable housing proposal form (Appendix 1) should be completed (parts 1-13), by the applicant to demonstrate compliance with the affordable housing requirement. This will also act as a checklist of requirements.

Applications

7. The developer has responsibility for the design of the development, and to ensure that the Mid and East Antrim Borough Council LDP 2030 affordable housing requirements are met.
8. An affordable housing proposal form, see Appendix 1, should be completed by the applicant to demonstrate compliance with the affordable housing requirement. This will also act as a checklist of requirements.
9. At planning application stage, the applicant should state how the proposal complies with the standards outlined at step 2, within a design and access statement or concept plan. This should contain information including the number of proposed new homes, the dwelling size, location, mix and type (bedrooms/occupancy) belonging to each tenure.
10. Developers and architects can seek advice from a Registered Housing Association on finance, and dwelling numbers, to meet the affordable housing requirement.
11. The location and design of all affordable dwellings must be shown on the plans submitted with a full or reserved matters planning application.
12. Council will consult NIHE on receipt of an application where affordable housing is proposed/required.
13. If there is a requirement for the provision of affordable housing, NIHE will confirm the need, numbers, and mix of units to be provided, in its consultation response.
14. Council will determine the application taking into consideration NIHE and all other consultees' advice.
15. A Section 76 planning agreement should be signed or conditions requiring the development of the affordable housing units should be applied to all approvals.
16. The case officer may consult with NIHE over the content of a planning agreement, if they consider it appropriate.

Acquisition

17. The developer and the Registered Housing Association will sign a sale/purchase agreement.
18. The developer will build the affordable housing units, as outlined within the planning agreement.
19. NIHE can only release housing association grant to a Registered Housing Association; not directly to a developer.
- 7.1 The Registered Housing Association and the developer are advised to enter into a performance agreement to determine the timing of the delivery of the affordable housing units, the maintenance and management of communal areas and any associated service charges and structural warranties.
- 7.2 If the developer does not commence development of the affordable housing units within the statutory expiry period of the planning permission or does not complete the affordable housing units within a specified time agreed with a Registered Housing Association, the developer will be developing at their own risk.

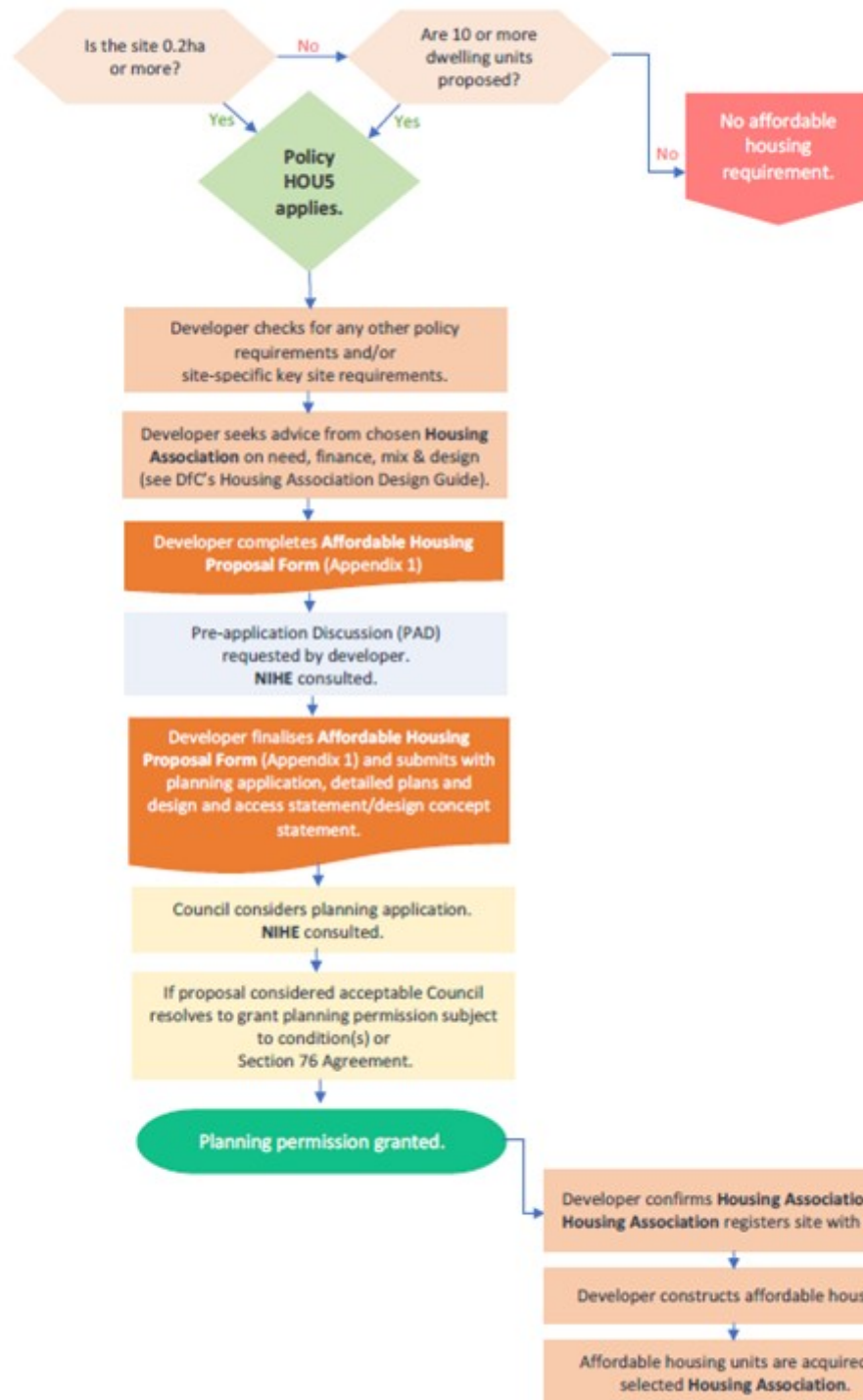
Appendix 1: Proposal form and checklist

Affordable Housing Proposal Form			
1	Name of Development		
2	Site Address/Location of development		
3	Affordable Housing Policy Reference		
4	Housing zoning reference, if applicable		
5	Planning policy numbers/proportion, if applicable		
6	Total number of dwellings proposed		
7	Site size		
8	Total number of affordable dwellings proposed		
9	Number of social rented housing dwellings proposed		
10	Number of intermediate dwellings proposed		
11	Drawing numbers of plans showing the location and designs of the affordable housing		
12	Breakdown of Social Housing Types		
	Size: Bedrooms/occupancy	Houses	Apartments
	1 bed/1 person		
	1 bed/2 persons		
	2 bed/2 persons		
	2 bed/3 persons		
	3 bed/3 persons		
	3 bed/4 persons		
	3 bed/ 5 persons		
	4 bed+		
	Wheelchair units		

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13	Breakdown of Intermediate Housing Types		
	Size: Bedrooms/occupancy	Houses	Apartments
	1 bed/1 person		
	1 bed/2 persons		
	2 bed/2 persons		
	2 bed/3 persons		
	3 bed/3 persons		
	3 bed/4 persons		
	3 bed/ 5 persons		
	4 bed+		
	Wheelchair units		
14	Discussion with Council's Planning Department (Please fill out this section if you have had initial discussion about affordable housing)		
	Name of Planning Officer		
	If discussion was through a PAD:		
	Date of meeting		
	Name all attendees		
	Outline of discussion:		

Appendix 2: Process Flow Chart



Glossary

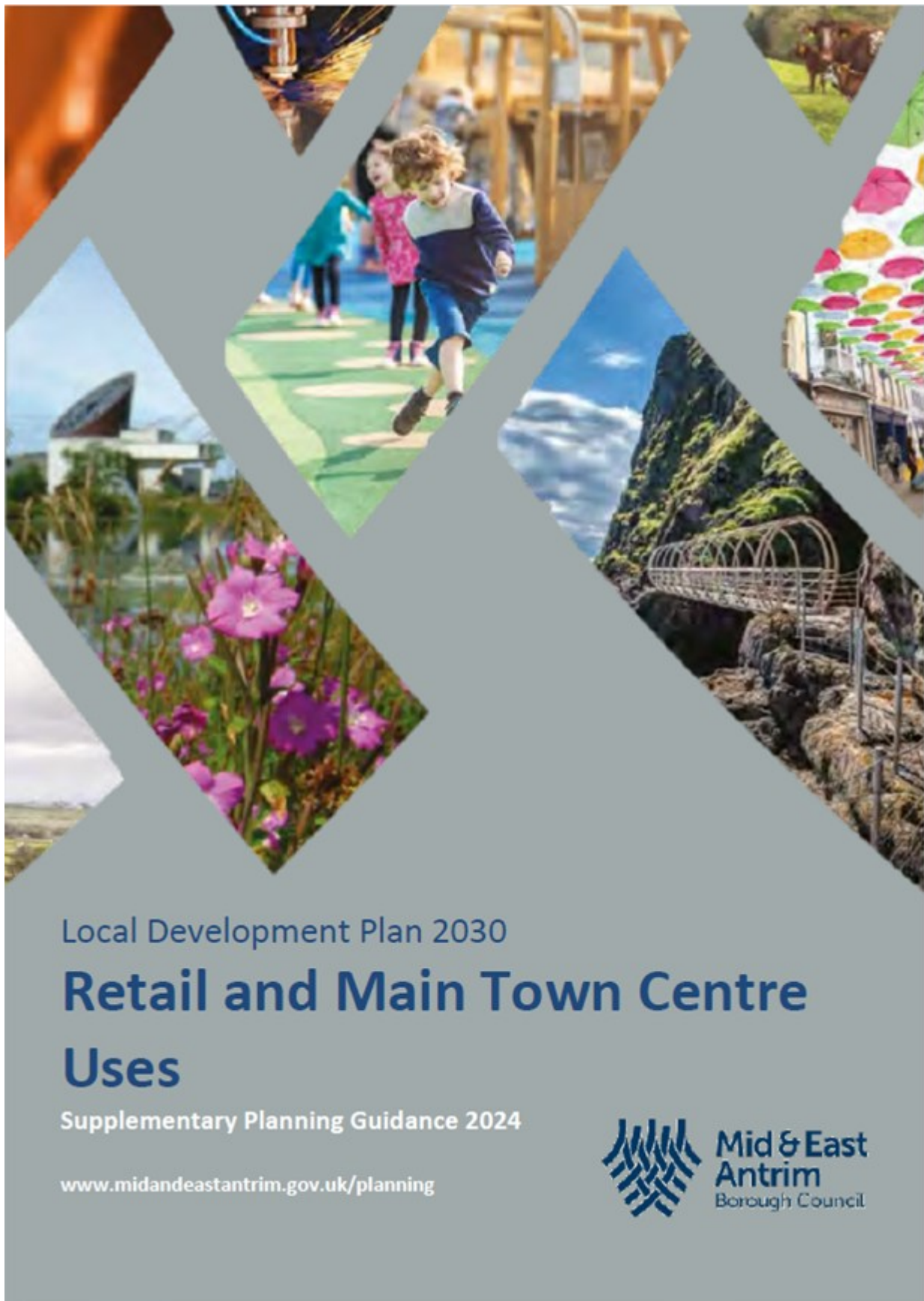
Affordable housing	Affordable housing comprises of social rented housing and intermediate housing (see Section 2.0)
DfC	Department for Communities
DfI	Department for Infrastructure
KSR	Key Site Requirement
LDP	Local Development Plan
NIFHA	Northern Ireland Federation of Housing Associations
NIHE	Northern Ireland Housing Executive
PAD	Pre-Application Discussion
RDS	Regional Development Strategy (2035)
RHA	Registered Housing Association: A housing association is a society, body of trustees or company that provides rented accommodation and specialise in accommodation for special needs groups.
SHDP	Social Housing Development Programme
S76	Section 76 of the Planning Act (Northern Ireland) 2011. This section refers to planning agreements.
SPPS	Strategic Planning Policy Statement for Northern Ireland
TCI	Total Cost Indicators. DfC sets 'benchmark' TCI area cost bands for all social housing, funded or part funded by Housing Association Grant to optimise value for money within a limited budget. TCI are used to achieve value for money in the provision of social housing and to ensure that the appropriate level of grant is paid.

www.midandeastantrim.gov.uk/planning



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Appendix 3- Retail and Main Town Centre Uses SPG



Local Development Plan 2030

Retail and Main Town Centre Uses

Supplementary Planning Guidance 2024

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1.0 Introduction

- 1.1 This Supplementary Planning Guidance (SPG) provides additional guidance specific to retail and other town centre development in Mid and East Antrim Borough. It is intended for use by applicants, the public and by the council in the assessment and delivery of planning proposals for retail and other town centre development within the Borough.
- 1.2 Supplementary Planning Guidance represents non-statutory planning guidance that supports, clarifies and/or illustrates by way example, policies included within the current planning policy framework, including development plans and regional planning guidance. The information set out in this SPG is therefore a material planning consideration in determining planning applications and should be read in conjunction with the existing planning policy framework, most notably the Strategic Planning Policy Statement (SPPS) for Northern Ireland and the Mid and East Antrim Borough Council Local Development Plan (LDP).
- 1.3 The Retail policies aim to protect and sustain the vitality and viability of our established town centres and small town centres so they can perform to their maximum potential in meeting the needs of the citizens and visitors and contribute to the economy of Mid and East Antrim. They promote established town centres as the appropriate first choice location for retailing and other main town centre uses and require a sequential approach to the identification of sites for retailing and main town centre uses, to minimise the impact of out of centre retailing and to protect and enhance diversity in the range of town centre uses.
- 1.4 In order to aid the effective implementation of relevant retailing policies, the Council considers it prudent to produce this guidance. It is aimed at providing further clarity to landowners, developers and agents. It does not introduce new policy. It aims to ensure that the existing policy is implemented and applied consistently and effectively through the development management process.
- 1.5 Mid and East Antrim Borough Council encourages and welcomes early engagement with applicants to agree the scope of any sequential and/or impact test. Applicants are advised to utilise the council's Pre-Application Discussion (PAD) scheme, where appropriate, to discuss any planning issues and agree the scope of the assessment at an early stage before the submission of a planning application.
- 1.6 Primarily, this SPG provides guidance on the implementation of Policies SGS7, RET1 and RET2.
- 1.7 For additional guidance relating to main town centre uses which are considered sensitive in nature please refer to the Sensitive Uses Information leaflet. These uses include amusement centres, bookmaking offices, restaurants, cafes and fast-food outlets, taxi offices and public houses.

2.0 The Sequential Test – Policy RET1

- 2.1 Policy RET1 provides the proposed policy approach in relation to the sequential test for planning applications for retail and other town centres uses.

Policy RET1 (First Half)

Proposals for retail development will be permitted within town centre and small town centre boundaries where defined. For other locations, a sequential approach to site selection will be applied in the following order of preference:

- a) Edge of Town Centre boundary (i.e. adjoining it or normally within 300 metres); and
- b) Out of centre locations (i.e. outside the town centre boundary but within settlement limits) where sites are accessible by walking, cycling and public transport.

Proposals for other town centre uses (cultural and community facilities, leisure, entertainment and businesses) shall also follow the same sequential approach.

What is the Sequential Test?

- 2.2 The sequential test is an approach that seeks to direct relevant development to within town or small town centres before an edge of centre or out of centre site. It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.
- 2.3 In the Mid and East Antrim context, there are four tiers in the Retail Hierarchy - town centres, small town centres, local centres and village centres (including designated small settlements). Policy RET1 refers to the top two tiers of the Retail Hierarchy.

Figure 1 Mid and East Antrim Retail Hierarchy

Tier	Title	Description	Centres
1	Town Centres	Provides (or has the potential to provide) a range of shops, services, businesses and community facilities to a significant hinterland which includes smaller neighbouring towns or suburbs.	Ballymena Carrickfergus Larne
2	Small Town Centres	Provides (or has the potential to provide) a range of shops, services, businesses and community facilities to serve a hinterland which includes neighbouring small towns and villages.	Whitehead Aghagill Broughshane Cullybackey Portlengone ²
3	Local Centres	Provides (or has the potential to provide) a limited range of shops, services, businesses and community facilities to serve the immediate local area.	Greenisland Galgorm
4	Village Centres ³	Provides (or has the potential to provide) a limited range of shops, generally comprising a grocery store, occasionally a petrol filling station, and other small shops of a local nature serving a small village and surrounding rural area.	Kells/Connor Cargan Camlough Clough Martinstown Ballygale Ballystrudder Glenam Glynn Ballygary

- 2.4 The sequential approach guides retail and other town centre uses to sites within town centre or small town centre locations first. If no town or small town centre sites are available, suitable or viable, developers should consider an edge of centre location. Only when town or small town centre locations or edge of centre locations are thoroughly examined and ruled out, can consideration be given to an out of centre location. In such cases the developer will still be required to demonstrate that the proposal will not harm existing centres in the catchment.
- 2.5 For clarity, the centres will be defined at the Local Policies Plan (LPP) stage of the Mid and East Antrim LDP, but until the LPP is adopted the town centre boundaries and 'commercial centre' designations as defined in the existing Area Plans will be taken as the town centre boundaries. This is set out in footnote 28 of the Plan Strategy.
- 2.6 The sequential test to site selection for retail and other main town centre uses will therefore require applicants to consider sites in the following order of preference:

Figure 2 Sequential order for site selection



- 2.7 Where it is established that an alternative sequentially preferable site or sites exist within the proposal's retail catchment, an application which proposes development on a less sequentially preferable site should be refused.
- 2.8 Compliance with the sequential test however does not guarantee that permission will be granted. The council will have to consider all other material considerations in reaching a decision including an assessment of the impact and need of the proposal, if appropriate. The following sections of this document provides further detail on impact and need tests.
- 2.9 Where proposals relate to extensions to existing retail development, the sequential test will also be applied. This approach is in line with the SPPS which does not draw a distinction between new development or extensions to existing development in the application of the sequential test.

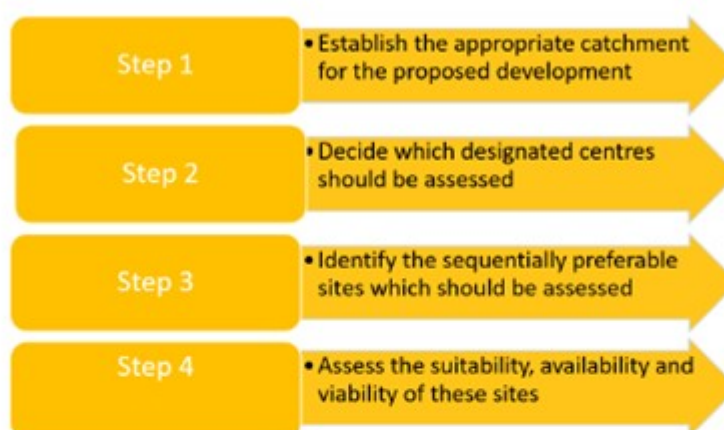
When is a sequential test required?

- 2.10 A sequential test should be applied when an application for retail or other town centre development is proposed either in an edge of centre or an out of centre location. This is in line with Policy RET1 of the Plan Strategy and the SPPS.
- 2.11 The designated centres for Mid and East Antrim are town centres and small town centres as indicated in Policy SGS7 of the Plan Strategy, which sets out the Retail Hierarchy. As outlined in paragraph 2.5 above the town centre boundaries of Ballymena, Carrickfergus and Larne town centres defined in Ballymena Area Plan 1986-2001, Carrickfergus Area Plan 2001 and Larne Area Plan 2010 and the Commercial Centres defined in the Ballymena Area Plan 1986-2001 for Ahoghill, Broughshane, Cullybackey and Portglenone should be used during the transitional period between the adoption of the Plan Strategy and the adoption of the Local

Policies Plan. Whitehead is the only remaining small town in the Retail Hierarchy and it currently does not have a Commercial Centre defined in the Carrickfergus Area Plan 2001. Therefore, until the adoption of the LPP, sites anywhere within the settlement limits are considered appropriate in terms of sequential preference.

Carrying out a sequential test.

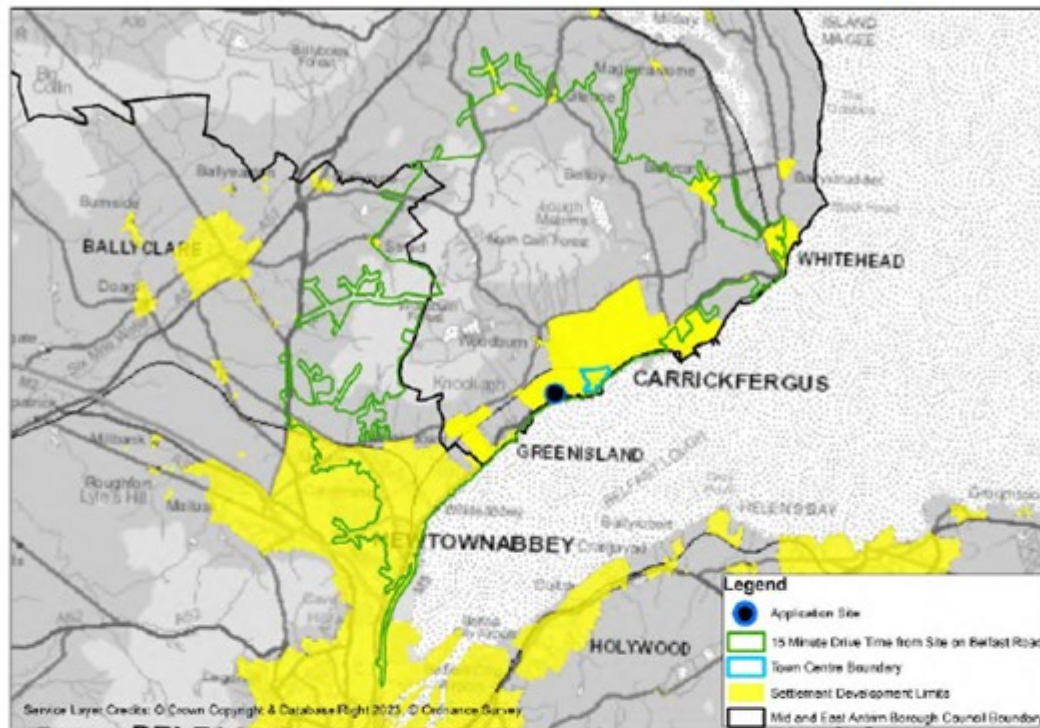
- 2.12 There are four key steps to follow when undertaking a sequential test.



Step 1: Establish the appropriate catchment for the development

- 2.13 The catchment is the area the proposal is intended to serve/draw trade from. This will vary depending on the specific development proposed and the applicant will need to suggest an appropriate drive time from the proposal site, taking into account the size and type of development, the market in which the development will operate, any relevant characteristics of the business/operator model and where competitor developments are located.
- 2.14 For example, if a 1,000 sq. m food store came forward in a small town with little by way of existing competition, then it might be expected to draw trade from a quite a large catchment area, including several hinterland settlements. However, if a 1,000 sq. m food store came forward in the suburb of a main town, then it might have considerable nearby competition which people would be unlikely to drive past, meaning its catchment area would be much smaller.
- 2.15 The map at Figures 3 demonstrates an example of an acceptable approach to defining a catchment for a retail application near the council boundary. The map shows, in this case, a 15 minute drive time from the out of centre proposal site located to the south-west of Carrickfergus town centre, with the catchment extending into Antrim/Newtownabbey Borough Council area. An incorrect approach would be to stop the catchment at the council boundary.

Figure 3 Example of how to define a retail catchment close to the council boundary



- 2.16 Alternatively, the catchment area that the proposal is intended to serve/draw trade from could be defined by selecting relevant postcode sectors and illustrating their extent and the location of the proposal on a map. Again, this will vary depending on the specific development proposed, taking into account the size and type of development, the market in which the development will operate, any relevant characteristics of the business / operator model and where competitor developments are located. However simply selecting one of the eight zones shown in the 'Retail Study Map' in Appendix A of Council's *Retail & Commercial Leisure Need & Capacity Study*, within which a proposal falls, is not normally acceptable, unless the proposals catchment coincidentally happens to align.

Step 2: Decide which designated centres should be assessed

- 2.17 Having established an appropriate catchment, this can then be used to help determine the centres which should be assessed for sequentially preferable sites, in conjunction with details of the type and size of proposed development. The centres to be considered are town centres and small town centres within the catchment which may include centres in other Councils. Referring to the map above, all designated town centres highlighted in yellow which are relevant to the type and size of this proposed development inside the established catchment area would require to be assessed for sequentially preferable sites. The application of the sequential approach requires flexibility and realism from the developers and retailers as well as the council being responsive to the needs of retailers.

Step 3: Identify the sequentially preferable sites which should be assessed

- 2.18 The assessment should consider sequentially preferable sites – i.e. first those within designated centres and then, if these are unavailable, unsuitable or unviable or any combination thereof, sites in an edge of centre

location need to be considered. Edge of centre for such proposals would be a location that is well connected and within easy walking distance normally within 300m of the town centre or small town centre boundary. A site would be unlikely to be considered well connected where it is separated from the town centre by barriers such as railway lines, busy roads or lack of pedestrian access. Out of centre locations need to be sites which are accessible by walking cycling and public transport.

Step 4: Assess the availability, suitability and viability of these sites

- 2.19 The SPPS states that flexibility may be adopted in seeking to accommodate developments onto sites with a constrained development footprint. For example, through use of creative and innovative design schemes, including multi-level schemes, or smaller more efficient trading floors/servicing arrangements. Applicants will be expected to identify and fully demonstrate why alternative sites are not available suitable or viable. The SPPS is silent on a definition of availability, suitability and viability. However, to provide clarity and greater certainty around this aspect of the sequential test the council considers it important to elaborate on the definitions in the Plan Strategy.

Availability	<p>This refers to sites that are available now or are likely to become available for development within a reasonable period.</p> <p>A site will be considered available for development when, on the best information available (such as searches), there is confidence that there are no legal or ownership problems, such as multiple ownerships, ransom strips, tenancies or operational requirements of landowners.</p> <p>Where sites become available unexpectedly after receipt of a planning application, the council will take this into account in its assessment of the application.</p> <p>Applicants will be required to submit evidence of any insurmountable legal or ownership problems that renders a site "unavailable".</p>
Suitability	<p>When judging the suitability of a site it is necessary to have a proper understanding of the appropriateness and likely market attractiveness for the type, scale and form of the development needed, and what aspect(s) of the need are intended to be met by the site.</p> <p>When assessing suitability there will be a requirement to have regard to the circumstances of the particular town centre when preparing proposals, as regards the format, design, and scale of the development. As part of such an approach there is an expectation to consider the scope of accommodating the proposed development in a different built form so far as it is reasonable to do so. Sequentially preferable locations should be thoroughly assessed on that footing¹. It is not sufficient to say a site is not suitable as it is too small for a standard trading model of the developer, without fully demonstrating consideration of alternative formats, designs, or scales of the proposal so far as it is reasonable to do so.</p> <p>The following factors are also likely to be relevant when assessing whether a site offers a suitable location for development:</p> <ul style="list-style-type: none"> • policy restrictions – such as designations, protected areas, and existing planning policy • physical problems or limitations – such as access, infrastructure, ground conditions, flood risk, hazardous risks, pollution or contamination;

- 7 -

	<ul style="list-style-type: none"> potential impacts – including effect upon landscape features and conservation; and the environmental conditions.
Viability	<p>This test is concerned with judging whether there is a reasonable prospect that development will occur on a site. This is likely to be influenced by:</p> <ul style="list-style-type: none"> market factors – such as adjacent uses, economic return of existing, proposed and alternative uses in terms of land values, attractiveness of the locality and level of potential market demand cost factors – including site preparation costs relating to any physical constraints, any exceptional works necessary, relevant planning standards or obligations, prospect of funding or investment to address identified constraints or assist development; and delivery factors – including the developer's own phasing, the realistic build-out rates on larger sites (including likely earliest and latest start and completion dates), Section 76 costs, whether there is a single developer or several developers and their size and capacity etc.

¹UKSC 2011/0079 Tesco v Dundee City Council (paragraph 28)

3.0 The Assessment of Need and Impact Assessment in Policy RET1

Policy RET1 – Retail in Town Centres (second half)

There will be a presumption to refuse a retail application outside town centre and small town centre boundaries unless the applicant can demonstrate that:

- a) alternative sites within these locations are either not suitable, not viable or not available (or any combination thereof); and
- b) there is a qualitative and/or quantitative need for the proposal; and
- c) there will be no significant adverse impact on any centre within the whole catchment.

All proposals must meet the General Policy and accord with other provisions of the LDP.

- 3.1 Part a) in the policy box above has been covered under Step four of the four step approach. However, Policy RET1 of the Plan Strategy requires that for retail proposals under the Policy RET2 thresholds or proposals for other town centre uses which fall outside town centre boundaries, applicants will also have to demonstrate a qualitative and/or quantitative need for the proposal and that there will be no significant adverse impact on any centre within the catchment of the proposal.
- 3.2 The assessment of need should incorporate a quantitative and/or qualitative assessment taking account of the local town and factor in the need already met/proposed to be met by any committed development proposals. Allocated sites also need to be considered.
- 3.3 A Qualitative Assessment contrasts the existing quality of goods, services, or retail environment on offer within the defined catchment area, and whether the proposed development would help to address any existing deficiencies or 'gaps' in the market, and/or offer any beneficial broadening of choice and competition. A quantitative assessment is a numerical exercise to analyse whether there is a floorspace need for particular types of retail goods or services within the identified catchment area. This work may draw on the council's own *Retail & Commercial Leisure Need & Capacity Study* (or any subsequent update to that document), or an applicant may undertake their own assessment of qualitative need. Any assessment should be based on up-to-date population, expenditure and where relevant, survey data.
- 3.4 The impact assessment is required to gauge the potential impacts of proposals for retail or other town centre uses, on edge of or outside existing centres, on the vitality and viability of existing centres i.e. the town and small town centres listed in the retail hierarchy above. Whilst applicants do not have to prepare a detailed RIA for proposals with gross floor space less than the thresholds outlined in Policy RET2, they must still consider whether the proposals are likely to have any undue impact on existing centres. This should be through consideration of the likely trading overlap with existing nearby traders and, in a positive sense, justification for the gap in the market which is perceived to justify the proposal (e.g. demonstrating that the existing centre does not provide for certain goods resulting in residents having to make lengthy and unsustainable journeys to acquire such goods). The scope and detail of the impact assessments should be agreed with the council prior to submission.

4.0 Retail Impact Assessment – Policy RET2

- 4.1 Developers will be expected to submit a Retail Impact Assessment (RIA) for all applications including extensions proposed outside town centre or small town centre boundaries, for retail or other town centre uses that are above the thresholds outlined in Policy RET2.

Policy RET2 – Retail Impact Assessment

All applications, including extensions for retail development and town centre uses, above the thresholds identified below, must be accompanied by a Retail Impact Assessment (RIA) where the proposal is located outside town centre or small town centre boundaries.

- Above 750sq. m gross external area outside Ballymena and Larne town centre boundaries.
- Above 500sq. m gross external area outside Carrickfergus town centre and small town centre boundaries.

Outside town centre and small town centre boundaries, but within the town's settlement limit, permission may be granted for a small scale convenience shop which does not exceed 100sq. m gross external area, where it can be demonstrated that:

- a) it meets a defined local need which cannot be met within an existing centre; and
- b) it will not adversely affect the vitality and viability of existing centres within its catchment.

The Retail Impact Assessment should provide a proportionate response to the proposal being sought and should incorporate an assessment of need, impact and the sequential approach.

Where proposals are considered to cause significant adverse impacts on any of the relevant criteria, or where in balancing overall impacts on each of the relevant criteria, the proposal is judged to be harmful, then it should be refused.

- 4.2 The SPPS gives councils the flexibility to set an appropriate threshold for their area, above which all applications for retail or town centre type developments should be accompanied by an assessment of retail impact and need.
- 4.3 In the Ballymena and Larne context the high vacancy rates and average unit sizes were the two indicators used to consider the reduced RIA thresholds and it was considered that a threshold of 750sq. m was appropriate as the average unit sizes in 2018 were 263sq. m and 202sq. m respectively. In Carrickfergus the particularly high vacancy rates and smaller average unit size of 187sq. m deemed the RIA threshold of 500sq. m appropriate. Anything above these thresholds could have the potential to cause significant adverse impacts on the vitality and viability of the towns and small towns in the retail hierarchy.
- 4.4 Policy RET2 therefore identifies that proposals for retail or other town centre uses of 750sq. m gross or above for Ballymena and Larne and 500sq. m for Carrickfergus, on the edge of, or outside designated centres, must be accompanied by an impact assessment and an assessment of need.
- 4.5 Whilst the council acknowledges that there are several different methodologies to carry out a Retail Impact and/or Need Assessment, the council's preferred method is a Step-by-Step approach. This approach identifies the catchment of the proposal by considering an appropriate drive time and the trade draw within each drive time band. The council considers this approach to be more transparent and easier to assess as opposed to other methodologies including the market share approach which can be considered to lack transparency and may result in longer processing times due to the complexity of the assessment.

- 4.6 It is for the applicant to demonstrate compliance with the impact test, having considered the factors listed in the SPPS, in support of relevant applications. Failure to undertake an impact test could constitute a reason for refusing permission.
- 4.7 The impact test will need to be undertaken in a proportionate and locally appropriate way, drawing on existing information where available. Where possible applicants are advised to seek pre application advice from the council on the information to be included in any RIA which must be submitted as part of a retail application.

What is an impact assessment?

- 4.8 An impact assessment is a methodologically evidence based approach to determine the relative effect that a proposed development will have on the wider centre hierarchy. The purpose of the impact assessment is to consider the impact over time of certain edge of centre and out of centre proposals on the health of existing centres within the catchment and any impact on planned investment. The test relates to retail and other town centre uses which are not in accordance with up-to-date plan policies and which would be located outside existing centres. It is important that the impacts assessed relate to all town and small town centres within the proposal's catchment, and not necessarily just those closest to the proposal. The affected centres may be within neighbouring authority areas and these also need to be assessed.
- 4.9 The impact of proposals on the trading position of existing centres and/or standalone facilities within the catchment area of the proposal should be assessed. Proposals should consider impact on a 'goods' basis (i.e. an assessment of the like-for-like impact on similar traders). If a proposal incorporates both convenience and comparison goods, then potential impacts on traders selling one or both categories of goods should be considered.
- 4.10 Importantly, applicants will be expected to have based their impact conclusions against an up-to-date consideration of the health of existing centres. There is no 'rule of thumb' on retail impact. A 1% impact on the turnover of a struggling centre could be more harmful than a 10% impact on a healthy centre. Establishing the baseline position in respect of the health of the centres within the catchment area is therefore an important exercise in preparing an impact assessment. This assessment should draw from the health-check considerations set out in the SPPS.
- 4.11 The impact assessment should also consider whether proposals in certain locations would impact on existing, committed and planned public and private investment, or on the role of particular centres. It will therefore be important for applicants to have a clear picture of committed developments (either extant planning permissions, or planned investment) of relevance to the proposals.
- 4.12 The proposal needs to assess whether its chosen location impacts on sites designated in the extant Area Plans (pre LPP adoption) or the LPP when adopted.
- 4.13 Cumulative impact needs to be assessed taking account of committed and planned development, including plan commitments within the town centre and wider area. This will be discussed in more detail in step three below.
- 4.14 A review of local economic impacts, which may include, but is not limited to, a consideration of the net impact on jobs as a result of the proposals should be carried out, taking account of the modelled diversion of trade from other operators/centres.

When is an Impact Assessment required?

- 4.15 Proposals for small scale convenience shops outside of town or small town centres but within the town's settlement limits, which do not exceed 100sq. m gross floor area may be granted permission without the requirement to do a RIA if it can be demonstrated that it meets a defined local need and it will not adversely affect the vitality and viability of existing centres within the catchment. For example, a small convenience

shop located within a large residential area on the outer limits of a settlement would serve the day-to-day needs of that local community without having an adverse impact on larger town centre convenience stores. Applicants should consider any 'gaps' in the current coverage of convenience goods provision to evidence their case.

Scope of Impact Assessment

- 4.16 The basis of any assessment will normally consider potential impacts on designated centres within the catchment area, as well as a range of sites to consider under the sequential test. In line with best practice impact should be considered over time, up to five years for most schemes.
- 4.17 Where proposals relate to a specific type of goods (for example, a DIY retail warehouse) it may be appropriate to focus the impact assessment on that specific sector, notwithstanding the need to consider the impact of the proposal on the overall vitality and viability of centres. In such instances, appropriate conditions to restrict the development in line with the impact assessment undertaken, will be imposed.
- 4.18 If unconditional consent is sought for retail or other uses (for example, with no limitation on net sales area, unit sizes, range of goods and so on) then the supporting assessment should examine all of the potential impacts and policy compliance of the full range of possible permutations which would be permitted under the proposed planning permission.
- 4.19 In assessing the impact of the proposal on existing, committed and planned public and private investment, consideration should be given to a range of factors including:
- What stage they have reached e.g. are they contractually committed?;
 - The policy 'weight' attached to them (for example, are they a key provision of the development plan?);
 - Whether there is sufficient 'need' for both the proposal and the existing/committed/planned investment?;
 - Whether they are competing for the same market opportunity, or key retailers/occupiers?;
 - Whether there is evidence that retailers/investors/developers are concerned; and
 - Whether the cumulative impact of both schemes would be a cause for concern.
- 4.20 Where the catchment extends into other council areas, the council may ask for input from the relevant neighbouring council(s) in identifying factors which should be taken into account in any assessment, and in providing any relevant information, such as monitoring data, retail and leisure studies, or town centre health check data.
- 4.21 The council's most recent *Retail & Commercial Leisure Need & Capacity Study* should provide a starting point to inform any impact assessment, but the applicant should consider whether updates are appropriate depending on the length of time that has passed since this study, or its most recent update was published. For growth rates, spend per head and special forms of trading etc. the most up-to-date data sources should be used to update figures. Town centre vacancy rates can be found in council's town centre land use surveys. Other sources such as Experian GOAD are available however the extent of their survey may not follow the same extent as the designated town centre boundaries so a combination of sources should be considered.
- 4.22 Ideally a common data source should be used where possible when quoting figures such as turnover etc, however if this is not possible an explanation should be given as to why multiple sources are being used.
- 4.23 A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances (for example, in areas where there are high levels of vacancy and limited retailer demand, trade diversion from a new development may lead to a significant adverse impact).
- 4.24 Evidence showing that there would be no likely significant impact on a town centre or small town centre from an edge of centre or out of centre proposal, does not guarantee that permission is granted. The

council will have to consider all material considerations in reaching a decision including the sequential test and need, if appropriate.

Methodology for Step-by-Step Approach to carrying out a Retail Impact and Assessment of Need

Step 1: Identification of the Catchment Area

- 4.25 The identification of the catchment area, and the proportion of trade drawn from this area, is an important stage in the RIA and it will directly affect the assessment of trade diversion from competing centres and retail impact. If the proposal is to be situated out of centre or at an edge of centre site, the applicant must consider the likely catchment of the proposal with reference to travel distances determined from survey of comparable facilities elsewhere in the borough. If no comparable facilities are located within the Mid and East Antrim council area, then comparison should be considered for facilities elsewhere in Northern Ireland.
- 4.26 In addition to determining the catchments of the adjacent centres, the catchment area needs to be sufficiently wide enough to ensure that the influence of the proposal can be assessed.

Step 2: Determine the appropriate time frame for assessing impact, focusing on impact in the first five years (up to design year):

- 4.27 The base year for impact testing should generally be selected to represent the year when the proposal application has been submitted.
- 4.28 The design year for impact testing should be selected to represent the year when the proposal has achieved a 'mature' trading pattern. This is conventionally taken as the second full calendar year of trading after opening of each phase of a new development, but it may take longer for some developments to become established.

Step 3: Examine the 'no development' scenario:

- 4.29 This should not necessarily assume that all centres are likely to benefit from expenditure growth in convenience and comparison goods and should reflect both changes in the market or role of centres, the impacts of online shopping as well as changes in the environment such as new infrastructure. The effects of wider trends therefore need to be considered.
- 4.30 Longer term trends and local market dynamics are likely to indicate that some retail destinations are going to improve while others decline, irrespective of the proposed planning interventions. Therefore, further factors need to be considered in examining the "no development" scenario.

Commitments/cumulative impact

- 4.31 Applicants must consider the effect of known commitments and consider the cumulative impact of the proposals in question.
- 4.32 In judging which commitments should be considered, it will be relevant to consider, amongst other things, the likelihood of them being implemented, and their potential scale and significance. The range of factors to be considered are detailed at paragraph 4.20 above.
- 4.33 In the case of proposals which are not in accordance with an up-to-date local development plan and not within an existing centre, their effects on a planned investment in a nearby centre may be highly material.
- 4.34 Equally, any adverse impacts as outlined above should be balanced against the positive effects of the proposals, in terms of investment; employment generation; social inclusion; and physical and economic regeneration.

The 'fall-back' scenario

- 4.35 Where relevant, a further consideration is the so called 'fall back' scenario, i.e. where through an extant permission or permitted development rights it is argued that there is a 'fall back' position which may be implemented if the current proposal is not approved.
- 4.36 It is possible in some cases that a specific proposal may have a lesser impact than the proposal for which consent is being sought. Alternatively, an application might provide the opportunity to impose planning restrictions which could mitigate impact. However, in judging the relevance of a 'fall back' position, the following factors should be considered:
- First, the relevance of a fall-back position should be judged having regard to the likelihood of it being implemented. There is a difference between a purely 'hypothetical' fall-back position, and a position which could be implemented. If there is a realistic prospect that the fall-back position would be brought forward, then it would be necessary to attach appropriate weight to it in judging the impact of the proposal in question.
 - Second, when comparing the impact of a proposal with a fall-back position, it will be relevant to consider the impact of the proposal together with the cumulative impact of other known commitments within the catchment, rather than just the 'incremental' impact of the difference between the two. This applies to all impact assessments, where the relevant test is the cumulative impact of the proposal in question.

Step 4: Assess the proposal's turnover and trade draw:

- 4.37 This can be achieved by drawing on information from comparable schemes, the operator's benchmark turnover of convenience and comparison goods, and carefully considering likely catchments and trade draw. The relative offer of goods, and the geography of competing destinations, will both be key considerations in respect of determining trade draw. Applicants should set out a transparent assessment of trade draw, detailing likely draws in both percentage and monetary terms.

Step 5: Consider a range of plausible scenarios in assessing the impact of the proposal on existing centres and facilities:

- 4.38 This may require breaking the study area down into a series of zones to gain a finer-grain analysis of anticipated impact (for example, by drive-time band or postcode sector). This may also require inclusion of committed developments within the catchment area (proposals that have gained planning permission and can therefore be developed).

Step 6: Set out the likely impact of the proposal, along with any associated assumptions or reasoning, including in respect of quantitative and qualitative issues:

- 4.39 Any conclusions should be proportionate, for example, where a smaller proposal is concerned, it may be sufficient to give a broad indication of the proportion of the proposal's trade draw likely to be derived from different centres and facilities in the catchment area and the likely consequences to the viability and vitality of existing town centres. However, for larger proposals, which have more obvious trade draw repercussions, a more detailed assessment will be required. As per earlier guidance, in all instances, the impact of the proposals should be clearly related to up-to-date health-checks of existing centres within the catchment area.
- 4.40 A Proposal in an out-of-centre location cannot claim to contribute to capacity figures shown in the councils *Retail & Commercial Leisure Need & Capacity Study* without also successfully demonstrating compliance with the sequential, needs and impact tests too. Capacity is not a target to be reached. There should therefore be no sense that an out of centre proposal necessarily 'contributes' to meeting a need without further justification. It may be that, if there is no sequentially preferable site, and that impacts are acceptable, an out of centre proposal is helpful in some instances (e.g. if it contributes towards saving lengthy return

journeys to far-away places). However, it may equally be the case that an out-of-centre proposal would offer little or no help or might impact the town centre unacceptably. In that instance, the town would be better off without the proposal as the proposal does not contribute at all.

- 4.41 While thresholds are expressed in gross terms in regional policy and consequently in policy RET2, it is acceptable for impact to be calculated in net terms as normally the trading area of a proposal is used to align with the sales density to estimate the projected turnover of the proposed development.
- 4.42 If a proposal includes multiple areas of trading floorspace such as a main building and a separate building or outdoor area, such as a garden centre, impact has to be assessed based on the total of all trading floorspace.
- 4.43 If a proposal is claiming to improve the qualitative offer or increase diversity, choice and competition with its proposed goods type(s), an assessment is expected as a minimum, of existing diversity and choice and an assessment of what 'gaps' might exist which the proposed operator would fill, for example by listing existing retailers with similar offers and examining the overlap of trade.
- 4.44 A retailer's commercial 'need' to be in a certain location is not evidence enough of qualitative need.
- 4.45 To date, the focus of impact assessments has been on retail proposals, particularly the key town centre impacts. However, for other non-retail uses which are still considered 'other town centres uses' it is unlikely that several of the key impacts set out in policy will be considered in the same level of detail (e.g. trade diversion). There may be cases, for example, where a key town centre site is earmarked for a particular mix of uses, which depends on securing key occupier requirements. There may be a legitimate concern that a new development will cause displacement and/or deflect occupier demand to a less central location.
- 4.46 In every case it will be necessary to reach a balanced decision, having regard to the provisions of the development plan, the sequential approach and impact considerations.

5.0 Needs Assessment – Policy RET2

What is an assessment of need?

- 5.1 An assessment of need identifies the needs of consumers and the requirements of retailers, leisure operators and others proposing development for town centre uses.
- 5.2 The SPPS states that when undertaking an assessment of need, this should be proportionate to support the application and may incorporate a qualitative and quantitative assessment of need taking account of the sustainably and objectively assessed needs of the local town and take account of committed development proposals and allocated sites.
- 5.3 The basis of any needs assessment will normally consider the proposed expenditure growth of the council area and quantum need for floorspace, minus the floorspace required for committed developments.
- 5.4 A quantitative needs assessment requires the following steps:
 - Identification of catchment area, base and design years for the assessment;
 - Identification and projection up to design year of population and total available expenditure within the catchment area;
 - Estimation of the proposal's turnover; and
 - Estimation of capacity within the development to include committed developments.
- 5.5 A Qualitative Assessment contrasts the existing quality of goods, services, or retail environment on offer within the defined catchment area, and whether the proposed development would help to address any existing deficiencies or 'gaps' in the market, and/or offer any beneficial broadening of choice and competition.

Appendix 1: Glossary of Terms and Abbreviations

Glossary of Terms

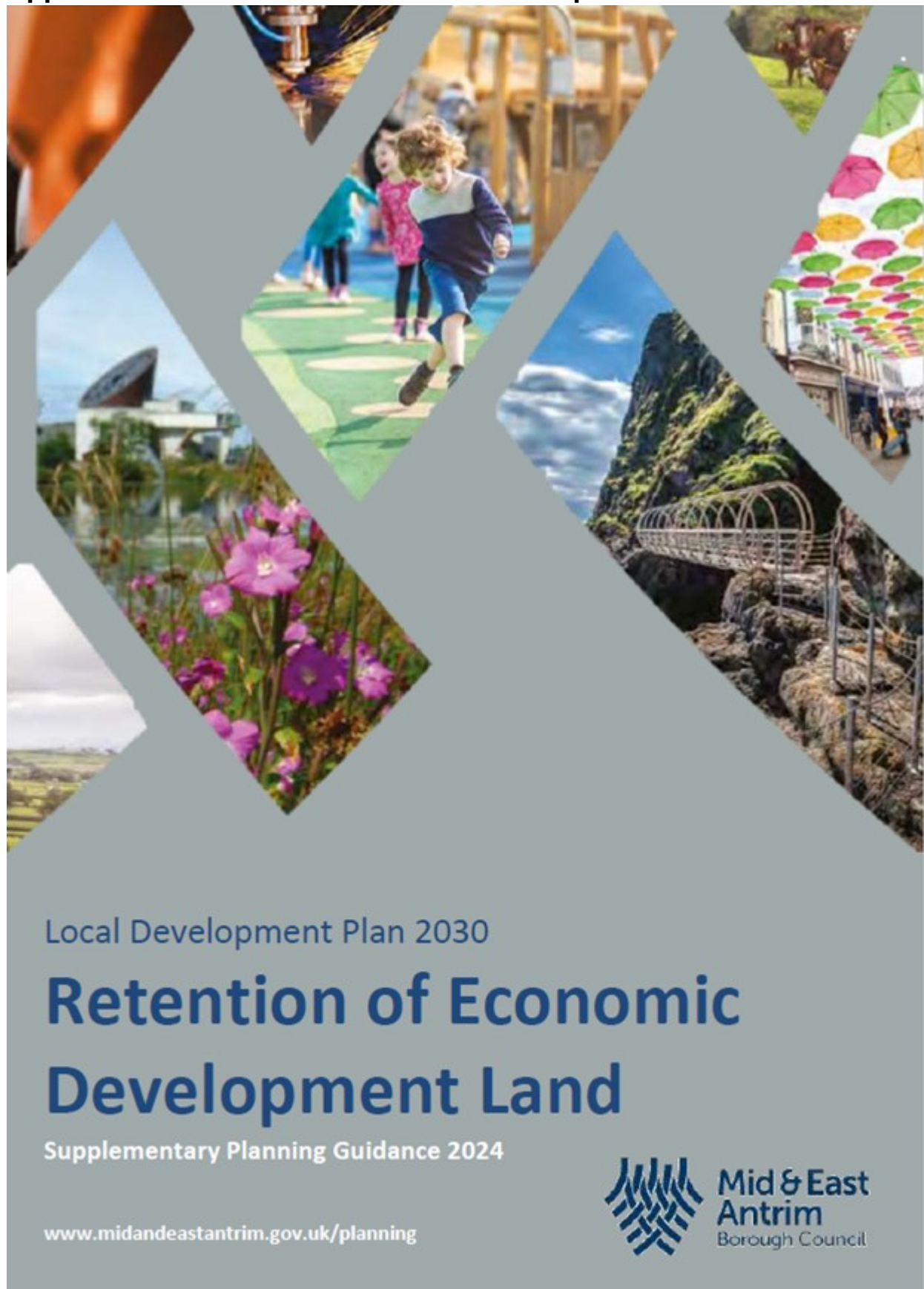
Capacity	Forecast resident spending within the catchment area, with which to support existing and additional retail floorspace.
Centre(s)	Refers to the main town centres of Ballymena, Carrickfergus and Larne, Small town centres of Ahoghill, Broughshane, Cullybackey and Portglenone (pre LPP the small town centres are known as Commercial Centres) Whitehead town centre (Pre LPP Whitehead Settlement Limit will act as the town centre).
Commercial Centre	Designation of the largest concentration of shopping within a town or small town centre.
Comparison Goods	Durable items for which customers are prepared to travel some distance to compare prices and quality. They include clothes, footwear, household durables, textiles, fashion accessories, toys, hardware and leisure goods.
Comparison Goods (Bulky)	This is a subset of comparison goods retailing. It describes those comparison goods which are difficult to accommodate in town centres because of their space requirements for large showrooms, parking and servicing. They typically include large items such as furniture, carpets, electrical/white goods and DIY goods, and are typically sold from retail warehouses.
Convenience Goods	Mainly groceries and other consumable commodities that are purchased regularly and usually locally. They include food, drink (including take home alcohol), tobacco, newspapers, magazines, cleaning materials and toiletries.
Edge-of-Centre	For retail purposes, a location that is well connected and within easy walking distance (i.e. normally 300 metres) of the town centre boundary. In determining whether a site falls within the definition of edge-of-centre, account should be taken of local circumstances such as barriers, railway lines or major roads.
Expenditure	Average annual expenditure levels for various forms of goods, multiplied by the population within the defined Study Area.
Experian GOAD	A retail property intelligence system that helps retail developers, property investors, planning professionals, and commercial agents to identify profitable locations for retail property development and investment projects. It offers comprehensive retail location plans and easy to use reports covering over 3,000 shopping areas in the UK and Ireland.
Financial, Professional & other Services	Services provided to visiting members of the public such as banks, building societies, employment agencies, legal services, estate agents and business services.
Gross Floor Area	This is the total floor area of a building measured externally.
Gross Retail Area	This is the total internal retail floorspace, as measured from inside the retail unit and includes sales space storage space and ancillary space, including offices, toilets and canteen.
Leisure Services	An Experian Goad category for town centre leisure units which includes bars, cafes, cinemas, nightclubs, take-aways, hotels, public houses, and restaurants. For clarity, it does not include facilities for leisure pursuits e.g. sports centres, swimming pools or health & fitness clubs.
Local Policies Plan (LPP)	The second part of the Local Development Plan, the LPP is prepared by Council following adoption of the Plan Strategy.
Main Town Centre uses	Retail development, Use Class A1 shops, Use Class A2 financial, professional and other services, Use Class B1 businesses, cultural and community facilities, leisure and entertainment, and town centre housing.
Market Share	The proportion of residents that visit a particular retail destination, derived from household survey results.

Net Retail Area	This is also referred to as sales space and includes the area of the unit which is devoted to the display and sale of retail goods. It includes checkout counters, packing zones, circulation space from check-outs to exit lobby, changing rooms and information areas. Net retail floorspace is calculated by way of internal measurement to the inner face of the wall.
Out-of-Centre	A location outside a centre boundary but within defined settlement limits.
Population Projections	Estimates of future population based on the most recent census and/or NISRA populations estimates and applying NISRA population trends.
Retail Floorspace	Total floor area of the property that is associated with all retail uses in square metres. May be expressed as a net figure (the sales area) or in gross (including storage, preparation and staff areas).
Retail Hierarchy	Towns, Small Towns, Local Centres and Village centres (including small settlements).
Retail Services	An Experian Goad category comprising for example dry cleaners, health & beauty, opticians, photo processing, post offices and travel agents.
Retail Warehouse	Large single-level individual store, with car parking, for the sale of bulky comparison items such as DIY goods, furniture, electrical goods, carpets and gardening goods.
Retail Impact	The potential effects of proposed retail development upon existing shops.
Sales Density	Turnover, per square metre. Various retail planning sources such as Verdict UK Food & Grocery Company Briefing Reports and Mintel Retail Rankings provide average (or benchmark) sales densities for national multiple convenience retailers.
Sequential Approach	A planning principle that seeks to identify, allocate or develop certain types or locations of land before others. For example, brownfield housing sites before greenfield sites, or town centre retail sites before out-of-centre sites.
Special Forms of Trading	Special forms of trading (SFT) are defined as sales via the internet, mail order, stalls and markets, vending machines, door-to-door and telephone sales, including online sales by supermarkets, department stores and catalogue companies.
Town Centre	Town centres which provide a broad range of facilities and services and which fulfil a function as a focus both for the community and for public transport.
Town Centre Health Check	Town centre health checks are an important starting point to ensure the vitality and viability of town centres are maintained/improved. Town Centre Health Checks are carried out by the council and their outcomes are fed into the assessment of impact of proposals on the vitality and viability of town centres. Applicants should make themselves aware of the existing/current health check for town centres as this information will be used by the council when assessing your application. Health checks will be carried out at least every five years.
Trade Draw	Trade draw is the proportion of trade that a development is likely to receive from customers within and outside its catchment area. It is likely that trade draw will relate to a certain geographic area (i.e. the distance people are likely to travel) and for a particular market segment (e.g. convenience retail). The best way of assessing trade draw where new development is proposed is to look at existing proxies of that type of development in other areas.
Turnover	Amount of Sales per Unit Area of Floorspace.
Viability	A measure of a town centres capacity to attract ongoing investment for maintenance, improvement and adaption to changing needs.
Viability	A measure of how busy a town centre is.

Glossary of Abbreviations

KSR	Key Site Requirement
LDP	Local Development Plan
PAD	Pre-Application Discussion
PS	Plan Strategy
RDS	Regional Development Strategy (2035)
SPPS	Strategic Planning Policy Statement for Northern Ireland (2015)

Appendix 4- Retention of Economic Development Land SPG



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1.0 Introduction

- 1.1 It is a top priority for the Council to grow and diversify the economy in the Borough. The planning system has a key role to play in achieving a vibrant economy and facilitating employment through supporting planning policies, the zoning of economic development land, and also the retention of existing economic development land.
- 1.2 This Supplementary Planning Guidance (SPG) provides additional advice and guidance specific to Policy ECD2 'Retention of Economic Development Land' in the Mid and East Antrim Borough Council Local Development Plan 2030 (LDP) – Plan Strategy.
- 1.3 This SPG seeks to ensure an effective and consistent approach to implementing planning policy when determining planning applications in the Borough and is intended to be used by applicants, the public, and by planning officers in the assessment and delivery of planning proposals on either:
- a) land zoned for economic development use in the local development plan; or
 - b) unzoned land in settlements that is currently used (or was last used) for economic development purposes.
- Each application is, however, considered on a case by case basis, and on its own merits. If you are in doubt as to whether this SPG applies to your land or premises, you are advised to contact the Council's Planning Department.
- 1.4 In order to aid the effective implementation of Policy ECD2, the Council considers it prudent to produce this guidance. It is aimed at providing further clarity to landowners, developers and agents to enable the efficient and effective delivery of economic development proposals, consistently with Policy ECD2. It does not introduce new policy. It aims to ensure that the existing policy is implemented and applied consistently and effectively through the development management process.
- 1.5 For the purposes of this SPG, economic development uses comprise those currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. These are:
- B1 Business - (a) Offices (other than those that fall within A2)
(b) Call centres
(c) Research and development
 - B2 Light Industrial
 - B3 General Industrial
 - B4 Storage or Distribution

2.0 Policy Aims

- 2.1 The LDP Plan Strategy highlights the importance of safeguarding economic development land which is in sustainable locations and suited to such purposes from being lost to other forms of development. This will help ensure there remains an adequate supply of economic development land in order to offer a range and choice of sites and provide opportunities and employment for a broad range of business types from small start-up businesses to small, medium and large enterprises.
- 2.2 This compliments the aim of the Strategic Planning Policy Statement for Northern Ireland 'Planning for Sustainable Development' (SPPS) in relation to economic development which seeks to facilitate the economic development needs of Northern Ireland in ways consistent with the protection of the environment and the principles of sustainable development.
- 2.3 The SPPS also makes clear the importance of economic development land and buildings which are well-located and suited to such purposes being retained in order to ensure a sufficient and ongoing supply.
- 2.4 In order to support the diversity of the local economy and encourage employment generation, it is therefore necessary to retain existing sites for economic development and safeguard the supply of future economic development land to achieve this aim.

3.0 Zoned Economic Development Land

- 3.1 The retention of economic development land can not only make a substantial contribution to the renewal and revitalisation of our towns and beyond, it can also provide employment opportunities accessible to large sections of the urban population and the rural hinterland.
- 3.2 Policy ECD2 states that a proposal that would result in the loss of land zoned for economic development to other uses will not be permitted, unless the land has been substantially developed for alternative uses. It states that unless otherwise specified through Key Site Requirements in the adopted Local Policies Plan, an exception will be permitted for the development of a sui generis employment use where the applicant has demonstrated that all three of the criteria listed (a) to (c) are met. The onus is on the applicant to demonstrate that all three of the policy criteria are met in such cases. Further guidance on these matters is set out below.
- The proposal is compatible with the predominant economic development use;
Sufficient detail of the proposed sui generis employment use must be submitted with the application to ensure the Council is fully satisfied that such a use would be compatible with the predominant economic development use on the zoned land. Policy ECD3 'Development incompatible with Economic Development Uses' may also be engaged to ensure such a use would not be incompatible with or prejudice the current or future operations of existing economic development uses.
 - The proposal is of a scale, nature and form appropriate to the location;
The applicant is also required to submit sufficient information with the application to demonstrate to the Council's satisfaction why the proposal is appropriate to be located on zoned economic land rather than elsewhere. Policy ECD3 may also be engaged in this instance.
 - The proposal will not lead to a significant diminution of the economic development land resource in the town or the borough generally.
The applicant is also required to submit sufficient information with the application to demonstrate to the Council's satisfaction that the proposal would not lead to a significant reduction in the value, importance or size of the economic development land offering in that town or in the Borough.
- 3.3 In the case of a planning application involving a departure from an LDP zoning for economic development, the Council should be fully satisfied that it has been clearly demonstrated how the special circumstances of a particular case outweigh the policy preference for retaining the zoned land for economic development use. In doing so, planning officers should clearly outline in their assessment of the application how *all* of the exceptions to policy criteria have been met.
- 3.4 It should also be noted that Policy ECD2 re-emphasises that retailing or commercial leisure development will not be permitted on land zoned for economic development, except where justified as acceptable ancillary development. When considering whether the proposal is an acceptable ancillary development or not, Council will consider:
- The nature of the use proposed and whether it is considered as ancillary to the functioning of the wider zoning;
 - Existing ancillary uses already operating (or approved) within the zoning; and
 - The size of the economic development site and its ability to sustain the proposed use.

4.0 Unzoned Land in Settlements

- 4.1 The existence of redundant business premises and derelict industrial land can be an important resource for the creation of new job opportunities in areas of high unemployment and social deprivation, particularly small businesses, and can help reduce the demand for greenfield sites.
- 4.2 Policy ECD2 states a development proposal on land or buildings not zoned in a local development plan but currently in economic development use (or last used for that purpose), which will result in the loss of such land or buildings to other uses, will only be permitted where the applicant has demonstrated that one or more of the three policy criteria are met:
- A proposal for a specific mixed-use regeneration initiative which will bring substantial community, environmental or economic benefits that are considered to outweigh the loss of land for economic development use.
The Council should be fully satisfied that it has been clearly demonstrated by the applicant how the special circumstances of a particular mixed-use regeneration proposal outweigh the policy preference of retaining the land or building solely for economic development use. To enable this assessment, sufficient information must be submitted with the application clearly outlining how the community, environmental and economic benefits of the proposal directly help to achieve the social, environmental, and economic objectives of the LDP Plan Strategy to the extent that those direct benefits of the initiative are so substantial so as to outweigh the loss of economic development land. For instance, the redevelopment of an existing industrial site or storage or distribution site with a mixed-use scheme, as a specific regeneration initiative to meet the needs of a particular locality and providing a significant element of employment or community uses are integrated into the overall development scheme. Such a mixed-use scheme should be designed so as to minimise the possibility of conflicts of uses arising. For example, where the proposal lies adjacent to other economic development uses and involves an element of residential development, it may be appropriate to separate/buffer that residential element from any existing industrial uses with an alternative more compatible business use, community use, or sui generis use that may be more acceptable adjacent to residential areas. This will not only protect residential amenity but will also help prevent the possibility of redevelopment on the adjacent industrial site for alternative uses on the grounds that it is no longer acceptable in land-use terms. Alternative development uses will not be permitted if it would detract from, or conflict with, the economic development uses of other nearby economic development buildings or sites. This is to avoid the 'domino-effect' of a site that has been redeveloped or reused for non-economic development uses giving rise to circumstances under which it is considered appropriate to 'release' the next door site, when previously it would not have been justified under the terms of this policy. Policy ECD3 may also be engaged in this instance.
 - A proposal for a compatible sui generis use of a scale, nature and form appropriate to the location may be considered acceptable.
It is acknowledged that certain sui generis uses can be more difficult to accommodate within an urban area than other uses, and that a previously developed economic development site within a settlement may offer the best possible location for some uses. The flexibility offered by this criterion is aimed at providing a suitable alternative location for such uses which may be unable to meet the exceptional circumstances policy tests for locating on zoned land. Policy ECD3 may also be engaged in this instance.
 - If it can be demonstrated that the site is considered unsuitable for modern economic development purposes and there is no market interest in the site following one year of continuous active marketing.

Council considers that the retention of previously developed economic development sites for such continued use is important and should not be lost to alternative uses without evidence to demonstrate that the site is no longer suitable for modern economic development purposes. The total loss of a previously developed economic development site can only be justified where it has been robustly demonstrated that the provision of an economic development element cannot be made viable. Evidence must be provided to show that all possibilities to provide an economic development element have been exhausted and demonstrated to be unviable. The onus will therefore be on the applicant to submit sufficient information along with the planning application to demonstrate both why the site (of the proposal) is no longer considered suitable for economic development purposes, and also that there is no market interest in the site for economic development purposes following one year of continuous active marketing. Annex A of this SPG provides detail on the minimum action required when actively marketing a premises or a site for economic development purposes, and the information which must be submitted as part of the relevant planning application.

5.0 Other Planning Considerations

- 5.1 The 2011 Planning Act established a plan-led planning system which gives primacy to the LDP in the determination of planning applications unless other material considerations indicate otherwise. In particular, Section 6 (4) of the 2011 Act provides: 'Where, in making any determination under this Act, regard is to be had to the LDP, the determination must be made in accordance with the plan unless material considerations indicate otherwise'.
- 5.2 All applications for economic development use will be assessed against the relevant economic development policies within the LDP Plan Strategy, including Policy SGS6 which highlights the importance of the economic development zonings being complemented by the protection of unzoned land in settlements currently or last used for economic development use. All proposals must also meet the General Policy GP1 and accord with other relevant provisions of the LDP.
- 5.3 Consideration should also be given to the regional and strategic framework provisions of the RDS 2035 including RG1 'Ensure adequate supply of land to facilitate sustainable economic growth'.
- 5.4 The Council will also have regard to published supplementary planning guidance as well as any other material considerations which are relevant to the particular case.
- 5.5 The flexibility permitted under Policy ECD2 is envisaged to principally relate to firm proposals for acceptable alternative uses which outweigh the policy preference of retaining land zoned for economic development use in the LDP, as well as unzoned land in settlements that is currently used (or was last used) for economic development purposes.

Glossary of Terms and Abbreviations

Economic development uses	Those uses currently defined in Part B 'Industrial and Business Uses' of the Planning (Use Classes) Order (Northern Ireland) 2015. These are: B1 Business - (a) Offices (other than those that fall within A2), (b) Call centres, (c) Research and development. B2 Light Industrial. B3 General Industrial. B4 Storage or Distribution.
Sui Generis	When no planning use classes order category specifically fits, the use of the land or buildings is described as sui generis, which means 'of its own kind'. Examples of sui generis uses given in Section 3(4) of the Planning (Use Classes) Order (Northern Ireland) 2015 include amusement centres, fuel stations, car sales yards, restaurants, swimming pools, skating rinks, gymnasiums, churches (these examples are not exhaustive).
Commercial Leisure	Not confined to a specific planning use class grouping, but rather primarily relates to a range of leisure, entertainment and recreation uses which may include some sui generis uses and some D class uses within the Planning (Use Classes) Order (Northern Ireland) 2015. Examples of commercial leisure include swimming pools, skating rinks, gymnasiums, indoor bowling, soft play amusement centres, cinemas, nightclubs, casinos and bingo halls (these examples are not exhaustive).
LDP	Local Development Plan
Plan Strategy	The first part of the Local Development Plan, the adopted Plan Strategy, was adopted on 16 th October 2023 and contains the new planning policies which replaced the Department's Planning Policy Statements (PPSs).
Local Policies Plan (LPP)	The second part of the Local Development Plan, the LPP is prepared by Council following adoption of the Plan Strategy.
RDS	Regional Development Strategy 2035 (DRD, 2010)
SPPS	Strategic Planning Policy Statement for Northern Ireland (DOE, 2015)
Pre-application advice	Depending on the classification of the development proposal, this may be in the form of Pre-Application Discussion (PAD) or more informal advice upon request.

Annex A - Active Marketing

This guidance on active marketing applies where an applicant is proposing an alternative non-economic development use on a site that is currently used (or was last used) for economic development use; and is seeking a policy exception under criterion c) of 'Unzoned Land in Settlements' in Policy ECD2 of the Local Development Plan 2030 (LDP) – Plan Strategy. It is guidance and not policy. The Council will normally expect applicants to have taken account of the guidance set out herein or to have explained why, on the facts of a particular case, the guidance set out below is not applicable or relevant.

In such cases, the onus is on the applicant to submit sufficient information along with the planning application to demonstrate to the satisfaction of the Council:

- why the site (of the proposal) is no longer considered suitable for economic development purposes, and also
- that there is no market interest in the site for economic development purposes following one year of continuous active marketing.

This guidance sets out what is ordinarily expected from an applicant when actively marketing a site for economic development purposes. However, it is recognised that any such exercise should be proportionate to the size and characteristics of the site/property and the scale of the proposed alternative use. Where possible, applicants are advised to seek pre-application advice from the Council on the detail of their marketing strategy and the information which should be submitted as part of any forthcoming planning application.

Marketing evidence primarily requires demonstration of an active marketing campaign to ascertain the demand for an economic development use on the site. This must have been for a continuous period of at least 12 months and whilst the site/premises were vacant. A lesser financial return on investment relative to other development uses will not be sufficient to justify the site not continuing to be available for economic development use. This includes the potential to refurbish or redevelop the site in whole or in part for modern economic development purposes. Before considering release, the Council will need to be satisfied that either refurbishment of the buildings or redevelopment of the site for economic development uses are not viable. A statement appraising the extent and nature of options for the site should be submitted with the planning application, including a development appraisal or residual valuation for each option, prepared by a chartered surveyor. Options could range from limited refurbishment to partial or full demolition and rebuild depending on the nature of the site.

Marketing should be through a commercial agent and at a price that genuinely reflects the market value. The site/property should have been marketed in a manner that would genuinely test the market and bring it to the attention of any likely interested parties. It should be demonstrated to the Council's satisfaction that marketing has been unsuccessful for all relevant floorspace proposed to be lost through the redevelopment or change of use proposal.

Active marketing would generally be expected to include the following as a minimum:

- Registration of the site/property with at least one commercial property agent who has a proven track record in dealing with comparable sites/properties in the region.
- Contact information posted in a prominent location on-site, in the form of an advertising/agency board, for the full duration of the period of active marketing.
- Site/property details/particulars available to inquirers on request, to include as a minimum detail on condition; age; size/floorspace; accessibility etc.
- Marketed for the appropriate/lawful use or uses as defined by the relevant planning policy, including details of tenure; current/last use and planning history.
- Marketed at a reasonable price in relation to use, condition, quality and location.

- Advertised via a range of media including at least three of the following; local newspapers; targeted sector/property specific mailings; social media; property websites; agent's window; commercial magazines and other specialist publications.
- Registration of particulars with the Council's Economic Development Team.
- Evidence of a marketing strategy, and how this strategy was adjusted and the price lowered throughout the marketing period in the event of a lack of interest in the site.

Sufficient detailed information, including relevant photographic evidence and copies of any mailings and adverts (including publication dates), are required to be submitted alongside any planning application showing how the above has been addressed.

In addition, information should be submitted regarding:

- the number and details of enquiries received;
- the number of viewings;
- the number, type, proposed uses and value of offers received;
- reasons for refusal of any offer received, and/or reasons why any offers fell through;
- the asking price and/or rent that the site or property has been offered at, including a professional valuation from at least three agents to confirm that this is reasonable;
- the length of marketing period (including exact dates); and
- the length of the vacancy period.

All this information should be submitted in the form of a marketing report which will then be considered by the Council when determining the planning application.

The Council reserve the right to secure independent advice to review the marketing evidence provided. It should be noted that the submission of a marketing report would not necessarily result in planning permission being granted, as any planning application would need to be determined with regard to all of the policies in the Local Development Plan and any other material planning considerations. In the case where the Council consider the marketing to be inadequate, the planning application will not be recommended for approval.

ADDENDUM REPORT	
Committee Meeting Date: 14 th May 2024	
Application ID: LA04/2023/3635/RM	Target Date:
Proposal: Redevelopment of existing surface level car park for erection of residential development comprising of 205 No. units, car parking, landscaping and all associated site works.	Location: Lands bound by Glenalpin Street, Wellwood Street and Norwood Street, Belfast
Referral Route: Major development	
Recommendation:	Approval
Applicant Name and Address: Artemis Development Ltd	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2
<p>Background:</p> <p>This application was due to be considered at the April Planning Committee. However, the application was deferred for a Committee site visit.</p> <p>The Committee site visit took place on 23rd April 2024.</p> <p>Late items:</p> <p>Four further objections have been received since publication of the original report to the April Committee, appended.</p> <p>The first objection from Councillor Tracy Kelly raises the following concerns.</p> <ul style="list-style-type: none"> • The proposed 11-storey apartments would be too high next to two storey housing • Noise impacts • Loss of light • Too many high rise and not enough smaller-scale housing in the area • No social housing is included • Insufficient parking • Insufficient green space for residents and no safe space for children to play. <p>The second objection from a representative of Belfast South Community Resources raises the following issues.</p> <ul style="list-style-type: none"> • Concerns that adding more tall apartments facing Hope Street will only make acquiring homes there even more challenging. • Sandy Row requires more social housing, not further high-rise apartments. <p>The third objection, from the owner of a neighbouring property, raises the following concerns:</p> <ul style="list-style-type: none"> • Overbearing, loss of light • Overlooking • Noise during construction and upon occupation 	

- Increased traffic and limited on street parking
- Safety implications for people on narrow, poorly lit streets
- Impact on value of property
- Waste Water Infrastructure Capacity

The fourth objection raises the following concerns.

- Need for social housing in the area. The objection mistakenly refers to a PBMSA application on the site (currently the subject of a non-determination appeal). An error that was acknowledged and corrected via a later representation from the same person.

In response to these objections, officers advise that the principle of development, including the scale parameters of the building, are established through the outline planning permission.

Noise, amenity impacts, traffic, parking, amenity and open space are considered in the original Committee report, appended. There is no evidence that the proposal would result in an unacceptable safety problem; in any event the principle of residential apartments on this site is established through the outline planning permission. Any impacts on property values is not a material consideration.

Social housing would have had to be secured at outline stage – there was no policy basis at the time of the granting of the outline planning permission in June 2019 for requiring social housing as the decision pre-dated adoption of the Plan Strategy and Policy HOU5. The Committee is unable to stipulate the requirement for social housing at the reserved matters stage.

NI Water offered no objections in terms of capacity of sewage system at outline stage.

The applicant points to an error in the original Committee report at paragraph 8.7. The applicant confirms that the largest units are 70sqm (not 85sqm as set out in the original report). Officers advise that this is equivalent to a 4 person 2 bedroom unit (not 6 person 3 bedroom unit). On balance, for the reasons set out in the original Committee report, the housing mix is considered to remain acceptable.

This addendum report should be read in conjunction with the original report to the April Planning Committee, appended.

Recommendation

Having regard to the development plan and other material considerations, the reserved matters are considered acceptable. It is therefore recommended that the reserved matters are approved.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to resolution of the outstanding issues raised by DfI Roads, and deal with any other matters that arise, provided that they are not substantive.

Development Management Officer Report Committee Application

Summary	
Committee Meeting Date: 16 th April 2024	
Application ID: LA04/2023/3635/RM	Target Date:
Proposal: Redevelopment of existing surface level car park for erection of residential development comprising of 205 No. units, car parking, landscaping and all associated site works.	Location: Lands bound by Glenalpin Street, Wellwood Street and Norwood Street, Belfast
Referral Route: Major development	
Recommendation:	Approval
Applicant Name and Address: Artemis Development Ltd	Agent Name and Address: Turley Hamilton House 3 Joy Street Belfast BT2
<p>Executive Summary:</p> <p>Outline planning permission for '<i>Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units, with shared amenity spaces, ancillary/support accommodation, car parking and landscaping</i>' was approved in June 2019 (LA04/2019/0127/O).</p> <p>The current application seeks approval of the Reserved Matters pursuant to the outline planning permission for an 11-storey residential development comprising 205 units, car parking, landscaping and all associated site works. All matters were reserved at the outline stage, namely:-</p> <ul style="list-style-type: none"> Siting; Design; External appearance Means of access; and Landscaping <p>The Committee is reminder that this is not an application for planning permission but an application seeking approval of the details pursuant to the outline planning permission. The principle of development is established through the outline planning permission.</p> <p>The key issues for the assessment of the application solely relate to consideration of the reserved matters and include:</p> <ul style="list-style-type: none"> Scale, layout and design Amenity and open space provision Climate change Access and parking Impact on amenity Drainage and flood risk 	

The outline planning permission establishes the principle of an 11-storey residential building (circa 200 units) on the site. The scale and massing of the proposed building are consistent with indicative plans supporting the outline application. A condition required that the shoulder heights of the building, exclusive of rooftop plant, are no higher than the indicative levels shown on the approved indicative elevational drawings and this has been adhered to. The design, detailing and proportions of the proposed building are considered appropriate to the site and its surroundings.

DfI Roads has requested further technical information in relation to dimensions on layout plan
DfI Rivers has no objection.

A total of 6 objections have been received. These are set out and considered in the main report.

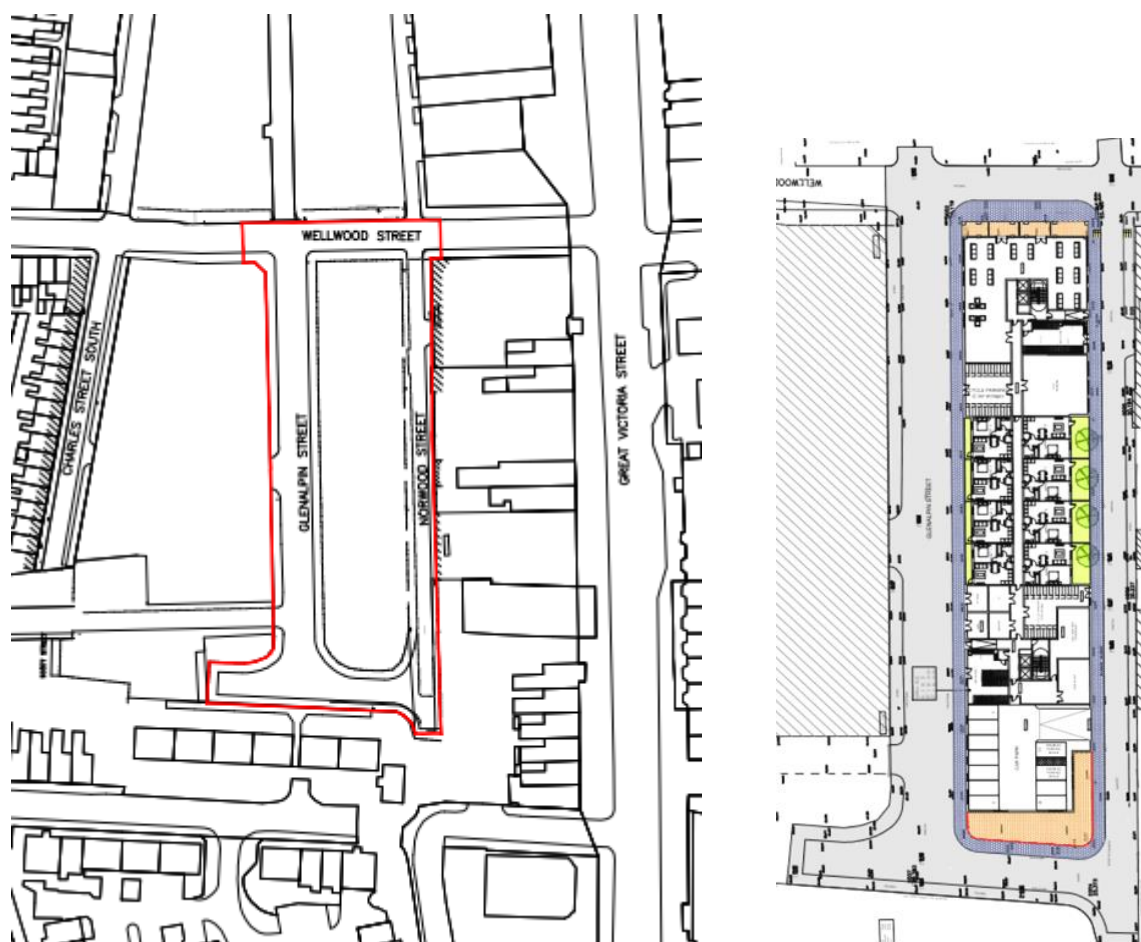
Recommendation

Having regard to the development plan and other material considerations, the reserved matters are considered acceptable. It is therefore recommended that the reserved matters are approved.

Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to resolution of the outstanding issues raised by DfI Roads, and deal with any other matters that arise, provided that they are not substantive.

Case Officer Report

Site Location Plan and layout



1.0 Description of Proposed Development

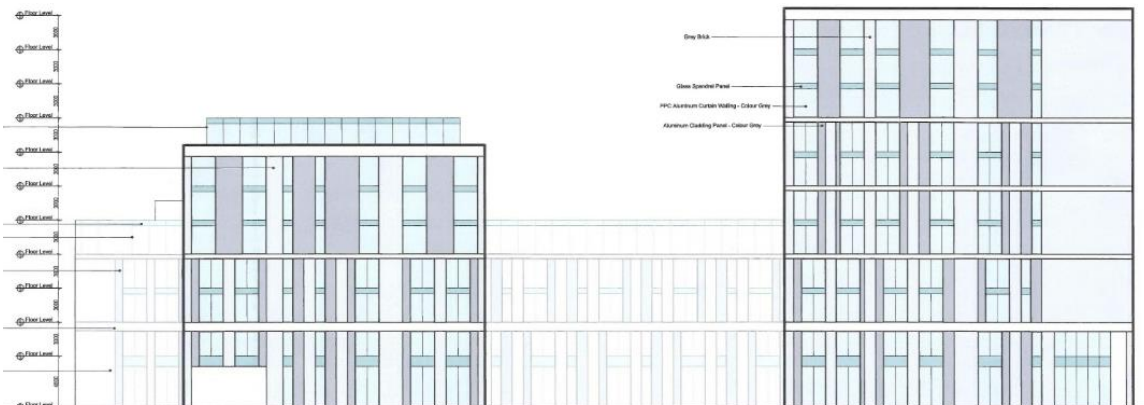
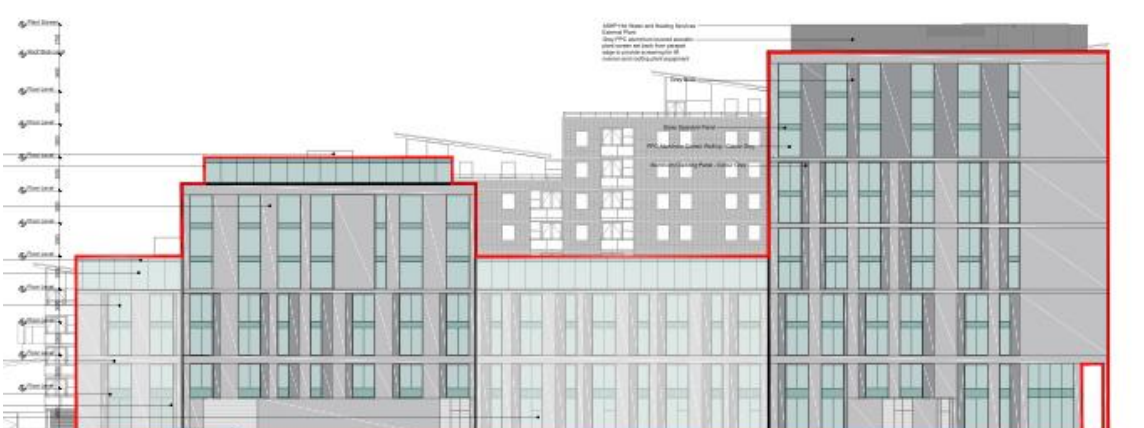
- 1.1 This application seeks approval of Reserved Matters for an 11-storey residential development comprising of 205 units, car parking, landscaping and all associated site works. The application is made pursuant to the outline planning permission for *'Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units, with shared amenity spaces, ancillary/support accommodation, car parking and landscaping'*, approved in June 2019 (LA04/2019/0127/O).
- 1.2 The Committee is reminder that this is not an application for planning permission but an application seeking approval of the details pursuant to the outline planning permission.

1.3	The proposed building is a single and elongated block with a maximum height of approximately 35.5m (11 storeys) facing onto Wellwood Street. This drops to 17m (5 storeys) before rising and dropping again to 25m (8 storeys) and 17m to the rear of the site backing onto the dwellings in St. Georges Gardens.
1.4	The proposed ground floor plan includes an area of internal recreation space to the front (northern end) of the building, including a narrow planted area along Norwood Street to the front of four ground floor apartments.
2.0	Description of Site
2.1	The application site is located within the City Centre and is bounded by existing streets on all four sides and currently serves as a surface level car park.
2.2	The surrounding area mostly consists of housing, including to the south and west with modern apartment blocks on either side. A vacant car park (owned by NIHE) is located immediately north of the site with the new Grand Central Station beyond this to the north west. To the south is low rise traditional housing.
3.0	Planning History of the application site
3.1	LA04/2019/0127/O – Redevelopment of existing surface car park and erection of new purpose built, build to rent residential units, with shared amenity spaces, ancillary/support accommodation, car parking and landscaping. Approved 11 th June 2019.
3.2	LA04/2023/2922/F – Redevelopment of existing surface car park for the erection of new purpose built, managed student accommodation scheme comprising of 354no. units with shared amenity spaces, ancillary accommodation, on street car parking and landscaping. The applicant has submitted an appeal for non-determination. At the December 2023 meeting, the Planning Committee agreed that the Council's position at the appeal will be that planning permission should be refused and the appeal dismissed on grounds that the site is within a Residential Area, where PBMSA is unacceptable in principle, having regard to Policy HOU12 of the Plan Strategy.
4.0	Policy Context
4.1	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.
4.2	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.
4.3	The Belfast Local Development Plan (LDP), when fully completed, will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.

4.4	<p>Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed below:</p> <ul style="list-style-type: none"> • SP3 Improving health and wellbeing • SP5 Positive placemaking • SP6 Environmental resilience • SP7 Connectivity • HOU4 Density • HOU6 Housing mix • HOU7 Adaptable and accessible accommodation • RD1 New Residential Developments • DES1 Principles of Urban Design • DES3 Tall Buildings • BH1 Listed Buildings • TRAN 1 Active Travel • TRAN 2 Creating an Accessible Environment • TRAN 8 Car Parking and Servicing Arrangements • TRAN 9 Parking Standards within areas of parking restraint • ENV1 Environmental Quality • ENV2 Mitigating Environmental Change • ENV3 Adapting to Environmental Change • ENV5 Sustainable Drainage System • OS3 Ancillary Open Space
4.5	<p>Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015), HMO Subject Plan 2015 and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. Whilst the Belfast Urban Area Plan 2001 remains the statutory plan insofar as the proposals maps (“Departmental Development Plan”), 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>
4.6	<p>In the BUAP, the application site is located on un-zoned “whiteland” within the City Centre. In dBMAP (v2004), the site is also within the City Centre and defined as a Development Opportunity Site (CC060). In dBMAP (v2014), the site is un-zoned “whiteland” within the City Centre and Shaftsbury Square Character Area (CC013).</p>
4.7	<p><u>Regional planning policy</u> Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland 2015 (SPPS) Creating Places</p>
4.8	<p><u>Other Relevant Policies</u> Developer Contribution Framework</p>
5.0	<p>Statutory Consultees DFI Roads – further information requested (see main assessment) DFI Rivers – no objection</p>

6.0	Non-Statutory Consultees N/A
7.0	Representations
7.1	The application has been advertised and neighbour notified.
7.2	<p>Six objections have been received to date. The following concerns are raised.</p> <ul style="list-style-type: none"> Need for Social Housing <i>Officer response – the site is un-zoned and the Council must consider the application before it. There was no policy requirement for social/ affordable housing when the outline approval was granted. The application solely relates to consideration of the reserved matters; the provision of affordable housing would have been a matter for the outline planning application and cannot be considered retrospectively.</i> Potential for Anti-Social Behaviour with Student Accommodation <i>Officer response – the proposal is not for student accommodation, but residential development.</i> Loss of privacy/ loss of light <i>Officer response – Impact on amenity was assessed at outline stage in terms of the broad parameters for the scale, height and massing of the building. These are in keeping with the indicative elevations approved. It is inevitable that introducing a building of this scale will lead to some impact on amenity for residents in adjacent housing and apartment blocks. However, it is considered that any impact on amenity would not be considered significant in this high density inner city environment.</i> Impact of balconies in PBMSA on neighbouring amenity <i>Officer Response – the proposal is not for PBMSA and no external balconies are proposed.</i> Impact of Noise on Neighbouring residential units <i>Officer Response – the site is located within the city centre, where background noise levels are relatively high from various sources including the nearby Great Victoria Street. The addition of the glazed barrier around external amenity areas will reduce potential noise breakout from these communal areas. Environmental Health has also noted that The Irwin Carr Consulting letter of the 5th February 2024 recommends the glazed barriers to the fifth and eight floor external amenity areas and advises that with the barriers in place, noise levels in these areas are predicted to be below the WHO upper limit at which it is suggested there is potential for onset of serious annoyance. These barriers will be required to be constructed by planning condition.</i>
8.0	ASSESSMENT
8.1	<p>The key issues for the assessment of the application are:</p> <ul style="list-style-type: none"> Scale, layout and design Amenity and open space provision Climate change Access and parking Impact on amenity Drainage and flood risk

8.2	<p>It should be noted that the principle of residential development has been established on site through the outline planning permission. This application only considers the acceptability of the proposed reserved matters, namely siting, design, external appearance, means of access and landscaping.</p> <p>Scale, layout and design</p> <p><i>Density:</i></p>
8.3	<p>The site is approximately 0.5 hectares (ha) in size. With 205 units proposed, the density is approximately 410 dwellings per ha. This density is in line with the density band for tall buildings within the City Centre as set out in Policy HOU4 of the Plan Strategy. It should also be noted that a notional 200 units was considered at the outline stage, granted approval prior to adoption of the Plan Strategy in May 2023.</p> <p><i>Housing mix:</i></p>
8.4	<p>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:</p> <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.
8.5	<p>The requirement for a mix of house types will not apply to single apartment developments such as the proposal. In such cases, the housing mix will be considered acceptable through greater variety in the size of units.</p>
8.6	<p>The proposed housing mix comprises both one and two bedroom units of varying size. 150 x one bedroom and 55 x 2 bedroom units are proposed, including four studio apartments and 21 wheelchair accessible apartments. No larger units are proposed. The SPG suggests that more 3 and 4-bedroom apartments should be encouraged to meet the requirement for increased size, including family housing, whilst promoting choice and facilitating the creation of sustainable and balance neighbourhoods.</p>
8.7	<p>In assessing the housing mix, regard is had to the specific location and characteristics of the site and immediate environment, which is considered to lend itself to smaller units, as well as the Build To Rent model of the proposed scheme, which can be targeted at young professionals as well as downsizers, retirees and smaller families. There is also a good range in the size of the units from 45 sqm to 85 sqm with the larger units equivalent of 3 bedroom six-person units accordance to the standards in Appendix C of the Plan Strategy. On balance, taking these factors into account and in this particular case, the proposed housing mix is considered acceptable and compliant with Policy HOU6.</p> <p><i>Scale, height and massing:</i></p>
8.8	<p>The proposal has been assessed against the SPPS and Policies RD1, DES2 and DES3. The outline planning permission sets out the scale and massing parameters for the scheme, with indicative elevations provided at outline stage. A condition was imposed that requires that the shoulder heights of the building, exclusive of rooftop plant, are no higher than the indicative levels shown on the approved indicative elevational drawings. The proposal satisfies the requirements of this condition, as shown in the comparative elevational drawings below. Subsequently, scale and massing are acceptable and it is</p>

	<p>the architectural treatment which mainly need to be assessed under this reserved matters application.</p>
8.9	<p>For comparison, the approved and proposed long elevations are shown below.</p> <p>Approved Elevation:</p>  <p>Proposed Elevation: (red line indicates the extent of outline approval)</p> 
8.10	<p>The proposed building would have a maximum height of approximately 34.9m (11 storeys), 37.6m including rooftop plant, facing onto Wellwood Street. This drops to 16.5m (5 storeys), before rising and dropping again to 25.5m (8 storeys) and 16.5m to the rear of the site backing onto the dwellings in St. Georges Gardens.</p>
8.11	<p>As the building height exceeds 35m, it is considered a 'tall building' for the purposes of Policy DES 3. However as set out above, the general scale, height and massing of the current proposal has been established through the outline approval as illustrated in the comparative elevations above.</p> <p><i>Architectural treatment:</i></p>
8.12	<p>In terms of architectural treatment, the fenestration is vertically emphasised, with an appropriate solid to void ratio for a building of its scale and represents a contemporary style in keeping with the city centre location and the more contemporary apartment block to the west.</p>

8.13	The 'stepping in' of the structure along the long elevations on Glenalpin Street and Norwood Street will assist in breaking up the overall massing and adding to the overall materiality of these long façades.
8.14	Regarding materials, the proposed palette, which is predominantly grey brick, is considered contextually appropriate. The combination of rustic grey brick and aluminium grey panels provide an aesthetically pleasing mix of traditional and modern finish and help compliment the contemporary solid to void ratio and strong vertical emphasis. A condition is recommended to require approval of sample external materials. <i>Adaptable and accessible accommodation:</i>
8.15	Policy HOU7 states that all new homes should be designed in a flexible way to ensure that housing is adaptable throughout all stages of life.
8.16	Level access and internal arrangement – the main entrance to the development is sheltered and all accommodation in the development is provided with level and lift access for all upper floor residential units. Pathways, entrances, doorways, and halls are wide enough to accommodate a wheelchair and entrances, kitchen, living, dining, bathroom, and bedroom areas have been arranged to ensure that a turning of a wheelchair can be accommodated, as required.
8.17	All units have permanent living space off the kitchen and a bathroom, which can be adapted to provide an accessible shower room if necessary. Adequate built in storage for a wheelchair, and a second wheelchair, have also been accommodated within each unit.
8.18	The applicant has confirmed that the building will be constructed to meet all other regulatory and statutory requirements in terms of accessibility and will meet all DDA requirements.
8.19	Accessibility – the site is located within the city centre, close to the bus/ train station and Transport Hub (currently under construction) and is well served by all forms of public transport. The site is in close proximity to 12 bus stops within a 400m walking distance, and c.550m from the College Square East Glider Halt. Botanic train station is also within walking distance of the site.
8.20	Car Parking – the proposal includes a car park at ground floor level, accommodating 11 parking spaces (inclusive of 2 disabled car parking spaces as indicated on site layout plan/ ground floor plan). This area is accessed via a gently sloping surface, ensuring ease of access.
8.21	Wheelchair Accessible Units – the proposed mix of units has been amended during the application process to provide 10% wheelchair accessible units. The floorspace associated with these units exceeds the requirements of Appendix C of the Plan Strategy.
8.22	In conclusion, it is considered that the design and external appearance of the proposal is acceptable having regard to Policies RD1, DES1, DES2, DES3, HOU6 and HOU7 of the Plan Strategy. Amenity and Open Space Provision
8.23	The proposal has been assessed against Policies OS3 and RD1 (d) of the Plan Strategy, and regional guidance, <i>Creating Places</i> . Amenity space provision is focused at ground floor level, and fifth and eighth floors. An external landscaped area is located along the

	<p>Norwood Street frontage at apartments Nos. 5-8 totalling approximately 100 sqm, and a narrower strip of approximately 35sqm along the Glenalpin Street frontage at apartment Nos. 1-4. These spaces are landscaped and would be considered more visual amenity spaces as opposed to functional/ useable space. The usable external spaces are located within external 'courtyards', at 5th floor and 8th floor level, with areas of approximately 400 sqm and 550 sqm respectively. In addition, there is a dedicated internal amenity area of approximately 250sqm located at the front of the building. It is also worth noting that the ground floor gym has obvious recreational value and has a floor area of approximately 100sqm.</p>
8.24	<p>Therefore, the level of external amenity space provision per unit is approximately 5.3 sqm. When combined with the internal amenity provision, the overall amenity space (including internal and gym) provision is 1,435 sqm, equating to 7 sqm per unit. Although this falls short of the 10sqm minimum requirement set out in 'Creating Places' given the inner urban context of the site, on balance, this level of amenity provision is considered acceptable. Indeed, Creating Places acknowledges that '<i>...the appropriate level of provision should be determined by having regard to the particular context of the development and the overall design concept.</i>' It also advises flexibility in the application of the standards set out in the guidance, recognising that there can be competing issues.</p>
8.25	<p>Policy OS3 of the Plan Strategy requires residential proposals of this scale to delivery a minimum of 10% of the site as open space. No dedicated open space is proposed. Policy OS3 goes onto say that provision less than 10% may be acceptable where:</p> <ul style="list-style-type: none"> • the site is located within a town or city centre; • it is close to and would benefit from ease of access to areas of existing public open space; • or it incorporates the 'Home Zone' concept.
8.26	<p>In this case, the site is within the city centre and benefits from proximity to a variety of open space areas including a playpark at Britannic Terrace (c.393m), Bankmore Square (c.276m) and slightly further, Crescent Gardens (c.550m). Furthermore, no specific requirement for open space was identified at the outline planning permission stage with the proposal consistent with the indicative plans provided with the outline application. Having regard to these considerations, the level of open space is considered acceptable and compliant with Policy OS3.</p> <p>Access and parking</p>
8.27	<p>The proposal includes 11 car parking spaces at ground floor level, two of which are for disabled spaces. This is in keeping with the level of parking approved at outline stage for a notional circa 200 residential units. The proposal is for 205 units.</p>
8.28	<p>This level of parking is considered acceptable given the highly sustainable and accessible location of the site and the applicant's commitments to green travel measures secured at the outline stage through a Section 76 planning agreement. These include a travel plan and provision of subsidised Travel Cards for each resident for three years.</p>
8.29	<p>DfI Roads has stated that there does not appear to be an adequate number of cycle spaces for this development size indicated (it advises that 51 cycle spaces are required). To avoid a shortfall, DfI Roads suggests that the applicant considers a two-tier cycle rack facility. Amended Plans are awaited to address this issue along with further dimensions required on footways and parking spaces.</p>

8.30	DfI Roads has not raised any significant concerns in terms of site layout, parking provision or highway safety. Further technical information has been sought in relation to dimensions of the site layout plan. Subsequently, delegated authority is sought to resolve the issue of satisfactory cycle parking provision and the more minor technical issues. DfI Roads has confirmed informally that 34 cycle stands should be acceptable, with a two-tier system maximising the internal space. It is acknowledged that it would be difficult to achieve a sufficient amount in that area with the traditional Sheffield Stands.
8.31	DfI Roads has also acknowledged the dimensions in the drawings, raised as an issue in error previously. However, DfI Roads has stated that a white line hatching should be shown in the 1.2m 'Safety Zones' along with the disabled logo via white lining. An amended site layout plan has been submitted to address this minor technical issue, with the disabled spaces now demarcated by white hatched lines. DfI Roads has confirmed informally that this is acceptable. A formal consultation response remains outstanding.
8.32	Subject to DfI Roads response to the amended plans, it is considered that the proposal complies with Policies TRAN1, TRAN2, TRAN6, TRAN8, TRAN9 and TRAN10. Impact on amenity
8.33	The proposal has been assessed against Policies RD1, DES 1 and DES3.
8.34	Policies DES1, DES3 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. Amenity issues were assessed at outline stage, with a daylight/ sunlight analysis submitted, and as previously noted, the scale and external fenestration/ openings are almost identical to that approved at outline stage.
8.35	It is considered that the proposed building would have no greater impact on residential amenity than the indicative scheme and parameters set at the outline stage. The proposal would not have a harmful impact on neighbour amenity, by way of overlooking, loss of outlook, sunlight, daylight or overbearing, and is considered acceptable having regard to Policies DES1, DES3 and RD1.
8.36	A design response to policy requirements in relation to communal open space has seen the addition of two external open space courtyards at fifth and eighth floor levels. In order to ensure that residents within the adjacent apartment developments to east and west and housing to south suffer no loss of amenity, a privacy screen (1.8m high obscure glazing barrier) is proposed along the perimeter of these areas. This will ensure that no overlooking of existing apartments will occur.
8.37	BCC Environmental Health (EH) has stated that the issue of noise arising from the use of external amenity areas, particularly where these are communal, has the potential to impact on future occupants of the development itself more so than neighbouring residents. The addition of the glazed barrier while designed to reduce the noise level in the amenity area for future residents would also work to reduce slightly the potential noise breakout from these communal areas. EH has notes that The Irwin Carr Consulting letter of the 5th February 2024 recommends glazed barriers to the fifth and eighth floor external amenity areas and advises that with the barriers in place noise levels in these areas are predicted to be below the WHO upper limit at which it is suggested there is potential for onset of serious annoyance. A condition is recommended requiring the installation of the recommended barriers in line with the specification recommended by the noise consultant.

8.38	<p>In the absence of any conditions on the outline approval relating to noise attenuation, and given that the design was one of the matters reserved, EH has pointed to the other recent planning residential application, albeit for student accommodation, on the same site (LA04/2023/2922/F). Supporting noise impact assessment for that proposal deemed noise mitigation measures necessary on all facades. Subsequently, given the proposed end use, EH have suggested a number of conditions to secure appropriate façade noise mitigation and these are recommended.</p> <p>Climate change</p>
8.39	<p>Policy ENV2 states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce Green House Gases (GHG) by promoting sustainable patterns of development. The policy goes on to state that development proposals should, where feasible seek to avoid demolition and seek to maximise opportunities to incorporate sustainable design features. No demolition is proposed. The development is on a surface level car park.</p>
8.40	<p>The building has been designed and orientated to maximise solar gain with the units predominantly orientated with an east or west facing outlook. Increased insulation depths within cavity walls, along with robust airtightness requirements and high performance glazing will mitigate extremes in weather as well as draughts and leaks. Good natural daylighting will be provided along with natural purge ventilation to each room. Flat roof areas, where feasible, have been utilised for shared external landscaped amenity space, providing areas for rainwater attenuation.</p>
8.41	<p>The applicant has confirmed that the development is targeting BREEAM New Construction 2018 Multi-Residential Very Good accreditation. BREEAM is a third-party sustainability assessment method developed by the Building Research Establishment (BRE).</p>
8.42	<p>BREEAM certification, which is provided by a third party, gives a comprehensive, credible, and independent assessment of a building's sustainability, covering various aspects such as energy use, water consumption, waste management, and ecological impact. Policy DES2 requires Major development proposals to achieve BREEAM "excellent" or comparable standards. On balance, the applicant's commitment to BREEAM Very good rating is considered acceptable and a condition is recommended to ensure this standard, or equivalent, is met.</p>
8.43	<p>Policy ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change to support sustainable and enduring development.</p>
8.44	<p>The applicant has confirmed that the development incorporates durable and robust materials, inclusive of brick, aluminium, and curtain wall glazing. Rooms within the development are predominantly orientated on an east or west facing outlook to minimise heat gains and losses. Increased insulation depths within cavity walls, along with robust airtightness requirements and high-performance glazing will also mitigate extremes in weather as well as draughts and leaks. Natural daylighting will be provided along with natural purge ventilation to each room. Flat roof areas, where feasible, have also been utilised for shared external landscaped amenity space, providing areas where rainwater can be attenuated, and external roofs activated.</p>

8.45	Policy ENV5 states that developments should include, where appropriate, SuDS measures to manage surface water effectively on site. As previously stated, the proposed external landscaped areas on the roof will provide for rainwater attenuation that will hold back the flow of rainwater into the drainage network.
8.46	A further consideration in relation to Policy ENV5 is that the site currently comprises of a surface level car park (entirely hardstanding) and as such, the erection of a building on the site provides the opportunity to capture and manage rainfall directly into the drainage network rather than the current situation. The use of the planting provides an opportunity to reduce the runoff rate and improve on the existing site drainage.
8.47	In addition, DfI Rivers have considered the content of the Drainage Assessment which details the above and are content that the development appropriately manages drainage from the development into the drainage network and that condition 9 of the outline permission has been met. The development would not be at risk of flooding.
8.48	In conclusion, and on balance, it is considered that the proposal is acceptable, having regard to Policies ENV1, ENV2, ENV3 and ENV5.
	Drainage and Flooding
8.49	The proposal has been assessed against the SPPS and Policy ENV4. Outline approval was granted on condition that a Drainage Assessment was submitted at reserved matters stage. A Drainage Assessment has been provided with the reserved matters application.
8.50	Flood Maps (NI) indicates that the development does not lay within the 1 in 100 year climate change fluvial or 1 in 200 year climate change coastal flood plain.
8.51	There are no watercourses within this site. The site may be affected by watercourses of which DFI Rivers has no record of.
8.52	Flood Maps (NI) indicates that portions of the eastern and western boundaries lie within an area of predicted pluvial (localised) flooding. However, these areas are located on the footpath/ roadways around the perimeter of the existing car park, but within the red line of the application site, and should therefore not pose a risk to the proposed building. The Drainage Assessment submitted in support of the application recognises the presence of localised flooding, particularly close to the eastern boundary of the car park and states there may be a requirement for the proposed storm water and attenuation system to take account of this.
8.53	This attenuation will be provided by the installation of enlarged concrete drainage pipes around the periphery of the building with an extra 3 sqm of attenuation included to mitigate the localised flooding along the eastern boundary.
8.54	DfI Rivers has reviewed the Drainage Assessment and whilst 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.
8.55	Given the advice from DfI Rivers, issues relating to flood risk and the drainage proposals are considered acceptable and there would be no unacceptable flood risk. The proposal is compliant with Policy ENV4.

9.0	Recommendation
9.1	Having regard to the development plan and other material considerations, the reserved matters are considered acceptable. It is therefore recommended that the reserved matters are approved.
9.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions subject to resolution of the outstanding issues raised by DfI Roads, and deal with any other matters that arise, provided that they are not substantive.
10.0	<p>DRAFT CONDITIONS</p> <ol style="list-style-type: none"> 1. The development hereby approved shall not be occupied until the external and internal amenity areas have been provided in accordance with the approved plans. The amenity areas shall be retained as such at all times. Reason: To ensure that a quality residential environment is provided for occupants of the approved development. 2. No external brickwork or facing materials shall be constructed or applied unless in accordance with a written specification and a physical sample panel, details of which shall have first been submitted to and approved in writing by the Council. The sample panel shall be provided on site and made available for inspection by the Council for the duration of the construction works. The sample panel shall show the make, type, size, colour, bond, pointing, coursing, jointing, profile and texture of the external brick materials. Reason: In the interests of the character and appearance of the area. 3. Prior to installation of window units within the hereby permitted development, a final window schedule detailing the glazing configuration and sound reduction performance of the proposed windows to habitable rooms on all facades and floors shall be submitted to and approved in writing by the Council. The window specification for habitable rooms shall be accompanied by an updated noise impact assessment demonstrating how the proposed specification will achieve suitable internal noise levels in line with BS8233:2014 Guidance on the Sound Insulation and Noise Reduction for Buildings. The windows shall not be installed unless in accordance with the approved details. Reason: To safeguard the amenity of occupants against adverse noise impact. 4. Prior to installation of any alternative means of ventilation, an updated noise impact assessment confirming the specification of the alternative means of ventilation to serve habitable rooms shall be submitted to and approved in writing by the Council. The alternative means of ventilation shall be acoustically attenuated and capable of achieving the internal noise levels for habitable rooms outlined in British Standard BS8233:2014 with the windows shut and the alternative means of ventilation operating or in the open position. The alternative means of ventilation shall not be installed unless in accordance with the approved details. Reason: To safeguard the amenity of occupants against adverse noise impact.

	<p>5. Prior to occupation of the development hereby permitted, verification that the windows specification as per the approved schedule and alternative means of ventilation as approved have been installed (in addition to that provided by open windows) shall be submitted to the Council by way of a written declaration from the supplier and installation contractor confirming such installation.</p> <p>Reason: To safeguard the amenity of occupants against adverse noise impact.</p> <p>6. The separating walls and floors between the habitable rooms and the development gym, plant rooms and laundry rooms shall be constructed of at least 200mm concrete in accordance with the recommendation contained within Section 2.3.3 of the from the Irwin Carr Consulting letter, dated 12 September 2023 to ensure that internal noise levels within the habitable rooms are in accordance with BS 8233:2014 Guidance on the Sound Insulation and Noise Reduction for Buildings.</p> <p>Prior to occupation of the development hereby permitted, verification that these requirements have been met shall be submitted to the Council by way of a written declaration from the supplier and installation contractor confirming such construction.</p> <p>Reason: To safeguard the amenity of occupants against adverse noise impact.</p> <p>7. Prior to occupation of the hereby permitted development, vibration isolation mounts shall be installed to all air source heat pumps and retained at all times.</p> <p>Reason: To safeguard the amenity of occupants against adverse noise impact.</p> <p>8. That the rating level (dBLAr,T) from the operation of all combined plant and equipment does not exceed the representative daytime and night-time background noise respectively at the nearest noise sensitive premises, when measured or determined in accordance with BS4142:2014+A1:2019 'Methods for rating and assessing industrial and commercial sound'.</p> <p>Reason: To safeguard the amenity of occupants against adverse noise impact.</p> <p>10. The development hereby permitted shall not be occupied until details of an obscured glazed barrier, with no gaps between panels, and constructed to a height of 1.8m and a minimum surface mass of 15mg/m² on the fifth and eight floor external amenity areas have been submitted to and approved in writing by the Council. The details of the obscured glazed barrier shall accord with the recommendations in the Irwin Carr Consulting letter dated the 5th February 2024, published on the planning portal dated the 9th February 2024 and in accordance with the Like Architects drawing no.2 rev D, titled: 'Proposed elevation A-A and B-B', dated Jan 2024. The development shall not be occupied unless the approved obscured glazed barrier is in place and it shall remain in situ in accordance with the requirements of this condition at all times.</p> <p>Reason: To safeguard the amenity of occupants against adverse noise impact.</p> <p>11. Within one year of the occupation, evidence that the building has been constructed to at least BREEAM Very Good standard, or equivalent, shall be submitted in writing to the Council.</p> <p>Reason: To ensure that the development mitigates and adapts to climate change.</p>
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	NOTE – transport related conditions to be added following final consultation response from DfI Roads
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Addendum Report	
Application Ref: LA04/2023/4208/F	Committee Meeting Date: 14 th May 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 an Elected Member.	
Recommendation:	Approval subject to conditions
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>Background:</p> <p>This application was deferred at the Planning Committee on Tuesday 19th March 2024 to allow members of the Committee opportunity to visit the site. The site visit took place on Tuesday 26th March 2024. At the site visit Members raised queries regarding waste requirements for the proposed HMO which are set out in detail below.</p> <p>This report should be read in conjunction with the original Committee report, appended.</p> <p>Waste Requirements:</p> <p>The adopted Waste Infrastructure Supplementary Planning Guidance (SPG) and Local Government Waste Storage Guide for NI set out typical weekly waste arisings for different types of development including HMOs. For an HMO, the typical weekly waste arising is 100L per bedroom plus 60L per dwelling. For the proposed 6 bed HMO this would equate to the typical production of 660L of waste per week. The total waste production is broken down into the following types of waste: 1. 35% general waste (collected fortnightly), 2. 55% recycling and 3. 10% food waste (both 2. and 3. collected weekly).</p> <p>The Council's Waste Management Unit has advised that the following waste containers would be required to serve the proposed HMO in line with the SPG and the Local Government Waste Storage Guide for NI.</p> <ol style="list-style-type: none"> 1. Black bins – 3 x black bins (3 x 180L) – sufficient for 2 weeks of general waste 2. Recycling – 3 x recycling packs (3x 55L) – collected weekly 3. Food waste – 3 x food bins (3 x 23L) – collected weekly <p>The SPG advises that applicants must provide a layout of the waste storage area demonstrating that all of the required bins can be accommodated in a way that:</p> <ul style="list-style-type: none"> • users can easily deposit any type of waste into the corresponding bins without moving them around; and • bins can be easily removed for collection. 	

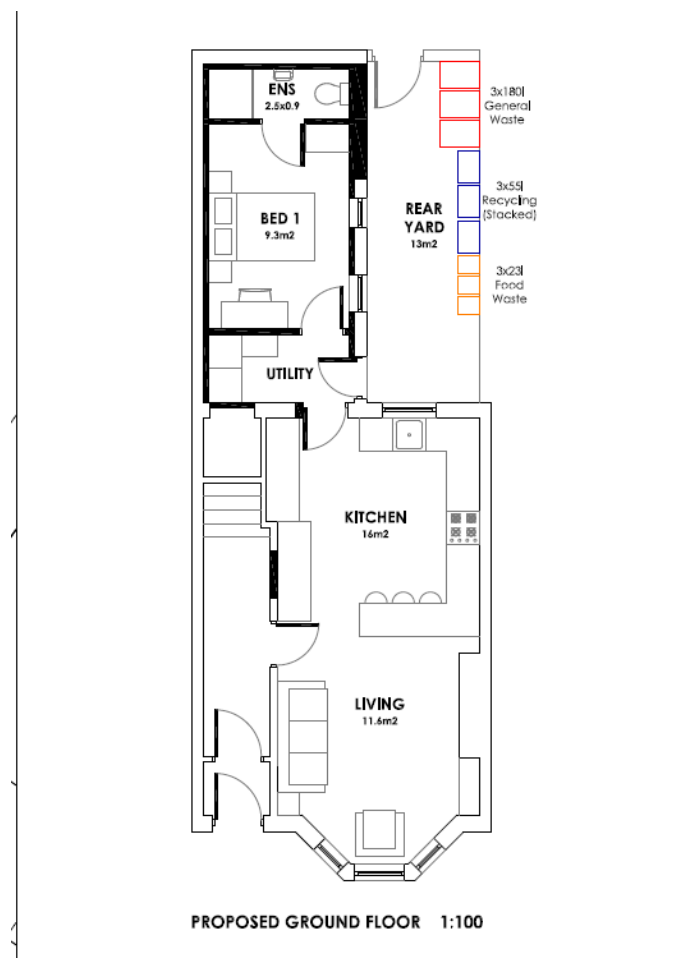
The SPG also provides guidance on the minimum area requirements for a container(s) with a 660L capacity.

The Waste Management Unit has advised that 3 sets of bins would be required to serve the proposed HMO which according to the SPG would equate to an area of 2.0 x 1.8 for each set of bins and a total area of 10.8sqm.

The rear amenity space of 24 Orient Gardens measures 13sqm. The provision of 3 sets of bins as set out above would in theory leave around 2.2 sqm remaining for amenity provision. However, the agent has provided a plan (below) showing the waste arrangements to serve the proposed HMO. The area includes 3 black bins (3 x 180L), 3 recycling packs (3 x 55L) and 3 Food Waste Bins (3x 23L). This complies with the requirements set out in the SPG and the Local Government Waste Storage Guide for Northern Ireland.

The plan below shows that the 3 sets of bins would take up 2.7 sqm of the existing rear yard space, which is much less than the standard of 10.8 sqm referenced in the SPG. However, following further consultation, the Waste Management Unit has no objection to the proposed waste storage arrangements, advising that this would be a real-world practical use of the waste storage space. The Planning Service's Plans and Policy team has raised no objection to the proposed waste management arrangements.

The plan demonstrates that there is adequate provision for bin storage and that the bins can be easily accessed, whilst retaining an adequate amount of residential amenity space. Officers consider that the information provided satisfactorily demonstrates that the proposed waste management arrangements are acceptable.



In comparison, bin storage requirements for the existing use of the property as a 5-bed dwelling house are set out below.

For a dwelling, the typical weekly waste arising as per the Waste Infrastructure SPG is 70L per bedroom plus 30L per dwelling. For the existing 5-bed dwelling this would equate to the typical production of 380L of waste per week which is broken down into the following types of waste – 1. 35% general waste (collected fortnightly), 2. 55% recycling and 3. 10% food waste (both collected weekly). The requirements for the proposed 6-bedroom HMO are 660L.

The Waste Management Unit has advised that the existing 5 bed dwelling would be entitled to the following waste containers. However, in reality the dwelling is likely to have one set of bins.

1. Black bins – 2 x black bins (2 x 180L)
2. Recycling – 2 x recycling packs (2 x 55L)
3. Food waste – 2 x food bins (2 x 23L)

The agent has confirmed that the bin storage arrangements for the proposed HMO are as follows:

‘All bins will be stored to the rear of the property and taken out by the occupants via the gated mews lane to the rear. Occupants will have access to keys for the Mews Lane and also instructions on what days the bins need to be taken out. A management company or the landlord will carry out inspections to ensure this is happening with no overflow of waste or bins being left out on the street.’

Officers recommend that the following additional condition is required to secure the waste management proposals.

The development shall not be occupied for the use hereby approved unless a refuse and recycling storage area in the curtilage to the rear of the development has been provided in accordance with drawing No. 1B. This area must be retained at all times.

Reason: To ensure adequate management of waste and in the interests of the amenities of the area.

In addition, the property would require to be registered under the HMO Licensing Scheme which requires the provision of appropriate bin storage arrangements in accordance with the Local Government Waste Storage Guide for Northern Ireland.

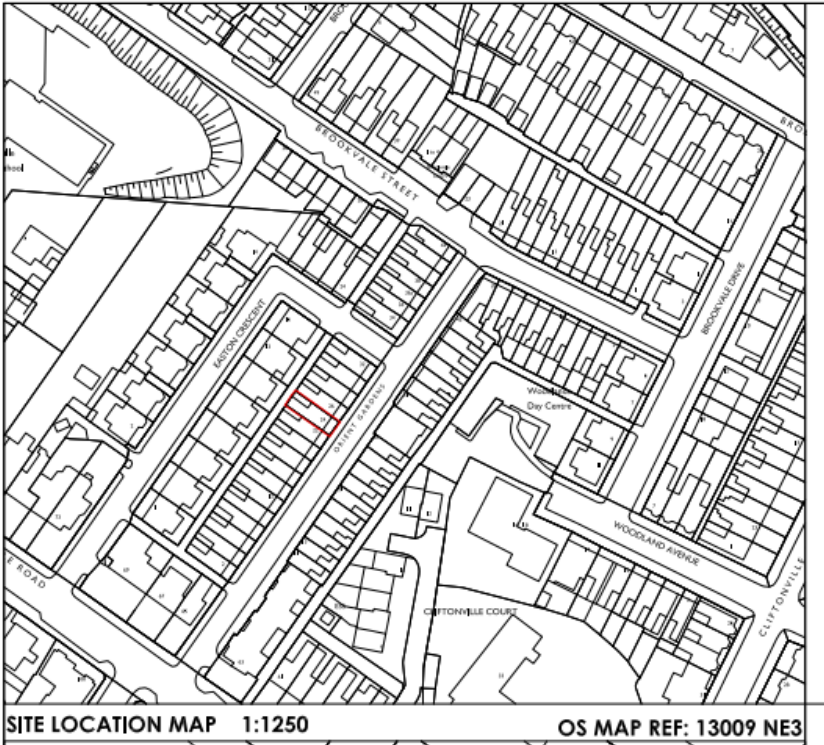
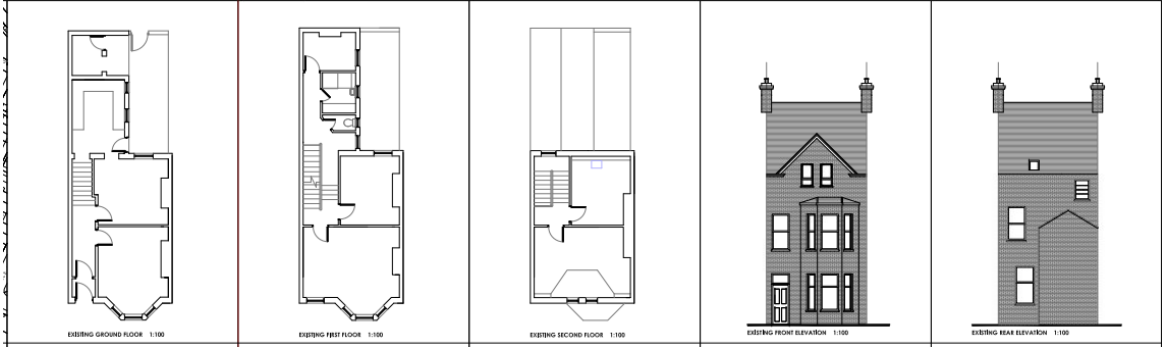
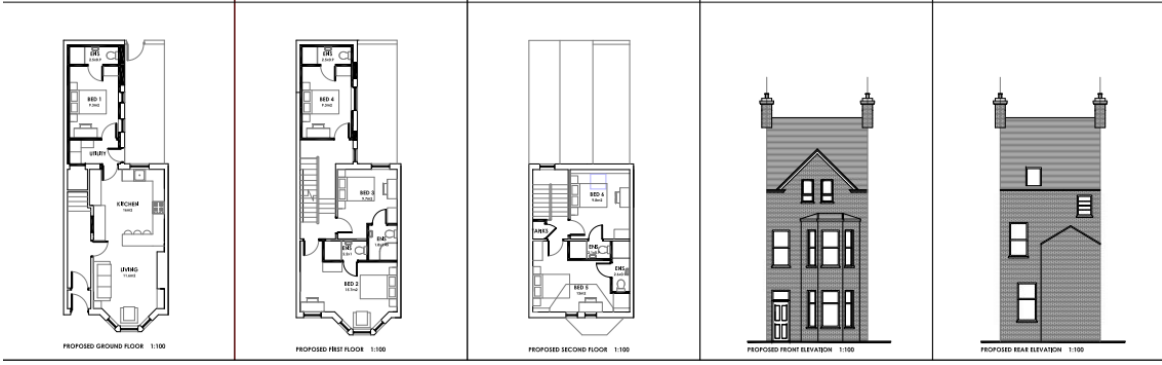
Recommendation

Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.

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

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"> Significant public Interest. 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>	

Officer Report	
1.0	Drawings
1.1	Site Location
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Existing Floor Plans and Elevations	
<div></div>	
Proposed Floor Plans and Elevations	
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Please note there are no external alterations proposed.	

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 DfI 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: <ul 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</i> - 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.</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</i> - 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.</p> <p><i>c) Makes provision for, or is, accessible and convenient to public transport and walking and cycling infrastructure</i> - There is sufficient space for cycle parking. Metro services are available along the Cliftonville Road, a 2 minute walk from the property.</p> <p><i>d) Provides appropriate open space</i> - The existing rear amenity space is to be retained which is considered sufficient to serve the proposal.</p> <p><i>e) Keeps hard surfacing to a minimum</i> - No hard standing is proposed as part of this application.</p> <p><i>f) Creates a quality and sustainable residential environment in accordance with the space standards set out in appendix C</i> - 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.</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</i> - All units have safe and</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>

6.7.3	However, to satisfy the concerns raised in relation to parking the Council requested a parking survey. The parking survey demonstrates that adequate parking is available within a radius of 100 metres walking distance from the application site to serve the proposal without detriment to the parking provision for existing residents in the area. DfL Roads were consulted on the parking survey and advised that their position of no objections is retained. The parking survey demonstrates that adequate parking is available to serve the proposal which is considered to meet Policy TRAN8. Furthermore, the site is in a sustainable location with regular bus services operating in close proximity and accessible to services and amenities in the local and wider area.
6.8	Waste and Refuse Collection
6.8.1	Policy RD3 criterion b, requires that adequate refuse storage space is provided within the curtilage of the site, large enough to allow for the separation of recyclable waste and is designed to not be visible from the amenity space / public realm. Officers consider that this policy is complied with. The alleyway to the rear will continue to host the bins as before. The disposal of rubbish is the responsibility of tenants and the landlord. The premises will continue to be served by three Council refuse bins for general waste, recycling and food. Bin storage is also a HMO licensing requirement and the Council's website states that "during the period of the licence the licensee shall ensure that sufficient bins or other suitable receptacles are provided that are adequate for the requirements of each household occupying the HMO for the storage of refuse and litter pending their disposal in accordance with the Local Government Waste Storage Guide for Northern Ireland".
6.9	Impact on the sewage network
6.9.1	There is no evidence that change of use from a dwelling to an HMO will cause any issues as the dwelling will continue to avail of the main sewage network like other houses in the street. As there is no evidence of significant impact on waste-water infrastructure, it has been unnecessary to consult NI Water as a statutory consultee.
8.0	Recommendation
8.1	Having regard to the development plan and other material considerations, the proposal is considered acceptable. It is recommended that planning permission is granted subject to conditions.
8.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise, provided that they are not substantive.
DRAFT CONDITIONS: <ol style="list-style-type: none"> The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. DRAFT INFORMATIVES: <ol style="list-style-type: none"> Please make sure that you carry out the development in accordance with the approved plans and any planning conditions listed above. Failure to do so will mean that the proposal is unauthorised and liable for investigation by the Council's Planning Enforcement team. If you would like advice about how to comply with the planning permission, you are advised to the contact the Planning Service at Belfast City Council at planning@belfastcity.gov.uk. 	

2. This planning permission includes condition(s) which require further details to be submitted to and approved by the Council. Please read the condition(s) carefully so that you know when this information needs to be provided and approved. It could take a minimum of 8 weeks for the Council to approve the details, assuming that they are satisfactory, and sometimes longer depending on the complexity of the condition. You should allow for this when planning the timeline of your project.
3. The grant of planning permission does not dispense with the need to obtain licenses, consents or permissions under other legislation or protocols. The requirement for other authorisations may have been identified by consultees in their response to the application and can be accessed on the Northern Ireland Planning Portal website. The responses from consultees may also include other general advice for the benefit of the applicant or developer.

Development Management Report

Summary	
Application ID: LA04/2023/3143/F and LA04/2023/3144/DCA	Committee Date: 14 th May 2024
Proposal: Part demolition of the existing school building and removal of 3 no. temporary classrooms on the Derryvolgie Ave campus and construction of a new single storey extension. Construction of a new single storey 8 class school building and off-road drop-off / collection lay-by on Windsor Ave campus including a new access onto Windsor Ave. Alterations to existing car parking, accesses and play areas and associated landscaping and site works.	Location: St Bride's Primary School Derryvolgie Avenue Malone Lower Belfast BT9 6FP
Referral Route: Application for Major development	
Recommendation: Approval subject to DFI Rivers Response	
Applicant Name and Address: St. Brides Primary School 32 Derryvolgie Avenue Belfast BT9 6FP	Agent Name and Address: Lee Hannigan Building 104 Ebrington Square Londonderry
<p>Executive Summary:</p> <p>This application relates to the existing St Brides Primary School Site. The current site is split across two sites, the larger site is situated between Derryvolgie Avenue and Windsor Avenue with access from both these roads. Full planning permission is sought for part demolition of the existing school building and removal of 3 no. temporary classrooms on the Derryvolgie Ave campus and construction of a new single storey extension. Construction of a new single storey 8 class school building and off-road drop-off / collection lay-by on Windsor Ave campus including a new access onto Windsor Ave. Alterations to existing car parking, accesses and play areas and associated landscaping and site works.</p> <p>The site is located within the Malone Conservation Area.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of the proposal • Design and impact on the Conservation Area • Impact on Listed Buildings • Impact on Amenity • Access and Transport • Climate change • Pre Application Community Consultation <p>The proposal involves an extension of the existing Derryvolgie campus and a new build classroom situated on a tarmac area within the Windsor Avenue campus. The proposal is situated within the</p>	

existing school campus and makes good use of the existing land ensuring the proposed community infrastructure is within an appropriate and accessible location.

The design is appropriate to the location and given the existing building has no architectural merit and the new building will make use of vacant land the proposal will enhance the conservation area.

No objections have been received from consultees other than NI Water which is concerned about waste-water capacity. There is an outstanding response from Shared Environmental Services and no objections are expected following a positive response from NIEA. There is an outstanding DFI Rivers response following the submission of a missing appendix within the Drainage Assessment and a maintenance programme for the proposed drainage system.

No objections have been received.

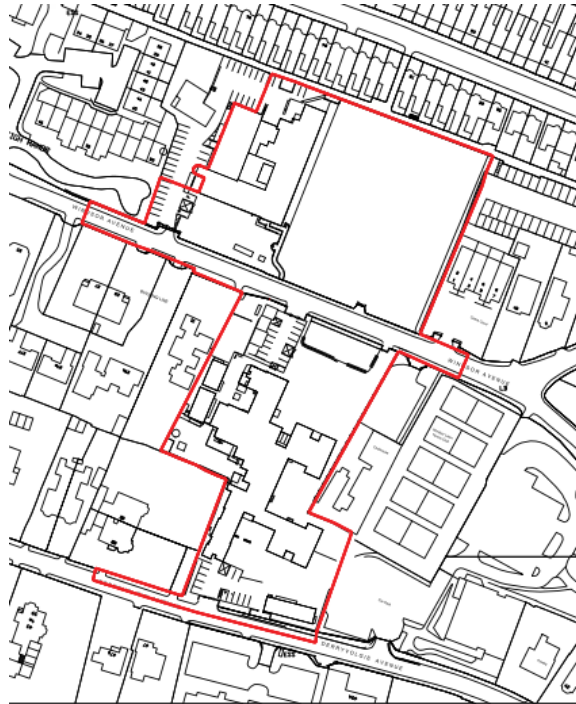
Recommendation

Having regard to the Development Plan and material considerations, 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, including those raised in the further consultation responses from Shared Environmental Services and DFI Rivers, provided that the issues are not substantive.

DRAWINGS AND IMAGERY

Site Location Plan:



Ground floor plan:



Proposed Elevations (Extension):



New Build:



1.0	Characteristics of the Site and Area
1.1	This application relates to the existing St Brides Primary School Site. The current site is split across two sites, the larger site is situated between Derryvolgie Avenue and Windsor Avenue with access from both these roads. To the east of this site is Windsor Tennis Club and to the west is a mix of dwellings and offices. A smaller site is located fronting Windsor Avenue, similarly surrounded by a mix of dwellings and offices. Both sites are comprised of one to two storey buildings with car parking and tarmac areas used as playgrounds.
1.2	The site is located within the Malone Conservation Area.
	Description of Proposed Development
1.4	The application seeks full planning permission for a single storey extension to the Derryvolgie Campus building and construction of a new single storey 8 class school building and off-road drop-off / collection lay-by on Windsor Ave campus including a new access onto Windsor Ave. An associated Demolition Consent Application has been submitted under the reference LA04/2023/3144/DCA for the part demolition of the existing building and removal of three temporary classrooms.
1.5	The proposal involves the extension of the existing building on the Derryvolgie Campus while the new building would be situated on a tarmac playground area on the Windsor Avenue campus.
2.0	RELEVANT PLANNING HISTORY
2.1	<p>Application Number: LA04/2020/1194/F Site: Lands at St Brides Primary School Decision: Permission Granted Proposal: DDA improvements to include Building Block A: New external entrance ramp and door/screen to main entrance. Building Block B: New external entrance door/screen to main entrance, new external lift shaft at rear. Decision Date: 28 January 2021</p> <p>Application Number: LA04/2020/2224/DCA Site: Lands at St Brides Primary School Decision: Consent Granted Proposal: DDA improvements to include Building Block A; Removal of existing external entrance steps and door/screen to main entrance, Building Block B: Removal of existing external entrance door/screen and windows. Decision Date: 28 January 2021</p> <p>Application Number: LA04/2021/2220/PAN Site: Lands at St Brides Primary School Decision: PAN Concluded Proposal: Part demolition of the existing school building, refurbishment of 2 no. existing classrooms and extension to the existing school building to provide support ancillary accommodation and construction of a new single storey 8 classroom building with support ancillary accommodation, an external walkway canopy and alterations to the existing car parking and hard play areas. Decision Date: 29 October 2021</p> <p>Application Number: LA04/2022/1438/PAN Site: Lands at St Brides Primary School Decision Date: 09 August 2022</p>

	<p>Proposal: Part demolition of the existing school building, refurbishment of 2 no. existing classrooms and extension to the existing school building to provide support ancillary accommodation, construction of a new single storey 8 classroom building with support ancillary accommodation, construction of a new off-road drop-off/collection zone and alterations to the existing car parking and hard play areas. Decision: Proposal of Application Notice Acceptable subject to further consultation.</p>
3.0	PLANNING POLICY
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 Policy SP7 – connectivity</p> <p>Policy SD2 – Settlement Areas</p> <p>CI1- Community Infrastructure</p> <p>Policy DES1 – Principles of urban design Policy DES2 – Masterplanning approach for major development Policy BH1 – Listed Buildings Policy BH2 – Conservation Areas</p> <p>Policy TRAN1 – Active travel – walking and cycling Policy TRAN2 – Creating an accessible environment Policy TRAN4 – Travel plan Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements</p> <p>Policy ENV1 – Environmental quality Policy ENV2 – Mitigating environmental change Policy ENV3 – Adapting to environmental change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable drainage systems (SuDS)</p> <p>Policy HC1 – Promoting healthy communities Policy TRE1 – Trees</p> <p><u>Supplementary Planning Guidance</u></p> <p>Placemaking and Urban Design Masterplanning approach for Major developments Sustainable Urban Drainage Systems Transportation</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 <i>Belfast Agenda</i> (Community Plan)</p>
4.0	CONSULTATIONS AND REPRESENTATIONS
4.1	<p><u>Statutory Consultees</u></p> <p>DfI Roads – no objection, recommends conditions.</p> <p>DfC HED – no objection.</p> <p>DfI Rivers – Awaiting updated response, application is not within a floodplain.</p> <p>DAERA – no objection, recommends conditions.</p> <p>NI Water – Objection on capacity grounds.</p>
4.2	<p><u>Non-Statutory Consultees</u></p> <p>Environmental Health – no objection.</p> <p>BCC Tree Officer – no objection, recommends conditions.</p> <p>BCC Conservation – no objection</p> <p>Shared Environmental Services (SES) – advises that it should be re-consulted once a substantive response is received from NIEA RU following their request for additional information. NIEA have responded with no concerns and SES have been re-consulted.</p> <p>BCC Parks and Recreation Team- No objections</p>
4.3	<p><u>Representations</u></p> <p>The application has been advertised in the newspaper and neighbours notified.</p> <p>No objections were received.</p>
5.0	PLANNING ASSESSMENT
	Main Issues
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 the proposal • Design and impact on the Conservation Area • Impact on Listed Buildings • Impact on Amenity

	<ul style="list-style-type: none"> • Access and Transport • Climate change <p>Development Plan Context</p>
5.2	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
5.3	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
5.4	<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 Policies</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are 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	Belfast Urban Area Plan 2001 – the site is un-zoned “white land” within the Development Limit.
5.8	Belfast Metropolitan Area Plan 2015 (2004) – the site is within the Malone Conservation Area Sub Area C: Derryvolgie/Windsor within the Development Limit.
5.9	Belfast Metropolitan Area Plan 2015 (v2014) – the site is within the Malone Conservation Area Sub Area C: Derryvolgie/Windsor within the Development Limit.
	<p><u>Principle of the proposal</u></p>
5.10	Policy CI states that the Council will seek to protect and provide development opportunities for community, health leisure, nurseries and educational facilities based on local need in line with the projected population growth over the plan period.

5.11	Planning Permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area, subject to consideration of the nature and location of any proposals.
5.12	<p>The proposal involves an extension of the existing Derryvolgie campus and a new build classroom situated on a tarmac area within the Windsor Avenue campus. The proposal is situated within the existing school campus and makes good use of the existing land ensuring the proposed community infrastructure is within an appropriate and accessible location.</p> <p><u>Design and Impact on the Conservation Area</u></p>
5.13	<p>With regards to development in Conservation Areas, Section 104(11) of the Planning Act (Northern Ireland) 2011 states that special regard must be had to the desirability of;</p> <ul style="list-style-type: none"> (a) preserving the character or appearance of that area in cases where an opportunity for enhancing its character or appearance does not arise; (b) enhancing the character or appearance of that area in cases where an opportunity to do so does arise
5.14	<p>In relation to the application for full planning permission, paragraph 6.18 of the SPPS states that: <i>'In managing development within a designated Conservation Area the guiding principle is to afford special regard to the desirability of enhancing its character or appearance where an opportunity to do so exists, or to preserve its character or appearance where an opportunity to enhance does not arise. Accordingly, there will be a general presumption against the grant of planning permission for development or conservation area consent for demolition of unlisted buildings, where proposals would conflict with this principle. This general presumption should only be relaxed in exceptional circumstances where it is considered to be outweighed by other material considerations grounded in the public interest. In the interests of protecting the setting of designated Conservation Areas, new development in proximity needs to be carefully managed so as to ensure it respects its overall character and appearance. Important views in and out of the Conservation Area should be retained.'</i></p>
5.15	<p>Policy BH2 of the Plan Strategy contains 5 criteria that apply to new buildings and 4 additional criteria that apply to extensions within Conservation Areas.</p>
5.16	<p>The new building within the Windsor Avenue campus is a simple form single storey building with a flat roof. The building is to be clad in white render with design details such as feature red brick and coloured rock panels. It is deemed that the design of the building would preserve the character of the area. The development would respect the built form of the area by way of height, scale, form, legibility, materials and detailing, The height of the building and use of flat roof is in conformity with the Derryvolgie campus to the south and the modern design reflects that of the immediate context which is not historical in nature. While the immediate context uses in the main red brick it is noted that historical dwellings to the east make use of white render and therefore the proposed materials will not appear out of place. Key views into the conservation area will be enhanced, the existing site is a tarmac area with views through the site to the rear of properties along Malone Avenue. The proposal will infill an existing gap site and prevent views of these properties which would not have been intended to be viewable from the public realm. There are a number of street trees on Windsor Avenue and Derryvolgie Avenue which contribute to the character and appearance of the area. One tree is to be felled which is in poor condition and compensatory measures are proposed. The Tree Officer was consulted and had no objections.</p>

5.17	The proposal accords with the Malone Conservation Area Design Guide in terms of context, design, building lines, massing, height, bulk, proportions, form and elevation treatment.
5.18	The extension is single storey and located on the east and south elevations with a small entrance lobby proposed to the north elevation. The extension is subservient to the existing school building on site and preserves the character of and appearance of the area by way of the proposed height, scale and massing. The proposal will not result in the loss detrimental loss of visual gaps between existing buildings and boundaries nor will it negatively impacts views in and out of the conservation area. Given the existing school building is not historic in nature there are no opportunities to reinstate traditional features or make use of traditional materials. The materials proposed are white render which are in keeping with the proposed new build and the existing school.
5.19	The proposed extension accords with the Malone Conservation Area Design Guide in that the addition is considered to blend harmoniously and unobtrusively with the host building.
5.20	Conservation Advice was sought and states that the extension works are of acceptable mass and form in the context of the host building. In terms of the Windsor Avenue campus advice stated that the test to enhance could have been met by using a model of two blocks of two to three storeys of similar massing to the Victorian villa blocks, however it is acknowledged the school has existed in this location historically and therefore there is no precedent for frontage/enclosure of this section of the thoroughfare with buildings.
	<u>Proposed Demolition</u>
5.21	A Demolition Consent Application has been submitted under the reference LA04/2023/3144/DCA for part demolition of the existing school building and 3 no. temporary classrooms.
5.22	The existing building makes no material contribution to the character and appearance of the area and the proposed extension is of a modern design which is considered to enhance the existing site and overall character of the conservation area.
5.23	Conservation advice had no objections to the proposed demolition.
	<u>Impact on Listed Buildings</u>
5.24	Section 91 (2) of the Planning Act (Northern Ireland) 2011 states that ‘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.’
5.25	Paragraph 6.12 of the SPPS states Listed Buildings of special architectural or historic interest are key elements of our built heritage and are often important for their intrinsic value and for their contribution to the character and quality of settlements and the countryside. It is important therefore that development proposals impacting upon such buildings and their settings are assessed, paying due regard to these considerations, as well as the rarity of the type of structure and any features of special architectural or historic interest which it possesses.

5.26	There are two listed buildings that share a boundary with the Derryvolgie campus to the west at 28 Derryvolgie Avenue (HB26/28/142A) and 30 Derryvolgie Avenue (HB/26/28/142B).
5.27	Given the single storey nature of the proposed extension it is considered to be sympathetic to the listed buildings by way of scale and form and will not impact key views of the listed buildings. HED were consulted and had no objections.
	<u>Impact on amenity</u>
5.28	Policy CI states that proposals for community infrastructure shall ensure there is no unacceptable impact on residential amenity. The new build classroom within the Windsor Avenue campus is the only part of the proposal within close proximity to residential properties. The site faces the rear returns of properties along Malone Avenue but given the single storey nature of the proposal it is not deemed to have an unacceptable impact on residential amenity.
	<u>Access and Transport</u>
5.29	The proposal amends the existing access arrangements. There are currently two existing access points into the Windsor Avenue campus, the proposal will utilise both access points to provide a one way system including a drop off area. The Derryvolgie campus includes alterations to the existing car park to increase parking provision to 25 spaces.
5.30	DFI Roads were consulted and had no objections subject to conditions.
	<u>Climate Change</u>
5.31	The proposal maximises opportunities to incorporate sustainable design features where feasible. The proposal minimises demolition by using the existing school building and extending. The proposed building to be energy efficient and minimise overheating while SuDs measures have been included such as soft landscaping and tree planting. A Climate Change Statement has been submitted which details measures that can be undertaken given budget constraints and health and safety risks. The proposal is deemed to comply with policies ENV 2,3 and 5.
	<u>Pre-Application Community Consultation</u>
5.32	For applications for Major development, there is a legislative requirement for applicants to consult the community in advance of submitting the application.
5.33	Applicants are required to submit to the council a 'Proposal of Application Notice' (PAN) in advance of making the application, which sets out the proposals for the pre-community consultation. A PAN was submitted in July 2022 (LA04/2022/1438/PAN) and confirmed by the Council to be acceptable.
5.34	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 describes the engagement process and feedback received. A public event was held and dedicated community consultation website setup. A total of sixteen feedback forms were completed. Feedback was positive in terms of the proposal with issues raised in terms of traffic flow.
	The PACC report is considered compliant with the legislative requirements.

6.0	Recommendation
6.1	Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions.
6.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise, including those raised in the further consultation responses from Shared Environmental Services and DFI Rivers, provided that the issues are not substantive.
7.0	DRAFT CONDITIONS <ol style="list-style-type: none"> 1. The development hereby permitted must be begun within five years from the date of this permission. Reason: As required by Section 61 of the Planning Act (Northern Ireland) 2011. 2. No development shall be operational until hard surfaced parking areas have been provided and permanently marked in accordance with the approved plan. These facilities shall be permanently retained. Reason: To ensure acceptable parking facilities on the site. 3. Pedestrian crossing points including tactile paving shall be provided at all road junctions. Reason: In the interests of pedestrian safety. 4. The vehicular accesses, including visibility splays and any forward sight distance, shall be provided in accordance with the approved drawings prior to the operation 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. 5. 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.

	<p>6. All existing trees and planting within the site shall be retained unless shown on the approved drawings as being removed. Any trees or planting indicated on the approved drawings which, within a period of five years from the date of planting, die, are removed, or become seriously damaged, diseased or dying, shall be replaced during the next planting season (October to March inclusive) with other trees or plants of a location, species and size to be first approved in writing by the Council.</p> <p>Reason: In the interests of visual amenity.</p> <p>7. All soft landscaping works shall be carried out in accordance with the approved details on Planting Plans, Drawing Numbers 15A and 16A, uploaded to the planning portal in 28th March 2024. The works shall be carried out prior to the completion of the proposal unless otherwise agreed in writing by the Council. Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged, diseased or dying shall be replaced during the next planting season with other trees or plants of a location, species and size, details of which shall have first been submitted to and approved in writing by the Council.</p> <p>Reason: In the interests of the character and appearance of the area.</p> <p>8. 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.</p> <p>Reason: To safeguard existing tree(s) in the interests of visual amenity.</p> <p>9. 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 and foundations bridged around them.</p> <p>Reason: To safeguard existing tree(s) in the interests of visual amenity.</p> <p>10. No storage of materials, parking of vehicles or plant, temporary buildings, sheds, offices or fires within the RPA of trees within the site during the construction period.</p> <p>Reason: To avoid compaction within the RPA of existing trees to be retained.</p>
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Development Management Report

Committee Application

Summary	
Application ID: LA04/2023/3143/F	Committee Date: 14 th May 2024
Proposal: Proposed Michael Davitt Heritage & Community Centre, Reception, Toilets and associated Car Parking with Exhibition Signage to existing Trim Trail	Location: Land North of Former Corpus Christi College, Accessed off Michael Davitts GAC Grounds, Via St Mary's Gardens, Belfast
Referral Route: Application for Major development	
Recommendation: Approval	
Applicant Name and Address: Tommy Shaw 79 Fall Road, Belfast Belfast BT12 4PE	Agent Name and Address: Gerry Rogers 411a Ormeau Road Belfast BT7 3GP
<p>Executive Summary:</p> <p>This application relates to land north of the Corpus Christi College and to the east of the Michael Davitt GAC Club. The application seeks full permission for a heritage and community centre. The proposed building measures 7.2m in height and includes a multi use hall and exhibition space. The proposal includes a new car park as well as exhibition signing on an existing walking trail along the boundary of the GAC Club.</p> <p>The key issues for consideration of the application are set out below.</p> <ul style="list-style-type: none"> • Principle of the proposal • Design, Massing and Scale • Impact on Amenity • Environmental Protection • Climate change • Pre Application Community Consultation <p>The proposal is situated close to the existing GAC on land previously used as a gravel sports pitch. It is an appropriate and accessible location in accordance with policies CI1 and OS5.</p> <p>The proposed building is considered to integrate within the local context and the existing GAC. It is a modest scale and massing which ensures it does not dominate the residential uses nearby. The materials are to be precast concrete panels and profiled sheeting to the roof which are acceptable within the context of a sports club.</p> <p>There are no objections from consultees or third parties. A response is outstanding from Environmental Health following the submission of a Noise Impact Assessment and Generic Quantitative Risk Assessment. Environmental Health have advised there are currently issues with both reports and further information is required. The proposal however, would not be deemed unacceptable in principle and the submission of further information will be able to inform appropriate conditions to control noise and protect human health from contaminated land.</p>	

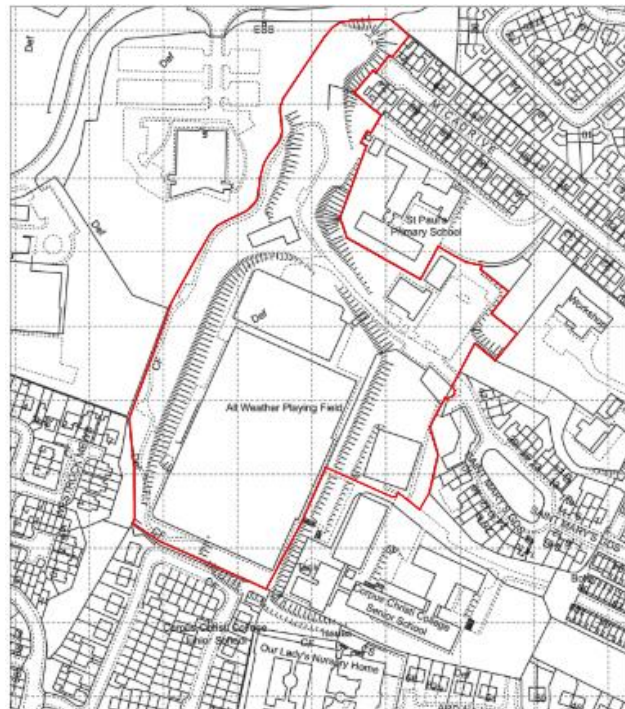
Recommendation

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

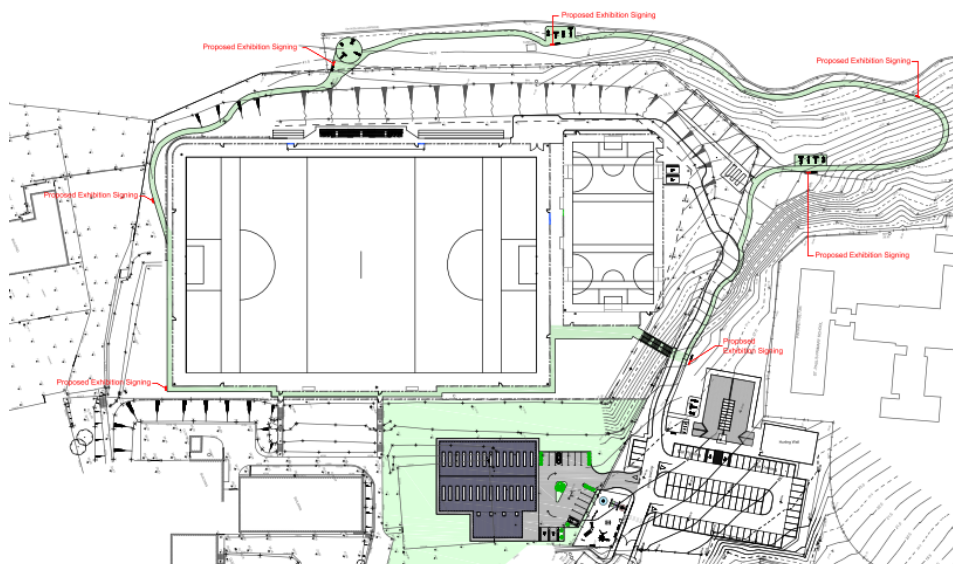
Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise, including those raised in the further consultation responses from Environmental Health, provided that the issues are not substantive.

DRAWINGS AND IMAGERY

Site Location Plan:



Proposed Site Plan:



Proposed Elevations:



Proposed Floorplans:



<p>1.0</p> <p>1.1</p> <p>1.2</p>	<p>Characteristics of the Site and Area</p> <p>This application relates to land north of the Corpus Christi College and to the east of the Michael Davitt GAC Club. To the north of the site is a children's playground while to the east are apartments and dwellings at St Mary's Gardens. Access is from the Michael Davitt GAC Club which is accessed from St Mary's Gardens.</p> <p>Description of Proposed Development</p> <p>The application seeks full planning permission for a heritage and community centre. The proposed building measures 7.2m in height and includes a multi use hall and exhibition space. The proposal includes a new car park as well as exhibition signing on an existing walking trail along the boundary of the GAC Club.</p>
<p>2.0</p> <p>2.1</p>	<p>RELEVANT PLANNING HISTORY</p> <p>Location: Land between Corpus Christi College and Mica Drive Application Number: Z/2013/1198/F Decision: Permission Granted Decision Date: 17 September 2015 Proposal: Erection of new changing rooms, 3G multiuse playing area and grass pitch (both with floodlighting, goalposts, ball stops and fencing) woodland walkway, play area, car parking and creation of new vehicular access from St Mary's Gardens (Amended description).</p> <p>Location: Land between Corpus Christi College and Mica Drive Application Number: LA04/2016/0478/F Decision: Permission Granted Decision Date: 20 October 2016 Proposal: Erection of hurling wall (with associated floodlighting) 7 No. allotments and spectator stand (to main grass pitch) (Further information submitted)</p> <p>Location: Land North of Former Corpus Christi College, Accessed off Michael Davitts GAC Grounds, Via St Mary's Gardens Application Number: LA04/2023/2284/PAN Decision: Proposal of Application Notice is Acceptable Decision Date: 10 January 2023 Proposal: Proposed Michael Davitt Heritage & Community Centre, Reception, Toilets and associated Car Parking with Exhibition Signage to existing Trim Trail.</p>
<p>3.0</p> <p>3.1</p>	<p>PLANNING POLICY</p> <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 Policy SP7 – connectivity</p>

	<p>Policy SD2 – Settlement Areas</p> <p>CI1- Community Infrastructure</p> <p>Policy DES1 – Principles of urban design Policy DES2 – Masterplanning approach for major development</p> <p>Policy TRAN1 – Active travel – walking and cycling Policy TRAN2 – Creating an accessible environment Policy TRAN4 – Travel plan Policy TRAN6 – Access to public roads Policy TRAN8 – Car parking and servicing arrangements</p> <p>Policy ENV1 – Environmental quality Policy ENV2 – Mitigating environmental change Policy ENV3 – Adapting to environmental change Policy ENV4 – Flood Risk Policy ENV5 – Sustainable drainage systems (SuDS)</p> <p>Policy HC1 – Promoting healthy communities Policy GB1 – Green and blue infrastructure network Policy TRE1 – Trees Policy NH1 – Protection of natural heritage resources</p> <p><u>Supplementary Planning Guidance</u></p> <p>Placemaking and Urban Design Masterplanning approach for Major developments Sustainable Urban Drainage Systems Transportation</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 <i>Belfast Agenda</i> (Community Plan)</p>
4.0	CONSULTATIONS AND REPRESENTATIONS
4.1	<p><u>Statutory Consultees</u></p> <p>DfI Roads – no objection, recommends conditions.</p> <p>NI Water – no objection</p> <p><u>Non-Statutory Consultees</u></p> <p>Environmental Health- awaiting final response, further information required in relation to noise and contaminated land.</p>

4.2	<p><u>Representations</u></p> <p>The application has been advertised in the newspaper and neighbours notified.</p> <p>No objections were received.</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 the proposal • Design, Massing and Scale • Impact on Amenity • Environmental Protection • Climate change • Pre Application Community Consultation
5.2	<p>Development Plan Context</p> <p>Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.</p>
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 Policies</u></p>
5.5	<p>The Plan Strategy contains a range of operational policies relevant to consideration of the application. These are 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</p>

	advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
5.7	Belfast Urban Area Plan 2001 – the site is un-zoned “white land” within the Development Limit.
5.8	Belfast Metropolitan Area Plan 2015 (2004) – the site is within the Malone Conservation Area Sub Area C: Derryvolgie/Windsor within the Development Limit.
5.9	Belfast Metropolitan Area Plan 2015 (v2014) – the site is within the Malone Conservation Area Sub Area C: Derryvolgie/Windsor within the Development Limit.
5.10	<p><u>Principle of the proposal</u></p> <p>Policy CI states that the Council will seek to protect and provide development opportunities for community, health leisure, nurseries and educational facilities based on local need in line with the projected population growth over the plan period.</p>
5.11	Planning Permission will be granted for the provision of new and improved community infrastructure at appropriate and accessible locations within the urban area, subject to consideration of the nature and location of any proposals.
5.12	The proposed multi use will be used as an extended sports facility by the GAC Club and local community. Under Policy OS5 Planning permission will be granted for the provision of extended intensive sports facilities where these are located at appropriate and accessible locations within settlement limits. There are two criteria which must be met (e) (f) in regard to amenity and the road network, these will be assessed in the relevant sections of this report.
5.13	<p>The proposal involves the erection of a new building located within close proximity of the existing GAC. The location is on what was previously a gravel hockey pitch for use of the former school. The proposed building include a multi use sports hall and exhibition space. In addition the boundary of the site is a walking trail and exhibition signage is to be erected at various points along this trail. The proposal is situated close to the GAC which is an appropriate and accessible location in accordance with policies CI1 and OS5.</p> <p><u>Design, Massing and Scale</u></p>
5.14	<p>The proposed building is located on land situated between the apartments/dwellings on St Marys Gardens and the existing GAC pitch. The level of the site is below the existing pitch and higher than the apartments/dwellings on St Marys Gardens. The proposed building is considered to integrate within the local context and the existing GAC. It is a modest scale and massing which ensures it does not dominate the residential uses nearby. The materials are to be precast concrete panels and profiled sheeting to the roof which are acceptable within the context of a sports club.</p> <p><u>Impact on amenity</u></p>
5.15	Policy CI states that proposals for community infrastructure shall ensure there is no unacceptable impact on residential amenity. Furthermore Policy OS5 provides further detail specific to sports facilities in that there is no unacceptable impact on the amenities of people living nearby by reason of the sitting, scale, extent, frequency or timing of the sporting activities proposed, including any noise or light pollution likely to be generated. The proposed building is sited approximately 17m at the nearest point

	<p>from the apartment block to the east. While the proposed building is situated on a higher level than the apartments the height of the building, separation distance and orientation of the apartments ensures that the building will not dominate views. The orientation also ensures there will not be an unacceptable level of overshadowing, any impact would only be in late evenings in the summer months. In terms of noise, a Noise Impact Assessment has been submitted and a formal Environmental Health response is outstanding. Environmental Health have advised that further information is required to inform conditions to protect residential amenity but the principle is acceptable.</p>
5.16	<p><u>Access and Transport</u></p> <p>The proposed community building includes a car park accessed from an existing access point at St Marys Gardens. Policy OS5 states sports facilities shall ensure the road network can safely handle the extra vehicular traffic the proposal will generate and satisfactory arrangements are provided for site access, car parking, drainage and waste disposal. The proposed car park provides 14 additional spaces with an existing car park within close proximity. DFI Roads were consulted and had no objections.</p>
5.17	<p><u>Environmental protection</u></p> <p>Policy ENV1 states that planning permission will be granted for development that will maintain and, where possible, enhance environmental quality, and protects communities from materially harmful development. The proposed development has been assessed by Environmental Health in terms of contaminated land, air quality, noise and odour impacts.</p>
5.18	<p><u>Contaminated land and Noise</u></p> <p>A response is outstanding from Environmental Health following the submission of a Noise Impact Assessment and Generic Quantitative Risk Assessment. Environmental Health have advised there are currently issues with both reports and further information is required. The proposal however, would not be deemed unacceptable in principle and the submission of further information will be able to inform appropriate conditions to control noise and protect human health from contaminated land.</p>
5.19	<p><u>Climate Change</u></p> <p>A Climate Change Statement in relation to policies ENV 2,3 and 5 has submitted but does not include any specific measures in relation to this proposal. Therefore a condition will be attached ensuring no development will commence until specific climate change measures to mitigate and/or adapt to climate change have been submitted.</p>
5.20	<p><u>Pre-Application Community Consultation</u></p> <p>For applications for Major development, there is a legislative requirement for applicants to consult the community in advance of submitting the application.</p>
5.21	<p>Applicants are required to submit to the council a 'Proposal of Application Notice' (PAN) in advance of making the application, which sets out the proposals for the pre-community consultation. A PAN was submitted in December 2022 (LA04/2023/2284/PAN) and confirmed by the Council to be acceptable.</p>
5.22	<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</p>

5.23	<p>with the application, which describes the engagement process and feedback received. A public event was held and dedicated community consultation website setup. A total of 35 feedback forms were completed and 583 online survey responses. No concerns were raised.</p> <p>The PACC report is considered compliant with the legislative requirements.</p>
6.0	Recommendation
6.1	Having regard to the Development Plan and material considerations, it is recommended that planning permission is granted subject to conditions.
6.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the conditions and deal with any other issues that arise, including those raised in the further consultation responses from Environmental Health, provided that the issues are not substantive.

Development Management Officer Report Committee Application

Summary	
Application ID: LA04/2023/3936/O	Committee Meeting Date: 14 th May 2024
Proposal: Proposed replacement dwelling and all associated site works	Location: 89a Upper Springfield Road, Hannahstown, Belfast, BT17 0LU
Referral Route: Member call-in, in accordance with Section 3.8.1 of the Scheme of Delegation	
Recommendation: Refusal	
Applicant Name and Address: Michael McCormick 89A Upper Springfield Road Belfast BT17 0LU	Agent Name and Address: Robbie Gilmour Suite 9 Avonmore House 15 Church Square Banbridge BT63 6LY
<p>Executive Summary:</p> <p>This application seeks Outline planning permission for a proposed replacement dwelling and all associated site works.</p> <p>The application has been called in to Committee following a request from Cllr McLaughlin, after consideration and agreement by the Director of Planning and Building Control.</p> <p>The main issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of Development - Does the proposal meet policy requirements for new / replacement dwellings within the countryside. <p>Having regard to the development plan the Plan Strategy 2035 and other material considerations, the proposal is unacceptable. It is recommended that planning permission is refused.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons.</p>	

Officer Report

1.0

Drawings

Fig 1. Site Location Plan

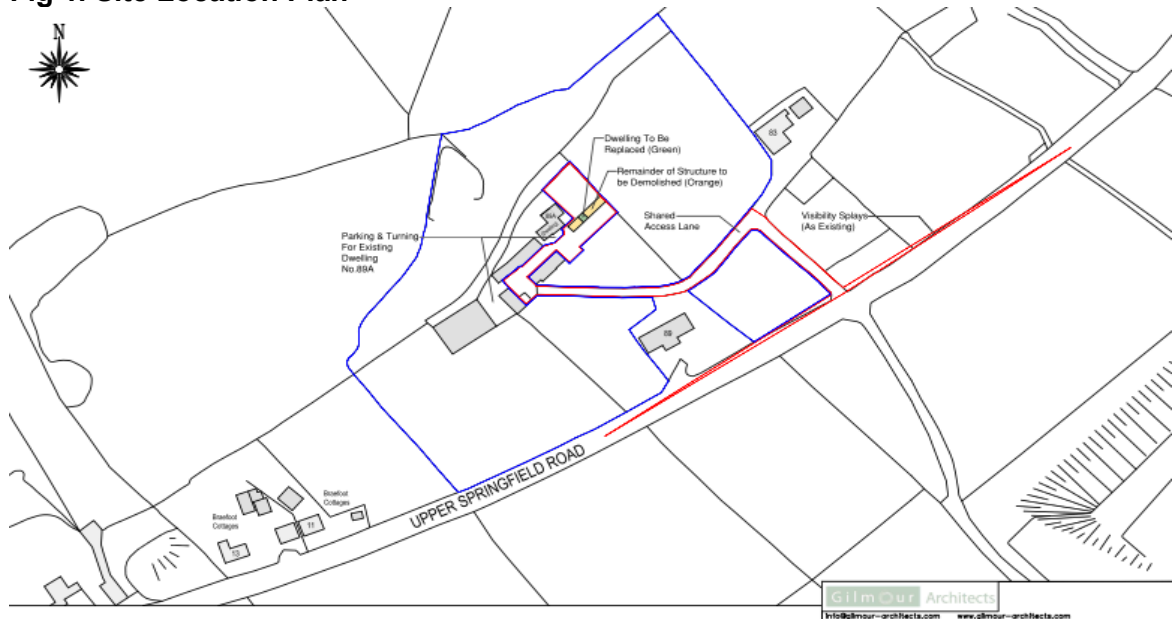
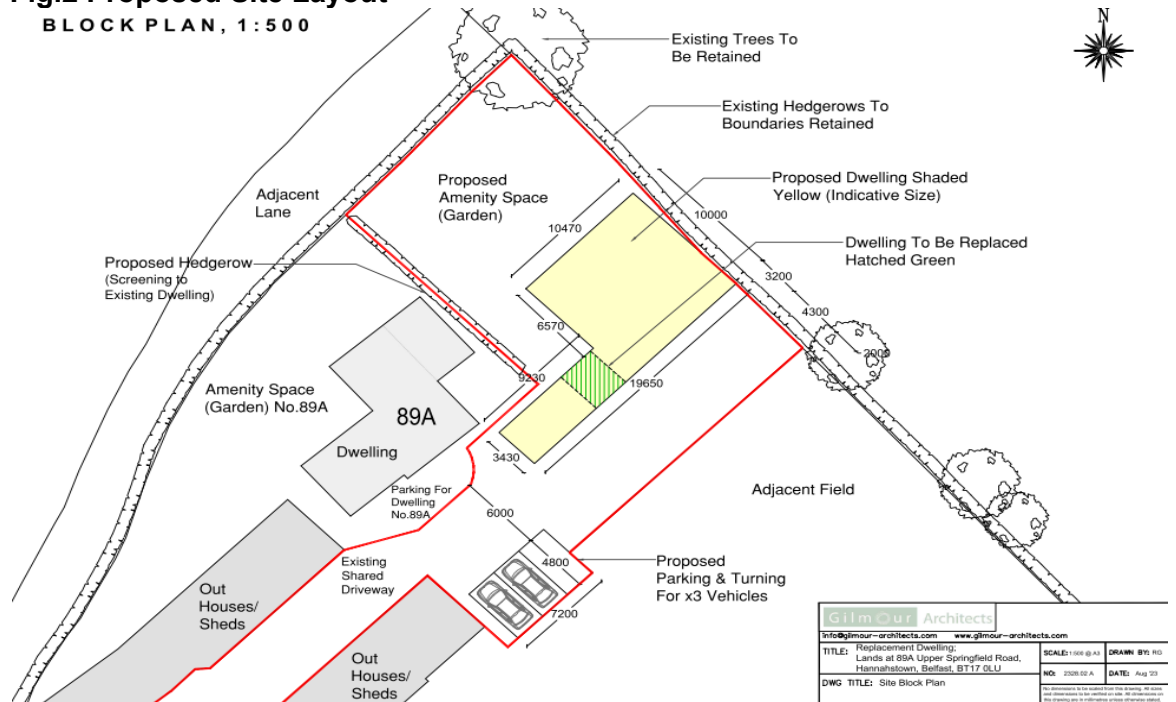


Fig.2 Proposed Site Layout

BLOCK PLAN, 1:500



2.0

Characteristics of the Site and Area

2.1

The site is located circa 30m back from the Upper Springfield Road, within a rural setting on Black Mountain. The proposed building to be replaced is located within part of an existing farm holding with outbuildings and a dwelling. The setting of the buildings has a linear appearance running from entrance laneway to site boundary (orientated from SW to NE). The building to be replaced was designed to service different farm requirements and is therefore divided into several different parts, a garage, accessed from the yard, a small room that it is claimed to have been living space for a farm labour and the

	remainder currently being used for storage. The site offers extensive views over the city from its elevated position.
3.0	Description of Proposal
3.1	This application seeks outline planning permission for a proposed replacement dwelling and all associated site works.
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 Z/1977/0983 - 89 Upper Springfield Road - Erection of replacement farm dwelling - Permission Granted, No decision date Z/1980/0634 - 89 Upper Springfield Road - Extension to dwelling - no decision recorded. Z/1995/2317 - 89A Upper Springfield Road - Two storey extension to dwelling - Permission Granted 27th June 1995
5.0	Consultations and Representations
5.1	Statutory Consultations <ul style="list-style-type: none"> • DfI Roads – Content subject to conditions • NI Water – Content
5.2	Non-Statutory Consultations <ul style="list-style-type: none"> • BCC Environmental Health – Content subject to informatives
5.3	Representations The application has been advertised and neighbours notified. The Council has received no third-party representations.
6.0	PLANNING ASSESSMENT
6.1	Development Plan Context Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
6.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
6.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will

	comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
6.4	Operational policies – the Plan Strategy contains a range of operational policies relevant to consideration of the application. These are listed in the report.
6.5	Proposals Maps – until such time as the Local Policies Plan is adopted, the Council must have regard to the land-use zonings, designations and proposals maps in the Belfast Urban Area Plan 2001, both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015) and other relevant area plans. The weight to be afforded to these proposals maps is a matter for the decision maker. It is considered that significant weight should be given to the proposals map in draft BMAP 2015 (v2014) given its advanced stage in the development process, save for retail policies that relate to Sprucefield which remain contentious.
6.6	<p>Relevant Planning Policies</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application.</p> <p><i>Countryside Development Policies</i></p> <p>Policy DC1 – General policy principles</p> <p>Policy DC2 – housing in the countryside</p> <p>Policy DC3 – replacement dwellings</p> <p>Policy LC1B – Areas of High Scenic Value</p> <p>Policy LC3 – Belfast Hills</p> <p><i>Transport</i></p> <p>Policy TRAN6 – Access to public roads</p> <p>Policy TRAN8 – Car parking and servicing arrangements</p> <p><i>Building a Smart Connected and Resilient Place</i></p> <p>Policy ENV1 – Environmental Quality</p> <p>Policy ENV2 – Mitigating Environmental Change</p> <p>Policy ENV3 – Adapting to Environmental Change</p> <p>Policy ENV5 – Sustainable Drainage Systems (SuDS)</p> <p>Key Issues</p> <p>The key issues are:</p> <ul style="list-style-type: none"> Principle of development – Given the proposal is for outline approval, all matters relating to design, siting and climate change are reserved. The main issue to be resolved at outline stage is the principle of the development regarding acceptability of proposed development within the rural area.
6.7	The site is located outside of the existing settlement limit (BUAP and dBMAP). It is located within an area of High Scenic Value (dBMAP). There are no other zonings or designations affecting the site. Adjacent lands are designated as a site of Local Nature Conservation Importance.
6.8	<p><u>Housing in the Countryside</u></p> <p>Policy DC2 states that the Council will assess development proposals for houses within the countryside in accordance with the general principles set out in policy DC1. There will be a general presumption against new housing within the countryside unless the proposal accords with the exceptions set out in other countryside related policies. It is considered</p>

	that the proposal fails to satisfy Policy DC3 in relation to replacement dwellings.
6.9	<p><u>Replacement Dwellings</u></p> <p>Policy DC3, relating to replacement dwellings, states that planning permission will only be granted for a replacement dwelling where the building to be replaced exhibits the essential characteristics of a dwelling house. A justification of locational need for the applicant shall be provided where the house to be replaced is no longer in residential use. The policy also states that buildings designed and used for agricultural purposes such as sheds or stores will not be eligible for replacement.</p>
6.10	It is considered that the existing building was designed and erected for agricultural purposes notwithstanding the small element that is stated to have been used for domestic purposes. The fact that someone, for whatever reason, lived within a section of an agricultural building does not itself makes the building, in its entirety, a domestic dwelling house.
6.11	The policy clearly states that the building to be replaced should exhibit the essential characteristics of a dwelling. It is clear from the evidence, supplied by the applicant, that the building operated, in the main, as an agricultural outbuilding, comprising garage, hen house and slaughter/preparation house. The total floor area for the building is approximately 68sq/m, with the 'living space' amounting to approximately 6.8sq/m, which equates to 10% of the total floor space. Officers are of the opinion that 10% of the building being used as a form of accommodation does not result in the building exhibiting the essential characteristics of a dwelling.
6.12	The applicant has claimed that the construction materials of the building, which includes natural slate roofing, a render finished, fireplace and chimney and electricity demonstrate that the building was at least partly used for residential purposes. Officers in response would state that the building in question exhibits the same / similar construction style as other outbuildings on site, rendered walls and natural slate roofing. This indicates that these materials were considered appropriate for outbuildings without any consideration of domestic use.
6.13	It is considered that the electricity supply, in all probability, was installed for the convenient use of the outbuilding and not solely relating to domestic use of a small element of the outbuilding.
6.14	The chimney and domestic fireplace together with the signed affidavit would appear to confirm that a small section of the building was occupied as a living space. The building lacks any basic amenities / facilities that would generally have been the norm for the stated period from the 1950s to 1980s. The Plan Strategy Statement indicates that the occupant used a separate outhouse for toilet facilities, however there is no further corroborating evidence. It is noted that two versions of the Plan Strategy Statement were submitted, a superseded version indicating that the occupant relied on the main farmhouse for meals, whilst the amended version stated the occupant cooked his own meals in the 'dwelling'. Furthermore, it is considered that traditionally, older dwellings would have had at least two rooms separated into sleeping and living quarters. Whilst the evidence appears to indicate that an individual may have used the room for sleeping, this does not make the outbuilding a dwelling house.
6.15	Officers would contend that a 10% occupation of the building does not represent a dwelling as set out in the policy which requires the building to be replaced to exhibit the essential characteristics of a dwelling, the building in question exhibits the characteristics of an agricultural building, similar to others within the agricultural holding. It is concluded that the building was originally designed and used for agricultural purposes and it does not exhibit

	the essential characteristics of a dwelling.
6.16	As the building is no longer in residential use, a justification of locational need (JLN) was submitted in accordance with Policy DC3. The JLN indicates that the applicant is likely to take on the management of the farm holding in the long term, as his uncle moves towards retirement age. The JLN also states that the applicant and his wider family will benefit in terms of providing care / assistance for elderly relatives and childcare.
6.17	<p><u>All Countryside Development – General policy principles</u></p> <p>Policy DC1 relating to general principles for countryside development states for development within the countryside, proposals should be supported by a justification of rural locational need and site-specific need and demonstrate that there is no significant detrimental impact on rural amenity and environmental quality. Furthermore, all development must ensure there is no loss or erosion of the rural character of the area. Matters relating to design will be reserved in the event of approval, however it is considered that a dwelling could potentially be sensitively sited so as not to impact detrimentally on rural amenity, character or environmental quality.</p>
6.18	<p><u>Belfast Hills / Area of High Scenic Value (AHSV)</u></p> <p>In the event of approval, it is considered that a dwelling could potentially be designed to ensure protection of the Belfast Hills and associated AHSV.</p>
6.19	<p><u>Climate change</u></p> <p>Policy ENV2 of the Plan Strategy states that planning permission will be granted for development that incorporates measures to mitigate environmental change and reduce greenhouse gases by promoting sustainable patterns of development. All new development should seek to avoid demolition and consider how the existing building could be reused. New development proposals will maximise opportunities to incorporate sustainable design features where feasible (such as grey water recycling, green roofs, maximising use of recycled materials, orientating buildings to optimise solar gain, energy efficiency). Development proposals should, where appropriate, demonstrate the highest feasible and viable sustainability standards in the design, construction, and operation. Similarly, ENV3 states that planning permission will be granted for development that incorporates measures to adapt to environmental change, in order to support sustainable and enduring development.</p>
6.20	<p>The applicant has submitted a Climate Change Statement indicating that the building has a low thermal efficiency it is therefore proposed that the proposed dwelling is design to comply with both ENV2 and ENV3:</p> <ul style="list-style-type: none"> • The building is designed to be orientated to optimise solar gain and energy efficiency, • Improved fabric standards and reuse existing materials saved from the demolition of the existing building.
6.21	<p>Regarding ENV5 sustainable drainage it is proposed that:</p> <ul style="list-style-type: none"> • A soakaway will be installed and • Permeable paving will be used.
6.23	The proposal is considered on balance to satisfy the requirements as set out in ENV2, ENV3 and ENV5 of the Plan Strategy. Measures to achieve the required standards to meet policy can be conditioned for any future reserve matters application.

6.24	Access, movement, and parking With regard to the proposed access, DfI Roads were consulted and advised they are satisfied that the existing means of access to the development would be safe. It is also considered that adequate parking is obtainable within the site. The proposal is considered in accordance with Policies TRAN 6 and 8.
7.0	Recommendation
7.1	Having regard to the local development plan and other material considerations, the proposal is considered to be unacceptable as it is contrary to policies DC2 (Housing in the Countryside) and DC3 (Replacement Dwellings). It is therefore recommended that planning permission is refused.
7.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of refusal reasons.
Refusal Reasons: <ol style="list-style-type: none"> 1. The proposal is contrary to Policy DC2 of the Belfast Local Development Plan: Plan Strategy 2035 in that there is a presumption against new housing in the countryside and the proposal does not constitute an exception. 2. The proposal is contrary to Policy DC3 of the Belfast Local Development Plan: Plan Strategy 2035 in that the building to be replaced does not exhibit the essential characteristics of a dwelling and the building was designed and used for agricultural purposes rather than domestic purposes. 	

ANNEX	
Date Valid	07/09/2023
Date First Advertised	29/09/2023
Date Last Advertised	
Neighbours Notifications issued 21/09/2023 89 Upper Springfield Road, Ballymoney, Belfast BT17 0LU 83 Upper Springfield Road, Ballymoney, Belfast BT17 0LU	

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Development Management Report Committee Application

Summary	
Application ID: LA04/2023/4162/F	Date of Committee: 14 th May 2024
Proposal: Change of use from retail unit to amusement arcade and adult gaming centre.	Location: 51 Rosemary Street Town Parks Belfast Antrim BT1 1QB
Referral Route: Referral to the Planning Committee under section 3.8.2 (d) of the Scheme of Delegation	
Recommendation:	Approve
Applicant Name and Address: Sam Stranaghan Ava House 14 Prince Regent Road Belfast BT5 6QR	Agent Name and Address: Sam Stranaghan Ava House 14 Prince Regent Road Belfast BT5 6QR
<p>Executive Summary: The proposal is for a Change of Use of ground floor retail unit to amusement arcade and adult gaming centre.</p> <p>The site is located within a terrace building with retail frontage on the ground floor and upper floor which is finished in white render. The surrounding area is of mixed use containing a mix of retail, offices, and a bank adjacent and opposite the site. Building heights vary between two storey and four storey buildings on Rosemary Street, however the adjoining building which fronts on to Royal Avenue is 5 stories in height.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • Principle of the change of use • Impact on the character and appearance of the conservation area • Impact on amenity • Proliferation of Amusement Arcades <p>The site is located within the City Centre within the BUAP and draft BMAP. The site is also located within the Primary Retail Core as well as the City Centre Conservation Area within both versions of the draft Belfast Metropolitan Area Plan (v2004 and v2014) (draft BMAP 2015). There are no family dwellings or schools in the immediate area. There is a live application for 12no residential units adjacent the site 31-39 Royal Avenue, this has been considered in the main section of the report.</p> <p>Environmental Health, Historic Environment Division, DFI Roads and the Conservation Team offer no objections. Building Control, which is responsible for amusement licensing, is concerned that the proposal may impact on retail vitality and viability of Belfast City and result in a cumulative impact due to the number of amusement arcades in the surrounding area. There are currently three other amusement / gambling premises within 200 metres in the immediate area.</p> <p>The site is located within the Primary Retail Core within City Centre where main town centre uses such as this are acceptable in principle. There would be no harmful impacts on the character and appearance of the area, amenity or transportation.</p>	

There is no impact on the character and appearance of the conservation area given there are no external alterations proposed.

Two letters of objection have been received in relation to the application. These raised concerns regarding;

1. Clarity of the description
2. Principle of a non-retail use in this location
3. Impact on the character and appearance of the Conservation Area
4. Amenity of the area in terms of noise, litter, and traffic
5. Health and Well-being
6. Impact on character and setting of nearby Listed Buildings
7. Impact on the image and Profile of Belfast City Centre
8. Not supportive to tourism, leisure and cultural development
9. Causes a cluster of these uses in a small area.

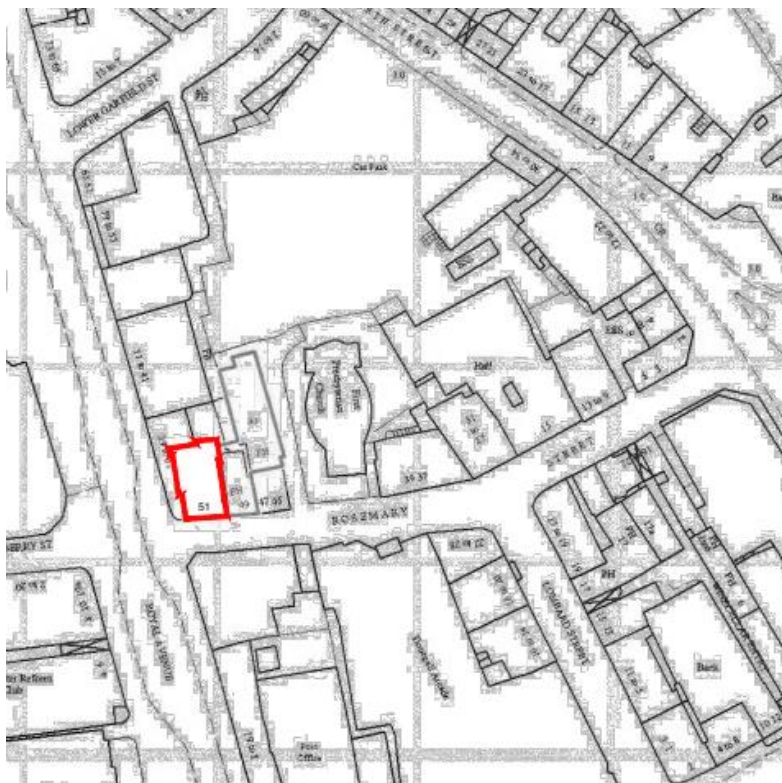
The proposal complies with Plan Strategy Policies SP3 – Improving Health & Wellbeing, RET 1 Establishing a centre hierarchy, RET 5 Primary retail area, Policy ENV 1 – Environmental Quality, BH1 Listed Buildings, BH2 Conservation Areas, TRAN 8 Car Parking and Servicing Arrangements.

Recommendation

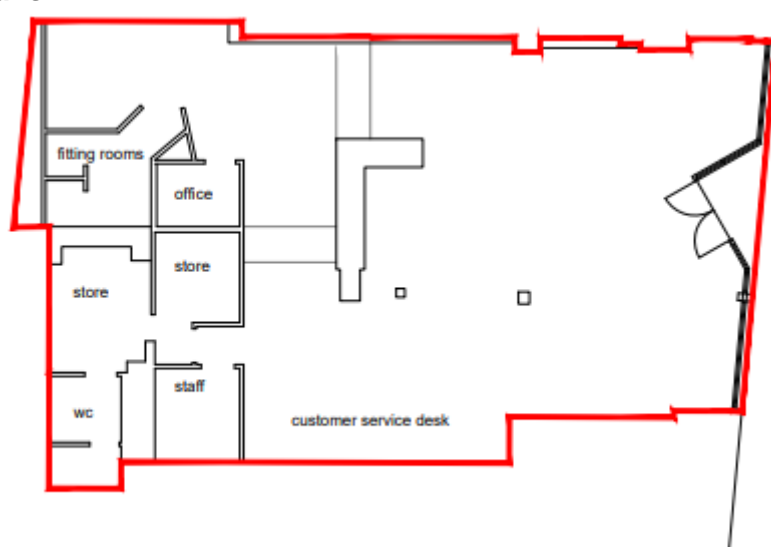
It is recommended that planning permission is granted with delegated authority sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.

Case Officer Report

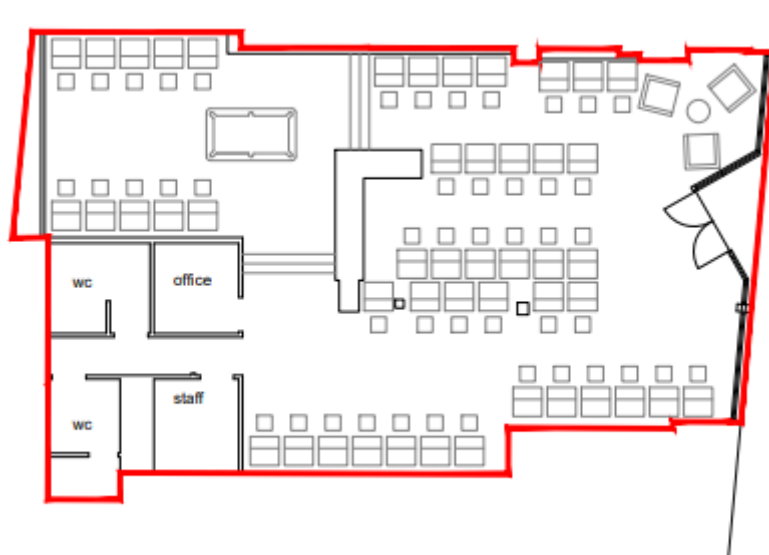
Site Location Plan



Existing Floor Plans



Proposed Floor Plans



Characteristics of the Site and Area

1.0 Description of Proposed Development
Change of use from retail unit to amusement arcade and adult gaming centre.

2.0 Description of Site
The site is located within a 2 storey terrace building. The ground floor has a glass retail frontage whilst the upper floor is finished in white render. The unit is situated within a row of terrace buildings, the adjoining buildings are finished in red brick and are a mixture of 3 and 4 and a half storeys. The surrounding area is of mixed use containing a mix of retail, offices a bar and a bank opposite.

The site is located within the Primary Retail Core within the City Centre as defined by and draft BMAP (v2004 and 2014).

Planning Assessment of Policy and other Material Considerations	
3.0	<p>Site History</p> <p>Application site</p> <p>Z/2005/1901/F, 51 Rosemary Street, Town Parks, Belfast, BT01 1QB, New shopfront entrance with change of sashwork colour and provision of air conditioning units., Permission Granted, 25.10.2005</p> <p>Z/2005/1933/A, Ann Summers Ltd, 51 Rosemary Street, Town Parks, Belfast, Northern Ireland, BT01 1QB, Shop sign and projecting sign. Consent Granted. 07.11.2005</p> <p>Surrounding Site History</p> <p>LA04/2021/1222/F, 31-39 Royal Avenue, Belfast, BT1 1FD - Change of use from retail to restaurant at ground floor and 12no. apartments at first to fourth floors (including demolition of internal walls, stairwell, rear return and window openings) and refurbishment works.</p>
4.0	Policy Framework
4.1	Belfast Urban Area Plan 2001
4.2	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p> <p>The following policies in the Plan Strategy are relevant to consideration of the application: SP3 – Improving Health & Wellbeing RET 1 - Establishing a centre hierarchy. RET 5 - Primary retail area BH1 - Listed Buildings BH2 - Conservation Areas Policy - ENV 1 – Environmental Quality TRAN 8 - Car Parking and Servicing Arrangements</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 Sensitive Uses Supplementary Planning Guidance BCC Amusement Permit Policy (2013)</p>
4.3	Strategic Planning Policy Statement for Northern Ireland (SPPS)
5.0	<p>Statutory Consultees Responses</p> <p>DFI Roads- No objection HED- No Objection</p>

6.0	Non Statutory Consultees Responses Environmental Health- No objections Building Control- Objections raised Conservation Officer – No objection
7.0	Representations The application was advertised on the 10 th November 2023 and neighbour notified on 2nd November 2024 and again on 1 st February 2024. Two letters of objection have been received in relation to the application. These raised concerns regarding; <ol style="list-style-type: none"> 1. Clarity of the description 2. Principle of a non-retail use in this location 3. Impact on the character and appearance of the Conservation Area 4. Amenity of the area in terms of noise, litter, and traffic 5. Health and Well-being 6. Impact on character and setting of nearby Listed Buildings 7. Impact on the image and Profile of Belfast City Centre 8. Not supportive to tourism, leisure and cultural development 9. Causes a cluster of these uses in a small area. <p>The description for the proposal reads ‘Change of use from retail unit to amusement arcade and adult gaming centre’. This is considered an appropriate description for the proposed use. The agent has also clarified the meaning of ‘an adult gaming centre’ is intended to define the proposed development as being suitable only for those over the age of 18 within the additional information submitted. The proposal has been since neighbour notified again following this clarification.</p> <p>Issues relating to, the principle of a non-retail use, impact on the character and appearance of the area/conservation area, impact on amenity, health and well-being, impact on listed buildings and potential cluster of the proposed use have all been assessed in the main section of the report.</p> <p>In terms of the impact the proposal has on the image and profile of Belfast City Centre, the proposal must be assessed against relevant planning policy. The image or profile of Belfast City Centre can only be taken into account in terms of relevant policy and the impact the proposal would have on the character and appearance of the area.</p> <p>In relation to the proposal not being supportive to tourism, leisure and cultural development, the proposal is again assessed against relevant policy within the Local Development Plan. The proposal is considered to be acceptable in principle. A single unit for a proposed City Centre use of an amusement Arcade located within the City Centre is not considered to have an impact on the tourism leisure and cultural provision within Belfast.</p> <p>The agent contacted the Council to request additional time to consider and respond to the objections raised above prior to April Committee. No further correspondence has been received from the agent following this request.</p>
9.0	Assessment
9.1	The proposal is considered to be in compliance with the Development Plan.
9.2	Assessment The key issues to be considered are:

	<ul style="list-style-type: none"> • Principle of the change of use • Impact on the character and appearance of the area • Impact on amenity • Proliferation of Amusement Arcades
9.3	<p>Principle of the Change of Use</p> <p>The site is located within the City Centre as defined by both BUAP and draft BMAP and within the Primary retail core within draft BMAP where main town centre uses, including amusement arcades, are acceptable in principle as per Policy RET1 – Establishing a centre hierarchy and the Sensitive Uses SPG.</p>
9.4	<p>The Plan Strategy defines main town centre uses as cultural and community facilities, retail, leisure, entertainment, and business. The proposed use as an amusement arcade and adult gaming centre is considered entertainment and leisure.</p>
9.5	<p>Policy RET1 – Establishing a centre hierarchy states;</p> <p><i>The following network and hierarchy is to be maintained to ensure that proposals for main town centres uses, including retail, are directed to the appropriate level of centre based on size, function and catchment. Such proposals will be considered in the following order of preference:</i></p> <p><i>a. Belfast City Centre primary retail core and frontage (retail applications);</i> <i>b. Belfast City Centre;</i> <i>c. District centres; then</i> <i>d. Local centres.</i></p>
9.6	<p>The site is located within the Belfast City Centre primary retail core but not along a primary retail frontage. The location of the proposed development is therefore located in the first area of preference and considered acceptable in principle.</p>
9.7	<p>The Council's Amusement Permit Policy (2013) is a material consideration. Building Control, which is responsible for issuing licensing permits for amusement arcades, has been consulted on the application.</p>
9.8	<p>Building Control note that there are other amusement arcades operating nearby within walking distance of the application premises. These are:</p> <ul style="list-style-type: none"> • Oasis, 73-75 North Street; • Twilight Zone, 13 North Street; • Funtime, 91 Castle Street; • Oasis, 17-19 Queen Street; and • Oasis, 7-9 Wellington Place.
9.9	<p>Officers advise that the Council's Amusement Permit Policy lists five criteria for assessing site suitability. Of these, the following are particularly relevant to planning:</p>
9.10	<ul style="list-style-type: none"> • Impact on the retail vitality and viability of Belfast City – the Policy seeks to control amusement arcades in the retail core of the City Centre. The Policy also seeks to prevent the breakup of an otherwise continuous shopping frontage. The application site does not form part of a continuous shopping frontage with Ulster bank ATM's in one of the adjacent units to the site. Other units along this section of Rosemary Street are made up of a charity shop, a solicitors Office, cafes, fast food outlet, a bank and Social Club and Church that is set back off Rosemary Street.

9.11	The Council's Permit Policy indicates that, outside of renewal applications, there is a presumption against granting permits for amusement arcades in the Retail Core unless they are related to a major, retail-led, mixed use development or an upper storey development. This policy is adopted in order to promote retailing and footfall levels, thereby maintaining City Centre vibrancy. It must be considered the unit has been vacant since April 2023 when considering the potential impact on City Centre vibrancy.
9.12	Whilst The Council's Permit Policy is a material consideration that must be considered, it must also be balanced against relevant Planning policy within the Plan Strategy. As per Policy RET1 Establishing a centre hierarchy The Belfast City Centre Primary Retail Core is the first preference for main town centres uses. Therefore, on balance there is no conflict with this criterion.
9.13	<ul style="list-style-type: none"> • Cumulative build-up of amusement arcades in a particular location – the Policy seeks to prevent more than one amusement arcade per shopping or commercial frontage and one per shopping centre. The policy goes on to state that under this criterion, 2 or more amusement arcades in adjacent ground-floor units will not be allowed (except for those already existing). There are no other amusement arcades on the same commercial block on Rosemary Street.
9.14	In relation to this criterion Building Control Officers state 'there is availability nearby within walking proximity of the application site. These include: Oasis, 73-75 North Street; Twilight Zone, 13 North Street; Funtime, 91 Castle Street; Onassis, 17-19 Queen Street; and Oasis, 7-9 Wellington Place. If a permit application is subsequently applied for, Members of the Licensing Committee may more broadly consider the issue of the proliferation of amusement arcade use and the effect of same on the character and amenity of an area.'
9.15	Two of these units are greater than 5mins walking distance and therefore are not considered to result in proliferation in the nearby area.
9.16	Due to an amusement arcade being defined as a main town centre use 4no amusement arcades within a 5 minute walk or 200m radius is not considered proliferation.
9.17	<ul style="list-style-type: none"> • Proximity to residential use – There is no residential use currently adjacent to the application site, however there is a live application under consideration - reference LA04/2021/1112/F for '<i>Change of use from retail to restaurant at ground floor and 12no. apartments at first to fourth floors (including demolition of internal walls, stairwell, rear return and window openings) and refurbishment works.</i>' At 31-39 Royal Avenue.
9.18	Environmental Health have been consulted and offer no objection to the proposal in terms of the impact on amenity of any potential residential units should the application be approved. Environmental Health concluded;
9.19	<i>The windows of the habitable rooms of the residential accommodation proposed at 31-39 Royal Avenue do not face onto the current proposal or its front curtilage on Rosemary Street apart from the windows to the proposed first floor terrace. This terrace is protected by a parapet wall and given the existing high ambient noise levels it is not considered that there will be an adverse impact from noise should both proposals be granted permission by the Planning Service.</i>

9.20	The sensitive Uses SPG states 'there are locations which would not be preferable, such as wholly residential areas.' It is considered the surrounding area is not wholly residential, rather an area of mixed-use located within the City Centre. Whilst in many cases a proposal for an amusement arcade may not be suitable next to a residential use, in this specific circumstance it is considered on balance acceptable given the city centre location and both sites have different frontages. It is also noted the Planning application for the residential apartments has not yet been granted.
9.21	Building Control Officers consider the area is not one that is predominantly residential in character.
9.22	Impact on the Character and Appearance of the Area/Conservation Area. The impact of an amusement centre on the amenity and character of an area will usually depend on the location of the premises in relation to other development, its appearance, the type of amusement to be provided, the impact on neighbouring amenity and the hours of operation. Regarding the location, amusement centres are not normally acceptable near residential properties or in close proximity to schools, churches, hospitals or hotels.
9.23	The proposal is not located in close proximity to residential use, schools, hospitals or hotels. There is a Church located on Rosemary Street, however there is a separation distance of 2no units providing a separation between the two units. There is approx. 40m separation distance with the Church being set back from the Rosemary Street, there is not considered to be any significant impact on the Church. Any potential impact on the amenity of the Church can be controlled hours of use that will be obtained through the separate process of applying for an Amusement Permit Policy.
9.24	In a Conservation Area or other area of special architectural or historic interest, amenity value may be higher and here, the major consideration will be the effect of the proposal upon the general character of the area. The proposal does not propose any external alterations that would impact on the character and appearance of the Conservation Area. The Conservation Team have been consulted and offer no objection to the proposal.
9.25	Building Control Service considers that there may be an issue in respect of the proliferation of amusement arcade use at this location, which might impact upon the character and amenity of the area. It is considered that there is not a proliferation of amusement arcades given there are no other Amusement Arcades on Rosemary Street. Building Control have listed 5 other Amusement Arcades, however 2 of these are located greater than a 5 minute walk from the site which are not considered to contribute to proliferation of this area. A total of 4no Amusement Arcades within a 200m radius of the site is not considered to impact on the overall character and appearance of this section of the City Centre.
9.26	
9.27	Impact on Amenity The Sensitive Use SPG states that noise is a consideration for Amusement Arcades. Environmental Health were therefore consulted and took into consideration the proposed use and the concerns raised in the representations. Environmental Health considered the potential impact on the proposal in terms of noise, odour, contaminated land, litter and general nuisance and offer no objection to the proposal.
9.27	Adjacent the site is a live application for 12no. apartments at first to fourth floors of 31-39 Royal Avenue. The windows of the habitable rooms do not face onto the current proposal or its front curtilage on Rosemary Street apart from the windows to the proposed first floor terrace. This terrace is protected by a parapet wall and given the existing high ambient

9.28	<p>noise levels it is not considered that there will be an adverse impact from noise should both proposals be granted permission.</p> <p>Other Issues</p> <p>DFI Roads were consulted and offered no objection to the proposal. Historic Environment Division were consulted on the potential impact on the Setting of Listed Buildings, and offered no objection to the proposal.</p> <p>In conclusion, having regard to the Local Development Plan the proposal is therefore considered to comply with Plan Strategy Policies SP3 – Improving Health & Wellbeing as it will not result in any significant harm to human life, health or wellbeing, Policy RET1 - Establishing a centre hierarchy in that the location is suitable for a main town centre use, RET 5 Primary retail area in that the proposal is not located within a primary retail frontage, Principles of Policy ENV 1 – Environmental Quality, in that the proposal will not result in an unacceptable adverse impact on the environment, BH1 Listed Buildings, BH2 Conservation Areas, TRAN 8 Car Parking and Servicing Arrangements.</p>
10.0	<p>Summary of Recommendation:</p> <p>It is recommended that planning permission be granted. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
11.0	<p>Draft Conditions</p> <p>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.</p> <p>Draft Informatives</p> <ol style="list-style-type: none"> 1. 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. 2. AMUSEMENT PERMIT In accordance with the Betting, Gaming, Lotteries and Amusement (Northern Ireland) Order 1985, the applicant must apply to Belfast City Council, Building Control for an application form to apply for an amusement permit.

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Development Management Officer Report Committee Application

Summary	
Application Ref: LA04/2023/2748/A	Committee Meeting Date: 14 th May 2024
Proposal: 1 Digital Advertisement Display	Location: 12-13 Shaftesbury Square, Belfast, BT2 7DB
Referral Route: Paragraph 3.8.1 of the Scheme of Delegation – request to be reported to Planning Committee by Elected Member.	
Recommendation:	Refusal.
Applicant Name and Address: Michael Fairfowl 5b Willowbank Rd, Milbrook Larne BT40 2SF	Agent Name and Address: Enda McKenna Unit A3 Harbour Court, 5 Heron Road Belfast BT3 9HB
<p>Executive Summary</p> <p>This application seeks advertisement consent for a digital advertisement located at Nos.12-13 Shaftesbury Square.</p> <p>The key issues are:</p> <ul style="list-style-type: none"> • Impact on amenity • Impact on the setting of listed buildings • Impact on public safety. <p>The application has been referred to the Committee following a request from Councillor Magee.</p> <p>Objections have been received from DfC HED and DfC Roads on grounds of adverse impact on the setting of the adjacent Listed Building and road safety, respectively.</p> <p>The application originally sought to replace the existing LED screen (which measures 6.8m x 3.8m) with a larger LED sign measuring 20m (length) x 5m (height). The proposal was amended during the processing of the application, reduced to 16m (length) x 4m (height) in an attempt to address HED and DfC's concerns. However, both HED and DfC Roads maintain their objections.</p> <p>Officers consider that the proposed sign, which would be significantly larger than the existing sign (i.e. 9.2m longer and 0.2m higher), would be unacceptably prominent in the street scene, adversely impacting on the amenity of the area and detracting from the setting of the adjacent Listed Building. Furthermore, the proposal would harm public safety, by prejudicing road and pedestrian safety.</p> <p>3 letters of support have been received and are addressed in the main body of the report.</p> <p>Recommendation</p> <p>Having regard to the development plan and other material considerations, the proposal is unacceptable.</p>	

It is recommended that planning permission is refused. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons and deal with any other issues that arise, provided that they are not substantive.

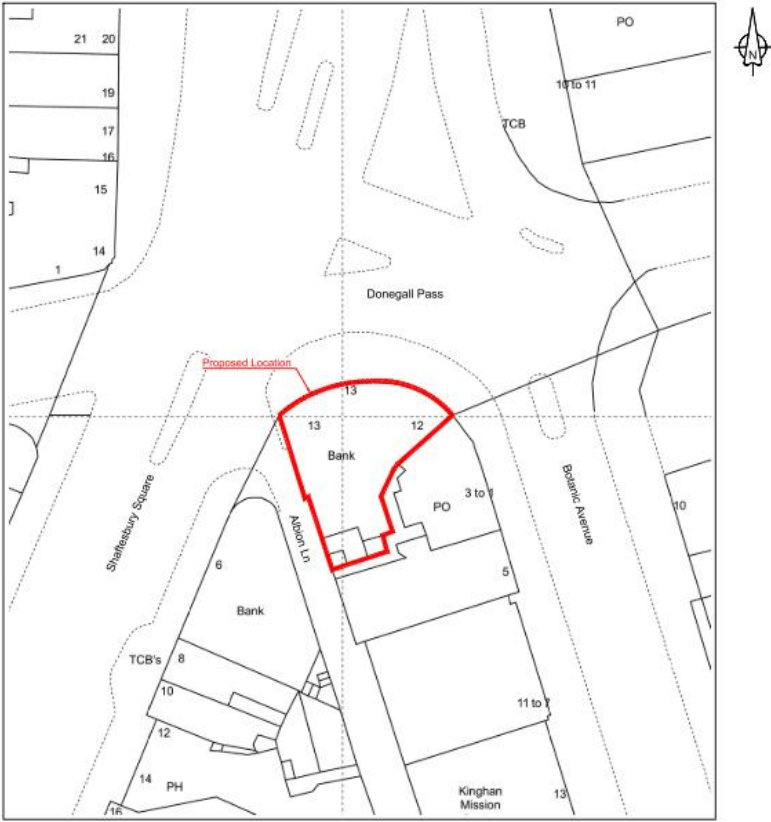
Officer Report

1.0

Drawings

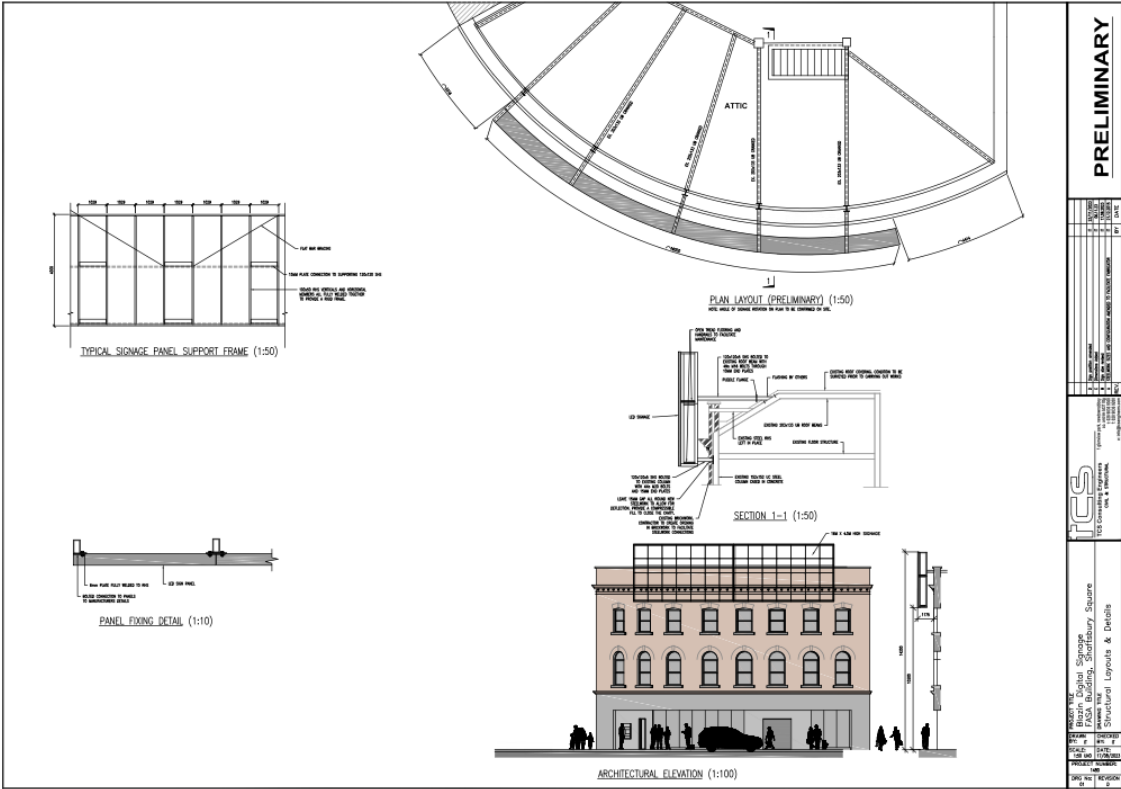
1.1

Site Location



Site Plan (1/1250)


Proposed Plans



PRELIMINARY

ICS

ICS
Bristol Digital Storage
FACA Building, Stafford Square
Structural Layouts & Details

	
2.0	Characteristics of the Site and Area
2.1	The application site is located at Nos. 12-13 Shaftesbury Square, which is situated on the Shaftesbury Square, adjacent to the Bradbury place exit of the junction.
2.2	There is an existing digital sign located externally at the top of the building which measures 6.8m long x 3.8m high.
3.0	Description of Proposal
3.1	The application seeks Advertisement Consent for a replacement larger digital advertisement display.
3.2	The application originally sought to replace the existing LED screen (which measures 6.8m x 3.8m) with a larger LED sign measuring 20m (length) x 5m (height). The proposal was amended during the processing of the application reduced to 16m (length) x 4m (height) in an attempt to address HED and DFI's objections.
4.0	Planning Policy and Other Material Considerations
4.1	Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035
4.1.1	Policies in the Plan Strategy relevant to the application include the following: <ul style="list-style-type: none"> Policy DES4 – Advertising and Signage
4.1.2	<u>Supplementary Planning Guidance</u> Advertising and Signage
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	<p>Relevant Planning History</p> <p>LA04/2015/0366/A - 12-13 Shaftesbury Square - 28 Panel LED digital screen on steel frame – Consent Granted – Appeal re: temporary condition, allowed – 23/11/2015.</p> <p>Z/2012/0032/A – 12-13 Shaftesbury Square- 20m x 5m building wrap banner - Consent Refused- 28/03/2012.</p> <p>Z/2005/2147/A – 12-13 Shaftesbury Square- Erection of new ATM surround sign - Consent Granted- 06/11/2008.</p> <p>Z/2003/0263/A – 12-13 Shaftesbury Square- Two no. shop signs front and side elevations, one no. projecting box. - Consent Granted- 31/03/2003.</p> <p>Z/1991/2671 – 12-13 Shaftesbury Square – Erection of signs- Consent Granted - 17/10/1992.</p> <p>Z/1994/5006 – Northern Bank, Shaftesbury Square - Electronic illuminated display – Permitted Development</p> <p>Z/1998/2679 – Northern Bank, Shaftesbury Square - Replacement of hi-level electronic advertising display panel (3.9m x 7.46m) – Consent Granted</p> <p>Z/1989/2867 - 12-13 Shaftesbury Square- Replacement sign – Consent Granted – 21/03/1990.</p>
5.0	<p>Consultations and Representations</p>
5.1	<p>Statutory Consultations.</p> <p>DFI Roads – recommends refusal on the grounds that the sign would, if permitted, prejudice the safety and convenience of road users.</p>
5.2	<p>Non-Statutory Consultations</p> <p>DfC Historic Environment Division (HED) – adverse impact on adjacent listed building.</p>
5.3	<p>Representations</p> <p>The Council has received 3 letters of support, 2 letters from Linen Quarter BID and 1 from the Belfast Chamber. The letters of support have been summarised below:</p> <ol style="list-style-type: none"> 1. Linen Quarter BID – states Linen BID is a not-for-profit place making organisation that supports the installation of a digital screen at Shaftesbury Square. 2. They believe it is appropriate given the history with the Golden Mile. 3. The screen will provide interesting content and the applicant is willing to provide free community content as a condition of planning. 4. Digital signage is becoming more common, and Belfast should embrace this. They would not regard the screen dimensions to be disproportionate and would enhance the city centre. 5. This would support regeneration in the wider area. 6. Longstanding tradition of digital advertising at this location and it is natural location for a proposed new screen. 7. The proposed screen would help catalyst much needed further development in the immediate area. 8. Belfast Chamber support this application.

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 section 4.0 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.
6.1.6	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 is designated as a Character Area (CC 016), an area of parking resistant (CC 102) and within the city centre boundary (CC 001). In draft BMAP 2015 (v2014) the site is also located within the settlement development limits of Belfast and within a Character Area (CC 016), an area of parking resistant (CC 102) and within the city centre boundary (CC 001).
6.2	Key Issues
6.2.1	The key issues to be considered in this application are: <ul style="list-style-type: none"> • Impact on amenity • Impact on the setting of listed buildings • Impact on public safety.

6.2.2	<p><i>Relevant policy:</i></p> <p>The proposal is assessed against Policy DES4 of the Plan Strategy and the guidance set out in the Advertising and Signage SPG ("SPG"). Policy DES 4 states that:</p> <p><i>'Planning permission will be granted for advertisements and signage where it has been demonstrated that they:</i></p> <ul style="list-style-type: none"> <i>a. Are of good design quality, are located sensitively within the streetscape and do not have a negative impact on amenity;</i> <i>b. Will not result in clutter when read in addition to existing advertising and signage in the area;</i> <i>c. Will not adversely impact listed buildings, conservation areas or ATCs and their Settings' and</i> <i>d. Do not prejudice road safety and the convenience of road users.</i> <p><i>In all cases applications for advertising consent will be expected to adhere to supplementary planning guidance.'</i></p>
6.2.3	The proposal is assessed against the relevant criteria below.
6.2.4	Guidance on advertisements is provided at paragraphs 6.52 to 6.60 of the SPPS.
6.3.	<i>Planning history:</i>
6.3.1	The host building is located within a mixed commercial area, where offices and places of entertainment dominate. The principle of signage has already been established at this location. The planning history indicates that the site has been the subject of a number of consents and refusals for advertisements. The site has displayed a similar sized LED screen to the existing for many years. A sign was first approved on the building in 1994 and again in 1998. Advertisement consent was granted for a high-level electronic advertising display panel under planning application Z/1998/2679.
6.3.2	A previous sign on the building was removed in 2009 and there was no signage on the building for several intervening years. Temporary consent was later granted for the existing LED digital sign in 2015 (LA04/2015/0366/A), identical to that previously approved in 1998 under planning application Z/1998/2679. The temporary time condition attached to this approval was to allow reassessment of the long-term impact of the signage at this location, however, the temporary condition was the subject of a planning appeal which was allowed (PAC reference 2015/A0234) and permanent consent granted.
6.4.	Impact on Amenity
6.4.1	Criterion a. of Policy DES 4 indicates that consent will be granted for advertising where it is of good quality design and is located sensitively within the streetscape and does not have a negative impact on amenity. The SPG at paragraph 4.3.3 states that the term amenity is usually understood to mean their effect upon the appearance of the building or structure or the immediate neighbourhood where they are displayed, or their impact over long distance views. Paragraph 4.3.4 of the SPG: sets out the criteria to be taken into account when assessing the impact of an advertisement on amenity.
6.4.2	Paragraph 5.5.7 of SPG guidance highlights the potential of high-level signage to be obtrusive and dominant over long distances particularly when located on roofs.

6.4.3	<p>The SPG provides the following design guidelines for high level advertisements:</p> <ul style="list-style-type: none"> • <i>High level signs will generally be appropriate where they relate to the scale and primary use of the host building.</i> • <i>They should be designed to be read as part of the building and should not detract from any architectural feature.</i> • <i>They should not project above the eaves or parapet of the host building.</i> • <i>They should have only the lettering illuminated, preferably in the form of back lighting/halo illumination and restricted to sign lettering and logo only.</i> • <i>On upper floors, advertising/signage should be printed or etched onto the glass or on to internal window blinds. As an alternative, individual letters rather than an advertisement panel may be suspended behind the glass.</i>
6.4.4	<p>Paragraph 5.9.3 of the SPG sets out further guidance in relation to digital advertisements and states that ‘<i>by their very design and sitting, digital advertisements can be visually prominent and ‘attention focused’ by way of their illumination and sense of movement particularly when they are large in size and in close proximity to each other</i>’. The SPG provides the following guidance for digital advertisements.</p> <ul style="list-style-type: none"> • <i>More suitable to predominantly commercial areas, industrial areas or along transport corridors and areas with larger buildings where signage can be integrated more effectively into architecture.</i> • <i>Avoid siting in sensitive areas including listed buildings, with conservation areas/ATCs, predominantly residential areas and where they could become the most prominent feature of the street scene. Consideration should also be given to the orientation and positions to the carriageway and proximity to traffic signals and hazards.</i> • <i>Assess potential impact of lighting levels including degree of luminosity, brightness and operational hours, particularly during times of reduced daylight hours.</i> • <i>Consideration given to elements such as message duration, transitions and sequencing.</i> • <i>Consideration should be given to the cumulative effect of digital advertisements when read with other advertisements and signs which would result in clutter to the streetscape.</i>
6.4.5	<p>The SPG states that digital and LED signs are more suitable in predominantly commercial areas, industrial areas or along transport corridors and areas with larger buildings where signage can be integrated more effectively into architecture. The site is located within a mixed-use area comprising offices, student accommodation, restaurants, hotel, retail uses etc. However, the proposed LED sign is considered to be too large, dominant and out of scale with the host building.</p>
6.4.6	<p>The initial drawings submitted with the application proposed an LED sign which measured 20m (length) x 5m (height). During the processing of the application, officers DfI Roads and HED met with the applicant to discuss concerns and amended drawings were received seeking to address issues raised in respect of amenity, road safety and impact on the adjacent listed building. The most recent amendment shows a reduction in size to 16m (length) x 4m (height).</p>
6.4.7	<p>The building on which the sign is proposed to be located is a neo-Georgian, 3-storey building with extended parapet wall, finished in brown brick with a unique curved frontage (semi-circular) onto Shaftesbury Square. The windows at first and second floor level display arched features with decorative brick surrounds. At parapet level the building displays a mutilated cornice which is a key decorative feature of the building’s design.</p>

	<p>Whilst the building is not listed it is a building which displays key architectural features and makes an important contribution to the streetscape.</p>
6.4.8	<p>The proposed digital sign would project above the parapet by approximately 1.8m and would obscure key architectural features such as the mutilated cornice, in contravention of the SPG. Whilst it is acknowledged that the existing sign obscures some key features, the proposed sign would be 9.2m longer than the existing sign and 0.2m higher and would be located approximately 1.3m from the edge of the building on both sides. As a result, a substantial part of the building's key features at parapet level would be obscured. The sign itself is approximately 3m in depth and would be highly visually prominent when viewed from surrounding streets including Botanic Avenue and Donegall Pass. It is considered that the sign would be visually prominent in the streetscape with short and medium range views available including views on approach from Great Victoria Street. Given the significant size of the sign and proposed location at high level along with the digital format, the proposal would be unacceptably prominent and harmful in the street scene and of a scale which would adversely impact the character and appearance of the area. The proposed sign would also be an overly dominant feature on the host building and would be significantly harmful to the visual amenity of the area.</p>
6.4.9	<p>The proposed digital sign is considered to be contrary to criterion a. of Policy DES 4 and guidance on high-level, projecting, and digital advertisement signage as set out in the SPG: Advertising and Signage for the reasons set out above.</p>
6.5.	<p>Impact on the setting of a listed building</p>
6.5.1	<p>Section 91 (2) of the Planning Act (Northern Ireland) 2011 states that '<i>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>
6.5.2	<p>The proposal would sit adjacent to Nos. 2-6 Bradbury Place, Shaftesbury Square, which is a 3 storey Tudor revival style Grade B2 Listed Building.</p>
6.5.3	<p>Criterion c. of Policy DES 4 states that permission will be granted for advertising where it will not adversely impact listed buildings, conservation areas or ATCs and their settings. The SPG at paragraph 4.2.7 recognises that there is a particular need to protect the important townscape heritage assets, such as listed buildings and their settings and advises that they should avoid being siting in sensitive areas including near listed buildings.</p>
6.5.4	<p>HED has objected to the application on the grounds that the proposal would negatively impact on the setting of the Grade B2 Listed building at 2-6 Bradbury Place. They advise that '<i>The listed building of 2-6 Bradbury Place is positioned on the junction of Shaftesbury Square, Donegall Road and Bradbury Place. A key feature of the building is how it has been designed to be read on the approach from the Dublin Road as the listed building 'addresses' this approach - as expressed by the curved façade design towards the junction. We add that 1 Bradbury Place, Malone Lower (HB26 29 031), although not listed, has also been designed to 'address' the junction of Shaftesbury Square, Donegall Road and Bradbury Place. Again, notable due to the curved façade at the junction.</i>'</p> <p><i>'HED acknowledge the existing illuminated signage on the application site, albeit significantly smaller in size than the current proposal. The proposed 20m x 5m, Digital Advertisement Display would form a continuous band across the full of the application building's façade. Due to the increased size and nature of the proposed moving/kinetic electronic signage screen, we consider the installation would have a detrimental impact on the setting of the listed building, due to its scale, form, height, alignment and would</i></p>

	<i>form a competing focus to the listed building. The negative impact on the setting of the listed building would be further increased, due to the cumulative impact of existing signage at 1 Bradbury Place, further diminishing the setting of the listed building’.</i>
6.5.5	Having regard to HED’s advice, it is considered that the proposal would have a significant adverse impact upon the adjoining listed building. The proposal would fail to respect the setting of the adjoining listed building, would be unsympathetic to the essential characteristics of the listed building and would impact upon key views of the listed building by its reason of its location, scale, size, prominence, proximity to the listed building and design. The scale of the proposal would detract would unduly draw the eye away from the listed building having a detrimental impact upon its setting. The proposal fails to accord with the SPPS and criterion c. of Policy DES 4.
6.6	Impact on public safety
6.6.1	Criterion d. of Policy DES 4 states that permission for advertisements will be granted for signage which does not prejudice road safety and the convenience of road users. Policy DES 4 paragraph 7.2.35 and the SPG (Para 4.6.1) acknowledges that the very nature of advertisements and signs are designed to attract the attention of passers-by and therefore have the potential to impact on road safety and that the Council will expect all advertisements to accord with the supplementary guidance with regard to its impact on public safety. The SPG advises that the Council will have regard to effect of an advertisement upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians).
6.6.2	<p>The SPG at paragraph 4.6.2 outlines the main types of advertisements and signs which are likely to pose a threat to public safety. Those criteria which the proposal is in contravention of are set out below:-</p> <p><i>(b) Those which, by virtue of their size or siting (orientation/angle to road), would obstruct or confuse a road user’s view or reduce the clarity or effectiveness of a traffic sign or traffic signal, or those which would be likely to distract road users because of their unusual design.</i></p> <p><i>(e) Illuminated signs:</i></p> <ul style="list-style-type: none"> <i>• Where the means of illumination is directly visible from any part of the road.</i> <i>• Which, because of their colour, could be mistaken for, or confused with, traffic lights or any other authorised signals.</i> <i>• Which, because of their size or brightness, could result in glare or dazzle, or otherwise distract road users especially in wet or misty weather.</i> <p><i>(f) Signs which incorporate moving or apparently moving elements in their display, especially where the whole message is not displayed at one time therefore increasing the time taken to read the whole message.</i></p>
6.6.3	The SPG further advises that in assessing the impact on road safety, a consideration for the council will be whether the advertisement/sign itself or its location is likely to be so distracting or confusing that it creates a hazard to, or endangers, people in the vicinity, be they drivers, cyclists or pedestrians.
6.6.4	DFI Roads advises that <i>‘the proposed digital display is significantly larger than the current display and would therefore intensify the risk of driver distraction’</i> . They go on to say that <i>‘this proposal conflicts with’</i> the SPG, Para. 4.6.2 (b) <i>in that it would, if permitted, prejudice the safety and convenience of road users. Since the erection of this proposal,</i>

6.6.5	<p><i>by virtue of its size and siting, would obstruct or confuse a road user's view and reduce the clarity or effectiveness of a traffic sign or traffic signal.'</i></p> <p>DfI Roads considers the proposal to be unacceptable on the basis that the advertisement, if permitted, would prejudice the safety and convenience of road users, by virtue of its size and siting and would obstruct or confuse a road user's view and reduce the clarity or effectiveness of a traffic sign or traffic signal. The proposal therefore fails to comply with criterion d. of Policy DES and guidance set out in the SPG and is unacceptable.</p>
8.0	Recommendation
8.1	Having regard to the development plan and other material considerations, the proposal is considered unacceptable. It is recommended that planning permission is refused.
8.2	Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of the refusal reasons and deal with any other issues that arise, provided that they are not substantive.
DRAFT REFUSAL REASONS: <ol style="list-style-type: none"> 1. The proposal, by reason of its character, excessive size, elevated position, highly prominent location and design, would have a significantly negative impact on amenity, including impact on the host building, Shaftesbury Square and surrounding area. The proposal therefore fails to accord with criterion a. of Policy DES4 of the Belfast Local Development Plan: Plan Strategy 2035, Advertising and Signage SPG and paragraphs 6.56, 6.57 and 6.59 of the Strategic Planning Policy Statement for Northern Ireland (2015). 2. The proposal, by reason of its character, excessive size, elevated position, highly prominent location and design, would adversely affect the setting of the adjacent Grade B2 Listed Building at No 2-6 Bradbury Place. The proposal therefore fails to accord with criterion c. of Policy DES4 of the Belfast Local Development Plan: Plan Strategy 2035, Advertising and Signage SPG and paragraphs 6.12 and 6.59 of the Strategic Planning Policy Statement for Northern Ireland (2015). 3. The proposal would, by reason of its excessive size and location, prejudice the safety and convenience of road users. The proposal therefore fails to accord with criterion d. of Policy DES4 of the Belfast Local Development Plan: Plan Strategy 2035, Advertising and Signage SPG and paragraphs 6.52, 6.56 and 6.57 of the Strategic Planning Policy Statement for Northern Ireland (2015). 	

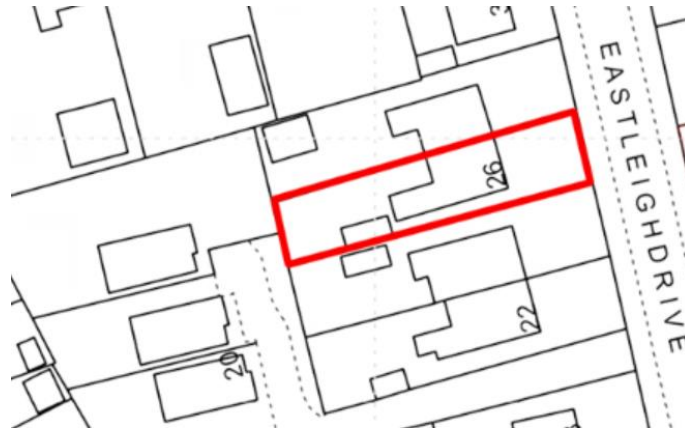
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Development Management Officer Report Committee Application

Development Management Officer Report	
Application ID: LA04/2024/0168/F	Date of Committee: 14 th May 2024
Proposal: Demolition of detached garage and erection of single storey rear/side extension.	Location: 26 Eastleigh Drive Belfast BT4 3DX
Applicant Name and Address:	Agent Name and Address: Marc Ballard Reality Architects 16 Demesne Park Holywood
Referral Route: The application is made by an elected member of the Council, Section 3.8.5 (a) of the Scheme of Delegation.	
Recommendation: Approve	
<p>Executive Summary:</p> <p>The application seeks full planning permission for demolition of detached garage and erection of single storey rear/side extension, located at 26 Eastleigh Drive.</p> <p>The site falls under draft Belfast Metropolitan Area Plan 2015 - designation BT 032 Area of Townscape Character: Belmont.</p> <p>The key issues to be considered are:</p> <ul style="list-style-type: none"> • The scale, massing and design of the proposal • The impact on the character and appearance of the Belmont Draft Area of Townscape Character • Impact on amenity <p>Due to the minor nature of the proposal, no consultation was required, and there were no representations received from third parties including neighbours.</p> <p>Recommendation: Approval</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.</p> <p>Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions and deal with any other matters which may arise.</p>	

Case Officer Report

Site Location Plan:

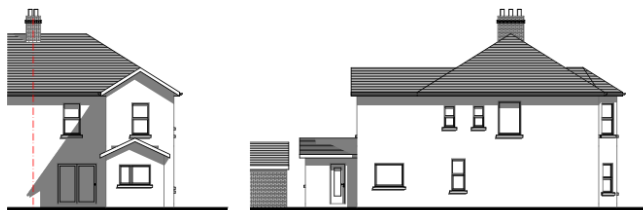


Existing Plans



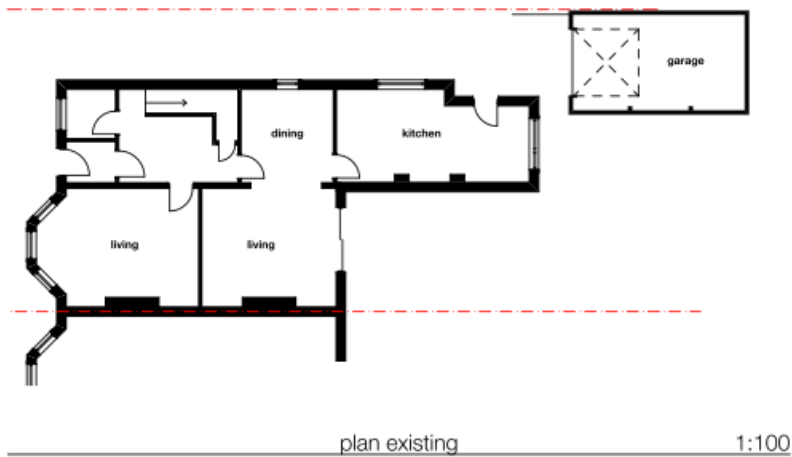
front elevation existing 1:100

side elevation 1:100

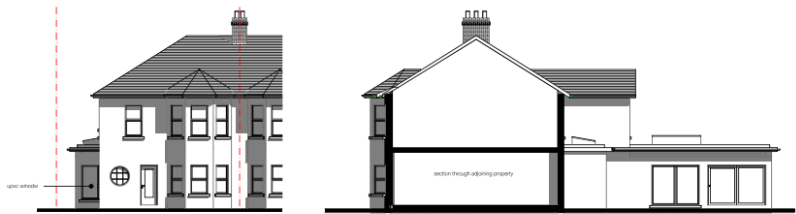


rear elevation 1:100

side elevation 1:100

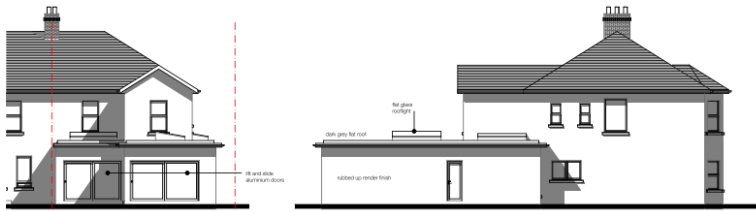


Proposed Plans



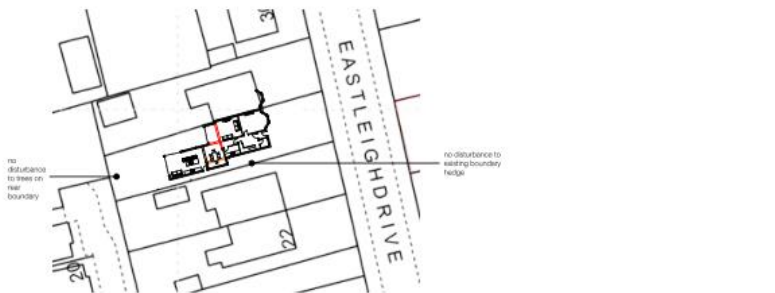
front elevation proposed 1:100

side elevation 1:100

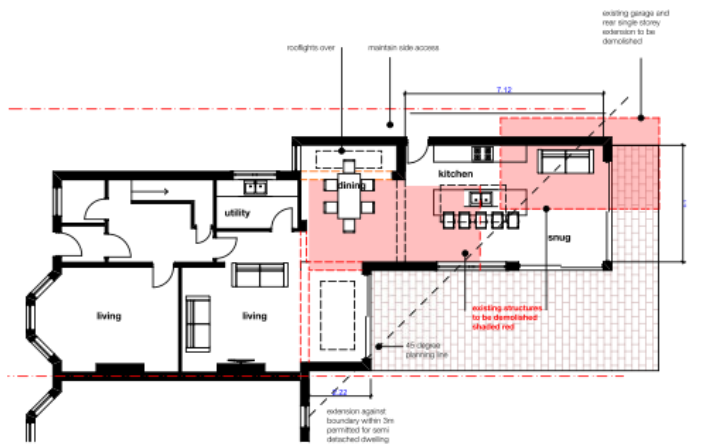


rear elevation 1:100

side elevation 1:100



site plan proposed 1:500



plan proposed

1:100

Characteristics of the Site and Area	
1.0	Description of Proposed Development
1.1	The proposal is seeking full planning permission for the demolition of a detached garage and erection of single storey rear/side extension.
2.0	Characteristics of Site and Area
2.1	The application site is located at 26 Eastleigh Drive in east Belfast. The property is a two-storey semi-detached dwelling finished in cream render with a detached domestic garage to the rear. To the front of the site, there is a small amount of hardstanding and grassed amenity space.
2.2	The site is located with draft Belmont Area of Townscape Character (ATC) within the Draft Belfast Metropolitan Area Plan 2015.
2.3	The surrounding area is largely categorised by residential units, similar to the application site with a mix of finishes.
Planning Assessment of Policy and other Material Considerations	
3.0	Site History
3.1	There is no recent planning history on the application site. In the surrounding area there have been recent planning approval for extensions, including: LA04/2020/0313/F – 29 Eastleigh Drive. Single storey rear extension and bay window to side elevation. PERMISSION GRANTED 4 September 2020.
3.2	LA04/2020/1052/F – 27 Eastleigh Drive. Rear single storey extension, replacement garage, alterations to window openings, entrance drive widened. PERMISSION GRANTED 1 October 2020.
3.3	LA04/2023/2843/F – 29 Eastleigh Drive. 2 storey side and rear extension to existing dwelling. PERMISSION GRANTED 24 October 2023.
3.4	There is also a live planning application in that is yet to be determined: LA04/2024/0468/F – 29 Eastleigh Drive. Single storey potting/storage shed & additional site works.
4.0	Policy Framework
4.1	<p>Development Plan – operational policies Belfast Local Development Plan, Plan Strategy 2035</p> <p>Development Plan – zoning, designations and proposals maps Belfast Urban Area Plan (2001) BUAP Draft Belfast Metropolitan Area Plan 2015 (v2004) Draft Belfast Metropolitan Area Plan 2015 (v2014)</p>

	Regional Planning Policy Regional Development Strategy 2035 (RDS) Strategic Planning Policy Statement for Northern Ireland (SPPS) Other Policies Belfast Agenda
5.0	Statutory Consultations None required
6.0	Non-Statutory Consultations None required
7.0	Representations None received
8.0	Other Material Considerations None
9.0	Assessment
9.1	Section 6(4) of the Planning (Northern Ireland) Act 2011 states that in making any determinations under the Act, regard is to be had to the local development plan, and the determination must be made in accordance with the plan unless material considerations indicate otherwise.
9.2	Section 45(1) of the Act states that in determining planning applications, the Council must have regard to the local development plan, so far as material to the application, and to any other material considerations.
9.3	The Belfast Local Development Plan (LDP) when fully completed will replace the Belfast Urban Area Plan 2001 as the statutory Development Plan for the city. The Belfast LDP will comprise two parts. Part 1 is the Plan Strategy, which contains strategic and operational policies and was adopted on 02 May 2023. Part 2 is the Local Policies Plan, which will provide the zonings and proposals maps for Belfast and has not yet been published. The zonings and proposals maps in the Belfast Urban Area Plan 2001 remain part of the statutory local development plan until the Local Policies Plan is adopted.
9.4	The proposal is considered to be in compliance with the Belfast Local Development Plan.
9.5	Assessment The key issues to be considered are: <ul style="list-style-type: none"> • The scale, massing and design of the proposal • The impact on the character and appearance of the Belmont Draft Area of Townscape Character • Impact on amenity

9.6	<p><i>Scale, Massing, Design</i></p> <p>Policy RD2 of the Belfast Plan Strategy 2035 states that planning permission will be granted for extensions or alterations to an existing residential property where the scale, massing, design and external materials of the proposal are appropriate to the built form and appearance of the existing property and will not detract from the character of an established residential area.</p>
9.7	<p>The proposal seeks to create a single storey rear and side extension. The detached garage will need to be demolished to accommodate this. A demolition statement has been provided which is considered to be acceptable in accordance with Policy BH2. Paragraph 4.1.1. of SPG 2023 Residential extensions and alterations which states that it is important that an extension or alteration does not upset the balance of a property, particularly the front elevation. It is also good practice to reinforce the existing form and proportions of the host building. Paragraph 4.1.8 (iii) also states that the roof of the extension should be appropriately integrated with the existing property normally by using a similar pitch on the roof of the extension.</p>
9.8	<p>The rear/side extension is finished in a dark grey flat roof and rubbed up render and is considered to match the character of the area. The side extension will be stepped in from the front elevation by approximately 9.54 metres. The proposal will leave approximately 1.1 metres between the extension and the shared property boundary. It should however be noted that the shared boundary is angled so this number varies. Paragraph 4.1.4.(iii) of the SPG recommends at least 1 metre separation from plot boundary in the case of side extensions, therefore 1.1 metres is considered sufficient when considered with the stepping back of the extension as well.</p>
9.9	<p>Overall, it is considered that the rear/side extension is designed in a way that complements the host dwelling and is of an appropriate scale, massing and design. The prevailing area is material which there has been planning approval for a range of single and two storey extensions.</p>
9.10	<p><i>Impact on Belmont ATC</i></p> <p>The application site is located within Belmont which is designated as a draft Area of Townscape Character (ATC). Policy BH3 Areas of Townscape Character states that planning permission will be granted within an ATC where locally distinctive features are retained and sympathetic materials are used that respect surrounding buildings. As noted above, the side/rear extension is finished to match the existing dwelling.</p>
9.11	<p>It is considered that the rear/side extension, finished in a dark grey flat roof and rubbed up render, will integrate with the site well, blending in with the host dwelling and sympathetic to the ATC. Render is prevalent in the surrounding area. Paragraph 4.1.9 of SPG 2023 Residential extensions and alterations states that where gaps between houses are a common feature of the street, proposals which close such gaps or create a terracing effect are likely to be unacceptable. In such instances, and in cases where a side extension does not provide enough additional space, a single storey side/ rear extension that wraps around the host property is more likely to be acceptable than a two-storey extension. The council therefore consider that with the</p>

	<p>significant stepping back from the front elevation and ample space left between the extension and the side boundary, the proposal is acceptable and will not have a detrimental impact on the character of the ATC. Whilst the proposal also includes the demolition of the existing garage. This is not considered significant in the context of Belmont ATC.</p>
9.12	<p><i>Impact on Neighbouring Amenity</i></p> <p>Paragraph 4.3.6. of the SPG states that extensions can cause problems for the enjoyment of a local area, particularly in neighbouring properties, through loss of privacy, dominance and overshadowing/loss of light. The council consider that this extension will respect neighbouring amenity and the character of the area. The two proposed windows and lift and slide doors on the side elevation of the new extension will not hinder the privacy of No. 28 due to the existing boundary treatment on the shared boundary and the separation distance from the plot boundary. The proposed lift and slide aluminium doors on the rear elevation will look rearward onto the site and are not a concern. There is one window proposed on the front elevation of the side extension but as mentioned above, the side extension will be stepped in from the front elevation by approximately 9.54 metres, it will be even further from the front curtilage boundary, therefore there will be no expected impact on overlooking or other privacy issues.</p>
9.13	<p>Dominance is not considered to be an issue as the existing garage will be demolished to accommodate the development. Adjacent neighbours are sited a sufficient distance from the proposed works for any overshadowing to occur.</p>
9.14	<p>The extension is designed in a manner which respects the amenity of neighbours.</p>
9.15	<p><i>Climate Change</i></p> <p>A householder design statement has been provided which complies with ENV 1-4.</p>
10.0	<p>Summary of Recommendation:</p> <p>Having regard to the policy context and other material considerations above, the proposal is considered acceptable and planning permission is recommended to be granted, subject to conditions. Delegated authority is sought for the Director of Planning and Building Control to finalise the wording of conditions, and deal with any other matters that arise prior to issuing the decision, provided that they are not substantive.</p>
11.0	<p>Draft Conditions</p> <p>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.</p> <p><u>Informatives</u></p> <p>1. This permission does not confer title. It is the responsibility of the developer to ensure that he controls all the lands necessary to carry out the proposed development.</p>

	<ol style="list-style-type: none"> 2. The drawing references referred to above correspond with those drawings submitted to the authority in respect of this application and published on the NI Public Planning Register on: 01, 02, 03, uploaded 8 February 2024; 04 uploaded 9 February 2024. 3. This approval does not dispense with the necessity of obtaining the permission of the owners of adjacent dwellings for the removal of or building on the party wall or boundary whether or not defined. 4. This permission does not alter or extinguish or otherwise affect any existing or valid right of way crossing, impinging or otherwise pertaining to these lands.
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ANNEX	
Date Valid	08.02.2024
Date First Advertised	23.02.2024
Date Last Advertised	N/A
Details of Neighbour Notification (all addresses) 11 KINCORA AVENUE, STRANDTOWN, BELFAST, BT4 3DW 13 KINCORA AVENUE, STRANDTOWN, BELFAST, BT4 3DW 15 KINCORA AVENUE, STRANDTOWN, BELFAST, BT4 3DW 20 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 20A EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 20B EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 22 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 23 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 24 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 25 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 27 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 28 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 29 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 30 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 31 EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 31A EASTLEIGH DRIVE, STRANDTOWN, BELFAST, BT4 3DX 9 KINCORA AVENUE, STRANDTOWN, BELFAST, BT4 3DW	

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By virtue of paragraph(s) 5 of Part 1 of Schedule 6
of the Local Government Act (Northern Ireland) 2014.

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